

TITLE 4 CHAPTER 5

Municipal Electrical System Regulations

[as amended]

SECTION:

4-5-1: The Electrical Distribution System Established-General Provisions

4-5-2: Service Requirements

4-5-3: Service Termination

4-5-4: Schedule of Rates; Payment Policy

4-5-5: Miscellaneous Provisions

4-5-1. The Electrical Distribution System Established-General Provisions.

- A. Establishment Clause. Pursuant to authority granted by the Idaho Constitution and by statutes of the state of Idaho, and in order to protect the environment and to advance the social and economic well being of residents and businesses within the City, the City of Albion hereby establishes the Albion City Electrical Distribution System. Such system, and administrative personnel given responsibility for its operation, shall have the powers and authority designated by this Municipal Code and as otherwise provided by the constitution and statutes of the state of Idaho. Policy and administrative direction for such system shall come from the Mayor and City Council of the City of Albion and such other city officers as may be designated by this municipal code or by subsequent resolution of the city council.
- B. General Policy.
- (1) It is the general policy of the city of Albion that the Electrical Distribution System will be funded by charges upon Users/beneficiaries of the Electrical Distribution System. General revenues of the City may be used in circumstances where general community benefits are provided because of the existence and operation of the Electrical Distribution System. It shall further be the policy of the City to attempt to accrue and maintain adequate financial reserves to repair and replace capacity provided by the Electrical Distribution System components to serve the best interests of the community in the present and future.
 - (2) With respect to capital facilities needs of Electrical Distribution System components, it shall be the general policy of the City to attempt to finance capital expansion by a combination of development requirements applicable to new development and redevelopment and payment of capacity replacement fees by new or expanding System users. All new Electrical Distribution System Users will be expected to bear their rough proportionate share of the costs of any capital improvements necessary to

replace the capacity of the services provided or to make other changes which should as a matter of policy be borne by all System Users. Regular operation and maintenance expenses, including those of capital replacement, should be financed by adequate User charges sufficient to pay current operating expenses and adequate to fund reserved amounts for capital replacement.

- (3) Notwithstanding any provision of this Municipal Code, the Mayor and City Council reserve the right to derive Electrical Distribution System Revenues in any lawful manner to meet the needs of residents of the City and to maintain the solvency of the Electrical Distribution System in perpetuity.

C. Operating Responsibility. The responsibility to operate the Electrical Distribution System shall rest in the Mayor and City Council of the City of Albion, and their authorized designees.

- (1) Authority to set Municipal Utility Rates. The City Council reserves unto itself the authority to establish operational and capital facilities fee rates as necessary to fund operation and development of the Electrical Distribution System authorized hereby. Such fees shall be based upon the needs of the System and shall be established by resolution adopted by the City Council at a duly noticed public meeting.
- (2) Operation and maintenance fees in the form of periodic charges shall be budgeted for regular operating purposes or may be reserved for capital replacement of facilities subject to depreciation, operational wear and tear or diminished service capabilities due to the passage of time or environmental conditions. The City Council has the authority to set a minimum rate that will be charged for operation and maintenance even if service is temporarily discontinued.
- (3) Capacity replacement fees shall generally be one-time charges, subject to subsequent adjustment and recalculation as appropriate, constituting a contribution to the capital reserve necessary to replace capacity consumed by the addition of new Users to an existing System. Such replacement capacity may take the form of additional capital construction or enhanced efficiency measures designed to increase capacity in order to provide service to future Users.
- (4) Loan of Reserve Funds. The Electrical Distribution System shall have authority to loan funds held in reserve as a fund balance (except for reserves otherwise committed by contract or ordinance) to other city accounts and funds as needs dictate. Any such loans must be approved by a resolution of the City Council enacted in a duly noticed public meeting which properly documents the basis for the loan, the rate of interest which the loan will earn, if any, and the terms and conditions of repayment of the loan.

4-5-2. Service Requirements.

A. Application for Electrical Services. Any person desiring to have premises connected with the electrical distribution system of the city shall present to the office of the clerk, or other place provided for the conduct of business, the following information, prepared on a printed form to be supplied for that purpose by the City:

- (1) A legal description of the premises desired to be served including the subdivision or addition, block, lot and official house number;
- (2) Full statement of all purposes for which such utility service is to be used;
- (3) The number of persons to be supplied or other indication of probable consumption;
- (4) The type of electrical service and connections believed to be necessary therefore;
- (5) The point of connection with the city electrical distribution system and the method and manner of connection;
- (6) The name and address of the applicant and whether the owner, authorized agent or contractor, and if authorized agent, a written authorization on a form provided by the city and executed by the owner authorizing such agent to make the above application.
- (7) Only a person who is in the business of and regularly engaged or employed as a professional leasing agent or property manager may serve as an authorized agent.

B. General Conditions and Requirements. The electrical distribution service from the City of Albion shall be furnished to a customer under the following conditions:

- (1) The customer shall make application as set forth in paragraph A, above.
- (2) Payment of the required deposits and fees. Each applicant desiring electrical distribution service shall pay a refundable deposit to the city in an amount to be determined under 4-5-4 D. The City Clerk shall determine such amount based upon pertinent past service data and information provided in the application for utility services.
- (3) Each customer shall sign up for himself or herself, or in the event of a partnership, corporation, or other entity, the duly authorized representative must sign up for the service. The customer may be required to verify any application items.

- (4) Customer shall mean the person, partnership, corporation or other entity actually receiving and using service of the utility. If customer is the renter or lessee of the property for which service is sought, the Landowner/Landlord may be required to guarantee or agree to be responsible for payment to the City for such services as are provided.
- (5) When applying for electrical service, customers, engineers or contractors shall give the City a list of the largest electrical units, their characteristics, the total connected load and their estimated peak demand.
- (6) The characteristics of proposed new equipment should be discussed with the City prior to purchase.
- (7) All wiring must comply with the latest requirements of the National Electric Code. The State Electrical Inspector and The City of Albion, or its agent's approval must be received by the City Office before electrical service can be connected to either a new or modernized installation. The contractor should make arrangements with the inspector and the City to avoid delays.
- (8) Applicant is responsible for any damage to the City's equipment caused by unauthorized changes in the size or nature of the loads.
- (9) In general, there shall be only one single phase service of any given voltage rating installed to a building. A building is defined as "A structure which stands alone or which is cut off from adjoining structures by fire walls, with all openings therein protected by approved fire doors."
- (10) The City may require the customer to guarantee a minimum annual payment for a term of years.
- (11) The City will not supply service to a customer whose wiring is designed for resale of electricity through sub-metering, unless a franchise is granted and ordained by properly adopted City ordinance.
- (12) The customer or contractor shall apply, to the City, for a service location before any electrical work is started or equipment purchased. This location will be determined by the City.
- (13) The City requires access to its facilities at all reasonable times and in a reasonable manner.
- (14) All unauthorized persons are forbidden to connect, disconnect, relocate, tamper with or break seals, on service or metering equipment. This does not prevent the customer from operating the main switch or replacing blown fuses. When it is necessary to cut or remove a meter seal, for any reason, the City must be notified promptly.

- (15) The City will not install, or be responsible in any way, for wiring on the customers' premises. The City will not knowingly supply electrical energy to any premises where the electrical wiring is not in conformance with all applicable codes and the requirements of the state's designated inspector. The City will only provide service to the metering point, any wiring beyond that metering point is the customer's responsibility.
 - (16) No voluntary hookup or disconnect shall occur after 5:00 p.m. or before 9:00 a.m., local prevailing time, on week days, legal holidays, or week-ends without the payment of the prevailing rate charged by Raft River Electrical Co-op, or any other City appointed agent for maintenance of the system for such services, together with all other required charges including the deposit, and as authorized by the Mayor or City Clerk.
 - (17) The City shall not be responsible for any failure to supply electric services hereunder, nor for the interruption of service, reversal or abnormal voltage of supply if such failure, interruption, reversal or abnormal voltage is without willful default or gross negligence on the part of the City. City shall endeavor to operate its system in accordance with good utility provision practices.
 - (18) Whenever the integrity of the City's electrical distribution system or supply of electricity is threatened by conditions on the City system or the systems with which City is directly or indirectly connected, or whenever it is necessary or desirable to aid in the restoration of service, the City may, in its sole judgment, curtail or interrupt electrical service or reduce voltage to some or all of its customers and such curtailment, interruption or voltage reduction shall not constitute gross negligence or willful default on the part of the City.
 - (19) Electrical distribution system service from the City of Albion shall be declined for the following:
 - (a) Any one of the conditions of the application are not complied with or are not accurate.
 - (b) The Customer has a delinquent account at any previous address in the City of Albion or an outstanding indebtedness to the City for any reason.
- C. Access to, and location of, meters. For safety, security and financial reasons, the City of Albion must have ready access to each of its electric meters. All meters shall be mounted on a meter pole, which shall not be located within a building enclosure. Failure to comply or make satisfactory arrangements will result in the disconnection of services and will require payment of a reconnect fee before service is restored. The Customer will be notified by U.S. mail of the meter access problem and will be given 14 days from the date of the letter to correct

the situation. Repeat problems within one year of the letter for the same problem will cause service to be disconnected without notice. In some cases the meter(s) can be relocated, reoriented, remote read, or modified in some way that is acceptable to both the customer and the City. City personnel will meet with the customer to discuss these options. Any expense for meter modifications will be the customer's responsibility.

- D. Extensions to Permanent Services. A new extension may be constructed by customer only after application similar to application for commencing new service as above set forth and approval of said application by the City Council. In addition to City Council approval, customer shall be required to guarantee, in a form suitable to the City, the full cost of such extension as applicable to the City's distribution system, which is in excess of normal provision by City of such service(s). In approving such application, the City may seek such engineering or other technical assistance as necessary to assure compatibility of the sought after extension to the current system. Any such costs associated with such reasonable assistance shall be borne solely by applicant(s) for the extended service.
- E. SERVICE OUTSIDE CITY LIMITS: For services outside the City limits, approved by the City Council, the entire cost of construction and installation of all line extensions and equipment required for such service outside the City limits shall be borne by the property owner or user; provided, however, where the estimated revenue of such extension will entirely pay the cost of the construction and installation in a two (2) year period the customer, providing the customer guarantees in such contract that he will pay for a minimum amount of power for at least a two (2) year period, which said minimum shall be sufficient to pay for the cost of the extension.

No work of installing any extension to provide service outside the City limits shall be commenced by the City until the property owner or user shall deliver to the City an easement in writing permitting such construction over and across any property to be crossed by such construction, which easement shall meet the approval of the Mayor and City Council.

All extensions as made under the above provisions shall be maintained and repaired by the City of Albion, or its agents, and from and after acceptance of the installation shall become the property of the City.

- F. INDETERMINATE or SPECULATIVE SERVICE. If a service is indeterminate or speculative, a cash payment or an acceptable letter of credit (acceptability to be determined by the City Clerk), equal to the estimated cost of construction and retirement, if applicable, must be received by the City prior to the start of construction. The City will consider any extension to an irrigation service as speculative until quality and quantity of water has been established to the satisfaction of the City. Any development that is considered by the City as a subdivision, housing development or other similar land development will be classed as indeterminate or speculative, and the developer will be responsible to

make the required payments or satisfactory guarantee the payment for the extension serving the area being developed prior to the start of construction. Either the property owner or the developer will be required to pay for the service drops.

- G. TEMPORARY SERVICE. Where the proposed extension is to supply service to the consumer or applicant whose use appears to the City to be temporary and of limited or short duration with specific use contemplated, the consumer or applicant shall advance to the City the estimated cost of construction, including cost of retirement.
- H. PERMIT REQUIRED; APPLICATION, ISSUANCE: It shall be unlawful for any person to place or install in any building or structure any wiring, apparatus, or fixture for the use of electric current for light, heat or power, or to make any alterations or changes in, or additions to any wiring, apparatus or fixtures for such use, without first obtaining from the State Electrical Inspector a written permit for such work. Such permit shall state the kind of work to be done and the amount, and shall cover only the work so specified, and shall be of form and content required by said inspector or as by law required. To cover the cost of electrical inspection, any person making an electrical installation, within the provisions of the National Electric Code, as adopted by the City, shall pay to the State Electrical Inspector an inspection fee as set by said Inspector, or as by law otherwise required.
- I. EXEMPTION FROM LICENSE PROVISIONS. If an owner wishes to do wiring in his own building, he may do so without a state license, but he must first obtain a permit as required by the Albion City Code. The State Inspector may refuse to issue a permit such person if, in the inspector's estimation, such person is not competent to install the electrical work to be done under said permit applied for in accordance with the regulations of this chapter.
- J. INSPECTIONS. All electrical wiring, installation of electrical fixtures, apparatus or electrical appliances for furnishing light, heat or power, or other electrical work introduced into or placed in or upon, or in any way connected on any building or structure within the limits of the City shall be, except as expressly modified by ordinance, in conformity with the provisions set forth in the National Electrical Safety Code, the National Electric Code, the State Electric Code, the ordinances of the City of Albion and such rules and regulations adopted or hereafter, from time to time, adopted by the City Council; and all fittings and materials used in such construction or installation shall be such as are sanctioned and approved by the latest list of electrical fittings published by the National Board of Fire Underwriters.
 - (1) All such wiring, apparatus and fixtures shall be made to conform to the requirements of this title and chapter, and of such rules and regulations before the same be finally approved and accepted by the state electrical inspector.

- (2) Upon completion of the wiring in or on any building or structure, it shall be the duty of the owner or contractor of any new or modified electrical installation to notify the state electrical inspector, who shall then inspect the same within a reasonable time.
- (3) Once the installation is completed and a certificate of inspection is issued, the owner or contractor shall deliver said certificate of inspection to the City Clerk. Said certificate shall contain the date of inspection and an outline of the result. It shall be unlawful for any person to turn on or connect or reconnect the current with such installation until such certificate shall be issued. Further, it shall be unlawful to make any change, alteration or extension in or to wiring of any building or structure after inspection, without first notifying the inspector and procuring a permit therefore.

K. TYPE OF SERVICE AVAILABLE. The acceptance of an application for electric service will be contingent upon the City having the necessary poles, transformers, wires, conduits, cables, etc. to supply service to the metering point at the location where it is requested. When the application is for a supply of energy in excess of the capacity of the City system, as it then exists to deliver service to the requested location, the City reserves the right to delay the acceptance of such application.

- (1) Availability of Service. Prior to the customer or their designated representative ordering equipment or commencing construction, it is the customer's responsibility to make application to the City to ascertain the availability of the service characteristics for the service desired and to determine if the City has additional requirements to those contained herein for such service. Designation of the service entrance location, meter location and size of service shall be specified by the City. All costs associated with extension of service shall be the responsibility of the customer.
- (2) Acquisition of Equipment. In the event that the City is required or forced to pay a premium or to acquire equipment additional to that provided in the standard system, such as to obtain transformers, switchgear, or other equipment required to meet the schedule or special service requirements of the applicant/customer, the applicant/customer shall reimburse the City that portion of the premium or cost above and beyond the cost that the City would normally incur to provide electric service, as determined solely by the City.
- (3) Standard Service Characteristics. A 120/240 volt, single-phase, 200 amp, 3-wire service is generally standard. This type of service is most commonly used for residential customers and small commercial customers up to 25 kVa of load and individual motors not over 5 horsepower. Before purchasing any equipment or performing any wiring, a customer must

submit a service application to the City to determine the availability of the desired service.

- (4) Service, other than standard. Service, other than as specified immediately above, may be made available from the City through negotiation and may involve additional cost to the customer to account for equipment acquisition required to provide the requested service.
 - (5) Generally, one electric service will be installed per building or structure. Additional service may be required and can be installed at the City's sole discretion and with the City's electrical distribution system maintenance agent's and the State Electrical Inspector's written approval, subject to applicable electrical and fire codes. The cost to install additional building services shall be borne entirely by the customer.
 - (6) Where electricity to a building is delivered through more than one meter, each meter shall have a separate account established with the City.
 - (7) Where it is determined that the customer's load level requires that the City equipment, with the exception of house service cable, be placed on private property for the purposes of supplying electric service to that property, the City shall require and the customer shall grant the City an easement for the location of the City's equipment on the property. The City will prepare the easement documents and record the easement. The cost of preparing and recording the easement shall be at customer expense.
- L. PRECONSTRUCTION COSTS. When a request for service requires the use of outside consulting services or expenditure of labor and/or other resources in preparation of requested information, the City may require the party submitting the request to pay in advance the estimated cost of preparing the needed material and information.
- M. STANDBY GENERATION. The customer shall notify the City in advance of installing standby generating equipment and obtain the City's approval for the method of connection. Where the customer installs a standby generator for the purpose of supplying all or part of their load, in the event of an interruption in the supply of service, the customer wiring shall be arranged so that no electrical connection can occur between the City lines and the customer's alternate source of electric supply. Such installations require a suitable double throw switch, which will disconnect the City's lines from the customer's wiring, before the generator can be connected to supply electricity. The double throw switch shall be on the load side of the meter and must be connected so that electricity, from the customer's generator, will not flow back into the City's lines.
- N. CUSTOMER AUXILIARY GENERATION. Should a customer elect to install solar, wind turbine or other auxiliary generation for the purpose of operating interconnected with the City, customers shall notify the City of the installation in

writing to assure proper interface between the different power systems. Proper precautions must be taken to maintain adequate safety, to maintain the quality of service to the City's other customers and to protect the City's system and its workers and contractors. The customer shall be required to provide protective and synchronizing equipment to safeguard the City's system from the auxiliary equipment at customer expense. The design of the protective system shall be submitted to the City for review and approval before implementation. Any metering costs associated with the customer's auxiliary generation due to special metering requirements, as determined by the City, shall be the responsibility of the customer.

O. RIGHTS OF WAY, EASEMENTS; MAINTENANCE THEREOF.

- (1) Procurement of Rights of Ways: Any fees or expenses incurred in the acquisition of a Right of Way permit shall be at the customer's expense and paid for by the customer in advance based on the City's estimate, otherwise the customer may acquire an easement or right of way, on behalf of the City, after obtaining written approval from the City, to so do.
- (2) Easements. As a condition of service, the City shall require and the customer shall grant the City an easement for the location of the City's equipment on the customer's property in order to provide permanent and perpetual access to all electrical facilities owned by the City, which the City deems necessary for extension of service to the property. The City will prepare the easement documents and record the easement. The cost of preparing and recording the easement shall be at customer expense.
- (3) Maintenance. Flagpoles, signs, antennas, and other devices shall be installed so that they will not fall across, or make contact with the City's wires. Furthermore, and installations, trees or other items that interfere with transmission or distribution wires on the owner's side of the meter, shall be maintained so as to eliminate interference by the owner and at said owner's expense and obligation.

Notice of interference shall be provided to the property owner in writing. The owner shall have 14 days to cure the interference, except in cases of emergency. In cases of emergency, the City shall have the option to enter the property to cure the interference or to disconnect the service to prevent further interference.

Any curative action by the City shall be at owner's expense. Failure by owner to adequately maintain the easement or pathway of such transmission lines, from the meter to the owner's building, may result in disconnect of the service to the building, solely at the City's discretion. Such disconnects shall be subject to a reconnect fee, as set by the City, which shall be paid prior to reconnect of service to the property.

4-5-3. SERVICE TERMINATION.

- A. Voluntary Turnoff Procedures. Service cannot be turned off on Friday afternoons, Saturdays, Sundays, or on State of Idaho Holidays. If a Customer is unable to pay an electrical utility bill and disconnection of the electrical services would create or aggravate a medical condition for a member of the household, a written certificate from a doctor stating the name of the person affected and the nature of the medical emergency, the Customer is entitled to a fifteen (15) day extension of the termination deadline.
- B. Involuntary Turnoff; General Terms. Electrical service can be stopped with proper Customer notification for anyone of the following reasons:
- (1) Not paying the bill by the due date.
 - (2) Obtaining the service through fraud.
 - (3) Failure to abide by terms of payment arrangement.
 - (4) Tampering or misusing service or equipment.
- C. Notifications. Prior to termination, the following notices shall be given:
- (1) On the Tenth (10) calendar day after the bill has not been paid, the Customer will be mailed a Delinquent Notice. The Delinquent Notice will tell the Customer the service will be disconnected five (5) calendar days after the notice is mailed, if the bill is not paid.
 - (2) On the sixth (6) calendar day after the mailing of the Delinquent Notice, a yellow-colored notice will be delivered to the place of service. The yellow notice will advise the Customer that the service will be disconnected the following calendar day, if the bill is not paid by the time specified.
 - (3) If the bill is not paid by the deadline of the yellow-colored notice, a red colored notice will be delivered to the place of service advising the Customer that the service has been disconnected.
 - (4) Each of the notices will contain a statement of additional administrative charges and any reconnect fee that may be imposed as well as the account balance. *[Subsection "C" Amended January 9, 2024, Ordinance No. 2024-01-01.]*
- D. Termination without Notification. Service can be terminated at any time without Customer notification if:
- (1) A situation exists that is immediately dangerous to life, physical safety, or property.

- (2) Service is obtained through fraud or without permission of the City or by the issuance of a bad check for payment.
- (3) Service is provided to another person who has an outstanding debt with the City.
- (4) The meters have been tampered with or by passed.

4-5-4. SCHEDULE OF RATES; PAYMENT POLICY.

- A. General Terms. The City supplies the municipal electrical distribution system services it provides to a specific physical address, even though the facilities providing such service may not be located directly thereon or immediately adjacent thereto. The owner of the property served shall be ultimately responsible for payment of the services provided or available to the owner's property, from the metering point. The City may allow a property owner to authorize a tenant or occupant to receive the billing and/or pay for utilities at a given address as a convenience to the property owner. Such convenience may be offered only if the owner has executed a written promise to pay for or to guarantee payment for municipal electrical services provided by the City.
- B. Schedule for electrical rates. The following schedule of electrical rates and charges are hereby adopted:
 - (1) General Service Rate: A user who is connected to the City's electrical service lines shall pay a monthly customer charge , as established by Resolution of the City Council, whether or not said user shall use electricity.
 - (2) Use Service Rate. The rate for electrical energy used by said user shall be established by Resolution of the City Council, as the Council deems necessary from time to time.
- C. Connection fees. A fee shall be charged for the connection to electrical service for a new user to the City's standard electric services, as defined in Section 4-5-2-K (3), and where the distance from the existing Albion City Electrical Distribution System to the new user point of collection is one hundred feet (100') or less. A base rate connection fee shall be established by Resolution of the City Council, as said Council deems necessary from time to time. Any additional connection fees or charges incurred in making the connection to the Albion City Electrical Distribution System shall be the responsibility of the electric services' customer, to be paid by that customer.

Additional costs required to provide service for distances greater than one hundred feet shall be borne by the customer/user. If connection is approved by

the City for service beyond that which is the standard service supplied by the City, the customer/user shall bear all additional costs for the enhanced or extended service. Payment for all such connection services as set forth herein shall be paid to the City Clerk prior to connection to Albion City Electrical Distribution System.

D. Deposits. Deposits for electrical service are required and are administered under the following:

- (1) A deposit for a new Customer will be two times the average monthly electrical billing rounded to the nearest \$25.00.
- (2) The minimum deposit shall be \$200.00.
- (3) In case of no history of utility consumption being available a deposit of \$400.00 is required.
- (4) Deposits are due in full before services are connected.
- (5) The deposit, plus interest, will be credited to the account of the Customer after all bills for the previous twelve (12) months have been paid without any delinquency. The interest rate shall be fixed semi-annually by the City Council on November 1 and May 1 each year.
- (6) The Deposit may be applied to the account of the Customer in the case of Delinquency and the Customer shall then be required to restore the deposit to the original amount. If the Customer fails to restore the deposit to the original amount the account shall be considered delinquent and processed accordingly.
- (7) The Customer will be required to pay a Deposit if they have had Delinquent tags at a previous address or are reconnecting to a current address.
- (8) A letter of credit from another Utility Company will be accepted if approved by the City Clerk.

E. Accounts Paid; Change of Place of Use. When a customer moves from one location to another, all accounts at the prior residence must be paid before service can be rendered at the new location.

F. Level Payment Policy. A level payment Policy Plan is available with the City for the Payment of residential utility bills only. Customers desiring the Level Pay Plan may make application therefore between July 1st to October 1st each year.

- (1) To be eligible to participate in the Level Payment Program, Customer must have twelve (12) month continuous service at the location identified to the

Program, or a reasonable basis based upon past twelve (12) months history at the location upon which the City can determine a monthly average.

- (2) The amount of the payment required under the Level Pay Plan shall be a monthly average of the previous twelve (12) month billing cycle. That equal amount shall be due each month based upon the monthly average.
 - (3) If it is determined, at any time, that the average is insufficient, then the Customer shall be required to pay the account fully current, and thereafter shall pay an increased average amount to adjust and correct the billing to pay for service provided in equal amounts, as determined by the City Council. Alternatively, in the event such an adjustment is made, after bringing the account and its amount due completely current, the customer may elect to receive actual billings for each month as incurred, rather than to continue with the level payment plan.
 - (4) Only accounts that are current may utilize the Level Pay Plan. The failure to pay under the Level Pay Plan shall terminate the same and the Customer shall then be required to pay the billing each month as incurred.
 - (5) If a customer terminates from the Level Pay Plan, that Customer is not eligible to participate in the Program until October following the date of termination.
 - (6) A customer missing a level pay amount for one month will be taken off of Level Pay and will be required to pay whatever amount is currently due and owing.
 - (7) If it is determined, at any time, that the average monthly payment will result in a credit to the Customer, then such amount shall be so credited, and reflected on the next billing to the Customer.
 - (8) The City will review each Level Pay Customer account on at least an annual basis to determine if the level pay amount is adequate or if it needs adjustment. In September of each year, the City will notify each level pay Customer of that account's level payment amount for the next level payment period. Payment by Customer of that amount for that October level pay billing is that Customer's agreement to extend their participation in the level pay program.
 - (9) The City can alter the terms of the Level Pay Program on thirty (30) days written notice to Customer.
- G. Service Charge for Temporary Services. From and after the effective date hereof there shall be made a service charge established by Council Resolution against carnivals, circuses and organizations of a like nature requiring temporary service of electrical energy within the City, which said service charge shall be paid by

such organizations in addition to the regular electrical rates applicable. The customer will pay the full cost of installing and removing the service and metering equipment.

- H. Payment of Service Extensions or Service Upgrades or Enhancements. All costs of construction and installation of extensions, or upgrades, or enhancements of service beyond the standard service provided by the City shall be borne by the property owner or user, where such service is provided, except the cost of the service wires from the last pole to the building, the meter base and the meter. Provided, however, where the estimated revenue of such extension, upgrade or enhancement will entirely pay the cost of the construction and installation in a two (2) year period, the customer, providing the customer guarantees by written contract that the customer will pay for a minimum amount of power for at least a two (2) year period, which minimum shall be sufficient to pay for the cost of the extension.
- I. Administrative Charges. Administrative charges and reconnect fees, as determined by the City Council and as set by their resolution, shall be imposed under the following conditions:
- (1) On the fifth (5th) calendar day, from the due date printed on the current utility billing statement, after the utility system bill has not been paid, an administrative charge will be imposed to cover the cost of processing notices, and general administration as to the delinquency. The administrative charge authorized herein will not apply to Accounts with a balance of Nine Dollars and Ninety-Nine Cents (\$9.99) or less.
 - (2) If it is necessary to deliver a Disconnect Notice and if service is disconnected, a fee for reconnection of services will be charged and must be paid before services can be reconnected to that point of service.
 - (3) The Delinquency Charge Notice, the administrative charge and the reconnect fee will be required to be paid in addition to the amount of the unpaid balance for services rendered, before any reconnection will occur.
- (5) At the time of the creation of the next utility system bill creation cycle, all accounts with a delinquent balance on any or all utility services, will have an administrative fee equal to one and one-half percent (1.5%) of the entire utility billing delinquent balance added to the Account Balance due on a monthly basis until such balance is fully paid. *[Subsection "I" Amended January 9, 2024, Ordinance No. 2024-01-01.]*
- J. Payment Agreements; Special Circumstances; Adjustments. If a Customer cannot pay the bill in full, arrangements may be made under conditions satisfactory to the City Clerk. In making such determination, the City Clerk shall base the decision on prospective ability to pay, circumstances requiring the extension of the obligation and such other general accepted credit extension criteria as the Clerk may deem appropriate. Adjustments in any charges for

electrical distribution system service or Deposits shall be made by the Mayor and the City Clerk or authorized deputies with the approval of the City Council.

- K. Returned Checks. A \$20.00 Collection Charge will be made on any bad checks. If a Customer shall have two bad checks to the City in payment for any electrical distribution service, the City may refuse to serve that Customer or require advance cash payment of the estimated monthly bill, as determined by the City Clerk.
- L. Voluntary Payments If the Customer voluntarily desires to pay any sum in addition to its, her or his electric bill the same shall be administered by the City for the benefit of Customers on a basis of need in paying the City electric bill. The City may promulgate such other regulations for the administration of these funds. If any, as it may from time to time deem appropriate.

4-5-5. MISCELLANEOUS PROVISIONS.

- A. Responsibility for Wiring. Any wiring beyond the metering point shall be the customer's responsibility and shall be performed at the Customer's expense. The City will provide the meter. Any electrical equipment attached to the customer's building or structure, is the customer's responsibility to keep said equipment in safe working order.
- B. Wiring Standards. The installation of all electrical wiring, apparatus and fixtures in any building or other structure within the City's distribution system shall be governed by and conform to the standards of the National Electrical Safety Code, the National Electric Code, the State Electric Code, the ordinances of the City of Albion and such rules and regulations adopted or hereafter, from time to time, adopted, by the City Council. All such wiring, apparatus and fixtures shall be made to conform to the requirements of this title and chapter, and of such rules and regulations before the same be finally approved and accepted by the state electrical inspector. It shall be unlawful for any person, either as owner, architect, contractor, or otherwise, to do or cause to permit to be done any electrical wiring or installing of electrical apparatus in such manner that the same shall not conform to all provisions of this chapter.
- C. State License required; exemption from license provisions. It shall be unlawful for any person to carry on the business of electrical wiring without having secured an Idaho State license. However, if an owner of the subject property desires to do wiring in his own building, he may do so without a State license, but he must first obtain a permit as required by this chapter. The State Electrical Inspector may refuse to issue a permit to such person if, in the Inspector's estimation, such person is not competent to install the electrical work to be done under said permit applied for in accordance with the regulations of this chapter.

- D. Franchise Required. Except as otherwise provided by law, no person, firm, corporation, or other entity shall transmit, furnish, deliver or receive, or cause to be transmitted, furnished, delivered, or received electric energy for light, power, heat and other purposes for public and/ or private use within and through the limits of the City or within or through the City's distribution system, or place or maintain any permanent or semi permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or transmitting, furnishing, delivering or receiving, or causing to be transmitted, furnished, delivered, or received electric energy or for any other purpose, except pursuant to a franchise from the City. A franchise shall be granted only by ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the City Clerk to guarantee publication before the ordinance is passed.
- E. Tampering with Meter. When a customer or consumer is found to be using electricity ahead of the meter or tampering with the meter, or is using electricity from one meter for a purpose not authorized or applied for, or is tampering with the service wires ahead of the meter, except by authority of the City Council, the service shall be disconnected and not reconnected until the service wire or wires from the point of intake to the meter shall be placed in rigid metal conduit and latest acceptable enclosed safety switch with meter trim. Relocation or repair of meters and equipment damaged due to tampering, vandalism or negligence will be at the customer's expense.
- F. City not liable. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or installing any electrical wires, appliances, apparatus, construction or equipment for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the City or any agent thereof be held as assuming such liability by reason of inspection authorized herein or certificate of inspection issued the by the State Electrical Inspector.
- G. Theft of Service. Theft of service is diversion of electrical energy by any method or device used by any person or entity that prevents the electric meter from properly registering the quantity of electricity supplied by the City and/or any taking of any electric energy without the City's consent. It is unlawful for any person or entity to tamper with an electrical meter or to commit theft of electrical energy with intent to avoid a lawful charge for electricity for themselves or for another person or entity. Violation of this section shall be considered a misdemeanor and shall be prosecuted as such.
- H. False Representations. It shall be unlawful for any person who is not the legal owner of the real property, receiving or requesting municipal utility services for such real property, to represent upon an application for utility services or contract that such person is the legal owner of the real property for which utility service is being requested; nor shall a person make any other false

representation for the purpose of receiving such services. Violation of this section shall be considered a misdemeanor and shall be prosecuted as such.

- I. Complaint Procedure. Whenever a Customer has a complaint about the amount of the bill, deposits or termination, the Customer should contact the City Clerk, either in person or in writing. The City Clerk will investigate the complaint and respond in person or in writing the results of that investigation. If the Customer is not satisfied, the Customer may ask the City Council to review the matter.
- J. Violation; Misdemeanor. Any person who violates any of the provisions of this Chapter or fails to comply with any of the terms and conditions hereof shall be guilty of a misdemeanor.
- K. If any clause, sentence, paragraph, section, or any part of this chapter shall be declared and adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this chapter.