

ORDINANCE NO. 2015-27

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ARTICLE IV, SECTION 110-147 OF THE BURNET CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; OPEN MEETINGS; AN EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS.

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

Whereas, customers have expressed an interest in installing personal generating equipment to supplement the city's electric service, and

Whereas, to provide for the safety of the city's electric system as well as employees and customers

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. Amending Article IV. Section 110-147 Interconnections: Section 110-147, Burnet Code of Ordinances, is hereby amended in its entirety to read as follows:

Sec. 110-147. – Interconnection Policy.

The city shall be the sole provider of electric power within the city's designated certificate of convenience and necessity (CCN), as defined by the public utility commission of the state, subject to the following:

- (a) The city manager is authorized to develop and maintain an administrative policy to facilitate the efficient and safe implementation of small power generation and cogeneration in a manner that will protect the health, safety and welfare of the citizens of the city provided that:
1. Residential power generation greater than 10 kW is expressly prohibited; and
 2. Commercial and industrial power generation greater than 20 kW is expressly prohibited; and
 3. An exception is provided for the use of emergency use of a back-up generator; and

4. Power generating using wind or fuel, except for emergency generation, shall be prohibited.
- (b) Penalty. A person who violates a provision of the adopted policy 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 \$500.00.
- (c) Damage to city system. In addition to the criminal penalties provided in subsection (b), 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.

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.

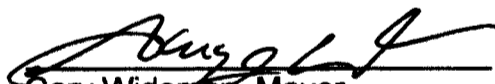
Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't.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

Section 5. Effective Date. This ordinance shall take effect on 1-14-16, 2016, provided that the ordinance or a caption thereof is published in accordance with the City Charter.

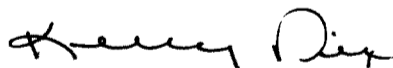
PASSED AND APPROVED on first reading this the 8th day of December, 2015.

FINALLY PASSED AND APPROVED on this the 12 day of January, 2016.

CITY OF BURNET, TEXAS


Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary