

ORDINANCE NO. 81-4

AN ORDINANCE AMENDING AND CHANGING A FRANCHISE ORDINANCE ENACTED BY THE CITY OF CUMBY, HOPKINS COUNTY, TEXAS, ON JUNE 7, 19 77 AND BEING PARTLY STYLED, "AN ORDINANCE GRANTING TO LONE STAR GAS COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF CUMBY, HOPKINS COUNTY, TEXAS"; AND PROVIDING FOR A MODIFICATION OF THE DEFINITION OF THE TERMS "SERVICE LINES" AND "YARD LINES" REFERENCED IN SECTION 4 THEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CUMBY, TEXAS:

SECTION 1. As of the effective date of this amendatory ordinance, and upon acceptance by Lone Star Gas Company of the provisions hereof, Section 4 of the aforesaid captioned franchise ordinance enacted on June 7, 19 77, shall be stricken, cancelled and nullified and there shall be substituted in lieu thereof a new provision reading as follows:

SECTION 4. In addition to the rates charged for gas supplied, Company may make and enforce reasonable charges, rules and regulations for service rendered in the conduct of its business including a charge for services rendered in the inauguration of natural gas service, and may require, before furnishing service, the execution of a contract therefor. Company shall have the right to contract with each customer with reference to the installation of, and payment for, any and all of the gas piping from the connection thereof with the Company's main in the streets or alleys to and throughout the consumer's premises. Company shall own, operate and maintain all service lines, which are defined as the supply lines extending from the Company's main to the customer's meter where gas is measured by Company. The consumer shall own, operate, and maintain all yard lines and house piping. Yard lines are defined as the underground supply lines extending from the point of connection with Company's customer meter to the point of connection with consumer's house piping."

SECTION 2. Enactment of this amendatory ordinance shall in no way ever be construed so as to diminish or impair any consumer's ownership interest in service lines (or portions thereof) installed prior to the effective date of this amendatory ordinance.

SECTION 3. The terms and provisions of this amendatory ordinance shall be deemed to be severable, and if the validity of any section, sentence, clause or phrase of this amendatory ordinance should be declared to be invalid, the same shall not affect the validity of any other section, sentence, clause or phrase of this amendatory ordinance.

SECTION 4. Except as heretofore and hereinabove changed and amended, the terms, provisions, conditions and requirements of the aforesaid franchise ordinance shall remain in full force and effect.

SECTION 5. This amendatory ordinance shall become effective as of _____, 1981 if the Company files its written acceptance of the provisions of this ordinance within sixty (60) days after its final passage and approval by this City and upon acceptance, the provisions hereof shall be binding upon City and Company, their successors and assigns.

PASSED AND APPROVED ON THIS THE 8 DAY OF April, 1981.

ATTEST:

Naomi Peggibotham
City Secretary

James T. Brasley
Mayor
City of Cumby, Texas