

CITY OF NEWTON, ILLINOIS

ORDINANCE NO. 23-05


A CITY OF NEWTON ORDINANCE TO
AMEND AND RESTATE CHAPTER 11-1-1 ELECTRIC
SYSTEM IN IT'S ENTIRETY OF THE
CITY CODE OF THE CITY OF NEWTON, ILLINOIS

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF NEWTON, ILLINOIS
THIS 21ST DAY OF MARCH, 2023

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF
THE CITY COUNCIL OF THE CITY OF NEWTON
JASPER COUNTY, ILLINOIS
THIS 21ST DAY OF MARCH, 2023

CERTIFICATE OF PUBLICATION

I, ROSETTA YORK, the duty qualified City Clerk of the City of Newton, Illinois, and the official custodian of records of said City do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 21st day of March, 2023.



ROSETTA M. YORK, City Clerk

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AMEND AND RESTATE CHAPTER 11-1-1 ELECTRIC
SYSTEM IN IT'S ENTIRETY OF THE
CITY CODE OF THE CITY OF NEWTON, ILLINOIS

BE IT ORDAINED by the City Council of the City of Newton, Jasper County,
Illinois that Chapter 11-1-1 Electric Systems of the City Code of the City of Newton,
Illinois, is hereby amended in its entirety to provide as follows:

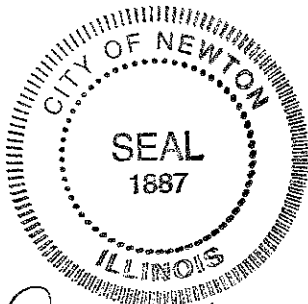
SEE ATTACHED THE AMENDED CHAPTER 11

This Ordinance shall be in full force and effect from and after its passage,
approval and publication in pamphlet form as provided by law.

Upon roll call vote the following Alderperson voted:

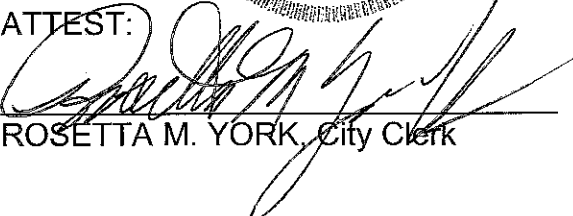
| ALDERMAN | AYE | NAY | ABSTAIN | NOT PRESENT |
|-------------------|-----|-----|---------|-------------|
| Gayle Glumac | ✓ | | | |
| Kaleb Wright | ✓ | | | |
| Larry Brooks | ✓ | | | |
| R. J. Lindemann | | | | ✓ |
| Eric Blake | | ✓ | | |
| Marlene Harris | ✓ | | | |
| Mayor Joshua Kuhl | — | | | |

Passed, approved and published in pamphlet form this 21st day of March, 2023.





JOSHUA J. KUHL, Mayor

ATTEST:


ROSETTA M. YORK, City Clerk

CHAPTER 11

ELECTRIC SYSTEM

ARTICLE I - GENERALLY

11-1-1 SERVICE CHARGES. There are hereby established rates and charges for the use and service of electric current for light and power based upon electricity consumed as recorded by electric meters based upon the type of premises served as follows:

(A) **Electricity Used For Residential Purposes.** (Available to single-family dwelling units for all domestic use.)

| | |
|--|--------------------|
| For the first 40 KWH used per month at | \$0.226825 per KWH |
| For the next 80 KWH used per month at | \$0.167632 per KWH |
| For all over 120 KWH used per month at | \$0.131260 per KWH |

The minimum charge for electric service used for residential purposes shall be **Nine Dollars** **Seventy Cents (\$9.07)** per month for the first **forty (40) KWH**.

(B) **Electricity Used For Commercial Purposes.** (Available to commercial and non-residential customers for lighting and all power purposes.)

| | |
|--|--------------------|
| For the first 100 KWH used per month at | \$0.266734 per KWH |
| For the next 150 KWH used per month at | \$0.205063 per KWH |
| For the next 250 KWH used per month at | \$0.175286 per KWH |
| For the next 500 KWH used per month at | \$0.158268 per KWH |
| For all over 1,000 KWH used per month at | \$0.125095 per KWH |

The minimum charge for electricity used for commercial purposes shall be **Twenty-Six Dollars** **Sixty-Seven Cents (\$26.67)** per month for the first **one hundred (100) KWH**.

(C) **Rates and Charges for Electric System.** Except as established by a Council approved contract, there are established charges and rates for the use of and for the services supplied by the electric system of the City based on the amount of kilowatts consumed by the customer as shown by electric meters. Calculations of charges are made by rate tables.

Commencing with the first billing for each customer after **May 1, 2023** and on **May 1** every year thereafter, the rate tables will be reviewed and may be adjusted by the Mayor and City Council each year or at any time deemed necessary by them.

(D) **Utility Taxes.** Utility taxes are billed at a rate set by the State of Illinois; collected by the City on the billing and then are paid over to the State of Illinois monthly.

(E) **Power Cost Adjustment Charges.** These charges are billed to the City by their wholesale power providers based on consumption by the City each month. Such charges are then calculated and billed to each customer on the basis of the consumption of that individual customer.

(Ord. No. 20-05; 09-17-20)

11-1-2 BILLING AND PAYMENT OF CHARGES. Charges for electric services shall be made monthly. All bills for such service shall be rendered as of the **first (1st) day** of each month following the month for which service is rendered and electric meters read. All bills shall be payable by the **fifteenth (15th) day** of the month in which the bill is rendered. All bills not paid shall have a penalty of **five percent (5%)** added on the **sixteenth (16th) day** of said month. When the **fifteenth (15th) day** of any month shall be a Sunday or legal holiday, then such bills for service shall be paid on the next succeeding secular day without the penalty added.

In addition to all other charges, there shall be charged to the customer the sum of **Twenty-Five Dollars (\$25.00)** for each customer's check returned to the City for insufficient funds or other reason. Two or more such returned checks within a **six (6) month** period shall result in the requirement that all future payments to the City from that customer must be in form of either cash, money order or cashier check, unless otherwise authorized by the City Collector. All unpaid returned check charges shall be added to the customer's account and shall constitute a lien on the customer's property. **(Ord. No. 15-13; 10-06-15)**

11-1-3 DISCONNECTION OF SERVICE FOR NONPAYMENT OF BILLS. In the event charges for electric service are not paid on the **fifteenth (15th) day** of the month in which billed, a notice of disconnection shall be mailed to the customer by the City Collector on or after the **seventeenth (17th) day** of the month in which billed. Such disconnection notice shall advise the customer that service will be disconnected on or after the **fourth (4th) day** of the succeeding month, unless full payment of all delinquent charges for electricity and all penalties are paid in full to the City Collector before **8:00 A.M.** on the **fourth (4th) day** of the succeeding month.

In the event such delinquent charges are not paid in full to the City Collector by **8:00 A.M.** on the **fourth (4th) day** of the succeeding month, a delinquent fee of **Thirty-Five Dollars (\$35.00)** shall be charged to all accounts with a delinquent balance. Also, a City employee shall be sent to the premises to disconnect such delinquent user from the electric utility system without further notice.

Once disconnection has been made, no reconnection shall be made until all delinquent charges for electricity, and all penalties and delinquent fees have been paid in full to the City Collector, except, however, that if such services have been disconnected for a third time within a period of **one (1) year**, a delinquent fee of **Seventy-Five Dollars (\$75.00)** will be charged, and in addition, the delinquent fee within the succeeding year shall be **Seventy-Five Dollars (\$75.00)**.

Disconnections will be made between **8:00 A.M.** and **3:00 P.M.**, Monday through Thursday, only between **8:00 A.M.** and **12:00 Noon** on Friday, and only between **8:00 A.M.** and **12:00 Noon** when the City offices will be closed the following day. These hours provide the customer the opportunity to make payment and have service reconnected.

Reconnections will be made between **8:00 A.M.** and **3:00 P.M.**, Monday through Friday. Reconnections made after **3:00 P.M.** or on holidays or weekends will have an additional charge of **One Hundred Two Dollars Fifteen Cents (\$102.15)** to cover the overtime expense. (**Ord. No. 08-1; 02-05-08**)

11-1-4 SERVICE DEPOSITS FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS, LANDLORDS OF UNOCCUPIED RENTAL PROPERTY, AND INDUSTRIAL CUSTOMERS.

(A) **Residential.** Any person, firm or corporation, whether as owner or as tenant, who applies after **February 5, 2008** for electric service, water and/or sewer service for residential purposes, shall pay to and maintain with the City Collector a service deposit as advance security for the payment of charges for service furnished. The deposit amount shall be **Three Hundred Fifty Dollars (\$350.00)** for a current City customer with a fair payment history or a new customer with a fair credit rating. Upon transfer of a deposit, the deposit amount shall be **Five Hundred Dollars (\$500.00)** for a current City customer with a poor payment record or a poor credit rating. The deposit amount shall be **Five Hundred Dollars (\$500.00)** for a new customer with a poor credit rating. After **one (1) full year** of service history without a disconnection notice **Two Hundred Dollars (\$200.00)** of the **Three Hundred Fifty Dollars (\$350.00)** or the **Five Hundred Dollar (\$500.00)** original deposit shall be credited to the property owner's current bill as a refund. To receive the **Two Hundred Dollars (\$200.00)** credit, proof of ownership (a copy of the recorded deed) shall be provided to the City Collector. After **two (2) full years** of service history without a disconnection notice **One Hundred Fifty Dollars (\$150.00)** of the original **Five Hundred Dollar (\$500.00)** deposit shall be credited to the property owner's current bill as a refund upon the owner's request to the City Collector. Upon termination of services, the remaining property owner's deposit shall be applied to the property owner's final bill and the excess if any shall be refunded to the property owner. Upon termination of a tenant's services, the tenant's **Three Hundred Fifty Dollars (\$350.00)** or **Five Hundred Dollars (\$500.00)** deposit shall be applied to the tenant's final bill and the excess if any shall be refunded to the tenant.

Notwithstanding the foregoing, a residential customer's total deposit for electricity, water and/or sewer service shall not exceed **Five Hundred Dollars (\$500.00)**.

(B) **Commercial.** Any person, firm or corporation, whether as owner, or as tenant, who applies after **November 20, 2001** for electric service, water and/or sewer service shall pay to and maintain with the City Collector a service deposit of **Three Hundred Fifty Dollars (\$350.00)** or a sum determined to be equal to the average monthly charge for such electricity, water and sewer services, whichever is greater. The average commercial consumption and billing expected to be used shall be

determined by proper employees of the electric, water and sewer departments of the City. Such deposit is an advance security for the payment of charges for services furnished. After **one (1) full year** of service history without a disconnection notice any amount of the original owner's deposit exceeding the average monthly charge for electricity, water and sewer services shall be credited to the property owner's current bill as a refund. To receive credit, proof of ownership (a copy of the recorded deed) shall be provided to the City Collector. Upon termination of services, the remainder of the property owner's deposit shall be applied to the property owner's final bill and the excess if any shall be refunded to the property owner. Upon termination of a tenant's services, the tenant's original deposit shall be applied to the tenant's final bill and the excess if any shall be refunded to the tenant.

Notwithstanding the foregoing, a commercial customer's total deposit for electricity, water and/or sewer service shall not exceed **Three Hundred Fifty Dollars (\$350.00)** or a sum determined to be equal to the average monthly charge for electricity, water and sewer service, whichever is greater.

(C) **Landlords of Unoccupied Rental Property.** In lieu of a cash utility deposit of **Three Hundred Fifty Dollars (\$350.00)** or **Five Hundred Dollars (\$500.00)** an owner of an unoccupied rental property/unit, the utilities for which have been placed in owner's name, shall pay to and maintain with the City Collector a service deposit of **Fifty Dollars (\$50.00)**, **One Hundred Seventy-Five Dollars (\$175.00)** or **Three Hundred Fifty Dollars (\$350.00)**, the amount to be determined by the owner's current payment history or a current credit rating. The deposit for a good credit rating shall be **Fifty Dollars (\$50.00)**, a fair credit rating shall be **One Hundred Seventy-Five Dollars (\$175.00)** and a poor credit rating shall be **Three Hundred Fifty Dollars (\$350.00)**. Upon rental/occupancy of the property/unit a cash deposit shall be required in accordance with present Ordinance, irrespective of whether the utilities remain in the owner's name or are placed in the renter's name.

(D) **Industrial.** Any person, firm or corporation, whether as owner, or as tenant, who applies after **March 18, 2008** for electric service, water and/or sewer service shall pay to and maintain with the City Collector a service deposit of **Three Hundred Fifty Dollars (\$350.00)**. Such deposit is an advance security for the payment of charges for services furnished. Upon termination of service, the original deposit shall be applied to the final bill and the excess if any shall be refunded to the customer. To be eligible for the **Three Hundred Fifty Dollar (\$350.00)** Industrial Rate deposit, the customer must create **ten (10)** or more new jobs within the **first (1st) year** of their doing business in the City and retain those jobs or a minimum of **five (5) years**. The Industrial Rate deposit amount of **Three Hundred Fifty Dollars (\$350.00)** shall terminate automatically if the new employer (1) fails to create **ten (10)** or more full-time jobs in the City within the **first (1st) year** or (2) fails to retain those **ten (10)** or more jobs for a minimum of **five (5) years**, at which time the Commercial Deposit policy shall be enforced.

(Ord. 08-8; 03-18-08)

11-1-5 TAMPERING. It shall be unlawful for any person not authorized by the City to tamper with, alter, or injure any transmission conduits or appurtenances thereto utilized to provide electrical service to customers of the City of Newton's electrical distribution system, or to tamper with, alter or injure any meter utilized to record electricity consumed by a customer. Any person found to be in violation of this provision shall be subject to the penalties provided for in this Code (**See Section 1-1-20**) and shall be reported to the Jasper County State's Attorney for prosecution for tampering under the Illinois Criminal Code. Additionally, any service that has been tampered with shall be disconnected and removed without prior notice. Service shall not be reinstalled or activated until all damages to the City's equipment, all consumption charges, including those for estimated lost consumption, the required service deposit and the required reconnection charge have been paid in full.

11-1-6 EXCEPTIONS TO DISCONNECTION OF SERVICE.

(A) No electric service furnished to a residential customer by the City shall be terminated for nonpayment of bills on:

- (1) Any day when the national weather service forecast for the following **twenty-four (24) hours** covering the area in which the residence is

located includes a forecast that the temperature will be **twenty (20) degrees Fahrenheit** or below; or

- (2) Any day preceding a holiday or a weekend when such a forecast indicates that the temperature will be **twenty (20) degrees Fahrenheit** or below during the holiday or weekend.

(B) Anyone with a serious illness necessitating the need for continuation of electric service who is living full time at a residence scheduled for disconnection of service may contact a duly licensed physician. If the City Clerk receives, prior to disconnection of service, a written confirmation of the illness from a duly licensed physician, the electric service shall not be disconnected for a period of **thirty (30) days** from the day the written confirmation is received by the City Clerk if the customer complies with both of the following conditions, to-wit:

- (1) The duly licensed physician's statement must include the name, address and telephone number of the ill person; verification that the ill person is a full-time resident of the premises; the nature and duration of the illness verifying that termination of the electric service in question will create a life-threatening situation; and the business name and telephone number of the certifying physician.
- (2) The customer must make full payment of all delinquent electric service charges and all penalties within **thirty (30) days** after the City Clerk's receipt of the said physician's written confirmation otherwise, the electric service shall be disconnected on or after the **thirty-first (31st) day** after the Clerk's receipt of the said written physician's confirmation.
- (3) The City reserves the right to verify any and all information concerning a customer's illness.

(C) Any person receiving a disconnection notice who believes there has been an error in billing, malfunction of metering equipment or other just cause, may request a hearing before the City Council. A request for hearing by the customer must be submitted in writing to the City Clerk before disconnection has occurred. The hearing will take place within **fifteen (15) days** of the receipt of the customer's request for hearing. A decision will be rendered following the hearing. A decision will be rendered following the hearing. Until the hearing has been held and decision rendered, the customer's service will not be disconnected. Should the City Council's decision after the hearing be to disconnect the electric service, the customer will be so notified by written notice not less than **seven (7) days** prior to disconnection of service.

(Unless Otherwise Noted; Ord. No. 01-24; 11-20-01)

ARTICLE II – ECONOMIC INCENTIVES

11-2-1 INCENTIVE ESTABLISHED. The Mayor or other authorized office of the City is hereby authorized to negotiate with and offer to any individual, association, corporation or other legal entity proposing to come to the City and create **ten (10)** or more new jobs a **five (5) year** contract which contains the following terms:

(A) An employer creating **ten (10)** or more full-time jobs within the **first (1st) year** of their doing business in the City and retaining those jobs for a minimum of **five (5) years** will be eligible for electric rate discounts as follows:

(1) Years 1-5 – Industrial Rate which shall be a rate equal to the City's cost from the City's supplier of electricity.

Rates and Charges for Electric System, Utility Taxes and Power Cost Adjustment Charges apply as defined in the Newton City Code.

~~(Ord. No. 20-06-03-17-20)~~

(2) Year 6 – Graduated Industrial Rate as defined in the following billing rate table:

| | |
|---|------------|
| For the first 100 KWH used per month at | \$0.182918 |
| For the next 150 KWH used per month at | \$0.152080 |
| For the next 250 KWH used per month at | \$0.137192 |
| For the next 500 KWH used per month at | \$0.128684 |
| For all over 1000 KWH used per month at | \$0.112095 |

The minimum charge for electricity used for commercial purposes shall be **Eighteen Dollars Twenty-Nine Cents (\$18.29)** per month for the first **one hundred (100) KWH**.

Rates and Charges for Electric System, Utility Taxes and Power Cost Adjustment Charges apply as defined in the Newton City Code.

~~(Ord. No. 20-06-03-17-20)~~

(3) Year 7 – Commercial Rate as defined in the City Code.

(B) The foregoing rates would not change during the term of the contract unless the City's cost from its wholesale power provider changes then any increases would be passed on to the customer. ~~(Ord. No. 20-06-03-17-20)~~

(C) The foregoing discounted rates shall terminate automatically if the new employer (1) fails to create **ten (10)** or more full-time jobs in the City within the **first (1st) year**; (2) fails to retain those **ten (10)** or more jobs for a minimum of **five (5) years** or (3) fails to meet any other of its obligations to the City. In the event of said termination, the new employer must agree to reimburse the City the difference between the discounted electric rate and the normal electric rate that would have been charged to the new employer, said difference to be paid to the City within **sixty (60) days** from the date of said termination.

(Ord. No. 05-28; 10-04-05)

ARTICLE III - NET METERING POLICY

11-3-1 **NET METERING POLICY.** The City hereby adopts the new Net Metering Policy set forth in Exhibit A attached hereto, the new Terms and Conditions for Interconnection set forth in Exhibit B attached hereto, the new sample One-Line Interconnection Diagram set forth in Exhibit C attached hereto, the new Standard Distributed Generation Interconnection Request Application Form set forth in Exhibit D attached hereto, the new Standard Distributed Generation Interconnection Request Application Form set forth in Exhibit E attached hereto, and the new Certificate of Completion set forth in Exhibit F attached hereto, all of which are incorporated herein by this reference.

The effective date of the new Net Metering Policy and affiliated exhibits above described shall be May 3, 2022. Any electric generating facility operating within the City before the effective date of this Article, shall be grandfathered in and shall be governed by the old Net Metering Policy until the facility ceases to operate or there is a transfer of ownership, at which time the generating facility shall be governed by this new Article.

(Ord. No. 22-09; 05-03-22)