

ORDINANCE NO. 2014-01

AN ORDINANCE AMENDING TITLE V, SECTION 53.01 THROUGH 53.28  
REGARDING RATES AND CHARGES FOR THE FURNISHING OF SERVICES  
RENDERED BY THE ELECTRIC UTILITY

CHAPTER 53: ELECTRICITY

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**GENERAL PROVISIONS**

**§ 53.01 ADOPTION OF ELECTRIC USE CURTAILMENT RULES BY REFERENCE.**

The electric curtailment rules for the Electric Utility of the city as set forth in Appendix I, attached Ord. passed 2-18-78 are hereby adopted and made a part of this chapter as if fully set forth herein. ('79 Code, § 20-111) (Ord. passed 2-18-78)

**RATES AND CHARGES**

**§ 53.15 ESTABLISHED GENERALLY.**

For the use of and the service rendered by the Electric Utility, rates and charges shall be collected from each and every customer of such Electric Utility which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as provided in the following sections of this chapter.

('79 Code, § 20-118) (Ord. passed 7-13-76)

**§ 53.16 DEPOSITS.**

(A) No applicant or customer shall be hereafter connected or reconnected for service by the Electric Utility or entitled to receive electricity from that department until such applicant or customer shall apply at the Utility office for such service, pay all delinquencies, if any, standing against such customer, and make a deposit with such Utility according to the type of service desired, as follows:

- (1) For single-family residential rental unit connections, one-sixth of 12 months' estimated electrical bill, but in no event less than \$100.
- (2) For multi-family residential unit connections, \$100 to \$250 as determined by the Electric Utility.
- (3) For all other residential unit connections, \$100.

(B) A deposit from \$100 to \$200 according to the kilowatts used shall be made by all commercial customers of electric power furnished by the Electric Utility whether or not the commercial customer owns the real estate to which the power is furnished.

(C) The deposits set out in this section shall be paid by the customers to the collector of the municipal utilities of the city prior to the time of the furnishing of power to the customer. The deposit shall be retained by the collector until such time as the customer shall notify the municipal utilities that the power is no longer to be furnished to the customer in his name, at which time the collector shall refund to the customer the deposit herein required, after the deduction from the deposit of all current or delinquent bills due from the customer to the municipal utilities.

('79 Code, § 20-119) (Ord. passed 6-4-74; Am. Ord. passed 11-18-86; Am. Ord. 94-20, passed 10-18-94)

**§ 53.17 DEFERRED PAYMENTS.**

All bills on the schedules set out in this subchapter shall be rendered and due monthly. If not paid by the 15th day following the date of the bill, there shall be added 10% of the first \$3 of the bill, plus 3% of the amount of the bill in excess of \$3. Remittances sent by mail on or previous to the 15<sup>th</sup> day, as evidenced by the U.S. Post Office mark on the envelope in which they are received, will be accepted as a tender of payment within the time limit. When the 16th day of the month falls on Saturday or Sunday or any other legal holiday, the first business day thereafter shall be considered as being within the time limit.

('79 Code, § 20-119.1) (Ord. passed 9-5-78; Am. Ord. passed 11-4-86)

**§ 53.18 RESIDENTIAL SERVICE RATE R.**

(A) *Availability.* The Electric Utility is available for residential service, except such service as is precluded by any of the provisions of the "special terms and conditions" set forth in this rate schedule. The customer must be located on the Utility's distribution lines.

(B) *Character of service.* The character of service to residential users under this section shall be alternating current, 60 Hertz, at a voltage of approximately 120 volts, two wire, 120/240 volts, three wire, where available.

(C) *Rate.* The rates for residential users under this section shall be as follows:

- (1) Schedule.
  - (a) All kWh used per month \$0.096110 per kWh.
  - (b) Service charge. \$3.50 per dwelling unit.
  - (c) Minimum charge. The monthly Service Charge shall be the minimum charge each month regardless of kWh consumption.
- (2) Disconnect and Reconnect charge. The reconnection charge stated in § 53.27 is applicable hereto as shown in said section.
- (3) Special terms and conditions.

- (a) No three-phase motor, regardless of its horsepower rating, and no single-phase motor of greater than three horsepower capacity, will be served under this rate.
- (b) Service to equipment having highly fluctuating or intermittent characteristics and having a combined input capacity in excess of three kVA will not be permitted under this rate.
- (c) The rate included in this section shall not apply to that portion of a residence which becomes regularly used for commercial or manufacturing purposes. Where a portion of the customer's premises becomes regularly used for commercial or manufacturing purposes, customer shall have the option of separating the wiring so that the residential portion of the premises can be served through a separate meter under this section, and the commercial or manufacturing portion of the premises can be served through a separate meter under the applicable schedule for the service required. If the customer does not exercise the option of separating the wiring, the applicable rate shall be applied to the total requirements of the customer.
- (4) Rate adjustment. The purchased power cost adjustment tracking factor stated in § 53.24 is applicable hereto and is issued and effective at the dates shown in said section.
- (5) Fuel cost adjustment. Refer to § 53.24.

(D) All customers paying the Residential Service Rate shall be allowed to pay monthly bills on a budget plan as established by and through the policies and procedures of the Electric Utility and administered by the office of the Clerk- Treasurer.

('79 Code, § 20-120) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04; Am. Ord. 2006-2, passed 1-17-06)

### § 53.19 RESERVED.

### § 53.20A COMMERCIAL SERVICE RATE C1.

(A) *Availability.* The Electric Utility is available for commercial service, for customers located on the distribution lines of the Utility, including lighting and other service generally requiring less than 75 kVA connected transformer capacity.

(B) *Character of service.* The character of service under this section is alternating current 60 Hertz, single-phase service at approximately 120 volts, two-wire or 120/240 volts.

(C) *Rate.*

- (1) Schedule.
  - (a) All kWh used per month \$0.097306 per kWh.
  - (b) Service charge. \$5.00 per service location or establishment.
  - (c) Minimum charge. The monthly Service Charge shall be the minimum charge each month regardless of kWh consumption.
- (2) Disconnect and Reconnect charge. The reconnection charge stated in § 53.27 is applicable hereto as shown in said section.
- (3) Rate adjustment. The purchased power cost adjustment tracking factor stated in § 53.24 is applicable hereto and is issued and effective at the dates shown in said section.
- (4) Fuel cost adjustment. Refer to § 53.24.

('79 Code, § 20-123) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04)

**§ 53.20B COMMERCIAL SERVICE RATE.**

(A) *Availability.* The Electric Utility is available for commercial service, for customers located on the distribution lines of the Utility, including lighting and other service generally requiring less than 75 kVA of connected transformer capacity.

(B) *Character of service.* The character of service under this section is alternating current of approximately 60 Hertz frequency, three-phase service.

(C) *Rate.*

- (1) Monthly rates.
  - (a) Demand charge: \$10.00 per kVA based on the single highest reading.
  - (b) Energy charge: \$0.074953 per kWh, for all kWh.
  - (c) Service charge. \$20.00 per service location or establishment.
  - (d) Minimum charge. The monthly Service Charge shall be the minimum charge each month regardless of kWh consumption.
- (2) Billing demand determination. The monthly billing demand will be the single highest 15-minute kilowatt demand kW, measured during the month divided by the monthly average power factor. The average power factor equals  $\cos[\text{atan}(\text{kVARh}/\text{kWh})]$  or the square root of  $(\text{kVARh}^2 + \text{kWh}^2)$ . Where service is supplied to multiple points of delivery at a single rate application, the billing demand will be determined as the respective maximum simultaneous sums of the measured kW demand.
- (3) Disconnect and Reconnect charge. The reconnection charge stated in § 53.27 is applicable hereto as shown in said section.
- (4) Rate adjustment. The purchased power cost adjustment tracking factor stated in § 53.24 is applicable hereto and is issued and effective at the dates shown in said section.
- (5) Fuel cost adjustment. Refer to § 53.24.

('79 Code, § 20-123) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04)

**§ 53.21A SMALL POWER SERVICE RATE SP.**

(A) *Availability.* The Electric Utility is available for manufacturing and commercial customers requiring more than 75 kVA connected transformer capacity but less than 500 kVA connected transformer capacity. The applicant must be located adjacent to an electric transmission or distribution line of the Utility that is adequate and suitable for supplying the service required.

(B) *Character of service.* The character of service under this section is alternating current having a frequency of 60 Hertz, three-phase, and furnished at a voltage which is standard with the Utility in the area served.

(C) *Rates.*

- (1) Monthly rates.
  - (a) Demand charge. \$10.00 per kVA based on the single highest reading.
  - (b) Energy charge, \$0.058481 per kWh, for all kWh.
  - (c) Service charge. \$50.00 per service location or establishment.
  - (d) Minimum charge. The monthly Service Charge shall be the minimum charge each month regardless of kWh consumption.
- (2) Billing demand determination. The monthly billing demand will be the single highest 15-minute kilowatt demand kW, measured during the month divided by the monthly average power factor. The average power factor equals  $\cos[\text{atan}(\text{kVARh}/\text{kWh})]$  or the square root of  $(\text{kVARh}^2 + \text{kWh}^2)$ . Where service is

supplied to multiple points of delivery at a single rate application, the billing demand will be determined as the respective maximum simultaneous sums of the measured kW demand.

- (3) Incidental lighting service. Power customers having 75 horsepower of connected capacity, regularly used and in active service, may connect incidental lighting to their power circuits providing, however, that the connected lighting load is not in excess of 30% of the connected power load. Any transformers or regulating equipment, which may be required for such lighting load from the power circuits, shall be furnished and maintained by the customer. The lighting load shall be balanced between phases if, in the opinion of the Utility, such balancing is necessary.
- (4) Metering. Where the Utility deems it convenient and necessary to meter at primary voltage, the customer will be entitled to a discount equivalent to 1% of the kWh metered each month.
- (5) Rate adjustment. The purchased power cost adjustment tracking factor stated in §53.24 is applicable hereto and is issued and effective at the dates shown in said section.
- (6) Fuel cost adjustment. Refer to § 53.24.
- (7) Credit for customer-supplied equipment. When the customer furnishes and maintains the complete substation equipment including any and all transformers and/or switches and/or other apparatus necessary for the customer to take his entire service at the primary voltage of the transmission or distribution line from which service is to be received, a credit of \$.15 per kW of monthly billing demand will be applied to each monthly net bill.

('79 Code, § 20-123) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 11-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04)

#### § 53.21B LARGE POWER SERVICE RATE LP.

(A) *Availability.* The Electric Utility is available for manufacturing and commercial customers not qualifying for service under the commercial tariff. The applicant must be located adjacent to an electric transmission or distribution line of the Utility that is adequate and suitable for supplying the service required.

(B) *Character of service.* The character of service under this section is alternating current having a frequency of 60 cycles, three-phase, and furnished at a voltage which is standard with the Utility in the area served.

(C) *Rates.*

- (1) Monthly rates.
  - (a) Demand charge. \$10.00 per kVA based on the single highest reading.
  - (b) Energy charge, \$0.069265 per kWh, for all kWh.
  - (c) Service charge. \$100.00 per service location or establishment.
  - (d) Minimum charge. The monthly Service Charge shall be the minimum charge each month regardless of kWh consumption.
- (2) Billing demand determination. The monthly billing demand will be the single highest 15-minute kilowatt demand kW, measured during the month divided by the monthly average power factor. The average power factor equals  $\cos[\text{atan}(\text{kVARh}/\text{kWh})]$  or the square root of  $(\text{kVARh}^2 + \text{kWh}^2)$ . Where service is supplied to multiple points of delivery at a single rate application, the billing demand will be determined as the respective maximum simultaneous sums of the measured kW demand.

- (3) Incidental lighting service. Power customers having 75 horsepower of connected capacity, regularly used and in active service, may connect incidental lighting to their power circuits providing, however, that the connected lighting load is not in excess of 30% of the connected power load. Any transformers or regulating equipment, which may be required for such lighting load from the power circuits, shall be furnished and maintained by the customer. The lighting load shall be balanced between phases if, in the opinion of the Utility, such balancing is necessary.
- (4) Metering. Where the Utility deems it convenient and necessary to meter at primary voltage, the customer will be entitled to a discount equivalent to 1% of the kWh metered each month..
- (5) Rate adjustment. The purchased power cost adjustment tracking factor stated in § 53.24 is applicable hereto and is issued and effective at the dates shown in said section.
- (6) Fuel cost adjustment. Refer to § 53.24.
- (7) Credit for customer-supplied equipment. When the customer furnishes and maintains the complete substation equipment including any and all transformers and/or switches and/or other apparatus necessary for the customer to take his entire service at the primary voltage of the transmission or distribution line from which service is to be received, a credit of \$.15 per kW of monthly billing demand will be applied to each monthly net bill.

('79 Code, § 20-123) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 11-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04)

**§ 53.23A SECURITY LIGHTING RATE SL.**

(A) *Availability.* The Electric Utility is available for dusk to dawn outdoor lighting service for lighting entrances, driveways and other private areas to customers who are located on the Utility's electric supply lines suitable and adequate for supplying the service requested.

(B) *Character of service.* The Utility will install, own and maintain a bracket-mounted, suburban-type lighting fixture including photo-electric control. Installations must be located on or extend over the property of the customer.

(C) Rates. The rates for electric service under this section shall be as follows:

- (1) Rate per month.
  - (a) Where the lighting fixture can be installed on an existing distribution-type wood pole and served from existing secondary facilities, with not more than one span of secondary, the rate shall be: \$9.64 per lamp.
  - (b) If additional facilities are required to furnish service hereunder, the Utility will install, operate and maintain such facilities at the following charges, such charges being additional to the charge set forth in Subsection (C)(1)(a) above: \$1 for each 30-foot wood pole and span of secondary.
- (2) Term of service. Any customer requesting service under this rate shall make written application for such service for an initial period of three years, and such service shall continue from year to year thereafter unless canceled by either party giving the other 60 days prior written notice of the termination of service at the end of the initial period or any yearly period thereafter.
- (3) Disconnect and Reconnect charge. The reconnection charge stated in § 53.27 is applicable hereto as shown in said section.

(D) *Terms and conditions of service.*

- (1) The Utility shall adjust the automatic control on each installation to provide lighting service from dusk to dawn each night. Lamp replacements and repairs will be made within a reasonable period of time, during regular working hours, after customer's notification of the need for such maintenance.
- (2) The facilities installed by the Utility shall remain the property of the Utility and may be removed by the Utility if service is discontinued.

('79 Code, § 20-125) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04)

#### § 53.23b CITY STREET LIGHTING RATE CSL.

(A) *Availability.* The Electric Utility is available for dusk to dawn outdoor lighting service for lighting entrances, driveways and other private areas to customers who are located on the Utility's electric supply lines suitable and adequate for supplying the service requested.

(B) *Character of service.* The Utility will install, own and maintain a bracket-mounted, suburban-type lighting fixture including photo-electric control. Installations must be located on or extend over the property of the customer.

(C) *Rates.* The rates for electric service under this section shall be as follows:

- (1) Rate per month.
  - (a) Where the lighting fixture can be installed on an existing distribution-type wood pole and served from existing secondary facilities, with not more than one span of secondary, the rate shall be: \$5.36 per lamp.
  - (b) If additional facilities are required to furnish service hereunder, the Utility will install, operate and maintain such facilities at the following charges, such charges being additional to the charge set forth in Subsection (C)(1)(a) above: \$1 for each 30-foot wood pole and span of secondary.
- (2) Term of service. Any customer requesting service under this rate shall make written application for such service for an initial period of three years, and such service shall continue from year to year thereafter unless canceled by either party giving the other 60 days prior written notice of the termination of service at the end of the initial period or any yearly period thereafter.
- (3) Disconnect and Reconnect charge. The reconnection charge stated in § 53.27 is applicable hereto as shown in said section.

(D) *Terms and conditions of service.*

- (1) The Utility shall adjust the automatic control on each installation to provide lighting service from dusk to dawn each night. Lamp replacements and repairs will be made within a reasonable period of time, during regular working hours, after customer's notification of the need for such maintenance.
- (2) The facilities installed by the Utility shall remain the property of the Utility and may be removed by the Utility if service is discontinued.

('79 Code, § 20-125) (Ord. passed 7-13-76; Am. Ord. passed 9-7-78; Am. Ord. passed 6-2-81; Am. Ord. 2004-30, passed 12-22-04)

#### § 53.24 RATE AND FUEL COST ADJUSTMENTS.

(A) *Rate adjustment* (applicable to Rates R, C1, C3, SP, LP, SL and CSL). The rate adjustment shall be on the basis of a purchased power cost adjustment which shall be on the basis of a purchased power cost adjustment tracking factor, occasioned solely by changes in the cost of purchased power.

(B) *Fuel cost adjustment* (applicable to Rates R, C1, C3, SP, LP, SL and CSL). The fuel cost adjustment in dollars per kWh shall be the same as that most recently billed to the Electric Utility by its

purchased power supplier. The fuel cost adjustment shall also include any cost passed through to the Electric Utility by its purchased power supplier for costs related to the regional transmission organization. ('79 Code, § 20-126) (Ord. passed 9-5-78; Am. Ord. passed 6-2-81; Am. Ord. 2006-2, passed 1-17-06)

**§ 53.25 BILLING; DELINQUENT ACCOUNTS.**

(A) The rates and charges for electric usage may be billed to the tenant or tenants occupying the property served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability for payment in the event payment is not made by the tenant or tenants as herein required. The owners of property served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Utility for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept during normal business hours.

(B) In addition to the other remedies and penalties as provided in this chapter, the Utility shall also have the right to bring a civil action to recover any delinquent and unpaid electric bill plus penalty, together with reasonable attorney's fees and court costs. (Ord. 94-3, passed 2-1-94; Am. Ord. 94-6, passed 2-15-94)

**§ 53.26 REMOVAL OF THE ELECTRIC UTILITY FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION.**

The Electric Utility of the City of Garrett, Indiana, was removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and for the issuance of stocks, bonds, notes, or other evidence of indebtedness pursuant to Ord. 2004-12, passed 7-6-04.

**§ 53.27 DISCONNECT AND RECONNECT CHARGES.**

(A) *Disconnect.* Whenever electric service is disconnected, for any reason whatsoever, the customer shall be charged and shall pay a \$50 disconnect fee.

(B) *Reconnect.* Any customer reconnecting following a disconnect, for any reason whatsoever, shall be charged and pay a \$50 reconnect fee.

(C) *Customer disconnect request.* Whenever service is disconnected at a service location point at the request of the customer, the customer shall be charged and shall pay a service fee of \$100 to disconnect and subsequently reconnect the service for the first request in a calendar year. The customer shall be charged and shall pay a service fee of \$200 for such disconnect and reconnect for all subsequent requests in the same calendar year.

(D) *Disconnect/reconnect defined.* Service is considered disconnected and therefore subject to reconnection upon either of the following events:

- (1) Actual disconnection where the electric service to the customer is terminated either at the meter, pole, or at such other point as deemed appropriate by the Utility; or
- (2) The customer's failure to pay all amounts due the city utilities by the deadline as stated in the past due utility bill from the Utility.

(Ord. 2006-2, passed 1-17-06)

**§ 53.28 TAMPERING FEE.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, in any manner, with any structure, appurtenance, equipment, including, but not limited to, wires, meters, and meter bases, which is a part of the municipal electric distribution system. In the event of such breakage, damage, destruction, uncovering, defacing, or tampering, the customer shall be charged and shall pay a tampering fee of \$200 per occurrence. (Ord. 2006-2, passed 1-17-06)

§ 53.29 ANNUAL REVIEW.

The Common Council of the City of Garrett shall review and adjust the rates and charges on an annual basis. The Clerk-Treasurer is directed to cause a rate consultant's report to be prepared and submitted annual to the Common Council of the City of Garrett. The report shall be based on the most year end data and submitted to the Council on or before May 1 of each year.

§ 53.30

This ordinance repeals and replaces in its entirety the current Chapter 53 Sections 53.01 through and including 53.28.

§ 53.31

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND ADOPTED** by the City Council of the City of Garrett, Indiana, on the 21<sup>st</sup> day of JANUARY, ~~2013~~ 2014

Brenda Wigginton  
Brenda Wigginton

Todd Sattison  
Todd Sattison

Amanda Charles  
Amanda Charles

Brad Stump  
Brad Stump

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Tim Vogel

Presented to me this 21<sup>st</sup> day of January, 2014, at 7:50 o'clock A.M./P.M. and I hereby approved this Ordinance this 21<sup>st</sup> day of January, 2014.

Tonya Hoeffel  
Tonya Hoeffel, Mayor  
City of Garrett, Indiana

ATTEST:

Marcie L. Conkle  
Marcie L. Conkle, Clerk-Treasurer