Chapter 11

UTILITIES

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ARTICLE I. IN GENERAL.

Section 11.1 Utility Connections to Consumer's Premises.

a. Approval by the City of Blakely (by the building official or his designated agent) will be required before any utilities are turned on. This applies to:

1. Electricity, whether supplied by the City of Blakely, consumer owned power (rural electric [i.e. Three Notch EMC]) or by investor owned utilities (i.e. Georgia Power Co.).

2. Water, supplied by the City of Blakely or any other utility.

3. Gas, either natural gas or liquified petroleum, whether supplied by the City of Blakely or commercial dealers.

4. All above utilities at time of:

   (a) New construction or installation.

   (b) Renovation or remodeling.

   (c) Repairs involving additions, alterations or repairs of above utilities.

   (d) Change in tenants or occupants.

   (e) Mobile home connections, whether new set-up or replacing another mobile home that has been moved out.

   (f) Change in nature of business or industry.

b. Violation of this section will be considered a misdemeanor and is punishable as such under the provisions of sections 1.7 and 1.8 of this Code of Ordinances.

Section 11.2 Protection of Water and Light Systems.

Each of the following acts is forbidden to be done in the city:

1. The injuring or attempting to injure anything connected with the electricity, water and gas system of the city.

2. Meddling or in any wise interfering with any hose, boiler, piece of machinery, piping, reservoir, tank, tower, tools, implements, wire, lamps, rope, pulley or

other appurtenance of the electricity, water and gas system of the city.

3. Throwing anything into the reservoir of the city or to in anywise pollute the water therein.

4. Tapping the electrical, water or gas mains of the city without permission from the proper authority.

5. Attaching to any of the mains or private wiring of the electrical systems any lamp or electric fixture, fan, motor or other appliance without the permission of the proper authority.

Section 11.3 Meters Generally–Adequacy.

Each residence and each place of business in the city shall have and use adequate utility meters.

Section 11.4 Combination.

It shall be unlawful for any person to combine two or more water, gas or electrical meters of the city.

Section 11.5 Tampering with Meter, Connection.

It shall be unlawful and punishable as provided in Section 1.7 of this Code of Ordinances for any unauthorized person to break the seal upon or otherwise tamper with or change any water, electrical or gas meter or to make any connection to the system without permission from the clerk-treasurer, or to reconnect service when it has been disconnected, until all utility fees and penalties have been paid in full. Customers applying for service who have been convicted of a violation of this section for meter tampering shall be required to pay, in addition to all other charges, arrears, fees and penalties, a reconnection fee in the amount of $250.00.

Section 11.6 Water Meters–Required.

All city water service shall be fully metered with only one user to a meter.

Section 11.7 Same–Reading; Monthly Bill.

Water meters shall be read monthly to the nearest 1,000 gallons and bills rendered monthly based on such reading.

Section 11.8 Same–Inoperative.

If any water meter shall be found to be inoperative at the end of any given billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible, and the bill for water used during the current period shall be the average of the last three monthly bills unless the user can satisfactorily establish less use for such period.

Section 11.9 Sewer Cut-ins.

Sewer cut-ins shall be made by the public works department.

Section 11.10 Immunity of City from Damage Due to Interruption of Service.

The city shall not be liable for any loss or damage to any consumer on account of interruption of electrical energy, natural gas or water supplied by the city.

Sections 11.11 - 11.20 Reserved.

ARTICLE II. RATES AND CHARGES.

Section 11.21 Fixed by Council.

All utility rates and charges shall be as fixed from time to time by the city council.

Section 11.22 Free Services.

No natural gas, electricity, water or sewerage or fire protection service shall be furnished or rendered free of charge to any person.

Section 11.23 Failure to Receive Bill.

A failure to receive a utility bill from the city authorities shall not be an excuse for failure to pay same as required in this division.

Section 11.24 Utility Bill Generally.

The bill for water, sewer, natural gas and electricity, together with any solid waste collection fee imposed by the city, shall constitute the utility bill for the City of Blakely.

Section 11.25 Changes in Costs for Electricity and Natural Gas.

a. The city shall charge to its customers, and collect for the same, any increases in costs to the city of electricity and natural gas. Any decreases in costs to the city of electricity and natural gas shall likewise be reflected in the accounts of its customers as a decrease thereof.

b. The system to be employed in the increase or decrease of customers' accounts, as provided in this section, shall in all respects be controlled by formulae calculated and furnished by consulting engineers of the city.

Section 11.26 Deposit.

The city council from time to time shall fix a deposit to be paid by each customer before connecting with or service provided by the city utility system. The customer shall obtain a permit from the clerk-treasurer and shall make the deposit as security for prompt payment by the customer. The deposit shall be returned to the customer upon termination of service if all charges due to the city have been paid. Should the customer be in arrears, the deposit shall be used in whole or in part in liquidation of the same, and payment of the deposit by the customer shall be his consent to such use in such an event. All deposits shall be retained in a separate account to be accounted for at the termination of service.

Section 11.27 Utility Bill; When Due, Late Charge.

The City of Blakely utility bill shall be due and payable by the close of business on the fifteenth day of every month. If the fifteenth day falls on a weekend or holiday, payment shall be due and payable by the close of business on the next business day. If any bill for utility service shall be due and remain due and unpaid after the due date provided in this section, there shall be an additional charge of ten percent added thereto. Provided however, upon the adoption of a resolution by a majority vote of the City Council at a regular or a special called meeting, the ten percent additional charge may be waived for all customers with balances due and unpaid for any particular month. Under no circumstances, shall the Council waive any fee for any individual customer.

Section 11.28 Utility Bill: Additional Service Fee for Bills Not Paid by Close of Business on Twenty Fifth Day of the Month.

If any City of Blakely utility bill is not paid by the close of business on the twenty fifth day of the month, an additional service fee of $25.00 shall be attached thereto.

Section 11.29 Utility Bill: Cut-Off of Services for Bills not Paid by Twenty Fifth Day of the Month.

Any utility bill not paid by the twenty fifth day of the month shall be subject to immediate cut-off of one or more utility services which shall not be restored until the utility bill is paid in full, together with any penalty and service fees.

Section 11.30 Fire Hydrant; Sprinkler System.

The rental for public and private fire hydrant service and the charge for service to an automatic sprinkler system shall be such as is determined by the city council.

Section 11.31 Delinquent Accounts; Collection Agency; Attorney Action.

After a utility bill has been delinquent for 90 days, the city may send the delinquent account to a collection agency approved by the mayor and city council or instruct the city attorney to take legal action to collect the delinquent payment. The customer shall be responsible for any fees paid to any collection agency or attorney or any other party necessary to collect a delinquent utility payment and accompanying penalties.

Sections 11.32 - 11.40 Reserved.

ARTICLE III. WATER SERVICE

Section 11.41 Control and Supervision of Water Works.

The municipal waterworks shall be under the immediate control and supervision of the Mayor, who shall perform all acts that may be necessary for the prudent, efficient, and economical management and protection of such waterworks, subject to the approval and confirmation of the Mayor and City Council.

Section 11.42 Water-tapping-Charge; Responsibility for Maintenance; Approval of Work.

a. All costs and expenses incident to connecting any building to the City water system shall be borne by the owner. The owner shall indemnify the City of any loss or damage that may directly or indirectly on occasion of connection to the water system. The City shall install a meter at the approximate property line of the owner. Any connection from the meter into the public sewer shall be made by the City for which the owner shall pay a tap fee as fixed from time to time by the City Council

b. The City shall own and maintain the water line from the City right-of-way to the property line. The property owner shall own and maintain the service line from the right of way to the premises.

c. All work upon the service line shall be subject to the prior approval of the Mayor.

Section 11.43 Same-Size of Service Tap.

No service tap shall be more than three-fourths inch in diameter; the Mayor may grant special permission for larger taps where the water supply and service facilities are sufficient to permit such taps. Where a larger tap is permitted, the City Council shall fix the tapping charge therefor.

Section 11.44 Water Cut-off Valve.

Each building or structure using City water shall have a cut-off-valve installed by the City.

Section 11.45 Water use Restrictions During Water Shortage.

In case of water shortage or scarcity, the City Council may by resolution place any restrictions upon the use of water for irrigation or sprinkling purposes or other purposes which such body deems necessary.

Sections 11.46 - 11.50 Reserved.

ARTICLE IV. WELLHEAD PROTECTION.

Section 11.51 Short Title and Purpose.

a. This article shall be know as the "Wellhead Protection Ordinance."

b. The purpose of this article is to insure the provisions of a safe and sanitary drinking water supply for the city by establishment of wellhead protection zones surrounding the wellheads for all wells or springs which are the supply sources for the city water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.

Section 11.52 Definitions.

When used in this article the following words and phrases shall be the meanings given in this section:

Hazardous waste or *material* means any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics that may:

1. Cause or significantly contribute to an increase in morality or an increase in serious irreversible or incapacitation reversible illness; or

2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Sanitary landfill means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, is disposed of on land by placing earth cover thereon.

Wellhead means the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

Section 11.53 Establishment of Wellhead Protection Zone.

There is hereby established a use district known as a wellhead protection zone, identified and described as all the area within a circle the center of which is the center of any city water supply wellhead and the radius of which is 100 feet.

Section 11.54 Permitted Uses.

The following uses shall be permitted within wellhead protection areas:

1. Any use permitted within existing agricultural or single family residential

districts, except that the minimum residential lot size for a lot portion of which lies within the wellhead protection zone shall not be less than one acre; and

2. Any open land use where any building located on the property is incidental and accessory to the primary open land use.

Section 11.55 Prohibited Uses.

The following uses of conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under section 11.54:

1. Surface use or storage of hazardous material, expressly including commercial use of agricultural pesticides;

2. Septic tanks or drain fields appurtenant thereto;

3. Impervious surfaces other than roofs of buildings and street and driveways and walks serving buildings permitted under section 11.54;

4. Sanitary landfills;

5. Hazardous waste disposal sites;

6. Storm water infiltration basins;

7. Underground storage tanks;

8. Sanitary sewer lines within 150 feet of a wellhead.

Section 11.56 Administration.

The policies and procedures for administration of any wellhead protection zone established under this article, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for the city, as the same is presently enacted or may from time to time be amended.

Sections 11.57 - 11.60 Reserved.

ARTICLE V. OUTDOOR WATER USE.

Section 11.61 Definitions

"Address" means the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes a physical location of a specific property. "Even numbered address" means a house number ending with the number 0, 2, 4, 6, 8, or no house number. "Odd numbered address" means a house number ending with the number 1, 3, 5, 7, or 9.

"Declared drought response level" means one of four levels of drought that can be declared based on the severity of drought conditions, with one being the least severe and four being the most severe.

Section 11.62 Outdoor Irrigation during Non-drought Periods

a. Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4:00 P.M. and 10:00 A.M.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

1. Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian productions or as otherwise defined in O.C.G.A. § 1-3-3;

2. Capture and reuse of cooling system condensate or storm water in compliance with applicable ordinances and state guidelines;

3. Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;

4. Use of reclaimed waste water by a designated user from a system permitted by the Environmental Production Division of the Georgia Department of Natural Resources to provide reclaimed waste water;

5. Watering personal food gardens;

6. Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of thirty (30) days

immediately following the date of installation;

7. Drip irrigation or irrigation using soaker hoses;

8. Hand watering with a hose with automatic cutoff or handheld container;

9. Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;

10. Watering horticultural crops held for sale, resale, or installation;

11. Watering athletic fields, golf courses, or public turf grass recreational areas;

12. Installation, maintenance, or calibration of irrigation systems; or

13. Hydroseeding.

b. This section governs outdoor irrigation activities during non-drought periods only. As to the restrictions on all other outdoor watering activities during non-drought periods, the provisions contained in Section 11.63 of Article V, Chapter 11 of the City Code of Ordinances shall govern.

Section 11.63 Outdoor Non-Irrigation Use Schedule During Non-drought Periods

Except as provided in section 11.62 above regarding outdoor irrigation activities, and except as exempted in section 11.65 below, outdoor water use shall occur only as follows:

a. Odd-numbered addresses: outdoor water use is allowed on Tuesday, Thursdays and Sundays.

b. Even-numbered addresses: outdoor water use is allowed on Mondays, Wednesdays and Saturdays.

Section 11.64 Outdoor Water Use Schedule During Declared Drought Response Levels

The City shall enforce Drought Response Levels as declared by the Director of the Environmental Protection Division.

a. *Declared Drought Response Level One.* Outdoor water use may occur on scheduled days within the hours of 12:00 midnight to 10:00 a.m. and 4:00 p.m. to 12:00 midnight.

1. Scheduled days for odd-numbered addresses are Tuesdays, Thursdays and Sundays.

2. Scheduled days for even-numbered addresses are Monday, Wednesdays and Saturdays.

3. Use of hydrants for any purpose other than firefighting, public health, safety or flushing is prohibited.

b. *Declared Drought Response Level Two.* Outdoor water use may occur on scheduled days within the hours of 12:00 midnight to 10:00 a.m.

1. Scheduled days for odd-numbered addresses are Tuesdays, Thursdays and Sundays.

2. Scheduled days for even-numbered addresses and golf course fairways are Mondays, Wednesdays and Saturdays.

3. The following uses are prohibited:

(a) Using hydrants for any purpose other than firefighting, public health, safety or flushing.

(b) Washing hard surfaces, such as streets, gutters, sidewalks and driveways except when necessary for public health and safety.

c. *Declared Drought Response Level Three.* Outdoor water use may occur on the scheduled day within the hours of 12:00 midnight to 10:00 a.m.

1. The scheduled day for odd-numbered addresses is Sunday.

2. The scheduled day for even-numbered addresses and golf course fairways is Saturday.

3. The following uses are prohibited:

(a) Using hydrants for any purpose other than firefighting, public health, safety or flushing.

(b) Washing hard surfaces such as streets, gutters, sidewalks, driveways, except when necessary for public health and safety.

(c) Filling installed swimming pools except when necessary for health care or structural integrity.

(d) Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, golf carts.

(e) Washing buildings or structures except for immediate fire protection.

(f) Non-commercial fund-raisers, such as car washes.

(g) Using water for ornamental purposes, such as fountains, reflecting pools, and waterfalls except when necessary to support aquatic life.

d. *Declared Drought Response Level Four.* No outdoor water use is allowed, other than for activities exempted in section 11.235 below, or as the EPD Director may order.

Section 11.65 Exceptions to the rules in 11.63 and 11.64.

a. The rules set forth in section 11.63 and 11.64 above shall not apply to the following outdoor water uses:

1. Capture and re-use of cooling system condensate or storm water in compliance with applicable local ordinances.

2. Re-use of gray water in compliance with applicable local ordinances.

b. The following established landscape water uses are exempt from the outdoor water use schedules of the rules set forth in section 11.63 and 11.64 above.

1. Use of reclaimed wastewater by a designated user from a system permitted by EPD to provide reclaimed wastewater.

2. Irrigation of personal food gardens.

c. With respect to the rules set forth in section 11.63 and 11.64 above, newly (in place less than 30 days) installed landscapes are subject to the following:

1. Irrigation of newly installed landscapes is allowed any day of the week, but only during allowed hours for the drought response level in effect, for a period of 30 days following installation. No watering is allowed during Drought Response Level Four.

2. For new landscapes installed by certified or licensed professionals, commercial exemptions apply.

d. The following golf course outdoor water uses are exempt from the outdoor water use

schedules of the rules set forth in section 11.63 and 11.64 above:

1. Use of reclaimed wastewater by a designated user from a system permitted by EPD to provide reclaimed wastewater.

2. Irrigation of fairways during times of non-drought and Declared Drought Response Level One.

3. Irrigation of tees during times of non-drought and Declared Drought Response Levels One, Two and Three.

4. Irrigation of greens.

e. The following commercial outdoor water uses are exempt from the outdoor water use schedules of the rules set forth in section 11.63 and 11.64 above:

1. Professionally certified or licensed landscapers, golf course contractors, and sports turf landscapers: during installation and 30 days following installation only. Professional landscapers must be certified or licensed for commercial exemptions to apply.

2. Irrigation contractors: during installation and as needed for proper maintenance and adjustments only.

3. Sod producers.

4. Ornamental growers.

5. Fruit and vegetable growers.

6. Retail garden centers.

7. Hydro-seeding.

8. Power-washing.

9. Construction sites.

10. Producers of food and fiber.

11. Car washes.

12. Other activities essential to daily business.

13. Watering-in of pesticides and herbicides on turf.

Section 11.66. Severability.

The paragraphs, sentences, clauses and phrases of this article are severable. Should any section, paragraph, sentence, clause or phrase of this article be rendered invalid by any Court of law, the remaining paragraphs, sentences, clauses or phrases shall not be affected but shall continue in effect until amended or repealed by the City.

Section 11.67 Enforcement.

a. No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in this article.

b. The City shall be the enforcement authority for this section. The Mayor or City Manager may also authorize other departments as may be deemed necessary to support enforcement.

c. Any violation of this section may also be enforced by a citation or accusation returnable to the Magistrate Court or by any other legal means set forth in this Code of Ordinances.

Sections 11.68 - 11.70 Reserved.

ARTICLE VI. WATER CONSERVATION RESTRICTIONS.

Section 11.71 Definitions.

The following terms whenever used or referred to in this article shall have the respective means ascribed to them, unless a different meaning clearly appears from the context:

Commercial means any type of building other than residential.

Construction means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

Residential means any building or unit of a building intended for occupancy as a dwelling but shall not include a motel or hotel.

Section 11.72 Residential Building Construction Regulations.

No construction may be initiated within the City for any residential building of any type which:

1. Employs a gravity tank-type, flushometer-valve, or flushmeter-tank toilet that uses more than an average of 1.6 gallons of water per flush;

2. Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;

3. Employs a urinal that uses more than an average of 1.0 gallon of water per flush;

4. Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or

5. Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

Section 11.73 Commercial Building Construction Regulations.

There shall be no construction of any commercial building initiated within the City for any commercial building of any type which does not meet the requirements of Section 11.72 of this article.

Section 11.74 Applicability.

The requirements of Section 11.72 of this article shall apply to any residential construction and to any commercial construction which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

Section 11.75 Exemptions.

a. New construction and the repair or renovation of an existing building shall be exempt from the requirements of Sections 11.72, 11.73, and 11.74 of this article when:

1. The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets, or showerheads within such existing buildings; or

2. The plumbing or sewage system within such existing building, because of its capacity, design, or installation, would not function properly if the toilets, faucets, or showerheads required by this article were installed; or

3. Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal resident; or

4. Units to be installed are:

   (a) Specifically designed for use by the handicapped;

   (b) Specifically designed to withstand unusual abuse or installation in a penal institution; or

   (c) Toilets for juveniles.

b. The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subparagraphs 2, 3, and 4 of this section shall obtain the exemption by applying at the office of the City Clerk of the City of Blakely. The applicant shall submit written certification from a licensed plumber setting forth the basis for such exemption.

Section 11.76 Enforcement; Penalty.

a. This article shall be enforced by the office of the building inspectors of the City. Citations for violation may be issued by the chief building inspector of the City.

b. Any person, corporation, partnership, or other entity violating this article shall be tried before the Municipal Court of the City of Blakely. Upon conviction, a violation of this article may be punished by a fine not to exceed $1,000 and/or imprisonment not to exceed 180 days.

Sections 11.77 - 11.80 Reserved.

ARTICLE VII. SEWER SERVICE.

Division 1. Generally.

Sections 11.81 - 11.90 Reserved.

Division 2. Sewer Use.

Section 11.91 Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Garbage means solid wastes from the preparation, cooking, and disposing of food, and from the handling, storage, and sale of produce.

Industrial wastes means the liquid wastes from industrial processes as distinct from sanitary sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

pH means the logarithm of the reciprocal of the hydrogen ion concentration in grams per liter.

Properly shredded garbage means the waste from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Sanitary sewer means a sewer which carries sewage and to which storm water, surface water, and groundwater are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and storm water as may be present.

Sewage treatment plant means any arrangement of devices and structures or lagoons used for treating sewage presently owned or afterward acquired by the City.

Sewage works means all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Storm sewer and *storm drain* mean a sewer which carries storm water and surface water and drainage, but excludes sewage and polluted industrial wastes.

Superintendent means the superintendent of utilities or his authorized deputy, agent, or representative, as designated by the City Council.

Suspended solids mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Section 11.92 General Regulations.

a. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

b. It shall be unlawful for any person to discharge or cause to be discharged to any natural outlet within the City, or in any area under the jurisdiction of the City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this division.

c. Except as otherwise provided in this division, it shall be unlawful for any person to construct or maintain, or cause to be constructed or maintained, any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal or sewage.

d. It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which

is a part of the municipal sewage works.

Section 11.93 Connection to public sewers.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes within the corporate limits of this City and located within 250 feet of a line of public sanitary sewer now in existence or hereafter constructed to which such house, building, or property may be connected so that sewage will flow therefrom and into such sewer line by gravity, is hereby required at his or her own expense to install suitable toilet facilities therein and to connect such facilities directly with the line of public sanitary sewer in accordance with the provisions of this chapter immediately.

Section 11.94 Private Sewage Disposal.

a Where a public sanitary sewer is not available under the provision of Section 11.93 above, the building sewer shall be connected to a private sewage disposal system complying with the provision of this section.

b. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Public Works Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Public Works Superintendent. A permit and the inspection fee as fixed from time to time by the City Council shall be paid to the City at the time the application is filed.

c. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Public Works Superintendent. He shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Public Works Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.

d. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Natural Resources. No permit shall be issued for any private sewage disposal system employment subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank shall be permitted to discharge to any public sewer or natural outlet.

e. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 11.93, a direct connection shall be made to the public sewer in compliance with this division, and any septic tanks and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

f. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

g. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State Department of Natural Resources.

Section 11.95 Building sewers and connections.

a. *Permit required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or its appurtenances without first obtaining a written permit from the superintendent.

b. *Permit classes.* There shall be two classes of building sewer permits:

1. For residential and commercial service; and

2. For service to establishments producing industrial wastes.

In either case, the owner or his or her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

c. *Costs and expenses.* All cost and expense incident to the connection of the building sewer from the owner's building to the municipal property line shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the connection of the building sewer. Any connection from the municipal property line into the public sewer shall be made by the City, for which the owner shall pay a sewer tap fee as fixed from time to time by the City Council.

d. *Separate sewer for each building required; exception.* A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

e. *Old sewer use.* Old building sewers may be used in connection with new buildings when they are found, on examination and test by the superintendent, to meet all requirements of this division.

f. *Materials.* The building sewer shall be cast iron pipe; plastic pipe, ASTM Specifications A74; vitrified clay sewer pipe, ASTM Specifications C13; or concrete sewer pipe, ASTM Specifications C14. Joints shall be tight and water proof. Any part of the building sewer that is located within 10 feet of a water service shall be constructed of cast iron soil pipe with leaded

joints. Cast iron pipe with leaded joints may be required by the superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle, as approved by the superintendent.

g. Size and shape. The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth of an inch per foot.

h. *Elevation*. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.

i. *Lifting of sewage*. In all buildings in which any building drain is too low to perform gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

j. *Excavations; pipelaying and backfill*. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipelaying and backfill shall be performed in accordance with ASTM Specifications C12; except that no backfill shall be placed until the work has been inspected.

k. *Joints and connections.* All joints and connections shall be made gas tight and watertight and shall conform to regulations and requirements of the City, as adopted and amended from time to time.

l. *Connection of building sewer to public sewer*. The connection of the building sewer into the public sewer shall be made at the Y branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located Y is available, a net hole may be cut into the public sewer to receive the building sewer, which entry shall be in the downstream direction at an angle of about 45 degrees. A 45 degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent.

m. *Readiness for inspection*. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer.

n. *Guarding of excavations restoration of public property.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public

from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 11.96 Discharges into public sewers.

a. *Unpolluted waters*. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

b. Use of storm sewers. Storm water and all other polluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged upon approval of the superintendent, or a storm sewer or natural outlet.

c. Prohibited discharges. Except as provided in this section, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer.

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

2. Any water or waste which may contain more than 100 milligrams per liter of fat, oil, or greases.

3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

4. Any garbage that has not been properly shredded.

5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant. The fixed upper limits for the constituents listed as follows, in parts per million, shall be:

(a) Cadmium 0.02

(b)	Chromium	1.0
(c)	Copper	1.0
(d)	Cyanide	0.2
(e)	Nickel	1.0
(f)	Silver	1.0
(g)	Lead	.01
(h)	Zinc	3.0
(i)	Phenol	0.05
(j)	Arsenic	0.05

8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

d. *Grease, oil, and sand interceptors.* Grease, oil, and sand interceptors shall be provided when in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gas tight and watertight. When installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

e. *Discharges subject to review*. The admission into the public sewers of any water or wastes having a five-day biochemical oxygen demand greater than 300 milligrams per liter, containing more than 350 milligrams per liter of suspended solids, containing any quantity of substance having the characteristics described in subsection (c) of this section, or having an average daily flow greater than two percent of the average daily sewage flow of the City, shall be subject to the review and approval of the superintendent.

f. *Preliminary treatment facilities.* Where necessary in the opinion of the

superintendent, the owner shall provide at his expense such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 milligrams per liter and the suspended solids to 350 milligrams per liter, reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection (c) of this section, or control the quantities and rates of discharge of such water or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be commenced until such approval is obtained in writing.

g. *Maintenance of treatment facilities*. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his or her expense.

h. *Control manhole*. When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and the owner at his expense shall maintain the manhole so as to be safe and accessible at all times.

i. *Measurements, tests, and analysis; standards.* All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in subsections (c), (e), and (f) of this section shall be determined in accordance with the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation, and shall be determined at the control manhole provided in subsection (h) of this section, or upon suitable samples taken at such control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

j. *Special arrangements*. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.

Section 11.97 Power and Authority of Inspectors.

The Superintendent and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter upon all properties at all reasonable hours for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this division.

Section 11.98 Penalties for Violation of Division.

Any person found to be violating any provision of this division shall be served by the City

with written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in such notice, permanently cease all violations; and if he or she does not do so, such offender shall be punished as provided in Section 1.8 of this Code.

Sections11.99 - 11.100 Reserved.

ARTICLE VIII. GAS.

Section 11.101 Definitions.

CIAC - a non-refundable cash contribution in aid of construction made by a customer to the City to defray the cost of construction of excess facilities installed by the City to provide service to that customer.

City equipment - any piping, mains, gas service lines, meters, meter assemblies, regulating or other equipment of whatever nature owned by the City of Blakely, including any equipment located downstream of the delivery point.

Customer equipment - any piping, appliances, gas burning devices, regulating or other gas delivery equipment located downstream of the delivery point.

Delivery point - the physical point in the gas delivery system where the customer's equipment meets the outlet of the City's meter assembly.

Excess facilities - Gas service lines and mains in excess of 100 feet. Also, City equipment required to supply service from a high pressure (above 60 pounds per square inch gauge) main.

Feasibility test - an economic test to be performed by the City whereby the net present value (N.V.) of the cost of certain facilities is compared to the anticipated N.V. of the revenue to be received by the City from service through those same facilities.

Gas - undiluted natural gas, or a substitute for natural gas, or a mixture of natural gas and a substitute for natural gas, thereof, as delivered by the City.

Gas service line - the pipeline owned by the City that runs between a main and customer's meter.

Main - a gas pipeline, other than a gas service line owned by the City, which is used for the purpose of transmission or distribution of gas.

Meter or *meter assembly* - any of the City's meters, regulators, piping, valves, vents, relief valves, gauges, and/or apparatus, including remote meter reading devices, required to measure and control flow or pressure of gas.

Person - an individual, partnership, corporation, trust, governmental agency, or other association.

Premises - the land or real estate, including buildings and other appurtenances thereon, where a customer receives services.

Service - the delivery, and all other activities incidental to the delivery, of gas by the City to

a customer at its delivery point.

Service agreement - the City's standard natural gas service application and all subsequent modifications adopted by the City.

Section 11.102 Application.

a. Service will be supplied pursuant to the City's standard service agreement under the applicable rate schedule(s) and the rules and regulations contained herein. Except as provided in the following paragraph, the City shall not be required to supply service unless and until such service agreement has been executed by the customer and the City.

b. When no charges for excess facilities are involved, an applicant's application for service and the City's acceptance may be verbal. In such event, the applicable rate schedule(s), the terms of the standard service agreement, and these rules and regulations shall be effective and binding on the City and the customer as of the date the City first provides service to customer. In the absence of an executed service agreement or other written agreement, such a verbal agreement shall be conclusively presumed to exist if gas supplied by the City is used by the customer or on the customer's premises.

Section 11.103 Interruptions of Service; Action to Maintain System Integrity; Special Conditions.

a. **Interruptions.** The City shall make reasonable efforts to avoid interruptions of service. When interruptions occur for any reason, the City shall restore service within the shortest time practical under the conditions. The City shall not be liable, in any manner to the customer or any other person, for any loss or damage resulting from such failure or interruptions of service.

b. **Action to maintain system integrity.** When the City, in its sole discretion, determines that it is necessary to curtail or interrupt service to maintain the integrity of its system or to provide for its or the public's safety, the City shall have the right to curtail or interrupt delivery of gas to any customer.

c. **Emergency uses.** It is expressly understood and agreed that the City does not furnish uninterruptible service for pumping water, emergency power generation, or any other emergency use. In the event a customer uses gas for emergency uses, the customer, at all times, shall maintain a standby supply of energy so that it will not be necessary to rely on gas during a time of emergency. The City shall not be liable, in any event, to any customer, any inhabitants of any municipal customer, or any person, for any loss or injury of or to property or persons occasioned by, or resulting directly from, the failure of any fire protection or other emergency apparatus to operate, whether said failure shall be due to the act of omission of the City or otherwise.

d. **Special conditions.** The following conditions are applicable to large interruptible commercial and industrial service. Any large interruptible commercial and industrial service

customer agrees to have and to maintain complete standby fuel and equipment available and agrees to use it whenever necessary. The City shall not be liable, in any manner to the customer or any other person, for any failure, in whole or in part, temporary or permanent, to deliver gas under any of the foregoing services.

Section 11.104 Pressure.

The City will generally supply natural gas at a pressure of approximately 0.25 pounds per square inch gauge ("psig"). The City and the customer, however, may mutually agree upon a higher pressure at which gas shall be delivered. In no event shall the City be required to furnish gas to the customer at a pressure exceeding two psig for residential service, or five psig for all other classes of service, except to the extent that the City has agreed to do so by written agreement.

Section 11.105 Relocation of City Meters and Equipment.

The City may change the location of facilities and rights-of-ways upon customer's request, but the customer must bear the expense of the change; provided, however, no change will be made where it will interfere with or jeopardize City's service, either to the customer requesting the change or to any other customer(s). All privileges of the City incident to the original location shall apply to the new location. When a meter is relocated at the City's option, all expense in connection with such change shall be borne by the City. If the relocation is made at the customer's request, all expense will be borne by the customer.

Section 11.106 Possession of Gas.

The customer agrees that the City is responsible only for the gas service to the delivery point to the customer, and the City shall not be liable to customer or any of customer's agents, servants, or employees, or to any person whomever, for any loss, damage, of injury to any person or property resulting from the said gas or its use after it leaves said delivery point. Customer agrees that customer shall assume all such risks downstream of the point of delivery, except when caused by the exclusive negligence or willful acts of the employees of the City.

Furthermore, the City shall not be responsible for the transmission, use, or control of gas beyond the delivery point. The City shall not be liable for any loss, damage, or injury to person or property whatsoever, accruing or resulting in any manner, from the receipt, use, or discontinuance of the use of the gas beyond the delivery point, defective customer equipment, or any cause not resulting from the direct, exclusive negligence or willful acts of the City.

Section 11.107 Reports of Leaks.

Customer shall give immediate notice to the City when any leakage of gas is discovered. Customer agrees not to use any light of any character, or other igniting medium, in the proximity of escaping gas, or to do, or suffer to be done, any act which would ignite such gas, and to shut off the flow of gas immediately. The City shall not be liable for any leakage of gas, or any damage or

loss arising out of, or caused by, and leakage of gas, except when due to the exclusive negligence or willful acts of the employees of the City.

Section 11.108 Extension of Service.

a. The City will extend mains in streets that are at an established final grade for distances up to 100 feet without charge to the customer. If a main extension exceeds 100 feet, the City will perform a feasibility test and may require a CIAC to reimburse the City for the cost of any main extension in excess of 100 feet and any other excess facilities necessary to extend service in the event the anticipated revenue does not produce a reasonable return on the total cost of such excess facilities.

b. The City will install up to 100 feet of gas service line (measured from the premises' property line to the meter on the customer's premises) at no charge. For installations requiring more than 100 feet of gas service line, the City may require the customer to pay a CIAC.

c. Notwithstanding the above, if facilities in addition to a simple main extension and service line are required, the City will perform a feasibility test to determine whether or not these facilities will require the customer to pay a CIAC.

d. A CIAC may be required for facilities located at a point other than that selected by the City or deviating from the route selected by the City.

At any time a feasibility test is required, the City shall also calculate the estimated cost of (1) the main in excess of the 100 feet of main for which no CIAC is required and (2) the service line in excess of the 100 feet of service line for which no CIAC is required for new customers occupying existing structures. (For proposed new subdivisions, the allowances for extensions of mains and service lines should be considered only for existing structures that plan to use gas at the time the main is to be extended.) Any CIAC shall be the lessor or (1) the CIAC calculated in the feasibility test or (2) the full cost of extending the lines beyond the initial allowances of 100 feet of main and service line. The aforementioned feasibility test shall include all costs directly associated with the service extension. The City may waive this requirement at its discretion on a case by case basis.

e. Notwithstanding paragraphs, (a), (b), and (g) of this section, the City will perform a feasibility test to determine whether or not these additional facilities will require the customer to pay a CIAC.

f. A CIAC may be required for facilities located at a point other than that selected by the City or deviating from the route selected by the City.

g. At any time a feasibility test is required, the City shall also calculate the estimated cost of (1) the main in excess of the 100 feet of main for which no CIAC is required and (2) the service line in excess of the 100 feet of service line for which no CIAC is required for new customers occupying existing structures. (For proposed new subdivision, the allowances for extensions of

mains and service lines should be considered only for existing structures that plan to use gas at the time the main is to be extended.) Any CIAC shall be the lesser of (1) the CIAC calculated in the feasibility test or (2) the full cost of extending the lines beyond the initial allowances of 100 feet of main and service line. The aforementioned feasibility test shall include all costs directly associated with the service extension. The City may waive this requirement at its discretion on a case by case basis.

h. Notwithstanding paragraphs (a), (b), and (g) of this section, the City will perform a feasibility test to determine whether a CIAC is required for all extension of service when the customer's request for service does not include the use of gas for either central space heating or water heating.

Section 11.109 Farm Tap Service.

a. Whenever an applicant requests service which can only be supplied from a high pressure (above 60 pounds per square inch gauge) main, the City, subject to the results of a feasibility test, may tap the main, install regulating equipment, and extend its facilities to the delivery point on the customer's premises. The customer will provide the City with all necessary rights-of-way on its premises at no expense to the City. Whether a CIAC is required of the customer prior to the installation of such facilities will be determined by the results of the feasibility test.

b. For a farm tap customer, a feasibility test shall be performed which includes all costs less an allowance for the cost of (i) the actual feet of main required to serve the customer, not to exceed 100 feet, (ii) the actual feet of service required to serve the customer, not to exceed 100 feet, and (iii) the actual number of meter set(s).

c. Charges for service will be billed on the applicable City rate schedule. All other terms and conditions of the applicable City rate schedule(s) apply to customers using farm tap service.

d. Any customer receiving service as the result of the installation of a farm tap customer shall furnish to the City, at all times and at no cost to the City, a satisfactory and lawful right-of-way through its premises for the City's equipment necessary or incidental to the furnishing of service and shall execute a written right-of-way agreement. The customer may make full use and enjoyment of the lands and premises included within the right-of-way granted by this paragraph in any manner not inconsistent with the use and purposes of said land and premises by the City; provided, however, that the customer, its heirs, successors, and assigns, shall not construct nor permit to be constructed any house, structure, or obstruction; nor impound nor permit to be impounded any water on or over the right-of-way; and the customer, its heirs, successors, and assigns, further agree that the customer and its heirs, successors, and assigns will not change the grade over the pipeline or pipelines in any manner which will reduce the depth of said pipeline or pipelines.

Section 11.110 Customer's Equipment.

a. An applicant or customer shall give the City notice prior to installing any customer equipment (including any equipment which may increase the customer's load) in the premises to enable the City to ascertain the feasibility of providing service to such equipment. The City shall provide information concerning the availability of service (including whether the City can service the increased load), delivery pressure, meter location, and other information which may be pertinent to the installation.

b. The customer's equipment must be installed and maintained in accordance with approved installation standards and the requirements of applicable local, state, and federal agencies. All customer equipment shall be maintained by and be the sole responsibility of the customer and/or owner of the premises.

c. If the customer's equipment might create a vacuum, back pressure, or any other condition which in the City's sole opinion could cause operating difficulties on the City's system, a device meeting City's specifications must be installed and maintained by the customer, at its sole expense, to protect fully and completely the City's system.

Section 11.111 Requests to Increase Load.

Residential customers receiving service will be permitted to increase their residential gas loads at the same premises without the consent of the City. All other customers shall make a request to the City before increasing their gas loads and before changing the purpose for which they use gas. The request will be in writing and will specify, at a minimum, the name of the customer, type of service needed, estimated monthly gas consumption, and the date needed. If, in the City's sole opinion, it has the capability to provide the additional or changed gas service without interfering with its ability to provide service to its other customers, the City will permit the customer to increase customer's load or to change the purpose for which the customer uses gas. A CIAC may be required depending on the nature of the request.

Section 11.112 Excavation near the City's Facilities.

The customer shall inform the City of any excavation activities near the City's equipment located on the customer's premises by calling the Utilities Director at least 48 hours in advance of such activities. The customer will give a similar notice to the City prior to any additions or changes in customer's premises which will extend over, under, or near the City's equipment. Any damages incurred or losses of gas resulting from any such activity shall be billed to the customer.

Section 11.113 Prohibition Against Resale of Gas.

The customer shall not directly or indirectly sell, resell, assign, or otherwise transfer gas to any person unless such transfer is pursuant to a contract or franchise acceptable to the City.

Section 11.114 Unavoidable Cessation of Consumption.

In the event the customer's premises are destroyed or the operation of its facilities is shut down due to causes beyond the customer's control resulting in a complete cessation of the use of service, then upon written notice to the City advising that the customer has ceased operation for the reasons set forth above, which reasons for the complete cessation of the use of service shall be specifically described and intends to resume service as soon as possible, any customer charge, minimum charge, or guarantee for which the customer may be held liable may be waived, in the sole discretion of the City, during the period of such cessation. To be effective, such notice must be received by the City within 10 days of the occurrence of the cessation**.**

Sections 11.115 - 11.120 Reserved.

ARTICLE IX. ELECTRIC SYSTEM.

Section 11.121 Power Plant or Equipment, Interfering with or Molesting Prohibited.

It shall be unlawful for any unauthorized person to interfere with or molest in any way the City's power plant, substations, poles, lines, or other equipment installed, either on the public rights-of-way or on private property. The term "interfere with" shall include the climbing of utility poles or the attaching of anything to such poles, line, or equipment.

Section 11.122 Point of Connection and Delivery.

The City will extend service, at no cost to the customer, to the nearest point of attachment on the customer's premises. All wiring beyond this point of delivery shall be installed and maintained by the customer. Customers desiring a special point of delivery from the City's system must bear the excess cost incident thereto.

Section 11.123 Temporary Service.

Customers requiring electric service on a temporary basis may be required by the city to pay all costs for connection and disconnection incidental to the supplying and removing of service equipment. This rule applies to circuses, carnivals, fairs, temporary construction cut-ins and all similar installations. The utilities department reserves the right to refuse to tie in to equipment or users where such facilities fail to meet the requirements of safety and in all instances shall require a "hold harmless" agreement with insurance protection with reference to such tie-ins.

Section 11.124 Customer Service Call, Charges for Same.

The City will not charge for disconnects or reconnects made in the normal course of business. However, a service share may be made for any such calls made nights, weekends, or holidays, if made strictly for the customer's convenience and if such calls represent no failure or fault on the part of the City.

Section 11.125 Rate Schedules.

The following schedules are applicable to the service furnished by the electric system. Rates and charges are on file in the office of the City Clerk and the administrative offices of the utilities department:

a. Electric residential service.

1. Applicability. For all domestic uses of a residential customer in a separately metered single-family dwelling unit.

2. Character of service. Power normally supplied under this rate will be

115/230 volts, single phase, 60 hertz. Three-phase service may be furnished, where available, if the largest motor is not less than 5 hp. Motor starting currents must conform to City requirements.

3. Valuable cost adjustment. All bills shall be increased or decreased in an amount per kwh equal to the fuel cost per kwh of bulk power as determined by MEAG.

4. Multiple service. Where it is impractical to separately meter each unit, two or more dwelling units may be served through a single meter. Where this is done, each kwh block in the monthly rate will be multiplied by the number of separate dwelling units so served.

b. Security lighting.

1. Availability. To property owners where the low voltage distribution lines of the City are within 500 feet. Service may be made available to tenants in accordance with the terms of the contract period.

2. Applicability. Applicable to security lighting on customer property by means of high pressure sodium luminaries supported by short brackets mounted on (i) wood poles in the City's existing distribution system or extension from this system, or (ii) poles owned by the customer, conforming to standard specifications and mutually satisfactory to both the customer and the City. In all cases, the luminary, bracket, and control equipment shall be installed, owned, and maintained by the City. Where the use of poles other than wood is desired by the customer, he shall install, own, and maintain the underground conductors and the risers up the poles. Security lighting service will be provided only at locations which are accessible to City trucks for servicing purposes. Original locations of lighting fixtures shall be by mutual agreement, and any relocation requested by owner after installation is in operation shall be made at owner's expense.

Existing vapor luminaries will only be maintained by replacement or bulbs or photo-electric cells. Any maintenance requirement beyond bulb and photo-electric cell replacement will result in the removal of the mercury vapor fixture and the installation of a comparable (lumen output) high pressure sodium vapor fixture.

Maintenance will be performed as soon as can reasonably be done after notification of the City by the customer that service has been interrupted. Maintenance will be done during regular working hours.

3. Contract period: Three years.

Contract may be canceled by either party on 60 days' written notice.

However, should the customer cancel the contract during the first 36 months, he or she shall pay to the City to cover the unamoritized cost of installation and removal, a sum equal to $1.25 per luminary, per month for each month remaining in the original 36 month period. Tenants wishing to contract for this service may be required to make a deposit of $25.00 per lamp. Such deposit, if required, will be returned on request at the end of the original 36 month contract period.

c. Electric general service.

1. Applicability. To any general service, commercial, or industrial customer for all electric service of one standard voltage, delivery and metered at one point. Service to two or more premises shall not be combined nor shall service hereunder be shared with others. Service hereunder shall not be resold except as specifically provided elsewhere in this schedule.

2. Type of service. Single or three-phase, 60 hertz, at a standard voltage.

3. Determination of demand. The billing demand shall be based on the highest 30 minute kw measurements during the current month and the preceding 11 months. For the billing months of July through October, the billing demand shall be the greatest of (i) the current actual demand or (ii) 95 percent of the highest actual demand occurring on any previous applicable winter month (November through June). For the billing months of November through June, the billing demand shall be the greater of (i) 95 percent of the highest summer month (July through October) or (ii) 60 percent of the highest winter month (including the current month). In no case shall the billing demand be less than the contract minimum nor less than 5 kw.

4. Special applicability.

(a) Non-demand service. Any customer receiving electric service at one point and metered at or compensated to that voltage who uses less than 3,000 kwh monthly and having a maximum 30-minute measured demand of less than 30 kw is not subject to the billing demand in the minimum monthly bill provision in this schedule.

(b) Unmetered service. Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the above monthly rate.

5. Term of contract. Not less than one year up to and including 500 kw

maximum anticipated 30-minute kw nor less than 5 years over 500 kw maximum anticipated 30-minute kw.

6. Transformer substations. Specification of primary or secondary metering shall be at the City's option. The City will own, operate, and maintain the transformer substation where a single standard secondary voltage is used and only one transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing, and requires more than one transformer station to serve separate loads, all necessary transformer stations shall be owned, operated, and maintained by the customer.

7. Delivery point to major supplier. The City may elect to sell power under this rate to a major power supplier when supplier has requested a power delivery point.

d. Electric temporary/seasonal service.

1. Applicability. To temporary or seasonal service. "Temporary service" is defined as service rendered to a transient customer for a single short term of less than five months duration. A "seasonal customer" is defined as a customer with a recurring seasonal pattern of service requirements whether permanently or not permanently connected. A temporary or seasonal customer may elect at his option to contract for service at a regular applicable rate when it appears that his total bill thereunder including all charges, minimums, and guarantees incident to an annual contract will be less than under this schedule. However, contracting for service at a regular rate does not exempt this type customer from paying any applicable connection charges.

2. Type of service. Single or three-phase, 60 hertz, at a standard voltage.

3. Determination of demand. The maximum billing demand shall be based on the highest 30-minute kw measurements during the current month and the preceding 11 months. For the usage months of June through September, the maximum billing demand shall be the greatest of (i) the current actual demand or (ii) 95 percent of the highest actual demand occurring in any previous applicable summer month or (iii) 60 percent of the highest actual demand occurring in any previous applicable winter month (October through May). For the usage months of October through May, the maximum billing demand shall be the greater of (i) 95 percent of the highest summer month (June through September) or (ii) 60 percent of the highest winter month (including the current month). In no case shall the maximum billing demand be less than the contract minimum nor less than 5 kw. The on-peak billing

demand will be that average monthly demand that occurs between the hours of 6:00 p.m. and 7:00 p.m. (EST or EDT) Monday through Friday.

4. Special applicability.

   (a) Non-demand service. Any customer receiving electric service at one point and metered at or compensated to that voltage who uses less than 3,000 kwh monthly and has a maximum 30-minute measured demand of less than 30 kw is not subject to the billing demand in the minimum monthly bill provisions in this schedule.

   (b) Unmetered service. Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the above monthly rate.

5. Term of contract. Not less than one year up to and including 500 kw maximum anticipated 30-minute kw, nor less than 5 years over 500 kw maximum anticipated 30-minute kw.

6. Transformer substations. Specification of primary or secondary metering shall be at the City's option. The City will own, operate, and maintain the transformer substation where a single standard secondary voltage is used and only one transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing and requires more than one transformer station to service separate loads, all necessary transformer stations shall be owned, operated, and maintained by the customer.

7. Delivery point to major supplier. The City may elect to sell power under this rate to a major power supplier when such supplier has requested a power delivery point.

f. Agricultural seasonal service.

1. Applicability. To any general service, commercial or industrial customer for all electric service of one standard voltage, delivery and metered at one point that also qualifies as an agricultural seasonal customer as described herein. An agricultural seasonal customer operates primarily during non-electrical peak months (September through June) setting operational demands considerably in excess of the nonoperational demand. Service to two or more premises shall not be combined, nor shall service thereunder be shared with others. Service thereunder shall not be resold except as specifically provided elsewhere in this schedule.

2. Type of service. Single or three phase, 60 hertz, at a standard voltage.

3. Determination of demand. The billing demand shall be based on the highest 30-minute kw measurements during the current month and the preceding 11

months. For the billing months of July through October, the billing demand shall be the greatest of one (i) the current actual demand, or (ii) 95 percent of the highest actual demand occurring in any previous applicable summer month, or (iii) 60 percent of the highest actual demand occurring in any previous applicable winter month (November through June). For the billing months of November through June, the billing demand shall be the greater of (i) 95 percent of the highest summer month (July through October), or (ii) 60 percent of the highest winter month (including the current month). In no case shall the billing demand be less than the contract minimum nor less than 5 kw.

4. Special applicability.

   (a) Non-demand service. Any customer receiving electric service at one point and metered at or compensated to that voltage who uses less than 3,000 kwh monthly and having a maximum 30-minute measured demand of less than 30 kw is not subject to the billing demand in the minimum monthly bill provision in this schedule.

   (b) Unmetered service. Where the installation of metering equipment is impractical or installed equipment fails, monthly kwh may be estimated by the City and billed at the above monthly rate.

5. Term of contract. Not less than one year up to and including 600 kw maximum anticipated 30-minute kw, nor less than five years over 500 kw maximum anticipated 30-minute kw.

6. Transformer substations. Specification of primary or secondary metering shall be at the City's option. The City will own, operate, and maintain the transformer substation where a single standard secondary voltage is used and only one transformer is required.

   Where the customer purchases service at primary voltage in order to obtain consolidated billing, and required more than one transformer stations to serve separate loads, all necessary transformer stations shall be owned, operated, and maintained by the customer.

7. Delivery point to major supplier. The City may elect to sell power under this

rate to a major power supplier when such supplier has requested a power delivery point.

g. Electric high demand service.

1. Applicability. To customers with a demand of 5,000 kw during 8 out of 12 consecutive calendar months. This rate shall be applicable for all electric service of one standard voltage delivered and metered at one point. Service to two or more premises shall not be combined nor shall service hereunder be shared with others. Service hereunder shall not be resold except as specifically provided elsewhere in this schedule.

2. Type of service. Single or three -phase, 60 hertz, at a standard voltage.

3. Determination of demand. The billing demand shall be based on the highest 30-minute kw measurements during the current month and the preceding 11 months. For the billing months of July through October, the billing demand shall be the greatest of (i) the current actual demand or (ii) 95 percent of the highest actual demand occurring in any previous applicable summer month, or (iii) 60 percent of the highest actual demand occurring on any previous applicable winter month (November through June). For the billing months of November through June, the billing demand shall be the greater of (I) 95 percent of the highest summer month (July through October) or (ii) 60 percent of the highest winter month (including the current month). In no case shall the billing demand be less than the contract minimum nor less than 5 kw.

4. Term of contract. Not less than 10 years.

5. Transformer substations. Specification of primary or secondary metering shall be at the City's option. The City will own, operate, and maintain the transformer substation where a single standard secondary voltage is used and only one transformer is required. Where the customer purchases service at primary voltage in order to obtain consolidated billing, and requires more than one transformer station to serve separate loads, all necessary transformer stations shall be owned, operated, and maintained by the customer.

6. Delivery point to major supplier. The City may elect to sell power under this rate to a major power supplier when such supplier has requested a power delivery point.

Section 11.126 Removal, Disconnection, or Alteration of Load Management Device.

a. It shall be unlawful to remove, disconnect, alter, or otherwise cause faulty operation of any load management device installed by or on behalf of the utilities department within the City and on premises served by the City's electrical distribution system except as provided elsewhere in this section.

b. The owner of any apparatus having a City load management device installed may contact the utilities department in writing or by phone during business hours and request removal of the load management device, and it shall be promptly removed by the City.

c. Emergency service work on equipped apparatuses requiring removal or disconnection of the load management device by licensed electrical or heating and a/c contractors shall be allowed providing that the contractor shall protect the City's device and shall notify the City utilities department within 24 hours of any disconnect or removal.

d. Any farm currently under contract to the City to service and/or install load management devices shall be exempt from the provisions of this section while acting on the City's behalf.

e. Violation of the provisions of this section by holders of licenses granted by the City shall be cause for immediate revocation of the license.

f. The penalty for violation of this section shall not exceed a fee of $750, imprisonment for 60 days, and revocation of a firm's electrical and/or heating and cooling license.

Sections 11.127 - 11.130 Reserved.

ARTICLE X. UNDERGROUND UTILITY DAMAGE PREVENTION.

Section 11.131 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

Damage includes the substantial weakening of structural or lateral support of an underground utility, penetration or destruction of any protective coating, housing or other protective device of an underground utility, and the partial or complete severance of an underground utility**.**

Demolish or *demolition* means any operation by which a structure or mass of material is wrecked, razed or rendered, moved or removed by means of any tools, equipment or discharge of explosives.

Excavate or *excavation* means an operation for the purpose of the movement or removal of earth, rock, or other materials in or on the ground by use of mechanized equipment or by discharge of explosives, and including augering, backfilling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling, but not including the tilling of soil for agricultural purposes.

Mechanized equipment means equipment operated by means of mechanical power including trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows and other equipment used for plowing-in or pulling-in cable or pipe.

Operator means any city or utility commission who owns or operates a utility.

Utility means any line, system or facility used for producing, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam or sewerage.

Working day means every day, except Saturday, Sunday and national and legal state holidays.

Section 11.132 Excavation and Demolition Permits.

A permit issued pursuant to law authorizing excavation or demolition operations shall not be deemed to relieve a person from the responsibility for complying with the provisions of this article.

Section 11.133 Excavation and Demolition Prohibition.

Except as provided in section 11.136, no person may excavate in a street, highway, public space, a private easement of an operator, or near the location of a utility installed on the premises of

a customer served by such utility, or demolish a building without having first ascertained in the manner prescribed in sections 11.134 and 11.135 the location of all underground utilities in the area that would be affected by the proposed excavation or demolition. Each operator shall maintain a list of all underground utilities and plants or maps showing their location.

Section 11.134 Notice of Intent to Excavate or Demolish.

a. Except as provided in section 11.136, before commencing any excavation or demolition operation designated in section 11.133, each person responsible for such excavation or demolition shall serve written or telephonic notice of intent to excavate or demolish at least three, but not more than ten full working days before the operation begins:

1. On each operator (city engineer, or Utilities Director) which has a list required by section 11.133 indicating that is has underground utilities located in the proposed area of excavation or demolition; or

2. Where demolition of a building is proposed, operators shall be given reasonable time to remove or protect their utilities before demolition of the building is commenced.

b. The written or telephonic notice required by subsection (a) of this section must contain the name, address, and telephone number of the person filing the notice of intent, and, if different, the person responsible for the excavation or demolition, the starting date, anticipated duration, and type of excavation or demolition operation to be conducted, the location of the proposed excavation or demolition and whether or not explosives are to be used.

c. If the notification required by this section is made by telephone, an adequate record of such notification shall be maintained by the operators, gas superintendent and/or Utilities Director notified to document compliance with the requirements of this article.

Section 11.135 Response to Notice of Intent to Excavate or Demolish.

a. Each operator or designated representative notified in accordance with section 11.134 shall, not less than two working days in advance of the proposed excavation or demolition, unless a shorter period is provided by agreement between the person responsible for the excavation or demolition and the operator or designated representative, supply, by use of maps when appropriate, the following information to the person responsible for the excavation or demolition:

1. The approximate location and description of all of its underground utilities which may be damaged as a result of the excavation or demolition.

2. The location and description of all utility markers indicating the approximate location of the underground utilities; and

3. Any other information that would assist that person in locating and thereby avoiding damage to the underground utilities, including the provision of adequate temporary markings indicating the approximate location of the underground utility in locations where permanent utility markers do not exist.

b. For the purposes of this section, the approximate location of underground utilities is defined as a strip of land at least three feet wide but not wider than the width of the utility, plus 1 ½ feet on either side of the utility.

Section 11.136 Emergency Excavation or Demolition.

Compliance with the notice requirements of section 11.134 is not required of persons responsible for emergency excavation or demolition to ameliorate an imminent danger to life, health, or property, provided, however, that such persons give, as soon as practicable, oral notice of the emergency excavation or demolition to each operator having underground utilities located in the area where such excavation or demolition is to be performed and requests emergency assistance from each operator so identified in locating and providing immediate protection to its underground utilities. An imminent danger to life, health, or property exists whenever there is a substantial likelihood that loss of life, health, or property will result before the procedures under sections 11.134 and 11.135 can be fully complied with.

Section 11.137 Precautions to Avoid Damage.

In addition to the notification requirements of section 11.134, each person responsible for any excavation or demolition operation designated in section 11.133 shall:

1. Plan the excavation or demolition to avoid damage to or minimize interference with underground utilities in and near the construction area;

2. Maintain a clearance between an underground utility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of such cutting edge or point, as may be reasonably necessary to avoid damage to such utility; and

3. Provide such support for underground utilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such utilities.

Section 11.138 Excavation or Demolition Damage.

a. Except as provided by subsection (b) of this section, each person responsible for any excavation or demolition operation designated in section 11.133 that results in any damage to an underground utility shall, immediately upon discovery of such damage, notify the operator of such

utility of the location and nature of the damage and shall allow the operator reasonable time to accomplish necessary repairs before completing the excavation or demolition in the immediate area of such utility.

b. Each person responsible for any excavation or demolition operation designated in section 11.133 that results in damage to an underground utility permitting the escape of any flammable, toxic, or corrosive gas or liquid shall, immediately upon discovery of such damage, notify the operator, police and fire departments, and take any other action as may be reasonably necessary to protect persons and property and to minimize the hazards until arrival of the operator's personnel or police and fire departments.

Section 11.139 Criminal Penalties.

Any person who violates any provision of this article shall be subject to punishment as provided in section 1.7. This article does not affect any civil remedies for personal injury or damage to property, including underground utilities, except as otherwise specifically provided for in this article.

Sections 11.140 - 11.145 Reserved.