

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY¹

SECTION

19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.² The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.

¹Municipal code reference
Electrical code: title 12.

²The agreements are of record in the office of the city recorder.

CHAPTER 2

GAS¹

SECTION

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- 19-202. Medium commercial rates.
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19-201. Residential and small commercial rates. The rates to be charged each user or consumer of natural gas classified as residential, or small commercial inside the corporate limits of Henderson shall be as follows:

Minimum bill (includes no gas usage)	\$3.75
All gas usage	Cost of gas including pipeline, inventory, storage and all other related chargers as certified by the utility director and approved by the mayor, plus a markup per MCF set by resolution of the board of aldermen that covers the operations and overhead expenses of the department.

The rates to be charged each user or consumer of natural gas classified as residential, or small commercial outside the corporate limits of Henderson shall be as follows:

Minimum bill (includes no gas usage)	\$6.00
All gas usage	Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, plus a markup per MCF set by resolution of the board of aldermen that covers the operations and overhead expenses of the department.

¹Municipal code reference
Gas code: title 12.

Where more than one (1) house, building, or housing complex used for living, eating, or sleeping quarters, uses gas through a common meter; or in houses occupied by more than one (1) family and in apartment houses where the gas is measured by a common meter, the minimum monthly bill shall be multiplied by the number of families served through each common meter. The serving of more than one (1) structure through a single meter must have prior written approval of the utility director. Separate houses, multi-family residences, and apartment houses served through a common meter shall be billed under the above rate schedules as if each family unit were separately metered. (1976 Code, § 13-401, as amended by Ord. #263, Dec. 1992, Ord. #271, Aug. 1993, Ord. #353, Nov. 2000, and Ord. #362, Aug. 2001, and replaced by Ord. #372, Dec. 2002, Ord. #384, Sept. 2003, Ord. #399, Nov. 2004, Ord. #406, June 2005, Ord. #422, May 2007, Ord. #444, April 2009, and Ord. #456, June 2010)

19-202. Medium commercial rates. The rates to be charged for each user or consumer of natural gas classified as medium commercial inside the corporate limits shall be as follows:

Minimum bill (includes no gas usage)	\$25.00
All gas usage	Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, plus a markup per MCF set by resolution of the board of aldermen that covers the operations and overhead expenses of the department.

The rates to be charged each user or consumer of natural gas classified as medium commercial outside the corporate limits shall be as follows:

Minimum bill (includes no gas usage)	\$37.00
All gas usage	Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, plus a markup per MCF set by resolution of the board of aldermen that covers the operations and overhead expenses of the department.

(1976 Code, § 13-402, as amended by Ord. #263, Dec. 1992, Ord. #271, Aug. 1993, Ord. #353, Nov. 2000, and Ord. #362, Aug. 2001, and replaced by Ord. #372, Dec. 2002, Ord. #384, Sept. 2003 Ord. #399, Nov. 2004, Ord. #406, June 2005, Ord. #422, May 2007, Ord. #444, April 2009, and Ord. #456, June 2010)

19-203. Large commercial rates. The rates to be charged for each user or consumer of natural gas classified as large commercial inside the corporate limits shall be as follows:

Minimum bill (includes no gas usage)	\$50.00
All gas usage	Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, plus a markup per MCF set by resolution of the board of aldermen that covers the operations and overhead expenses of the department.

The rates to be charged for each user or consumer of natural gas classified as large commercial outside the corporate limits shall be as follows:

Minimum bill (includes no gas usage)	\$67.00
All gas usage	Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, plus a markup per MCF set by resolution of the board of aldermen that covers the operations and overhead expenses of the department.

(1976 Code, § 13-403, as amended by Ord. #263, Dec. 1992, Ord. #271, Aug. 1993, Ord. #353, Nov. 2000, and Ord. #362, Aug. 2001, and replaced by Ord. #372, Dec. 2002, Ord. #384, Sept. 2003 Ord. #399, Nov. 2004, Ord. #406, June 2005, Ord. #422, May 2007, Ord. #444, April 2009, and Ord. #456, June 2010)

19-204. Industrial rates. The rates to be charged for each user or consumer of natural gas classified as industrial inside the corporate limits shall be as follows:

Minimum bill (includes no gas usage)	\$50.00
All gas usage	Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, plus a markup per MCF set by resolution of the board of aldermen that covers the operations and overhead expenses of the department.

The rates to be charged for each user or consumer of natural gas classified as industrial outside the corporate limits shall be as follows:

Minimum bill (includes no gas usage)	\$67.00
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All gas usage Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, plus a markup per MCF set by resolution of the board of aldermen that covers the operations and overhead expenses of the department.

Optional industrial rate: Industrial customers, who use at least fifty percent (50%) of their natural gas usage for processing, may contract their natural gas rate under the following rules and terms.

- (1) Request must be made in writing;
- (2) Fifty percent (50%) of their natural gas consumption must be used in their manufacturing process;
- (3) Must remain on this rate for a minimum contract period of twelve (12) months; and
- (4) Customer must understand that if extreme conditions exist that limits the availability of natural gas, said process natural gas consumption would have to be lowered until the situation is normalized.

All gas usage Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, plus a markup per MCF set by resolution of the board of aldermen that covers the operations and overhead expenses of the department.

(1976 Code, § 13-404, as amended by Ord. #263, Dec. 1992, and Ord. #271, Aug. 1993, and replaced by Ord. #372, Dec. 2002, Ord. #384, Sept. 2003 Ord. #399, Nov. 2004, Ord. #406, June 2005, Ord. #422, May 2007, Ord. #444, April 2009, and Ord. #456, June 2010)

19-205. Minimum bills. Customers will be charged the minimum of three dollars seventy-five cents (\$3.75) for residential and small commercial inside city, six dollars (\$6.00) for residential and small commercial outside city, twenty-five dollars (\$25.00) for medium commercial inside city, thirty-seven dollars (\$37.00) for medium commercial outside city, fifty dollars (\$50.00) for large commercial/industrial inside city, and sixty-seven dollars (\$67.00) for large commercial/industrial outside city, for each active gas account. This does not include customers who qualify for the Optional Industrial Rate. (1976 Code, § 13-405, as replaced by Ord. #372, Dec. 2002, Ord. #384, Sept. 2003, Ord. #399, Nov. 2004, and Ord. #456, June 2010)

19-206. When penalty added. A ten percent (10%) penalty will be added to all bills that have not been paid prior to the delinquent date of each month that such bills become due. (1976 Code, § 13-406, as replaced by Ord. #372, Dec. 2002)

19-207. Service charges and deposits. (1) A nonreturnable service charge will be charged on each utility service turned on in the amount of fifty dollars (\$50.00). The same charge will apply whether the service is gas only, water only, sewer only, sanitation only or any combination of the services listed.

(2) In addition to the service charges in (1), a refundable deposit shall be collected

- (a) From each residential rental customer,
- (b) From all commercial/industrial customers and
- (c) From any customer, including a residential homeowner that has been disconnected due to non-payment of any utility account.

The deposit for a residential homeowner that has been disconnected due to non-payment may be waived by the utility director or his/her designate if the customer has not been disconnected for non-payment within the past twenty-four (24) months. The amount of the deposit shall be one hundred twenty five dollars (\$125.00) for each residential gas service and two hundred fifty dollars (\$250.00) for all commercial/industrial gas services. This deposit shall be refunded to the customer only after all amounts due the utility department are paid in full.

Service installation for an old customer at a new location or at the same location after being terminated for non-payment will be handled as a new customer and said customer will be charged the service charges and deposits set forth above. (1976 Code, § 13-407, as replaced by Ord. #372, Dec. 2002, Ord. #384, Sept. 2003, Ord. #385, Oct. 2003, Ord. #408, Sept. 2005, and Ord. #507, March 2018 *Ch3_08-12-21*)

19-208. Reconnection charges. Whenever water/sewer and/or natural gas service has been discontinued for non-payment, a reconnection charge of fifty dollars (\$50.00) shall be collected by the city before service is restored. The reconnection fee shall be waived for customers who qualify for utility payment assistance through the Helping Hands Program. (1976 Code, § 13-408, as replaced by Ord. #372, Dec. 2002, and Ord. #444, April 2009)

19-209. Installation and fees related to new services. Customers who make application for a new gas service will be furnished said gas service line at the cost of three dollars (\$3.00) per foot (measured from the gas main to the meter). This fee may be waived or reduced under policies or programs approved by the city board to increase the usage of natural gas from time to time. If any gas service requires a meter larger than a R275 residential type meter, the customer shall pay the cost of the larger meter. All gas service lines including the meter, regulator and cut-off are to be installed by the city and at the discretion or insistence of the city. All gas service lines, meters, regulators and cut-offs shall remain the property of the city. (1976 Code, § 13-409, as replaced by Ord. #372, Dec. 2002, Ord. #435, Oct. 2007, and Ord. #543, Aug. 2021 *Ch3_08-12-21*)

19-210. Access to meter, etc. The application for service shall include a permit from the customer allowing the official employees of the City of Henderson Gas Department access to the meter, regulator, and service line. All lines, regardless of how installed, up to and including the meter shall be the property of the City of Henderson Gas Department. (Ord. #264, Jan. 1993, as replaced by Ord. #372, Dec. 2002)

19-211. Classification of natural gas customers. Natural gas customers shall be placed in one of five classifications as determined by the use of the structure served by natural gas and by the size of the natural gas meter. The five classifications are as follows.

<u>Residential Class</u>	-	All dwellings used for primary residences only, regardless of meter size.
<u>Small Commercial</u>	-	Customers other than residential using up to a 750 Meter.
<u>Medium Commercial</u>	-	Customers other than residential using a 800 thru 2500 Meter.
<u>Large Commercial</u>	-	Customers other than residential using over a 2500 Meter.
<u>Industrial</u>	-	Industrial structures used for manufacturing, warehousing, etc.; using over a 2500 Meter. (as added by Ord. #372, Dec. 2002) Bills for residential natural gas service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly at the option of the city.

19-212. Billing. Charges for utility service(s) shall be collected as a unit; no employee shall accept payment for any service without receiving at the same time payment for all services owed by the customer to the city. All services shall be discontinued for non-payment of the combined bill.

Utility bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if gas is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. Detailed "utility billing/collection policies and procedures" shall be approved by the board of mayor and aldermen by resolution from time to time. (as added by Ord. #507, March 2018 *Ch3_08-12-21*)