

ORDINANCE NO. 4789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO SERVICE REQUIREMENTS FOR THE CITY'S GAS, TELECOMMUNICATIONS AND ELECTRIC UTILITIES AND AMENDING SECTIONS 9.10.030, 9.10.200, 9.10.500 AND 9.25.100 OF THE ELLENSBURG CITY CODE.

WHEREAS, the ability for customers to pay natural gas and telecommunication costs over a twelve-month period is in the public interest; and

WHEREAS, clarification of vegetation management in the public right of way and on private property will improve reliability for the city's electric system; and

WHEREAS, the amendments in this ordinance were reviewed by the city's Utility Advisory Committee at its February 15, 2018 meeting, which recommended adoption of the changes by the City Council;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Section 9.10.030 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4762 is hereby amended to read as follows:

9.10.030 General.

A. The city shall own and maintain all service lines (except as noted in ECC 9.10.100(B), (C) and (D)) and other facilities required to provide utility service to the customer up to and including the meter or the point of delivery, which is the physical point at which the utility service ends and the customer's connection to the utility service begins.

B. All equipment or facilities on the customer side of the meter or the point of delivery must be provided, installed and maintained by the customer and must meet or exceed city standards. In the event of any dispute or uncertainty about the location of a point of delivery, the records of the utility that show the location of the particular point of delivery shall control, as determined by the director of the utility department or his/her designee.

C. The customer shall pay all costs for all city-owned service facilities plus any applicable plant investment fee, plus any applicable reimbursement fee, and less any applicable service or other reimbursement credit. Adopted fee and credit amounts are listed in Chapter 9.92 ECC.

D. Utility service for city-owned buildings and facilities shall be provided on the same terms and conditions as those required for any other utility customer.

E. It is unlawful for any person other than authorized city employees or authorized contractors to connect or disconnect any part of the city-owned utility system. Violation of this section constitutes a misdemeanor.

F. It shall be the customer's responsibility to notify the city of any defective utility service.

G. The city shall have the right to refuse or cease to deliver utility service to a customer if any part of the customer-owned service, appliances, or apparatus shall at any time be unsafe, or if the utilization of utility service is prohibited or forbidden under any law or municipal ordinance. The city may refuse to serve until the customer shall put such part in good and safe condition and/or comply with all laws, ordinances, and regulations applicable thereto. The city does not assume the duty of inspecting the customer's service equipment, appliances or apparatus or any part thereof, and assumes no liability therefor. The city shall have the right to refuse to provide utility service to any premises or at any time to discontinue service if found necessary to do so in order to protect against abuse or fraud.

H. Authorized employees of the city shall have free and unrestricted access to any and all premises furnished with utility service by the city for the purpose of inspecting utility installations, reading, installing and removing meters or repairing any property of the city including backflow devices.

I. It is unlawful for any person supplied with city utilities under this chapter, or any other person, to interfere with any meter, or modify, remove, disconnect, or otherwise interfere with any equipment, wires, or appurtenances of the system belonging to the city. This includes providing any utility service (electric, gas, sewer or water) to any other person(s) or property(ies).

Violation of this section constitutes a misdemeanor.

J. All facilities covered by this chapter must be constructed to city standards. [Ord. 4762 § 1, 2016; Ord. 4503 § 2, 2007.]

Section 2. Section 9.10.200 of the Ellensburg City Code, as last amended by Section 4 of Ordinance 4644, is hereby amended to read as follows:

9.10.200 Gas service requirements.

- A. The city will not tap a high pressure gas main except when conditions, in the sole judgment of the energy services director, justify a tap.
- B. Each utility customer shall be subject to all rules and regulations adopted by the Ellensburg city council and the director relating to the installation, construction, reconstruction, adjustment and repair of house gas piping, gas appliances, fixtures and apparatus in all buildings served by the city gas utility.
- C. If the applicant's building is located a substantial distance from the main, or if there is a hazard or obstruction (such as plowed land) between the gas main and the applicant's building which prevents the city from prudently installing a service line, the city may, at its discretion, allow the meter to be located at or near the applicant's property line, as close as practical to the city's main, at a location agreed upon by the customer and the city.
- D. The end-use customer shall be responsible for the payment of any amount as determined in ECC 9.10.030(C). Subject to city approval the customer may request to pay the connection fee in equal monthly payments for a period of no greater than twelve months including a finance charge set forth by the finance director. Payment shall be made, at the customer's election, either in total or in the form of a monthly fee added to the utility bill for a period of seven years. [Ord. 4644 § 4, 2013; Ord. 4503 § 2, 2007.]

Section 3. Section 9.10.500 of the Ellensburg City Code and Section 3 of Ordinance 4709, is hereby amended to read as follows:

9.10.500 Telecommunications service requirements.

- A. All new services must be installed underground unless the new service is fed from an existing overhead pole.
- B. The end-use customer shall be responsible for the payment of any amount as determined in ECC 9.10.030(C). Subject to city approval the customer may request to pay the connection fee

in equal monthly payments for a period of no greater than twelve months including a finance charge set forth by the finance director. [Ord. 4709 § 3, 2015.]

Section 4. Section 9.25.100 of the Ellensburg City Code, as last amended by Section 5 of Ordinance 4762, is hereby amended to read as follows:

9.25.100 Electric service requirements.

A. The city reserves the right to refuse to connect or discontinue service to a customer whose equipment or facilities is causing or may cause power quality problems for other customers.

B. The city shall follow a proactive right-of-way maintenance program to reduce primary voltage facility outages and damage to electrical facilities. Vegetation control shall utilize mechanical means unless the property owner authorizes the use of chemicals. In all cases, only appropriately trained and certified individuals will be used. ~~When vegetation is trimmed rather than removed, it is with the intent that the work should provide a minimum of three years before there would be a need to return.~~

C. The city may also trim tree branches or other vegetation on utility easements or private property encroaching upon the public right-of-way to prevent the branches or vegetation from touching or otherwise interfering with electrical transmission and distribution lines, and to reduce primary voltage facility outages and damage to electrical facilities.

D. In order to prevent adverse impacts to city owned substation equipment, feeders or regulators or other equipment resulting from the actions of a primary service customer in accordance with ECC 9.91.100(L), and the city, and the Bonneville Power Administration, the energy services director shall establish a primary interconnection request procedure and require a customer to provide a current electrical schematic to ensure that changes to the city or customer owned systems due to switching, maintenance, construction or other activities are safely and properly completed.

E. A primary metered customer seeking to modify a primary interconnection to the city's electric facilities shall be required to submit an application outlining the obligations required under this section, which must be approved by the energy services director prior to proceeding with any requested changes under this subsection. [Ord. 4762 § 5, 2016; Ord. 4503 § 2, 2007.]

Section 5. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 6. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 7. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 19 day of March, 2018.



MAYOR



CITY CLERK

Approved as to form:



CITY ATTORNEY

Publish: 3-22-18

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4789 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4789 was published as required by law.

Coreen M. Reno

COREEN M. RENO