Out

ORDINANCE NO. 208

An Ordinance for the Public Utilities Corporation of Arkansas, and its Successors and Assigns, the exclusive right to erect, maintain, and operate a system of pipes, for the conveyance of natural gas for heating, lighting, and furnishing power for manufacturing and other purposes for private and public use in the City of Atkins, Arkansas, and granting to the Public Utilities Corporation of Arkansas and its successors and assigns the exclusive right to use the streets, alleys, avenues, and public grounds of said city for such purposes and for other purposes.

Section 1. Be it ordained by the City Council of Atkins, Arkansas, that the public Utilities Corporation of Arkansas, and its successors and assigns, hereinafter referred to as grantee, be and they are hereby exclusively authorized and empowered to erect, maintain and operate a system for the manufacture, conveyance and sale of natural gas for furnishing heat, light, or power, or all, for public or private use, in the City of Atkins, Arkansas, for the period of twenty-five years from the passage of this ordinance according to the following terms and conditions:

(a) The said grantee, the Public Utilities Corporation of Arkansas is hereby exclusively authorized and empowered for a period of twenty-five years, from and after the passage of this ordinance to enter upon and dig and excavate in the streets, sidewalks, avenues, alleys, highways, and public grounds, and under the bridges and viaducts of said City for the purpose of laying, construction and maintaining gas mains and gas pipes, with all necessary and proper attachments, connections and pertenances for the transportation, supply and distribution of natural gas in and through said City with the rights at all times hereinafter during said period, under supervision of the City, to dig and excavate for the purpose of removing, relaying, repairing, or replacing the said gas mains and gas as service pipes, or any portion thereof or to make connections for the consumers with such mains and pipes; provided, however, that after said gas pipes and mains are laid, repaired, replaced, or removed, all excavations shall be refilled and throughly tamped, and all sidewalks and pavements shall be replaced and relaid as found when said excavations are begun, subject to inspection by the person designated by the City Council. Should said grantee fail ore refuse to restore and replace said pavements, sidewalks and excavations within a reasonable time, then the same may be replaced and restored by the City at the expense of said grantee, which expense shall include attorney's fee, in event it shall become necessary for said City to bring suit to recover the money so expended by it.

(b) In the construction, repairing and operating of said gas system said grantee shall use every reasonable and proper precautions to avoid damges or injury to persons or property and shall hold and save harmless the said City from damage caused by the negligence of said grantee, their agents, servants, or employees in constructing, repairing and operating said plant, or in repaving or repairing any street, alley, or other public place.

Section 2. The specifications for the installation of the gas syst. shall be as follows:

(a) The system and mains shall be of adequate capacity to furnish sufficient quantity of gas for the present needs of the city. Provisions shall be made so that the system can be extended in any direction without interference with the service already established.

(b) All distributing mains within the five district and all service lines within said district will be low pressure mains and services.

(c) No regulator stations shall be located under ground in the five district.

(d) If it becomes necessary to run any intermediate pressure transmission lines through the fire district or under any concrete streets, fittings constructed ti withstand one hundred twenty five (125) pounds working pressure shall be used.

(e) For extension work outside the above district welded O D tubing may be substituted at the option of the grantee, provided, however, that an adequate number of expansion joints are used.

(f) Gas pressure shall be computed on a four ounce basis.

(g) The City reserves the right to inspect the said work of construction from time to time, or to have said work inspected by a duly authorized engineer.

SECTION 3. The grantee shall furnish gas at the outer edge of the sidewalk, or at the property line of the consumer, if the outer edge of the sidewalk is within said consumer's property line, and shall furnish a meter of standard type and connect same with the pipes of the consumer without charge other than the deposit hereinafter provided. All other service pipes and fixtures shall be furnished and maintained by the consumer.

Section 4. The grantee shall tunnel beneath all paved streets, alleys, and sidewalks wherever practical in laying, placing and repairing pipes and mains, and this work shall be under the supervision of a repre- of the City. The grantee shall lay its line so as not to interfere with the present sewer system within the City of Atkins, and if in laying additional sewers in said City the sewer line shall cross grantee's pipe line at the same level, the person constructing said sewer line may, upon giving the grantee reasonable notice raise or lower the grantee's gas line so as to allow the sewer line to cross, this work to be done, however, under the supervision of a representative of the grantee and at the grantee's expense.

Section 5. The said grantee shall extend its mains for the purpose of supplying new customers, where the grantee is reasonably assured of at least one customer on an average of every one hundred and fifty feet of any said extension.

Section 6. The grantee shall have the right to discontinue from its mains any consumer of gas who has not conformed with the rules of the grantee governing the consumption of gas, as approved by the City Council, or who is arrears ten days in the payment for gas furnished during the previous calendar month.

Section 7. The grantee shall have the right, subject to approval by the City Council, to make such rules, regulations, and requirements relative to the manner in which connections with its mains and lateral lines may be made by customers and relative to the kind of equipment and materials used in said connections, and the maintenance thereof by the consumer, as may be reasonable, which rules and regulations when approved by the City Council shall be enforced between the grantee and the consumer.

Section 8. Before making a connection, the grantee may require each consumer to deposit the sum of Ten ($10.00) Dollars with it, which sum shall be retained by the grantee as long as the applicant is furnished gas, provided, however, that the grantee shall pay interest on said deposit at six per cent per annum, said interest being payable on the first day of Januaary each year.

Section 9. Within thirty days of the passage and approval of this ordinance, the grantee shall file with the Recorder of the City of Atkins a plat of the proposed gas distributing system to be installed in said City, which the grantee agrees shall be adequate in all respects to meet the needs of all prospective consumers of gas. The grantee further agrees that within thirty days of the date of the passage and approval of this ordinance, it shall file with the recorder of the City of Atkins a bond in the penal sum of Ten Thousand ($10,000.00) Dollars executed by it as principal and some reputable surety company as surety, payable to the City of Atkins, Arkansas, guaranteeing that the said grantee shall begin the actual construction of its gas distributing system within the City of Atkins within five days of the date upon which this ordinance is ratified by referendum election, if referendum petition referring it to such an election filed within five days of the date upon which the time allowed for filing a petition referring this ordinance to a referendum note has expired if no referendum petition is filed, and guaranteeing further that the said grantee shall complete said distributing system, and be ready and able to furnish an adequate supply of natural gas within sixty days of the date upon which it shall be obligated to begin the actual construction of said gas distributing system, according to the provisions of this Section 9.

If the said grantee fails to file said bond, as provided, or fails to comply with the provisions of it, as above stated, the franchise hereby granted shall by that fact, be rendered null and void, and the rughts of all partieshereunder shall cease.

Section 10. It is further ordained that if any portion of this ordinance is held to be invalid for any reason, the invdidity of such portion shall in no manner affect the validity of the remainder of this ordinance.

Section 11. It is hereby declared to be unlawful for a person firm, corporation, or associations found guilty of violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and subject to a fine of not less than Five ($5.00) Dollars and not more than Fifteen ($15.00) Dollars, and each day the violation shall continue shall be deemed a separate offense.

Section 12. This franchise may be accepted by the grantee by written notice of its acceptance being delivered to the Recorder of the City of Atkins, which acceptance shall be delivered within ten days of the date of the passage of this ordinance. This franchise shall not be assigned or in any manner transferred by the grantee, until after the gas system is completed, without the consent of the City Council of Atkins, Arkansas.

Section 13. The grantee hereby agrees to furnish at all times a sufficient supply of gas for the consumers in the City of Atkins, and further agrees that the domestic consumer shall have preference over the industrial consumer is case of shortgage of gas. It is further agreed on the part of the grantee that in case it fails, neglects or refuses to furnish gas in sufficient quantities to meet the needs of all domestic consumers, for a period of six (6) months continuously after the completion of the above system, this franchise by that fact shall become null and void

Section 14. It being contemplated that the grantee shall furnish natural gas to conform with the provisions of the franchise hereby granted to it, and a hearing as to the rate which shall be charged by it for said services having been had, and the grantee having waived any right to notice to the fixing of said mate, the following rates to be charged by the grantee for gas service are hereby determined and fixed.

DOMESTIC CONSUMERS

The grantee shall charge for gas service rendered to domestic consumers as follows:

(a) $1.50 for the first 2,000 cubic feet of gas, or less, furnished to any one domestic consumer during any calddar month.

(b) Sixty (60) cents per thousand cubic feet for the next three thousand cubic feet of gas furnished to said consumer during said calendar month.

(c) Fifty (50) per thousand cubic feet for all gas furnished to said consumer during said calendar month, in excess of five thousand cubic feet.

Each domestic consumer who pays his bill by the tenth day of each month following the calendar month in which the gas in which the payment is made was used shall be allowed a discount of five per cent of his entire bill.

Churches, schools and colleges maintained by the State, County or City, schools or colleges maintained by any religious organization, public hospitals and municipal buildings shall be allowed a gross bill for domestic gas, when bills are paid by the tenth of the month following the month in which the gas, for which the payment is made, was used.

POWER SERVICE CHARGE

First 100 M. cubic feet of gas sold to a customer during any calendar month, 55 c gross, less 2c per M. discount 53c per M. if paid by the 10th of the month.

Next 200 M. Cubic feet sold during the said month 45c gross, less 2c per M. discount 43c net per M. if paid by the 10th of the month.

If bill is not paid on or before the 10th of the month next following the month in which gas is used, no discount will be allowed.

Minimum charge for power service $10.00 basis 20 H.P. engine.

INDUSTRIAL RATES

First 500 M. cubic feet of gas sold to a consumer during any calendar month 27c gross, less 2c per M. discount 25c net per M. if paid by the 10th of the month.

Next 500 M. cubic feet sold during said month 25 c gross, less 2c per M. discount 23c net per M. if paid by the10th of the month.

Next 500 M. cubic feet sold during said month 23c gross, less 2c per M. discount 21c net per M. if paid by the 10th of the month.

All over 1500 M. cubic feet used in any one month subject to special contract to be entered into between gas company and consumer

Minimum charge for industrial service under steam boiler $25.00 per month for 45 H.P.

Passed and approved this11th day of December, 1928.

Turner Hamlett, Recorder