

CHAPTER 51: NATURAL GAS SERVICE

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GENERAL PROVISIONS**§ 51.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COATED and WRAPPED PIPE. Iron or steel pipe which has been thoroughly cleaned, painted with asphalt or pitch and wrapped with burlap, asbestos felt or other suitable protective covering. (Ord. passed 4-7-58)

GAS or HOUSE PIPING. The gas pipe from the gas meter outlet to the gas burning appliance or appliances. (Ord. passed 4-7-58)

LARGE COMMERCIAL USER. Any consumer of natural gas from the natural gas distribution system of the city which consumes 90,000 cubic feet in any one month. (Ord. passed 12-9-57; Am. Ord. passed 11-17-69)

SERVICE LINE. The gas pipe from the gas system's main to the meter location. (Ord. passed 4-7-58)

SYSTEM or GAS SYSTEM. The natural gas distribution system of the city. (Ord. passed 12-9-57)

§ 51.02 TAMPERING WITH GAS MAIN, METER, AND THE LIKE PROHIBITED.

No one except an authorized representative of the Municipal Natural Gas System shall at any time turn on any valve or cock or in any way tamper or make any connection with any gas main, meter, meter connection or gas service pipe between the main and the meter. The user, however, may turn off at service stop in case of an emergency. (Ord. passed 4-7-58) Penalty, see § 51.99

§ 51.03 PERMIT REQUIRED FOR REPAIR, INSTALLATION AND THE LIKE; PROPERTY OWNER'S RESPONSIBILITY.

No property owner shall cause or permit any installation, construction, reconstruction or repair of any gas house piping in the city and its gas service territory before the person doing the work shall first have obtained a permit from the Inspector to do the same; and the mere fact that the work has been done will be considered sufficient to hold and render the property owner amenable to this rule. (Ord. passed 4-7-58) Penalty, see § 51.99

§ 51.04 APPLICATION FOR PERMIT.

(A) Before the construction, reconstruction, installation or repair of any gas house piping, suitable plans and specifications of all the work proposed to be done, showing clearly the sizes of pipe, kind of fittings, locations, and measurements shall be made out on blanks furnished by the Gas Inspector and properly signed by the owner, his agent, or other authorized representative and filed at the office of the Inspector. All connections and fixtures shall be neatly drawn in the following manner; in case of new work or extension of old work, back ink shall be used. In case of old work, red ink shall be used.

(B) If the plans are approved by the Gas Inspector, he will issue a written permit within two days after the application is filed. No change or modification of approved plans will be permitted unless the change or modification is authorized by the owner or agent, submitted to and approved by the Inspector and placed on file as in the case of original work. No infraction of rules not specially authorized in writing by the Inspector, although it may be shown on plans and has passed inspection, will be permitted. The Inspector always reserves the right to compel the plumber to rectify any infraction of the rules, although the work has passed inspection and a final inspection certificate issued and the plumber's bond will be held for the same.

(C) No permit to install, construct, reconstruct or repair any gas house piping shall be issued, except to a licensed plumber or a person licensed to do such work in accordance with the provisions of this chapter.

(Ord. passed 4-7-58)

§ 51.05 GAS PLUMBING CODE REQUIREMENTS.

The requirements to be followed in construction of house piping, appliance installation, requirements for specific appliance installations, venting and appliance operation, are as contained in the most recent edition of the Kentucky Building Code, which is adopted by reference in § 150.01 of this code of ordinances.

(Ord. passed 4-7-58)

§ 51.06 BUTANE OR OTHER COMMERCIAL GAS.

Any consumer, who at the time of the adoption of this chapter is using butane, propane or other commercial gas and whose system is pipe with $\frac{3}{4}$ -inch pipe, or smaller shall upon converting to natural gas install a one-inch or larger pipe from the meter to the major appliances, and the existing pipe tied into this feeder pipe.

(Ord. passed 4-7-58) Penalty, see § 51.99

§ 51.07 NONCOMPLIANCE; REVOCATION OF LICENSE.

Any person failing to comply with the provisions of this chapter or failing to comply with any order of the Gas Inspector made pursuant to the powers herein granted to him, may have his gas fitter's license revoked and shall be subject to the penalty set forth in § 51.99.

(Ord. passed 4-7-58) Penalty, see § 51.99

§ 51.08 INSTALLATION OF GAS MAINS AND SERVICE LINES; PROVISIONS FOR FEES AND COSTS.

All gas mains and customer service lines installed subsequent to February 1, 2019, shall be subject to the following regulations:

(A) All areas into which an expansion is proposed shall be surveyed by the Benton Gas Company to determine the feasibility of the line and the number of subscribers for service by the city on the line.

(B) If the Benton Gas Company determines the installation of the line is feasible and the customer base shall be adequate to retire construction costs within a fixed period of time to be determined by any indebtedness incurred by the Benton Gas Company in the installation of the line, the subscribers to the service shall be required to make the meter deposit required for the location at which they proposed to receive service. This deposit shall be made at the Benton Gas Company's office.

(C) Upon the Benton Gas Company receiving the required meter deposit from a subscriber, that person's name shall be placed on a list of subscribers who are to have service lines installed to a location for which the Benton Gas Company has received a deposit.

(D) Upon a subscriber's name being placed on the installation list, the Benton Gas Company shall measure the service line that shall be required to connect the subscriber's service to the gas main, and the cost of the line shall be determined, based on the distance from the main to the location of the meter to be set on the subscriber's premises, at a rate of \$3.00 per lineal foot. In the event the extension of the gas line is an extension of the gas main, the cost shall be assessed at \$4.00 per lineal foot.

(E) When the cost for the service line has been determined, the subscriber shall be notified of the cost of the line to be installed and the subscriber shall be required to pay the sum to the Benton Gas Company.

(F) Upon the line installation cost being paid by the subscriber, the Manager of the gas system shall schedule a time for the line to be installed at the required location, and a gas meter shall be installed at the location when the line is constructed.

(G) When the gas meter is installed at the required location, the subscriber shall be required to pay a minimum bill for service at the location, even though no gas may be consumed at the site, it being the intent of the city to require a minimum gas bill to be paid for each site where a meter has been installed on any service line connected to its system.

(H) No person shall prevent free access to a city gas meter at any time. Should any meter be inaccessible due to a locked gate, overgrown foliage and trees, yard debris, vegetation, construction materials, vehicles, animals or any hazardous condition deemed by the City Council or its employees to have prevented access to the meter by the city employee for reading purposes, the city may impose a fine for this offense.

(I) If the city's gas meter is deemed inaccessible for reading purposes, the property owner/customer may be fined \$50 for each offense. Each attempt made by the city's employee to obtain a reading from the meter, or to repair or maintain the meter, shall be considered a separate offense.

(J) In the event the fine for having an inaccessible gas meter is not paid within 60 days of the date of the city's issuance, the charges shall be deemed delinquent and same may be added as a charge against the property owner/customer's account and enforced by termination of service or by other legal means allowed by law.

(K) In addition to the fine, if the city's employees are unable to access the city's meter for reading, repair or maintenance, the utility usage charge at that location will be estimated and any inaccuracies resulting from an estimated bill must be adjusted within 60 days of the inaccuracy being discovered or same will be considered final and not subject to an adjustment.

(Ord. passed 11-16-92; Am. Ord. 13-6-2, passed 6-17-13; Am. Ord. 19-02-01, passed 2-8-19; Am. Ord. 22-07-01, passed 7-18-22) Penalty, see § 51.99

ADMINISTRATION AND ENFORCEMENT

§ 51.20 GAS INSPECTOR; POWERS AND DUTIES.

(A) The Mayor shall appoint a competent person as Gas Inspector.

(B) The Gas Inspector and his assistants are hereby authorized, empowered and directed to inspect and supervise the installation, construction, reconstruction and repair of all house gas piping, gas appliances, fixtures and apparatus now or hereafter to be placed in or in any manner directly attached to any building or structure within the city and its gas service territory. The Gas Inspector and his assistants shall be subject to the orders and directions of the Mayor and City Council and they are hereby vested with full authority to enter any building or premises at any reasonable time in the discharge of their duties herein imposed.

(C) It shall be the duty of the Inspector to receive all applications for connection, to pass on and approve or reject plans submitted, to issue permits for all plumbing work, extensions, or changes in location of fixtures; and to sign and issue all notices and to keep a daily record of all applications received, plans approved and all other matters which may pertain thereto and to make a monthly report of his operations to the City Council.

(D) He shall inspect as often as necessary all houses in the course of erection, alteration or repair and to inspect any plumbing of any character already in use which he may have reason to believe is out of repair or is imperfect.

(E) The Gas Inspector shall give the owner or agent in charge of any building written notice of any defects in his plumbing or fixtures or changes or repairs necessary and such owner or agent shall within five days after the notice make necessary changes or repairs. If the owner or agent fails to comply with this notice, the Gas Inspector may order the Gas Service Department to turn off the gas and it shall not thereafter turn the gas on again until the Gas Inspector has certified that the defects have been repaired or removed.

(F) The Gas Inspector shall furnish the Gas Service Department with a copy of each certificate of inspection. The Department shall not turn gas on to any new altered or repairs system of gas until the certificates has been received.

(G) It shall also be the duty of the Gas Inspector to investigate all alleged violations of the provisions of this chapter and to file complaints when necessary.
(Ord. passed 4-7-58) Penalty, see § 51.99

§ 51.21 GAS FITTER'S BOND AND LICENSE.

(A) Every person, before entering upon the installation, construction, reconstruction or repair of any house piping within the area of the Natural Gas System, shall be required to make out a gas plumbing license. The license shall be renewed at anytime during the months of January or February in the year following its issuance. Before the license is issued, the party applying for the same, shall pass the examination required by the Mayor and City Council as to his knowledge of gas fitting, shall deposit with the City Clerk a bond in the principal sum of \$1,000 executed by a solvent surety company, conditioned that the principal therein shall faithfully comply with the terms of this chapter and shall indemnify and hold harmless the city and all persons interested, against all costs, expenses, damage and injury sustained by the negligence of the principal, his agents, servants and employees, or his failure to comply ethically with the terms of this chapter in doing work made the subject matters hereof, and otherwise to be in the form and executed as required by the Mayor and City Council. Upon approval of any bond by the Mayor and City Council, the City Clerk shall forthwith issue to the principal therein a license, which shall remain in force so long as the principal's bond is effective. The bond shall be renewed annually on January 1 as a prerequisite to the issuance of a license for the year. The license shall be conspicuously displayed at the place of business.

(B) The license may at any time be suspended or revoked by the City Council upon the recommendation of the Inspector for any violation of the terms of this chapter. (Ord. passed 4-7-58; Am. Ord. passed 12- -61) Penalty, see § 51.99

§ 51.22 CERTIFICATE OF INSPECTION; TEST OF PIPING.

(A) When the system of piping and all extensions thereto have been completed and all openings firmly closed, the person installing the piping shall make all the required tests under the Southern Standard Building Code, and if the piping is found tight, shall make application for test to the Gas Inspector. Upon such application the Inspector or one of his assistants will inspect the piping and shall witness the test, and if the piping is found tight and the work done in accordance with the provisions of this chapter, then the Inspector or assistant shall issue and deliver a certificate in substantially the following form:

“NO. _____

This is to certify that I have inspected and witnessed the test of the gas piping in _____ Building NO. _____ and certify that the same is installed in compliance with the Municipal Natural Gas System’s rules and regulations.

Gas Inspector

By _____“

(B) Any additional gas piping or outlets installed, after the above certificate has been issued, may be repaired for inspection and tested in the same manner as pipe originally installed. (Ord. passed 4-7-58)

§ 51.23 INSPECTOR TO DECIDE CONTROVERSIES.

The Gas Inspector shall decide all controversies which may arise under this chapter, and in so doing, shall be subject to the control and direction of the Mayor and the City Council. (Ord. passed 4-7-58)

§ 51.24 GAS FILTER’S LIABILITY INSURANCE.

(A) Before a license may be issued to any applicant there shall be presented to the city an insurance policy or certificates of insurance which will prescribe the following limits:

- (1) Each person, bodily injured, \$10,000.
- (2) Each accident, bodily injured, \$20,000.
- (3) Each accident, property injured, \$5,000.

(B) The policy or certificates of insurance by the solvent insurance company conditioned that the principal therein shall indemnify and hold the city and all persons interested including the public generally against all costs, expenses damage and injury caused or sustained by the negligence of the principal, his agents, servants and employees.

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(C) The bond and insurance policy or certificates of insurance as is described in division (A) of this section shall be renewed annually on January 1 as a prerequisite to the issuance of the license for that year.
 (Ord. passed 4-7-58)

RATES AND CHARGES

§ 51.35 MONTHLY GAS RATES.

(A) (1) There are hereby established, effective July 1, 2012, the following rates and charges for gas system, same to be paid by the owner or occupant of each residential or commercial establishment connected with and served by the system, whether inside or outside the city's corporate limits; same to be computed and billed monthly as follows:

<i>Minimum Monthly Charges</i>	
Residential and small commercial	\$8.70
Large commercial and agricultural	\$9.00
Renters - residential and commercial	\$11.00
High load industrial	\$14.00

(2) The minimum monthly charge per customer class is applicable to all customer bills generated in addition to the cost of gas commodity, transportation, fuel and fixed charge included in the city's cost calculations.

(3) All natural gas customers shall be billed on a "full cost basis" plus a fixed utility charge amount. The full cost shall reflect the cost of gas to the city including but not limited to the commodity charges, the transportation fees and any fuel costs. These costs shall be billed automatically and be reflected by a change in the rates for each 1,000 cubic feet charged hereunder this section and billed by the city to its customers without any further action of the City Council.

(4) To the customers' "full cost basis" per each 1,000 cubic feet shall be added the following fixed charge class of customer:

<i>Full Cost Basis per Each 1,000 Cubic Feet</i>	
Residential and small commercial	\$3.85
Large commercial and agricultural	\$2.85
Renters - residential and commercial	\$2.85
High load industrial	\$2.00

(5) Industrial or high-load users are those gas customers who during a 12-month consecutive billing period have five months in which they have maintained a minimal usage of 1,500 mcf per month. This rate pertains only to those meters at a single location or on the same premises for a single customer. Any service for the same customer at other points of consumption or different locations shall be separately metered and billed.

(B) (1) There are hereby established from and after July 1, 2020, the following fees and charges for services related to the natural gas distribution system, same to be paid by the owner or occupant of each residential or commercial establishment connected with or to be served by the city's gas distribution system, whether inside or outside the city's corporate limits, same to be computed and billed as follows:

<i>Tap on Fee: \$275.00</i>	
Service call: 8:00 a.m. to 4:00 p.m.	\$275 <i>\$35</i>
Service call: 4:00 p.m. to 8:00 a.m.	\$35 <i>\$60</i>
Pressure test: first test fee; each additional test	\$35

<i>Billed Labor</i>	
<i>Between the hours of 7:00 a.m. and 4:00 p.m.</i>	
Supervisor	\$35 per hour
Equipment Operator	\$32.50 per hour
Laborer	\$28 per hour
<i>Between the hours of 4:00 p.m. and 8:00 a.m.</i>	
Supervisor	\$40 per hour
Equipment Operator	\$37.50 per hour
Certified Welder	\$37.50 per hour
Laborer	\$33 per hour

Benton - Public Works

(2) There are hereby established from and after July 1, 2013, the following charges for equipment used in the city for the tap of the natural gas distribution system, same to be paid by the owner or occupant of each residential or commercial establishment connected with or to be served by the city's gas distribution system, whether inside or outside the city's corporate limits, same to be computed and billed as follows.

Any specialized equipment or materials used in a tap of a gas line including the excess flow valve installed (at current cost to city)	\$45 (cost on July 1, 2013)
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(C) Commercial and industrial customer deposits are to be required for any gas service provided to customers of the city's gas distribution system. The following deposits shall be required of commercial and industrial customers before any service is initiated to that customer:

(1) Less than 600 cuft/hour - \$125.

(2) More than 600 cuft/hour - \$500.

(Am. Ord. passed 12-30-97; Am. Ord. 04-05-02, passed 5-17-04; Am. Ord. 07-11-01, passed 11-19-07)

(D) The rates for the natural gas furnished by the city's natural gas distribution system shall be increased from the rate charged, as set forth in division (A) above, by a total of 2%. This increase in rate shall be paid to the Marshall County Finance Officer for the Marshall County Board of Education pursuant to the provisions of KRS 160.613 *et. seq.* All bills sent to customers shall identify this amount as "Rate Increase for School Tax."

(E) The rates and charges provided for in division (A) above shall be subject to periodic review and subject to adjustment for any increase in the cost of gas purchased for distribution to the customers

of the city's natural gas distribution system. An increase in the cost of gas requiring an adjustment shall be enacted by an amendment to this section.

(F) All new applicants for the city's natural gas service shall be required to complete a written application cost in measuring a line and for that service and pay a fee of \$25 to offset the city's providing an estimate of the cost of installation to the applicant. If the applicant completes the installation at that time, the \$25 fee shall be credited on their installation cost. If they do not complete the installation at that time, the fee shall not be refundable nor subject to a credit on any subsequent installation.

(Ord. passed 12-9-57; Am. Ord. passed - -78; Am. Ord. passed 9-4-79; Am. Ord. passed 9-26-90; Am. Ord. passed 10-23-93; Am. Ord. 96-01-01, passed 1-29-96; Am. Ord. 96-11-04, passed 11-18-96; Am. Ord. 00-02-01, passed 2-22-00; Am. Ord. 00-09-03, passed 9-26-00; Am. Ord. 08-05-01, passed 5-12-08; Am. Ord. 10-08-01, passed 8-16-10; Am. Res. passed 6-18-12; Am. Ord. 13-4-1, passed 4-15-13; Am. Ord. 15-04-02, passed 4-20-15; Am. Ord. 15-04-03, passed 4-20-15; Am. Ord. 16-10-01, passed 10-17-16; Am. Ord. 20-06-04, passed 6-15-20)

§ 51.36 REMOVAL AND REINSTALLATION FEE.

The Natural Gas System shall charge a fee of \$100, for removal and reinstallation of gas service at all rental property, and/or any residential or small commercial users who terminate gas service and thereafter resume said service at the same location within 12 months of the date of termination of service. This fee must be paid prior to reinstatement of the gas service.

Persons owning rental property who do not intend to terminate gas service to any rental properties shall be responsible for the minimum bill for that location and may avoid the termination of service by having a non-refundable standing deposit of \$125 in the name of the owner of the rental property, and if the rental property is vacated, the owner can be billed for those minimum bills and other charges for that rental property.

(Ord. passed 4-7-58; Am. Ord. passed 9-4-79; Am. Ord. passed 12-30-97; Am. Ord. 00-02-01, passed 2-2-00)

§ 51.37 METER DEPOSITS.

Subscribers to the natural gas service owned by the city and operated by the Union Gas Company shall pay the following designated sums as a meter deposit:

- (A) Residential and commercial locations not rented and heated with natural gas, \$75.
- (B) Residential and commercial locations not rented and not heated with natural gas, \$25.
- (C) Mobile homes and trailers, \$125.

(D) Residential and commercial locations not owned by the subscriber and occupied by the subscriber as a tenant or lessee, \$125.

(E) Owners of rental property may either provide a Letter of Credit from a local financial institution in an amount sufficient to cover the amount of deposits for the number of rental units owned and receiving gas service or they may choose to make a deposit for each unit so served. If the city experiences problems with collection on an account or a Letter of Credit is revoked, the city may demand the owner make a deposit for each of those units owned and receiving gas service.

(Ord. passed 3-7-77; Am. Ord. passed 2-19-80; Am. Ord. passed 7-16-90; Am. Ord. 00-02-01, passed 2-22-00)

§ 51.38 BILLING; PENALTIES FOR DELINQUENCY.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

- (1) That all bills are due and payable on or before the date set forth on the bill; and
- (2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and
- (3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue **gas** service to a customer for nonpayment of a bill, service will be reinstated after all delinquent bills for service then due are paid, plus a reconnection charge in the amount of \$50.

(Am. Ord. 00-02-01, passed 2-22-00)