

Chapter 13

PUBLIC UTILITIES SYSTEMS*

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*Cross references--Buildings, construction and related activities, Ch. 5; sewerage, Ch. 14; solid waste management 15.

Section 13-120A ARTICLE IV. NATURAL GAS SYSTEM*
*Cross reference--Gas code, § 5-106 et seq.

Section 13-120D DIVISION 1. GENERALLY

Section 13-121 Organization.

The natural gas system is organized under the public utilities systems of the city and all matters covered in article I of this chapter shall be applicable to the gas system.
(Code 1958, § 18-42)

Section 13-122 Gas system renewal and extension reserve fund.

(a) The special fund, known as the "Gas System Renewal and Extension Reserve Fund," is hereby maintained as a separate and unique fund. The city, from revenues derived from the operation of its natural gas system, shall pay into the fund twelve (12) percent of the net income from the system before depreciation charges are made. The monies in the fund shall be used and

applied solely for:

- (1) Improvements, extensions, and replacements of buildings, lands, equipment, and distribution and transmission systems now owned and used or which may hereafter be acquired by the city in connection with the operations of its natural gas system; and shall not be used or applied for ordinary operation and maintenance nor for ordinary service connections.
- (2) In case of an emergency having a major effect upon the natural gas system caused by some extraordinary occurrence which makes it necessary to use funds of the gas system for the alleviation or removal of such effects, and an insufficiency of money exists in the revenue fund to meet such emergency.
- (b) No expenditure of money shall be made from this fund except by resolution carried by two-thirds majority vote of the city council. All depositories and signatures for disbursement of funds shall be designated by a resolution of the city council.
- (c) All sums in the fund, in excess of amounts required for immediate disbursement, may be invested in securities which are direct and general obligations of the U.S. Government or its agencies, or guaranteed by the U.S. Government or its agencies as to both principal and interest, municipal and state bonds, bank certificates if protected by escrow of an equal value of the above type investments, or federal savings and loan to the limit covered by insurance except that such funds shall not be invested in bonds of the city. All interest accumulations from the bonds and certificates shall be invested in the fund.
- (d) All depositories and all signatures for disbursement of natural gas system funds shall be designated by resolution of the city council.
(Code 1958, § 18-43; Ord. of 9-8-86)

Section 13-123 Interfering with or molesting property or equipment.

It shall be unlawful for any unauthorized person to interfere with or molest in any way the gas metering station, regulating stations, mains, plants, or other equipment installed either on the public rights-of-way or on private property.
(Code 1958, § 18-44)

Section 13-124 Department to make or supervise extension of mains; use of unmetered pipe or main.

The city gas department will make or supervise all extensions of mains in the public streets and roads both inside and outside the city limits. No person shall make any connection to any unmetered pipe or main containing gas from the city system, unless such person has first obtained a written permit for such work from the superintendent of the utilities department.
(Code 1958, § 18-45)

Section 13-125 Natural gas rates and rate structures

(a) Gas rates are on file at the city clerk's office and the administrative offices of the Utilities Department.

b) Residential Customers - This is a gas rate applicable to residential service when supplied through one meter to each individual residence or apartment. The rate has three components: 1) Base Charge; 2) Variable Cost of Gas Charge; and 3) Distribution Charge.

Rate Structure:

Base Charge (fixed monthly charge)

Distribution Charge (volumetric monthly charge)

Variable Cost of Gas - Actual Cost of fuel, capacity and transportation delivery to Citygate

Seasonal Charge - Where service is cut off and within 12 months, re-cut in for the same customer at the same location, such cut off period shall be considered seasonal. With the first bill following such a period, the customer shall be billed a seasonal charge of \$50.00.

c) Commercial Customers -This gas rate is applicable to commercial or firm industrial customers and multiple family dwellings or apartment buildings where service is taken through one meter. No gas may be resold or transmitted to other premises. The rate has three components: 1) Base Charge; 2) Variable Cost of Gas Charge; and 3) Distribution Charge.

Rate Structure:

Base Charge (fixed monthly charge)

Distribution Charge (volumetric monthly charge)

Variable Cost of Gas - Actual Cost of fuel, capacity and transportation delivery to Citygate

Seasonal Charge - Where service is cut off and within 12 months re-cutin for the same customer at the same location, such cut off period shall be considered seasonal. With the first bill following such a period, the customer shall be billed a seasonal charge of \$50.00.

(d) Firm Industrial Customers - This gas rate is applicable to commercial or firm industrial customers where service is taken at one service location. No gas may be resold or transmitted to other premises. The minimum volume to qualify for this service is 10,000 MCF per year. The rate has three components: 1) Base Charge; 2) Variable Cost of Gas Charge; and 3) Distribution Charge.

Rate Structure:

Base Charge (fixed monthly charge)

Distribution Charge (volumetric monthly charge)

Variable Cost of Gas - Actual Cost of fuel, capacity and transportation delivery to Citygate

Seasonal Charge - Where service is cut off and within 12 months re-cutin for the same customer at the same location, such cut off period shall be considered seasonal. With the first bill following such a period, the customer shall be billed a seasonal charge of \$50.00.

(e) Interruptable Customers -This gas rate is applicable to non residential customers having facilities permitting the use of gas on an interruptible basis and whose usage is sufficient to qualify for this service, provided the City has available from its Supplier an adequate supply of gas to meet the customer's requirements. No gas may be resold or transmitted to other premises. The rate has three components: 1) Base Charge; 2) Variable Cost of Gas Charge; and 3) Distribution Charge.

Rate Structure:

Base Charge (fixed monthly charge)

Distribution Charge (volumetric monthly charge)

Variable Cost of Gas - Actual Cost of fuel, capacity and transportation delivery to Citygate

Gas sold under this schedule shall be subject to curtail in whole or in part during periods of peak demand, upon two hours notice. Each customer may be required to execute a service agreement for a period of not less than three years as a condition precedent to receiving service under this rate schedule.

(f) Commercial Chiller Customers - This gas rate is applicable to commercial or firm industrial customers where service is taken through one meter for commercial chiller purposes and consumption is restricted to the months of March through October. No gas may be resold or transmitted to other premises. The rate has three components: 1) Base Charge; 2) Variable Cost of Gas Charge; and 3) Distribution Charge.

Rate Structure:

Base Charge (fixed monthly charge)

Distribution Charge (volumetric monthly charge)

Variable Cost of Gas - Actual Cost of fuel, capacity and transportation delivery to Citygate

(Code 1958, § 18-46; Ord. of 8-14-00; Ord of 7-23-01)

(2001 (13-125), Amended, 07/23/2001; 2000 (13-125), Amended, 08/14/2000)

Section 13-126 13-126--13-145. Reserved.

Section 13-145D DIVISION 2. UNDERGROUND UTILITY DAMAGE PREVENTION

Section 13-146 Short title.

This division may be cited as the "Underground Gas Utility Damage Prevention Provisions."
(Code 1958, § 18-47(a))

Section 13-147 Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Damage includes the substantial weakening of structural or lateral support of an underground utility, penetration or destruction of any protective coating, housing or other protective device of an underground utility and the partial or complete severance of an underground utility.

Demolish or *demolition* means any operation by which a structure or mass of material is wrecked, razed rendered, moved or removed by means of any tools, equipment or discharge of explosives.

Excavate or *excavation* means an operation for the purpose of the movement or removal of earth, rock or other materials in or on the ground by use of mechanized equipment or by discharge of explosives including auguring, backfilling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling, but not including the tilling of soil for agricultural purposes.

Mechanical equipment means equipment operated by means of mechanical power, including trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills cable and pipe plows and other equipment used for plowing-in or pulling-in cable or pipe.

Operator means any person who owns or operates a utility.

Person means any individual; any corporation, partnership, association or any other entity organized under the laws of any state; any subdivision or instrumentality of a state; and any employee, agent, or legal representative thereof.

Utility means any line, system or facility used for producing, storing, conveying, transmitting

or distributing natural gas.

Working day means every day, except Saturday, Sunday and national and legal state holidays.
(Code 1958, § 18-47(b))

Section 13-148 Effect of excavation and demolition permits.

A permit issued pursuant to law authorizing excavation or demolition operations shall not be deemed to relieve a person from the responsibility for complying with the provisions of this division.

(Code 1958, § 18-47(c))

Section 13-149 Determining location of underground utilities prior section.

Except as provided in section 13-152, no person may excavate in a street, highway, public space, private easement of an operator or near the location of a utility installed on the premises of a customer by such utility or demolish a building without having first ascertained in the manner prescribed in sections 13-150 and 13-151 the location of all underground utilities in the area that would be affected by the proposed excavation or demolition.

(Code 1958, § 18-47(d))

Section 13-150 Notice of intent to excavate or demolish.

- (a) Except as provided in section 13-152, before commencing any excavation or demolition operation designated in section 13-149 each person responsible for such excavation or demolition shall serve written or telephone notice of intent to excavate or demolish at least three (3) but not more than ten (10) full working days to the Utility Protection Center, Inc. 3400 Summit Ridge Parkway, Duluth, Georgia 30096, Telephone: 1-800-282-7411.
- (b) The written or telephone notice required by subsection (a) of this section must contain the name, address, and telephone number of the person filing the notice of intent and, if different, the person responsible for the excavation or demolition, the starting date, anticipated duration, and type of excavation or demolition operation to be conducted, the location of the proposed excavation or demolition and whether or not explosives are to be used.
- (c) If the notification required by this section is made by telephone, an adequate record of such notification shall be maintained by the city utilities department to document compliance with the requirements of this section.
- (d) The Utilities Protection Center (O.K.) web site can be found at www.gaupc.com to retrieve necessary information associated with utilities location as required by law.

(Code 1958, § 18-47(e); Ord. of 9-9-02
(2002 (13-53, Amended, 09/19/2002)

Section 13-151 Response to notice of intent to excavate or demolish.

- (a) The city utilities department, notified in accordance with section 13-150, shall within two

(2) working days after receipt of notice of intent, unless a shorter period is provided by agreement between the person responsible for the excavation or demolition and the operator or the city's representative, supply by appropriate means the following information to the person responsible for the excavation or demolition:

- (1) The approximate location and description of all its underground utilities which may be damaged as a result of the excavation or demolition;
- (2) The location and description of all temporary utility markers indicating the approximate location of the underground utilities in the area of excavation or demolition activity before, as far as practical, the activity begins; and
- (3) Any other information that would assist that person in locating and thereby avoiding damage to the underground utilities.

(b) For the purposes of this section, the approximate location of underground utilities shall mean a strip of land at least three (3) feet wide along a designated or marked centerline but not wider than the actual utility line width plus one and one-half (1 1/2) feet on either side of the centerline of the utility.

(Code 1958, § 18-5-7(i))

Section 13-152 Emergency work.

Compliance with the notice requirements of section 13-150 is not required of persons responsible for emergency excavation or demolition to ameliorate an imminent danger to life, health, or property; provided, however, that such persons give, as soon as practicable, oral notice of the emergency excavation or demolition to the city gas department where such excavation or demolition is to be performed and request emergency assistance from the city gas department in locating and providing immediate protection to its underground utilities. An imminent danger to life, health, or property exists whenever there is a substantial likelihood that loss of life, health or property will result before the procedures under sections 13-150 and 13-151 can be fully complied with.

(Code 1958 § 18-47(g))

Section 13-153 Protection of utilities.

In addition to the notification requirements of section 13-150, each person responsible for any excavation or demolition operation designated in section 13-149 shall:

- (1) Plan the excavation or demolition to avoid damage to or minimize interference with underground utilities in and near the construction area;
- (2) Maintain a clearance between an underground utility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of such cutting edge or point, as may be reasonably necessary to avoid damage to such utilities;
- (3) Provide such support for underground utilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such utilities.
- (4) Prior to construction of underground facilities, proposed locations shall be marked with white flags and white paint *before* all other existing underground utilities have been marked in the work area covered by the proposed construction.

(Code 1958, § 18-47(h); Ord. of 9-9-02)

(2002 (13-153), Amended, 09/09/2002)

Section 13-154 Notice of damage to utility.

(a) Except as provided by subsection (b) of this section, each person responsible for any excavation or demolition operation designated in section 13-149 that results in any damage to an underground utility shall immediately upon discovery of such damage, notify the operator of such utility of the location and nature of the damage and shall allow the operator reasonable time to accomplish necessary repairs before completing the excavation or demolition in the immediate area of such utility.

(b) Each person responsible for any excavation or demolition operation designated in section 13-149 that results in damage to an underground utility permitting the escape or any flammable, toxic or corrosive gas or liquid shall, immediately upon discovery of such damage, notify the operator, police and fire departments and take any other action as may be reasonably necessary to protect persons and property and to minimize the hazards until arrival of the operator's personnel or police and fire departments.

(Code 1958, § 18-47(i))

Section 13-155 Civil penalties.

Any person who violates any provision of this division shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) for each such violation. Actions to recover the penalty provided for in this section shall be brought by the city at the request of any person in the circuit court in and for the city in which the cause or some part thereof arose. All penalties recovered in such actions shall be paid into the gas renewal and extension fund of the city utilities department. This section does not affect any civil remedies for personal injury or property including underground utilities damage, except as otherwise specifically provided for in this section.

(Code 1958, § 18-47(j))

Section 13-156-13-179. Reserved

Section 13-180-13-185. Reserved