

ORDINANCE NO. 2024-03

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHEROKEE, OKLAHOMA, AMENDING CHAPTER 5 OF THE CHEROKEE MUNICIPAL CODE 2021, BY THE ADDITION OF A NEW SECTION 5-113 ENTITLED "GENERATION SYSTEMS' RULES AND REGULATIONS"; PROVIDING FOR A PERMITTING PROCESS AND RULES AND REGULATIONS FOR GENERATION SYSTEMS WHICH ARE CONNECTED TO THE ELECTRIC DISTRIBUTION SYSTEM; REPEALER; SAVINGS; SEVERABILITY; CODIFICATION; PENALTY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

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

Section I: Chapters 5 of the Cherokee Municipal Code 2021 are hereby amended by the addition of a new Section 5-113 which shall read as follows:

Section 5-113 GENERATION SYSTEMS' RULES AND REGULATIONS

A. IN GENERAL. This section provides for the rules and regulations concerning customer-owned, grid-connected non-utility owned electric generating systems (hereinafter referred to as "Generation systems") connected for parallel operation with the electrical system of the electric company or companies servicing the City (hereinafter referred to as the "electric company").

B. PERMIT. Solar panels may be placed on roofs of structures of the owners using the electric power generated, upon submission of an application permitting its erection and placement and full compliance with this section and all other provisions contained in this municipal code, the payment of a permit fee of One Hundred Dollars (\$100.00) and approval by the governing body. No solar panels shall be erected on empty lots (solar farms) or on the front or side yards of any lot visible from the street.

C. INTERCONNECTION. Generation systems will be permitted to interconnect to the electric company's system, after written consent is given by such electric company, and the installation is made pursuant to the rules and regulations of the electric company, a permit is secured from the City, consent is given by the governing body and all the rules and regulations contained in this section are followed. No interconnection shall be permitted unless it is determined that such interconnection will not interfere with the operation of the distribution or transmission system and that such interconnection ensures the safety of City employees, volunteers and customers.

D. RULES AND REGULATIONS. The rules and regulations shall at a minimum include the following:

1. All customers shall ensure that any back feed of electricity into the electric company's system is safe and constructed and/or operated in accordance with all state

and local electrical codes and the Cherokee Fire Department has the right to inspect the customer's system to ensure such connection standard.

2. Any customer who shall construct, install, operate and/or use, or permit the construction, installation, operation and/or use of a distributed generation service at such customer's residence, shall notify the City of such fact by making a personal visit to city hall at least ten (10) business days prior to the date of such construction, installation, operation and/or use of the distributed generation system.
3. The Customer is responsible for the cost of any studies and/or upgrades required to allow safe interconnection of the Customer-owned generation.
4. The Customer shall comply with all the latest applicable National Electric Code (NEC) requirements, NESC requirements, State of Oklahoma requirements, building codes, and shall obtain electrical permits for the equipment installation. Installation shall comply with local site permitting requirements.
5. Customer assumes full responsibility for all maintenance of generators, inverters, and associated equipment including protective equipment.
6. Customer's Generation systems shall comply with NEC Articles 690 and 705 and applicable and current Institute of Electrical and Electronics Engineers (IEEE) standards including Standard 1547 "Interconnection Distributed Resources with Electric Power Systems" and any future updates or revisions for parallel operation with the electric company's electric system, in particular: a) Power output control system shall automatically disconnect from the source upon loss of voltage and not reconnect until electric company's voltage has been restored for at least five (5) minutes continuously, b) Power output control system shall automatically initiate a disconnect from the electric company's power source within six (6) cycles (0.1 second) if Customer's voltage falls below 50% of nominal on any phase, c) Power output control system shall automatically initiate a disconnect from the electric company's power source within two (2) seconds if Customer's voltage falls below 88% of nominal or rises above 120% of nominal on any phase.
7. Customer shall provide a written description of how the protection devices will achieve compliance with the requirements of this section as part of the building permit application.
8. Customer shall furnish and install on Customer's side of meter a UL-approved safety disconnect switch, or transfer switch, which shall be capable of fully disconnecting the Customer's generating facility from the electric company's electric system. The disconnect switch shall be located adjacent to the electric company's meter and shall be of the visible break type in a metal enclosure which can be secured in the "Off" position with a padlock and with the Cherokee Fire Department and the electric company possessing keys. The switch shall be accessible to the Cherokee Fire Department and electric company personnel at all times.

9. The Customer shall, at its own expense, maintain in force general liability insurance in the amount of \$1,000,000.00, which insurance will protect against third party claims of property damage or injury to persons, including death, without any exclusion for liabilities related to the interconnection. Nothing in this section shall apply to emergency generation of power on the customer's property during an emergency event when public power is not available; but shall fully apply at all other times.
10. Customer shall supply specifications for the proposed Generation system as part of the building permit process.
11. Customer shall supply a system diagram for use of City in determining the safety and functionality of a Generation system that will be kept in City files.
12. Customer shall supply a certificate of completion from a qualified professional engineer or electrician that the Generation system meets all the requirements of this section.
13. All customers will sign a statement that they will adhere to the provisions of this section during the construction, installation, and operation of their Generation system.
14. Prior to the issuance of the permit, an inspection of the property shall be made, to include an on-site visit and inspection by the Fire Chief or his designee to ensure compliance to these and other life safety requirements.
15. Any customer who shall violate any provision of this section, by act or omission, shall be guilty of an offense and be subject to a fine of Two Hundred Dollars (\$200.00), court costs and all applicable fees and state assessments, with each such day of continued violation deemed an additional offense.

Section II. REPEALER. All 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. 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 Cherokee that this section of the Cherokee Municipal Code would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.


Section V. CODIFICATION. This ordinance shall be codified as shown in Chapter 16 of the Cherokee Municipal Code 2021.

Section VI. PENALTY. Any person who shall violate any provision of this ordinance, by act or omission, shall be guilty of an offense, and if convicted shall be subject to a fine of not more than Two Hundred Dollars (\$200.00), plus court costs, fees and state assessments, if applicable; provided however, each day of continuing violation may be considered a separate offense.

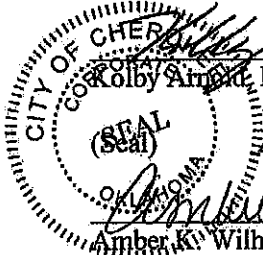
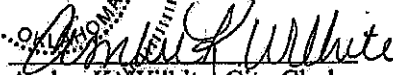
Section VII. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect to immediately provide for these provisions concerning generation systems' rules and regulations; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this 10th day of July 2024.

THE CITY OF CHEROKEE, OKLAHOMA




Kolby Arrford, Mayor


ATTEST:


Amber K. Wilhite, City Clerk

Approved as to Content:



Chad Roach, City Manager

Approved as to Form and Legality:



Bryce S. Kennedy, City Attorney