

TABLED
INDEFINITELY

ORDINANCE NO. 99-3 AC CMS

AN ORDINANCE AMENDING SECTION 913.13 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO, RELATING TO SUSPENSION OF ELECTRIC SERVICE FOR VIOLATION OF RULES AND REGULATIONS

BE IT ORDAINED by the City Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Section 913.13 of the Codified Ordinances of the City of Oberlin, Ohio, which relates to suspension of electric service for violation of rules and regulations be, and hereby is, amended to read as follows:

913.13 VIOLATION OF RULES; SUSPENSION OF SERVICE.

In case of the violation of any rule or regulation herein provided, the Director is authorized to discontinue service to the consumer violating the same. Upon discovery, the Director shall post notice of disconnection seven days prior to the termination of service. When service conditions represent an immediate threat to public safety or will likely result in property damage, as determined by the Director, the Director shall have the authority to immediately terminate electric service. In the case of a violation of electric service rules and regulations, service shall not be restored until the violation is eliminated and a connection fee is paid. The connection fee shall include the total cost of labor, including fringe benefits, equipment rental charges, and material charges, including handling charges, as required to reconnect the customer's service.

spelled out is
913.04 rule
+ regulation
as per the use
of these?

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - January 19, 1999
2nd Reading - 2/1/99
3rd Reading -

* memo outlining procedure
from C/A, on Dir, CM,
forthcoming to City Council

Tabled until 2/1/99 Lucy 1/19/99



OBERLIN MUNICIPAL LIGHT AND POWER SYSTEM

MEMORANDUM

John
I put a copy
in Eric's Box
022-99-34cc025

To: Rob DiSpirito
Re: Service Disconnect
From: *DM* Bob Morse
Date: January 5, 1999

Attached is a draft Ordinance that allows me to enforce Section 913.13 VIOLATION OF RULES; SUSPENSION OF SERVICE.

The draft Ordinance provides for (1) sufficient notice prior to termination of service, (2) authority to disconnect service without notice when service conditions threaten public safety or will likely result in property damage, and (3) a connection fee based on cost.

Please let me know if you need additional information.

c:\robdis\disconnect5
c: Kelly Clark

CHAPTER 913
Municipal Light and Power Department

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|--------|---|--------|---|
| 913.01 | Department established. | 913.13 | Violation of rules; suspension of service. |
| 913.02 | Personnel. | 913.14 | Contracts subject to change. |
| 913.03 | Powers and duties of Light and Power Director. | 913.15 | Rates. |
| 913.04 | Service rules and regulations. | 913.16 | Electric improvements in public right of way: new development. |
| 913.05 | Connection and meter requirements. | 913.17 | Establishment of new electric service: on-site improvement costs. |
| 913.06 | Service may be refused. | 913.18 | Upgrade of existing service: on-site improvements. |
| 913.07 | Nonresponsibility of City. | 913.19 | Conversion of overhead to underground. |
| 913.08 | Inspection authority. | | |
| 913.09 | Load changes to be reported. | | |
| 913.10 | Fluctuations prohibited; discontinuance of service. | | |
| 913.11 | Deposits may be required. (Repealed) | | |
| 913.12 | Delinquent charges; turn-on fee. | | |

CROSS REFERENCES

- Public Utilities Commission - see CHTR. Sec. XIX, D
- Power to establish electric light and power rates - see Ohio R. C. 715.03, 715.06
- Power to furnish light, power and heat - see Ohio R. C. 715.06, 717.01
- Power to erect electric works - see Ohio R. C. 743.34
- Right of eminent domain - see Ohio R. C. 719.01 et seq., 743.39 et seq.
- Annual review of operation, rates and facilities - see ADM. 131.01
- Electrical Code - see BLDG. Title Seven
- Electric outlets and fixtures - see BLDG. 1161.05
- Underground utilities in new subdivisions - see P.&Z. 1317.03(h)
- Termination of residential service - see S.U.&P.S. Ch. 919

913.01 DEPARTMENT ESTABLISHED.

Council hereby establishes a Municipal Light and Power Department.
(1957 Code §913.01)

913.02 PERSONNEL.

The Municipal Light and Power Department shall consist of a Director and such other personnel as may from time to time be required. (1957 Code §913.02)

- (3) The consumer shall permit only authorized agents of the City, or persons otherwise lawfully authorized, to inspect, test or remove City equipment located on the consumer's premises. If this equipment is damaged or destroyed due to the negligence of the consumer, the cost of repairs or replacement shall be paid by the consumer.
- (4) The meter or meters shall be located to the approval of the Director of the Municipal Light and Power Department.
- (e) Consumer's Wiring and Equipment: Installation. The consumer shall supply all wiring on the consumer's side from the point of attachment as designated by the City. All consumer's wiring and electrical equipment shall be installed and maintained by the consumer to meet the provisions of the City Electrical Code. (Ord. 1106 AC CMS. Passed 4-21-75.)
- (f) Discontinuance and Reconnection of Service.
 - (1) A consumer may order service discontinued at any time unless there is a provision to the contrary in the service contract or applicable rate schedule, but the consumer is responsible for any use of the electric service until the City has had a reasonable time to secure a final reading or to remove the meter. Service will be disconnected in accordance with Chapter 919.
 - (2) Service may be discontinued by the City in case the consumer is in arrears in the payment of bills or fails to comply with the terms of the service contract. Service will be disconnected in accordance with Chapter 919.
 - (3) Additionally, the City may discontinue service upon discovery that the consumer has made misrepresentation of a material fact to the City regarding the use of electric service, or has in any other manner fraudulently entered into the service contract. Upon discovery, the City shall post notice of disconnection seven days prior to the termination of service.
 - (4) The City may also discontinue service in case the meter or wiring on the consumer's premises is tampered with in any manner to permit the use of unmetered electric energy. In case of discontinuance of service for this reason, the City shall restore service only after the consumer has paid for the metered and estimated unmetered energy used and has made at his expense such changes in the wiring and service entrance as the City may specify. Prior to disconnection, the City shall post a notice of disconnection seven days prior to the termination of service. (Ord. 95-70 AC. Passed 9-19-95.)

913.05 CONNECTION AND METER REQUIREMENTS.

(EDITOR'S NOTE: Former Section 913.05 was repealed by implication by Ordinance 1106 codified herein as Section 913.04).

913.06 SERVICE MAY BE REFUSED.

While the Director is not required to inspect the wiring installation of consumers with a view to determining its sufficiency or its safety, the Director may refuse to supply electrical energy to any installation which he considers to be inadequate or which conflicts with the National Electrical Code or any City ordinances which may apply. (1957 Code §913.06)

913.16 ELECTRIC IMPROVEMENTS IN PUBLIC RIGHT OF WAY: NEW DEVELOPMENT.

All electrical improvements to be placed in new public rights of way (i.e. proposed streets) for new residential subdivisions, planned unit developments or industrial and commercial developments shall be underground, and shall be constructed by the proposed developer at the cost of the developer. Existing off-site electric facilities to be upgraded for the benefit only of new residential, commercial or industrial project shall be installed by the City, but financed totally by the developer. To the extent that off-site improvements to upgrade the City's distribution system are made to improve other lands as well as new developments, the cost of upgrading shall be borne by the developer and the City on the appropriate percentage basis indicating benefit of improvement. (Ord. 1359AC. Passed 4-3-78.)

913.17 ESTABLISHMENT OF NEW ELECTRIC SERVICE: ON-SITE IMPROVEMENT COSTS.

The City shall provide and install all electric distribution equipment for an overhead service of less than 50 KVA. For capacities of 50 KVA and over, all service equipment other than metering equipment shall be provided, owned, maintained and replaced at the electric customer's expense.

When an electric customer is to be served underground by the City, the customer shall be responsible for the cost of equipment, wiring, excavation, concrete work, ducts and landscaping. Electric customers requiring capacities of less than 50 KVA and who request underground service shall install the service and receive a credit equal to the cost of installing an overhead service. (Ord. 1359AC. Passed 4-3-78)

913.18 UPGRADE OF EXISTING SERVICE: ON-SITE IMPROVEMENTS.

Any costs for the future upgrading of on-site distribution equipment either requested by an electric user or required by the Director of Municipal Light and Power System, shall be borne by that electric customer. The Director of the electric system shall review the existing City-owned distribution facilities that are presently located on private property and where over-loading occurs he shall require the necessary system upgrading to be made.

Where on-site equipment is to be upgraded the City shall remove its existing inadequate electric facilities. Any new electric facility to be added must first be approved by the Director before it may be installed. The Director's review shall deal only with the ability of the municipal system to service the proposed new facility safely. (Ord. 1359AC. Passed 4-3-78.)

913.19 CONVERSION OF OVERHEAD TO UNDERGROUND.

Any person requesting that existing overhead electric lines be installed underground shall be required to pay the total costs of the underground installation. (Ord. 1359AC. Passed 4-3-78.)

ATTEST:

CLERK OF COUNCIL

CHAIR OF COUNCIL

POSTED:

EFFECTIVE DATE:

RICHARD P. LOTHROP
279 ELM STREET
OBERLIN, OHIO 44074
January 28, 1999

To Council

Re: Ordinance 99-3

From Richard Lothrop

Ordinance 99-3, dealing with suspension of electric service under certain conditions, is back on our February 1st agenda.

The reason is that we previously tabled it until the meeting on February 1st so it has to come back to us at that time.

We can then table it again to a specific date, do so indefinitely, defeat it, or, if satisfactory amendments have been proposed, pass it.

Dink