

WELLSVILLE ELECTRIC DEPARTMENT

RULE 82 - 2

PROCEDURES FOR NOTICE OF DISCONTINUANCE OF ELECTRIC SERVICE

(Statutory authority: Public Authorities Law, Sec. 1005)

Sec.

- 459.1 Application
- 459.2 Definitions
- 459.3 Prior Notice Time Requirements
- 459.4 Notice Format
- 459.5 Two Family Dwellings
- 459.6 Multiple Unit Dwellings
- 459.7 Tampering and Theft of Services
- 459.8 Days and Hours During which Service May be Discontinued
- 459.9 Winter Discontinuance Procedures
- 459.10 Special Provisions for the Elderly and Handicapped
- 459.11 Medical Emergencies
- 459.12 Unsafe or Hazardous Conditions
- 459.13 Reconnection
- 459.14 Installment Plan

Adopted by Village Board - November 23, 1981

Section 459.1 Application. Any municipality or rural electric cooperative purchasing essentially all of its power requirements from the Power Authority of the State of New York shall incorporate into its service rules and enforce the procedures governing discontinuance of electric service as set forth in sections 459.2 through 459.14 of this Part.

Section 459.2 Definitions. The following words and phrases as used in this Part shall have the following meanings, unless a different meaning is plainly required by the context:

(1) "Customer" means a person, firm or corporation purchasing electric service from a municipality.

(2) "Elderly" means age 62 or older.

(3) "Handicapped" means having any physical or mental impairment which substantially limits one or more of such person's life activities, where such person is (i) certified as being physically disabled by a licensed physician, or (ii) certified as being mentally disabled by a licensed psychiatrist or registered psychologist.

(4) "Utility" means a municipal electric or rural electric cooperative system purchasing essentially all of its power requirements from the Power Authority of the State of New York.

(5) "Resident" means any person residing in a dwelling served by the utility.

Section 459.3 Prior Notice Time Requirement. No utility shall discontinue service for failure to pay electric service bills rendered or for failure to post a required deposit until at least thirty five days have elapsed from date payment was due.

Additionally, such termination cannot occur until:

(1) at least fifteen days after written notice has been served personally upon a customer or resident 18 years of age or older; or

(2) at least fifteen days after the utility mails written notice by a registered or certified letter to the customer at the address at which service is received.

If a customer has requested in writing to the utility to have an alternate address for billing purposes, the notice authorized under paragraph (2) shall be sent both to the alternate address and to the premises where service is received.

Section 459.4 Notice Format. (a) Every notice indicating discontinuance of service for nonpayment of service bills rendered or for failure to post a required deposit shall clearly state in nontechnical language:

(1) The reason for service discontinuance;

(2) the total amount required to be paid by the customer to avoid discontinuance of service, indicating the amount for which the customer's account is either in arrears or the required deposit, if any, which must be posted by the customer, or both;

(3) a method whereby the customer may tender payment of the full sum due and owing, including any required deposit or other mutually satisfactory arrangement, to avoid the discontinuance of service;

(4) the availability of utility procedures to consider customer complaints prior to discontinuance of service, including the address and phone number of the office of

the utility which the customer may contact in reference to customer's account; and

(5) the earliest date on which discontinuance of service may be attempted.

(b) The following information in bold type is also to appear on the face of the disconnect notice:

**"THIS IS A FINAL DISCONNECT NOTICE. TO AVOID INCONVENIENCE, BRING THIS NOTICE TO THE ATTENTION OF THE UTILITY WHEN PAYING THIS BILL."**

(c) Every notice shall include a statement advising customers that they should contact the utility's business office immediately if any acute hardship, such as death in the family, recent unemployment, serious illness or infirmity, or other grave condition exists, or if they are a recipient of financial assistance from a local social services department in order that such utility may prudently determine whether any temporary arrangement should be employed to avoid immediate termination.

(d) The utility shall permit a residential customer to designate, in writing, a third party to receive a copy of every notice of discontinuance of service to the customer, provided that such third party indicates in writing a willingness to receive such notices. The utility will provide notice to the third party based on the name and address submitted by the requesting customer. The utility shall not be responsible for any incorrectness in the name and address provided or for the failure of any customer to furnish timely and appropriately updated or revised information, nor for its unintentional failure to provide such third party notice. The utility will advise its residential customers annually of the

procedure available to them to designate a third party to receive a copy of a notice of discontinuance. Unless liable by law as a guarantor or otherwise, the designated third party shall not be deemed financially responsible for the customer's bills.

Section 459.5 Two Family Dwellings

- (a) The utility shall not discontinue electric service to a two family dwelling that it knows contains units where service is not metered separately unless the utility has given fifteen days' written notice of its intention to terminate service as follows:
- (1) a copy of such notice shall be mailed via registered or certified letter to the owner of the premises affected, or in lieu thereof, to the person, firm or corporation to whom or which the last preceding service bill has been rendered, and
  - (2) a copy of such notice shall be mailed or otherwise delivered to each occupied unit, and
  - (3) where possible, a copy of such notice shall be posted in a conspicuous place at or within the dwelling.
- (b) Such notices shall state the intended date of termination of service, the amount due for such service, and the procedure by which any occupant may make payment or take action to avoid termination of service, including:
- (1) that any occupant may prevent termination of service if such occupant applies for and is eligible for such service; and,
  - (2) that any occupant may prevent termination of service by making payments in accordance with established

procedures. In no event shall such payments include bills more than two months in arrears. Any occupant who chooses to pay current charges shall not be liable for any future bills which may be rendered for utility — service supplied to the dwelling. The utility shall continue to render all bills to the customer with a copy to be sent to any occupant upon request.

- (c) When the obligations owed to the utility for service to a dwelling have been satisfied, the utility shall notify an occupant of each dwelling which was given notice of intent to terminate service.

Section 459.6 Multiple Unit Dwelling. (a) The utility shall not discontinue service to an entire multiple unit dwelling (defined as containing three or more individual dwelling units) where the customer to whom the last preceding bill has been rendered, or from whom or which the utility has received payment therefor, has failed to pay such electric bills until thirty five days have elapsed from the date payment was due. Additionally such termination cannot occur until the utility has complied with the following procedures:

(1) The utility must give 15 days written notice of its intention to so discontinue by personally serving such notice on the owner of the premises affected or on the customer to whom the last preceding bill was rendered, or from whom or which the utility has received payment therefor, and on the superintendent or other person in charge of the building, if it can be readily ascertained that there is such superintendent or other person in charge; or

- (2) The utility must give 15 days' written notice by registered or certified letter to the owner or customer specified in paragraph (1) of this subdivision if such notice is mailed to the address of such person(s), firm or corporation.
- (3) In addition to the notice prescribed by paragraphs (1) and (2) of this subdivision 15 days' written notice shall be posted in the public areas of such multiple dwelling; and 15 days' written notice shall be mailed to the "Occupant" of each unit in that multiple dwelling and to the local health officer and director of the social services district for the political subdivision in which the multiple dwelling is located. Notice to health officers and directors of social services shall be repeated not more than four working days nor less than two working days prior to such discontinuance.
- (4) Whenever a notice of intention to discontinue electric service has been made pursuant to the provisions of this section and obligations owed the utility have been satisfied, the utility shall, in the same manner as it gave such notice of intention, notify the occupant of each unit that the intention to discontinue electric service no longer exists.

(b) Notwithstanding the provision of subdivision (a) of this section, no utility shall discontinue services to a multiple dwelling, where the owner or customer responsible for making payment fails to pay utility bills, as long as occupants of such multiple dwellings continue to make timely payments for such service. All notices referred to in subdivision (a) of this section shall contain

the intended date of discontinuance of service and the name and telephone number of a contact at the utility who will advise occupants of the amount due for electric service and who will arrange meetings with occupants to attempt to work out a mechanism for avoiding discontinuance of service in the event that the owner or customer continues to fail to make requisite payments or arrangements for such payments. The notice shall also refer to the provisions contained in subdivision (a) of section 235 of the New York Real Property Law authorizing occupants to set-off, against their rent, payments to utilities in such circumstances.

(c) A utility, may not require occupants in a multiple dwelling electing to make payments as detailed in subdivision (b) to pay more than the current electric charges incurred by the owner, or customer, to whom or which the last preceding bill has been rendered or from whom or which the utility has received payment therefor. A current charge for purposes of this section means the amount properly billed the owner, or customer, for electricity used during the most recent billing period covered by the first bill rendered on or after the date when the disconnect notice is issued. The current charges will not include any arrears for earlier billing periods that may appear on such a bill.

Section 459.7 Tampering and Theft of Services. Except as provided for in Section 459.9 of this Part, a utility may reserve the right to discontinue service to a customer in any and all cases in which the facts establish with reasonable certainty that the meter or service laterals, or any part of same, have been tampered with in any manner which affects the proper operations of the same or the registering

on the meter of the full amount of electricity being consumed. In cases where tampering and/or theft of service has been established, the customer shall pay the following charges to the utility:

(1) The amount owed based upon the estimated consumption of electricity not recorded on the meter; and

(2) The damage to or any loss or destruction of the meter and other property of the utility. All damages will be based on current replacement cost.

Where the utility has disconnected service, such service will not again be restored unless the customer pays the foregoing charges to the utility or agrees to make such payments under an installment plan.

Section 459.8 Days and Hours During Which Service May Be Discontinued.

(a) Electric service may be discontinued on Monday through Thursday during the regular business hours of the utility. Service may not be discontinued on, or immediately preceding, a day in which the office of the utility is not open for business or on a public holiday. The utility may refuse to resume electric service so long as any part of the amount due remains unpaid, unless other mutually satisfactory arrangements are made.

(b) A utility may not discontinue service for non-payment of service bills rendered or failure to post a required deposit until it has taken reasonable steps to verify that payment was not received or posted to the customer's account up to the day that disconnection is to occur. Receipt of a subsequently dishonored negotiable instrument in response to a notice of discontinuance of service shall not constitute payment and no further notice need be

issued prior to discontinuance.

(c) Such discontinuance of electric service will not relieve customer of liability for any minimum charge during the time electric service is so discontinued.

Section 459.9 Winter Discontinuance Procedures.

(a) During the period November 1 to April 15, the following discontinuance procedures for non-payment of service bills rendered, for failure to post a required deposit, or for tampering or for theft of services, are to be observed where electric service is necessary to heat, or to operate a heating system in, a residence:

(1) In addition to the procedures set forth in Sections 459.3, 459.4, 459.5, 459.6 and 459.7 of this Part, the utility shall be required to make diligent efforts by telephone or in person to establish contact with the delinquent customer or a responsible resident adult (18 years or older) at the service address at least 72 hours prior to termination.

At a minimum, attempts at personal contact shall include one attempt during normal working hours and in the event that personal contact is not achieved, at least one attempt during reasonable nonbusiness periods herein defined as:

Monday through Friday	6:00 P.M. to 9:00 P.M.
Saturdays, Sundays and Holidays	9:00 A.M. to 5:00 P.M.

If communication with the person contacted is not possible because of an apparent language barrier, the utility shall take reasonable steps to assure proper communication before discontinuance. During the contact, the utility's representative

shall fully explain the reasons for discontinuance and shall attempt to ascertain whether a serious impairment to human health may result. If contact is made and in the judgment of the representative of the utility no impairment to human health would occur, service may be discontinued. If, however, in the judgment of the representative of the utility, discontinuance of electric service will lead to serious impairment of human health to any resident of the premises, the service shall not be discontinued.

(2) For the purpose of this Part, a serious impairment to human health is indicated if a customer or other resident appears to be seriously impaired and may, because of mental or physical problems, be unable to manage his own resources, carry out activities of daily living or protect himself from neglect or hazardous situations without assistance from others. Indicators of serious impairment to human health include, but are not limited to:

- (i) age, infirmity or mental incapacitation;
- (ii) use of life support systems, such as dialysis machines or iron lungs;
- (iii) serious illness;
- (iv) physical disability, including blindness and limited mobility;
- (v) recent death in the family;
- (vi) the presence of young children; and
- (vii) any other factual circumstances which indicate severe or hazardous health situations.

The above criteria are general standards and the utility's representatives must exercise discretion, sound judgment and common sense in ascertaining whether a serious impairment to human health

exists. Doubts should be resolved in favor of continued service.

(3) Information concerning the circumstances where it is found that discontinuance of service would lead to serious impairment to human health is to be documented and the account referred to the local social services commissioner. No utility shall terminate service for nonpayment where a customer or other resident exhibits an indication of a serious impairment to human health, as described in paragraph (a) (2) of this section, unless:

- (i) the utility notifies the local social services commissioner orally, and within five days in writing, that the customer or other resident exhibits an indication of a serious impairment to human health; and
- (ii) the local social services commissioner, after an investigation, informs the utility that the health-impairing condition does not exist or is not serious, or that an alternative means for protecting the person's health has been devised.

The utility may exercise its own discretion with respect to terminating service to the customer in the event it does not receive an oral or written report from the local social services commissioner within 15 business days after the written referral of the matter by the utility to the commissioner.

(4) If contact is not made after several good faith attempts, on the day termination of service is scheduled, a representative of the utility must visit the premises in order to determine whether there is continuing occupancy and whether a serious impairment to human health, as described in (a) (2) of this section exists. If such an impairment is found to exist, or again no contact is made

and there is reason to believe the premises has not been vacated, service shall not be discontinued and the account shall be immediately referred to the local social services commissioner. In all cases referred to the local social services commissioner, the utility shall request that the commissioner report back to the utility his findings and any required action. If the utility or the social services commissioner determines that no customer or other person residing in the premises faces impairment to his or her health, or that an alternative means for protecting the person's health has been devised, the utility may immediately discontinue the electric service.

(b) During the period September 1 to November 1 of each year, the utility shall review all cases where discontinuance of service occurred during the prior 12-month period where the electric service provided was necessary to heat a residence, or to operate a heating system therein, and where service has not been restored. A representative of the utility must, by telephone or in person, contact the delinquent customer or a responsible resident 18 years of age or older to determine if continued lack of service may expose the customer or other resident of the premises to a serious impairment to human health. If such determination is made, the customer shall be referred to the local social services commissioner.

Section 459.10 Special Provision for the Elderly and Handicapped

(a) Where the utility knows, or reasonably should know, that all the residents of a household are elderly, handicapped, or eighteen years of age or younger, procedures as set forth in section 459.9 (a) of this Part shall be followed throughout the entire year

(b) The utility annually may survey its customers to

determine the applicability of this provision to each residential service address. The utility is not liable for the failure of any customer to furnish such information.

Section 459.11 Medical Emergencies

Electric service to a residence shall not be terminated where a medical doctor or local board of health has certified in writing that termination of service will aggravate an existing medical emergency at a customer's residence, provided that an initial certification by telephone is authorized if written certification is received within the next five business days.

Section 459.12 Unsafe or Hazardous Conditions.

(a) In the event of special situations such as storms, cable breaks, accidents, or other cases involving emergency maintenance and unsafe or hazardous conditions, electric service may be temporarily terminated without prior notice.

Section 459.13 Reconnection. Except in extreme and unusual circumstances or where a customer requests otherwise, the utility shall reconnect service to any disconnected residential customer no more than 24 hours after any of the following events:

(1) receipt by the utility of the full amount due and owing (including arrears, reconnection charges, collection charges, and, if applicable, a security deposit when requested in writing) for which service had been disconnected;

(2) agreement by the utility to a plan by which the customer is obliged to satisfy the arrears;

- (3) receipt of a commitment of a direct payment or a written guarantee of payment from the local social services commissioner; or
- (4) direction by the Power Authority of the State of New York.

The direction to reconnect service under subdivision (4) of this Section will only occur where it reasonably appears, in exceptional circumstances, that there is legitimate dispute about an unpaid portion of the arrears claimed by a utility; where an apparent error in the disconnection of service has occurred, or where a serious impairment to human health or safety seems to exist. In circumstances where the customer makes acceptable arrangements for the payment of all amounts owed, the customer will be informed that if he does not honor the agreement, the service will be disconnected and will not be reconnected until full payment is made of all amounts owing. In cases where the customer has a history of reconnecting his own service or of not honoring previous agreements, the utility may require that the customer make full payment of all amounts owing before service is restored.

Section 459.14 Installment Plan. No utility shall terminate service unless the utility has first offered a monthly installment plan that is just and equitable. Each utility must offer a just and equitable monthly plan to all customers whose service has been disconnected for nonpayment. To the extent practicable, the monthly installment plan should be based on the customer's ability to pay, past payment history, the amount of indebtedness, and the availability of other resources. The monthly installment plan should require a customer to pay current bills and a portion of past indebtedness and may include a provision for payment of interest on

the arrears. Such agreement may provide for a downpayment of the arrears provided that no such downpayment shall exceed one-half of the amount of the arrears or three months average billing, whichever is less. Such agreement may be renegotiated and amended where the customer can demonstrate that there have been significant changes in his or her financial circumstances which have arisen due to conditions beyond the customer's control

WELLSVILLE ELECTRIC DEPARTMENT

Rule 82-3

GENERAL RULES FOR ELECTRIC SERVICE

GENERAL INFORMATION

1. TERRITORY TO WHICH THIS SCHEDULE APPLIES

Village of Wellsville and adjacent territory in the Town of Wellsville, served by the Wellsville Municipal Electric System in the Village of Wellsville, New York, all in Allegany County, New York.

2. APPLICATION FOR SERVICE

Written application for electric service must be made to the VILLAGE OF WELLSVILLE Electric Department at its office upon forms furnished by the Electric Department, by the consumer to be served, or his agent authorized to act by power of attorney duly executed and filed at the office of the Electric Department.

3. DEPOSITS

The Village may require the prospective customer to make a deposit equal to the estimated bills for two months' use of service. Interest at the rate of four per cent (4%) per annum will be paid on such deposits and will be credited on the next bill for service following October 1st of each odd numbered year. The deposit, less any amount owing to the Village for electric service, will be refunded when service is discontinued or may be refunded by the Village at any prior time.

4. SERVICE LATERALS

The Electric Department will install at its own expense one complete overhead low voltage service lateral where length of same does not require intermediate pole or support or where the point of attachment is not greater than 100 feet from the highway. Otherwise service laterals will be installed at the expense of the consumer, said expense shall be the cost of installing the pole or support and that portion of lateral in excess of 100 feet.

5. WIRING BY CONSUMER

The consumer shall provide all wiring within the building and the service entrance at his own expense. Service laterals will not be connected until the Electric Department has received a certificate of approval of the consumer's wiring from the New York Board of Fire Underwriters, or its duly appointed agents having jurisdiction, or other competent inspectors designated by the Electric Department. A similar certificate must be furnished for changes in, or additions to, the wiring. The

consumer's electric installation must be maintained so as to be safe and adequate at all times.

The consumer's equipment and appliances shall be of such quality and character and so used as not to cause interference with the use of electrical energy by other consumers. In cases of interference, the consumer must immediately correct it at his own expense, or the Electric Department may discontinue service until normal conditions are restored.

6. METERS

The consumer shall furnish sufficient and proper space for the installation of the meter or meters, which will normally be located outdoors. The meter location shall be reasonably convenient, accessible and as close as possible to the place where the service entrance is attached to the building, dwelling or other premises served. Meter locations must be approved by the Electric Department or its duly authorized representatives in each case, and shall be such as to offer adequate protection to the Electric Department's equipment.

Meters and all appliances and appurtenances installed by the Electric Department remain the property of the Electric Department.

7. LIABILITY FOR CONTINUITY OF SERVICE: SHUTTING OFF OR RESTRICTING SERVICE

The Electric Department undertakes to furnish reasonably safe, adequate and reliable service, but does not guarantee continuous service.

The Electric Department reserves the right to shut off or restrict service;

- A. Without notice when it may be found necessary to do so in case of emergency
- B. Upon written notice, or otherwise, in order to make repairs or extensions to the system or to private services or for any other causes stated in this schedule.

8. ACCESS TO PREMISES

The agents of the Electric Department shall at all reasonable hours have free access to the consumer's premises for the purpose of reading, testing and inspecting meters, and performing any other necessary act or acts in connection with the service and/or to determine the location of any interference with the use of electrical energy by other consumers. All employees under jurisdiction of the Electric Department or others who are authorized to enter premises in connection with any matter having to do with the operation of electric equipment shall be provided with an identification card. Employees are instructed to carry these cards at all times and to display them without question upon demand by any person when entering private property.

## 9. TERMS OF SERVICE

The consumer shall take and pay for service for such periods and under such conditions as shall be described under "TERM" for the appropriate service classification under which consumer is taking service.

## 10. BILLING AND COLLECTING

Bills are due and payable when rendered. The net amount shown on the bills will be accepted not later than the tenth day from the date of the bill. After the expiration of the tenth day, the gross amount shall be due. Remittances mailed will be considered as received at the time and date of postmark. If the tenth day falls on Saturday, Sunday or legal holiday, the period of discount will end at the close of the following day. Any payments to the Electric Department will apply on the oldest outstanding bill. Bills become delinquent when the gross amount shall be due. Failure to receive bills does not entitle consumer to the net amount.

The Electric Department will endeavor to read meters at regular monthly intervals, so that all charges and quantities will be figured on a monthly basis. If the actual use of electrical energy is not known because of inability to read meters, or failure of meters to register, the bill will be computed by estimate based on the best information available and marked "EST."

## 11. DISCONTINUANCE OF SERVICE

- A. By the Consumer. The consumer may discontinue service at any time by notifying the Commission at its office. The consumer will be responsible for all electrical energy used for a period of 48 hours after such notice is received, and for payment for any amounts which may be due under Minimum Charge or Term Provisions of the Service Classification.
- B. By the Commission. The Commission may refuse or discontinue service (1) for non-payment of bills as outlined in Rule 82-2 "Procedures for Notice of Discontinuance of Electric Service" (2) if it shall deem such action necessary to protect itself from fraud (3) if the consumer fails to comply with any ordinances or regulations of the municipal or other duly constituted authorities or of the New York Board of Fire Underwriters pertaining to said service or to property of the consumer used in connection therewith, or to supply proper certificates of compliance with such regulations or ordinances at his expense on the Commission's request.

## 12. RECONNECTION OF SERVICE

Where service has been discontinued by the Commission for any of the causes stated in "DISCONTINUANCE OF SERVICE - BY THE ELECTRIC DEPARTMENT",

4.

service will be reconnected at the same premises for service to the same consumer or consumers to which service was formerly charged, only upon payment of all back accounts due and owing from the consumer to the Electric Department on account of, or in connection with electric service, repairs, etc.

The fee for reconnection of service shall be \$20.00 Mon thru Friday 8:30 a.m. to 4 p.m. except legal holidays \$40.00 at all other times.

SUPERSEDING \_\_\_\_\_

SERVICE CLASSIFICATION NO. 2 SMALL COMMERCIAL

APPLICABLE TO USE OF SERVICE FOR:

All purposes, subject to special provision (a).

CHARACTER OF SERVICE:

Continuous 60 hertz alternating current, single phase at 120 or 120/240 volts, at the option of the Commission.

RATE: (Per meter per month)

Flat Rate	
Total KWH Per KWH	\$0.0208

SERVICE CHARGE:

Per meter, per month	\$1.50
----------------------	--------

TERM:

The consumer will be responsible for any use of service until 2 days after notice to discontinue has been received by the Commission.

(a) DETERMINATION OF DEMAND:

Demand will be determined by meter whenever consumption exceeds 10,000 kwh for two consecutive months, and then a demand meter will be installed. The account will be moved into service classification No 3.

Date of Issue: \_\_\_\_\_

Date effective: October 1981 billing

Issued by: \_\_\_\_\_

SUPERSEDING \_\_\_\_\_

SERVICE CLASSIFICATION NO. 1

APPLICABLE TO USE OF SERVICE FOR:

Residential purposes in individual single family dwellings or in individual flats or apartments in multiple family dwellings. Also for religious purposes as required by law.

CHARACTER OF SERVICE:

Continuous 60 hertz single phase alternating current, 120 volts or 120/240 volts, at the option of the Commission.

RATE: (Per meter per month)

Flat Rate	
Total KWH Per KWH	\$ 0.0175

SERVICE CHARGE:

Per meter, per month	\$ 1.50
----------------------	---------

TERM:

The consumer will be responsible for any use of service until 2 days after notice to discontinue has been received by the Commission.

SPECIAL PROVISIONS:

When not more than two rooms of an individual dwelling or apartment are used by the occupant for professional or business purposes, service may be taken under this classification for the entire dwelling or apartment, including such business or professional use. If the amount of business or professional use exceeds the above, this service classification will apply only to that portion of the premises used for residential purposes. If the wiring of the premises is not so arranged that the portions used for residential and business and professional purposes may be metered separately, service for the entire establishment may be taken through a single meter at the general service rate.

Date of Issue: \_\_\_\_\_

Date effective: October 1981 billing

Issued by: \_\_\_\_\_

SERVICE CLASSIFICATION NO. 3 Large Commercial

TERMS:

The consumer will be responsible for any use of service until 2 days after notice to discontinue has been received by the Commission and if the total charges have been less than the amount specified in paragraph (b) under Minimum Charge, the deficiency will thereupon become due and payable.

SPECIAL PROVISIONS:

- (a) Current delivered under this classification may be used on the premises where delivered, for any purpose, at the option of the consumer, except for resale.
- (b) Service at 2400 volt primary line voltage will be supplied only to consumers who employ an electrician competent to maintain and operate the 2400/4160 volt equipment.
- (c) Consumers requiring both single and three phase service may obtain the same by taking 240-volt three phase service and providing at their own expense the necessary equipment to split off 120 volt single phase or by making a separate application for each type of service, in which case each will be separately metered and billed.

Date of Issue: \_\_\_\_\_

Date effective: October 1981 billing

Issued by: \_\_\_\_\_

SERVICE CLASSIFICATION NO.        Large Commercial

APPLICABLE TO USE OF SERVICE FOR:

All purposes subject of special provision (a).

CHARACTER OF SERVICE:

Continuous 60 hertz alternating current, single phase at 120 or 120/240 volts or three phase at 208, 480 or 2400/4160 volts, subject to special provision (b), voltage and phase at the option of the Commission.

RATE: (Per meter per month)

Flat Rate	
Highest 15 minute Demand in KW Per Month Per KW	\$1.00
Total KWH Per KWH	0.0128

MINIMUM CHARGE: (per meter)

- (a) Minimum demand charge will not be less than 75% of the maximum demand during the preceding 11 months.
- (b) Applicable to all polyphase service and to single phase service when a demand meter is required (see Determination of Demand) or when an extension of lines or the installation of a new service lateral or of additional transformers is required. During the final year of service or the entire period of service, if less than a year, the total charge will not be less than 12 times the highest minimum which has applied during that period.

DETERMINATION OF DEMAND:

Demand will be determined by meter whenever consumption exceeds 10,000 kwh for two consecutive months, and when metered will be the maximum 15-minute integrated demand during the month but will not be less than 75% of the maximum demand during the preceding 11 months.

PRIMARY METERING DISCOUNT:

If the service is metered at primary line voltage of 2400 volts, five percent (5%) of the consumption in kilowatthours will be deducted in computing the energy charge. (This 5% has been computed into the rate structure so as not to require a separate entry on the computer).

Date of Issue: \_\_\_\_\_

Date effective: October 1981 billing

Issued by: \_\_\_\_\_

PENDING

SERVICE CLASSIFICATION NO. 4

**SECURITY OUTDOOR LIGHTING**

**APPLICABLE USE:**

Driveways, roadways, parking areas and protection of property.

**CHARACTER OF SERVICE:**

Limited period, approximately 4000 hours per year, 60 hertz alternating current at approximately 120 volts.

**MONTHLY RATES:**

Flat Rates	Mercury	Lucalox
150 Watt Unit	---	4.80
175 Watt Unit	3.80	---
250 Watt Unit	5.00	6.00
400 Watt Unit	6.30	7.30
1000 Watt Unit	13.50	14.50

**TERMS OF PAYMENT:**

Not amount monthly. Street Lights 0.32/KWH

TERM: STREET LIGHTS .032-/KWH

One year from date of installation, and yearly there-after until cancelled by the customer upon 30 days notice.

**SPECIAL PROVISIONS:**

The Municipal Electric Utility shall furnish, install, own, operate and maintain a photo-electrically controlled liminaire complete with ballast and lamp at the wattage designated under the rate charge desired. The Utility shall furnish a service span of 100 feet. On longer spans the customer shall pay for any additional material used.

The customer shall provide a pole or other support of the required mounting height to provide proper light distribution except that the Utility may elect to install the unit on its own pole if one is available.

Lighting service will be provided every night from dark until dawn aggregating about 4000-4200 hours per year unless prevented by accidents beyond the control of the Utility.

The customer shall notify the Utility whenever the unit fails to operate and the Utility shall replace the lamp and/or make necessary repairs with reasonable promptness.

Date of Issue: \_\_\_\_\_

Date effective: October 1981 billing

ed by: \_\_\_\_\_

SUPERSEDING \_\_\_\_\_

SERVICE CLASSIFICATION NO. 5

**APPLICABLE TO USE OF SERVICE FOR:**

Lighting, available for athletic fields administered for the common good of the community and without profit.

**CHARACTER OF SERVICE:**

Continuous, alternating current, 60 cycle, 2300 volt, single phase.

**RATE:**

All use Per KWH \$ .0251

**MINIMUM CHARGE:**

\$9.40 for each occasion when service is used.

**TERMS OF PAYMENT:**

Bills are net cash and due when received.

**SPECIAL PROVISIONS:**

None.

Date of Issue: \_\_\_\_\_

Date effective: October 1981 billing

Issued by: \_\_\_\_\_

SUPERSEDING \_\_\_\_\_

SERVICE CLASSIFICATION NO. 6

**APPLICABLE TO TURBODYNE CORPORATION:**

Turbodyne Corporation when all electrical service to Turbodyne is from a new 34.5/4.16 KV Substation.

**CHARACTER OF SERVICE:**

Continuous, alternating current, three-phase, 4160 volt, approximately 60 hertz.

**RATE:** Monthly customer charge \$-1,670.00

**Active Demand Charge:**  
Total Demand on 15 minute basis per KW month 2.20

**Plus Reactive Demand Charge:**  
Each kilovolt-ampere of billing  
reactive demand per month, per RKVA .32

**Plus Total Energy Charge Per KWll:** 0.009

**MINIMUM CHARGE:**

The minimum monthly charge is the charge computed under RATE, the Active and Reactive Demands being determined in accordance with the provisions included under Determination of Demand.

**DETERMINATION OF DEMAND:**

- A. The Measured Active Demand shall be the maximum fifteen-minute integrated kilowatt demand. For billing purposes, the active demand shall be the greatest of the following:
  - 1. The Measured Active Demand occurring during the month for which the bill is rendered.
  - 2. 70% of the largest Measured Active Demand during the preceding 59 months.
  - 3. 2900 kilowatts.
  
- B. The Measured Reactive Demand shall be the maximum fifteen-minute integrated kilovolt-amperes of lagging reactive demand as measured by a demand meter each month. For billing purposes, the reactive demand shall be the amount so measured minus 35% of the total active demand metered during this month.

Date of Issue: \_\_\_\_\_

Date effective: October 1981 billing

Issued by: \_\_\_\_\_

# A Local Law Regarding Electrical Code

Adopted: 2-13-61

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF  
WELLSVILLE, NEW YORK, AS FOLLOWS:

## Section 9.1 TITLE

This ordinance shall be known as the Electrical Code of the Village of Wellsville.

## Section 9.2 STATEMENT OF PURPOSE

Since there is danger to life and property, inherent in the use of electrical energy, this electrical ordinance is enacted to regulate the installation, alteration or repair of wiring for electric light, heat or power and signal systems operating on fifty (50) volts or more, in or on all real property within the Village of Wellsville.

## Section 9.3 NATIONAL CODE ADOPTED

All electrical installations heretofore mentioned shall be made in conformity with the requirements of the National Electrical Code except where the provisions of this ordinance or any other local law, ordinance or building code of the Village of Wellsville shall differently prescribe, in which event compliance with the provisions of such local law, ordinance or building code shall be recognized as proper compliance with this ordinance. The requirements of the National Electrical Code shall be those known as National Fire Protection Association Pamphlet No. 70, as approved and adopted by the American Standards Association.

## Section 9.4 INSPECTOR

The Chief Inspector, and each of the duly appointed Inspectors of the New York Board of Fire Underwriters, are hereby authorized and deputized as agents of the Village of Wellsville to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against

the village.

Section 9.5 DUTIES OF THE INSPECTOR

It shall be the duty of the Inspector to report in writing to the Mayor, whose duty it shall be to enforce all the provisions of this Code, all violations of, or deviations from, or omissions or the Electrical Provisions of the National Electrical Code, and of all local laws, ordinances and the building code as referred to in this ordinance insofar as any of the same apply to electrical wiring.

The inspector shall make inspections and reinspections of electrical installations in and on properties in the Village of Wellsville upon the written request of the Mayor of the Village or as herein provided. The Inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances and equipment, in and on properties within the Village where he deems it necessary for the protection of life and property. The Inspector shall not make inspections of existing installations in owner-occupied single-family dwellings except where such inspection shall have been requested by the Mayor. In the event of an emergency it is the duty of the Inspector to make electrical inspections upon the oral request of the Mayor. It shall be the duty of the Inspector to furnish written reports to the Mayor and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a Certificate of Compliance when electrical installations and equipment are in conformity with this ordinance. He shall direct that a copy of the Certificate of Compliance be sent to the Village of Wellsville to the attention of the Mayor.

Section 9.6 VIOLATIONS OF THE ORDINANCE

It shall be a violation of this ordinance for any person, firm or corporation to install or cause to be installed, or to alter or repair electrical wiring for light, heat or power, in or on properties in the village until an application for inspection has been filed with the New York Board of Fire Underwriters.

The repair or changing of switches and outlets, not requiring additional wiring, in single-family dwellings shall not require application for inspection. It shall be a violation of this ordinance for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate, or a Certificate of Compliance, by the New York Board of Fire Underwriters. It shall be a violation of this ordinance for any person, firm or corporation to operate wiring after having been notified by the Inspector that such wiring is defective.

Section 9.7 PENALTY FOR VIOLATIONS

Any person, firm or corporation who shall violate any of the provisions of this ordinance or any rule or regulation made pursuant thereto shall be guilty of disorderly conduct and shall be a disorderly person, and upon conviction thereof may be punished by a fine of not more than twenty-five dollars (\$25) and each day on which such violation continues shall constitute a separate offense.

Section 9.8 ORDINANCE NOT APPLICABLE IN CERTAIN CASES

The provisions of this ordinance shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment or the installation of equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose. This ordinance shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery- apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York. Portions of this ordinance which require application for inspection shall not apply to persons, firms or corporations regularly employed in manufacturing in the Village of Wellsvillw when such persons, firms or corporations

shall have certified to the Mayor that they regularly employ one (1) or more journeymen electricians, whose principal duties are installation, maintenance and repair of electrical machinery, appliances, equipment and wiring for electric light, heat or power (hereinafter called "electrical work"). in or upon the premises used by the applicant in the conduct of manufacturing; and by reason of the amount and frequency of electrical work so performed upon the applicant's premises, compliance with the provisions of this ordinance would impose an undue burden on the applicant's conduct of manufacturing operations. The term "journeyman electrician" shall mean a person who has completed an apprentice course or received equivalent training, or had equivalent experience of at least three (3) years in electrical work.

Section 9.9 NO WAIVER OR ASSUMPTION OF LIABILITY

This ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Village of Wellsville of the New York Board of Fire Underwriters be deemed to have assumed any such liability by reason of any inspection made pursuant to this ordinance.

Section 9.10 SEPARABILITY CLAUSE

If any part or provision of this ordinance or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of the ordinance or the application thereof to other persons or circumstances, and the Trustees of the Village of Wellsville hereby declare that they would have passed this ordinance or the remainder thereof had such invalid application or invalid provision been apparent.

Section 9.11 REPEALING PROVISIONS

All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 9.12 EFFECTIVE DATE

This ordinance shall take effect on adoption.

# A Local Law Regarding Electrical Code

Adopted: 2-13-61

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, NEW YORK, AS FOLLOWS:

## Section 9.1 TITLE

This ordinance shall be known as the Electrical Code of the Village of Wellsville.

## Section 9.2 STATEMENT OF PURPOSE

Since there is danger to life and property, inherent in the use of electrical energy, this electrical ordinance is enacted to regulate the installation, alteration or repair of wiring for electric light, heat or power and signal systems operating on fifty (50) volts or more, in or on all real property within the Village of Wellsville.

## Section 9.3 NATIONAL CODE ADOPTED

All electrical installations heretofore mentioned shall be made in conformity with the requirements of the National Electrical Code except where the provisions of this ordinance or any other local law, ordinance or building code of the Village of Wellsville shall differently prescribe, in which event compliance with the provisions of such local law, ordinance or building code shall be recognized as proper compliance with this ordinance. The requirements of the National Electrical Code shall be those known as National Fire Protection Association Pamphlet No. 70, as approved and adopted by the American Standards Association.

## Section 9.4 INSPECTOR

The Chief Inspector, and each of the duly appointed Inspectors of the New York Board of Fire Underwriters, are hereby authorized and deputized as agents of the Village of Wellsville to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against

the village.

#### Section 9.5 DUTIES OF THE INSPECTOR

It shall be the duty of the Inspector to report in writing to the Mayor, whose duty it shall be to enforce all the provisions of this Code, all violations of, or deviations from, or omissions or the Electrical Provisions of the National Electrical Code, and of all local laws, ordinances and the building code as referred to in this ordinance insofar as any of the same apply to electrical wiring.

The inspector shall make inspections and reinspections of electrical installations in and on properties in the Village of Wellsville upon the written request of the Mayor of the Village or as herein provided. The Inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances and equipment, in and on properties within the Village where he deems it necessary for the protection of life and property. The Inspector shall not make inspections of existing installations in owner-occupied single-family dwellings except where such inspection shall have been requested by the Mayor. In the event of an emergency it is the duty of the Inspector to make electrical inspections upon the oral request of the Mayor. It shall be the duty of the Inspector to furnish written reports to the Mayor and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a Certificate of Compliance when electrical installations and equipment are in conformity with this ordinance. He shall direct that a copy of the Certificate of Compliance be sent to the Village of Wellsville to the attention of the Mayor.

#### Section 9.6 VIOLATIONS OF THE ORDINANCE

It shall be a violation of this ordinance for any person, firm or corporation to install or cause to be installed, or to alter or repair electrical wiring for light, heat or power, in or on properties in the village until an application for inspection has been filed with the New York Board of Fire Underwriters.

The repair or changing of switches and outlets, not requiring additional wiring, in single-family dwellings shall not require application for inspection. It shall be a violation of this ordinance for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate, or a Certificate of Compliance, by the New York Board of Fire Underwriters. It shall be a violation of this ordinance for any person, firm or corporation to operate wiring after having been notified by the Inspector that such wiring is defective.

#### Section 9.7 PENALTY FOR VIOLATIONS

Any person, firm or corporation who shall violate any of the provisions of this ordinance or any rule or regulation made pursuant thereto shall be guilty of disorderly conduct and shall be a disorderly person, and upon conviction thereof may be punished by a fine of not more than twenty-five dollars (\$25) and each day on which such violation continues shall constitute a separate offense.

#### Section 9.8 ORDINANCE NOT APPLICABLE IN CERTAIN CASES

The provisions of this ordinance shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment or the installation of equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose. This ordinance shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery- apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York. Portions of this ordinance which require application for inspection shall not apply to persons, firms or corporations regularly employed in manufacturing in the Village of Wellsvillw when such persons, firms or corporations

shall have certified to the Mayor that they regularly employ one (1) or more journeymen electricians, whose principal duties are installation, maintenance and repair of electrical machinery, appliances, equipment and wiring for electric light, heat or power (hereinafter called "electrical work"). in or upon the premises used by the applicant in the conduct of manufacturing; and by reason of the amount and frequency of electrical work so performed upon the applicant's premises, compliance with the provisions of this ordinance would impose an undue burden on the applicant's conduct of manufacturing operations. The term "journeyman electrician" shall mean a person who has completed an apprentice course or received equivalent training, or had equivalent experience of at least three (3) years in electrical work.

Section 9.9 NO WAIVER OR ASSUMPTION OF LIABILITY

This ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Village of Wellsville of the New York Board of Fire Underwriters be deemed to have assumed any such liability by reason of any inspection made pursuant to this ordinance.

Section 9.10 SEPARABILITY CLAUSE

If any part or provision of this ordinance or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of the ordinance or the application thereof to other persons or circumstances, and the Trustees of the Village of Wellsville hereby declare that they would have passed this ordinance or the remainder thereof had such invalid application or invalid provision been apparent.

Section 9.11 REPEALING PROVISIONS

All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 9.12 EFFECTIVE DATE

This ordinance shall take effect on adoption.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of Wellsville  
Town  
Village  
Local Law No. 2 of the year 19 88

A local law ~~establishing requirements for electrical installations in the~~  
(Insert title)  
Village of Wellsville.

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  
City of Wellsville, New York as follows:  
Town  
Village

ARTICLE I

Title.

This Local Law shall be known as the Electrical code of the  
Village of Wellsville.

ARTICLE II

Statement of purpose.

Since there is danger to life and property inherent in the use of  
electrical energy, this Local Law is enacted to regulate the  
installation, alteration, maintenance or repair of equipment, wiring,  
and appurtenances thereto for electric light, heat, power or signal  
system operating on fifty (50) volts or more, in or on real property  
within the Village of Wellsville.

ARTICLE III

National Code Adopted.

All electrical installations heretofore mentioned shall be made  
in conformity with the requirements of the National Electrical Code  
in effect June 1, 1988, except where the provisions of this Local Law  
or any other local law, ordinance or building code of the Village of

**(If additional space is needed, please attach sheets of the same size as this and number each)**

Wellsville shall specifically differently prescribe, in which event compliance with the provision of such local law, ordinance or building code shall be an affirmative defense and recognized as proper compliance with this ordinance.

The Village Board may adopt, by resolution, subsequent versions of the National Electrical Code as the standard of compliance. A copy of any such resolution will be filed in the Business Office of the Electric Department in a book designated for such purpose. A notice of adoption of such resolution shall also be published. The resolution shall be effective ten (10) days after the filing and the publication.

#### ARTICLE IV

##### Inspector.

The Chief Inspector, and each of the duly appointed Inspectors of the New York Board of Fire Underwriters and of Atlantic Inland Inc. are hereby authorized and deputized as agents of the Village of Wellsville to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspection and reinspections be a charge against the Village. The Village Board may, by resolution, authorize additional agents.

## ARTICLE V

### Duties of the Inspector.

- 1) It shall be the duty of the Inspector to furnish written reports to the Director of Public Works, the owners and the lessees of property where defective electrical installations or equipment are found upon inspection as herein after set forth.
- 2) The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Village of Wellsville upon the written request of the Director of Public Works, at the request of a tenant, or of an owner, or as provided by any other Local Law or ordinance of the Village of Wellsville or as herein provided.
- 3) The Inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, and equipment, in and on properties within the Village where he deems it necessary for the protection of life and property. The Inspector shall not make inspections of existing installations in owner-occupied single-family dwellings except where such inspections shall have been requested by the Director of Public Works or his authorized agent or by an owner.
- 4) a.) The Inspector shall authorize the issuing of a Certificate of Compliance when electrical installations an equipment are in

conformity with the National Electrical Code as specified herein or issue a Certificate of non-Compliance when such installations or equipment are not in conformity. A Certificate of Non-Compliance should be sent promptly to: the Director of Public Works; to the person to whom the property is assessed as shown by Village Tax Records; and to any lessee or occupant of the property, or in lieu thereof, posted conspicuously on the premises actual notice by any such person of the issuance of Certificate of Non-compliance shall constitute full satisfaction of notice requirements. A Certificate of Compliance shall be sent to the person to whom the property is assessed. A copy shall be made available to any tenant. A failure to receive a Notice of Non-compliance shall not invalidate the validity of a Certificate of Non-compliance or any action taken thereof pursuant to the intent and provisions of this Local Law.

B.) Non-compliance Certificates shall contain substantially the following information:

1. the identity of the property where the non-compliance exists;
2. specification of each instance of non-compliance;
3. remedial action required to cure each instance of non-compliance;
4. a reasonable time for compliance not to exceed 30 days. Extensions may be granted by the Inspector with consultation of the Director of Public Works for good cause shown.

5. that service will be terminated if remedial action is not taken within time specified.

C.) Where the Inspector finds that any violation poses an imminent danger to life or property, he may order immediate compliance. In such case, he may issue an order immediately terminating electrical service to the premises. The Electric Department of the Village shall comply with any order effecting electrical service that may be issued by an inspector pursuant to this Local Law. In such cases, Inspections shall conspicuously post a copy of his certificate of non-compliance on the premises, in addition to the notices specified in paragraph 4-A.

D.) The owner of the premises or any tenant thereof on behalf of the owner may appeal an order on non-compliance, or an order of termination to the Director of Public Works in writing within five (5) business days. Such appeal shall be in writing, shall state the basis for such appeal, and shall contain such other information as the Director of Public Works may require by regulation. The Director may review any decision of an inspector terminating electric service, and may, for good reason, modify same.

E.) The Director of Public Works may establish rules and regulations implementing the administration of this Local Law. Such rules and regulations shall be effective ten (10) days after they have been filed with the Village Clerk and in the business office of the

Electric Department, which department shall file and maintain such regulations in a book provided therefore.

F.) The powers set forth in this Local Law shall be interpreted broadly to effect the purposes thereof and shall not be construed as a limitation of powers. Any situation for which a Certificate of Compliance has been issued is subject to reevaluation and reinspection which may result in the issue of a Certificate of Non-compliance.

G.) If any clause, sentence, subdivision, paragraph, section or part of this Local Law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

## ARTICLE VI

### Violations of this ordinance.

1) A.) It shall be a violation of this Local Law for any person, firm or corporation to install or cause to be installed, or to alter or repair or to cause to be altered or repaired, electrical wiring,

equipment, or systems for light, heat, power, or signal systems designed or intended to operate on fifty (50) volts or more in or on properties in the Village until an application for inspection has been filed with the Inspecting Officer, and approved by an authorized Inspector by the issuance of a temporary certificate or by a Certification of Compliance.

B.) The repair or changing of switches and outlets, not requiring additional wiring, in single-family dwellings shall not require application for inspection.

2) It shall be separate and distinct violation of this ordinance for any person, firm or corporation to connect, or cause to be connected, electrical service to any newly installed, altered or repaired electrical wiring, equipment or systems for light, heat, power, or signal system intended to operate on fifty (50) volts or more in or on properties in the Village prior to obtaining a Certification of Compliance, except for such brief, and incidental connections as may be reasonable and necessary to properly install, alter or repair.

3) It shall be a separate and distinct violation of this **Local Law** for a person, firm or corporation to connect, or cause to be connected, electrical wiring, appliance, equipment or systems, in or on properties, for light, heat, power or signal systems to any source

of electrical energy supply of fifty (50) volts or more if such shall violate a certificate of non-compliance.

#### ARTICLE VII

##### Penalty for violations.

Any person, firm or corporation who shall violate any of the provisions of this local Law for each violation shall be guilty of a petty offense, to wit, a violation as defined by the Penal Law and upon conviction thereof may be punished by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment for a period not to exceed fifteen (15) days, or by both such fine and imprisonment.

#### ARTICLE VIII

##### Local Law not applicable in certain cases.

The provisions of this Local Law shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment or the installation of equipment employed by the railway, electrical or communication utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose. This ordinance shall not apply to any work

involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York. Portions of this **Local Law** which require application for inspection shall not apply to persons, firms or corporations regularly employed in manufacturing in the Village of Wellsville when such persons, firms or corporations shall have certified to the Mayor that they regularly employ one (1) or more journeymen electricians, whose principal duties are installation, maintenance and repair of electrical machinery, appliances, equipment and wiring for electric light, heat or power (hereinafter called "electrical work"), in or upon the premises used by the applicant in the conduct of manufacturing; and by reason of the amount and frequency of electrical work so performed upon the applicant's premises, compliance with the provisions of this **Local Law** would impose an undue burden on the applicants conduct of manufacturing operations. The term "journeyman electrician" shall mean a person who has completed and apprentice course or received equivalent training, or had equivalent experience of at least three (3) years in electrical work.

## ARTICLE IX

No waiver or assumption of liability.

This Local Law shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliance or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Village of Wellsville, the New York Board of Fire Underwriters, or Atlantic-Inland, Inc. be deemed to have assumed any such liability by reason of any inspection made pursuant to this ordinance.

## ARTICLE X

Repealing provisions.

Chapter 9, Electrical Code, of the Ordinances of the Village of Wellsville, Adopted 2-13-61, is hereby repealed.

ARTICLE XI

Effective Date

This local law shall be effective immediately upon its filing with the Secretary of State.