

ORDINANCE NO. 2014-10

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ADDING ARTICLE IV, SECTION 110.147 OF THE CODE OF ORDINANCES; REGULATING INTERCONNECTIONS TO THE CITY OF BURNET ELECTRIC SYSTEM; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS.

Whereas, the provision of electrical services for the residents of the City of Burnet, Texas (the "City") is necessary for the public health of the citizens; and

Whereas, the City provides, or causes to be provided, electrical services to all residences and businesses within the City; and

Whereas, it is crucial for the protection of the City of Burnet electrical system and all customers of that system to ensure safe and efficient operation of the system;

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

Section. 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City council and made a part hereof for all purposes as findings of fact.

Section 2. Amendments. Section 110.147 shall be added as follows:

Sec. 110-47. Interconnections.

The City of Burnet shall be the sole provider of power within the City's designated Certificate of Convenience and Necessity (CCN), as defined by the Public Utility Commission of Texas, with the exception of Emergency Generators as defined herein.

(a) Prohibition:

Interconnections to the City of Burnet's Electric System by a Customer Generator Facility, regardless of the size or nature of the facility, shall be strictly prohibited. For purposes of this section, Customer Generator Facility shall mean any equipment, assembly, apparatus or structure that generates electric power which is owned or operated by any person, group, business, corporation other entity that is a generator of electric power with a connection to the City of Burnet's Electric System to whom the City of Burnet provides electric power.

This prohibition shall not apply to Emergency Generators when connected to the City of Burnet's Electric System during the testing of the device or during periods of outages of the City of Burnet's Electric System. For purposes of this section Emergency Generator shall mean a device that converts a form of energy (typically petrochemical or gas) into electricity and is used during periods where City of Burnet Electric System is not providing electricity due to outages or emergency conditions.

(b) The City of Burnet City Manager is authorized to develop administrative rules to facilitate the efficient implementation of this subsection and protect the best interest of the city.

(c) Penalty:

A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

(d) Damage to City system:

In addition to the criminal penalties provided in section (c) the City may:

1. Immediately disconnect any electrical service found to be in violation of this ordinance and which immediately imperils the safe operation of City's Electrical System
2. Seek any and all remedies available at law or equity for disruption or damage caused to the City's Electrical System, including incidental or consequential damages by the unauthorized interconnection to the City's Electrical Service.

Any Customer Generator Facility that causes disruption or damage to the City of Burnet Electric System shall be responsible for, including but not limited to, any monetary losses, costs and expenses of defending an action or claim made by a third person, damages related to the death or injury of a third person, damages to the property of the City of Burnet, damages to the property of a third person, damages for the disruption of the business of a third person. The City of Burnet shall have no liability for any damage, death or disruption to the Customer Generator Facility as a result of a violation of this section.

Section 3. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

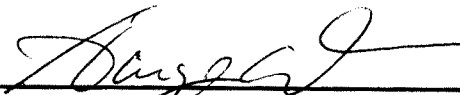
Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

Section 5. Effective Date. This ordinance shall take effect immediately following its adoption in accordance with the provisions of the *Tex. Loc. Gov't. Code* and the City Charter.

PASSED AND APPROVED on first reading this the 13th day of May, 2014.

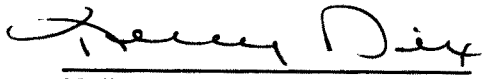
FINALLY PASSED AND APPROVED on this the 27th day of May, 2014.

CITY OF BURNET, TEXAS



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary

