

ORDINANCE NO. 556

AN ORDINANCE RELATING TO THE ELECTRICAL DISTRIBUTION SYSTEM OF THE CITY OF WATHENA, KANSAS, PRESCRIBING RULES AND REGULATIONS FOR ADMINISTRATION OF THE ELECTRICAL DISTRIBUTION SYSTEM, ESTABLISHING AN ELECTRICAL CONNECTION CHARGE AND CHARGES FOR THE ALTERATION OF EXISTING ELECTRICAL SERVICES, PROVIDING FOR THE EXTENSION OF ELECTRICAL LINES, AND REPEALING ORDINANCE NO. 539 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS:

SECTION 1. APPLICATION FOR ELECTRICAL SERVICE. Any person, firm or corporation desiring to connect to the electrical distribution system of the City of Wathena or requesting the alteration of existing electrical services shall make application to the City Clerk for such service. The City shall provide application form to the applicant.

SECTION 2. CITY TO MAKE CONNECTIONS. The City shall make all connections from the meter to the City's distribution lines and no connection shall be made without the consent of the City.

SECTION 3. LINE AND METER RESPONSIBILITY. The City shall be responsible for the maintenance of all electric service lines from the distribution line to the meter.

SECTION 4. OWNERSHIP AND REPAIR OF METER AND CONNECTIONS. All meters and service connections shall be and remain the property of the City. All replacements of electric meters will be made at the expense of the City unless failure of the meter to function properly is due to the fault or neglect of the user.

SECTION 5. METER TESTING. Upon written request made to the City Clerk and the deposit of the sum of Twenty-five Dollars (\$25.00), the City Clerk shall issue an order for a test to be made of the accuracy of any meter. If upon conclusion of the test, the meter is shown to be recording three percent (3%) or more in excess of actual usage, the Twenty-five Dollars (\$25.00) deposited shall be refunded to the individual making the request. In the event the meter is found to be recording less than three percent (3%) in excess of the actual usage, the deposit shall be retained by the City.

Ordinance
Page 2

SECTION 6. EXTENSION OF ELECTRICAL LINES. (a) The City may extend its electrical transmission lines within the City when application has been made for an extension and an agreement entered into with the persons requesting the proposed extension that will produce a revenue, in the judgment of the Governing Body of the City, sufficient to pay interest on the cost of the extension and the operating cost of the electrical service furnished.

(b) In areas where electric transmission lines do not exist adjacent to the property to be served to which a connection can be made, and an extension of existing electric transmission lines would be necessitated, the applicant may either deposit in cash the estimated cost of extending such main or request an extension in accordance with the provisions of K.S.A. 12-6a01 through 12-6a18, as amended from time to time, and according to the terms of the extension plan designated in this section. It is the sole responsibility of the applicant to provide for all estimated costs and plans in connection herewith, and none of the provisions herein shall obligate the City, financially or otherwise, to be responsible for providing any of the estimated costs or plans hereunder.

SECTION 7. ESTIMATION OF BILLS. In the event any meter shall cease to function properly for any reason or upon the failure of the City to read the meter for any reason, the City may estimate the electrical bill based upon a reading for a preceding comparable period.

SECTION 8. SEPARATE SERVICE CONNECTIONS AND METERS. Each building used for dwelling or business purposes by more than one occupant shall have a separate connection and meter for each individual occupant or tenant of said building, provided, that any existing building used by more than one occupant shall not be required to install separate service connections so long as no additional occupants or tenants are added to the existing service connection.

SECTION 9. METER RELOCATION. Electric meters shall be removed from within all buildings when any of the following conditions exist:

- (a) Non-accessible location of meter.
- (b) Building is enlarged.
- (c) Any alteration or changing of existing wiring within the building.

SECTION 10. ELECTRICAL CONNECTION CHARGES. (a) Electrical connection charges are hereby established as provided at (i) through (iii) below for a single meter, the same to be paid to the City Clerk at the time provided in Section 1 above:

Ordinance

Page 3

- (i) For residential customers inside the City limits for single phase standard service 200 AMP serv 120-240 volt - \$400.00;
- (ii) For commercial customers inside the City limits single phase 120-240 volt 200 AMP - \$400.00;
- (iii) For commercial customers inside the City limits 3 phase 120-240 volt 200 AMP - \$800.00.

The payment of the electrical connection charges provided above shall be a required condition of the completion of any connection to the electrical distribution system. In the event underground wiring is installed the applicant shall pay for the underground wire and trenching in addition to the connection charge provided for herein.

(b) For connections requiring multiple services at the same location, the applicant shall pay in addition to the connection charge provided for herein all additional costs incurred by the City.

SECTION 11. COST OF ALTERING EXISTING ELECTRICAL SERVICE. An applicant who requests the City to alter or add to existing residential electrical service shall be responsible to the City for the total cost of the labor and material incurred by the City in completing the alteration or addition requested. Such charge shall be paid at the time provided in Section 1 above.

SECTION 12. INSPECTION. All installations shall be subject to inspection and approval by the City Superintendent.

SECTION 13. ECONOMIC INCENTIVE. For any commercial electrical upgrade the City will pay 100% of labor costs associated with the upgrade. As an economic incentive the City will also pay 10% of the costs associated with the upgrade. As an additional incentive the City will pay up to another 25% of the cost after one year if the electrical usage increases up to 35%. For every percentage increase of electrical usage from 11% to 35% the City will reimburse the customer a corresponding percentage up to 25%. If the customer increases electrical usage only 10%, no additional reimbursement will be made.

SECTION 14. INACTIVE SERVICE CONNECTIONS. Service connections that are inactive for twelve months will be considered discontinued, and the facilities connections may be removed at the City's discretion. Once service has been removed, charges in Section 10 will apply to have service connected.

Ordinance

Page 4

SECTION 15. PERMANENT AND TEMPORARY SERVICE. (a)

Permanent: Unless specific arrangements are made to the contrary, electric service will be considered rendered on a continuous, permanent basis subject to termination as provided later in these rules and regulations.

(b) Temporary service: Temporary service is considered as that service required by such consumers as circuses, construction contractors, carnivals, tent shows and other similar enterprises. Prior to the start of any construction required to provide temporary service, the applicant will pay the City an amount equal to the City's estimate of the total cost of constructing and removing all facilities necessary to supply the desired service less the salvage value of the materials used. The amount thus paid will not be refundable nor can it be applied to service bills. The cost of electric service will be in accordance with the provisions of the application for such service and shall be as stated in the applicable schedules of rates.

SECTION 16. DISCONTINUANCE OF SERVICE. (a)

Discontinuance by customer: Any customer desiring to discontinue electric service should give the City at least three (3) days' notice prior to the time disconnection is desired to permit meter reading, disconnection and final billing for service rendered. The customer shall be liable in any event for electric service rendered until the final meter reading is obtained. Further, such notice by the customer does not relieve him or her in any way from any minimums or payments guaranteed under his or her service contract.

(b) Discontinuance by City: The City may discontinue service under any of the following conditions, subject, however, to the requirements and procedures set forth and adopted in subparagraph (4) of this subsection and Ordinance No. 397 of the City and amendments thereto:

(1) If the customer's wiring or equipment is considered unsafe, service may be discontinued after due notice and will not be reconnected until the unsafe condition has been corrected. Notwithstanding the foregoing, the City may discontinue service without notice to the customer if a hazardous condition is discovered on a customer's premises, or if the unsafe condition or manner of utilizing service could be considered dangerous to the life, health or safety of any person, thus making an immediate discontinuance of service to the premises imperative.

(2) The customer shall not connect any energy-consuming appliance or device on the City's side of a meter nor tamper or otherwise interfere with the proper operation or registration of City's meter or permit others to perform such connection, interference or tampering. For violation of this regulation, service

Ordinance

Page 5

shall be disconnected without notice and will not be reconnected until the customer has paid an estimated service bill for the period during which such violation existed and shall have installed standard service entrance wiring to be inspected and approved by the City Superintendent.

(3) Service may be discontinued for nonpayment of past due service accounts, for nonpayment of any required deposit, or if service to the customer's equipment is detrimental, in the opinion of the City, to service to other customers served by the City. If a customer is receiving service at more than one (1) location, service at any or all locations may be discontinued for nonpayment of any past due service account if, after transfer of the past due account pursuant to Ordinance No. 397, the customer fails to pay an account in full within the period prescribed in Ordinance No. 397.

(4) Any discontinuance of service pursuant to this subsection shall be in accordance with and pursuant to the discontinuance regulations set forth in Ordinance No. 397.

SECTION 17. CUSTOMER'S USE AND FACILITIES. (a)

Easements.

(1) By making application for electric service, the customer agrees to grant or arrange for an easement on the customer's property for the installation, operation and maintenance of electric lines, wires and other equipment of the City necessary to render service to the customer. When requested by the City, the customer shall without expense to the City make or procure conveyance to the City of satisfactory right-of-way easements across the property owned or controlled by the customer for the City's lines or extensions necessary or incidental to the furnishing of service to the customer. If such installation must be made on or over the property of a third party, it shall be necessary for the customer to obtain an easement for the City from the third party before the installation can be made and service rendered.

(2) If, after service is originally rendered, the customer should divide his or her property in such a manner that part of it no longer has access to the rights-of-way of the City's distribution system, the customer shall reserve an easement for the benefit of the City so that the City may render electric service to such isolated part when desired.

(b) Right of access. Authorized employees of the City shall have the right of access to the customer's premises at all reasonable times for the purpose of

Ordinance
Page 6

inspecting, repairing, replacing or removing City-owned equipment. The customer shall provide a means of ingress and egress through locked gates by providing suitable means for a City lock to be installed on the gate.

SECTION 18. REPEALER. Ordinance No. 539 of the City of Wathena and all other Ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 19. EFFECTIVE DATE. This Ordinance shall be effective from and after its passage and publication in the Official City paper.


PASSED by the Council and APPROVED by the Mayor on the 5
day of April, 2004.



Mayor

ATTEST:

(CITY SEAL)



City Clerk