

ORDINANCE NO. 78-27

AN ORDINANCE TO REVISE THE VILLAGE
LAW FOR THE DISTRIBUTION OF ELECTRIC ENERGY
AND TO FIX THE RATES AND CHARGES THEREFOR

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS:

Section 1. Definitions

Customer

A person who has agreed with the Village to pay for electric utility service.

User

A person who receives electric utility service.

Residential Service

Electric utility service for household purposes furnished to a dwelling of one unit or more which is billed under a residential rate.

Non-residential Service

Electric utility service rendered which is not residential service.

Applicant

A person who applies for residential or non-residential utility service.

Person

A natural person, corporation, real estate trust, partnership, association or other legal entity.

Master-metered Apartment Building

A building of two or more rental dwelling units where any electric service is registered by a single meter for all the units.

Electric Service

Electric utility service provided to a customer at a specific location.

Section 2. Electric service shall not be supplied, installed, or maintained at any location where the installation of such service, or the load to which it is connected or delivered is not in compliance with the 1975 Edition of the National Electrical Code of the National Fire Protection Association

or the latest published edition thereof, any other statute, ordinance, or other applicable building or safety code.

Every use of the electric plant and system of the Village shall have a metered connection to said system for the customer thereof and no service of the electric plant and system shall be provided any person who shall not comply with the terms and provisions of this Ordinance.

Section 3. Electric service shall not be supplied to any person without such person having made application therefor. Application for electric service shall be made in writing on forms supplied by the Village. Such form shall require the name and residence address of the applicant, the name of the applicant's employer, the address of the premises at which electric service is requested, the type of service requested (residential, non-residential), the applicable service rate or rates requested (residential, residential-total electric home, commercial, power, industrial power, security light); the name and address of the owner of the premises at which electric service is requested if the applicant is not the owner thereof, the date of the application, the date service is to commence, the date service is to terminate. Such application shall be signed by the applicant. When the applicant is a person other than the owner of the premises at which service is requested, the application shall also be signed by the owner thereof. The applicant or applicants, as the case may be, shall be responsible for the payment of all lawful charges made for and incidental to the provision of electric service under the application at the location requested, and shall be responsible for compliance with all of the terms and conditions of this Ordinance therefor.

Section 4.

1. All applications for service shall be accompanied by a deposit as hereinafter set forth.

- a) An application for residential service shall be accompanied by a deposit of \$50.00.
- b) An application for non-residential service shall be accompanied by a deposit in the estimated amount of one month's bill.
- c) The deposit required by this subsection may be refunded or credited to a current bill of a customer at the end of one year from the date of application of the person making the deposit; provided, that no such refund or credit shall be made unless all charges made to the account of that application have been paid on or before the date such charges became due; no interest shall be paid on any deposit, credit or refund.

2. The Village may require an additional deposit of two times the largest bill incurred over the previous 12 month period if a customer has a) failed to pay such lawful charges as may be due the Village for electrical service on or before the due date for such charges three or more times during that previous 12 month period; or b) the deposit of such customer has been forfeited under the provisions of this Ordinance because of delinquent payments. Any such additional deposit may be refunded or credited to a current bill at the

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end of one year from the date such deposit was received by the Village if all charges made to the account of the customer have been paid on or before the date such charges became due; no interest shall be paid on any such deposit, credit or refund.

3. If any charge for electric service or any penalties are deemed delinquent under the provisions of this Ordinance, the deposit made hereunder shall be forfeited to the Village and applied to the payment of such delinquent charges.

Section 5. Sales of electric service and other charges hereunder are subject to an additional charge pursuant to Sections 1 and 2 of "The Public Utilities Revenue Act", as amended, levying a tax on the service rendered. Such additional charge shall be added at 5% or such other rate as determined by law, on the net amount of the bill as calculated according to the rates and charges set forth in this Ordinance.

Section 6. Charges for electric service shall be made monthly as herein provided. All charges are due and payable within 15 days of the date of the bill. All bills not paid on or before such due date shall incur a penalty in the amount of 10% of the bill. If the due date falls on a Sunday or legal holiday, then such bill may be paid on the next succeeding day during which the office of the Village is open for payment of such bills without incurring such 10% penalty.

Bills shall be mailed to the customer at the address of the premises where service is provided.

Section 7. If any charges for electric service or any penalties remain unpaid for 30 days after the billing date therefor, such charges shall be deemed delinquent. The Village may disconnect the electric service from the electric system of

the Village as hereinafter provided:

- a) If the deposit forfeited under the provisions of this Ordinance is not sufficient to pay all delinquent charges, the Superintendent may disconnect the electric system of the Village.
- b) Upon determination that any customer's service is to be disconnected, the Superintendent shall cause to be sent to the customer, at the address at which service is provided, notice that electric service shall be disconnected no sooner than 8 days after the date of mailing of such notice; provided, that when the user is a person other than the owner of the premises at which service is provided, a copy of such notice shall also be sent to the owner at his address given on the application for service. Such notice shall advise the customer: 1) of the dollar amount owed and penalty therefor; 2) that such charges are delinquent and that payment of such charges on or before the date upon which service may be disconnected will prevent such disconnection; 3) Village personnel are available at certain hours and places to be stated on the notice to discuss the matter prior to the date for disconnection; 4) that upon disconnection, service will not be reconnected until all delinquent charges are paid in

full; and 5) that upon disconnection, the customer must make a new application for service, pay a deposit therefor, and pay a reconnect service charge.

- c) The notice required by subsection (b) above shall be effective for 21 days.
- d) Disconnection of electric service is prohibited where the use is residential and is the sole source of space heating or controls the space heating equipment of the premises served unless and until due notice is given to the user and such other persons as required by state law.
- e) Where the Village has determined to disconnect electric service to a master-metered apartment building, notice shall be given as provided hereinabove, and by posting in two conspicuous locations at the premises where service is to be disconnected or mailing to such users, tenants, or lessees who may occupy such master-metered apartment building a notice which shall contain the specific date that electric service is subject to termination, the dollar amount of the bills due and owing on the date such notice is given, a statement of the statutory right of the tenants or lessees to 1) pay the electric service charges due and owing from the customer and to deduct the amount paid from the rent due under the lease or rental

agreement, or 2) petition the court for the appointment of a receiver to collect the rent due for use and occupancy of the building and remit a portion to the Village for payment of electric service charges due.

If lessees or tenants exercise their option to pay the Village the amount due and owing by the customer, the Village shall thereafter render a bill to these lessees or tenants at the end of each billing period. The Village shall not prorate the bill among the participating lessees or tenants who will be jointly and severally liable for the full amount of the billing. Lessees or tenants shall be considered customers for purposes of deposits, termination procedures, disputed bills, and billing practices for the period during which they exercise their option to pay the Village the amount due and owing by the customer. In no event shall the customer be relieved of its obligations and responsibilities as a customer under this Ordinance by the election of its tenants or users.

When electric service has been disconnected under the provisions of this Ordinance, it may not be reconnected until 1) all prior charges of that customer or account have been paid; 2) an application for service

is made requesting such service as provided in Section 3 of this Ordinance and the deposit required by Section 4 has been paid; 3) a service charge of \$35.00 is paid for such reconnection if the application for service is made for the same customer, applicant or user or any of them as incurred the disconnection.

Section 8.

1. Village personnel shall at all reasonable times be available to receive and consider disputes of any customer, applicant or user relative to an account for electric service. Each such customer, applicant or user shall be advised of his right to have the dispute reviewed by the Village Board of Trustees if such can not be resolved with Village personnel. If any such dispute is not resolved with Village personnel, the person making such dispute or claim may request review of the matter, in writing, directed to the Village Clerk. The Village shall not disconnect the service of any person for non-payment during the pendency of such dispute if:

- a) Notice is given to the Village Clerk as herein provided; and
- b) Payment of all undisputed portions of the bill is made; and
- c) All charges made during the pendency of the dispute are paid as due; and
- d) The person making the complaint or dispute enters into bona fide efforts to resolve the disputed matter with all due dispatch.

Notice of a dispute shall contain the name, address, and telephone

number of the person making the complaint or disputing a charge, the address at which electric service is received which is the subject of the complaint or dispute, the nature of the complaint or dispute, and the specific relief requested.

2. Upon filing of such notice, the Village Board may hear and determine such dispute at the next ensuing meeting of the Board of Trustees of the Village.

Section 9. The Village shall have the power to remove or cause to be removed any trees or branches on any street, avenue or alley in any way obstructing or interfering with the installation of any portion of the electrical service system or its proper maintenance and operation.

Section 10. The Village will provide only one service connection to each separate premises of a customer. Additional service may be provided upon written request of the customer, application therefor and payment of fees or charges therefor.

Section 11. If it is determined that a commercial or industrial customer has a power factor of less than 85%, the customer's bill shall be adjusted to an 85% power factor. The customer shall be responsible for installing the necessary equipment to correct to an 85% power factor. The customer shall be responsible for installing the necessary protective equipment to protect the electric system from interference caused by customer's equipment.

Section 12. Where no line extension or pole setting is required, the installation charge for furnishing temporary service for home building or small commercial construction shall be \$10.00 plus cost of meter base if a meter base is required plus the tax pursuant to Section 5 hereof. When it is necessary

to extend lines or poles, the customer shall pay the cost of labor, equipment, and materials to install the line and the cost of labor and equipment required to remove such lines.

Section 13.

1. It shall be unlawful for any person to interfere in any manner, or in any way deface, injure, remove or destroy any wires, wiring poles, transformers or meters, including seals, or other property of the Village electric distribution system.

2. No person shall obstruct, impede, hinder, annoy or otherwise impair a Village employee in obtaining access to and examination of any meter or other equipment of the Village electric distribution system.

Section 14.

1. Whoever violates any provision of Section 13 shall be fined no less than \$10.00 nor more than \$500.00 for each offense, and each day upon which said violation occurs shall be deemed a separate offense.

2. Any person damaging any facilities of the Village electric distribution system as described in this Ordinance shall be liable to the Village for all damages which the Village may sustain. The measure of liability shall be the cost of repairing or replacing the facilities as damaged including costs of material and labor. Where an electrical meter has been altered or bypassed, the measure of liability for damages shall also include estimated charges for unmetered electric service.

Section 15. The Village will endeavor to maintain adequate and continuous electric service to its customers, but does not guarantee that the supply of energy will, at all

times, be constant; and the Village shall not be liable to customers for any damages resulting from temporary cessation of service occasioned by fire, explosion, flood, strike, insurrection, mob violence, governmental interference, breakdown or injury to machinery or distributing lines, or other accidents or causes not reasonably within its control.

Section 16. There be and there are hereby established rates and charges for the use and service of electric current for light and power based upon electricity consumed as recorded by electric meters based upon the type of premises served as follows:

(1)(a) RESIDENTIAL SERVICE RATE

RATE:	(Monthly)	Net per KWH
	First 35 KWH	\$0.06
	Next 25 KWH	0.05
	Next 140 KWH	0.03
	All over 200 KWH	0.022

MINIMUM charge for residential electric service shall be as follows:

Inside Village limits - \$3.00 per month

Rural Service - \$5.00 per month

FUEL ADJUSTMENT: As per Section 17.

TAX: As per Section 5.

(1)(b) RESIDENTIAL SERVICE FOR SENIOR CITIZENS RATE

Available to those residents residing within the Village limits where the recognized head of the family is over 62 years of age and is qualified and is receiving Social Security or other equivalent pension. Each individual desiring this rate shall make application to the Board which shall approve or reject the application.

RATE:	(Monthly)	Net per KWH
	First 35 KWH	\$0.048 1.68
	Next 25 KWH	0.04 1.00

Next 140 KWH	0.024	3.36
All over 200 KWH	0.016	6.04

MINIMUM \$1.00 per month for senior citizens.

FUEL ADJUSTMENT: As per Section 17.

TAX: As per Section 5.

(2) RESIDENTIAL SERVICE-TOTAL ELECTRIC HOME RATE

Available to all residential customers for all domestic use taken through a single meter when single phase electric power is the only source of energy used on the premises.

RATE: (Monthly)	Net Per KWH
First 35 KWH	\$0.06
Next 25 KWH	0.05
Next 140 KWH	0.03
Next 800 KWH	0.02
All over 1,000 KWH	0.0185

MINIMUM charge for residential all electric service shall be \$3.00 per month.

FUEL ADJUSTMENT: As per Section 17.

TAX: As per Section 5.

(3) COMMERCIAL SERVICE RATE

RATE: (Monthly)	Net Per KWH
First 35 KWH	\$0.07
Next 25 KWH	0.05
Next 140 KWH	0.03
All over 200 KWH	0.025

MINIMUM charge for commercial electric service shall be \$5.00 per month.

This rate is for single phase service to any commercial customer whose metered demand for the billing month is less than 15KW. Included in this rate will be home occupations, such as beauty shops. The term "commercial service" when used in this Ordinance shall mean electric service to any place where any goods, materials, products, commodities, beverages, substances or things are purchased, sold,

bartered, or traded in or where any service of any kind is rendered or performed for which a charge is made.

FUEL ADJUSTMENT: As per Section 17.

TAX: As per Section 5.

(4) POWER SERVICE RATE

RATE: (Monthly) Net Per KWH

Energy Charge:

First 35 KWH	\$0.07
Next 25 KWH	0.05
Next 140 KWH	0.03
All over 200 KWH	0.025

This rate is for all 3-phase service and for single-phase service to any commercial customer whose metered demand for the billing month exceeds 15 KW.

Demand Charge:

\$2.00 per KW monthly demand. The demand will be determined by the use of a demand meter or by inventory of customer's connected load. For customers who use electric power as the only source of space heating energy, the demand rate will not be charged during the months of October, November, December, January, February, March and April.

MINIMUM charge per month shall be \$10.00 or \$1.00 per KVA of connected non-lighting load whichever is greater.

FUEL ADJUSTMENT: As per Section 17.

TAX: As per Section 5.

(5) INDUSTRIAL POWER SERVICE RATE

Available to a manufacturing plant whose goods are fabricated by an industrial process.

RATE: (Monthly) Net Per KWH

Energy Charge:

First 1,000 KWH	\$0.03
All over 1,000 KWH	0.02

Demand Charge:

\$2.00 per KW of monthly demand. When the load factor exceeds 50%, the demand charge will be reduced to \$1.50 per KW. The demand will be determined by the use of a demand meter or by inventory of customer's connected load.

MINIMUM monthly bill will be \$1.00 per KVA of connected non-lighting load.

FUEL ADJUSTMENT: As per Section 17.

TAX: As per Section 5.

(6) SECURITY LIGHT SERVICE RATE

A 175 watt automatic light - \$5.00 per month.

Light will be installed and maintained on an existing pole. If additional facilities are required, customer will pay cost of materials and labor to install required facilities.

TAX: As per Section 5.

Section 17. In addition to the rates and charges in Section 16, the fuel adjustment cost charged to the Village by its electric supplier will be charged on all KWH sold.

Section 18. Ordinance 75-6 and all ordinances or parts of ordinances or resolutions or parts of resolutions in conflict with this Ordinance are hereby expressly repealed.

Section 19. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid application or provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 20. This Ordinance shall be in full force and effect 10 days after its passage, approval and due publication.

PASSED October 24, 1978

APPROVED October 24, 1978

PUBLISHED October 27, 1978

John F. Whitney
President, Board of Trustees
of the Village of Chatham

ATTEST:

Helene Spence
Village Clerk