

ORDINANCE NO. 2138

AN ORDINANCE TO AMEND SECTIONS 8-5, 8-5A, 8-6, 8-7, 8-8, 8-9, 8-17, 8-19, 23-10, 23-10.3, 26A-2, 26A-3, 27-3, 27-8, AND 27-12; TO REPEAL SECTIONS 23-10.1, 23-10.2, 27-26, AND 27-30; TO REPEAL ORIGINAL SECTIONS 8-5, 8-5A, 8-6, 8-7, 8-8, 8-9, 8-17, 8-19, 23-10, 23-10.3, 26A-2, 26A-3, 27-3, 27-8, AND 27-12, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:

Section 1. That Section 8-5 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-5 Conditions and related criteria for Basic Residential Users.

The conditions and related criteria for residential service shall be as follows:

(a) Application. Each dwelling unit (apartment, duplex, trailer, etc.) is to be metered separately unless user (owner, apartment house, trailer court) elects to be billed as commercial user. Rooming houses with more than three units for rent shall be considered commercial. This rate is not available for resale service.

(b) Agreement Period and Condition. All agreements under the residential rate schedule shall be for a minimum period of thirty days and thereafter until terminated. All consumers are required to make a deposit in accordance with Section 26A-3 before the meter is installed.

All bills shall be due and payable upon receipt and become delinquent fifteen days from the date of billing.

(c) Service. Service to residential users shall be such phase and voltage as the utility has immediately available to the site. Single-phase service shall not be utilized where the connected load exceeds twenty (20) KW, except at utility's opinion.

Section 2. That Section 8-5A of the Lexington City Code is hereby amended to read as follows:

Section 8-5A Conditions and Related Criteria for Residential All Electric Service

The conditions and related criteria for Residential All Electric Service shall be as follows:

(a) Availability. This schedule is available for supplying space heating requirements for residential users.

(b) Agreement Period and Condition. All agreements under the Residential All

Electric rate schedule shall be for a minimum period of thirty days and thereafter until terminated. All consumers are required to make a deposit in accordance with Section 26A-3 before the meter is installed.

All bills shall be due and payable upon receipt and become delinquent fifteen days from the date of billing.

Service under the foregoing schedule will be rendered only where electricity is to be (not less than ninety percent) of the heating requirement.

Electric space heating shall be designed to operate at two hundred forty volts, single-phase or 208 volts, 240 volts or 480 volts three-phase and shall be served through one meter for total load requirements of space heating and other use requirements.

The city reserves the right to require that the voltage applied to resistance-type space heating units rated for two hundred forty volts be reduced to one hundred twenty volts for a period of not to exceed two hours per day during the time the City's peak load or during the time the City's operating conditions may dictate. The power factor of heating equipment installed shall not be less than ninety percent lagging.

All installations shall meet the minimum standards of the National Electrical Code to insure that the equipment will operate in a satisfactory manner and will not interfere with any operations of the City's system. Prospective users under this schedule shall consult with the City before proceeding to design or erect installations to make sure that equipment, insulation and building construction will meet requirements and that City's available facilities are adequate.

(c) Service. Service to residential users shall be such phase and voltage as the utility has immediately available to the site. Single-phase service shall not be utilized where the connected load exceeds twenty KW, except at utility's opinion.

Section 3. That Section 8-6 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-6 Conditions and Related Criteria for Commercial, Small Service.

The conditions and related criteria, for Commercial, Small Service for small business service shall be as follows:

(a) Application. The Commercial, Small rate is applicable to all commercial, small industrial, agricultural, institutions, or other business users (excluding business in the home operated solely by phone or by mail by the resident only) for lighting and power. Residential use may be included where business is operated in the home, on the same meter as the household, or to service multiple-unit living quarters, such as apartment houses and trailer courts. Each meter is to be considered a separate customer.

(b) Agreement Period and Conditions. All agreements under the Commercial,

Small business rate shall be for a minimum period of twelve months and thereafter until terminated by ten days notice in writing. All consumers are required to make a deposit in accordance with Section 26A-3 before the meter is installed.

All bills shall be due and payable upon receipt and become delinquent fifteen days from the date of billing.

(c) Service. The service to small business users shall be such phase and voltage as the utility has immediately available to the site. Single-phase service shall not be utilized where the connected motor load exceeds fifteen horsepower, except at the utility's option. All motors over one and one-half horsepower are to be nominal two hundred volts or higher.

(d) Installations. All installations shall meet the minimum standards of the National Electrical Code to insure that the equipment will operate in a satisfactory manner and will not interfere with any operations of the City's system. Prospective users under this schedule shall consult with the City before proceeding to design or erect installations to make sure that equipment, insulation and building construction will meet the requirements and that City's available facilities are adequate.

Section 4. That Section 8-7 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-7 Commercial, Large Service.

The conditions and related criteria for Commercial, Large Service shall be as follows:

(a) Application. The large use rate is applicable to all business users having a monthly demand greater than 50 kilowatts (kW) or usage exceeding 20,000 kilowatt hours (kWH) during any three consecutive months.

(b) Agreement Period and Conditions. All agreements under the commercial large business rate shall be for a minimum period of twelve months and thereafter until terminated by ten days notice in writing. All consumers are required to make a deposit in accordance with Section 26A-3 before the meter is installed.

All bills shall be due and payable upon receipt and become delinquent fifteen days from the date of billing.

The billing demand shall be determined by suitable meter measurements of the highest fifteen-minute integrated demand (or thirty minute integrated demand) occurring during the monthly billing period.

If the power factor during the time the billing demand is established falls below ninety percent lagging the measured KW demand may be adjusted to ninety percent power factor to establish the billing demand for that month.

(c) Service. The service to large business users shall be such phase and voltage as the utility has immediately available to the site. Single-Phase service shall not be utilized where the total connected motor loads exceeds fifteen horsepower, except at the utility's option. All motors over one and one-half horsepower are to be nominal two hundred volts or higher.

(d) Installations. All installations shall meet the minimum standards of the National Electrical Code to insure that the equipment will operate in a satisfactory manner and will not interfere with any operations of the City's system. Prospective users under this schedule shall consult with the City before proceeding to design or erect installations to make sure that equipment, insulation and building constructions will meet requirements and that City's available facilities are adequate.

Section 5. That Section 8-8 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-8 Conditions and Related Criteria for Commercial Heat Service.

The conditions and related criteria for Commercial Heat Service shall be as follows:

(a) Availability. This schedule is available for supplying space-heating requirements for commercial users where the user also takes service under another rate. Service is available at three-phase or single-phase at the established voltage of either the City's primary or secondary distribution system.

(b) Agreement Period and Conditions. Service under this schedule is available for a minimum period of the heating season of October through the following April, and thereafter until terminated by ten days notice in writing.

Any energy used during the months of May through September shall be billed under the applicable Commercial, Small or Commercial, Large service schedule.

Service under the foregoing schedule will be rendered only where electricity is to be (not less than ninety percent) of the heating requirement.

Electric space heating shall be designed to operate at two hundred forty volts, single-phase or 200 volt, 240 volt or 480 volt three-phase and shall be served through one meter for total load requirements of space heating and other use requirements.

The City reserves the right to require that the voltage applied to resistance-type space heating units rated for two hundred forty volts be reduced to one hundred twenty volts for a period of not to exceed two hours per day during the time the City's peak load or during the time the City's operating conditions may

dictate. The power factor of heating equipment installed shall not be less than ninety percent lagging.

All installations shall meet the minimum standards of the National Electrical Code to insure that the equipment will operate in a satisfactory manner and will not interfere with any operations of the City's system. Prospective users under this schedule shall consult with the City before proceeding to design or erect installations to make sure that equipment, insulation and building construction will meet requirements and that City's available facilities are adequate.

All terms and conditions that apply to the Commercial, Small and Commercial, Large service shall apply to the commercial heat service.

Section 6. That Section 8-9 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-9 Conditions and Related Criteria for Industrial Service.

The conditions and related criteria for industrial service shall be as follows:

(a) Application. The industrial service rate is applicable to all industrial users having a monthly demand greater than 200 kilowatts (kW) or usage exceeding 50,000 kilowatt hours (kWh) for three consecutive months. Lighting exceeding ten percent of connected load may be served hereunder, but only if it is balanced between phases. Each meter is to be considered a separate customer.

"Industrial" is defined as any business user whose primary function is manufacturing or processing, where value is added to the raw materials, or whose function is storage of bulk materials or the pumping of oil or other materials.

(b) Agreement Period and Conditions. All agreements under this schedule shall be for a minimum period of twelve months, and thereafter until termination, where service is no longer required, on ten days notice in writing. All consumers are required to make a deposit in accordance with Section 26A-3 before the meter is installed.

The billing demand shall be determined by suitable meter measurements of the highest fifteen minute integrated demand (or thirty minute integrated demand) occurring during the monthly billing period, provided, that it shall not be less than sixty-five percent of the highest billing demand occurring during the preceding months of May through and including October. The consumer shall be required to properly balance his loads, so that the load in any phase is not greater than fifteen percent more than the load in either of the two other phases.

If the power factor during the time the billing demand is established falls below ninety percent lagging, the measured KW demand may be adjusted to ninety percent power factor to establish the billing demand for that month.

All bills shall be due and payable upon receipt and become delinquent fifteen days from the date of billing.

(c) Service. The service to industrial users shall be such phase and voltage as the utility has immediately available to the site. All motors over one and one-half horsepower are to be nominal two hundred volts or higher.

(d) Installations. All installations shall meet the minimum standards of the National Electrical Code to insure that the equipment will operate in a satisfactory manner and will not interfere with any operation of the City's system. Prospective users under this schedule shall consult with the City before proceeding to design or erect installations to make sure that equipment, insulation and building construction will meet requirements and that City's available facilities are adequate.

Section 7. That Section 8-17 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-17 Discontinuance of Service by Consumer and by Electric Department.

Any consumer desiring to discontinue electric service shall give the Electric Department at least three days notice prior to the time disconnection is desired to permit meter reading, disconnection and final billing for service rendered. The consumer shall be liable in any event for electric service rendered until final meter reading is obtained. Further, such notice by the consumer shall not relieve him in any way from any minimums or payments guaranteed under his service contract as defined by this chapter.

If any consumer's wiring or equipment is considered unsafe, service may be discontinued by the Electric Department after notice and shall not be reconnected until the unsafe condition has been corrected. The Electric Department shall discontinue service without notice to the consumer if the unsafe condition could be considered dangerous to the life, health or safety of any person.

Service may be discontinued by the Electric Department after notice to the consumer if service to his equipment is considered detrimental by the Electric Department to service to other consumers served by such department.

Service may be discontinued by the Electric Department for non-payment of past-due service accounts after seven days notice to the consumer.

No consumer shall connect any energy consuming appliance or device on the Electric Department's side of a meter nor tamper or otherwise interfere with the proper operation or registration of the Electric Department's meter or permit others to perform such connection, interference or tampering and for violation of this regulation service shall be disconnected by the Electric Department without notice and shall not be reconnected until consumer shall have paid a service bill estimated by the Electric Department for the period during which such violation existed and shall have installed standard service entrance wiring in accordance with the prevailing requirements of this Code or other ordinances of

the City relating to electrical installations, inspections, licensing, permits and regulations.

In the event of discontinuance of electric service by the Electric Department for any of the foregoing causes, and after evidence is submitted that the cause for discontinuance has been corrected, electric service may not be restored until payment to the Electric Department of a combined disconnection and reconnection fee in accordance with Section 26A-7.

Section 8. That Section 8-19 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-19 Adoption of Electric Rate Charges, Service Deposits, Disconnection and Reconnection Fees.

The electric rate charges and service deposits shall be set by Resolution of the City Council and shall be on file in the City offices for public inspection at any reasonable time. Disconnection and reconnection fees shall be set in accordance with Section 26A-7.

Section 9. That Section 23-10 of the Lexington City Code is hereby amended to read as follows:

Sec. 23-10 Sewer Tap Fees.

Sewer tap fees shall be set by Resolution of the City Council and shall be on file in the City offices for public inspection at any reasonable time.

Section 10. That Section 23-10.1 of the Lexington City Code is hereby repealed.

Section 11. That Section 23-10.2 of the Lexington City Code is hereby repealed.

Section 12. That Section 23-10.3 of the Lexington City Code is hereby amended to read as follows:

Sec. 23-10.3 Storm Sewers; When Tapping Allowed; Tapping Fees.

No person shall tap into a public storm sewer, except with specific written permission of the City Manager. No tap shall be permitted unless the City Manager determines that such tap can be accomplished in compliance with the public works specifications of the city, without cutting public streets or sidewalks, and without risk of damage to the storm sewer system.

Application for storm sewer tap, signed by the owner of property benefited by such tap, shall be submitted to the Building Department, with plans and specifications for the proposed tap, including plans for backflow prevention. As a condition of said application, the applicant will agree to reimburse City for any damage to City storm sewer system caused by such tap, and in addition will require said tap as necessary subsequent land owner to remove said tap as necessary to allow future improvements or repairs of said storm sewer

system. Upon approval of such application, a tapping permit shall be issued.

Storm sewer tap fees shall be set by Resolution of the City Council. The Building Department shall make at least one inspection of the completed installation before closing, and one inspection of any required backfill.

Section 13. That Section 26A-2 of the Lexington City Code is hereby amended to read as follows:

Sec. 26A-2. Application for Service.

Every person desiring any utility service or solid waste collection from LEXUS, shall make application therefore at the business office of the City. Applications shall be in the name of the person financially responsible for the service, and shall list the street address of the property where the service is to be used, together with proper identification of the applicant.

Section 14. That Sections 26A-3 of the Lexington City Code is hereby amended to read as follows:

Sec. 26A-3. Deposits Required.

(a) Applications made for utility services shall be accompanied by a utility service deposit in an amount set by resolution of the City Council.

(b) An application for new service will not be accepted nor utility service provided until all delinquent balances associated with an applicant have been paid in full.

(c) When an application for utility service is made outside of regular office hours, the applicant shall execute an agreement to pay a utility service deposit on the next regular working day, and associated after-hour service fees.

(d) Deposits shall be retained by the City for at least two years and then shall be returned to the customer if no bill becomes delinquent during the period. If a bill becomes delinquent, deposits shall be retained for an additional two years from the date of delinquency.

(e) All retained deposits shall be returned without interest.

Section 15. That Section 27-3 of the Lexington City Code is hereby amended to read as follows:

Sec. 27-3 Metered Service Required.

A) All water furnished to industrial, commercial, or residential property or establishments shall be furnished at meter rates through a water meter. All water meters installed in connection with the waterworks system of the City shall measure water in terms of gallons.

B) Meters one inch or smaller shall be installed, maintained and repaired at the expense of the City and shall remain the property of the City. All water meters larger than one inch shall be installed, maintained and repaired at the expense of the City and shall remain the property of the City, except that the customer shall reimburse to the City the cost of purchase and installation of any meter over one inch.

Section 16. That Section 27-8 of the Lexington City Code is hereby amended to read as follows:

Sec. 27-8 Standards for Service Pipes.

Only service pipe duly approved by the City may be used in introducing water service from the stop box to the structure or the lawn watering system on applicant's premises. Such service pipe shall be no smaller in diameter than the tap from which it is supplied.

Section 17. That Section 27-12 of the Lexington City Code is hereby amended to read as follows:

Sec. 27-12 Service Pipes in Paving Districts.

In all paving districts the service pipes between the commercial main in the street and the stopcocks shall be of material approved by the City Engineer.

Section 18. That Section 27-26 of the Lexington City Code is hereby repealed.

Section 19. That Section 27-30 of the Lexington City Code is hereby repealed.

Section 20. That original Sections 8-5, 8-5A, 8-6, 8-7, 8-8, 8-9, 8-17, 8-19, 23-10, 23-10.3, 26A-2, 26A-3, 27-3, 27-8, and 27-12 together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 21. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 24th day of April, 2001.

John S. Fyfe

Mayor

Attest:

Shirley Lewis

City Clerk-Deputy

