

ORDINANCE NO. 2137

AN ORDINANCE TO AMEND SECTIONS 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, 8-11, 8-12, 8-13, AND 8-19, AND TO ADOPT NEW SECTIONS 8-5A, 8-10A, 8-20, AND 8-21 OF THE LEXINGTON CITY CODE; TO AMEND AND UPDATE THE CITY CODE PROVISIONS RELATING TO ELECTRICAL SERVICE; TO REPEAL ORIGINAL SECTIONS 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, 8-11, 8-12, 8-13, AND 8-19, 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 8-2 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-2 Electric Service Available; Permanent, Seasonal and Temporary Service.

Unless otherwise stated in this chapter pertaining to specific electric rate schedules, electric service supplied will be sixty-cycle alternating current as follows:

Single-phase,

2-wire, 120 volts

3-wire, 120/240 volts

Three-phase,

3-wire delta, 240 volts

4-wire delta, 120/240 volts

4-wire wye, 120/208 volts

4-wire wye, 277/480 volts

The Electric Department shall have the right to specify the phase and nominal voltage at which electric service will be supplied and to serve at different voltages where distribution is made at other nominal voltages.

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 this chapter.

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 shall pay to the Electric Department an amount equal to such department'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 shall not be refundable, nor applicable to bills for service. The costs of electric service shall be in accordance with the

provisions of the application for such service and shall be as stated in the applicable schedules of rates.

Section 2. That Section 8-3 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-3 Service Agreements; Deposits; Selection of Rates.

The original service connection at any location under any schedule of rates shall be preceded by an application for service at the office of the Electric Department. Such application shall be subject to the provisions of this chapter and when approved by the Electric Department, shall constitute an agreement between the consumer and the City under which the consumer shall pay the City for service rendered in accordance with the applicable rate schedule including any special rules and regulations appertaining thereto. The resulting agreement shall not be assigned without the approval of the Electric Department. A separate application shall be required for service under each applicable rate schedule at each point of delivery.

Deposits as required under applicable rate schedules shall not be considered as advance payment for service bills and will be applied as credits to consumer's account only after electric service has been discontinued. In the event any person is in arrears to the Electric Department for electric service, satisfactory arrangements shall be made for paying for the old accounts in full before any application for new service shall be approved. The Electric Department may return deposits at any time and will return such deposits upon discontinuance of service after withholding there from payment for unpaid bills for service.

The Electric Department shall select the rate for service best suited for each consumer. The consumer shall be responsible for the rate schedule selected. Their use of the service and payment therefore shall be in accordance with the provisions thereof. If the consumer desires to change the rate under which electric service is rendered, they shall make a new application for service.

Section 3. That new Section 8-3A of the Lexington City Code is hereby adopted:

Sec. 8-3A Electric Service; Contribution in Aid-to-Construction

A large commercial or industrial consumer may require a large City expenditure to provide the necessary service to a new or expanded facility. The consumer will furnish sufficient load information in order for the City to prepare a cost estimate for the required service and to estimate the annual revenue. The city will invest, without a contribution, up to five times the estimated annual revenue less associated power costs. Any expense in excess of five times the estimated annual revenue, less associated power costs, shall be paid by the consumer. The contribution in aid-to-construction shall be paid within a three year period after the new service is in operation. The method of collecting the contribution in aid-to-construction shall be set forth in a written agreement between the City and the consumer.

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

Sec. 8-4 Metering and Conditions; Rates Generally; Special Rates.

(a) All electric service furnished to consumers by the City shall be metered and sold according to the respective classes of use and under the terms and conditions and at the rate schedules established and prescribed by sections 8-5 to 8-13, except as provided in subsection (b) of this section.

(b) Where in the judgment of the City special conditions affecting the real property of any user shall exist to the extent that the rental charges set out in the above schedule will result in an inequitable or unfair charge either for the City or the user, the City may levy a special rental or use charge based upon the facts and circumstances of each individual case.

Section 5. 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. To all domestic consumers. 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 before the meter is installed, except, that such deposit shall not be required from those users who have established prompt payment records for at least two years.

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

(b) 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 6. That new Section 8-5A of the Lexington City Code is hereby adopted:

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 before the meter is installed, except, that such deposit shall not be required from those users who have established prompt payment records for at least two years.

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 7. 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.

Deposit charges for service under the Commercial, Small business rate will be made in accordance with the nature of the business and the cost of electricity that may be used, not to exceed an amount up to two months estimated bill, except, that such deposits may not be required from those users who have established prompt payment records for at least two years.

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 8. 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.

Deposit charges for services under the Commercial, Large rate will be made in accordance with the nature of the business and the cost of electricity that may be used not to exceed an amount up to two months estimated bill, except that such deposits may not be

required from those users who have established prompt payment records for at least two years.

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 9. 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.

Deposit charges will be made in accordance with the nature of the business and the cost of electricity that may be used. This amount may be up to two months' estimated bill.

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 10. 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.

Deposit charges will be made in accordance with the nature of the business and the cost of electricity that may be used, but not to exceed two months estimated bill, except, that such deposits may not be required from those users who have established prompt payment records for at least two years.

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 11. That Section 8-10 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-10 Conditions and Related Criteria for Seasonal Irrigation Service.

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

(a) Application. This schedule is applicable to and available for service to irrigation pumps on a seasonal basis at the voltage and phases of the City's established secondary distribution system and not for resale.

(b) Agreement period and conditions. All agreements under this schedule shall be

for a minimum of twelve months and thereafter until terminated by ten days notice in writing.

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

Section 12. That new Section 8-10A of the Lexington City Code is hereby adopted:

Sec 8-10A Conditions and Related Criteria for Seasonal Interruptible Irrigation Service

The conditions and related criteria for seasonal interruptible irrigation service shall be as follows:

(a) Application. This schedule is applicable to and available for service to irrigation pumps on a seasonal basis at the voltage and phases of the City's established secondary distribution system and not for resale. This schedule is available to users who agree to the City's direct control (interruption) of irrigation loads.

(b) Agreement period and conditions. All agreements under this schedule shall be for a minimum of twelve months and thereafter until terminated by ten days notice in writing.

The City may interrupt service during the months of June through September except during the hours 10:00 pm to 10:00 am (CDT) on Sundays and holidays.

The customer will permit the City to place a control device of its selection on the service to the irrigation motor and to control the operation as described above.

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

Section 13. That Section 8-11 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-11 Conditions and Related Criteria for Municipal Light and Power Service.

The conditions and related criteria for municipal light and power service shall be as follows:

(a) Application. Municipal light and power service shall be available only to the City for municipal uses for general lighting and power requirements.

Section 14. That Section 8-12 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-12 Conditions and Related Criteria for Municipal Street Lighting Service.

The conditions and related criteria for municipal street lighting services are as follows:

(a) Application. The municipal street lighting service shall be available only to the City for street and security lighting.

Section 15. That Section 8-13 of the Lexington City Code is hereby amended to read as follows:

Sec. 8-13 Conditions and Related Criteria for Yard light Service.

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

(a) Application. Yard light service is available to customers of the City for controlled yard light service furnishing lighting from dusk to dawn.

(b) Agreement Period and Conditions. All agreements under this schedule shall be for a minimum period of twenty-four months and thereafter until terminated. Charges will be added to regular billing.

(c) Un-metered. The un-metered rate applies to all installations where the energy used is furnished by the City and not registered through the customers' meter.

(d) Metered. The metered rate applies to all installations where the energy used is registered through the customer's meter.

Section 16. 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, service deposits, and disconnection and reconnection fees shall be set by Resolution by the City Council for all user classifications and shall be on file in the City offices for public inspection at any reasonable time.

Section 17. That new Section 8-20 of the Lexington City Code is hereby adopted:

Section 8-20 Production Cost Adder Charges.

The City reserves the right to include any production cost adder charge received from the power supplier to the City.

Section 18. That new Section 8-21 of the Lexington City Code is hereby adopted:

Section 8-21 Primary Metering.

Primary metering shall be used where transformation equipment and appurtenances are customer owned and maintained and may be used at any time at the convenience of the City. Billings derived from primary metering data shall be reduced 1.5 percent for transformer losses and an additional 2 percent if all transformation is owned and maintained by the customer.

Section 19. That original Sections 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, 8-11, 8-12, 8-13, and 8-19, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 20. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 13th day of February, 2001.

John D. Fyfe

Mayor

Attest:

Shirley Lewis

City Clerk Deputy

