

**ORDINANCE NO. 2019-45**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ADOPTING THE “BASTROP POWER & LIGHT ELECTRICAL SERVICE STANDARDS FOR UNDERGROUND ELECTRIC SECONDARY SERVICE,” ATTACHED AS EXHIBIT A, THE “BASTROP POWER & LIGHT ELECTRICAL SERVICE STANDARDS FOR UNDERGROUND ELECTRIC PRIMARY SERVICE,” ATTACHED AS EXHIBIT B AND THE “BASTROP POWER & LIGHT ELECTRICAL CONSTRUCTION SERVICE STANDARDS”, ATTACHED AS EXHIBIT C IN COMPLIANCE WITH H.B. 3167; AND PROVIDING FOR FINDINGS OF FACT, AMENDMENT, ENFORCEMENT, A REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, Bastrop Power & Light developed the “Electrical Standards in 2014 as guidance for builders in the City of Bastrop; and

**WHEREAS**, these standards must be adopted as an ordinance to meet the requirements of HB 3167, so the City can cite the proper ordinance when review Plats and Construction Plans; and

**WHEREAS**, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council finds that adopting these standards is reasonable and necessary for the good government, peace, and order of the City.

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

**SECTION 1. FINDINGS OF FACT** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2. ADOPTION** That the City of Bastrop adopts the “Bastrop Power & Light Electrical Service Standards for Underground Electric Secondary Service,” as described and attached hereto as Exhibit “A”; the “Bastrop Power & Light Electrical Service Standards for Underground Electric Primary Service,” as described and attached hereto as Exhibit “B”; and the “Bastrop Power & Light Electrical Construction Service Standards,” as described and attached hereto as Exhibit “C.”

**SECTION 3. REPEALER** In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

**SECTION 4. SEVERABILITY** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**SECTION 5. ENFORCEMENT** The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

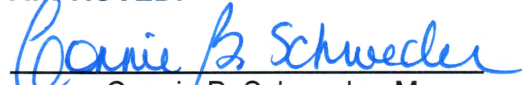
**SECTION 6. EFFECTIVE DATE** This Ordinance shall be effective immediately upon passage and publication.

**SECTION 7. OPEN MEETINGS** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.


**READ & ACKNOWLEDGED** on First Reading on the 10th day of September 2019.

**READ & APPROVED** on the Second Reading on the 24th day of September 2019.

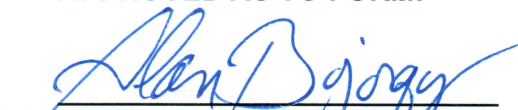
**APPROVED:**

  
\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Alan Bojorquez, City Attorney

**EXHIBIT A**

**EXHIBIT B**

**EXHIBIT C**

# **BASTROP POWER & LIGHT ELECTRICAL CONSTRUCTION SERVICE STANDARDS**

## **STREET LIGHTING Exhibit (A)**

Installation of electrical infrastructure in the City, including light fixtures and poles, shall be performed exclusively by BP&L, as designed or planned by the Director or an electrical engineer retained by the City. The Director shall: 1) oversee all installation(s) of electrical infrastructure;

2) be solely responsible for determining/approving the applicable technical standards, and 3) have sole authority to resolve all electrical issues related to an installation. Only BP&L, or their electrical contractor, shall be allowed to install Line Extensions in BP&L's distribution system.

City lights are activated automatically by use of a photocell and should be on when dark. If you notice a light out when it is dark or a light on during the day, please contact City of Bastrop Utility Customer Service at (512) 332-8830, M-F between 8am to 4pm to have the light repaired. Please include the pole number and address location.

### **a) Existing Development:**

According to Ordinance No. 2019-45, BP&L will provide lighting along the right-of-ways of dedicated streets consistent with the certified service area of BP&L. BP&L shall have the sole authority to determine the location of street light fixtures. However, street lights will generally be located at: 1) street intersections; 2) dead-end streets; and 3) dangerous curves. BP&L may elect, at any time, to adjust pole spacing, pole height, lamp wattage, or arm length depending on service conditions, street width, and other design factors.

### **b) New Development:**

BP&L will install street lighting as requested by the developer, and agreed to by the Director, in accordance with all BP&L lighting standards. The developer shall pay 100% of the estimated cost of the installation of street lighting system and facilities in advance of the installation by BP&L. Street lighting system and facilities includes poles, fixtures, controls, wiring, and other electric equipment and devices required for the installation and operation of the lighting system. Poles and fixtures to be installed by BP&L will be the standard poles and fixtures available at the time. The estimated cost to be paid by the developer for the lighting facilities and electric system is the total cost attributable to the installation, including but not limited to labor, materials, engineering costs, right-of-way acquisition, and clearing.

### **c) Additional Lighting - Night Watchman (Private Lighting):**

If determined by the Director, in his sole discretion, to be reasonable and practical based on factors such as system capacity and maintenance, Night Watchman lighting may be requested by a Customer and installed on existing BP&L power poles. Please contact Utility Customer Service at (512) 332-8830 on M-F between 8am to 4pm to request a site inspection to determine if Night Watchman Lighting is possible. Customers requesting Night Watchman Lighting shall complete/obtain the following:

- I. The written approval of the Director for the Night Watchman lighting, including the type and location of the fixture to be installed; and

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- II. Completion of a Night Watchman light application and execution of a Night Watchman light contract in which the customer agrees to pay all installation and usage fees (application and contract may be obtained from the Utility Department.);
- III. Pre-Payment of all associated costs and fees, in accord with the City of Bastrop Fee Schedule provided in the Code of Ordinances;

If an application for Night Watchman lighting is approved, the installation shall be performed solely by BP&L and all costs associated with the installation shall be borne by the requester, including installation fees and monthly usage fees. Line Extension cost will be quoted based on the site inspection.

At the time of transfer or sale of the property that had been contracted by the Night Watchman lighting, BP&L 's service shall be discontinued until the new property owner/user enters into a separate Night Watchman contract with the City agreeing to pay the then applicable monthly usage fee(s). Please contact Utility Customer Service at (512) 332-8830 on M\_F between 8am to 4pm to request a change of service. Night Watchman lighting service will be disconnected in the event a utility account becomes delinquent. When an account returns to 'good standing', reconnection of the Night Watchman lighting will occur. Please refer to the City of Bastrop Utility Policy for all applicable fees.

### **d) Previously Installed Lighting:**

Light fixtures located on poles that are owned by BP&L, but do not meet all of the requirements of Sections I, II, or III above, will not be repaired and/or replaced by BP&L and may not be repaired by the customer. Furthermore, during BP&L's routine system maintenance, any light fixture located by BP&L that fails to comply with the terms of these standards, or is a safety concern, shall be immediately disconnected. When safety allows, every attempt will be made to contact the customer prior to disconnection

# **BASTROP POWER & LIGHT ELECTRICAL CONSTRUCTION SERVICE STANDARDS**

## **UNDERGROUND ELECTRIC PRIMARY SERVICE Exhibit (B)**

1. Electric service from underground distribution facilities is available to Customers who meet the requirements of these Electric Service Standards. In areas served by BP&L's underground distribution system, phase and voltage of electric service may be limited to what is available from existing BP&L's facilities.
2. Prior to construction, BP&L must approve in writing the electrical plans showing the route, the location and the size of the underground electric primary service.
3. BP&L will calculate a line extension fee, payment of which is required before materials will be ordered and construction can begin.
4. A Blanket Temporary Access and Construction Easement is required prior to construction. Upon completion of construction and installation of the Electric Facilities on the Property the owner shall have the Permanent Utility Easement Area (20-foot easement, to include a 10-foot buffer around all non-opening sides and a 20-foot buffer around opening sides of equipment) surveyed by metes and bounds, at the property owner's sole cost and expense, and a copy of that Permanent Easement survey provided to BP&L for the granting and recording of a Permanent Public Utility Easement. The Blanket Temporary Access and Construction Easement shall be vacated at such time as BP&L accepts and records the Permanent Public Utility Easement.
5. Customers must complete the following prior to the installation of underground distribution facilities:
  - a. Clear the area of all obstructions
  - b. Sub-grade to be established prior to BP&L installation at the site
  - c. Establish final grade along conductor route
  - d. Clearly mark, or if required by BP&L, expose to view all underground installation service lines, including gas, water, wastewater, and communication.
  - e. Following installation, the grade may not be changed along the conductor route without the consent of BP&L
6. Only BP&L, or their electrical contractor, will be allowed to install underground electric primary service within the BP&L service area.
7. Customer is responsible for installing the secondary service from the transformer to the meter point of service. Please refer to the Underground Electric Secondary Service Standard.
8. ~~Any waiver or change to this policy must be approved by the Director of BP&L, in writing, in advance of performing the change or waiver.~~



# **BASTROP POWER & LIGHT ELECTRICAL CONSTRUCTION SERVICE STANDARDS**

## **UNDERGROUND ELECTRIC SECONDARY SERVICE Exhibit (C)**

1. Any new electric secondary services from BP&L's power transformer to the Customer's meter location shall be installed in an underground electric conduit system.
2. When anyone requests an upgrade of service or relocation to an existing overhead electric secondary service it shall be placed in an underground electric conduit system. This applies to all new and existing single-phase and three-phase electric secondary services in the BP&L service area. The person requesting such changes is responsible for all costs related to the installation of any underground electric secondary service.
3. Electric service from underground distribution facilities is available to Customers who meet the requirements of these Electric Service Standards. In areas served by BP&L's underground distribution system, phase and voltage of electric service may be limited to what is available from existing BP&L's facilities.
4. Prior to construction, BP&L must approve; 1) any third party installer to work in our service area; 2) the proposed route; and 3) the location of the underground electric secondary service. When possible, meters should be located on the building. If the meter cannot be mounted on the building, BP&L may approve placement of the meter on a rack outside of the public right-of-way or easement. Under no circumstances, however, can a meter be mounted on a BP&L pole. Anyone requiring more than 200amps must contact BP&L for a quote on a CT meter. Customer is responsible for CT meter expense; payment is required before materials will be ordered.
5. Prior to beginning construction, the person(s) requesting or requiring a secondary service route may be required to provide to BP&L, at their sole cost and expense, payment for line extension fees.
6. Only licensed, pre-approved electrical contractors registered with the City will be allowed to install underground electric secondary service.
7. Technical Installation Requirements:
  - a. The electric secondary service shall be placed in Schedule 40 PVC, electric grade conduit a minimum of 18" below final grade.
  - b. Electrical warning tape shall be placed in the trench 12" above the conduit.
  - c. The electrical conduit shall be installed with a minimum of 12" horizontal and vertical clearance to all other underground utilities or structures.
  - d. The electric service wire shall be insulated copper conductor approved for installation in conduit.

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- e. The size of conduit for service shall be determined by the preapproved licensed electrical contractor in accordance with the National Electric Code.
  - f. Galvanized steel rigid conduit risers shall be attached to BP&L poles. Height to be determined by BP&L.
  - g. The preapproved electrical contractor shall terminate all conductors in the meter socket.
  - h. BP&L shall terminate all conductors at the transformer.
  - i. The new electric secondary service will not be energized until the City' s electrical inspector has inspected and approved, in writing, the entire installation.
  - J. Once the installation has been approved and energized, BP&L shall have sole ownership of the secondary service and shall be solely responsible for maintenance of same.
8. The City of Bastrop Chief Building Official agrees and supports this as the overriding electrical service standard for "Underground Electric Secondary Service".

~~Any waiver or change to this policy must be approved by the Director of BP&L, in writing, in advance of performing the change or waiver~~