

## ORDINANCE NO. 1927-17

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, RELATING TO ELECTRICAL UTILITIES, AMENDING SECTIONS 13.08.010 AND .240 OF THE MILTON MUNICIPAL CODE RELATED TO STANDARDS FOR THE SAFE REMOVAL OF TREES OR OBSTRUCTIONS INTERFERING WITH ELECTRICAL EQUIPMENT; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

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WHEREAS, Standards for the Removal of trees or obstructions interfering with electrical equipment were first established by Ordinance 796 in 1979, and standards have changed and should be incorporated in the Milton Municipal Code

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 13.08.010 and 13.08.240 of the Milton Municipal Code be, and the same hereby are, amended to read as follows:

13.08.010 Definitions.

As used in this chapter:

- A. "Apartment," "condominium," or "roominghouse" means a house or houses with separate facilities either side by side or upper or lower, which house or apartment is occupied by separate families all under the same roof.
- B. "Business unit" means one business having separate light facilities, operated by one owner or renter having one business identity and maintaining his/her own books.
- C. "Cabin camps" or "seasonal resorts" means any number of cabins upon a property which are rented from time to time, by day, week, or month, but do not constitute a permanent residence.
- D. "City" means the public works director, electrical foreman, clerk, treasurer, and/or any other city officials or agents representing the city in the discharge of their duties.

E. “Customer deposits” means money received for the purpose of securing the city’s anticipated outstanding indebtedness for electric services.

F. “Duplex dwellings” means attached or unattached constituted separate dwellings located upon one property.

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

H. “High Voltage” is defined as 600 Volts or greater.

HI. “Meter aggregation” means the administrative combination of readings from and billing for all meters, regardless of the rate class, on premises owned or leased by a customer-generator located within the city’s service territory.

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

K. “Mobile home” means any building upon wheels which is occupied by a separate family from that of any other dwelling upon the same property.

JL. “Net metering” means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator over the applicable billing period.

KM. “Net metering system” means a fuel cell, a facility that produces electricity and used and useful thermal energy from a common fuel source, or a facility for the production of electrical energy that generates renewable energy, and that:

1. Has an electrical generating capacity of not more than 100 kilowatts;
2. Is located on the customer-generator’s premises;
3. Operates in parallel with the electric utility’s transmission and distribution facilities; and
4. Is intended primarily to offset part or all of the customer-generator’s requirements for electricity.

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

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

P. “Qualified Worker” means a company or contractor who’s employees have completed a certified line clearance tree trimming program or completed a certified line apprenticeship program and has proof of a journeymen card.

**NQ.** Special Services. “At the expense of,” “special service” or “at the expense of the owner (or applicant)” means that such person shall make a deposit with the city of the amount fixed by this chapter or of the estimated cost plus 15 percent for overhead. In the latter case, the applicant shall be refunded any underrun or billed any overrun of the actual over the estimated cost, including overhead. (Ord. 1919 § 1, 2017; Ord. 796 § 1, 1979).

### **13.08.240 Removal of trees or obstructions interfering with equipment required.**

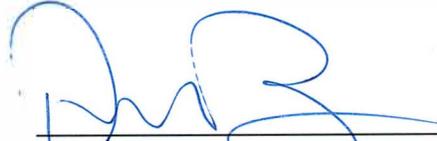
A. The customers must at all times remove any trees or shrubs or other obstructions of any kind or nature interfering with the electrical service wires, meter or any part of the distribution system. Said meter shall at all times be kept free from obstruction and readily accessible to the meter reader,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

B. All trees overhanging city streets or rights-of-way shall be kept at least four feet from ~~primary or~~ secondary lines by the owner of the property on which such trees are growing. **Nonqualified customers or contractors shall not perform any work on or near energized high voltage conductors or equipment and shall not come within the Minimum Approach Distance of the energized lines or equipment, except under the provisions of a work clearance. The City of Milton will provide 10 feet of clearance for nonqualified contractors or customers to safely trim or remove trees to maintain a safe work clearance from High Voltage lines or equipment.** Property owners shall be held liable for any damage caused by said trees that are allowed to grow in violation of this provision. Property owners shall be notified in writing to remove trees or cut back overhanging foliage from trees which do not comply with the requirements of this section. In the event such property owners fail or refuse to move or cut back said trees after receipt of such written notice, the electric department shall remove said obstructions, and the cost of such removal shall be assessed against the owner of the property upon which such tree or trees and foliage are situated. In the further event that said condition creates a hazard dangerous to life or property, the said obstruction shall be removed immediately and without notice to the customer. The electric department shall notify the owners of the property on which there are trees deemed by the electric department to be unsafe and dangerous and likely to cause damage to the transmission distribution system of the city due to the excessive height or other conditions of the said trees, and the electric department shall on such notice, if it deems proper and necessary, request the pruning or removal of said trees. In the further event of the failure or refusal of the property owner to comply with the notice and request of the electric department relative to said dangerous trees or any parts thereof upon the transmission or distribution lines of the city causing damage thereto, the cost of such damage shall be assessed against the owners of the property upon which such trees are situated. (Ord. 796 § 22, 1979).

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Passed by the Milton City Council the 2<sup>nd</sup> day of October, 2017, and approved by the Mayor, the 2<sup>nd</sup> day of October, 2017.



DEBRA PERRY, MAYOR

ATTEST/AUTHENTICATED:



KATIE BOLAM, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:



BY WILLIAM L. CAMERON, CITY ATTORNEY

FILED WITH THE CITY CLERK: 10-2-17  
PASSED BY THE CITY COUNCIL: 10-2-17  
PUBLISHED: 10-4-17  
EFFECTIVE DATE: 10-9-17  
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