

## CHAPTER 53: ELECTRICAL SYSTEM

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### § 53.01 OWNERSHIP.

The municipality owns and operates the municipal electrical system through the Utilities Superintendent. The governing body, for the purpose of defraying the cost of the care, management and maintenance of the municipal electrical system may each year levy a tax not exceeding the maximum limit prescribed by state law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the tax shall be known as the Electrical Fund and shall remain in the custody of the City Treasurer. The Utilities Superintendent shall have the direct management and control of the municipal electrical system and shall faithfully carry out the duties

of his or her office. He or she shall have the authority to adopt rules and regulations for the safe and efficient management of the electrical system subject to the supervision and review of the governing body.

(1999 Code, § 3-301)

**Statutory reference:**

*Authority or similar provisions, see Neb. RS 17-902 through 17-904, 17-906, 17-909*

**§ 53.02 CONTRACTS AND TERMS.**

The municipality through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to other persons within or without its corporate limits, as and when, according to law, the governing body may see fit to do so. The rules, regulations and rates for electric service, hereinafter named, in this chapter, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electrical Department. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to the applicant or customer shall constitute a contract between applicant or customer and the municipality, to which both parties are bound. If customer should violate any of the provisions of the contract or any reasonable rules and regulations that the governing body may hereafter adopt, the Utilities Superintendent, or his or her agent, shall cut off or disconnect the electric service from the building or place of the violation and no further connection of electric service for the building or place shall again be made save or except by order of the Superintendent, or his or her agent.

(1999 Code, § 3-302)

**§ 53.03 CONSUMER'S APPLICATION.**

Every person or persons desiring electrical service must make application therefor to the City Clerk. Any applicant may be required to make a service deposit in an amount as has been set by the governing body and placed on file in the office of the City Clerk. Electricity may not be supplied to any house or building except upon the written order of the Utilities Superintendent. The system shall not supply to any person outside the corporate limits electrical service without special permission from the governing body; provided, that the entire cost of wire, installation and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the municipality to supply electrical service to nonresidents.

(1999 Code, § 3-303)

**Statutory reference:**

*Utilities; contracts, see Neb. RS 17-902, 19-2701*

**§ 53.04 ELECTRICAL SERVICE CONTRACTS.**

Contracts for electrical service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell,

dispose or remove from the premises where service is furnished in his or her name, or if the premises is destroyed by fire or other casualty, he or she shall at once inform the Utilities Superintendent who shall cause the electrical service to be shut off from the premises. If the consumer should fail to give notice, he or she shall be charged for all electricity used on the premises until the Utilities Superintendent is otherwise advised of the circumstances.

(1999 Code, § 3-304)

#### **§ 53.05 CONNECTIONS.**

Under no circumstances shall connections be made between the wires of the electrical distribution system of this municipality and the meter of the consumer, except by an employee of the municipality or a licensed electrician authorized to do so by the Utilities Superintendent. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. All wiring, equipment and apparatus shall be installed according to the electrical code duly adopted by the municipality. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications for the installation prescribed by the Utilities Superintendent and Building Inspector; provided, that the rules, regulations and specifications have been reviewed and approved by the governing body.

(1999 Code, § 3-305)

#### **§ 53.06 INSTALLATION EXPENSE.**

The expense of installation and equipment up to and including the point of connection shall be paid by the municipality. The expense of installation and wiring from the point of connection to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner. If the customer requests underground wiring, the customer shall bear the expense of the difference in cost between underground wiring and overhead wiring, except that if the customer uses all electrical appliances, the municipality shall bear the entire cost of the underground wiring.

(1999 Code, § 3-306)

#### **§ 53.07 METERS; LOAD MANAGEMENT SWITCHES.**

(A) All electric current furnished consumers by the electric distribution system shall be measured by meters furnished and set by the municipality. No person except an authorized agent of the municipality shall be allowed to set meters or make connections to the electric service of the distribution system. The municipality will furnish all necessary meters to consumers and will keep all meters clean and in repair at the expense of the municipality. The owner or tenant of premises where a meter is located shall provide ready and convenient access to the meter so that it may easily be examined and read by authorized agents of the municipality.

(B) Any consumer of current from the electric distribution system shall have the right to request the Utilities Superintendent to test, a reasonable number of times, his or her current meter which the consumer may give reason to believe is not registering the true amount of current. It shall be the duty of the Utilities Superintendent to test the meter as requested and any other meter which needs to be tested. All meters now in use or hereafter installed in connection with the electric light plant and system shall be and remain the property of the municipality. When a meter is entirely worn out and a replacement is necessary, a new meter will be furnished and set by the municipality for the consumer at the expense of the municipality, except that in cases where meter repair or meter replacements are made necessary on account of the willful neglect or recklessness on the part of the consumer, then the municipality shall require the customer to pay for installing a new meter or making the repairs and collect the same as for light service furnished.

(C) All load management switches now in use or hereinafter installed on any apparatus to any consumer of electricity within the municipality shall be in and remain the property of the municipality. It shall be unlawful for any person or entity to remove any load management switch which is now in use or hereinafter installed. The removal shall constitute an offense. Removal of load management switches by any person or entity is permissible only in the event that the person or entity causing the removal first obtains prior approval from the Utilities Superintendent. If permission is granted, then upon the removal of the load management, it shall be immediately returned to the municipality.  
(1999 Code, § 3-307) Penalty, see § 53.99

### § 53.08 FEES AND COLLECTIONS.

The governing body has the power and authority to fix the rates to be paid by electrical consumers for the use of electricity. All rates shall be on file for public inspection at the office of the City Clerk.  
(1999 Code, § 3-308)

### § 53.09 MINIMUM RATES.

All electrical consumers shall be liable for the minimum rate provided by resolution unless and until the consumer shall by written order direct the Utilities Superintendent to shut off the electricity in which case he or she shall not be liable thereafter for electrical service until the electricity is turned on again.  
(1999 Code, § 3-309)

*Statutory reference:*

*Rates, see Neb. RS 19-1404*

### § 53.10 SERVICE DEPOSIT FUND.

The service deposit required for electrical service shall be promptly paid upon demand by all customers of the electrical system. From the deposit shall be deducted all delinquent electrical charges. The service deposit shall be collected by the City Clerk and immediately turned over to the City Treasurer who shall keep the fees in a trust fund for the customers of the electrical system. The fund

shall be put out at interest separate and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property of the municipal electrical system.  
(1999 Code, § 3-310)

**§ 53.11 FEES; LIABILITY OF OWNER.**

The owner of the premises will in all cases be held primarily responsible and will be required to pay for electrical fees at the premises.  
(1999 Code, § 3-311)

**§ 53.12 RESTRICTED USE.**

The municipal electrical system does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment and machinery to do so. The Utilities Superintendent has the power and authority to disconnect or discontinue service for any good and sufficient reason without liability. The municipality shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the municipality has no control and the municipality expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice.  
(1999 Code, § 3-312)

**§ 53.13 BUILDING MOVING.**

Should any house or building moving occur or be necessary and it becomes necessary in the work to remove or disturb any of the property or wires of the municipal electrical system, the same should not be done except upon written permission received from the Utilities Superintendent, who shall then order paid in advance the actual cost of moving the wires and the cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing and replacing the wires or apparatus of the electrical system shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, that if in the course of moving the building or house it becomes apparent that additional expense will be incurred, the additional deposit as deemed necessary may be demanded.  
(1999 Code, § 3-313)

**§ 53.14 METER IN DISREPAIR.**

In the event that any customer's meter falls out of repair or fails to register properly, the Superintendent shall charge the customer the same amount billed one year previous to the disrepair. In

the event that there is no basis for comparison, the Superintendent shall charge the customer an amount as he or she deems is fair both to the customer and the municipality.  
(1999 Code, § 3-314)

#### § 53.15 COMPLAINTS.

Any consumer feeling himself or herself aggrieved by reason of any controversy with the Utilities Superintendent may appear before the governing body and present his or her grievance. Any consumer who considers himself or herself aggrieved by being required to pay the charge demanded for the use of electricity, or for the resumption of electric service after the same shall have been shut off, shall pay the charge under protest, in which event the City Clerk shall write on the receipt given the customer the words, "Paid Under Protest." The consumer may then present his or her verified claim in the manner provided for presenting claims to the governing body for a refund of the amount so paid under protest. These claims shall then be considered by the governing body in the same manner as other claims against the municipality.  
(1999 Code, § 3-315)

#### § 53.16 TRIMMING TREES.

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the municipal electrical system shall, before doing the work, give reasonable written notice to the Utilities Superintendent and shall follow any and all rules and regulations which he or she may prescribe for doing the work. It shall be unlawful for any person felling or removing the trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the electrical system, the governing body shall have the power to order cut and remove any overhanging branches or limbs of trees so that the lines will be free and safe.  
(1999 Code, § 3-316) Penalty, see § 53.99

#### § 53.17 INSPECTIONS.

The Utilities Superintendent or his or her duly authorized agents shall have free access at any reasonable time to each premises and building to or in which electricity is supplied; provided, that in the event of an emergency, these inspections may take place at any time.  
(1999 Code, § 3-317)

#### § 53.18 DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to willfully or carelessly break, injure or deface any building, machinery, apparatus, fixture, attachment or appurtenance of the municipal electrical system.  
(1999 Code, § 3-318) Penalty, see § 53.99

**§ 53.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this code, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the Court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (1999 Code, § 3-1101) (Ord. 00-20, passed 6-6-2000)

