

Narrative

February 21, 2023



ORDINANCE - AMENDING PORTIONS OF CHAPTER 28, ARTICLE III OF THE ALLIANCE MUNICIPAL CODE

Pursuant to the Nebraska State Electrical Act, all new electrical installations or upgrades must be inspected by a certified inspector. The current Municipal Code language has numerous referrals to City personnel performing inspections and work meeting City requirements. The new language will specify inspections are performed by the State electrical inspector and all work meeting 2017 NESC requirements.

RECOMMENDATION: APPROVE ORDINANCE ON FIRST READING AMENDING PORTIONS OF CHAPTER 28, ARTICLE III OF THE ALLIANCE MUNICIPAL CODE.

Ordinance No. 2951

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 28, ARTICLE III OF THE ALLIANCE MUNICIPAL CODE; REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1: The City Code, at Section 28-65. Definitions is hereby amended as follows:

“Sec. 28-65. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alliance Municipal Electric System (AMES) means the city manager, electric superintendent, employees or representatives or any combination of the persons mentioned within this definition.

Code means the National Electrical Code as adopted by the city and the 2017 edition of the National Electrical Safety Code.

Customer, subscriber, user, or consumer includes and refers to any individuals, developers, firms, agencies or corporations who may be a consumer of or an applicant for electric service.

Line extension means a continuation of AMES existing electric distribution system as required to serve a proposed customer load.

New service means a new run of conductors and associated hardware from the AMES' power distribution system to the point of connection at customer's premises.

Notice to AMES means the written or verbal notice or application addressed to: electric superintendent, the Utility Customer Service Office or AMES, P.O. Box D, Alliance, Nebraska 69301.

- (1) Nothing written in this article shall be interpreted to or place upon AMES any duty, obligation, or responsibility to install, maintain, or make repair (other than metering devices such as meters, current transformers, potential transformers or any AMES installed electrical equipment on the customer's premises or private property) on the customer's side of the point of delivery of electrical energy. This shall be the point the wires of AMES first attach to any building, structure, device or URD termination on the customer's premises or property.
- (2) No representative or employee of AMES shall have any right to promise, commit, or agree to anything not authorized by these rules and regulations. Written notice

must be presented to the city manager for consideration of authorization to delete or deviate from these rules and regulations.

Rural service means outside of the city's corporate limits.

Service upgrade means a change to the existing conductors and/or equipment for delivering energy from electric utility to customer premises being served.

Urban service means inside the city's corporate limits.

SECTION 2: The City Code, at Section 28-68. Right to inspect. is hereby amended as follows:

“Sec. 28-68. Right to inspect.

It shall be the duty of the State of Nebraska to inspect carefully any electrical installation previous to and after its completion. If such installation shall prove to have been constructed in accordance with the statutes, regulations, and rules of the State of Nebraska and the requirements of AMES controlling the use of electric current, the State of Nebraska may issue a certificate to such effect. The use of electric current is hereby declared to be unlawful, previous to the issuance of that certificate, or if that certificate is revoked. A”

SECTION 3: The City Code, at Section 28-69. Certificate of Inspection is hereby repealed.

SECTION 4: The City Code, at Section 28-71. Right to read meters and access to premises is hereby amended as follows:

“Sec. 28-71. Right to read meters and access to premises.

- (a) Every user of electricity supplied by AMES, shall permit AMES or its duly authorized agent, at hours of the day between 8:00 a.m. and 5:00 p.m., to enter their premises or buildings to:
 - (1) Maintain its ability to read meters, either manually or electronically;
 - (2) Disconnect for nonpayment;
 - (3) Remove meters for repairs or inspection;
 - (4) Change or move any electrical equipment, meters, apparatus or wiring;
 - (5) Make a connected load count;
 - (6) Measure the customer's maximum electric demand;
 - (7) Examine the wiring and fixtures and the manner in which the electricity is used; and
 - (8) Shall at all times, frankly and without concealment, answer all questions, relative to the consumption of electricity.

It is the responsibility of the customer to maintain a safe environment for AMES personnel.

- (b) At the discretion of AMES self-read rural meter cards will be produced and mailed on a monthly basis. It shall be the responsibility of customers outside the corporate limits, to record reading on the card provided and return them by the date specified. All rural meters shall be read by AMES annually.
- (c) When a meter is not accessible as determined by AMES, or accessing the meter would endanger AMES personnel, a self-read card will be provided. It shall be the responsibility of the customer to record the reading on the card provided and return them by the specified date. Customers shall provide access to AMES at least annually to read inaccessible meters.
- (d) When a rural or urban self-read card is not returned by the date specified, a billing may be produced based on estimated use. Such estimate may be based on appropriate historic use and current conditions as determined by AMES personnel.
- (e) When a rural or urban self-read card is not returned by the date noted on the card for two consecutive months, AMES may send personnel to read the meter. A per meter service fee, as set by the city council, will be added to the next billing. In the event that the meter is not accessible the service may be disconnected until such time as the meter is accessible or the self-read card is returned.”

SECTION 5: The City Code, at Section 28-73. Customer’s responsibility including easements is hereby amended as follows:

“Sec. 28-73. Customer responsibility including easements.

- (a) Each customer shall pay AMES for all damage to, or destruction of, property of AMES located on or off the customer's premises where such is caused directly or indirectly by the customer, officers, agents or employees, excepting only that resulting from ordinary wear and tear, acts of God, and acts of employees of AMES. It is the customer's obligation to provide adequate easements or right-of-way, for AMES to supply, construct, and maintain electrical distribution systems and customer services. Without such easements, AMES will not be obligated to supply such services.
- (b) Each customer shall notify AMES promptly of any damage to or defect in electric wiring, equipment or apparatus of AMES or of any existing condition which might affect electric service to the customer or might be dangerous to person or property. All such notices and all complaints concerning electric service by AMES shall be made to AMES at the utility customer service office.
- (c) AMES may, at its option, refuse to render electric service to any customer whose service has been discontinued. In the event of such discontinuance of service, service will not be restored until:
 - (1) The customer shall have paid in full for all electric energy furnished by AMES to the customer's premises (including all energy which has not been registered or recorded properly on AMES metering equipment) and has paid for all damage to electric meters or other equipment, facilities or property of AMES;

- (2) The customer's wiring and service installation shall, at the customer's sole risk, cost and expense, have been placed in such condition as shall be acceptable by the State of Nebraska and AMES;
- (3) The customer shall have paid the appropriate reconnect charge as well as all the costs to AMES for discovering, investigating, and disconnecting service when unauthorized service is involved; and
- (4) If the discontinuance has resulted in de-energization for a period of at least six (6) months, the premises received a new certificate of energization from the State of Nebraska.”

SECTION 6: The City Code, at Section 28-74. Applicants and contracts is hereby amended as follows:

“Sec. 28-74. Applicants and contracts.

- (a) All applicants for electric service shall be subject to all rules and regulations herein or hereafter adopted by the city council and the State of Nebraska, and to all applicable ordinances (or provisions thereof) of the city which may now or hereafter be in force and all statutes, regulations, and rules of the State of Nebraska now which may now or hereafter be in force.
- (b) All applicants for a new electric service shall sign prior to the start of construction, such form of service contract as may be required by AMES.
- (c) AMES will not supply permanent electric service until:
 - (1) The customer's application for service shall have been approved by AMES;
 - (2) All necessary permits shall have been obtained from the City and the State of Nebraska;
 - (3) Inspection has been approved and a certificate for energization provided by the State of Nebraska; and
 - (4) AMES shall find it practicable to render such service.

If AMES becomes aware that the premises are occupied without a certificate of occupancy, the service to the premise may be disconnected, after notification by AMES or the city manager or designee.

- (d) All customers desiring metered electric service shall make application for service and enter into such contracts for service as may from time to time be required by AMES. All applications for metered electric service shall be made in the true name of the customer actually to receive and use such service, unless otherwise permitted by AMES. The use of a fictitious name by the prospective customer shall be sufficient reason for refusal or termination of service.
- (e) Any change in the identity of the customer of record at the premises shall require a new application and AMES may discontinue the electric supply until such new application has been made and accepted by AMES.
- (f) When it may appear to AMES, in the opinion of the electric superintendent, that the requested electric service will be temporary, AMES may, at its option, either

furnish or decline to furnish such service in accordance with the statutes, regulations, and rules of the State of Nebraska. If AMES elects to furnish such service upon any temporary certificate from the State of Nebraska, the applicant for service may be required to pay AMES, in advance, the estimated cost of furnishing such service, including the cost of all labor to install and remove materials, equipment and supervision required, less the value determined by AMES for such materials and equipment, if any, as may be removed.

- (g) All electric wiring and equipment on the customer's premises must be acceptable to AMES and the State of Nebraska and no electrical service, either within or without the city limits shall be furnished unless and until the wiring and equipment are inspected by the State of Nebraska and a certificate of energization has been issued. When i AMES receives approval that all electrical wiring and equipment that all electrical wiring and equipment meet the standards of electrical wiring and equipment as set forth by the State of Nebraska, service may be provided. AMES shall not be deemed to have assumed any duty or responsibility to install, repair or maintain any wiring or equipment on the customer's side of the point of delivery as defined in these rules and regulations.
- (h) Permanently assigned street addresses and/or apartment numbers shall be obtained before application for service is accepted and shall be suitably displayed on the property or meter installation in a visible location before the electric service is installed. These street addresses and/or apartment numbers may be secured from city manager or designee and shall conform with the city numbering system. If located outside the city limits, each service shall be properly addressed as requested by the county E911 numbering system. No meter is to be set without proper and correct identification. If an address, apartment number, or identification is changed for any reason, AMES shall be notified of such change.
- (i) Special considerations for economic development and public purposes may be negotiated with AMES, as approved by city council.”

SECTION 7. The City Code, at Section 28-79. Change in customer’s load, is hereby amended as follows:

No electrical customer shall increase their connected electric load more than 20 percent without prior notice to and consent by AMES. AMES will upgrade its system to accommodate load growth consistent with its extension policy; however, a customer cost-sharing charge may be required.

SECTION 8: The City Code, at Section 28-86. Point of service entrance is hereby amended as follows:

“Sec. 28-86. Point of service.

- (a) The point of service entrance for low voltage service shall be the point at which service wires enter the customer's conduit. Where mast-type services are installed which require service wires to be attached below the customer's weatherhead, such service mast shall be of rigid metallic conduit. The point of service entrance

for higher voltage services, i.e., service at 600 volts or higher, shall not be less than 20 feet above the ground unless a lower point of service entrance is isolated and barricaded to the satisfaction of AMES, to prevent access thereto at all times. All services will comply with the code and the inspection requirements of the State of Nebraska.

- (b) Only one service entrance connection for lighting and for each class of power shall be installed in any building. Where a customer may desire separate metering facilities for different portions of any building or premises, the customer shall provide a place, suitable and acceptable to AMES, for the service switches and all metering equipment for the entire buildings or premises. All meters for the same building or premises must be located in the same area, grouped as close as practical. This meter location area must be accessible to all tenants or occupants of the building, and to AMES. Multifamily residences and establishments consisting of a group of buildings including, but not limited to, motels, shopping centers, apartment houses and institutions, will be served by a single service for each class of service provided. This rule may be waived for the convenience of AMES.”

SECTION 9: The City Code, at Section 28-87. Service switch and protective devices is hereby amended as follows:

“Sec. 28-87. Service switch and protective devices.

Each service switch and protective device shall be installed as near to the point of delivery as shall be practicable, on the load side of the meters and comply with all the provisions of the code. The State of Nebraska will inspect all installations before electric service will be connected.”

SECTION 10: The City Code, at Section 28-89. Service connection is hereby amended as follows:

“Sec. 28-89. Service connection.

- (a) The term *Service connection* means that portion of the distribution system installed for the particular use of any given customer, to-wit, that portion of the distribution system extending from the nearest pole or underground facility to the point of delivery, (i.e., to the first point of attachment to a building, device, wiring or other structure on the customer's premises). The term “service connection” does not include any lines, poles or facilities located on streets, alleys, public places or rights-of-way of AMES.
- (b) The customer shall own all service connections.
- (c) All underground services shall be code-approved insulated and/or shielded cable properly protected by metal conduit, schedule 40 or schedule 80 PVC, and shall terminate in an approved conduit, cable pothead, or other means as approved by AMES. The cable shall be protected with metallic conduit for a ten-foot length on any pole, an approved attachment bracket shall be installed by the customer for

mounting of the conduits or adequately protected by schedule 80 PVC and a ten-foot length of PVC guard from ground level.

- (d) Inspections by the State of Nebraska of these services must be completed before services will be energized.”

SECTION 11: The City Code, at Section 28-103. Qualifying facilities—Interconnections. is hereby amended as follows:

“Sec. 28-103. Qualifying facilities—Interconnections.

- (a) Qualifying facilities desiring to interconnect with the electric system of AMES shall make application to the electric superintendent for such interconnection and if necessary, shall obtain all energization permits required from the State of Nebraska. Applicants shall use such forms as are prescribed by AMES or interconnection and shall furnish all information requested, including all energization permits required.
- (b) AMES shall establish reasonable standards to be met by qualifying facilities to ensure system safety and reliability of interconnected operations. Such standards may include but shall not be limited to the following areas: power factor; voltage regulation; fault, over current, and over-under voltage protection; harmonics, synchronization; and isolation.
- (c) Interconnection costs associated with the interconnection with a qualifying facility shall be paid for by such qualifying facility. Qualifying facilities shall be required to execute contractual agreements with AMES before any interconnection is established.”

SECTION 12: The City Code, at Section 28-125. Installation is hereby amended as follows:

“Sec. 28-125. Installation.

- (a) Meters for overhead services installed for new single-family residences shall be located on the exterior of an outside wall where meter reading and repair can be accomplished without entering the residence. When remodeling, which results in enclosing the existing meter location, the customer shall rewire the meter location to an outside wall. The meter location on underground services shall be determined by the electric superintendent.
- (b) Multiple-meter installations for multifamily residences and apartments shall be located on the exterior of outside walls, except that an inside location may be permitted, subject to the approval of the city manager or designee, provided that access to the meters is available at all times.
- (c) Meter installations for industrial and commercial buildings shall be located on the exterior of outside walls except where traffic, adjacent structures, etc., make an outside location unavailable or hazardous, as determined by AMES.
- (d) No meters shall be removed or relocated and no meter seal shall be broken other than by an authorized employee of AMES.

- (e) A meter will not be installed on or in an unfinished portion of any building except under special arrangement with the State of Nebraska for the purpose of furnishing temporary service.
- (f) Any meter installation on the exterior of a building or other structure shall be at a point not more than seven feet nor less than five feet above the ground where the meter is on customer's premises.
- (g) When there are two or more meter installations in the same building, all such meters shall, whenever possible, be grouped at the same point which shall be accessible to all tenants, occupants and AMES personnel.
- (h) All wires on the load side of a meter shall run directly to a point of distribution and shall not run back through the main line switch cabinet.
- (i) For low-voltage installations where current requirements necessitate the use of a current transformer cabinet, AMES will furnish the current transformer cabinet which shall be located within ten feet of the meter and shall be mounted by the customer in such manner as is acceptable to AMES. All high-voltage metering installations (i.e., for 600 volts or more), will be provided by AMES.”

SECTION 13: The City Code, at Section 28-168. Security light (class 7). is hereby amended as follows:

“Sec. 28-168. Security light (class 7).

Security light (class 7) rates are as follows:

- (1) *Security lighting; urban and rural.* Available to all customers served by the city, when the city manager, or designed representative determines the current infrastructure can accommodate the service. Rates include fixture, energy and maintenance of an existing AMES pole.
- (2) *Security light rates.* Security light rates shall be as established by the city.”

SECTION 14. All other Ordinances or parts of Ordinances in conflict with this Ordinance are repealed as of the effective date of this Ordinance.

SECTION 15. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

PASSED AND APPROVED this day of _____, 2023.

(SEAL)

Mike Dafney, Mayor

Attest: _____
City Clerk

Approved as to Form and Legality:

Simmons Olsen Law Firm