

ORDINANCE NO. 14-82

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Shirley Heitz ON THE 2nd
DAY OF August, 1982.

AN ORDINANCE FIXING THE PRICE WHICH THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, MAY CHARGE FOR ELECTRIC LIGHT FURNISHED TO THE PUBLIC GROUNDS, STREETS, LANES, ALLEYS AND AVENUES IN THE CITY OF CENTERVILLE, STATE OF OHIO, FOR A PERIOD OF TWELVE (12) MONTHS COMMENCING ON THE 1ST DAY OF JANUARY, 1983, AND ENDING ON THE 31ST DAY OF DECEMBER, 1983, AND DETERMINING THE MANNER IN WHICH SAID LIGHTING MAY BE FURNISHED, PROVIDED AND PAID FOR.

WHEREAS, there is on file with the Clerk of Council of the City of Centerville complete plans and specifications for the lighting by the Dayton Power and Light Company ("Power Company") with electricity, which plans and specifications provide for different types and ratings of lights in various locations according to the local requirements, the lights being designated by lumens and classified as hereinafter set forth; and

WHEREAS, the Power Company shall revise or amend said plans and specifications as necessary and from time to time in order to keep them current, and said revisions or amendments shall be approved by the City Manager or his duly authorized agent prior to being filed with the Clerk of Council of the City and the plans and specifications on file as set forth herein shall hereinafter be collectively referred to as "the specifications"; and

WHEREAS, the City has determined that the public safety and/or welfare requires lighting of public streets and public places with electricity;

NOW THEREFORE,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION I. RATES TO BE CHARGED.

That the Power Company shall light said streets and public places in the City for a period of twelve (12) months, commencing on January 1, 1983, and ending on December 31, 1983. Said lighting is to be furnished in accordance with "the specifications" which are on file with the Clerk of Council of the City and incorporated herein by reference. The monthly rates to be charged for the various lights shall be as set forth in the following Tables. The daily charge for each light listed in said Tables shall be its monthly charge divided by the number of days in the month for which the charge is being collected.

Table 1. FULL SERVICE CHARGE

The following are the monthly charges per lighting fixture for fixtures owned by the Power Company and for which the Power Company provides energy and maintenance services as set forth in this Ordinance.

<u>Description of Light Fixture</u>	<u>Monthly Charge for Service during the Period January 1, 1983 to December 31, 1983.</u>
1. MERCURY LUMINAIRES	
A. OVERHEAD OR UNDERGROUND MERCURY LUMINAIRES (WOOD POLES)	
4,000 Lumen Mercury Luminaires (Discontinued Type)	\$ 4.47
7,700 Lumen Mercury, Open or Closed Type, Luminaires	\$ 6.39
11,000 Lumen Mercury Luminaires	\$ 7.83
21,000 Lumen Mercury Luminaires	\$ 10.22
54,000 Lumen Mercury Luminaires	\$ 21.47
B. OVERHEAD OR UNDERGROUND BOULEVARD MERCURY LUMINAIRES (METAL POLES)	
4,000 Lumen Mercury Luminaires (Discontinued Type)	\$ 6.47
7,700 Lumen Mercury, Open or Closed Type, Luminaires	\$ 8.39
11,000 Lumen Mercury Luminaires	\$ 9.83
15,000 Lumen Mercury Luminaires (Discontinued Type)	\$ 9.65

<u>Description of</u>	<u>Monthly Charge</u>
<u>Light Fixture</u>	<u>for Service</u>
	<u>during the</u>
	<u>Period January 1,</u>
	<u>1983 to December</u>
	<u>31, 1983.</u>

21,000 Lumen Mercury Luminaires	\$ 12.22
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54,000 Lumen Mercury Luminaires	\$ 23.47
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4,000 Lumen Mercury Town & Country Luminaires	\$ 8.53
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7,700 Lumen Mercury Town & Country Luminaires	\$ 8.69
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2. HIGH-PRESSURE
SODIUM LUMINAIRES

A. OVERHEAD OR
UNDERGROUND
HIGH-PRESSURE
SODIUM
LUMINAIRES
(WOOD POLES)

9,500 Lumen High-Pressure Sodium Luminaires	\$ 11.41
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16,000 Lumen High-Pressure Sodium Luminaires	\$ 11.91
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27,000 Lumen High-Pressure Sodium Luminaires	\$ 16.51
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50,000 Lumen High-Pressure Sodium Luminaires	\$ 18.11
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B. OVERHEAD OR
UNDERGROUND
HIGH-PRESSURE
SODIUM
BOULEVARD
LUMINAIRES
(METAL POLES)

9,500 Lumen High-Pressure Sodium Boulevard Luminaires	\$ 13.41
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16,000 Lumen High-Pressure Sodium Boulevard Luminaires	\$ 13.91
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<u>Description of</u>	<u>Monthly Charge</u>
<u>Light Fixture</u>	<u>for Service</u>
	<u>during the</u>
	<u>Period January 1,</u>
	<u>1983 to December</u>
	<u>31, 1983.</u>

27,000 Lumen High-Pressure Sodium Boulevard Luminaires	\$ 18.51
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50,000 Lumen High-Pressure Sodium Boulevard Luminaires	\$ 20.11
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100,000 Lumen High-Pressure Sodium Boulevard Luminaires	\$ 22.67
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27,000 Lumen High-Pressure Sodium Down- town Sidewalk Luminaires	\$ 13.67
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27,000 Lumen High-Pressure Sodium Twin Mount Boulevard Luminaires	\$ 33.68
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50,000 Lumen High-Pressure Sodium Sterner Luminaires	\$ 15.88
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77,000 Lumen High-Pressure Sodium Sterner Luminaires	\$ 29.30
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3. INCANDESCENT
LUMINAIRES
(DISCONTINUED
TYPE)

A. OVERHEAD OR
UNDERGROUND
INCANDESCENT
LUMINAIRES
(WOOD POLES)

1,000 Lumen Incandescent Luminaires	\$ 2.09
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2,500 Lumen Incandescent Luminaires	\$ 2.36
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4,000 Lumen Incandescent Luminaires	\$ 4.27
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6,000 Lumen Incandescent Luminaires	\$ 5.22
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Description of

Light Fixture

Monthly Charge
for Service
during the
Period January 1,
1983 to December
31, 1983.

E. OVERHEAD OR UNDERGROUND BOULEVARD INCANDESCENT LUMINAIRES (METAL POLES)	
2,500 Lumen Incandescent Luminaires	\$ 4.36
4,000 Lumen Incandescent Luminaires	\$ 6.27
6,000 Lumen Incandescent Luminaires	\$ 7.22
4. FLUORESCENT LUMINAIRES (DISCONTINUED TYPE)	
A. OVERHEAD OR UNDERGROUND FLUORESCENT LUMINAIRES (WOOD POLES)	
2,800 Lumen Fluorescent Luminaires	\$ 3.67
7,000 Lumen Fluorescent Luminaires	\$ 7.64
12,000 Lumen Fluorescent Luminaires	\$ 8.37
20,000 Lumen Fluorescent Luminaires	\$ 10.45
B. OVERHEAD OR UNDERGROUND BOULEVARD FLUORESCENT LUMINAIRES (METAL POLES)	
2,800 Lumen Fluorescent Luminaires	\$ 5.67
12,000 Lumen Fluorescent Luminaires	\$ 10.37
20,000 Lumen Fluorescent Luminaires	\$ 12.45

Description of

Light Fixture

Monthly Charge
for Service
during the
Period January 1,
1983 to December
31, 1983.

44,000 Lumen
Fluorescent
Luminaires

\$ 21.31

C. FLUORESCENT
LUMINAIRES,
FIXTURE ONLY

5,000 Lumen
Fluorescent
Underpass
Luminaires

\$ 5.36

For the purpose of applying this Table, the charges for all lighting fixtures which are installed on poles that are not owned by the Company shall be either the wood pole rate or the metal pole rate as agreed upon by the parties prior to installation.

Table 2. MAINTENANCE AND ENERGY CHARGE

The following are the monthly charges per lighting fixture for fixtures owned by the City and for which the Power Company provides energy and maintenance services as set forth in this Ordinance.

<u>Description of Light Fixture</u>	<u>Monthly Charge for Service during the Period January 1, 1983 to December 31, 1983.</u>
1. EXPRESSWAY SYSTEM	
7,700 Lumen Mercury Luminaires	\$ 3.03
11,000 Lumen Mercury Underpass Luminaires	\$ 4.14
11,000 Lumen Mercury Luminaires	\$ 4.14
21,000 Lumen Mercury Luminaires	\$ 5.84
35,000 Lumen Mercury Luminaires	\$ 9.70
12,000 Lumen Fluorescent Underpass Luminaires	\$ 6.77
20,000 Lumen Fluorescent Luminaires	\$ 9.63
44,000 Lumen Fluorescent Luminaires	\$ 18.20
2. EXTERNALLY ILLUMINATED OVERHEAD SIGNS	
6,000 Lumen Fluorescent Luminaires	\$ 3.86
8,900 Lumen Fluorescent Luminaires	\$ 4.04
10,900 Lumen Fluorescent Luminaires	\$ 5.16
15,500 Lumen Fluorescent Luminaires	\$ 5.37
3. CENTRAL BUSINESS DISTRICT URBAN RENEWAL AREA	
21,000 Lumen Mercury Luminaires	\$ 5.84

Description of
Light Fixture

Monthly Charge
for Service
during the
Period January 1,
1983 to December
31, 1983.

35,000 Lumen
Mercury
Luminaires

\$ 9.70

54,000 Lumen
Mercury
Luminaires

\$ 12.91

50,000 Lumen
High-Pressure
Sodium
Luminaires

\$ 7.05

Table 3. ENERGY ONLY CHARGE

The following are the monthly charges per lighting fixture for fixtures owned by the City and for which the City provides maintenance and the Power Company provides energy only as set forth in this Ordinance.

<u>Description of Light Fixture</u>	<u>Monthly Charge for Service during the Period January 1, 1983 to December 31, 1983.</u>
4,000 Lumen Mercury Luminaires (Discontinued Type)	\$ 1.58

Table 4. CHARGES DURING PERIODS OF TEMPORARY DISCONNECTION

The following are the monthly charges per lighting fixture for lighting fixtures owned by the Power Company which are ordered disconnected (but not removed) by the City.

<u>Description of Light Fixture</u>	<u>Monthly Charge for Service during the Period January 1, 1983 to December 31, 1983.</u>
1. MERCURY LUMINAIRES	
A. OVERHEAD OR UNDERGROUND MERCURY LUMINAIRES (WOOD POLES)	
4,000 Lumen Mercury Luminaires (Discontinued Type)	\$ 2.23
7,700 Lumen Mercury, Open or Closed Type, Luminaires	\$ 3.35
11,000 Lumen Mercury Luminaires	\$ 3.69
21,000 Lumen Mercury Luminaires	\$ 4.38
54,000 Lumen Mercury Luminaires	\$ 8.56
B. OVERHEAD OR UNDERGROUND BOULEVARD MERCURY LUMINAIRES (METAL POLES)	
4,000 Lumen Mercury Luminaires (Discontinued Type)	\$ 4.23
7,700 Lumen Mercury, Open or Closed Type, Luminaires	\$ 5.35
11,000 Lumen Mercury Luminaires	\$ 5.69
15,000 Lumen Mercury Luminaires (Discontinued Type)	\$ 3.73
21,000 Lumen Mercury Luminaires	\$ 6.38

Description of

Light Fixture

Monthly Charge
for Service
during the
Period January 1,
1983 to December
31, 1983.

54,000 Lumen Mercury Luminaires	\$ 10.56
4,000 Lumen Mercury Luminaires (Town & Country)	\$ 6.29
7,700 Lumen Mercury Town & Country Luminaires	\$ 5.66
2. HIGH-PRESSURE SODIUM LUMINAIRES	
A. OVERHEAD OR UNDERGROUND HIGH-PRESSURE SODIUM LUMINAIRES (WOOD POLES)	
9,500 Lumen High-Pressure Sodium Luminaires	\$ 7.98
16,000 Lumen High-Pressure Sodium Luminaires	\$ 7.88
27,000 Lumen High-Pressure Sodium Luminaires	\$ 11.18
50,000 Lumen High-Pressure Sodium Luminaires	\$ 11.05
B. OVERHEAD OR UNDERGROUND HIGH-PRESSURE SODIUM BOULEVARD LUMINAIRES (METAL POLES)	
9,500 Lumen High-Pressure Sodium Boulevard Luminaires	\$ 9.98
16,000 Lumen High-Pressure Sodium Boulevard Luminaires	\$ 9.88

<u>Description of</u>	<u>Monthly Charge</u>
<u>Light Fixture</u>	<u>for Service</u>
	<u>during the</u>
	<u>Period January 1,</u>
	<u>1983 to December</u>
	<u>31, 1983.</u>

27,000 Lumen High-Pressure Sodium Boulevard Luminaires	\$ 13.18
50,000 Lumen High-Pressure Sodium Boulevard Luminaires	\$ 13.05
100,000 Lumen High-Pressure Sodium Boulevard Luminaires	\$ 8.89
27,000 Lumen High-Pressure Sodium Down- town Sidewalk Luminaires	\$ 8.34
27,000 Lumen High-Pressure Twin Mount Boulevard Luminaires	\$ 23.02
50,000 Lumen High-Pressure Sodium Sterner Luminaires	\$ 8.82
77,000 Lumen High-Pressure Sodium Sterner Luminaires	\$ 17.45
3. INCANDESCENT LUMINAIRES (DISCONTINUED TYPE)	
All Incandescent Luminaires	No Charge
4. FLUORESCENT LUMINAIRES (DISCONTINUED TYPE)	
All Fluorescent Luminaires	No Charge

The rates set forth in Table 4 apply exclusively to any and all street lights ordered disconnected by the City which are a part of the lighting system owned by the Power Company, as set forth above in Table 1. When the City Manager or his duly authorized agent causes by written order the disconnection of any and all lights which are a part of the lighting system owned by the City, as set forth in Tables 2 and 3, the Power Company shall immediately discontinue charging for such lights. The Power Company shall also

immediately discontinue charging for any and all lights disconnected for reasons other than by written order of the City Manager or his duly authorized agent. The City agrees to pay the Power Company a charge of \$3.00 for each and every luminaire which is reconnected by the Power Company.

SECTION II. PAYMENT

The City shall pay the Power Company for said lighting according to the rates shown in Section I and Section III within ten (10) days after receipt of the bill for the lighting furnished during the preceding month. One percent (1%) shall be added to the bill if payment is not made on or before thirty (30) calendar days after the mailing date of the bill, unless the bill is being contested in good faith and any uncontested amount has been paid.

SECTION III. CUSTOMER CHARGE

In addition to the payment required to be made under Section II, the City shall pay the Power Company a customer charge of \$15.65 per month.

SECTION IV. ADDITIONAL LIGHTING

The Power Company further agrees that additional streets and other public places in which the City determines that a need exists for additional lighting will be lit in accordance with plans prepared by the Power Company. Said plans shall be in accordance with "the specifications" on file as set forth above, and shall be approved by the City Manager or his duly authorized agent before any additional street lights are installed. Upon approval by the City, new street lighting projects shall be installed as promptly as is reasonably possible by the Power Company. The billing of newly installed street lights shall commence when the lights in such project are being illuminated. Type of pole and appurtenances shall be of the type and size mutually agreed upon by the Power Company and the City Manager or his duly authorized agent. No new installations of Four Thousand (4,000) lumen Mercury, Fifteen Thousand (15,000) lumen Mercury, Incandescent or Fluorescent luminaires shall be undertaken except for purposes of maintenance or accident replacement. The Company shall maintain such stocks as necessary to maintain said items.

SECTION V. INSTALLMENT OF EQUIPMENT

The Power Company shall be permitted to and shall install all necessary wires, poles, antennas, guys, and all other equipment which it deems necessary and proper to accomplish said street lighting provided by this Ordinance, and shall allow the City to place its necessary facilities thereon.

SECTION VI. RELOCATION, REMOVAL AND UPGRADING

No existing light, pole, service, etc. shall be removed, relocated or upgraded to a technologically superior or more economical street light unless the Power Company receives written permission from the City Manager or his duly authorized agent. Upon request by the City Manager or his duly authorized agent, a street light facility shall be relocated, permanently removed or replaced without cost to the City, provided that not more than fifty (50) or two percent (2%), whichever is greater, of the Mercury and High-Pressure Sodium street lights shall be replaced in any one year unless mutually agreed by the City and the Power Company. The Power Company shall not be required to remove a street light on a temporary basis and any temporary disconnection shall be charged in accordance with Table 4 of Section I.

SECTION VII. PERIOD OF ILLUMINATION

Said lighting shall be in accordance with the "ALL NIGHT AND EVERY NIGHT SCHEDULE". That is, the luminaire shall be illuminated every night for approximately one-half ($\frac{1}{2}$) hour after sunset of one day to approximately one-half ($\frac{1}{2}$) hour before sunrise of the next day, in accordance with which schedule each luminaire shall be illuminated for approximately Four Thousand (4,000) hours per year. All lighting to be furnished hereunder shall be furnished and supplied as provided herein continuously and without interruption except for the following causes: accidents, short circuits, line, luminaire, or equipment failure, breakdowns, strikes, fires, floods, riots, cyclones, vandalism, explosions, acts of God or nature, acts or orders of the Public Utilities Commission of Ohio, acts or orders

of any civil, judicial or military authorities, or any cause beyond the control of the Power Company. The Power Company does not guarantee continuous lighting and shall not be liable to the City or anyone else for any damage, loss, or injury resulting from/or in any way connected to the happening of the foregoing causes or contingencies provided, however, the Power Company shall use all diligence and care necessary to remove the cause of any suspension or interruption of and to resume the lighting agreed to be furnished hereunder.

SECTION VIII. OUTAGES

The City, through the City Manager or his duly authorized agent, shall promptly report to the Power Company all lamps discovered not illuminated. If any lamp or lamps go out, the lamp or lamps shall be repaired within one (1) working day of such notice being given to the Power Company, if possible. In that event, no deduction for outage shall be made by the City. If a fixture is not turned on within two (2) working days after such notice has been given to the Power Company, the charges for that light shall cease retroactively to the time that it was reported out and shall not begin again until the Power Company notifies the City Manager or his duly authorized agent that the light is again illuminated. For purposes of this Section, and the term "working day" shall mean all days except Saturdays, Sundays, and legal holidays. If any lamp or lamps go out which the City Manager or his duly authorized agent judges to be critical to the safety of the public, he shall promptly report this to the Power Company, and the Power Company shall use its best efforts to repair such lamp or lamps immediately.

SECTION IX. OWNERSHIP OF SYSTEM

All of the poles, wires, fixtures, lamps, and appurtenances of the street light system supplied by Dayton Power and Light shall be and remain the exclusive property of the Power Company. All components of the system owned by the City or other agency shall be and remain the exclusive property of said City or agency.

SECTION X. POLES AND WIRING

Subject to the last paragraph found in Section I, Table 1, whenever poles are to be utilized, existing poles either owned by the Power Company or the City shall be used if possible. Service shall be supplied to all lights by the Power Company by either overhead or underground wiring as required by the City. When, in connection with a new installation of equipment or upgrading of existing equipment, underground wiring is designated by the City, all trenching and backfilling in connection with the installation shall be performed by the City or by the property owner and all wiring and ducts, both materials and installation, shall be supplied by the Power Company. The Power Company shall use its best efforts to coordinate the scheduling of its work with the trenching and backfilling to be performed by the City or the property owner so that no trench shall be required to be left open for more than twenty-four (24) hours.

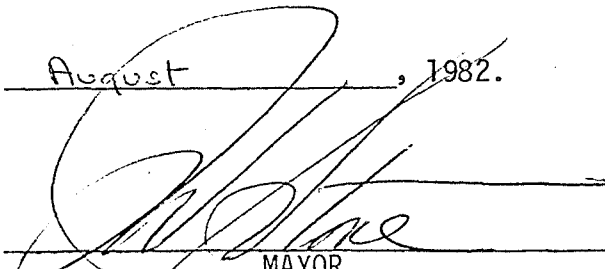
SECTION XI. WHEN ORDINANCE SHALL CONSTITUTE A CONTRACT

This Ordinance shall constitute a contract on January 1, 1983.

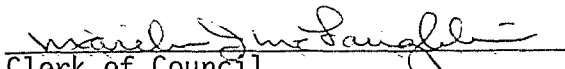
SECTION XII. EFFECTIVE PERIOD OF ORDINANCE

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED this 2nd day of August, 1982.


MAYOR

ATTEST:


Clerk of Council

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance Number 14-82, passed by the Council of the City of Centerville, Ohio, on the 2nd day of August, 1982.

Marilyn J. Savelle
Clerk of Council