

CITY OF LYNN

In City Council ————— MAY 17, 2005 ————— 20

IN THE YEAR TWO THOUSAND FIVE AN ORDINANCE ESTABLISHING ELECTRIC SAFETY STANDARDS IN THE CITY OF LYNN

Be it Ordained by the City Council of the City of Lynn and by the authority of the same as follows, to wit:

Section 1. Title

An Ordinance Establishing Electric Safety Standards in the City of Lynn and said Ordinance shall provide as follows:

Section 2. Definitions

(a) Utilities – The term "utilities" includes all entities that own or operate transmission or distribution facilities. As appropriate, the term also includes companies that own or operate electric generating facilities within, the City of Lynn.

(b) Electric facilities - The term "electric facilities" means and refers to all electric plants that are used to modulate, transmit, and/or distribute electricity, or is related to its modulation, transmission and/or distribution. The term "overhead facilities" generally includes electric facilities that are part of utility's overhead distribution system (e.g., the system that serves rural areas and includes towers, poles, and aerial cable conductors). The term "underground facilities" generally includes the electric facilities that are part of a utility's underground distribution system (e.g., the system that serves urban areas and includes manholes, service boxes, and underground cable and conductors).

(c) Stray voltage - The term "stray voltage" means voltage conditions on electric facilities that should not ordinarily exist. These conditions may be due to one or more factors, including, but not limited to, damaged cables, deteriorated, frayed or missing insulation, improper maintenance, or improper installation.

(d) Streetlights - The term "streetlights" means and includes utility owned streetlights located on, or along, or adjacent to public thoroughfares and areas and traffic signal poles and devices; it does not include privately-owned light fixtures, such as those located in private parking lots.

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(e) Stray Voltage Testing - The process of checking an electric facility for stray voltage using a hand-held device capable or reliably detecting and audibly aid/or visually signaling voltage in the range of 8 to 600 volts.

(f) Inspection - A careful and critical examination of an electric facility by a qualified individual to determine the condition of the facility and the potential for it to cause or lead to safety hazards or adverse effects on reliability.

Section 3. National Electric Safety Code Compliance

(a) The installation". Construction, maintenance and operation of electric facilities shall comply with the latest version of the National Electric Safety Code (NESC), except where a utility's practices, procedures and protocols are more stringent.

(b) Utilities are not required to retrofit their existing facilities to comply with the latest version of the NESC, unless the latest version of the NESC requires a retrofit.

(c) To the extent that projects currently being constructed do not comply with the NESC or a utility's more stringent standards, exemption from compliance will be considered on a case-by-case basis.

(d) If a utility believes that it cannot satisfy any provision of the NESC for a valid technical reason, it may petition the Department of Inspectional Services for an exemption from compliance with that provision.

Section 4. Stray Voltage Testing

(a) Stray voltage testing shall be conducted on all electric facilities that are capable of conducting electricity and are publicly accessible. Testing is not required on customer meters and customer owned facilities.

(b) Stray voltage testing shall be conducted on all streetlights.

(c) For underground electric facilities that are publicly accessible, including, but not limited to, manholes, service boxes, and transformer vaults, stray testing shall be conducted on the exposed surfaces of the facilities.

(d) Stray voltage testing of streetlights shall be conducted when the light is activated (i.e., at night).

(e) Stray voltage testing shall be conducted on an annual basis.

(f) If a streetlight to which a utility provides service is owned by another entity, and that entity conducts stray voltage testing meeting these safety standards, the utility may substitute that testing program for its own, provided the utility can certify the other entity's results.

(g) All equipment used for stray voltage testing must be certified by an independent test laboratory as being able to reliably detect voltages of 8 to 600 volts.

(h) Any facility for which the testing device indicates the presence of voltage shall be guarded by the utility immediately and continuously until the utility has eliminated the stray voltage and made the area safe. The utility must take corrective action irrespective of whether the stray voltage is determined to be caused by its own customer-owned facility.

(i) In each instance where stray voltage is determined to be caused by a utility-owned facility, best efforts shall be used to effect a permanent repair of the facility as soon as possible, but not later than 45 days after discovery of the stray voltage condition. A temporary repair to the facility may remain in place for more than 45 days only in extraordinary circumstances, and in such event the utility shall periodically perform site visits to monitor the condition of the temporary repair. All exceptions must be identified and justified as part of the reporting requirements under Section 9.

(j) In instances where stray voltage is determined to be caused by customer-owned equipment, the area must be immediately made safe. The utility shall immediately notify the customer or a responsible person associated with the premises or the customer-owned facility of the unsafe condition and the need for the customer to arrange for a permanent repair to the customer's equipment.

Section 5. Inspections

(a) Inspections shall include, at a minimum, visual examination of towers, poles, guy wires, risers, overhead cables and conductors, transformers, breakers, switches, and other aboveground equipment and facilities, and the interior of manholes, service boxes, vaults, and other underground structures. Where debris or water is found in an underground structure, it must be removed before commencing the inspection so that all of the facilities in the structure, and the structure, itself, may be fully inspected.

(b) Inspection of equipment should be performed in a manner that allows the inspector to examine its components, except those that are ordinarily encased in sealed compartments. Utilities need not perform destructive testing as part of this inspection program, except as otherwise required by their more intensive inspection program.

(c) When a visual inspection indicates the need for a more intensive examination, the utilities shall perform infrared testing and/or other inspection procedures.

(d) When an inspection reveals a hazardous condition or other problem, whether related to stray voltage or otherwise, the utility must make all repairs necessary to eliminate the condition.

(e) All electric facilities shall be inspected at least every five years. Certain facilities may warrant shorter inspection cycles.

(f) Each utility shall develop and implement a formal inspection program that complies with these safety standards.

(g) Inspections conducted during routine maintenance and other work not

directly related to the inspection program may count as an inspection visit, provided that the inspection is performed using the same safety and reliability criteria and to the same extent as would otherwise be required under these standards. Inspections occurring during these field visits must be properly documented and certified.

(h) The inspection requirement is intended to complement, not supplant, the inspections any utility already performs; to the extent a utility's

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inspection program is broader and more intensive than the program described herein, the utility should continue to follow its own program.

(i) The testing and inspection programs may be combined, where practical and feasible, provided the synergy satisfies all the requirements contained within these safety standards.

Section 6. Quality Assurance

Each utility shall develop a quality assurance program to ensure timely and proper compliance with these safety standards.

Section 7. Recordkeeping

(a) Each utility shall develop procedures and protocols to track the stray voltage testing dates and results for each electric facility.

(b) Each utility shall develop procedures and protocols to track the inspection dates and results for each electric facility.

(c) These records shall be kept in a manner that is readily accessible and searchable, continuously updated, and subject to review and audit by the City of Lynn Department of Inspectional Services.

Section 8. Certification

(a) Written certification of the completion and results of every stray voltage test and inspection undertaken and that all unsafe conditions identified have been remediated shall be made by an appropriate utility employee.

(b) The President or officer of each utility with direct responsibility for overseeing stray voltage testing shall provide an annual certification to the Department of Inspectional Services that the utility has tested all of its publicly accessible electric facilities and all streetlights.

(c) The President or officer of each utility with direct responsibility for overseeing facility inspections shall provide an annual certification to the Department of Inspectional Services that the utility is in compliance with its inspection program and has inspected the requisite number of electric facilities.

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Additionally, at the end of the five-year inspection cycle, the officer shall certify that all of the utility's electric facilities have been inspected at least once.

(d) Each utility shall maintain its written certifications and other documentary proof of its testing and inspections at its corporate office located in the Commonwealth of Massachusetts. These documents shall be available to the public for review upon request and without conditions.

Section 9. Notification Requirements

The Utility shall provide the Department of Inspectional Services written and telephonic reports of electric system personal injury accidents as follows:

(a) All electric shock incidents shall be reported regardless of whether there was a justifiable injury or not. Electric shock incidents involving animals shall also be reported.

(b) Reports for accidents or incidents, except those involving a fatality or major media attention, occurring after business hours shall be made no later than 9:00 a.m. of the next business day.

(c) The written reports may be submitted via facsimile.

(d) The telephone reports shall include the following information:

1. The location of the accident or incident.
2. The date and time of the incident.
3. Whether or not the injured party is a utility employee or contractors
4. A description of the injuries sustained and the status of the injured party.
5. A description of the accident and cause.
6. The time the utility received notification of the incident.
7. The time the first utility personnel arrived at the scene.
8. The time qualified utility personnel arrived at the scene (i.e., personnel capable of addressing any safety hazard).
9. Whether response operations were affected until utility personnel arrived.

Section 10. Reporting Requirements

(a) Each utility shall file a report with the Department of Inspectional Services, within 45 days of the effective date these safety standards take effect, that provides: (i) the details of its voltage testing program; (ii) the details of its inspection program; (iii) the safety criteria it will apply as part of each program; (iv) an inspection schedule that demonstrates how the utility will comply with these requirements to inspect all of its electric facilities at least once every five years; (v) the details of its quality assurance program; (vi) its plans to train its employees and contractors to perform the testing and inspections; and (vii) a description of any research and development activities the utility is conducting or plans to conduct related to stray voltage and safety issues.

(b) Each utility shall file a comprehensive report with the Department of Inspectional Services by January 15 each year that:

1. details the results of stray voltage tests and inspections conducted over the 12-month period ending November 30 of the prior ' calendar year;
2. contains the certifications described in Section 8.
3. discusses the analyses undertaken on the causes of stray voltage within the utility's electric system, the conclusions drawn there from the preventative and remedial measures identified, and the utility's plans to implement those measures; and
4. includes all other information that is pertinent to the issues addressed by these safety standards,

Section 11. Penalties

The failure of a utility to comply with the provisions of this Ordinance shall be reported by the Department of Inspectional Services to the Lynn City Council. The Lynn City Council possesses the authority to order the removal of any structure which has not been properly tested.

Section 12. Inconsistent Provisions

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 13. Effective Date

This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.