

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 110-136 (ENTITLED "ELECTRIC CONNECTION FEES") AND SECTION 110-137 (ENTITLED "RESPONSIBILITY FOR CONNECTION OF ELECTRICAL SERVICE") BY REVISING THE ELECTRIC CONNECTION FEES, ELECTRIC METER INSTALLATION CHARGES, AND ELECTRIC TAP FEES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City is a provider of electricity to its citizens; and

WHEREAS, the provision of electricity includes the costs for electric current, reading electric meters, constructing and repairing electric infrastructure and connect service and meters for new customers; and

WHEREAS, City Council's objective in setting electricity related fees is to impose fees in an amount that will allow the City to cover the costs for providing electricity so that electricity service is self-sufficient and not reliant on the general fund; and

WHEREAS, City Council's purpose for these amendments is to assure the fee setting objectives are met and to clarify how other subsections of Sections 110-136 and 110-137 of the Code are to be applied.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Code Amendment. The Code of Ordinances of the City of Burnet, Chapter 110 (entitled "Utilities") Section 110-136 (entitled "General requirements and limitations") is hereby amended by replacing the existing language in its entirety with the language that follows:

Sec. 110-136. - Electric Connect Fees.

(a) *Connection Fees.* Connections with the municipal electric system are as follows:

- (i) *Existing Tap.* Connections fees for new service with an existing tap shall be charged an Electric Meter Installation Charge as state in Table 110-136(a).
- (ii) *No existing Tap.* Connections with the municipal electric system without an existing tap shall be charged an Electrical Meter Installation Charge stated in Table 110-136(a); and, an Electric Tap Fee as stated in Section 110-136(c).

Table 110-136(a). Electric Meter Installation Charge

Meter Type and Size	Meter Installation Charge
200-amp 2s	\$500.00
Meters exceeding 200-amp 2s	\$500.00 plus all additional costs

- (b) *Hardware Provided.* The Meter Installation Charge shown in **Table 110-136(a)** covers the cost of one 200-amp meter and one meter socket. In addition, if needed, the city will provide any customer with one pole mounted transformer of such KVA as the city determines to be adequate to service the meter up to 50 KVA. Customer shall bear any additional costs should the load require a transformer larger than 50 KVA.
- (c) *Electric Tap Fee.* Connections with the municipal electric system without an existing tap shall require payment of an Electric Tap Fee. As the City's costs for providing an Electric Tap will vary depending on accessibility to the service line, the Electric Tap Fee shall be equal to the total cost of installation, including materials, equipment, and labor. Electric Tap Fee may include, but are not limited to, cutting across a right-of-way, road repairs, cutting through rock and all costs associated with easement acquisition (including land surveying, easement purchase price, and attorney fees). Additionally, the Electric Tap Fee will include costs the City incurs for devoting staff to complete an electric tap project.
- (d) *Payment due in advance.* Payment of the Electric Meter Installation Charge and the Electric Tap Fee shall be paid in full prior to city issuing the work order. In the case of the Electric Tap Fee, an estimate shall be made as to the final costs and the customer shall pay the estimated final costs in advance. At the completion of the work, the actual final costs of the Electric Tap shall be calculated. Should the actual costs of the Electric Tap exceed the estimated costs the customer shall pay the difference. Should the actual costs be less than the estimated final costs the City shall refund the difference

Section two. Code Amendment. The Code of Ordinances of the City of Burnet, Chapter 110 (entitled "Utilities") Section 110-137 (entitled "Responsibility for connection of electrical service") is hereby amended by replacing the existing language in its entirety with the language that follows:

Sec. 110-137. - Responsibility for connection of electrical service.

- (a) All connections of electrical service shall comply with the current National Electric Codes as adopted and amended by the city.
- (b) *Overhead secondary service lines.* Upon the customer's payment of all fees associated with new construction the city will supply overhead secondary service lines subject to the following:

- (i) *Construction plans.* Prior to city issuing a work order the customer shall provide a plan for the building or other permanent facility.
 - (ii) *Service extension.* The city shall determine the type and location of the service extension and shall connect to customer-installed wiring; provided the customer-installed wiring is in compliance with regulatory requirements.
 - (iii) *Customer's request.* Upon a request by customer the city may change the point of delivery; provided customer pays any actual costs associated with the request. The final determination as to the location of the point of delivery shall always rest with the city; and the city may refuse any request for a change in the point of delivery.
 - (iv) *Attachment Poles.* Customers shall be responsible for providing a suitable attachment point for installation of the service line. The attachment must comply with chapter 22 of this code; and with applicable codes published by the state, or other regulatory bodies. In the event of a conflict between regulatory publications the most stringent regulation, as determined by the city, shall apply.
- (c) *City meter pole.* Customers may request service be delivered to a city meter pole. In such cases, customers must provide an approved service meter loop on the pole. Customers must also install and pay for any service line required beyond the meter pole. The final determination as to service delivery via a city metered pole shall always rest with the city; and the city may refuse any request for service delivery via a city metered pole.
- (d) *Underground service lines.* Customers are responsible for installing and maintaining underground secondary service lines from the point of delivery to the main disconnect switch and service center. The city will assume no responsibility for the connection or the use of such connections.
- (e) *Connection fees.* Customer shall be responsible for payment of electric connection fees as provided in Section 110-136 of this article prior to city's issuance of any work order.
- (f) *Prohibition.* No person shall provide, or cause to be provided, electrical service to any improved property within the corporate limits of the city by any means other than connection to the city electrical system, or, if the improved property is in a retail public utility's certificate of convenience and necessity area, by connection to a retail public utility authorized by the Public Utility Commission of Texas to provide electricity within the certificate of convenience and necessity area. It shall be an exception to this prohibition to provide emergency electrical service as authorized in subsection (f).

(g) *Emergency electrical service.* This section provides an exception to the prohibition stated in subsection (e) during times of emergency. For the purposes of this exception an emergency occurs only when city, or retail public utility as the case may be, electric service is temporarily disrupted to an improved property due to weather or other factors outside the control of the city or retail public utility. The use of a generator to provide electricity to an improved property in an emergency is allowed; provided however, upon restoration of electricity by the city to the improved property the use of the generator shall cease. The operation of an emergency generator shall comply with applicable safety requirements of the International Fire Code and International Building Code. Disconnection of city services by the city shall not constitute an emergency under this subsection.

(h) *Disconnect required.* Customers shall provide a main disconnect to the customer's electric system. The main disconnect shall be placed in an exterior location, readily accessible to city. The location of the main disconnect to any electric system disconnect that is equal to, or exceeds 800 amps, shall be determined by the city on a case by case basis.

Section three. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section four. Penalty. A violation of this ordinance is unlawful and subject to penalty as prescribed in City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section five. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event section six shall apply.

Section six. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section seven. Severability. Pursuant to Code of Ordinances of the City of Burnet, Section 1-7, if any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the city council in adopting, and of the mayor in approving this Ordinance, that no portion of this Ordinance, or provision or regulation contained in this Ordinance, shall become inoperative or fall by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section eight. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public

notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code; as suspended, or otherwise modified, by executive orders of the governor of this state in response to the COVID-19 pandemic.

Section nine. Publication. The publishers of the City Code of Ordinances are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

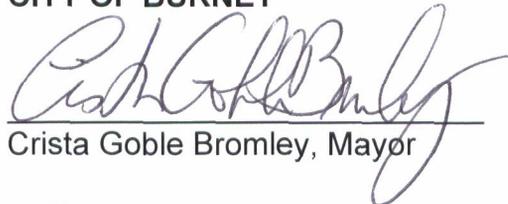
Section ten. Notice. The City Secretary is hereby directed to publish notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas.

Section eleven. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 26th day of May, 2020

Passed and Adopted on the 9th day of June, 2020

CITY OF BURNET



Crista Goble Bromley, Mayor

ATTEST:



Kelly Dix, City Secretary

