

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF MCCLEARY AMENDING CHAPTER 13.16 –
ELECTRICAL SYSTEM OF THE MCCLEARY MUNICIPAL
CODE; PROVIDING FOR SEVERABILITY AND
EFFECTIVE DATE.**

RECITALS:

WHEREAS, the City Council of the City of McCleary has met and concluded the following amendment to MCC Chapter 13.16 are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: MCC 13.16 is amended to read as follows:

13.16.010 – Adoption of provisions.

That the rules and regulations set out in this chapter are adopted to govern the operation of the municipal electric system of the city, and all operations of said municipal electric system shall from and after the adoption and posting of the Ordinance codified in this chapter in accordance with said rules and regulations:

_____ - Rules and Regulations.

A. “Apartment,” “condominium,” or “rooming house” means a house or houses with separate facilities either side by side or upper or lower, which house or apartment is occupied by separate families all under the same roof.

B. “City” means the public works director, senior lineman, clerk-treasurer, and/or any other city officials or agents representing the city in the discharge of their duties.

C. “Family” means one or more individuals living in the same establishment and utilizing the same convenience and/or kitchen.

D. “High voltage” is defined as 600 volt or greater.

E. “Minimum approach distance” (MAD) means distance between high voltage lines or equipment and work being performed by non-qualified customers or contractors. Reference WAC 296-155-428(1)(e).

F. “Mobile home” means any building upon wheels which is occupied by a separate family from that of any other dwelling upon the same property, or a dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a usually permanent site.

G. “Premises” means a continuous tract of land or a building, including secondary buildings and places belonging to it within its entirety, being used by a single family or single business.

H. “Renewable energy” means energy generated by a family that uses water, wind, solar energy, or biogas from animal waste as a fuel.

I. “Qualified worker” means a company or contractor whose employees have completed a certified line clearance tree trimming program or completed a certified line apprenticeship program and has proof of a journeyman card.

_____ - Scope of provisions.

These Rules and Regulations are a part of all the contracts for receiving electric service from distributors, and apply to all service received from the city, whether the service is based upon contract, agreement, sign application or otherwise. A copy of this schedule, together with a copy of the city’s schedule of rates and charges, shall be kept open for inspection at the office of the city clerk-treasurer.

_____ - Revision.

These rules and regulations may be revised, amended, supplemented , or otherwise changed from time to time without notice. Such changes, when effective, shall have the same force as the present rules and regulations.

_____ - Conflict between provisions.

In case of conflict between any provision of a rate schedule and any rules and regulations provision, the rate schedule shall apply.

_____ - Application for service.

~~Each prospective customer desiring electric service may be required to sign the city’s standard form of application for service, or contract before service is supplied by the city. For large commercial or industrial service a special written agreement will be required. In the absence of a signed agreement or application for service, the delivery of electric service by the city and the acceptance thereof by the customer shall be deemed to constitute an agreement hereunder.~~

~~(Ord. 94 § 1(4), 1951)~~

A. Application for electric energy service or electric work order estimates shall be made to and upon forms furnished by the city. Every such application shall be made by the owner, or by his legally authorized agent, hereinafter known as “customer,” and shall give the location of the premises to be served and the schedule applicable to the applications. Upon acceptance by the city, it shall constitute a contract by and between the city and the customer to accept electric energy as specified under the terms and conditions as prescribed by this chapter. All accounts for electricity shall be kept in the name of the owner per current city adopted utility billing policy.

B. At the time of filing the application, the applicant shall pay to the city the fee or deposit required for the construction of the service connection or work order hereinafter provided.

C. No promise, agreement or representation of any employee or agent of the city with reference to the furnishing of electric energy shall be binding on the city unless it is in writing, signed by an authorized agent of the city as provided by this chapter and approved by the city council.

D. All applications for electrical service shall be connected only if the served structure complies with the State of Washington Electric Code, applicable city ordinances, and accepted modern standards, including the National Electric Safety Code and the National Electric Code now and as the same may be amended and modified from time to time

_____ - Deposit.

~~A deposit or suitable guarantee approximately equal to twice the average monthly bill may be required of any customer before electric service is supplied. The city may at its option return deposit to customer after one year. Upon termination of service, deposit may be applied by the city against unpaid bills of customers, and if any balance remains after such application is made, said balance shall be refunded to the customer.~~

~~(Ord. 94 § 1(5), 1951)~~

_____ - Point of delivery. Connections.

~~The point of delivery is the point, as designated by the city on the customer's premises where current is to be delivered to building or premises without regard to the city's meter, transformer or other apparatus. All wiring and equipment beyond this point of delivery shall be installed and maintained by the customer.~~

~~(Ord. 94 § 1(6), 1951)~~

A. All purchased electricity, other than emergency, standby service, or customer generation, used on the premises of the customer shall be supplied exclusively by the electric utility within the city. No person, firm, company, or utility shall directly or indirectly sell, sublet, assign or otherwise dispose of to another, electrical power received by him/her/them from the city. No person, firm, company or utility shall buy, lease or otherwise receive electrical power from any person, firm, company or utility other than the city except as authorized by the city. Nothing herein

shall be taken as forbidding landlords who pay for electricity used by their tenants from providing such electric service and charging a mutually agreed figure therefor. Purchases of electricity for resale are prohibited, except between electric utilities as authorized by the city .

B. Nothing contained in this chapter shall be construed as requiring the City to enter into any contract or to furnish electric current to any person applying therefor. The city is hereby authorized and empowered to refuse to enter into any such contract or to furnish such electric current.

C. The city may, before connecting any premises with the city's circuits or furnishing electric current therefrom, cause the wiring, appliances and fixtures to be carefully inspected, and until such wiring, appliances and fixtures are put in proper condition satisfactory to the city, decline to connect the service wires with the city's circuits and shall have the power at any time to disconnect the service from the premises when the wiring, appliances or fixtures shall become or are found to be defective or dangerous, until the same are repaired to the satisfaction of the city.

D. It shall be unlawful for any person other than the city to connect any house, premise, wire, or other appliances with the city's electric current for the purpose of securing electric current therefrom, or for any other purpose whatsoever.

E. No customer shall connect his service with that of any other customer, or in any way supply any other person or premises with electricity through his service, except as approved by the Light and Power department after the filing of a written application with the department for the connection and receipt of a permit from the department for connection. In the absence of a signed agreement or application for service, the delivery of electric service and the acceptance thereof by the customer shall be deemed to constitute an agreement that incorporates this chapter.

F. The customer shall provide a suitable service entrance to the premises at the point of easiest access to the distribution line that the department proposes to connect to the customer's system. Such entrance shall be continuous and so arranged that the possibility of improper tampering or interference is minimized.

G. The department may require customers to provide on their premises, at their own expense, additional protective devices deemed necessary by the department to protect the department's property or personnel, or the property or personnel of the department's other customers.

H. The department has the responsibility of providing electrical equipment of a suitable capacity to deliver power in accordance with the customer's load requirements. In the event that the customer changes his load materially, exceeding that initially provided, he shall notify the department sufficiently in advance so that the department may revise its facilities accordingly. In the event that the customer fails to notify the department and, as a result, the city's equipment is damaged, the customer shall be liable for the costs of such damage.

_____ - ~~Service entrance.~~ Access to Facilities.

~~The customer shall provide a suitable service entrance to the premises at the point of easiest access to the distribution line from which service is to be taken. Such entrance shall be continuous and free from the possibility of unwarranted tampering or interference.~~

~~(Ord. 94 § 1(7), 1951)~~

A. All meters shall be placed in a readily accessible location on the outside wall of the structure. Exceptions are condominiums, apartment houses, and hotels. No master metering of dwelling units will be allowed.

B. The city shall have free access at any reasonable time to any and all premises furnished with electric current by the city for the purpose of inspection of any wires or electric devices on such premises, reading or installing meters, and removing or repairing any property of the city, or for any other reasonable purpose connected with the Light and Power system of the city. For the Light and Power department's systems in underground areas, 24-hour personnel access shall be provided to all vaults, switchgear rooms, or other facilities on customer property.

C. All lamps, meters, wires and other electrical equipment or appliances supplied by the city shall be and remain the property of the city and may be removed, replaced, or repaired whenever the city may so elect.

D. Customers shall maintain a minimum three feet wide clear working space for three feet in front of every electric meter, or service pedestal. Pad mount transformers and equipment shall have a minimum of 10 feet clearance in front related to the electrical supply. The area defined by this working clearance shall be a minimum of six feet six inches high and accessible as defined in paragraph 13.16.080(A). It is unlawful for any person to store, maintain or keep any goods, materials, or rubbish within this access space, or to construct any structure or plant vegetation that interferes with this working clearance.

E. Upon request, the customer shall correct any condition that limits or restricts free and safe access to or operation of the Light and Power department's meters or service. Failure of the customer to comply within a reasonable time specified, as determined by the Light and Power department or its authorized agent, shall subject the customer to disconnection of service.

_____ - Customer's wiring standards. Permits – New.

~~All wiring of customer must conform to municipal and state requirements and accepted modern standards, as exemplified by requirements of the National Electric Safety Code and the National Electric Code.~~

~~(Ord. 94 § 1(8), 1951)~~

All wiring of every customer's premises must conform to the State of Washington Electric Code, applicable city ordinances, and accepted modern standards, including the National Electric Safety Code and the National Electric Code. Electrical permits are required for the installation,

alteration, or maintenance of all electrical systems or equipment consistent with the requirements of state law and regulations as administered by the permitting authority.

A. New Service.

1. A new secondary service is not to exceed 300 feet unless approved by the City.

2. Service shall include placing a temporary meter on an approved placed pole as determined by the Light and Power department and erected by the applicant or his contractor. Approval of temporary meter electrical inspection will be posted by Washington Labor and Industries (L&I) before temporary electrical meter is set.

3. Connection shall be complete with the setting of the permanent electric meter and when final approval of electrical inspection has been posted by Washington Labor and Industries (L&I).

B. Conversion and Rewiring.

1. The service provided will be a review by the Light and Power department to determine if the conversion or rewire requested will require increased transformer capacity or service drop replacement.

2. The installation or alteration to meet the increased load will be made by the Light and Power department, when necessary, after the posted approval of the conversion or rewire by Washington Labor and Industries (L&I).

3. Any changes, alterations or increase in capacity of an existing service, overhead or underground, made at the request of the customer or his agent shall follow the application process as written in MMC 13.16.050 such person in advance of any work being done.

4. Rates. The owner will be provided an estimate of the total costs and will be reimbursed the difference if the actual installation cost is less.

_____ - Inspections – Notification.

~~The city shall have the right, but shall not be obligated, to inspect any installation before electricity is introduced or at any later time, and reserves the right to reject any wiring or appliances not in accord with the city's standards; but such inspection or failure to inspect or reject shall not render the city liable or responsible for any loss or damage resulting from defects in the installation, wiring or appliances, or from violations of the city's rules, or from accidents which may occur upon the customer's premises.~~
~~(Ord. 94 § 1(9), 1951)~~

All electrical installation work shall be subject to inspection by the city and by the designated representative of the state of Washington at the time such work is being done and must

be approved before electrical energy will be furnished thereto. Inspections shall be made by and under the supervision of the Senior Lineman and the designated representative of the state of Washington. It shall be the duty of the owner or his electrical contractor or general contractor to notify the city and the designated representative of the state of Washington of the completion of the electrical work and to call for inspections.

_____ - Underground ~~service~~ lines.

~~Customers desiring underground service lines from the city's overhead system must bear the excess cost incident thereto. Specifications and terms for such construction will be furnished by the city on request.~~
(Ord. 94 § 1(10), 1951)

1. Underground distribution systems required when

A. It is the desire of the city to require the distribution system to be installed underground in plats and subdivisions. Exceptions to this rule could be certain short and long plats where a continuation of the existing overhead distribution would be determined by the city.

B. In areas where underground distribution is required, the developer shall follow the policy as written in MMC 13.16.320 (3)

C. Where primary distribution is required to be extended into private property, the alternatives of overhead versus underground construction shall be determined by the city. In most situations, underground installation will be preferred.

D. Both underground primary and secondary installation shall not be jointly trenched with water or sewer, and a minimum distance of three feet separation shall be maintained at all times.

E. All underground primary will be in conduit. Telephone or cable TV wiring will not be allowed in the same conduit used for electrical wires.

2. Underground distribution installation on private property.

A. When the length of service exceeds capabilities of servicing by a secondary connection, then primary distribution shall be installed. The customer shall pay for the following items based upon the city's cost of materials at the time of purchase:

1. Conductor, per foot: from pole top to transformer;

2. Pad-mount transformers:

3. All other necessary equipment:

a. Residential development: shall pay the entire cost of transformers, to include vaults, and hardware;

b. Commercial development: shall pay the entire cost of transformers, to include vaults, and hardware;

3. Transformer pad;

4. Trenching and backfill at time and material plus inspection (the customer may be required to trench and backfill);

5. Conduit:

a. Primary from pole to transformer;

b. Secondary from the transformer to the meter base down.

B. Before construction, the customer shall provide the city with a feasible location of construction. A consideration of location will be provisions to connect other customers to the distribution system. An easement stipulating location and condition of use by others will be furnished to the city by the customer.

C. All equipment furnished and installed either by the customer or the city shall become and remain the property of the city.

~~_____ - Customer's responsibility for distributor's property.~~

~~All meters, service connections, and other equipment furnished by the city shall be, and remain, the property of the city. The customer shall provide a space for, and exercise proper care to protect the property of the city on its premises; and in the event of loss or damage to the city's property arising from neglect of customer to care for the same, the cost of the necessary repairs or replacement shall be paid by the customer.~~

~~(Ord. 94 § 1(11), 1951)~~

~~_____ - Meter installation and location.~~

~~A. All meters must be located as near as possible to the point of entrance of the service, in a clean, dry, safe place, where the meters will be free from vibration.~~

~~B. Meters must be in a readily accessible location so that the meter readers and test men may have access to the meters without inconveniencing the customer. Location should be on an open porch where the meters are protected from the weather or in an approved shelter on the outside of a building.~~

~~(Ord. 94 § 1(12), 1951)~~

___ - **Right of access.**

~~The city's identified employees shall have access to the customer's premises, at all reasonable times for the purpose of inspecting wiring and devices, reading meters, testing, repairing, removing, or exchanging any and all equipment belonging to the city.~~

~~(Ord. 94 § 1(13), 1951)~~

13.16.150 Reserved

Editor's note(s)—Ord. No. 754, § II, adopted Jan. 28, 2009, repealed § 13.16.150 Editor's note(s)—, which pertained to billing and derived from Ord. 592 § 1 Editor's note(s)—, 1992: Ord. 420 § 1 Editor's note(s)—, 1982: Ord. 359 § 1 Editor's note(s)—, 1976: Ord. 337 § 1 Editor's note(s)—, 1975: Ord. 94 § 1 Editor's note(s)—(14), 1951. In addition, Ord. No. 754 "provided that, such repeal shall not effect any monetary obligation arising under the provisions of such section prior to the effective date of this ordinance."

___ - **Discontinuance of service by city.**

~~The city may refuse to connect or may discontinue service for the violation of any of its rules and regulations, or for failure to pay charges for service when due, or for violation of any provision of the schedule of rates and charges or of the application of customer or contract with the customer. The city reserves the right to refuse to supply service to leads of a character which may seriously impair service to any other customer and shall have the right to discontinue service to any customer who shall continue to use appliances or apparatus detrimental to the service after being notified by the city. The city may discontinue service to customer for the theft of current or the appearance of current theft devices on the premises of customer. The discontinuance of service by the city for any causes as stated in this rule does not release the customer from his obligations to the city for the payment of minimum bills as specified in application of customer to contract with customer.~~

~~(Ord. 94 § 1(15), 1951)~~

Utility services shall be subject to disconnection by the City without obligation upon the city to refund or repay any consideration which may have been given for the granting of such service and without any obligation upon the city whatsoever for any one or more of the following reasons:

A. Failure to comply with this chapter and/or applicable rules and regulations of the city;

B. Use of the utility system for purposes not authorized by the city;

C. Any emergency requiring the interruption of service as determined by the City or the responsible department head.

___ - Reconnection charge.

~~Whenever service has been discontinued by the city, as provided above, or a trip made during regular business hours for the purpose of discontinuing service, a charge of not less than five dollars may be collected by the city before service is restored; but when a trip is made outside of regular business hours, a charge of not less than fifteen dollars will be made.~~
(Ord. 315, 1973; Ord. 94 § 1(16), 1951)

A. All fees will be based on the latest adopted fee ordinance or resolution.

B. When service is shut off for nonpayment, services will not be activated until the bill is paid in full.

~~___ - Termination of contract by customer.~~

~~Customers who have fulfilled their contract terms and wish to discontinue service must give at least three days' written notice to that effect, unless contract specified otherwise. Notice to discontinue service prior to expiration of contract term will not relieve the customer from any minimum or guaranteed payment under any contract or rate.~~
(Ord. 94 § 1(17), 1951)

___ - Service charges for 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. ~~This rule applies to fruit stands, field offices, Christmas tree lots, circuses, carnivals, fairs, temporary construction and the like.~~
(Ord. 94 § 1(18), 1951)

___ - Interruption of service.

The city will use reasonable diligence to provide a regular and uninterrupted supply of current, but in case the supply of current should be interrupted or disturbed for any cause, the city shall not be liable for personal injuries or property damages resulting therefrom, or will such failure constitute a breach of agreement for service.
(Ord. 94 § 1(19), 1951)

___ - Voltage fluctuations caused by customers.

Electric service must not be used in such manner as to cause unusual fluctuations or disturbances on the city's system. The city may require the customer, at his own expense, to install suitable apparatus which will reasonably limit such fluctuations.
(Ord. 94 § 1(20), 1951)

_____ - ~~Lower power factor devices.~~ Power factor adjustment.

~~On any installation of neon, fluorescent, mercury vapor lamps or tubes or other types of gaseous tube lamps, if the overall power factor including auxiliaries of any such units or group of units is less than ninety five percent lagging, there will be an additional charge of one dollar per month per kva of installed capacity of each unit or separately controlled group of units of such equipment, provided no charge will be made where the total of such uncorrected equipment installed by an individual customer is one tenth of a kva or less.~~

~~(Ord. 94 § 1(21), 1951)~~

A. Applies to any general service customer subject to demand charges at the discretion of the City.

B. Adjustment of bill shall be made for low power factor and power factor metering equipment shall be installed when, in the judgment of the City power factor is below ninety-five percent.

C. If the average power factor at which power is delivered to the purchaser during the billing period is ninety-five percent or more, no adjustment will be made in the registered kilowatt-hours. If such average power factor is less than ninety-five percent, then the registered kilowatt-hours shall be adjusted by adding one percent to the bill for every one percent the customer is below the ninety-five percent power factor. This adjustment may be waived in whole or in part to the extent that the City determines that a power factor of less than ninety-five percent would in any particular case be advantageous to the department. Unless specifically otherwise agreed, the department shall not be obligated to deliver power at any time to a power factor below eighty-five percent.

D. The formula for determining average power factor is as follows: Average power factor equals kilowatt-hours divided by (the square root of the square of the kilowatt-hours plus the square of the reactive kilovolt ampere hours) times one hundred percent.

E. Power Factor Ratchet.

1. Applies to all Industrial service customers and applicable Commercial service customers only.

2. Power factor adjustment shall be based on the lowest power factor during the previous twelve months.

_____ - ~~Additional load.~~ Addition of electric equipment unlawful.

~~On any installation of neon, fluorescent, mercury vapor lamps or tubes or other types of gaseous tube lamps, if the overall power factor including auxiliaries of any such units or group of units is less than ninety five percent lagging, there will be an additional charge of one dollar per month per kva of installed capacity of each unit or separately controlled group of units of such equipment, provided no charge will be made where the total of such uncorrected equipment installed by an individual customer is one-tenth of a kva or less.~~

~~(Ord. 94 § 1(21), 1951)~~

It is unlawful to add any additional electric equipment requiring more than three thousand watts of electrical energy to the services installed under the original contract without first notifying the city Light and Power department. In addition to the penalty herein provided, such customer shall be liable for all damages to the city that may occur as a result of the failure to so notify the Light and Power department.

~~___ - Water heater specifications.~~

~~A. — Water heaters shall be of the noninductive automatic, storage type and of makes, types and characteristics approved by the city, the city reserves the right to control the supply of electric energy to water heaters in such manner and at such times as, in its judgment, system operation conditions require. All control devices required by such control shall be supplied, installed and maintained by the city. No single heating unit in any water heater shall have a rated capacity greater than three kilowatts. In installations equipped with two heating units, a lower or base unit shall be placed so as to heat the entire tank and an upper or booster unit shall be placed so as to heat not more than the upper one third of the tank. Each heating unit is to be controlled by an individual thermostat. The total connected load of all heating elements in any tank shall not exceed a rated capacity of six kilowatts, except by written permission of the city. All electric water heaters installed after April 1, 1950, shall be designed and connected for operation at 240 volts.~~

~~B. — Water tanks shall be provided with an efficient insulation.~~

~~C. — Installation of electric heaters will not be permitted on any tank directly connected to furnace or range coils. If customer desires to use the furnace or other heating coils as an auxiliary source of hot water supply, then the tank to which the coils are connected shall be used uninsulated as a tempering tank with connection from this tank to a second tank properly insulated, on which the electric equipment is installed.~~

~~(Ord. 94 § 1(23), 1951)~~

____ - ~~Standby and resale service.~~

~~All purchased electric service (other than emergency or standby service) used on the premises of customer shall be supplied exclusively by the city, and the customer shall not, directly or indirectly sell, sublet, assign, or otherwise dispose of the electric service or any part thereof.~~

~~(Ord. 94 § 1(24), 1951)~~

____ - ~~Notice of trouble.~~ Defective service.

The customer shall notify the city immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of electricity. Such notices, if oral, should be confirmed in writing.

~~(Ord. 94 § 1(25), 1951)~~

____ - ~~Nonstandard service.~~

~~The customer shall pay the cost of any special installation necessary to meet his particular requirements for service at other than standard voltages, or for the supply of closer voltage regulation than required by standard practice.~~

~~(Ord. 94 § 1(26), 1951)~~

____ - ~~Meter installation and maintenance.~~ Meter – Installation – Testing.

A. ~~The city will install and maintain all meters and other equipment necessary for measuring the electric service used by the customer.~~

B. ~~Should the customer desire the installation of additional meters other than those necessary to adequately measure the service taken by the customer, such additional meters shall be supplied, installed and maintained by the customer.~~

C. ~~The city at its option may supply, install and maintain any supplementary meter requested in writing by the customer and will make charges therefor as follows:~~

1. ~~Twenty five cents per meter per month for watt hour meters or demand meters of fifty ampere capacity or less for service at five hundred volts or less;~~

~~2. Fifty cents per meter per month for combination watt-hour and demand meters within the same limit of capacity and voltage;~~

~~3. One and one-half percent of the installed cost per month for metering equipment of greater capacity or higher voltage, but not less than fifty cents per meter per month.~~

~~(Ord. 94 § 1(27), 1951)~~

A. The city shall have the right to install a meter on every service connection, with or without notice to the customer, which meter shall be installed in accordance with the National Electrical Code. The property owner shall be responsible for the protection of any equipment used to service his property, excepting natural depreciation.

B. Any customer protesting that the meter on his premises is not registering correctly may apply to the Light and Power department for a meter test. The meter shall be tested by an accredited laboratory and test results furnished. In the event the meter is in good order, applicant shall pay the cost of the test, plus a fee for delivery and labor. If the meter is in bad order, it shall be paid for by the Light and Power department. The fee will be in the amount published in the most current City fee schedule as currently adopted.

C. In case a city's meter is broken or the meter from any cause does not properly register, the consumer shall be charged at the average daily consumption as shown by the meter during the previous month

D. If a meter does not function or operate correctly due to faulty wiring on the part of the customer, the consumer shall correct said faulty wiring within 10 days, or the service will be discontinued.

E. A single-phase meter will be furnished by the city for each residential connection. If the customer requires any other type of a meter, they will pay the difference in the cost of the meter.

F. The meter shall be installed at a location approved by a representative of the city. The meter shall be accessible at all times.

G. The meter sockets shall be located not less than five feet and not more than six feet above final grade.

H.. The city shall not energize any service or equipment that in their opinion is an unsafe condition, nor shall they energize any service until it has posted approval of Washington Labor and Industries (L&I)

I. The city shall have the right at any time to disconnect the service from any customer, where, in the opinion of the city, there is evidence of an unsafe and dangerous condition. Service will not be restored until the corrections are made and, if necessary, approval by Washington Labor and Industries (L&I).

J. The city shall not be liable for interruption of service for any reason. In case any meter fails to register, the monthly consumption shall be estimated by the city finance department on the basis of one-third of the sum of the preceding three months' consumption

 - ~~Meter tests.~~

~~The city will, at its own expense, make periodic tests and inspections of its meters in order to maintain a high standard of accuracy. The city will make additional costs or inspections of its meters at the request of the customer. If tests made at the customer's request show that the meter is accurate (within two percent), slow or fast, no adjustment will be made in the customer's bill, and the testing charge of one dollar per meter will be paid by the customer. In case the test shows meter to be in excess of two percent fast or slow, an adjustment shall be made in customer's bill over a period of not more than sixty days prior to date of such test, and cost of making the test shall be borne by the city.~~
~~(Ord. 94 § 1(28), 1951)~~

 - Billing adjusted to standard periods.

The demand charges and the blocks in the energy charges set forth in the rate schedules are based on billing periods of approximately one month. In the case of the first billing of new accounts (temporary service excepted) and final billing of all accounts (temporary service and other seasonal customers excepted) where the period covered by the billing involves fractions of a month, the demand charges and the blocks of the energy charge will be adjusted to a basis proportionate with the period of time during which service is extended.

(Ord. 94 § 1(29), 1951)

 - Tax adjustment.

The rates named in the city's schedules of rates are subject to proportional increases to compensate for any new federal, state, county municipal, or subdivision tax or increase in the tax rate thereof, imposed after January 1, 1951, upon or in respect of the right of the city to operate or do business within the jurisdiction or body imposing the tax. Any such increase shall continue in effect only for the duration of such taxes or assessments.

(Ord. 94 § 1(30), 1951)

~~_____ - Line Extension policy.~~ Policy for electric service.

~~A.—— Within the means and ability of the city, it is the declared policy to extend service to new customers or new loads for permanent residential, commercial and industrial service in all areas within or adjacent to territory now being served by existing facilities of the city. The city will make extensions from its distribution system, at locations where adequate capacity is available for the load contemplated. Each extension will be subjected to a study as to feasibility and desirability and action deemed necessary.~~

~~B.—— An extension agreement will be entered into with the customer, and the customer agrees to pay for a minimum amount of electric service specified in dollars per year. The customer shall be entitled to receive for this service annual revenue electric service in a specified amount under appropriate rate schedules. The agreement shall extend for a period of five years. The city will invest towards making service available to the customer not more than five times the specified annual revenue. In the event the total investment to be made by the city is in excess of the investment ratio of five to one, the customer or customers may contribute the deficiency in which case the city shall proceed to make the extension. The customer will arrange with the city to pay his share of the deficiency in advance of construction of the extension. Adjustments will be made on the basis of actual extension costs if this is lower than the estimated costs. Any customer may make contribution for other customers. For the convenience of the city in billing customers receiving service under an extension agreement, the specified annual revenue shall be billed on a monthly basis, the monthly minimum being fixed in advance on the basis of reasonable estimates of monthly consumption of electricity.~~

~~(Ord. 94 § 1(31), 1951)~~

1. Electric Service Extensions.

A. The city of McCleary Light and Power department will, at its expense, extend its overhead electric service as required to provide electric service on all dedicated streets and county roads in the city's service area.

B. If three-phase power is requested and only single-phase is available, the customer will be charged for the necessary materials to expand the system to provide the three-phase power.

• Exception: The city will pay such expansion costs if, as determined by the director of public works or designated city official, the potential for growth in the area justifies the expenditure by the city.

C. Route. Permanent overhead or underground line extensions will normally be built in the most direct route from the nearest source of supply.

D. Any consumer or contractor who has paid the cost of primary or secondary voltage extensions shall be offered the opportunity to enter into a developer reimbursement agreement, sometimes referred to as a latecomer agreement, in accordance with RCW 57.22 and RCW 35.91. Additional customers will not be served from line extensions covered by a developer reimbursement agreement until they have contributed their fair share of the costs of the line extension as provided for under said agreement.

2. Existing Multiple and Single Residences. Existing multiple and single residences that require service upgrading because of added power needs will be at the expense of the customer for larger transformers and materials needed.

3. New Developments (Multiple and Single Residences). The city will install electric service distribution systems in new developments of dedicated plats with the entire cost to be paid by the developer on the following basis:

A. The developer will furnish the city adequate drawings of the proposed development with all pertinent survey information, equipment and material specifications, showing the location of streets, sidewalks, curbs, lot corners, and final grade.

B. The developer will furnish all necessary easements as required by the city Light and Power department.

C. The developer will furnish all necessary trenching, backfilling, and earth moving as required by the city.

D. All underground primary, secondary and service wires must be in PVC conduit of proper size for installation and removal of wire.

E. The customer will pay for the service drop from the pole to the service entrance.

F. If more than one customer is to receive service from a transformer, either pad-mount or pole-mount, the cost of the transformer will be divided among the customers served.

4. Mobile Homes. Mobile homes whose owners locate the mobile home on land owned by themselves, and provided the mobile home is on a permanent foundation, will be considered permanent homes, and electrical service will be available to them on the same basis as conventionally constructed homes.

5. Trailer Courts and Mobile Home Developments. Electric service to trailer courts and mobile home court developments will be provided with the entire cost to the developer. All underground primary and secondary wire and services to trailers will be installed in PVC conduit.

6. Primary Distribution for Commercial and Industrial Service Customers. For customers desiring the use of primary voltages for distribution of electricity to their plant or development, all costs of such installation will be at the customer's expense.

7. New and Existing General Service Customers.

A. General service customers desiring overhead or underground electric service from the city's electric system may be served or upgraded after approval by the city. All upgrading of the existing service shall be at the customer's expense for all materials and transformers. A new underground or overhead service would be at the expense of the customer after city approval. City Light and Power shall calculate the costs of such services using the most current material, labor, equipment, overhead rates, and any other potential costs that may impact the overall cost of providing the service. Current service connection rates will be published in the most current fee schedule as currently adopted.

8. Equipment Maintenance. The city Light and Power department will own and maintain or replace all electrical equipment for which it has ownership. All other equipment maintenance and repair shall be the responsibility of the customer unless otherwise agreed upon by the customer and the public works director.

• Exception: The city Light and Power department will not be responsible for maintaining or replacing any transformer that has a secondary voltage other than that which is standard throughout the system.

~~_____ - Residential rate classifications.~~

~~In order to clarify the provisions of the residential rate schedule and the commercial lighting and power rate schedules with respect to the applicability of these schedules to cases approaching the border line of classification, the following interpretations are given.~~

~~A.—— Multiple Dwellings. Where premises include two or more residential or dwelling units, the residential rate may be applied only if separate circuits are provided without cost to the city. A residential or dwelling unit shall be defined, for the purpose of applying this interpretation, as the space provided for the occupancy of a single family, i.e. including separate living quarters and kitchen. If it is not practical to provide for separate metering of each individual unit, the entire premises will be served under appropriate lighting and power rate. Where building service, such as hall lighting, elevators, and water heating, are provided by a landlord who is not a tenant in the building, a separate circuit shall be provided for such services and metered and billed under the appropriate lighting and power rate. If these services are provided from circuit which is used for service to a tenant in the building, they may be consolidated with his residential use and billed under the residential rate, provided that no more than two dwelling units are included in the same premises. If the number of dwelling units exceeds two, a separate circuit must be provided for building services and billed under the appropriate lighting and power rate, or the entire requirements of the tenant whose residential use is obtained from the same circuit including the building services, must be billed under the appropriate lighting and power rate.~~

~~B.—— Commercial Use of Portions of Dwellings. The residential rate is not applicable to the space in a dwelling which is regularly used for commercial purposes, such as an office, beauty shop, studio, tea room, or store, or for other gainful activities. In such cases, if a separate circuit is provided at no cost to the city, for the portion of the dwelling so used, the residential rate should be applied to the balance of the power requirements and the appropriate lighting and power rate applied to the power requirements of the portion of the dwelling used for commercial purposes. If a separate circuit is not provided, the entire power requirements of the premises must be billed under the appropriate lighting and power rate.~~

~~If the premises is used primarily as a private dwelling and space in the dwelling occasionally used for commercial purposes, such as occasional rental of surplus rooms, dressmaking, laundering, catering, etc., the residential rate should be applied to the entire power requirements.~~

~~C.—— Rooming Houses. The appropriate lighting and power rate should be applied in all cases in which premises are used primarily for the rental of rooms. A dwelling~~

~~shall be considered a recognized rooming house in which more than fifty percent of the total number of rooms in the house are available to roomers on a rental basis, or which is licensed by local governmental authority, or which advertises regularly, provided that a dwelling shall not be considered a recognized rooming house unless more than three rooms are for rent.~~

~~D.——Boarding Houses. All recognized boarding houses should be billed under the appropriate lighting and power rate. An establishment which is commonly known to service, or to hold itself in readiness to serve regular boarders of the transient trade, or which advertises such service, shall be considered a recognized boarding house. An establishment shall be considered a recognized boarding house which is licensed by municipal or other governmental ordinance or statute. The above definitions are subject to the limitation that an establishment with facilities only sufficient to serve three or less paying guests shall not be considered a recognized boarding house.~~

~~E.——Tourist Homes and Camps. All tourist homes and camps shall be considered nonresidential customers and billed under the appropriate lighting and power rate. All wiring on the customer's side of the point of delivery shall be provided by the customer. All dwellings primarily used for the purpose of renting rooms to tourists shall be considered nonresidential customers and billed under the appropriate lighting and power rate. All dwellings licensed as tourist homes by local governmental authority or regularly advertising the availability of rooms for tourists shall be billed under the appropriate lighting and power rate, provided that dwellings with less than four rooms for rent, which are not licensed as tourist homes, shall be billed under the residential rate.~~

~~(Ord. 94 (part), 1951)~~

~~_____ - Farm service—Domestic.~~

~~A farm on which is located a single dwelling and its appurtenances, including barns, domestic servants' quarters, and out buildings, and which processes only its own products, shall be considered a domestic farm and shall be entitled to the residential rate for all of its power requirements, including motors up to and including rated capacity of seven and one-half horsepower. Motors of capacities larger than seven and one-half horsepower shall not be installed except by special agreement with the city. Service to dwellings other than the main dwelling, such as tenant houses, etc., may be separately metered and billed under the residential rate. This interpretation is not applicable to commercial dairies as defined in Section 13.16.360.~~

~~(Ord. 94 (part), 1951)~~

~~_____ - Farm service—Commercial.~~

~~A farm shall be metered and billed under the appropriate lighting and power rate if other dwellings beside the main dwelling are not separately metered and are served through the same point of delivery or if products of other farms are processed for sale. The main dwelling and domestic servants' quarters may be metered and billed under the residential rate if a separate circuit is provided for all of the other farm uses in cases where products of other farms are processed for sale.~~

~~(Ord. 94 (part), 1951)~~

~~_____ - Dairies.~~

~~All dairies having refrigeration equipment with a rated capacity of more than one and one half horsepower, or making use of pasteurization equipment for processing milk, or dairies retailing raw milk under laws or ordinances, or inspection or regulation of the city or county, shall be considered nonresidential customers for their dairying power requirements.~~

~~(Ord. 94 (part), 1951)~~

~~_____ - Reward offer for information on destruction or damage of property.~~

Damaging City property prohibited

A. It is unlawful for any person to in any manner interfere, change, injure, mutilate, destroy, remove, disconnect or in any way interfere or tamper with any of the poles, wires, meters, ducts, meter seals, structures, cables, machinery or other equipment and appliances belonging to the city or in any way connected with the electrical distribution system of the city. Such actions shall be a civil infraction and subject to the penalties set forth in Chapter 9.38.310 MMC. Further, in the event of such violation, the utility service may be shut off and only reinstated after payment of all reconnection fees, plus fines and penalties.

B. The city shall and does hereby offer to pay to any person or persons offering or giving information leading to the apprehension and conviction of any person or persons destroying or damaging any property of the light and power system of the city by any means, the reward shall be determined by the Mayor and confirmed by City Council.

C. The police chief and clerk-treasurer of the city shall give suitable publicity to this offer of reward by printing and posting signs and otherwise.

D. A resealing charge for resealing a meter shall be paid by the customer where the seal has been cut, broken, removed or in any way altered or tampered with by anyone other than authorized McCleary Light and Power department personnel. The resealing

charge will be in the amount published in the most current City fee schedule as currently adopted.

(Ord. 183 §§ 1, 2, 1960)

___ - Removal of trees or obstructions interfering with equipment required.

A. The customers must at all times remove any trees or shrubs or other obstructions of any kind or nature interfering with the electrical service wires, meter or any part of the distribution system. Said meter shall at all times be kept free from obstruction and readily accessible to the meter reader, and the path to the meter shall likewise at all times be kept free from obstruction. In the event this is not done after 30 days' written notice to the customer by the city directing the attention of the customer to the objectionable conditions and upon the failure of the customer to correct said condition, the service meter may at the opinion of the city be removed and service disconnected until the objectionable condition has been corrected by the customer.

B. All trees overhanging city streets or rights-of-way shall be kept at least four feet from secondary lines by the owner of the property on which such trees are growing. Nonqualified customers or contractors shall not perform any work on or near energized high voltage conductors or equipment and shall not come within the minimum approach distance of the energized lines or equipment, except under the provisions of a work clearance. The city of McCleary will provide 10 feet of clearance for nonqualified contractors or customers to safely trim or remove trees to maintain a safe work clearance from high voltage lines or equipment. Property owners shall be held liable for any damage caused by said trees that are allowed to grow in violation of this provision. Property owners shall be notified in writing to remove trees or cut back overhanging foliage from trees which do not comply with the requirements of this section. In the event such property owners fail or refuse to move or cut back said trees after receipt of such written notice, the Light and Power department shall remove said obstructions, and the cost of such removal shall be assessed against the owner of the property upon which such tree or trees and foliage are situated. In the further event that said condition creates a hazard dangerous to life or property, the said obstruction shall be removed immediately and without notice to the customer. The Light and Power department shall notify the owners of the property on which there are trees deemed by the Light and Power department to be unsafe and dangerous and likely to cause damage to the transmission distribution system of the city due to the excessive height or other conditions of the said trees, and the Light and Power department shall on such notice, if it deems proper and necessary, request the pruning or removal of said trees. In the further event of the failure or refusal of the property owner to comply with the notice and request of the Light and Power department relative to said dangerous trees or any parts thereof upon the transmission or distribution lines of the city

causing damage thereto, the cost of such damage shall be assessed against the owners of the property upon which such trees are situated.

____ - Takeover of existing customers or service area of other electric utilities.

A. From time to time the city may take over existing customers or service areas of other electric utilities by agreement with the other electrical utility or as may be provided by law. This section is intended to provide some definition and process for such takeovers. Specifically, it is the intent of the city to distinguish a customer that was taken over from an existing electrical utility service from a new customer that is making the first connection of electrical service to the subject property, and to provide that when a customer is taken over from the existing electrical utility that such customer shall not be required to pay a connection fee and neither the takeover customer nor the city shall be obligated to underground the new or taken over customer's electrical service connections.

B. In the event of a takeover within the city limits, the service to a takeover customer shall not be considered a change, increase or alteration of capacity of an existing service as set forth in MMC 13.16.090.

C. In the event of a takeover, neither the city nor the takeover customer shall be required to install underground utilities to serve the takeover customer. Provided, however, should the takeover customer seek to install underground power connection from the city, the takeover customer may install an underground connection at its sole cost in a manner approved by the city Light and Power department and in accordance with city standards and procedures.

D. In the event of a takeover, the takeover customer shall be required to provide the city with the same information required of a new connection.

E. In the event of a takeover, the takeover customer shall be subject to all rules and regulations promulgated by the city contained in the city code or the policies of the city Light and Power department applicable to electrical service customers unless as provided for herein.

____ - Moving wires.

A. Whenever it becomes necessary for wires or other Light and Power department equipment to be removed, cut or taken down, when the same is not done in the normal operation of the Light and Power department, a charge may be made by the department to the person or persons making the request. The charge may be determined by

the director of public works or designated city official, on a time and material cost based on the latest adopted fee ordinance or resolution.

B. Rates. The owner will be provided an estimate of the total costs and will be reimbursed the difference if the actual installation cost is less.

___ - Street light installation.

A. The city will at no cost furnish, install and maintain streetlights on existing public right-of-way.

B. The developer will install streetlights on streets within the development. The cost of streetlights and installation will be borne by the developer. Streetlights shall follow Light and Power specifications.

C. Lighting on private roads and driveways shall be installed and maintained by the owner (exceptions are security lighting rentals from the city).

D. The spacing, placement and density of new lighting will generally follow the arrangement of existing lighting on city streets.

___ - Electric motor specifications.

A. The customer must install and maintain, at all times, adequate relays or other protective equipment to protect any and all motors against low voltage and for three-phase motors against single-phasing operation also. The customer's failure to comply with these requirements shall absolve the city from any responsibility for loss or damage resulting therefrom.

B. No single-phase motor of over three-fourths horsepower shall be connected for 120-volt service.

C. Where three-phase service is available, the aggregate motor load on single-phase service shall not exceed five horsepower, except by written consent of the city.

D. Reduced voltage type starting compensators will be required for all motors of seven and one-half horsepower and larger, except by written permission of the city where absence of such compensators will not cause objectionable voltage fluctuations on a customer's service.

E. If a single-phase transformer or resistance type spot, seam, or arc welding machine is connected to the power system, the customer shall pay for the installation of a transformer to service this load. This transformer will be isolated from all other services so as not to cause undue flickering or disturbances to other customers. A separate meter will be installed, and billing will be on the commercial rate.

____ - Pole Attachment Policy.

The purpose of this section is to ensure the safe and efficient use of overhead lines on city-owned poles within the service rights-of-way or public utilities easements and to pay for the use of the poles. This policy establishes provisions necessary to ensure compliance with WAC Title 480-54 and the city's standard construction practices and specifications. This section applies to all electric and telecommunication system entities, franchises, and service providers and nonservice providers that attach lines, equipment, or other devices to city-owned poles.

For the purpose of definitions, "joint pole users" shall mean all current or future utilities or entities with line, equipment or device attachments on a city-owned pole.

A. Notification and coordination.

1. Each joint pole user shall give a pole attachment permit application to the public works director for each attachment project. The notification shall be given in a timely manner to allow for ample engineering and coordination by all affected joint pole users. The joint pole user shall obtain a pole attachment permit per 13.16.xxx (B) before attaching to city-owned poles.

2. Each joint pole user shall promptly respond to city notifications related to, but not limited to, maintenance, relocation, rearrangement, violations or abandonment of joint pole installations.

3. Whenever it is necessary to replace or relocate a joint-use pole, the city shall give notice thereof in writing at least 30 days prior to date on which it intends to change such pole (except in case of emergency, when verbal notice will be given and subsequently confirmed in writing) to the joint pole users. Each joint pole user shall relocate facilities to the new pole within 60 days at the expense of the joint pole user as provided below. When circumstances warrant additional time to relocate, the director or his authorized representative may grant such additional time as is reasonable under the circumstances.

a. Relocation of poles requiring overhead lines to be relocated overhead. If such relocation is reasonably necessary for construction, alteration or improvement of the right-of-way for purposes of public health, safety and welfare, as required by the city, grantees may not seek reimbursement for their relocation expenses from the city unless otherwise provided for by law. In the event the relocation is requested by a private third party, that third party shall pay the cost of relocation.

b. Relocation of facilities from overhead to underground. If such relocation is requested by the city when reasonably necessary for construction, alteration or improvement of the right-of-way for purposes of public welfare, health and safety, the grantee may not seek reimbursement for its relocation expenses from the city, unless otherwise provided by law. If requested by a private third party, the third party shall pay the cost of such relocation.

c. In the event of abandoned poles by the city, all joint pole users may be afforded an opportunity to purchase such poles at a fair market value, in accordance with city policy and state law.

4. The city, as pole owner, may deny access if the attachment project will result in safety, reliability, or generally accepted engineering standards not being met, and where the city retains future use of structure. Nothing herein contained shall be construed to compel the city to maintain any of its poles for a period longer than is necessary for its own service requirements. In the event the city wishes to discontinue use of any such pole or poles and to remove, relocate and/or retire it or them, it shall send a written notice to that effect to the joint pole users and the joint pole users shall remove their attachments from such pole or poles within 60 days after the sending of such notice, or within such shorter period of time as is required in case of emergency.

5. Sufficient coordination including submittal of project plans and exchange of information shall take place between joint pole users so that the attachment does not create a WAC violation or conflict. All joint users shall promptly share design specifications for their infrastructure with others upon request.

6. Notwithstanding any other provisions of this chapter, notification requirements and reimbursement for relocation of facilities of a service provider shall be in accordance with RCW 35.99.060.

B. Pole attachment requirements.

1. Pole attachment Permit. Joint pole users shall obtain a construction permit. Upon completion of an attachment project, the modifying entity shall give written

certification to the pole owner that the attachment project is complete and complies with the pole attachment permit.

Unless excepted by the city, cabling and pole attachment designs, specifically relating to pole strength and clearances considering all pole attachment uses per Washington Administrative Code shall be certified by a professional electrical engineer registered in the state of Washington. Certification by a registered professional engineer will not be required for projects under \$1,000, service drops by utility or telecommunication entities, routine maintenance in the rights-of-way, or if designed in accordance with the city's guidelines for pole attachments.

When the application is satisfactory and approved, one copy of the plans, map, sketches, and application will be returned to the applicant along with written approval to proceed. Upon completion of an attachment project, the modifying entity shall give written certification to the pole owner that the attachment project is complete and complies with the construction permit.

2. Construction Requirements. In any instance where the joint pole user's facilities are installed contrary to the Electrical Construction Code of the state of Washington or the city's standard practices and specifications, the joint pole user shall at its sole expense and within 30 days following written notice from the city, change, improve, or renew its installed equipment in such manner as the city may direct. If violation of any conditions applicable to the said installation is observed, the city reserves the right to stop construction immediately, and correction of the violation will be made before any part of the construction is continued.

The joint pole user shall, at its expense, install guys necessary to support the strain imposed on any pole by the installation of their facilities. When existing anchors are adequate in size and strength to support the equipment of all joint pole users, a joint pole user may attach its guys thereto. When anchors are not of adequate size and strength, the party requiring additional anchors shall, at its own expense, install new anchors or request the owner to replace existing anchors with anchors adequate in size and strength.

The joint pole user shall bear all costs involved in contacting any pole owned by the city. If it is necessary for the city to do any work on poles to provide contact space, this work will be done only as crews are available to do so in their regular work schedule. Any other schedule will have to be on overtime rate at the expense of the company requiring the work.

3. Communications Space Available to Joint Pole Users. Where space is available to permit compliance with the State of Washington Electrical Construction Code and Safety Code, joint pole users engaged in the telecommunications utility business

may be allotted contact space in the area occupied by other joint pole users. All joint pole users shall operate and maintain their communications facilities in such a condition as to avoid conflicts or interference with other joint pole users. Additions to or alterations by a joint pole user shall be coordinated with all joint pole users. A joint pole user may not limit the installation, alteration or maintenance of facilities of another joint pole user. Changes to communications facilities on a joint use pole shall be at the expense of the requesting party.

4. Maintenance and Emergency Repairs. Each party shall at all times maintain all of its attachments and perform any necessary tree-trimming or cutting incidental thereto, and shall keep them in safe conditions and in thorough repair. In an emergency where it is necessary to clear lines and restore electric power to the city's customers as the result of an accident, windstorm, earth slide, or other condition where power lines, poles, or other supporting structures are damaged, destroyed or are in serious danger thereof, the city's employees may transfer the joint pole user's facilities to new or other poles, or do any other work required in connection with the joint pole user's equipment necessary to restore electric service to the city's customers. The joint pole user shall reimburse the city for all costs incurred in connection with such emergency work done on the licensee's facilities.

C. Pole attachment fees.

1. On or about April 1st of each year the city, acting in cooperation with joint pole users, shall determine the total number of pole contacts as of the preceding day. Said tabulation shall include the number of contacts on city-owned poles. The fee herein provided for shall be paid within 30 days after the bill has been submitted and shall cover the calendar year in which the count is made.

2. The pole attachment fee will be as provided in the city's posted fee schedule and based on the latest adopted resolution for pole attachment as determined by the public works director.

D. Indemnification and hold harmless.

The joint pole user shall defend, indemnify and hold harmless the city, its officers, officials, employees and volunteers from any and all claims, injuries, damages, losses or suits including attorney's fees, arising or issuing out of the granting joint use of city poles under this chapter, except as may be caused by the negligence or willful conduct on the part of the city of McCleary.

SECTION II: MCC 2.28.050 as last amended by Ordinance 790, is amended to read as follows:

SECTION IV: All other existing sections of MCC ____ not specifically amended by this Ordinance shall remain intact and in full force and affect. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections; subsections, sentences, clauses, or phrase had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION V: This ordinance shall take effect upon the fifth day following the date of publication.

SECTION VI: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS ____ DAY OF _____, 2022, by the City Council of the City of McCleary, and signed in approval therewith this ____, day of _____, 2022.

CITY OF McCLEARY:

CHRIS MILLER, Mayor

ATTEST:

_____, Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, DANI SMITH, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance number ____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of McCleary.

DANI SMITH

SIGNED AND SWORN TO BEFORE ME THIS ____ DAY OF _____,
2022, by DANI SMITH.

NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, Residing at: _____
My appointment expires: _____