

CHAPTER 40: PUBLIC UTILITY FRANCHISE ORDINANCE

Section

ARTICLE I. PUBLIC UTILITY FRANCHISE

Section 40-101	Authority
Section 40-102	Grantee Rights
Section 40-103	Operational Responsibilities of Grantee
Section 40-104	Franchise Tax
Section 40-105	Fiscal Responsibilities of the Grantee
Section 40-106	Penalty



ARTICLE I. PUBLIC UTILITY FRANCHISE

Section 40-101 Authority

The Mayor and Council is authorized to establish a nonexclusive franchise to make natural gas available within the Town of Maxeys.

Section 40-102 Grantee Rights

Any franchise granted by the Mayor and Council shall give the grantee and his successors and assigns the right and franchise to use and occupy the streets, avenues, roads, alleys, lanes, parks and other public places and ways in the Town of Maxeys, Georgia, for constructing, maintaining, renewing, repairing and/or operating a natural gas distribution system and other necessary means for transmitting and/or selling of natural or co-mingled gas within and/or through the Town of Maxeys, Georgia.

1. The following specific rights are hereby granted to the Grantee:
 - A. To lay, construct, extend, maintain, renew, replace and/or repair gas mains and gas pipes under, along and/or across any streets, avenues, roads, alleys, lanes, parks and other public places and ways within the Town of Maxeys.
 - B. To use and occupy said streets, avenues, roads, alleys, lanes, parks and other public places and/or ways for the purposes therein of laying, constructing, extending, maintaining, renewing, replacing and/or repairing gas mains and pipes and all appurtenances and appendages thereto, used and/or useful for the manufacture, transmitting, distribution and/or sale of gas within and/or through the present or future territorial limits of the Town of Maxeys.
2. The Grantee herein shall be entitled to charge its customers for gas and services furnished by it according to such rates as are charged to residents in the cities of Greensboro and Union Point, Georgia.

Section 40-103 Operational Responsibilities of Grantee

1. **Constructions and Repairs.** Grantee, in constructing or expanding its works upon any streets, alleys, or grounds in said Town of Maxeys, shall comply with the following:
 - A. Shall first submit to the Clerk of the Town of Maxeys a diagram showing the streets, alleys, and grounds upon which and in, on or through which said pipes, mains and/or other appliances are to be laid, with the size, location and engineering specifications of the same.
 - B. In construction of, and repairs to, gas pipes and gas mains shall conform to the requirements of the National Board of Fire Underwriters and rules and recommendations of the American Standard Safety Code, as adopted and amended from time to time by the American Gas Association.
 - C. Provided that insofar as it may be practicable so to do, Grantee will use alleys for such construction and location of lines and equipment rather than the streets and avenues of the Town of Maxeys.

- D. Upon making an opening in any of the streets, alleys, or public ways of the Town of Maxeys, for the purpose of laying, repairing, or maintaining gas mains, shall use due care and caution to prevent injury to persons and property, and shall replace and restore all public ways to their former condition as nearly as practicable and within a reasonable time, and shall not unnecessarily obstruct or impede traffic upon the streets, avenues, and public ways of said Town of Maxeys, provided, nevertheless, that any such replacements and restorations which it may deem necessary to make in paved streets, or way, may at its option, be made by said Town of Maxeys and in such event the Grantee shall pay to the said Town of Maxeys all reasonable costs therefore. Or, in the event Grantee shall allow any opening or openings to remain open, uncovered or unrestored for any reasonable length of time, to impede traffic or endanger persons or property, then and in that event the said Town shall have the right to make such repairs as to cover over and restore the said openings to their former safe and serviceable condition without the opposition of the Grantee, and at the full cost of the Grantee.
- 2. **Universal Service.** Upon request from any prospective regular customer within the Town limits of Maxeys, the Grantee will be required to install the necessary gas mains and gas pipes along Town rights-of-way as specified above to establish gas supply from the curb of the prospective customer. The Grantee will also be required to run, free of charge, to any prospective regular customer up to a length of service pipe not exceeding one hundred twenty-five feet (125') measured in the most direct line from the curb to the nearest acceptable location for the customer's gas meter.
- 3. **Customer Service.** The Grantee will operate as a business in good standing and in a manner responsive to its customers' needs, according to the practices and requirements of other Georgia public utilities which operate under the jurisdiction of, and in compliance with, the rules and regulations of the State of Georgia Public Service Commission. Specifically,
 - A. The Grantee will respond to all needed repairs related to its gas mains, gas lines, and gas meters in a timely and professional manner so as to ensure the safety and well being of all persons at all times.
 - B. It is understood that customers of the Grantee within the Town limits of Maxeys may file complaints and grievances with the Grantee related to any or all matters involving gas service provided by the Grantee. It is expected that the Grantee will respond positively and promptly to all such complaints and grievances.
 - C. Customers of the Grantee may choose to file with the Town any complaints and grievances against the Grantee in order to seek the support of the Town in gaining satisfaction for the customer related to said complaint or grievance. Such filing with the Town does not relieve the Grantee of any responsibility for addressing such complaints and grievances. In the event the Town notifies the Grantee of complaints and grievances so filed, the Grantee will provide a response to the Town within fifteen (15) days. Records of these transactions will be maintained by the Town.

Section 40-104 Franchise Tax

See Section 4-111 of this Code.

Section 40-105 Fiscal Responsibilities of the Grantee

- 1. **Town Revenues.** In exchange for the rights and privileges granted under this Ordinance, the following shall apply:
 - A. Grantee shall pay to the Town of Maxeys, for the rights and privileges granted under this Ordinance, four percent (4%) of all gross revenues received from the sale of natural gas service to residential and commercial customers serviced by said Grantee within the territorial limits of said Town as same may now or hereinafter be fixed during the life of this franchise.
 - B. Such payments shall be made by the Grantee to the said Town of Maxeys every twelve (12) months period (January through December), and payable not later than January 20th of the following year.
 - C. Such payments shall be accompanied by a statement showing how the amounts of such payments were determined.

- D.** The Town of Maxeys, through its authorized representative(s) shall have the right to inspect and audit the books and records of the Grantee herein for the purpose of determining the amount of its revenue received from the sale of services to residential and commercial customers within said territorial limits.
- 2. Protection From All Liabilities.** Grantee shall save and keep harmless the said Town of Maxeys from any and all liability by reason of damage or injury to any person or persons and property whatsoever on account of negligence of the Grantee in the performance of its services along said streets, alleys, and public ways, provided the Grantee shall have been notified in writing of any claim against the Town of Maxeys on account thereof and shall have been given ample opportunity to defend the same.
- 3. Extensions.** All rights herein granted and/or authorized shall be subject and governed only by this Ordinance provided, however, the said Town of Maxeys expressly reserves unto itself the right to pass and adopt from time to time such ordinances and regulations, regulating and governing the exercises of this franchise, as said Town of Maxeys may deem expedient or necessary.

Section 40-106 Penalty

The Mayor and Council may proceed in a court of competent jurisdiction against any Grantee that violates this Chapter.