

ORDINANCE NO. 2022-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CODE OF ORDINANCES SECTION 110-148 (ENTITLED “ELECTRIC LINE EXTENSION POLICIES”) AND SECTION 110-149 (ENTITLED “RELOCATING FACILITIES AND LINE CLEARANCE”); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City by virtue of a Certificate of Convenience and Necessity issued by the Texas Public Utility Commission provides electric service to many of its citizens; and

WHEREAS, pursuant to its police powers the City may impose reasonable regulations related to connection to the electric system; and

WHEREAS, City Council’s regulatory objectives are to protect the public electric system from unnecessary waste or compromise; assure sufficient revenue to sustain the system; and, to assure the electric system’s continuous availability to the public; and

WHEREAS, City Council’s adoption of the current electric line extension policy was adopted pursuant to Ordinance No. 2006-6 on February 28, 2006, and said policy was based on Pedernales Electric Cooperative’s then effective policies; and

WHEREAS, Pedernales Electric Cooperative’s current policies obliges the applicant for service extension to pay all costs associated with the service extensions; and

WHEREAS, due to supply chain disruptions and other factors costs for transformers and other hardware have increased exponentially; and

WHEREAS, City Council deems it appropriate to amend the current electric line extension policy in a manner consistent with Pedernales Electric Cooperative’s current policy; and

WHEREAS, City Council deems it appropriate to codify the procedures for providing line clearance assistance related to transportation of oversized goods; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares 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 as required by Chapter 551 of the Texas Government Code.

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

Section one. 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 two. Code Amendment. The Code of Ordinances of the City of Burnet, Chapter 110 (entitled "*Utilities*") Section 110-148 (entitled "*Electric Line Extension Policies*") is hereby amended as follows:

Sec. 110-148 Electric Line Extension Policies

- (a) *Scope.* This section applies only to land located within the City's certificate of convenience and necessity service.
- (b) *Administration.* These policies shall be administered by the City of Burnet City Manager, or his or her designee.
- (c) *Service Rules.* The extension of electric lines under this section shall comply with all applicable provisions of the Service Rules and Regulations of the City of Burnet, including, but not limited to applicable sections of this Chapter such as Sec. 110-137 (entitled "*responsibility for connection of electrical service*").
- (d) *Application.* An applicant shall complete an application for electric line extension on such form as provided by the City.
- (e) *Costs.* Except as expressly stated in this section, all costs for electric line extension, including but not limited to engineering, easement acquisition and dedication, labor, materials, equipment, shall be borne by the applicant; and applicant shall reimburse the City for any costs the City may incur as follows:
 - (1) the Administrator shall determine what electric facilities will adequately serve all prospective customers requesting the electric line extension;
 - (2) the administrator, using the most current data available, shall provide the applicant with an estimate of the City's costs for the requested electric line extension;
 - (3) prior to the City initiating any work, applicant shall pay the City 100% of the cost estimate; and
 - (4) if, at completion of the work it is determined the actual costs was less than the estimate the City shall reimburse the applicant the difference; but if the actual costs are more than the estimate the applicant shall reimburse the City the difference.

- (f) *Dedication.* Ownership of all lines, services, material, and facilities installed by the City, applicant, or other party shall vest with the City without formality of dedication, whether or not the same have been paid for by the applicant; except those services installed past the point of delivery as defined in City Code Section 110-136.
- (g) *Individual lots:* The costs to connect individual lots within the subdivision are in addition to the costs described in this section.
- (h) *Underground facilities.* Unless overhead facilities are approved by the administrator all electric line extensions shall be placed underground. Underground infrastructure to subdivisions or commercial lots shall be subject to all applicable requirements that follow:
 - (1) the applicant shall be responsible for providing all civil work. Including but not limited to, trenching, bedding, backfill, concrete work associated with ground mounted gear, and all conduits and its installation; and
 - (2) when the design of the development is such that switchgears are required for safe and proper operation of the distribution system, the developer will bear the cost of the switchgear; but, where switchgears are installed solely for the convenience of the City to provide flexibility in serving load outside of the development, the City shall bear the cost of such switchgear;
 - (3) In all cases, underground secondary service lines from the meter to the customer's main disconnect or service center shall be installed and maintained by the customer and the City of Burnet shall have no responsibility or liability in connection therewith;
 - (4) for Commercial/Industrial/multi-family residential services where the meter bank of meters is to be located on the building or adjacent to the load, the service (cables, conduit, and trench) from the transformer to the load will be provided by the customer; and
 - (5) all electric line extensions shall be three-phase, unless otherwise approved by the City.
- (i) *Overhead facilities.* Upon request by an applicant, the administrator's approval, and applicant's compliance with all applicable requirements of this section the city will construct new extension of its overhead distribution system subject to all applicable requirements that follow:
 - (1) the applicant complies with applicable requirements of this Chapter;
 - (2) the applicant dedicates to the public such rights-of-way easements and covenants as required by the City;

- (3) the applicant provides Site Plans (streets, wet utilities, mechanical, electrical, plumbing, and landscaping plans, etc.), notice of construction start dates and construction schedules that are reasonable and industry typical for the type of work to be performed;
 - (4) the applicant shall provide survey points for grades, lot corners, street rights of way, and other locations necessary for installation of the electric system; and
 - (5) all electric line extensions shall be three-phase, unless otherwise approved by the City.
- (j) *Oversize Facilities.* For the purposes of this subsection, a facility is deemed oversize when, and to the extent, the City requires installation facilities in excess of the specific electric load requirement for a development at full development. In such case the City of Burnet may, in its sole discretion, participate with the developer, customer, or applicant in the cost of oversized facilities.

Section three. Code Amendment. The Code of Ordinances of the City of Burnet, Chapter 110 (entitled "*Utilities*") Section 110-149 (entitled "*Relocating Facilities and Line Clearance*") is hereby amended as follows:

Sec. 110-149. Relocating Facilities and Line Clearance.

- (a) *Relocating lines and facilities.* At the applicant's request, and at the sole option of the City electric lines and other facilities may be relocated only if the following conditions are met:
- (1) Service to other customers, both present and prospective, will not be adversely affected.
 - (2) Dedications of easements necessary for the relocated lines or other facilities are granted to the City.
 - (3) The applicant pays in advance the total estimated cost of removing the existing lines and/or facilities and replacing them with lines and/or facilities at the new location, in accordance with Sec. 110-148(e).
- (b) *Line Clearance.* The City will assist in the transportation of oversized objects through the area or in the construction of buried pipelines or other objects within the City of Burnet right-of-way by temporarily de-energizing City facilities or temporarily relocating or raising City facilities subject to the following:
- (1) the line clearance request shall be made at least ten business days before the activity requiring the line clearance;
 - (2) the applicant shall pay the City its estimated costs for the line clearance in advanced, with the understanding that should the estimate exceed the City's actual costs the City will repay the

- applicant the difference, but should the estimate be less than the City's actual costs the applicant shall reimburse the City the difference; and
- (3) City's cost shall be calculated to include, but not limited to labor, materials, engineering, right-of-way acquisition and clearing, and costs for vehicles or equipment use.

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 five 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. 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. Effective Date. This Ordinance shall be effective upon the date of final adoption.

The remainder of this page is intentionally blank, and the signature page follows.

Ordinance amending Sec. 110-148 and Sec. 110-149

Passed on first reading on the 8th day of February, 2022

Passed, Approved and Adopted to be Effective on second reading the 22nd day of February, 2022

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

