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ORDINANCE NO. 616

AN ORDINANCE PROVIDING FOR THE CONTROL, MAINTENANCE AND OPERATION OF THE MUNICIPAL GAS SYSTEM OF THE CITY OF GARDEN PLAIN, KANSAS, AND ESTABLISHING RULES AND REGULATIONS FOR CONSUMERS, ESTABLISHING DEPOSIT REQUIREMENTS, RATES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING CITY ORDINANCE Numbers 414, 469, 509, 599 & 604

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN PLAIN, KANSAS:

SECTION 1. The rules and regulations hereinafter set forth shall constitute and be considered a part of the contract with every person and company, firm or corporation supplied with gas from the City of Garden plain, Kansas municipal gas system. Every person, company, firm or corporation, hereinafter referred to as "customer or consumer," who accepts and utilizes gas or requests the use of gas shall be held to have consented to be bound hereby.

SECTION 2. Definitions:

- (a) "Gas" - means natural gas.
- (b) "Distribution Mains" or "Main" - means a distribution line that serves as a common source of gas supply for more than one service line.
- (c) "Service Line" - means a distribution line that transports gas from the distribution main to a customer meter
- (d) "Yard Line" - means the buried customer-owned piping between the outlet of the meter and the building wall.
- (e) "Customer Meter" - is the meter that measures the transfer of gas from the operator to a consumer.
- (f) "Operator" - The Garden Plain Natural Gas System.
- (g) "EFV" - means Excess flow valve.
- (h) "DOT" - means The U.S. Department of Transportation.
- (i) "MCF" - means one thousand (1000) cubic feet of gas.

SECTION 3. Monthly Customer Service Charges and Rates
For Consumption of Natural Gas

The City of Garden Plain places into effect the following schedule of rates to be charged to all customers for the availability of natural gas service:

- (a) Monthly Customer Service Charge: There shall be a monthly customer service charge of \$10.00 per customer for meters with a capacity of 500 btu or less.

There shall be a monthly customer service charge of \$24.00 per customer for meters with a capacity of more than 500 btu.

- (b) Rates for Consumption: For all consumption, the charge for each MCF shall be one dollar and eighty six cents (\$1.86) plus the cost per MCF of natural gas purchased by the City of Garden Plain for all consumers.

SECTION 4. Hook-on Fees. Prior to the issuance of any permit, the extension of any main or service line, or the setting of any meter, the city shall charge any applicant for gas service a hook-on fee as follows:

\$1350.00 for applicants inside the city limits

\$1550.00 for applicants outside the city limits

This fee shall include the cost of a standard residential meter, regulator, EFV, hot tap and the service line to the customer's building wall. Any customer requiring a larger meter shall be required to pay the additional cost of said meter and regulator and, at the gas system superintendent's discretion, installation costs. Should the customer's connection require boring under a paved street, customer shall also pay the actual cost of the boring. If a residential customer service line exceeds seventy five (75) feet in length, said customer shall pay the additional expenses incurred because of the additional length. The customer shall also pay for any additional expenses not listed herein.

If the gas system superintendent determines that a non-residential customer meter should be installed at the building wall, such customer shall pay the additional cost of running the service line from the property line to the building wall.

SECTION 5. Main and Service Line Extensions. The City shall not be required to extend any distribution mains unless approved by the governing body. Any applicant for gas service whose property does not have a gas main located contiguous to said property shall be required to pay the hook-on fees as well as all costs of extending said main or service line to their property. However, the city may extend at its own expense such lines that in the judgment of the governing body will produce sufficient revenue to justify the cost of the extension and the operation and maintenance of same. Said gas line shall be considered the sole property of the city, excepting, however, and notwithstanding any other clauses herein, yard lines located solely on the property being serviced shall be considered the property of the property owner.

SECTION 6. Installation of Mains, Service Lines and Meters. All gas mains, service lines and meters shall be installed in accordance with the rules and regulations as set forth in the city's Operator Qualification Manual, Operation and Maintenance Manual and State of Kansas Pipeline Safety Regulations. All meters shall be installed by the city or its contractor.

SECTION 7. Permits for Gas Yard Line Installations, Replacements and Repairs and Inspection thereof. The city shall issue permits for yard line installation, replacement or repair to any applicant who is a customer or desiring to become a customer of the municipal gas company. All such permits shall be issued by the city clerk of the city of Garden Plain upon approval of the gas system superintendent. All installation, replacement and repair shall be done according to specifications provided by the city. All inspections shall be the responsibility of the city.

SECTION 8. License, Drug Test and Permit Required. All yard line installations, replacements and repairs shall be done by a plumber licensed by Sedgwick County or any other county whose license is honored by Sedgwick County. A permit shall be required for all installations, replacements or repairs. Before a permit shall be issued, the plumber shall provide proof of participation in a drug testing program which meets the federal drug testing regulations required by the Kansas Office of Pipeline Safety and Department of Transportation. Such certification shall be provided for all plumbing employees who will be working on said

installation, repair or replacement and shall be permanently maintained on file in the city offices along with a copy of the permit. If unable to provide certification, no permit shall be issued and plumber shall not be allowed to work on any yard line, service lines or mains on the city's gas distribution system.

EXCEPTION TO DRUG TESTING: Until amended by further action of the Pipeline & Hazardous Materials Safety Administration, new installation of a yard line where no previous service has been provided shall not require certification of drug testing.

SECTION 9. Material Specifications and Installation Standards and Procedures for Yard Lines. The city shall adopt specifications and standards for yard lines that comply with the rules and regulations of the Kansas Office of Pipeline Safety, The Department of Transportation and the City's Operator Qualifications Manual and Operation & Maintenance Manual. A copy of said standards shall be furnished to each person applying for a permit to install, repair or replace a yard line. In addition, a copy shall be filed with this ordinance.

If upon inspection, the material or installation does not comply with the standards and specifications for yard lines, the person responsible for the installation or repair shall be required to make such changes as deemed necessary. No gas service shall be provided until installation or repair is brought into compliance.

No person shall extend yard lines from one property or street number to another.

SECTION 10. Application for Gas Service and Consent to Annexation. All applications for gas service shall be made in writing on a form provided by the city in such form as shall, from time to time, be prescribed by the governing body.

All applicants for gas service outside the city shall agree to consent to, petition and request the annexation of such lands by the City of Garden Plain at such time as the city determines appropriate (as contemplated in K.S.A. 12-519, et seq.). Until such time as the annexation occurs, the applicants shall agree they will not seek incorporation as a separate city nor annexation to any other city of the land or any part thereof. Upon initial service request, customers requesting service outside the city will be required to sign a form and restrictive covenant to this

effect. Applications shall be maintained until service is terminated and all outstanding balances have been paid.

SECTION 11. Security Deposit. Any applicant for residential gas service for property occupied or to be occupied by a tenant shall deposit with the City Clerk a \$50.00 security deposit. A deposit shall be assessed non-residential customers equal to the projected largest two (2) month's bill. Deposits shall be refunded with interest after twelve (12) months of timely payments. An additional deposit may be assessed a tenant and any other customer, after five (5) days written notice, if a customer fails to pay an undisputed bill for three (3) consecutive billing periods. The amount of the deposit shall not exceed the amount of a projected average of the largest two (2) month's bill in a twelve (12) month period immediately prior to the termination of the gas service. For the purpose of establishing deposits and projecting monthly bills, the following shall be considered:

1. Length of time customer can reasonably be expected to take service;
2. Past consumption patterns;
3. End use of the service;
4. Consumption patterns of other similar customers.

The utility may require any customer to provide credit information to the utility before service is made available. In addition, the utility may require any customer to provide tenant information before service is made available.

SECTION 12. Request for discontinuance of Service. All consumers shall give written notice to the city at least two (2) days in advance when requesting termination of service. If the property is vacated or abandoned by said applicant, the owner of the property shall notify the City Clerk in writing immediately upon vacation of said premises as to whether or not he/she desires continued gas service. The owner shall be responsible for any gas charges incurred after the property is so vacated unless he directs the city to terminate service.

SECTION 13. Notice of Termination of Service for Nonpayment of Bill and Reconnect Fee. The city shall provide written notice of intent to disconnect for nonpayment of bill. In the event service is discontinued due to nonpayment of gas bill or for any other reason caused by the customer, a reconnect fee of \$50.00 shall be charged and customer shall pay arrearage. The

city may enter into a contract with the customer for payment of the arrearage. If a customer defaults on a payment contract for delinquent bills, no additional notice shall be given and service shall be terminated. If a customer makes payment arrangements with an employee dispatched to terminate service but prior to the disconnect, a fee of \$10.00 shall be assessed.

SECTION 14. ESTIMATED BILLING. The city may render a bill based upon estimated usage due to equipment failure, weather conditions, emergencies, work stoppages or other circumstances beyond the city's control. Estimated billing shall be determined by normal customer usage. The city shall not issue an estimated bill for more than three (3) consecutive billing periods.

SECTION 15. Excavation Notifications. All persons who plan to excavate or dig within the city limits or in or near the city's utility easements in the county are required to contact Kansas One-Call at 811 or 1-800-DIG-SAFE.

SECTION 16. Meter Guards. The city may, if it deems necessary, require consumers to provide fencing or guard rail around any meter or regulator station. Such fencing or guard shall be constructed so as to provide immediate and easy access to city and public safety personnel, as well as provide adequate protection to the meter or regulator station. If a customer does not provide fencing or guards as requested, service may be terminated until protection is installed. All customers shall be required to report any unsafe condition to the utility.

SECTION 17. Meter Maintenance. The city shall keep all meters in good repair without cost to the consumer, except where damage is caused by neglect or fault of the consumer. Consumer will be held responsible for any damage to meter from any cause other than ordinary wear and tear or causes beyond the customer's control. The city shall collect the cost of repair or replacement from the consumer. Consumer shall notify the city immediately of any meter defect, damage, or unsafe condition. No allowance will be made to any consumer due to any leaks or waste of gas after passing through the meter.

SECTION 18. Meter & Valve Tampering. No consumer shall repair or remove any meter, or break any seal nor tamper with or interfere with the proper registration of such meter.

No person shall tamper with any valve on the City's side of the meter with the intent to, or resulting in, the flow of gas through such valve, except such person whom is currently qualified through the City's Operator Qualification Program to perform said action.

SECTION 19. Meter Tests Any consumer who becomes dissatisfied with the registration of his/her meter or doubts the accuracy of said meter, may upon depositing \$100.00 with the City Clerk, request that a test be made. If after testing, the meter proves to be more than two percent (2%) fast, the \$100.00 shall be returned to the customer, and the meter shall be replaced. If the meter proves accurate within the two percent (2%) allowable fast or slow, the deposit shall be retained to defray the costs of the test.

Any commercial consumer who becomes dissatisfied with the registration of his/her meter or doubts the accuracy of said meter, may upon depositing \$250.00 with the City Clerk, request that the meter be proved. If after proving, the meter proves to be more than two percent (2%) fast, the \$250.00 shall be returned to the customer, and the meter shall be repaired or replaced. If the meter proves accurate within the two percent (2%) allowable fast or slow, the deposit shall be retained to defray the costs of the meter proving. No rebate or credit shall be given the consumer due to over-registration nor shall any charges be made due to under-registration of any meter so tested.

SECTION 20. Maintenance of Yard Lines. Yard lines shall be maintained by the property owner in good and safe condition as required by the city's Operation and Maintenance Manual and the Kansas Office of Pipeline Safety or service may be terminated. The city shall conduct annual flame ionization, or other approved leak surveys of the yard lines and will notify the customer, in writing, if their yard line needs repair or replacement. No claim for damages or rebates shall be made against the city due to leaking of any valve or yard line.

SECTION 21. Yard Lines Returned to Service. When gas service has been abandoned to any premises for a period of three (3) months or more, the customer shall be required to pressure test the yard line as provided for in the standards and specifications before service shall be resumed.

SECTION 22. Termination Due to Unsafe Conditions and Interruption of Service. The city has the right and obligation to discontinue service that has been deemed hazardous, unsafe or potentially dangerous. The city also reserves the right to interrupt gas service at any time necessary for the purpose of making repairs or any other reason and no claims for damages against the city shall be made due to any such interruption of service.

SECTION 23. Right of Access. Any duly authorized city personnel shall have the right to enter upon the property of any consumer for the purpose of reading meters, maintenance, repair, leak survey, line locates, vegetation checks, and any other purpose that may be deemed necessary in order to provide for safe operation of the utility.

SECTION 24. Propane Heating. Neither propane tanks nor propane gas lines shall be allowed within the city limits. Any tanks lawfully installed prior to July 11th 1990 may have its existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to the public health, safety or welfare has been created by such system. The owner shall be responsible for the maintenance of the system in a safe condition.

SECTION 25. Violations and Penalties. Any person who shall violate the provisions of this ordinance or shall fail to comply with any of the requirements thereof, or who shall install, construct, alter, or repair any gas piping in violation of the approved standards and specifications or of a permit issued under the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 for each violation or thirty (30) days confinement in the county jail for each violation or by both such fine and imprisonment. In addition, the city may refuse to provide gas service and institute such action as may be available either in law or in equity to enforce the terms and conditions of this ordinance.

SECTION 26. liability Requirements of this ordinance and any other rules and regulations in force shall not be construed as imposing on the city, its officers, agents, or employees any liability or responsibility for any damage to any property or any injury to any person due to defective installation or repair or any other reason. The city or any official,

employee, or agent thereof shall not assume any liability or responsibility whatsoever by reason of inspection or approval of any installation or repair.

SECTION 27. Separability. If any part or parts of this ordinance shall be held to be invalid, such invalidity shall not effect the validity of the remaining part of this ordinance.

SECTION 28. Penalty Clause Not Exclusive. The imposition of the penalty herein prescribed shall not preclude the city from instituting an appropriate action to restrain, enjoin, correct or abate a violation of this ordinance and specific authority for such is hereby granted.

SECTION 29. Repeal of Conflicting Ordinances. City ordinance numbers 414, 469, 509, 599 & 604 are hereby repealed.

SECTION 30. Effect. This ordinance shall take effect and be in force from and after its adoption and publication once in the official city newspaper, the Times Sentinel.

PASSED, APPROVED AND ADOPTED by the governing body of the City of Garden Plain, Kansas, this 5th day of August , 2009

Tony Flax, Mayor

(Seal)

ATTEST:

Ronda Mollenkamp, City Clerk