

**ORDINANCE NO. 024-23**

**AN ORDINANCE AMENDING THE CITY OF NAPOLEON RULES, TERMS AND CONDITIONS GOVERNING THE SALE OF ELECTRICAL SERVICE, SPECIFICALLY RULE 26 APPENDIX A; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City, with the enactment of Ordinance No. 88-89 revised, rearranged and thereafter adopted City of Napoleon Rules, Terms and Conditions Governing the Sale of Electrical Service marked "NO.ELECTRICRULES-99"; and,

**WHEREAS**, since the adoption numerous amendments and/or revisions have been made with prior rules being repealed; and,

**WHEREAS**, the Board of Public Affairs and the Electric Committee of Council met on May 8, 2023, and are recommending that Council amend the current Electric Rules, specifically Rule 26 Appendix A, regarding pole attachment fees; and,

**WHEREAS**, this Council now desires to amend the City of Napoleon Electric Rules, Terms and Conditions governing the sale of electric service; **Now Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, notwithstanding any prior legislation to the contrary, the City of Napoleon Rules, Terms and Conditions Governing the Sale of Electrical Service, NO.ELECTRICRULES-99, as revised in year 2005, and as currently on file in the office of the City Finance Director, having been approved by the Board of Public Affairs, the Electric Committee of Council, and this Council, is hereby adopted and enacted as written.

Section 2. Any reference in an electrical service contract with the City referring to City electric rules, regulations, policies and the like, shall mean these adopted rules as amended or revised.

Section 3. That, Rule 26, Appendix A of the City of Napoleon Rules, Terms and Conditions Governing the Sale of Electrical Service is hereby readopted as follows:

**“RULE 26 APPENDIX A FEES**

To partially offset the additional expense to the City in furnishing special services requested or caused by the customer, such as the connection service, collection of accounts, etc. the charges for such services are set forth in this Appendix A. Normal connections will occur during regular business hours of the City. Any service connections after normal business hours may have an added fee to cover the additional cost of services. This appendix also covers other current rates, fees and charges. All rates not contained in this Appendix shall be as contained in Chapter 939 of the Codified Ordinances of the City or other policy, Resolution or Ordinance.

**Charges:**

Initial Customer Requested Electrical Connection (Trip Charge) \$0.00

Other Customer Requested Electrical Connection (Trip Charge)	\$20.00
City Maintenance Connection/Disconnection (Trip Charge)	\$0.00
Customer Maintenance Connection/Disconnection (Trip Charge)	\$0.00
City Trip Charge (each trip) due to reasons pursuant to Rule 12.1(B)	\$50.00

**Other:**

Filing of Appeal Fee	\$35.00
Return Check Service Fee	\$25.00
Temporary Electrical Service Fee (Includes Permit Fee)	\$10.00
Pole Attachment Fee (Foreign Utility, Per Pole Per Year) when attachment is within one foot (1') space, to be adjusted each calendar year based upon the consumer price index (CPIU) or as otherwise agreed to in contract.	<del>\$7.50</del> \$11.70
Pole Attachment Fee (Foreign Utility, Per Pole Per Year) when attachment is greater than one foot (1') space, to be adjusted each calendar year based upon the consumer price index (CPIU) or as otherwise agreed to in contract.	<del>\$12.00</del> \$18.71

Meter Testing Fee at Customer's Request and (when no problem found).

\*Time and material is determined charged to customer at the actual cost to City.

\* Fees listed under this Rule (Appendix) only during normal business hours. Services performed after normal business hours will have an additional \$40.00 added fee for each service, except for appeals.

\* Placement and/or removal of a limiter constitutes disconnect/connect for purposes of trip charges."

Section 4. That, current Codified Code Sections 939.01 and 939.02 shall remain as written unless later amended or repealed by City Council.

Section 5. That, the penalty sections as contained in Ordinance No. 088-99 shall remain valid until otherwise amended or repealed by City Council.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 8. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing

product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin charging the appropriate rates in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: July 3, 2023 Joseph D Bialorucki  
Joseph D. Bialorucki, Council President

Approved: July 3, 2023 Jason P. Maassel  
Jason P. Maassel, Mayor


VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:  
Roxanne Dietrich  
Roxanne Dietrich, acting Clerk of Council

*I, Roxanne Dietrich, acting Clerk for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 024-23 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 10th day of July, 2023; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

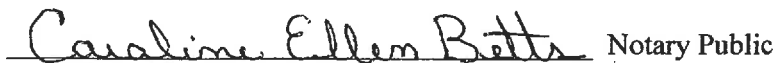
Roxanne Dietrich  
Roxanne Dietrich, acting Clerk of Council

Sally Heaston, being first duly sworn, says that she is the Publisher of The Northwest Signal a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, publishing on the 10th day of July, 2023.



Sally Heaston

Subscribed and sworn to before me this 11th day of July, 2023.



Caroline Ellen Betts

Caroline Ellen Betts  
Notary Public, State of Ohio  
My Commission Expires:  
June 25, 2028

PUBLISHERS FEE: \$198.75  
NOTARY FEE: \$4.00

**Summary of Ordinance No.(s) 024-23, 029-23, 030-23 and  
Resolution No.(s) 026-23, 031-23**

**(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER,  
CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL  
RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC  
CHAPTER 731)**

**NOTICE**

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

**Ordinance No. 024-23**

An Ordinance amending the City of Napoleon rules, terms and conditions governing the sale of electrical service, specifically Rule 26 Appendix A; and declaring an Emergency  
In this legislation, the City of Napoleon amended City Electric Rule 26, Appendix A.

**Ordinance No. 029-23**

An Ordinance supplementing the annual appropriation measure (Supplement No. 2) for the year 2023; and declaring an Emergency  
In this legislation, the City of Napoleon supplemented the annual appropriation measure for the year 2023.

**Ordinance No. 030-23**

An Ordinance authorizing the Finance Director to make appropriation transfers (Transfer of Appropriation No. 2) from one appropriation line item to another appropriation line item pursuant to ORC, Section 5705.40 for the fiscal year ending December 31, 2023 as listed in Exhibit A; and declaring an Emergency  
In this legislation, the City of Napoleon authorized the Finance Director to make appropriation transfers for the fiscal year ending December 31, 2023.

**Resolution No. 026-23**

A Resolution approving the continued operation of the Napoleon Outdoor Refreshment Area (NORA); and declaring an Emergency  
In this legislation, the City of Napoleon approved the continuation of the NORA.

**Resolution No. 031-23**

A Resolution adopting the 2024 Tax Budget for the City of Napo-