

ORDINANCE NO. 155

AN ORDINANCE ESTABLISHING AND CONTINUING THE ELECTRIC LIGHT AND POWER PLANT AND SYSTEM OF THE CITY OF CREEDE, AND CONCERNING THE OPERATION, REPAIR AND MAINTENANCE THEREOF: AND ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION OF SUCH SYSTEM: PROVIDING PENALTIES FOR THE VIOLATION THEREOF: AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Be it ordained by the Board of Trustees of the City of Creede, (a Town) Colorado:

Section 1. The Electric Light and Power Plant and Distribution System of the City of Creede is hereby established and is continued as established and existing, subject to the operation and control of the Board of Trustees of the City of Creede, Colorado, The City of Creede, Colorado, shall furnish electric current for light, heating, cooking and power purposes to persons whose premises abut on any supply wire of the distribution system of this town. The rules and regulations and rates for electric service, hereinafter named, shall be considered a part of the contract with every person, company, or corporation who is supplied with electric service through the electric distribution system of this town and every such person, company or corporation by taking electric service therefrom shall be considered and held to consent to be bound thereby, and whenever any such rules and regulations, now existing or hereafter adopted by the Light and Water Superintendent, are violated, the electric current shall be cut off from the building or place of such violation, even though two or more parties may receive current through the same line, and shall not be turned, on again except by order of the Light and Water Superintendent, and on payment of the fee for shutting off and turning on and upon such other terms as said Light and Water Superintendent

shall determine, and upon a satisfactory understanding with the party that no further cause for complaint shall arise; and in case of violation the Light and Water Superintendent shall have the right to declare any payment made for electric current by the person committing such violation forfeited and the same shall thereupon be forfeited.

Section 2. APPLICATION FOR ELECTRIC SERVICE

REQUIRED: CONSENTS; CONNECTIONS, SUPPLY WIRES AND METERS FURNISHED BY TOWN; SERVICE DEPOSITS REQUIRED OF CONSUMERS; METER TAMPERING, STEALING CURRENT. Every person desiring a supply of electric current must make application therefor to the Light and Water Superintendent or to the Town Clerk and Bookkeeper upon blanks to be furnished for that purpose by said town. The application must state truly and fully all the uses to which said electric current is to be applied and no additional use will be allowed except by permission of said superintendent. When such application shall be made for electric service, the City of Creede will run, or cause to be run, supply wire or wires to building or buildings of consumer, if the same are located on premises abutting the distribution system of this town. Applicants for electric service shall accompany their applications with service deposits according to the service desired as set out and indicated in the various schedules of rates in Ordinance of the City of Creede fixing the same. All meters required for providing applicant with electric service shall be furnished, shall be set in place and shall remain the property of said town. All such supply wires shall be considered the property of the City of Creede, Colorado. Not more than one house or building shall be supplied from one connection except by special permission. It shall be unlawful for any person to employ any scheme, device or contrivance for the purpose of evading the proper service and registration of any meter or to employ any scheme or device whereby he may obtain current which does not pass through the meter furnished him by the

Light and Water Superintendent. Finding any device in or near any meter which causes the same to register incorrectly shall be PRIMA FACIE evidence of the intent of the occupier of said premises, or of said consumer, to convert electric current to his own use, which is hereby declared unlawful, and the person convicted of violation of the same shall be punished as hereinafter provided; and, if it shall appear to the Light and Water Superintendent that any light or power meter shall have been tapped or tampered with, he is hereby empowered to install or cause to be installed, at consumer's expense, a meter installed in iron conduit mechanically sealed in closed meter box accessible only to Light and Water Superintendent or his agents.

Section 3. METERS, WHEN READ; BILLING; STATEMENTS, HOW RENDERED; BILLS, WHEN DUE, WHEN DELINQUENT; DISCOUNT FOR PROMPT PAYMENT; SERVICE WHEN SHUT OFF; RESUMPTION FEE. Be-

Tween the twenty-fifth day of the month during which current is used and the first day of the succeeding month the Light and Water Superintendent shall examine and read or have examined and read, under his supervision, all meters of consumers of electric service from the electric plant or the electric distribution system of the City of Creede. The Light and Water Superintendent shall compute monthly electric service bills from the meter reading books and on or before the first day of each month shall deliver or cause to be delivered to the Town Clerk and Bookkeeper said bills for collection. The Town Clerk and Bookkeeper may mail statements to customers on or about the first day of each and every month, if ordered by resolution of the Mayor and Board of Trustees, otherwise consumer shall pay his monthly light bill to the Town Clerk and Bookkeeper without further notice. All consumers shall pay in net cash, to the Town Clerk and Bookkeeper at his or her office on or before the 15th day of each month the amount due said Town for electric service up to the time of the preceding meter reading. All electric accounts not paid on or before

the 15th day of the month following month of billing shall thereafter be delinquent and each such delinquent account shall be increased by the Town Clerk and Bookkeeper by an amount equal to 10 per cent of said electric account and shall then and thereafter only be payable in such increased amount. If any consumer shall neglect or fail to pay his bill on or before the 15th day of such month in which it becomes delinquent, the electric service shall be terminated and the town through its light superintendent, shall discontinue and disconnect service until all delinquent amounts are paid in full together with a fee of three dollars (\$3.00) for resumption of service.

Section 4. The rates and charges, rules and regulations governing the furnishing of the electric light and power service to consumers in the City of Creede shall be as fixed and determined by the Board of Trustees of the City of Creede by Order and duly enacted as provided by law.

Section 5. CHANGE OR CONNECTION, BY WHOM MADE; DISCONNECTION OF SERVICE. No person or persons except those authorized by the Mayor and Board of Trustees, shall connect or make any changes in the switches, motors, meters, wire or wiring, or any electrical apparatus of any description where said electric current is used, or in any way interfere with or injure same, or any connection, when the same are connected with the supply wires of the electric distribution system of this town. The City of Creede reserves the right to cut off or disconnect the supply of electric current to any consumer without any preliminary notice, for any violation of said rules and requirements.

Section 6. LIGHT AND WATER COMMISSIONER, ACCESS TO PREMISES. The Light and Water Superintendent of this town, or the authorized agent or agents of the Mayor and Board of Trustees of this town, shall have access, at all reasonable hours, to premises in which electric light, power or current is being used to determine if it is being carried, distributed and used

In the proper manner.

Section 7. SERVICE CONTRACTS NOT TRANSFERABLE;
CONSUMER MUST GIVE NOTICE OF REMOVAL FROM PREMISES.

Contracts for electric 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 of or remove from the premises where service is furnished, he shall at once so inform the Light and Water Superintendent, who shall cause the electric current to be shut off from said premises. If such consumer shall fail to give such notice he shall be charged for all electric current used on said premises until the Light and Water Superintendent is otherwise advised of such change.

Section 8. CHANGE FOR SERVICE WHEN METER OUT OF PAIR, HOW COMPUTED. Should a consumer's meter get out of repair or fail to register properly the consumer will be charged for electric current during the time such meter is out of order or repair on the basis of monthly consumption during the same month of the preceding year: PROVIDED, HOWEVER, If no such basis for comparison exists then such consumer shall pay such amount as reasonably fixed by the Light and Water Superintendent.

Section 9. TOWN NOT A GUARANTOR OF DELIVERY OF ELECTRIC CURRENT OVER ITS LINES. The City of Creede does not guarantee the delivery of electric current over the lines of its said distribution system at any time, to any person, except when its power and connections are in good working order, and it has sufficient power, current, equipment and machinery so to do. The town expressly reserves the right to disconnect or discontinue such service for any of the following reasons: For repairs necessary to be made on any part of its plant, power house, equipment, system or distributing system; for non-payment of bills when due; for fraudulent representations in regard to the consumption of current for light, cooking, heat and power; for the protection of persons or property; for vio-

lation of any of the rules or requirements of this chapter, or the subsequent amendments thereto. This town shall use due 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 said town has no control, and said town expressly reserves the right to discontinue or disconnect consumer's service without any preliminary notice.

Section 10. CURRENT, HOW MEASURED; METERS, REPAIRS OF, WHEN AND HOW TESTED; REPLACEMENT OF METERS; METERS, PROPERTY OF TOWN. All electric current furnished hereafter to consumers by the electric distribution system of said town shall be measured by meter, the property of, furnished and set by the town. No person except an authorized agent of the town, shall be allowed to set meters or make connections to the electric service of the distribution system of this town. The town will hereafter furnish all necessary meters to consumers under the conditions prescribed in Section 2 of this Ordinance, and will keep all meters clean and in repair at the expense of the town. The owner or tenants 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 City of Creede, Colorado. Any consumer of current from the electric distribution system of this town shall have the right to request the said Light and Water Superintendent to test, a reasonable number of times, any current meter, furnished by or the property of town, which the consumer may have reason to believe is not registering the true amount of current. It shall be the duty of the Light and Water Superintendent to test said 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 of the City of Creede, shall be and remain the property of said town. When meter is entirely worn

out and a replacement is necessary, a new meter will be furnished and set by th the town for such consumer at the expense of town; PROVIDED, HOWEVER, in cases where meters repairs or meter replacements are made necessary on account of the willful neglect or recklessness on the part of consumer then said town shall require said consumer to pay for installing new meter or making the repairs and collect same as for light service furnished.

Section 11. LIGHT AND WATER SUPERINTENDENT OFFICE CREATED; BOND; TENURE OF OFFICE; DUTIES; SALARY; REMOVAL. There is hereby created, as provided by law, the office of Light and Water Superintendent. He shall be liable on his official bond in the amount of one thousand and no/100 (\$1,000.00) Dollars for the faithful performance of his duties as Light and Water Superintendent. He shall have charge of the municipal utilities under the general direction of the Mayor and Board of Trustees, Said Light and Water Superintendent shall serve during the pleasure of the Mayor and Board of Trustees of the City of Creede, Colorado. He shall cause to be read all meters as provided in Section 3 of this Ordinance. The Light and Water Superintendent shall have authority to purchase materials and otherwise make any expenditure and create such obligations as are necessary and incidental to the efficient operation of said municipal utilities system subject to the approval of the Mayor and Board of Trustees, except as to such repairs as are necessary in case of emergency, when such approval shall not be required. Upon request therefor the Light and Water Superintendent shall deliver to the Mayor and Board of Trustees the books of his office containing original entries and all other books for the inspection by such body. He shall, at the last regular meeting of the Mayor and Board of Trustees in September of each year, submit an estimate of the whole cost of providing for and maintaining the Light Department for the next municipal year.

Said estimate shall be in detail and shall contain a list of the kind and amount of supplies that will probably be needed for the ensuing year. He shall perform such other duties as the Mayor and Board of Trustees of this town may from time to time by resolution prescribe. He shall receive such salary, payable in equal monthly installments out of the Power Plant Fund as may be fixed by resolution of said Board of Trustees, and he may be removed at any time by a two-thirds vote of the members of said Board of Trustees. He shall be held responsible for the prudent management of the light plant and shall be accountable to the Mayor and Board of Trustees at all times. He shall have the management of engineers, assistants and of all employees at the light plant, who shall obey his orders and may be discharged by him for inefficiency for the good of the service. He shall recommend the appointment, together with the compensation, of such engineers, employees or assistants as are necessary efficiently to operate, maintain, repair and replace the municipal electric light plant and system, but such discharges, appointments and the compensation of appointees in such cases shall be approved and confirmed by the Mayor and Board of Trustees before the City of Greede is bound by the acts of the Light and Water Superintendent in this respect.

Section 12. TRIMMING TREES NEAR LINES OF DISTRIBUTION SYSTEM; NOTICE REQUIRED. Any person desiring to cut or remove trees or branches thereof, or to fell same, in close proximity to the lines of the electric distribution system of said town, and which said work might cause injury or damage to the lines thereof, shall before doing the said work, give reasonable written notice to said town, and shall secure a permit in writing from the Light and Water Superintendent so to do and shall seek the assistance of said town to do said work so that electric service shall not be interrupted or damage done to the lines or property of said town. Any person felling or removing such trees, or branches of trees, resulting

In the interruption of electric service or damage to the lines or property of said town, without having given notice to said town, as aforesaid, and without having received said permit in writing from said Light and Water Superintendent so to do, as aforesaid shall be guilty of a misdemeanor, and, upon conviction, thereof, shall be punished as hereinafter provided.

Section 13. OVERHANGING BRANCHES, TOWN HAS RIGHT TO REMOVE. Whenever it becomes necessary to protect the lines or property of the electric distribution system of this town, the Light and Water Superintendent shall have the right to remove and cut away in a careful and prudent manner overhanging branches or limbs of trees, so that its lines shall be free and open. Such right, privilege and authority may also be exercised by said town whenever its Mayor and Board of Trustees at any regular, stated or special meeting pass a resolution stating its intention to so cut or remove such obstructions to the lines and service of its electric distribution system.

Section 14. MUNICIPAL POWER PLANT FUND; PURPOSES; ALLOCATION OF; SERVICE DEPOSITS, REFUNDED, WHEN. The funds received by the Town Treasurer either as EX-OFFICIO Town Clerk and Bookkeeper or otherwise arising out of Income from the electric distribution system, shall be kept by said treasurer, in a separate fund known as the POWER PLANT FUND which shall be allocated for accounting and other purposes as the Mayor and Board of Trustees shall, by resolution, from time to time direct. Service deposits are in the nature of trust funds and shall be refunded to consumers when electric service is no longer desired upon claims filed, audited and allowed by the Mayor and Board of Trustees and ordered paid out of the POWER PLANT FUND.

Section 15. PROPERTY OF ELECTRIC DISTRIBUTION SYSTEM NOT TO BE DESTROYED. No person shall willfully or carelessly break, injure or deface, interfere with or disturb, any building, machinery, apparatus, insulator, transformer, fixture, attachment, appurtenance, electrolifer, white-way

pole, suspension lights or light globes in the street lighting system of the electric light plant or of the distribution system of this town, and if any person shall do any of the acts herein prohibited, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided.

Section 16. APPARATUS, WHERE AND HOW INSTALLED.

All poles, overhead wires, transformers and other aerial construction, equipment or apparatus shall hereafter be erected in a substantial manner and shall be placed in the alleys or said town in so far as it is practical to do so. All wires shall be erected and maintained at such height as shall interfere as little as possible with other wires or business interests and all such wires shall be placed so as not to interfere with the common, ordinary public travel upon said streets and alleys.

Section 17. ELECTRIC INSPECTOR. The Light and Water Superintendent shall be the Electrical Inspector of and for the City of Creede.

Section 18. SAME DUTIES, GENERAL. The Electrical Inspector in and for the City of Creede shall have general supervision over, and is hereby authorized, empowered and directed to regulate and determine the placing, stringing and attaching of all telegraph, telephone or electric light and power or other wires in said city, so as to prevent fires or accident or injury to persons or property and to cause wires and all electrical appliances to be so placed, constructed and guarded as not to cause fires or accidents or endanger life or property. The Electric Inspector shall have power to require the removal of any wires, poles or wiring by him considered dangerous to life or property, and may remove the same when his order for removal has not been complied with.

Section 19. VIOLATION, PENALTY. Any person, firm or corporation, who shall violate any of the provisions of this chapter or any of the rules and restrictions for the government of consumers of light, heat, or power as hereafter pro-

mulgated by resolution of the Mayor and Board of Trustees or the Light and Water Superintendent, or who shall violate, neglect or refuse to comply with any order or notice of the Electrical Inspector made pursuant to the provisions of this chapter, shall upon conviction thereof, in addition to the forfeitures, liabilities, stipulations and reservations in this Ordinance contained, be deemed guilty of a misdemeanor and upon conviction thereof, shall pay a fine of not more than Three Hundred Dollars (\$300.00) for each offense, and in default of payment thereof, shall be adjudged to stand committed to the Town Jail until such fines and costs be paid, secured or otherwise discharged according to law.

Section 20. AMENDMENT, REVISION. The City of Greede, Colorado, reserves the right at any time to alter, amend or change this chapter or any provision thereof.

Passed, Adopted and Approved the 3rd day of January,
A. D. 1959.

Raymond V. Will, Jr.
Mayor

Attest:

Emma J. Summit
Town Clerk and Recorder