

Ordinance 168

ELECTRIC DEPARTMENT ORDINANCE

52.01 ELECTRICAL SYSTEM; CONTRACT AND TERMS

The Municipality, through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system, and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, its Governing Body may see fit to do so. For such purposes, the said Governing Body may enter into agreements for the purchase of electric energy, and power and energy, or capacity, or any combination thereof, upon such terms and conditions with such suppliers and for such periods as it may deem are in the best interests of the Village of Stratton. The rules, regulations, and the rates for electric service, hereafter named in this Ordinance shall be considered a part of every consumer application hereafter made for electric service, and shall be considered a part of a contract with every consumer now served by the Municipality. Without further formality, the making of application on the part of any applicant for the use of consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utility Superintendent, or his agent shall cut off or disconnect the electric service from the building or place of such violation and no further connection of electric service for such building or place shall again be made save or except by order of the Superintendent or his agent.

52.02 ELECTRICAL SYSTEM; OWNERSHIP

The Municipality owns and operates the Municipal Electrical System through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Electrical System may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Electrical Fund and shall remain in the custody of the Municipal Treasurer. The Utilities Superintendent shall have the direct management and control of the Municipal Electrical System and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the safe and efficient management of the Electrical System subject to the supervision and review of the Governing Body. The Governing Body shall by resolution set the rates to be charged for services rendered and shall file the same in the office of the Municipal Clerk for public inspection at any reasonable time. (Ref. 17-902 through 17-904, 17-906, 17-909, RS Neb.)

52.03 ELECTRICAL SYSTEM; CONSUMERS'S APPLICATION

Every person or persons desiring electrical service must make application therefore to the Utilities Superintendent. All applicants shall make a service deposit in the sum set by resolution of the Governing Body. Electricity may not be supplied to any house or building except upon the written order of the Utilities Superintendent. The System shall not supply to any person outside the corporate limits electrical service without special permission from the Governing Body; provided, that the entire cost of wire, installations, and other expenses shall be paid by the consumer beyond the corporate limits. Nothing herein shall be construed to obligate the Municipality to supply electrical service to non-residents. (Ref. 17-902 RS Neb.)

52.04 ELECTRICAL SYSTEM; INSTALLATION EXPENSE

The expense of installation and equipment up to and including the electrical meter for service up to and including 200-amp single-phase service shall be paid by the Municipality. The expense of installation and equipment for service above 200-amp or above single-phase shall be paid by the consumer, except that the metering installation and equipment shall be paid by the Municipality. The expense of installation and wiring from the meter to the points of distribution for all electrical service shall be the responsibility of the consumer. In the case of non-resident customers, the customer shall pay the expense of bringing electrical service from the corporate limits to the place of distribution. In the event that the customer, whether resident or non-resident, desires underground installation, the customer shall contract with the Municipality for such installation, the customer contributing to the expense of such installation in such sum as the Governing Body may in each case set. (Ref. 17-902 RS Neb.)

52.05 ELECTRICAL SYSTEM; REPAIRS

All repairs to the electrical system up to the lot line of the customer shall be paid by the Municipality. All repairs to the wire and other appurtenances from the lot line to the points of distribution, including the meter, shall be paid by the customers of the Municipality. In the case of non-residents, the customer shall pay for all repair and replacement from the corporate limits to the points of distribution on the customer's premise.

52.06 ELECTRICAL SYSTEM; ELECTRICAL BILLS

Electrical bills shall be due and payable monthly at the office of the Municipal Clerk. Meters shall be read one (1) time each month on or about the twentieth (20th) day of each month. It shall be the duty of customers of the Electrical System to mail in their assessment or to appear each month at the office of the Municipal Clerk to pay their bills in net cash. The Clerk shall charge and collect from each customer for the amount of electricity used since the last examination, together with any other charges, properly itemized, due the Electrical System. Bills shall be sent out on or about the first (1st) day of each month and shall be due immediately. Bills not paid by the tenth (10th) day of each month shall be deemed to be delinquent. Procedures for discontinuance of Municipal Utility service to domestic subscribers for non-payment of any due account are specified in 52.02.

52.07 ELECTRICAL SYSTEM; LIEN

In addition to all other remedies, if a customer shall, for any reason remain indebted to the Municipality for electrical service furnished, the amount due together with any other charged in arrears shall be considered a delinquent electrical bill, which is hereby declared to be a lien upon the real estate for which the same was used. The delinquent electrical bill shall be placed upon the assessment rolls for collection as a special tax. It shall be the duty of the Board of Public Works to report to the Governing Body on June 1, of each year a list of all unpaid accounts due for electricity, together with a description of the real estate upon which the same was used. The report shall be examined, and if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk in the same manner as for the collection of other special taxes to be collected by the County Treasurer. The Clerk shall notify the property owners of any delinquency that is sixty (60) days or more overdue. The delinquent electrical bill shall be placed upon the assessment rolls for collection as a special tax. It shall be the duty of the Municipal Clerk to report to the Governing Body on June first (1st), of each year a list of all unpaid accounts due for electricity, together with a description of the real estate upon which the same was used. The report shall be examined, and if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk in the same manner as for the collection of other special taxes to be collected by the County Treasurer.

52.08 ELECTRICAL SYSTEM; RATE SETTING

The Governing Body shall set electrical rates by resolution. All rates shall be on file in the office of the Municipal Clerk for public inspection at any reasonable time.

52.09 ELECTRICAL SYSTEM; METER IN DISREPAIR

In the event that any customer's meter falls out of repair or fails to register properly, the Clerk shall charge such customer the same amount billed one (1) year previously to such disrepair. In the event that there is no such basis for comparison, the Clerk shall charge the customer such amount as he deems is fair both to the customer and the Municipality.

52.10 ELECTRICAL SYSTEM; MINIMUM RATES

All electrical consumers shall be liable for the minimum rate provided by resolution unless and until the consumer shall, by written order direct the Utilities Superintendent to shut off the electricity in which case he shall not be liable thereafter for electrical service until the electricity is turned on again. (Ref. 17-902 RS Neb.)

52.11 ELECTRICAL SYSTEM; RESTRICTED USE

The Municipal Electrical System does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The Utilities Superintendent has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The Municipality shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the Municipality has no control and the Municipality expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Ref. 17-902 RS Neb.)

52.12 ELECTRICAL SYSTEM; ELECTRICAL SERVICE CONTRACTS

Contracts for electrical service are not transferable. Any person wishing to change from one location to another shall make a new application. If any consumer shall sell, dispose, or remove from the premise where service is furnished in his name, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Utilities Superintendent who shall cause the electrical service to be shut off from the said premise. If the consumer should fail to give such notice, he shall be charged for all electricity used on the said premise until the Utilities Superintendent is otherwise advised of such circumstances. (Ref. 17-902 RS Neb.)

52.13 ELECTRICAL SYSTEM; BUILDING MOVING

Should any house or building moving occur to be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the Municipal Electrical System, the same should not be done except upon written permission received from the Utilities Superintendent, who shall then order paid in advance the actual cost of moving the said wires and such cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing, and replacing the said wires or apparatus of the Electrical System shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, that if in the course of moving the said building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded.

52.14 ELECTRICAL SYSTEM; POSTING SIGNS

It shall be unlawful for any person to post, tack, or fasten to the poles, structures, fixtures, or equipment of the Municipal Electrical System any sign, poster, advertisement, or banner without written permission from the Utilities Superintendent.

52.15 ELECTRICAL SYSTEM; TRIMMING TREES

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the Municipal Electrical System shall, before doing the said work, give reasonable written notice to the Utilities Superintendent and shall follow any and all rules and regulations which he may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the Electrical System, the Governing Body shall have the power to order cut and removed any overhanging branches, or limbs of trees so that the lines will be free and safe.

52.16 ELECTRICAL SYSTEM; INSPECTIONS

The Utilities Superintendent or his duly authorized agents shall have free access at any reasonable time to each premise and building to or in which electricity is supplied; provided, that in the even of an emergency, such inspections may take place at any time. (Ref. 17-902 RS Neb.)

52.17 ELECTRICAL SYSTEM; DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Electrical System. (Ref. 28-512 RS Neb.)

52.18 ELECTRICAL SYSTEMS; COMPLAINTS

Any consumer feeling himself aggrieved by reason of any controversy with the Utilities Superintendent may appear before the Governing Body and present his grievance. Any consumer who considers himself aggrieved by being required to pay the charge demanded for the use of electricity, or for the resumption or electric service after the same shall have been shut off, shall pay such charge under protest, in which event the Municipal Clerk shall write on the receipt given such customer the words, "Paid Under Protest." Such consumer may then present his verified claim in the manner provided for presenting claims to the Governing Body for a refund of the amount so paid under protest. Such claims shall then be considered by the Governing Body in the same manner as other claims against the Municipality.

Kevin League, Chairman

Attest:

Lorrinda Cheatham, Clerk

Ordinance 176 - Electric Sales Occupation Tax

AN ORDINANCE ESTABLISHING AN OCCUPATION TAX UPON EVERY BUSINESS OFFERING AND PROVIDING ELECTRICITY TO THE PUBLIC IN THE VILLAGE OF STRATTON; PROVIDING FOR THE PAYMENT AND DUE DATE OF SAID OCCUPATION TAX; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Section 1. There is hereby levied upon every person, firm, partnership, corporation, municipality, or association engaged in the business of offering or providing electricity to the public in the Village of Stratton an occupation tax of 10% on the gross receipts resulting from the sale of electricity.

Section 2. All companies providing electricity shall submit the payments of the occupation tax to the Village Treasurer on or before the tenth day of the month for the preceding month. If the tax is not paid when due, nine percent (9%) per annum on the amount in default shall be added to the tax.

Section 3. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. The effective date of this ordinance shall be October 1, 2012.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST, 2012.



Kevin League, Chairman



Lorrinda Cheatham, Clerk

