

CITY OF CHENEY

ORDINANCE NO. W-42

AN ORDINANCE AMENDING CHAPTER 14.04 OF THE CHENEY MUNICIPAL CODE ENTITLED "RATES AND REGULATIONS " FOR THE PURPOSE OF ESTABLISHING RATES AND OTHER CONDITIONS OF ELECTRIC UTILITY SERVICE THROUGH RESOLUTION OF THE CITY COUNCIL, AND PROVIDING FOR OTHER MATTERS RELATED THERETO

WHEREAS, Chapter 14.04 of the Cheney Municipal Code sets forth the rates and regulations relating to the delivery and use of electricity to include the establishment of rates, charges and fees for such service;

WHEREAS, it is reasonable and necessary to amend the above ordinance in order to provide for the establishment of rates, charges and fees through resolution of the City Council as a uniform and convenient method of establishing and modifying rates for electric service;

WHEREAS, the City Council finds it is in the best interest of the utility and its customers to provide for the matters set forth herein.

NOW, THEREFORE, the City of Cheney City Council do ordain as follows:

1. **Section 1. Amendment.** Section 14.04.160 entitled "Billing/Payment Date" is hereby amended as follows:

14.04.160 Billing—Payment date.

- (a) Each meter shall be read monthly and on or about the same day of each month, ~~as nearly~~ as may be practicable. The city shall mail each ~~user~~ customer a statement each month setting forth the charges for usage. All charges ~~for usage~~ shall be due and payable 15 days after the date of mailing of such statement and shall become delinquent the next following business day after the 15th day.
- (b) Delinquent charges shall be established by resolution of the City Council. ~~bear interest at the rate of one percent per month, with a minimum charge for interest of \$1.00.~~
- (c) All charges for electrical connections, service and usage ~~and all service charges~~ provided in this chapter, ~~or as may hereafter amended,~~ together with penalties and interest thereon, shall be a lien upon the property to which such electrical service is rendered, ~~superior to all liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien or liens shall be~~ in the manner provided by law.

- (d) As an additional and concurrent method of enforcing the lien of the city for electrical service, charges, and interest, the city may, after delinquency, shut off the electrical service. Service shall not be restored until the delinquent bill, interest thereon, and the disconnect notice fee specified in subsection (f), and the reconnection fee charge specified in subsection (e) of this section, shall have been paid in full.
- (e) When service shall have been shut off for failure to pay amounts due, the reconnection charge shall be as follows:
 - (1) If reconnection is requested to be made during the regular business hours, between 8:00 7:00 a.m. and 3:00 p.m. Monday through Friday except holidays, no reconnection charge in addition to the disconnect notice fee specified in subsection (f) of this section shall be assessed; when the reconnection must be made at the pole, rather than at the meter base, the reconnection fee shall be established by resolution of the City Council \$100.00 in addition to the disconnect fee notice;
 - (2) If reconnection is requested to be made outside of the normal business hours described in subsection (e)(1) of this section, a fee established by resolution of the City Council shall be applied the sum of \$120.00, in addition to the disconnect notice fee; when the reconnection outside of normal business hours must be made at the pole, rather than at the meter base, the reconnection fee shall be established by resolution of the City Council shall be \$350.00 in addition to the disconnect notice fee;
- (f) When a disconnect notice has been ordered for failure to pay, a disconnect notice fee established by resolution of the City Council of \$30.00 shall be charged to the delinquent account. This charge shall be in addition to interest on the delinquent bill described in subsection (b) of this section.

2. **Section 2. Amendment.** Section 14.04.185 entitled "Charge for unauthorized use" is hereby amended as follows:

14.04.185 Charge for unauthorized use.

In addition to criminal penalties as provided under Section 14.04.180, any person who tampers with a city's electric meter or other parts of the city's electric system for the purpose of obtaining electricity without the city's authorization shall be subject to:

- (1) A tampering charge ~~of \$100.00~~ established by resolution of the City Council; and

- (2) A charge equal to three times the cost of the electricity consumed during the unauthorized use, calculated under the applicable electric rates in effect at that time, plus applicable taxes.

In addition to the fees stated in this section, a reconnection charge ~~as set forth in section 14.04.160(e)~~ shall be applicable paid before service is restored.

Billing for unauthorized use charges is subject to tax adjustment as provided by law, ~~federal, state, county or municipal, which may be in effect as of the adoption of the ordinance codified in this chapter or thereafter enacted.~~

3. **Section 3. Amendment.** Section 14.04.190 entitled "Schedule 1 - Residential rate" is hereby amended as follows:

14.04.190 Schedule 1—Residential rate.

- (a) *Availability.*
 - (1) This schedule is applicable to residential customers for all domestic use, including water heating, space heating and single-phase motors not in excess of seven and one-half horsepower individual capacity, in single private dwellings and their appurtenances, including clubs and fraternities occupying a private dwelling where the occupants share the expense thereof on a nonprofit basis.
 - (2) Where a portion of a dwelling is regularly used for business purposes, the energy consumed in that portion so used will be separately metered and billed at the applicable commercial rates. In the event that separate circuits are not provided by the customer, the entire premises shall be classified as nonresidential and billed accordingly. The residential rate shall not apply to service to institutions such as recognized rooming houses and boarding houses operated for profit, the space in an apartment or other residential buildings primarily used as an office or studio for professional or other gainful purposes.
- (b) *Customer service charge.* Established by resolution of the City Council. ~~For each customer connected to the electrical distribution system the following charges are applicable: \$8.35 per month for each single phase meter; and \$12.74 per month for each three phase meter.~~
- (c) *Energy charge.* Established by resolution of the City Council. ~~All energy shall be furnished at 5.32 cent per kWh per month.~~
- (d) *Tax adjustment.* Billing is subject to tax adjustment as provided by law, ~~federal, state, county or municipal, which may be in effect as of the adoption of the ordinance codified in this chapter as thereafter enacted.~~

4. **Section 4. Amendment.** Section 14.04.200 entitled "Schedule 2 - General service" and is hereby amended as follows:

14.04.200 Schedule 2—General service.

- (a) *Availability.* This schedule is applicable to all commercial and nonresidential light, heat and power customers except flat-rate street lighting, outdoor area lighting, large power service and public authorities, charges for which are set out in subsections (b), (c) and (d) of this section. Energy supplied under this schedule shall not be submetered for resale or resold to others.
- (b) *Customer service charge.* Established by resolution of the City Council. ~~For each customer connected to the electrical distribution system the following charges are applicable: \$8.35 per month for a single phase or split phase meter; and \$12.74 per month for a three phase meter.~~
- (c) *Energy charge.* Established by resolution of the City Council. ~~Energy shall be furnished at the following rates:~~

0—15,000 per month	5.81 cents per kWh
Over 15,000 kWh per month	3.45 cents per kWh

- (d) *Billing demand charge.*
 - (1) Established by resolution of the City Council. ~~Billing demand shall be charged at the following rate:~~

First 50 kW of demand per month	No charge
Excess above 50 kW of demand per month	\$5.18 per kW per month

- (2) Customers who can substantiate that their peak loads do not occur during the time of day when demand charges are in effect shall be eligible for a billing demand charge as indicated or recorded by a time-of-day demand meter. Customers who wish to apply for a time-of-day demand eligibility shall apply in writing. The application shall include such written evidence as necessary to substantiate that the customer's peak loads do not occur during the time of day when demand charges are in effect. A monthly fee of ~~\$10.00~~ established by resolution of the City Council, shall be charged to each customer whose billed demand

charge is rendered as indicated or recorded by a time-of-day demand meter.

- (e) *Power factor charge.* The billing demand charge shall be adjusted for power factor correction as described in section 14.04.167 of this chapter.
- (f) *Tax adjustment.* Billing is subject to tax adjustment as provided by law, ~~federal, state, county or municipal, which may be in effect as of the adoption of the ordinance codified in this chapter or thereafter enacted.~~

5. **Section 5. Amendment.** Section 14.04.210 entitled "Schedule 3 - Public authority notice" and is hereby amended as follows:

14.04.210 Schedule 3—Public authority service.

- (a) *Availability.* This schedule is applicable to all municipalities or divisions or agencies of federal or state governments.
- (b) *Customer service charge.* Established by resolution of the City Council. ~~For each customer connected to the electrical distribution system the following charges are applicable: \$8.35 per month for a single phase or split phase meter; \$12.74 per month for a three phase meter.~~
- (c) *Energy charge.* Established by resolution of the City Council. ~~Energy shall be furnished at the following rates:~~

0–15,000 per month	5.81 cents per kWh
Over 15,000 kWh per month	3.45 cents per kWh

- (d) *Billing demand charge.*
 - (1) Established by resolution of the City Council. ~~Billing demand shall be charged at the following rate:~~

First 50 kW of demand per month	No charge
Excess above 50 kW of demand per month	\$5.18 per kW per month

- (2) Customers who can substantiate that their peak loads do not occur during the time of day when demand charges are in effect shall be eligible for a billing demand charge as indicated or recorded by a time-of-day demand meter. Customers who wish to apply for a time-of-day demand eligibility shall apply in writing. The application shall

include such written evidence as necessary to substantiate that the customer's peak loads do not occur during the time of day when demand charges are in effect. A monthly fee ~~of \$10.00~~ established by resolution of the City Council, shall be charged to each customer whose billed demand charge is rendered as indicated or recorded by a time-of-day demand meter.

- (e) *Power factor charge.* The billing demand charge shall be adjusted for power factor correction as described in section 14.04.167 of this chapter.
- (f) *Tax adjustment.* Billing is subject to tax adjustment as provided by law, ~~federal, state, county or municipal, which may be in effect as of the adoption of the ordinance codified in this chapter or thereafter enacted.~~

6. **Section 6.** **Amendment.** Section 14.04.220 entitled "Schedule 4 - Flat rate street lighting" and is hereby amended as follows:

14.04.220 Schedule 4—Flat rate street lighting.

- (a) *Availability.* This schedule is applicable to the municipal government of the City of Cheney only. The light department will furnish under this schedule all standards, pole brackets, transformers, regulators, switches, wire, ducts and miscellaneous equipment necessary to furnish service under this classification. The applied rates include lamp replacements and all necessary maintenance and replacement of equipment.
- (b) *Customer service charge.* All energy shall be furnished at rates established by resolution of the City Council. ~~at four cents per kWh per month within the city limits shall be effective January 1, 2002.~~
- (c) *Tax adjustment.* Billing is subject to tax adjustment as provided by law, ~~federal, state, county or municipal, which may be in effect as of the adoption of the ordinance codified in this chapter or thereafter enacted.~~

7. **Section 7.** **Amendment.** Section 14.04.230 entitled "Schedule 5 - Outdoor area lighting rate" and is hereby amended as follows:

14.04.230 Schedule 5—Outdoor area lighting rate.

- (a) *Availability.* This schedule shall be applicable to service for outdoor area lighting systems and other electrical devices which are controlled by a photoelectric cell and which do not exceed 250 watts.

- (b) *Character of service.* Alternating current service, either series of multiple system, or in combination, at option of the light department.
- (c) *Service charge.* Services shall be unmetered and charged at the following flat rates per month: ~~rates established by resolution of the City Council.~~
 - (1) ~~Each 250 watt high pressure sodium light at \$7.78 per month;~~
 - (2) ~~Each 200 watt high pressure sodium light at \$7.36 per month;~~
 - (3) ~~Each 150 watt high pressure sodium light at \$5.42 per month;~~
 - (4) ~~Each 100 watt high pressure sodium light at \$4.48 per month;~~
 - (5) ~~Each telephone booth, bus shelter, sign or other small unmetered service for which this schedule is applicable at \$8.35 per month;~~
 - (6) ~~Each 250 watt metal halide light at \$8.25 per month;~~
- (d) *Location of equipment.* The light department may, at the request of the customer, locate and install the equipment. The customer shall reimburse the department for such installation at actual costs including overhead costs, as prescribed by section 14.04.250, excluding the cost of the lighting fixture, lamp and installations of the lighting fixture.
- (e) *Relocation of equipment.* The light department shall, at the request of the customer, relocate or change existing equipment. The customer shall reimburse the light department for such changes at actual costs including overhead charges as prescribed by section 14.04.250
- (f) *Tax adjustment.* Billing is subject to tax adjustment as provided by law, ~~federal, state, county or municipal, which may be in effect as of the adoption of the ordinance codified in this chapter or thereafter enacted.~~

8. **Section 8.** **Amendment.** Section 14.04.240 entitled "Schedule 6 - Temporary service" and is hereby amended as follows:

14.04.240 Schedule 6—Temporary service.

- (a) *Availability.* This schedule is applicable to all customers wishing temporary service, the city supplying such service contingent on availability of power and facilities.
- (b) *Installation charge.* Established by resolution of the City Council.
 - (1) ~~Where the pole line facilities are in place, the installation charge for single phase 120/240 volt service shall be \$100.00.~~

- (2) If the pole-line facilities must be extended, or if three-phase service is desired, the customer will be charged the actual cost of labor for construction and dismantlement, plus rental of the additional transformers, switches, poles, wires, etc., required to render the service, including appropriate overheads.
- (c) *Customer service charge.* Established by resolution of the City Council. ~~For each customer connected to the electrical distribution system the following charges are applicable: \$8.35 per month for each single phase or split phase meter; \$12.74 per month for each three phase meter.~~
- (d) *Energy charges.* Established by resolution of the City Council. ~~Energy shall be furnished at the following rates:~~

0—15,000 per month	5.81 cents per kWh
Over 15,000 kWh per month	3.45 cents per kWh

- (e) *Tax adjustment.* Billing is subject to tax adjustment as provided by law, ~~federal, state, county or municipal, which may be in effect as of the adoption date of the ordinance codified in this chapter or thereafter enacted.~~

9. Section 9. Amendment. Section 14.04.245 entitled "Schedule 7 - University" and is hereby amended as follows:

14.04.245 Schedule 7—University.

- (a) *Availability.* This schedule is applicable to services to Eastern Washington University receiving service at primary voltage whose capacity requirement is in excess of 1,500 kilowatts of demand per month.
- (b) *Energy charges.* Established by resolution of the City Council. ~~All energy shall be furnished at 3.45 cents per kWh per month.~~
- (c) *Billing demand charge.* Established by resolution of the City Council. ~~Billing demand shall be charged at the rate of \$4.91 per kWh per month.~~ Customers who receive service at more than one metering point on the same premises shall be billed on a coincidental demand basis.
- (d) *Power factor charge.* The billing demand charge shall be adjusted for power factor correction as described in section 14.04.167
- (e) *Tax adjustment.* Billing is subject to tax adjustment as provided by law, ~~federal, state, county or municipal, which may be in effect as~~

~~of the adoption of the ordinance codified in this chapter or thereafter enacted.~~

10. **Section 10. Amendment.** Section 14.04.248 entitled "Schedule 8 - Large primary service" and is hereby amended as follows:

14.04.248 Schedule 8—Large primary service.

- (a) *Availability.* This schedule is applicable to all large commercial and industrial customers receiving service at primary voltage whose capacity requirements is in excess of 2,000 kilowatts of demand per month.
- (b) *Energy charges.* ~~Established by resolution of the City Council. All energy shall be furnished at 3.79 cents per kWh per month.~~
- (c) *Billing demand charge.* ~~Established by resolution of the City Council. Billing demand shall be charged at the rate of \$2.81 per kW per month.~~ Customers who receive service at more than one metering point on the same premises shall be billed on a coincidental demand basis.
- (d) *Power factor charge.* The billing demand charge shall be adjusted for power factor correction as described in section 14.04.167 of this chapter.
- (e) *Tax adjustment.* Billing is subject to tax adjustment as provided by law, ~~federal, state, county or municipal, which may be in effect as of the adoption of the ordinance codified in this chapter or thereafter enacted.~~

11. **Section 11. Amendment.** Section 14.04.255 entitled "Connection charges" and is hereby amended as follows:

14.04.255 Connection charges.

Each person making application to purchase electricity from the city shall pay the city a connection charge for service through each separate meter at the following rates:

- (a) When connection is requested to be made between ~~7~~8:00 a.m. and 3:00 p.m. Monday through Friday except holidays, a charge established by resolution of the City Council will be applied. ~~the sum of \$5.00 is a basic connection charge.~~
- (b) When connection is requested to be made outside of the hours specified in subsection (a) of this section, a charge established by resolution of the City Council will be applied. ~~the sum of \$150.00 will be charged.~~
- (c) The after hours reconnect fee will not be charged on the designated disconnect/reconnect day for a request made before 4:00 pm.

~~When the light department has a designated crew member available from 9:30 a.m. to 6:00 p.m. and no overtime is incurred.~~


12. **Section 12. Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

13. **Section 13. Effective Date.** This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Introduced this 22nd day of July, 2014.

Passed by the City Council this 26th day of August, 2014.

Approved by the Mayor this 26th day of August, 2014.



Tom Trulove, Mayor

ATTEST:



Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:



Stanley M. Schwartz, City Attorney