

ORDINANCE NO. 2022-07-01

AN ORDINANCE OF THE CITY OF TONKAWA, OKLAHOMA, AMENDING THE CHAPTER 17 OF THE TONKAWA MUNICIPAL CODE 2021; PROVIDING FOR A NEW SECTION 17-611 ENTITLED "INDUSTRIAL, COMMERCIAL AND/OR CERTAIN RESIDENTIAL CUSTOMERS TO PAY THE UPFRONT ESTIMATED COSTS OF ESTABLISHING, ALTERING AND/OR ADDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONKAWA:

Section I: Chapter 17 of the Tonkawa Municipal Code 2021 is hereby amended by the addition of the Section 17-611 to read as follows:

Section 17-611 INDUSTRIAL, COMMERCIAL AND/OR CERTAIN RESIDENTIAL CUSTOMERS TO PAY THE UPFRONT ESTIMATED COSTS OF ESTABLISHING, ALTERING AND/OR ADDING ELECTRIC SERVICE.

A. Except as may be excepted by the terms of an economic development agreement, any industrial or commercial customer requesting the establishment, alteration and/or addition of electric services within or without the City, shall first pre-pay the estimated cost of the installation, alteration and/or addition of such electric service, including but not limited to all capital expenditures required thereby, to include materials and labor.

B. Any residential customer requesting the establishment, alteration and/or addition of electric services larger than a 200-amp service, within or without the City, shall first pay the estimated cost of the installation, alteration and/or addition of such electric service, including but not limited to all capital expenditures required thereby, to include materials and labor.

C. In the event there is a difference between the estimate and the actual cost, the credit or debit, respectively, shall be required to be immediately paid to the proper party, or at the City's discretion, credited or debited on the customer's utility bill.

D. All electric installations, including but not limited to transformers, wire, conduit, poles and all other materials acquired pursuant to this section, whether placed in the right-of-way or upon the property of the customer, or awaiting

installation in the warehouse of the City, shall remain the property of the City, and no credit or refund to the customer shall be provided in the event such installation does not occur or for any other reason. If the installation of the electric improvements does not occur within one (1) year of the date of receipt of such electric improvements, unless otherwise agreed in writing, the City shall be free to use the electric installation for another purpose. This section shall be referenced in all customer's service orders, when appropriate, and with a copy of this section attached to the service order when presented to the customer for approval and execution.

E. This section codified a long-standing oral policy of the City, and of the Tonkawa Municipal Authority, in the operation of its electric system.

Section II. REPEALER. The ordinances as deleted and all other ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

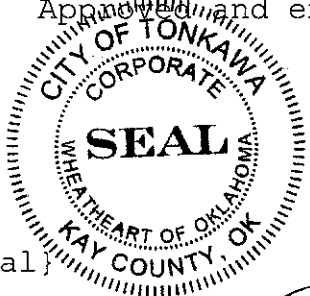
Section IV. CODIFICATION. This ordinance shall be codified as shown in the Tonkawa Municipal Code 2021.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Tonkawa that this section of the Tonkawa Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VI. EMERGENCY. In order to protect the health, safety and welfare of the general public of the City of Tonkawa, Oklahoma, and in order to adopt this section providing that any industrial or commercial customer requesting the establishment, alteration and/or addition of electric services within or without

the City, shall first pre-pay the estimated cost of the installation, alteration and/or addition of such electric service; therefore, this ordinance shall become effective from and after its date of publication.

Approved and executed this 19th day of July 2022.



{Seal}

THE CITY OF TONKAWA, OKLAHOMA

Kenneth W. Smith
KENNETH W. SMITH, MAYOR

ATTEST:

Nancy Skipper
NANCY SKIPPER, CITY CLERK

APPROVED AS TO CONTENT:

Kirk Henderson
KIRK HENDERSON, CITY MANAGER

APPROVED AS TO FORM AND LEGALITY:

Bryce S. Kennedy
BRYCE S. KENNEDY, CITY ATTORNEY