

Chapter 8

ELECTRICITY

Art. I. In General, Sections 01 through 12

Art. II. Rates and Charges, Sections 13 through 29

ARTICLE I. IN GENERAL

Section 01. Code adopted.

(a) For the purpose of establishing uniform rules and regulations for electrical wiring and apparatus, the City hereby adopts that code known as the National Electrical Code, 1971 edition, save and except such portions as are hereinafter deleted, of which not less than three (3) copies have been and now are filed in the office of the City Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction, alteration or repair of all buildings and structures therein contained within the corporate limits of the City .

(b) In the event there is a conflict between the provisions of the Code adopted by reference within this section and the other provisions of this Code of Ordinances of the City, shall prevail.

Sections 02 through 12. Reserved.

ARTICLE II. RATES AND CHARGES

Section 13. Imposition of rates and charges.

(a) For the purpose of providing funds to meet the cost of maintenance and operation of the electrical distribution system, the cost of construction, maintenance and operation of the electrical substations and equipment, the payment of capital charges represented by bonds, certificate of indebtedness or otherwise, and the payment of reasonable requirements for replacement and obsolescence thereof, the rates and charges for the use of electricity from the City electrical distribution system as provided in this article shall be in effect from and after the first day of January , 1982.

Section 13.1. Reduction of electric bill for elderly or disabled persons living on fixed income; qualifications; computation of charges.

(a) Purpose: The City Council of the City of Chaska, Minnesota, recognizing that economic conditions may present a hardship to many of the elderly or disabled persons living on fixed incomes; and therefore the City Council deems it advisable and appropriate that any person qualifying under Subsection (b) hereof may receive a reduction as provided in Subsection(c) hereof in the electric bill for electricity used in the premises in which they are living.

(b) Charge: Upon the filing of the necessary affidavit as provided in Subsection (b) hereof, the bill for electricity used on the qualifying premises shall be computed as set forth in the rate schedule for Senior Citizens Residential Lighting Service Rate.

(c) Said rate shall be applied to the bills for the electricity used during the month in which the affidavit is filed and each month thereafter so long as the statements made in the

affidavit are true. (Ord. No.214, Secs. 1-3, 11/5/73; Ord. No.221, Sec. 1, 3/31/75; Ord. No.225, Sec. 1, 8/4/75; Ord. No.388, Sec. 2, 12/16/85)

Section 14. Authority to classify uses and fix rates.

The City Council shall have the power to classify user types based upon use of property, demand and electrical facilities furnished, and fix equitable use rates and charges therefor according to such classification. The City shall, at any time it deems advisable, meter the amount of electricity used by installing its own meter for purposes of classification of use. The Council shall have the power, by resolution, to modify from time to time any classification or user rates and charges in this article as may be reasonably required. (Ord. No.205, Sec. 2, 5/15/72; Ord. No.221, Sec. 2, 3/31/75; Ord. No.225, Sec. 2, 8/4/75)

Section 15. Deposits.

(a) Prior to the furnishing of any electric, sanitary sewer or water service to any user, be same the owner or non-owner of the premises so served, such user shall be required to comply with one of the following:

(1) Delivery to the City an agreement, as provided by the City, whereby the fee owner of the subject premises agrees that upon nonpayment of any of the above referred to utility services, the City may assess the amount so unpaid against the property by certifying to the County Auditor as taxes the amount so unpaid and that same is to be collected and paid over to the City along with other taxes; or

(2) Deposit with the City an amount of money equal to (2) times the average monthly utility bill over the past year on said premises or if said premises has no history of usage or improvements or changes are made to said premises providing for increased usage the City shall estimate the amount of usage for a two (2) month period and said amount shall be the amount of the utility deposit; or

(3) The user may establish, either through utility records in City Hall or by use of utility records from elsewhere, a line of credit whereby neither (1) or (2) above may be required. Said user shall have established such line of credit if said user can document not more than one (1) delinquent payment for monthly utility charges during the immediate preceding twelve (12) month period.

(4) In the event user deposits the requisite amount of money with the City said user may have said deposit refunded upon complying with the requirements of (3) above and making application for said refund on forms as provided by the City.

(b) A new and additional deposit may be required upon fifteen (15) days written notice of the need of such deposit in any case where the deposit has been refunded or where any user's account has become more than sixty (60) days delinquent due to nonpayment.

(c) Within thirty (30) days after permanent discontinuance of service the City Clerk shall return any deposit after deductions have been made for any unpaid obligations of the customer or user in connection with the service provided.

(d) If a user requested to make a deposit or enter into an agreement as provided in (a)(1) or (a)(2) above fails to do so the City shall notify said user and the owner of the premises stating that unless the required deposit is received within the time specified in said notice, electric service and such other utility service as allowed under the law to be terminated, shall be discontinued immediately thereafter without further notice. (Ord. No.205, Sec. 7,

5/15/72; Ord. No.221, Sec. 3, 3/31/75; Ord. No.225, Sec. 3, 8/4/75; Ord. No.243, Sec. 1, 1/3/77; Ord. No.285, Sec. 1,8/20/79; Ord. No.293. Sec. 2, 12/17/79; Ord. No.316, Sec. 2, 11/30/81; Ord. No.388, Sec.1, 12/16/85.)

Section 16. Classifications and Energy Adjustment Charge.

(a) *Classifications.* Users of electricity shall be classified as follows:

- (a) Residential;
- (b) Senior Residential;
- (c) Space Heating;
- (d) Water Heating
- (e) Security Lighting
- (f) General Service
- (g) Large General Service;
- (h) City of Chaska Service Classification.

(b) *Energy Adjustment Charge.* An Energy Adjustment Charge (EAC) will be billed to all users of electricity as a separate item on each bill. The EAC rate per KWH will vary from billing period to billing period as it is adjusted by Chaska's wholesale power supplier. The EAC shall be calculated by dividing the wholesale supplier's EAC rate by a sales ratio of 0.955 and then multiplied by the customer's monthly KWH energy used. (Ord. No.517 , Sec. 1, dated 12- 21-92/Ord. 650, Sec. 1, 01-11-99; Ord. 715 Sec.1, 12-17-01)

Section 17. Residential Service.

(a) *Defined.* The residential classification shall include dwelling units used exclusively for residential purposes by or intended for single-family unit. Individual dwelling units in apartment buildings, condominiums, townhouses, cluster dwellings, etc., shall be classified as residential; and

b. *Service Provided.* A residential lighting service rate (RL) shall be available to a single-family private residence or a farm at 60 cycle, single-phase service at a nominal voltage of 120 volts or 120/240 volts, furnished through one (1) meter for domestic purpose only, including lighting, small domestic appliances, heating, refrigeration, cooling, and domestic power using single-phase motors 5 hp or less. A separate meter is required for each individual residence on multiple unit dwellings.

c. Rates – Residential Service

Service Charge		\$4.85 per month
Energy Charge	October-May	\$0.08752 per KWH
Energy Charge	June-September	\$0.09902 per KWH

The minimum monthly bill shall be the service charge.

(Ord. No.205, Sec. 3, 05-15-72; Ord. No.221, Sec. 5, 03-31-75; Ord. No.225, Sec. 5, 08-04-75; Ord. No.243, Sec. 2, 01-03-77; Ord. No.293, Sec. 3, 12-17-79, Ord. No.316, Sec. 3, 11-20-81; Ord. No.386, Sec. 1, 12-16-85; Ord. No.431, Sec. 1, 04-11-88; Ord. No.487, Sec. 1, 05-20-91; Ord. No.517 , Sec. 2, 12-21-92; Ord. No.539, Sec. 1, 12-20-93, Ord. No. 168, Sec. 1,03-17-97; Ord. No.650, Sec. 3,01-11-99; Ord. No.700, Sec. 1, 02-05-01; Ord. 715, Sec. 2, 12-17-01; Ord.

No. 715, Sec. 17 (b) and (c) 12-16-02) (Ord. No. 815, Sec 17(c)/01-07-08) (Ord. No. 826, Sec 1, 12-15-08 (Ord. No. 836, Sec. 1, 12-21-09).

Section 17.1 Senior citizen residential lighting service.

(a) *Defined.* Senior residential classification shall include dwelling units qualifying therefor under Section 13.1 of this chapter.

(b) *Service provided.* A senior citizen residential lighting service rate (CSRL) shall be available to a single-family private residence as 60 cycle, single-phase service, at a nominal voltage of 120 volts or 120/140 volts furnished through one meter for domestic purposes only, including lighting, small domestic appliances, heating, refrigeration, cooling and domestic power using single phase motors of 5 hp or less.

(c) Rates - Senior Citizen Residential Lighting Service

Service Charge		\$4.40 per month
Energy Charge	October-May	\$0.07877 per KWH
Energy Charge	June-September	\$0.08913 per KWH

The minimum monthly bill shall be the service charge.

(Ord. No.221, Sec. 6, 03-31-75; Ord. No.225, Sec. 6, 08-04-75; Ord. No.243, Sec. 3, 01-03- 77; Ord. No.293, Sec. 4, 12-17-79; Ord. No.316, Sec. 4, 11-30-81; Ord. No.386, Sec. 2, 12- 16-85; Ord. No.431, Sec. 2, 04-11-88; Ord. No.487 , Sec. 2, 05-20-91; Ord. No.517 , Sec. 3, 12-21-92; Ord. No.539, Sec. 2, 12-20-93; Ord. 618, Sec. 2, 03-17-97; Ord. No.650, Sec. 4, 01- 11-99; Ord. No.700, Sec. 2, 02-05-01; Ord. No. 715 Sec. 3, 12-17-01; Ord. 715, Section 17.1 (c) 12-16-02) (Ord. No. 815 Sec. 17.1 (c)/01-07-08) (Ord. No 826 Sec 2, 12-15-08 (Ord. No. 836 Sec. 2, 12-21-09).

Section 17.2 Annexed Area Service.

(DELETED, Ord. 715, Sec. 4, dated 12-17-01)

Section 17.3. Off-Peak Electric Space Heating.

(a) *Defined.* The Off-Peak Electric Space Heating classification shall include all Chaska electric customers with electric space heating separately metered from all other electrical use.

(b) *Service provided.* An off-peak electrical service rate shall be available to all electrical customers for electric space heating only. On-peak hours: shall be defined as from 7:00 a.m. to 7:00 p.m. inclusive of Monday through Friday. Off-peak hours: shall be defined as all hours not defined as on-peak. Service shall be available through one (1) time-of-day electric meter. In place of a time-of-day meter the City may install one (1) standard single register meter and energy usage may be estimated to be 35% on-peak and 65% off-peak. All wiring shall be done by the customer's electrician at his expense and shall be installed as a separate electric service and not as a sub-meter .

(c) Rates- On and Off Peak Electric Space Heating

Service Charge		\$2.45 per month
On Peak Energy Charge	October-May	\$0.07842 per KWH
On Peak Energy Charge	June-September	\$0.09055 per KWH
Off Peak Energy Charge	October-May	\$0.05845 per KWH
Off Peak Energy Charge	June-September	\$0.06243 per KWH

(Ord. No.497, sec. 1,01-21-92; Ord. No.517, sec. 6,12-21-92; Ord. No.650, sec. 7,01-11- 99; Ord. No.700, sec. 5, 02-05-01; Ord. No. 715, sect. 5, 12-17-01; Ord. No. 715, Sec. 17.3 (c), 12-16-02) (Ord. No. 815 Sec. 71.3 (c)/01-07-08) (Ord. No. 826 Sec 3, 12-15-08 (Ord. No. 836 Sec. 3, 12-21-09).

Section 18. Water Heating Service.

(a) *Availability.* From and after May 15, 1972, separate water heating service shall not be available, however, any property or dwelling unit presently obtaining water heating service may continue such use until such time as the present user discontinues such use. The service shall be considered to be discontinued upon actual discontinuance of use, change of ownership or change in the name of the person billed.

(b) *Rates -Water heating service.*

The rate for water heating service is hereby established at the same rate as Residential Service as established by Section 17(c) of this chapter. (Ord. No.205, 5115172; Ord. No.221, 3131/75; Ord. No.225, 8/4175; Ord. No.243, 1/3/77; Ord. No.293, 12/17/79; Ord. No.316, 11/30/81; Ord. No.386, 12/16/85; Ord. No.431, 4/11/88; Ord. No.487, 5/20/91; Ord. No.517, sec. 7,12/21/92)

Section 19. Rates. Security Lighting Service.

175 watt Mercury Vapor*	\$10.25 per month
250 watt Mercury Vapor *	\$12.35 per month
400 watt Mercury Vapor *	\$17.80 per month
100 watt High Pressure Sodium	\$10.25 per month
150 watt High Pressure Sodium	\$12.35 per month
200 watt High Pressure Sodium	\$15.65 per month
400 watt High Pressure Sodium	\$21.00 per month

*No new Mercury Vapor units will be installed.

The above charges include installation on existing pole with service available. Other installation charges shall be billed based on time and materials.

(Ord. No.205, Sec. 5, 5/15/72; Ord. No.221, Sec. 8, 3131/75; Ord. No.225, Sec. 8, 8/4175; Ord. No.243, Sec. 5, 1/3/77; Ord. No.293, Sec. 6, 12/17/79; Ord. No.316, Sec. 6, 11/30/81; Ord. No.431, Sec. 4, 04-11-88; Ord. No.487 , Sec. 4, 05-20-91; Ord. No.517 , Sec. 8, 12-21-92; Ord. No.650, Sec. 8, 01-11-99; Ord. No.700, Sec. 6, 02-05-01, Ord. 715, Sec. 6, 12-17-01; Ord. No.

715, Sec. 4, 12-16-02) (Ord. No. 815, Sec. 19/01-07-08) (Ord. No. 826 Sec. 4 12-15-08) (Ord. 836 Sec. 4 12-29-09)

Section 20. General Service

(a) *Defined.* All electrical service except as stated in Sections 17 through 19 of this chapter and as stated in Section 20.1 of this chapter, shall be classified as general service rate (GS).

(b) *Service Provided.* The general service rate (GS) shall be available to any customer with less than 20 KW peak demand requirements, for general service at one location as 60 cycle, single-phase or three-phase service at the secondary voltage available at the customer's location. Individual metering is required on all multiple users within the same building or on the same electrical service.

General Service – Below 20 KW demand, of the Code of Ordinances, City of Chaska, Minnesota is hereby amended to read as follows:

(c) Rates- General Service – below 20 KW demand. The rates for general service shall be as follows:

Service Charge		\$8.65 per month
Energy Charge	October – May	\$0.09209 per KWH
Energy Charge	June – September	\$0.10351 per KWH

The minimum monthly bill shall be the service charge.

(Ord. No.650, Sec. 9,01-11-99; Ord. No.700, Sec. 7, 02-05-01; Ord. No. 715, Sec. 8, 12-17-01; Ord. No. 715, Sec. 20.1 (c), (12-16-02) (Ord. No. 815, Sec. 5, 20 (c)/01-07-08) (Ord. No. 826, Sec. 5, 12-15-08) (Ord. 836, Sec. 5, 12-21-09)

(d) *Determination of installed capacity.* The installed three-phase capacity shall be determined on the basis of nameplate rating or manufacturer's data; or, in the case of an incorrect or missing nameplate, the utility may fix the rating by test.

Section 20.1. Large General Service Rate.

(a) *Defined.* The large general service rate shall apply to all users with any monthly peak demand of twenty (20) KW or greater and new users with installed loads of twenty (20) KW or greater. After any user not classified hereunder shall record a peak demand of twenty (20) KW or greater in any one monthly period, such user, shall commencing with the next billing period, be classified as a. large general user. Any user with any monthly peak demand of twenty (20) KW or greater which shall record a peak demand of twenty (20) KW or greater in any one monthly period shall continue to be classified as large general service for at least a twelve-month (12) period irrespective of such user's peak demand, no such user shall be reclassified unless said user has not recorded a peak demand of twenty (20) KW or greater during any monthly billing period during the preceding consecutive twelve-month period.

(b) *Services provided.* A large general service rate shall be available to any customer for general service at one location as 60 cycle, single-phase or three-phase service where available,

through one transformer only at the customer's location. Individual metering is required on all multiple users within the same building or on the same electrical service. Reduced current starting is required on all motors of 5 HP or more.

(c) Rates – Large General Service – 20 KW demand and above. The monthly bill under the large general service classification shall be the sum of the demand and energy charges calculated according to the following schedule:

Service Charge		\$11.85 per month
Energy Charge	October-May	\$0.05216 per KWH
Energy Charge	June-September	\$0.05701 per KWH
Demand Charge	October-May	\$9.05 per KW
Demand Charge	June-September	\$11.30 per KW

The minimum monthly billing shall be the service charge.

(Ord. No. 715, Sec. 20.1 (c), 12-16-02) (Ord. No. 815, Sec. 20.1 (c)/01-07-08) (Ord. 826 Sec. 6, 12-15-08) Ord. No. 836 Sec. 6, 12-29-09).

(d) *Determination of billing demand.* A billing demand shall be the customer's greatest fifteen (15) minute demand, in kilowatts, incurred during the month for which the bill is rendered.

(e) *Power factor clause.* The customer agrees to maintain an average power factor as close to one hundred percent (100%) as possible; however, if the average power factor is less than ninety percent (90%) lagging, the billing demand shall be adjusted by multiplying the actual fifteen (15) minute demand measured during the month by the ratio of ninety percent (90%) divided by the customer's average monthly power factor expressed in percent.

(f) *Primary voltage service.* If the customer is served at the primary voltage available at the customer's location and pays all costs incurred in the installation, ownership, operation and maintenance of transformers, substations, and metering equipment with service to be metered at the primary voltage, a discount of five percent (5%) will be allowed on the amount of the monthly electric bill. As of January 1, 2001 Primary Voltage Service shall be available to customers exceeding 2,000 KVA only.

(g) *Primary metering.* At the option of the Electric Department, secondary service hereunder may be metered at the primary voltage, in which case a two percent (2%) discount will be allowed on the amount of the monthly bill. (Ord. No.650, Sec. 10, 01-09-99; Ord. No. 700, Sec, 10, 02-05-01)

Section 20.1.1. Rates. City of Chaska Service Classification.

(a) *Defined.* City of Chaska Service Classification shall include all City owned or operated service connections for City buildings, street lighting, and water pumping.

(b) *Service Provided.* The City of Chaska Service Classification shall be applied to only service connections owned or operated by the City .

(c) Rates – City of Chaska Services:

Energy Charge

All Energy Used

\$0.07048 per KWH

(Ord. No.316, Sec. 9, 11-30-81; Ord. No.386, Sec. 6, 12-16-85; Ord. No.431, Sec. 7, 04-11-88; Ord. No.487, Sec. 7, 05-20-91; Ord. No.517, Sec. 11, 12-21-92; Ord. No.650, Sec. 11, 01-11-99; Ord. No.700, Sec. 15, 02-05-01, Ord. 715, Sec. 10, 12-17-01; Ord. No. 715, Sec. 20.1.1 (c), 12-16-02) (Ord. No. 815. Sec. 20.1.1 (c)/01-07-08) (Ord. No. 826 Sec. 7, 12-15-08) (Ord. No. 836 Sec. 7, 12-29-09)

Section 20.2 Seasonal Pumping and Irrigation.

(a) *Defined.* The seasonal pumping rate shall apply to all users of electric power that operate a water supply system for irrigation purposes. For the purpose of this section such system must be a separate water supply system receiving power for pumping water for irrigation purposes on a seasonal basis such as in a farming operation or golf course. The minimum monthly bill shall be the service charge.

(b) *Service Provided.* A seasonal customer on this rate may receive single-phase or three-phase service at one location, through one meter at the secondary voltage available at the customer's location. The customer may be required to share in the construction costs if the expected revenue does not justify the capital investment for the City of Chaska. Reduced current starting is required on all motors larger than 5 HP .

(c) *Rate.* The monthly bill under seasonal pumping classification shall be calculated according to the schedule for large general service as set forth in Section 20.1 (c) of this chapter .

(d) *Power factor clause.* The monthly power factor clause under seasonal pumping classification shall be determined according to the schedule for large general service as set forth in Section 20.1 (e) of this chapter.

(e) *Seasonal Disconnection.* If the customer has service disconnected at the end of the pumping period or season, there shall be a one hundred dollar (\$100.00) reconnect fee when service is re-established. (Ord. No.700, Sec. 16, dated 02-05-01.)

Section 20.3 Temporary service.

Temporary service may be provided, upon request, to all customers or users based upon the following:

(a) The user or electrical contractor shall provide service in accordance with the National Electric Code.

(b) Subsequent to the receipt by the City of a valid electrical certificate for connection, the City shall make the service connection to the City of Chaska Electrical Distribution System at which time there shall be a service connection charge of \$125 per each residential service meter, \$125 per each senior residential service meter, \$235 per each general service meter, \$400 per each large general service meter and \$235 per each off-peak electric space heating service meter. (Ord. No. 772, Art. II, Sec. 20.3 (b) 01-03-05.) (Ord. No 826 Sec. 8, 12-15-08)

(c) Any construction done by the City, relating to temporary service, and which will not become a part of the permanent service shall be paid to the City based upon time and material costs for both installation and removal. (Ord. No.650, Sec. 14, dated 01-11-99)

(d) The charges for energy and/or demand s provisions in Chapter 8 of the Code of Ordinances of 11, 03-31-75; Ord. No.225, Sec. 11, 08-04-75; Ord. Sec. 8,01-03-77; Ord. No.700, Sec. 16-19, and Ord.

Section 20.4 Fuel Adjustment Charge.

(DELETED See Section 16)

Section 20.5. Peak Controlled Service.

(a) *Availability.* Available to any Large General Service customer who enters into an agreement with the City to reduce its electrical demand by at least 50 kilowatts upon request by the City .

(b) *Curtailment credit.* The City shall credit the Customer's electrical bill \$3.00 per each kilowatt of the customer's "Curtailment Reservation" as determined hereafter each and every month throughout the term of the Peak Controlled Service.

(Ord. No. 715, Sec. 20.5 (b), 02-16-02)

(c) *Term of peak controlled service agreement.* Upon execution the agreement shall become effective for the next "peak controlled year" (always being May 1st through April 30th) and thereafter shall automatically renew and extend for an additional period of sixteen (16) months on January 1st each following year unless terminated by either party whom shall provide written notice of such termination to the other party prior to the renewal date of January 1st of the next peak controlled year .

(d) *Curtailment period notice.* The City shall provide the Customer with at least a one half (1/2) hour notice during business hours in the event the City requests the Customer to curtail its electrical demand. Such notice shall indicate the beginning and ending times of the "Curtailment Period". (Ord. No.700, Sec. 2, 02-05-01.)

(e) *Limitations on curtailments.* The accumulative duration of all Curtailment Periods shall not exceed two hundred (200) hours in any peak controlled year .

(f) *Method for determining the amount of the customer's curtailment reservation.* The Customer shall propose to the City the method and kilowatt amount of curtailment by which the Customer will reduce its electrical demand requirements from the City during any and all Curtailment Periods. The City will then review the Customer's proposal and may perform load tests and measurements with the Customer's cooperation to best determine the actual amount of available kilowatts to be curtailed. The City and Customer shall then review this data and agree on the amount represented by the Customer's proposed methods. This amount becomes the Customer's "Curtailment Reservation".

(g) *Annual changes to the customer's curtailment reservation.* Throughout the term of the agreement the Customer shall have the right to change the amount of the Curtailment

Reservation by providing the City written notice of such proposed changes by January 1st of the upcoming peak controlled year to become effective May 1st. The method for determining the amount of the Curtailment Reservation in the above paragraph shall be followed to amend the Customer's Curtailment Reservation. The City also reserves the right to amend the Curtailment Reservation due to the Customer's non-achievement or over achievement of its Curtailment Reservation amount.

(h) *Verification.* The City shall provide and install metering equipment to record the Customer's total kilowatt demand and maintain records to determine the amounts curtailed by the Customer throughout the term of the agreement.

(i) *Penalty clause.*

(1) Penalty Clause I, Refund for non-performance at the end of each peak controlled year. The Customer shall refund to the City the dollar amount of Curtailment Credits attributed to the hourly average kilowatt amount by which the Customer was unable to achieve the full Curtailment Reservation during each of the Curtailment Periods of the past Peak Controlled Year. The City will bill the refund amount and include it on the Customer's monthly electric bill following the peak controlled year.

(2) Penalty Clause II, Refund for non-performance during Chaska's wholesale suppliers system peak. In the event that the City requests curtailment at the time of its wholesale electrical supplier's total system requirements peak demand; and if the Customer is unable to achieve the full Curtailment Reservation at this time; and due to this shortfall in demand reduction, the City is required to reimburse its wholesale supplier; then Customer shall refund to the City for non-performance during the past peak controlled year the lesser of either:

a. Chaska's reimbursement amount paid to its wholesale power supplier as a direct result of the Customer's inability to achieve the full Curtailment Reservation at the time of the wholesale suppliers system peak demand; or

b. \$36.00 per kilowatt multiplied by the amount of kilowatts which the Customer was unable to achieve its full Curtailment Reservation at the time of the wholesale suppliers System Peak Demand minus the Customer's refund that would be paid per Penalty Clause I.

(3) The City will bill the penalty clause refund amount and include it on the Customer's monthly electric bill following that peak controlled year.

(j) *Liability.* The City shall not be responsible for any claims, demands for damages, which may arise out of or be caused by the curtailment of the Customer's power demand requirements from the City's electrical system as affected by Peak Controlled Services.

(k) *Rate Adjustments.* The City reserves the right to make changes in the structure and amounts of the Peak Controlled Service Rate prior to January 1st of any upcoming peak controlled year to become effective on the following May 1st. Customers on this rate will be notified of proposed changes at least five (5) months prior to the effective date. (Ord. No.471, Sec. 1, 7/16/90)

Section 20.6 Green Power

(a) *Defined.* Green power shall include electricity supplied from renewable energy sources.

(b) *Service Provided.* A Green power electric service rate shall be available to all electrical customers. Electric customers shall have the options to purchase green power as an additional charge per Kilowatt Hour (KWH) in 100 KWH blocks.

(c) *Rates – Green Power.* The rates for green power shall be as follows:

(1) Hydroelectric	\$1.75 per 100 kWh block per month
(2) Wind Power	\$1.75 per 100 kWh block per month

_(Ord. No. 748, dated 06-02-03) (Ord. No. 826 Sec. 9, 12-15-08)

Section 21. Separate Meters Required; Exemption.

Each individual dwelling unit, commercial user unit, or industrial user unit, shall have a separate meter, except that upon written permission to do so, granted by the City, two (2) or more individual units may be served through one (1) meter under one (1) billing, provided that appropriate sub-meters are installed on each individual unit and the City billing account is billed to the property owner. (Ord. 700, Sec. 22, dated 02-05-01)

Section 22. Service to Common Areas.

Electrical service to common areas of a building or multiple dwelling, such as laundry rooms, garages, heating plants, indoor and outdoor lighting, central air conditioning, etc., shall be billed under the appropriate General Service or Large General Service Rate Schedule. This also includes separately metered residential garages and outbuildings.

(Ord. No.205, Sec. 3, 05-15-72; Ord. No.221, Sec. 12, 03-31-75; Ord. No. 225, Sec. 12, 08-11-75; Ord. No.700, Sec. 23,02-05-01, Ord. 715, Sec. 12, 12-17-01; Ord. No. 715, Sec. 22, 12-16-02)

Section 23. Manner of Determining Bill for Residential Lighting Service to Multiple Dwellings.

(DELETED, ORD. 715, SEC. 13, 12-17-01)

Section 24. Rate for Combination of Commercial and Residential Service.

Service for residential and commercial purposes may be combined through a single meter, but the service shall be billed under the appropriate General Service or large General Service Rate Schedule. (Ord. No.205, Sec. 3,05-15-72; Ord. No.700, Sec. 24, 02-05-01.)

Section 25. Service Connection Charge

Service Connection Charge –Subsequent to the receipt by the City of a valid electrical certificate for connection the City shall make the service connection to the City of Chaska Electrical Distribution System at which time there shall be a service connection charge of \$125 per each residential service meter, \$125 per each senior residential service meter, \$235 per each general service meter, \$400 per each large general service meter and \$235 per each off-peak electric space heating service meter. This shall include new and upgraded or replaced

services. (Ord. No. 772, Art. II, Sec. 25/01-03-05.) (Ord. No. 826 Sec. 10, 12-15-08)

Section 26. Payment of Bills; Penalty for Late Payment.

Payment for electric service billed shall be made at the office of the City Clerk and shall be due on or before the fifteenth (15th) day of the month in which the bill is received by the customer. A five percent (5%) penalty shall be added to bills not paid by the close of the business day on the fifteenth (15th) day of the month, and said bill shall be considered delinquent. (Ord. No.205, Sec. 6, 5/15/72; Ord. No.293, Sec. 11, 12/17/79; Ord. No.316, Sec. 12, 11/30/81)

Section 27. Discontinuance of Service for Continued Failure to Pay and Voluntary Disconnect.

(a) The City Clerk, upon failure of payment as provided in Section 26 of this chapter, shall mail notice of said delinquent bill to the address of the premises served, or the last known address of the person paying the bill for the previous billing period and the owner of the premises served. Said notice shall state that unless said bill is paid in full and payment therefore received by the City by the close of the business day on the last day of the month in which the original bill was mailed; the electrical energy to said premises may be terminated; and, if payment is not then made, the City shall cause a subsequent notice to be delivered to the premises receiving energy which notice shall state that if payment of said delinquent bill is not made and received by the City by the close of the business day next succeeding the date of delivery of such notice, the electrical energy to said premises may be terminated without further notice. When service has been discontinued for nonpayment of bills, said service shall not be resumed except upon payment of the account in full and the payment of a reconnection charge in the amount of twenty-five dollars (\$25.00) during normal working hours or thirty-five dollars (\$35.00) outside of normal working hours.

(b) A user of electrical service may request the City to disconnect electric service at the service address of the user and it shall be deemed a voluntary disconnect. Electric service to a service location of a voluntary disconnect shall not be resumed except upon payment of a reconnection charge in the amount of twenty-five dollars (\$25.00). A voluntary disconnect at a service location that is delinquent at the time of the voluntary disconnect shall not have electric service resumed except upon payment of the account in full and payment of a reconnection charge in the amount of twenty-five dollars (\$25.00). (Ord. No.205, Sec. 9, 5/15/72; Ord. No.243, Sec. 9, 1/3/77; Ord. No.293. Sec. 12, 12/17/79; Ord. No.316, Sec. 13, 11/30/81; Ord. No.341, Sec. 1, 12/6/82) (Ord. No. 826 Sec. 11, 12-15-08)

(c) Deleted (Ord. No.700, Sec. 25, dated 02-05-01.) (Ord. No. 826 Sec. 11, 12-15-08)

Section 28. Collection of Payment; Disconnect of Rental Units.

(a) Pursuant to Section 13 of this chapter the user, occupant, lessee or owner shall be jointly and severally liable for the payment of electrical energy used. Upon nonpayment of a delinquent electric bill pursuant to Sections 26 and 27 of this chapter, said electric bill may be recovered from the user, occupant, lessee or owner therefore in a civil action by the City in any Court of competent jurisdiction; and the election by the City to pursue such action against any of the same shall not release the others of liability therefore and only at such time as payment is made in full by any or all of them shall any of such persons be relieved by such liability.

(b) When a nonowner of the property served quits or vacates the premises, it shall be the responsibility of both said nonowner and owner to notify the City of the date of such quitting or vacating of the premises and notifying the City of anew tenant if known. Any energy used, or the minimum monthly bill, whichever is greater, shall from said date on be billed to the

owner of the premises until further notification to the contrary .It shall be the owner's responsibility to instruct the City to disconnect such service. In the event of such disconnection the owner shall pay a reconnection service charge of twenty-five dollars (\$25.00), prior to reconnection being made during normal working hours only.

_(Ord. No. 826 Sec. 12, 12-15-08)

Section 29. Meter Testing; Deposits for Tests.

(a) When a consumer makes a complaint that the bill for any past service period has been excessive, the City shall upon request, have such meter re-read. If the consumer remains dissatisfied and desires that the meter be tested, said consumer shall then make a deposit with the City Clerk as prescribed in this article, and the City shall test the meter. If the test shows an error of over two percent (2%) of the KWH used in favor of the City, the deposit will be refunded to the consumer, a correctly registering meter will be installed and the bill will be adjusted accordingly. Such adjustment shall not extend back more than one (1) service period plus one (1) month from the date of depsit. The monthly service charge shall not be affected. If the test shows an accurate measurement of KWH or an error in favor of the consumer, the amount deposited shall be retained by the City to cover part of the expense of making such test.

(b) *Deposit for tests.* Before making a test of any meter, the person requesting such test shall, at the time of filing his request with the City, make a deposit with the City Clerk for the amount charged for such test, subject to the conditions stated in this article, which charges are as follows:

Single-Phase meters	\$75.00
Poly-Phase meters	\$150.00

(Ord. No. 826 Sec. 13, b 12-15-08)

Sections 30 -40. Reserved.

ARTICLE III. FRANCHISE PROCEDURE

Section 41. Franchise Required.

Except as otherwise provided by law, no person, firm, or corporation shall transmit, furnish, deliver or receive, or cause to be transmitted, furnished, delivered, or receive electric energy for light, power, heat and other purposes for public and/or private use within and through the limits of the City, or place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or transmitting, furnishing, delivering or receiving, or causing to be transmitted, furnished, delivered, or received electric energy or for any other purpose, except pursuant to a franchise from the City .A franchise shall be granted only by ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the City Clerk to guarantee publication before the ordinance is passed.

Section 42. Definitions.

The following terms shall mean:

1. In this Ordinance "City" or "City Council" and "City Administrator" mean respectively,

the City of Chaska, the City Council of the City of Chaska, and the City Administrator of the City of Chaska or his or her designee.

2. "Franchisee" shall mean the utility granted the franchise.

3. "Streets and public places" shall mean the streets, avenues, alleys, parkways, roads, squares, parks, bridges, Viaducts, utility easements, and public places in the City.

4. "Notice" means a writing served by any party or parties on any party or parties. In the case of the City, notice shall be mailed to the City Administrator at City of Chaska, One City Hall Plaza. Chaska. MN 55318-1962.

Section 43. Grant of Franchise.

The City may grant to a Franchisee, for a period extending to ten (10) years, the right to transmit, furnish, deliver, or receive electric energy within the limits of the City as they now exist or as they may be extended or revised in the future. For those purposes. Franchisee may establish the necessary facilities and equipment in and along the streets and public places within the City .The Franchisee may also do reasonable things necessary or customary to accomplish those purposes, subject, however to the further provisions of this franchise.

Section 44. Nonexclusive Franchise.

All franchises granted hereunder shall be NONEXCLUSIVE.

Section 45. Construction of Facilities.

1. The Franchisee shall give reasonable written notice to the City Administrator of its plan to construct facilities in any part of the City .Construction of facilities shall be in accord with established City planning and engineering standards.

2. Franchisee shall not open or disturb any street or public place for any purpose without first having obtained permission to do so from the City Administrator. The location of facilities in, under, upon, or over any street or public place shall be approved by the City Administrator. Franchisee shall, upon completion of any work requiring the opening of any street or public place, or during construction if ordered by the City Administrator, restore the same, including paving and foundations, to as good condition as formerly and shall maintain the same for two years thereafter in good condition. Said work shall be performed with due diligence and if the Franchisee shall fail promptly to perform and complete the work, to remove all dirt and rubbish, and to put the street or public place or the area adjacent to the street or public place in good condition, the City shall have the right to put the street or public place in good condition at the expense of the Franchisee; and the Franchisee shall upon demand pay to the City the cost of such work done for or performed by the City , Notwithstanding the foregoing provisions of this section, Franchisee may open and disturb the surface of any street or public place without permission where an emergency exists requiring immediate repair of facilities. The Franchisee in such event shall report such action not later than the second working day thereafter and in such form as required by the City.

3. No street opening may be made unless adequate traffic control measures are provided and all provisions of Chapter 21, Section 66 of the Chaska Code of Ordinances are met.

Section 46. Relocating.

Whenever the City shall grade, regrade, improve, or change the line of any street or public place or construct or reconstruct any public utility system therein or vacate any street or public place and shall, in the proper exercise of its police power, and with due regard to seasonable working conditions. when necessary , order the Franchisee to relocate in said street or such other public place, as deemed necessary by City , the Franchisee shall relocate its facilities at its own expense. The City shall give Franchisee reasonable notice of plans to grade, regrade, improve or change the line of any street or public place or to construct or reconstruct any public utility system therein or vacate any street or public way. Where the City orders the Franchisee to relocate any of its facilities, the Franchisee shall proceed with such relocation.

Section 47. Location of Facilities.

All facilities of Franchisee shall be so located, constructed, installed and maintained as not to endanger or unnecessarily interfere with the usual and customary trade, traffic, travel upon and use of the streets and public places of the City. Franchisee shall keep and maintain all of its property in good condition, order, and repair, so that the same shall not menace or endanger the life or property of any person. The Company shall provide field locations for all its facilities when requested within a reasonable period of time.

Section 48. Indemnification.

The Franchisee shall indemnify and hold harmless the City, its officers, employees, and agents from all liability on account of injury to persons or damage to property caused by the Franchisee's construction, maintenance, repair, or operations in the City .

Section 49. Franchise Fee.

It is understood by Franchisee that the City is imposing a franchisee fee per kilowatt hour of electric energy sold or delivered at retail within the City .The fee may be changed by the City Council from time to time, by Resolution adopted by majority vote.

Section 50. Written Acceptance.

The Franchisee shall, if it accepts the franchise ordinance and the rights and obligations thereby granted, file a written acceptance of the rights thereby granted with the City Administrator within sixty (60) days after the passage of such ordinance.

Section 51. Publication Expense.

The expense of publication of the franchise ordinance shall be paid by Franchisee.

Section 52. Assignment.

Franchisee upon notice to the City, shall have full right and authority to assign all rights conferred upon Franchisee by such franchise ordinance to any person, persons, firm, or corporation. The assignee of such rights. by accepting such assignment, shall become subject to the terms and provisions of said ordinance.

Section 53. Severability.

If any portion of this ordinance is found to be invalid for any reason, the validity of the remainder shall not be affected. (Ord. No.611, Sec. 2, 01-06-97.)