

Ordinance No. 31

An Ordinance of the Town Council of the Incorporated Town of Tontitown, Washington County, Arkansas, granting to the Arkansas Western Gas Company, a corporation, the right and privilege and franchise to lay gas mains along the streets, avenues, alleys, roads and highways and other public places of the Incorporated Town of Tontitown, Washington County, Arkansas, for the purpose of distributing and selling natural gas to the inhabitants of said Town and to others, and also to lay pipe lines in the streets, alleys, avenues, highways, roads and other public places and grounds of said Town for the purpose of conveying natural gas through and in said Town for distribution of natural gas to the inhabitants of said Town, and to others beyond the limits of said Town of Tontitown, both for industrial, commercial and domestic purposes, and providing the regulation for the conduct of said gas distribution system, and other purposes.

Be it ordained by the Town Council of the Town of Tontitown.

- I That subject to the terms, conditions and stipulations mentioned in this Ordinance, consent and permission is hereby given to the Arkansas Western Gas Company, a corporation organized and existing pursuant to the laws of the State of Arkansas, Grantee, and to its successors, lessees, and assigns to lay, construct, equip, operate, repair and maintain a system of gas mains, pipes, conduits, and feeders for the purpose of supplying and distributing natural gas for light, fuel, power, and heat for any other purpose, to the residents or inhabitants of the Incorporated Town of Tontitown, Arkansas, as rapidly as the said Company, Grantee herein, shall find it practicable to do so; and further, to lay, construct, operate and maintain a system of gas mains, pipe lines, pipe conduits and feeders and the necessary attachments, connections, fixtures and appurtenances for the purpose of conveying, conducting or distributing natural gas from any point beyond said city limits, in order to enable the said Grantee to distribute and sell natural gas to the said Incorporated Town of Tontitown, Washington County, Arkansas, and to the residents or inhabitants thereof, and to others.
- II The Grantee herein is expressly given the permit (subject to the provisions hereinafter contained) to use the streets, avenues, roads, highways, alleys, sidewalks and other public places, as now laid out, or hereafter to be established, for the purpose of laying gas mains, pipe lines, conduits and feeders, and the necessary attachments, fixtures, connections, and appurtenances for the purpose of conveying or conducting natural gas from any point within the said Town or to any point beyond the city limits of said Town, and to operate and maintain a system of pipe lines, pipes, conduits, feeders and the necessary attachments, connections, fixtures and appurtenances for the distribution of natural gas within said Town to serve the said Town and the residents and inhabitants thereof, and others; provided, however, that where alleys are accessible for laying mains and pipes, the Town shall have the right to require that the mains and pipes shall be laid in the alleys instead of the streets, and plans for laying mains must be submitted to the Council or specially appointed representatives before final designation is made.
- III Subject to the provisions in Section II hereof, the main pipes of the Grantee may be laid in the highways, roads,



streets, avenues, alleys and other public places as now laid out or as the same shall hereafter be established, and when laid in highways, roads, avenues, streets, alleys, and other public places, same shall be laid in accordance with the lines and grades now established or hereafter to be established by the Town, provided that such main pipes and service pipes be laid at the minimum depth of eighteen inches below the grade of streets, alleys, or ditches.

- IV In the opening and refilling of all openings made by the grantee, it shall relay the pavements and do all other work necessary to complete restoration of the streets, sidewalks or grounds to the condition equally as good as when disturbed, and when the Grantee shall open any ground in said Town for the purpose of laying any gas pipe or for any other purpose whatsoever, the Grantee shall open no more space at any one time or at any one place, nor keep the same open any longer than is necessary to properly execute the work for which same shall have been opened; and it is especially required that in all cases where work requires the exercise of skill, as the laying or relaying of pavements or sidewalks, the Grantee shall employ skilled workmen familiar with the execution of such work. Whenever deemed necessary by the proper authorities it shall have the right to designate its engineer or other person to superintend and supervise the refilling of the highways, streets, avenues, roads, alleys or other public places, and the relaying or refilling of the sidewalks and pavements, all of the repair and replacement of pavement, sidewalks and other grounds disturbed for the laying of the said pipes shall be at the expense of the Grantee.
- V No fees or charges of any other kind shall be imposed upon the Grantee or upon any successors, or upon any consumer of natural gas for the breaking or opening of any highways, streets, road, avenue, alleys, or other public places, or for the laying of any main, service pipe or other connections therein, except as provided herein. Nothing in this franchise shall be construed in such manner as to in any manner abridge the right of the Town to pass and enforce the necessary police regulations for the purpose of protecting the citizens of said Town and their property and the property of the Grantee. Grantee shall at all times keep and display the necessary danger signals and proper guards around all excavations and obstructions, and shall keep sufficient space in good condition for the travel of vehicles on at least one side of all excavations and obstructions, and shall as soon as practicable restore all openings on the highway, roads, streets, avenues, alleys, and other public places to condition equally as good as before said openings or obstructions were made.
- VI The Grantee shall do no injury to any highway, road, streets, avenue, alley, lane, bridge, stream, or water course, park or public place, nor in any manner disturb or interfere unnecessarily with electric lines, nor with any public or private sewer or drainage system or water line now or hereafter laid or constructed by the said Town or by any authorized person or corporation, but no electric conduits or sewer or water pipes shall be so laid as to interfere unnecessarily with any gas main or pipes which shall have been laid prior to the time of laying such electric conduits, sewer or water pipes. The Grantee shall fully indemnify and save harmless the Town from any and all claims for damages for which said Town shall or might be made or become liable by reason of the granting of this franchise, as by any person or any negligences or carelessness on the part of said Grantee, or because of any act or omission of the Grantee in the construction and operation of its system of mains and pipes.



VII The Grantee shall supply natural gas under the terms and conditions herein specified to all applicants, not in arrears for any bill for natural gas, service, pipes, appliances, or other things, owning or occupying remises on or abutting the streets, avenues, or other public places in which gas mains are now contemplated to be laid or are laid; provided, however, that the Grantee may only require the Grantee to make such reasonable additions and extensions to its physical plant within said municipality as shall be reasonable and necessary to the interests of the public.

The Grantee shall have the right to make and enforce a written agreement with all applicants for natural gas; and rate to be charged for natural gas, according to Section 12 hereof the fixing of the minimum monthly bill and service meter moving charge, and specifying an immediate deposit, and fixing the terms and conditions upon which natural gas is to be served to the individual applicant, shall be determined by such contract. Such contracts are to conform with the state laws and regulations governing same.

VIII The Grantee shall lay its service pipes from its main pipes to the consumers' property line at its own expense; from the property line to the meter, the Grantee shall have the right to lay the service pipes at the consumers' expense at a reasonable price to be fixed by written contract with the individual consumer; from the meter on, the consumer shall have the right to select his own gas fitter to lay his pipes and install his fixtures, at his own risk and expense.

The Grantee shall have the right to make and enforce as a part of the conditions under which it will supply natural gas for heat, power, light, fuel or other purposes as herein provided, all needful rules and regulations not inconsistent with law and the provisions of this franchise.

VIIII The Grantee shall furnish promptly to the proper authorities any and all information which may be asked for by them in regard to the size, location or depths of any of the pipes, mains, conduits or service pipes, in any form whatsoever, and any other information in regard to its occupation of roads, highways, streets, avenues or public grounds of said Town, which they may demand. Whenever the word Grantee occurs in this Ordinance it shall mean and it shall be understood to be the Arkansas Western Gas Company, its successors, lessees, or assigns, and wherever the words "authorities" or "proper authorities" occur in this franchise they shall mean and shall be understood to mean the authorized officer or officers, committee or board representing the Incorporated Town of Tontitown Arkansas, or Grantor.

X This franchise shall take effect and continue and remain in force perpetually as provided in Section 44 of "Public Utilities Act of 1935", Acts of the State of Arkansas, and upon the written acceptance by the Grantee of the terms and conditions of this franchise.

XI Be it further ordained by the Town Council of Tontitown, Washington County, Arkansas, that the Arkansas Western Gas Company, Grantee, its successors, lessees and assigns shall have 90 days from the final passage and approval of this Ordinance, and not longer, in which to begin the actual laying of pipe lines and laterals for the distribution of natural gas in the Town of Tontitown, Washington County, Arkansas, a failure on the part of the Arkansas Western Gas Company, Grantee, its successors, lessees, or assigns, to comply with the foregoing provisions of this Section as to the time in which to begin the work shall render null and void this Ordinance.



XII Be it further ordained by the Town Council of the Town of Tontitown, Washington County, Arkansas, that the maximum rate charges as per Section VII for domestic consumption of natural gas shall be as follows:

	<u>Domestic Rate</u>	
First	1,000 cubic feet	\$1.50 per M
Next	4,000 cubic feet	.65 per M
Next	10,000 cubic feet	.50 per M
Next	35,000 cubic feet	.35 per M
Over	50,000 cubic feet	.30 per M

Delayed payment charge of 25% made on all bills less than \$5.00 or 5% on all bills over \$5.00 if not paid on or before the 10th of the month.

Special Conditions: Customer must have made the necessary meter deposit and signed Customer's Contract and have one appliance connected, in order that service test can be rendered by Gas Company.

Term Of Contract: No minimum period of service required.

	<u>Commercial Consumers</u>	
First	25,000 cubic feet	\$0.40 per M
Next	75,000 cubic feet	.35 per M
Next	400,000 cubic feet	.30 per M
Over	500,000 cubic feet	.25 per M

Delayed payment charge of 10% on all bills not paid on or before the 10th of the month.

Special Conditions: Customer required to make the necessary meter deposit and sign Customer's Commercial Contract.

Term Of Contract: No minimum period of service required.

	<u>Industrial Consumers</u>	
Industrial rate a maximum of:		\$0.30 per 1,000 net
Industrial rate a minimum of:		.15 per 1,000 net
Net:	Subject to individual contract	

Special contracts to be filled as provided by Public Utilities Act of 1935.

All gas sold under this franchise shall be measured on a 4 oz. basis, and shall not be less than 950 B.T.U. per cubic foot at 8 oz. basis and 60 degrees Fahrenheit.

XIII It is ascertained and hereby declared that by reason of there being no gas for either domestic, commercial or industrial uses now in the Town of Tontitown, that the domestic, commercial and industrial enterprises within said Town demand an adequate supply of gas for their various uses, and that it is necessary to begin the construction of pipe lines and gas system for said Town in order that same may be available for the next winter, an emergency is hereby declared to exist, and that the immediate operation of this Ordinance is essential for the public health, peace and safety; it is therefore ordained that this Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication.

Passed and Approved Mar. 24, 1941

Claude Morsani  
Mayor