

**ORDINANCE NO. 2022-699**

**AN ORDINANCE OF THE CITY OF WILLISTON, FLORIDA; REMOVING ARTICLE V – GAS SYSTEM - CHAPTER 40, SECTIONS 40-1 THROUGH 40-237 OF THE CITY OF WILLISTON LAND DEVELOPMENT CODE AND REPLACING IT WITH NEW LANGUAGE; SPECIFICALLY, SECTION 40-171 MUNICIPAL GAS SYSTEM, SECTION 40-172 DEFINITIONS, SECTION 40-173 AVAILABILITY, SECTION 40-174 APPLICATION FOR SERVICE, SECTION 40-175 RESIDENTIAL DEVELOPMENTS, SECTION 40-176 INDIVIDUAL PREMISES, SECTION 40-177 AUTHORITY TO TURN ON GAS, SECTION 40-178 MAINTENANCE OF METERS AND SERVICE LINES, SECTION 40-179 METER LOCATIONS AND DELIVERY PRESSURE, SECTION 40-180 GAS CONSUMPTION, SECTION 40-181 TESTING, SECTION 40-182 TAMPERING; AND, SECTION 40-183; PROVIDING FOR APPLICABILITY, PROVIDING SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS** the City of Williston allows for the distribution and sale of natural gas, now owned, operated, and maintained by the city; and

**WHEREAS** the city finds it necessary to amend the language from time to time to keep with industry standards and to keep rates adjusted accordingly; and

**WHEREAS** the City of Williston City Council did hold a public hearing on the matter; and

**WHEREAS**, the City of Williston City Council has agreed that it is in the best interest of the Citizens to amend the Code of Ordinances of the City of Williston for the city's gas utility; and

**WHEREAS**, the City Council did hold the required public hearings, under the provisions of the adoption procedures established in Chapter 166, Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLISTON, FLORIDA, AS FOLLOWS:**

**Section 1.** Chapter 40, Article V Gas System, Subsections 40-1 through 40-237 of the City's Code of Ordinances is hereby removed in its entirety and replaced with Subsections 40-171 through 40-183 as described in Exhibit "A" attached hereto and made part of this Ordinance.

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**Section 2.** Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

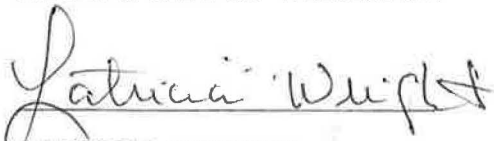
**Section 3. Codification.** It is the intention of the City Council of the City, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

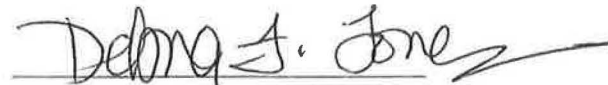
**Section 4. Effective Date.** This Ordinance shall become effective immediately upon adoption.

**PASSED ON FIRST READING, THIS DAY OF** May 17<sup>th</sup>, 2022.


**PASSED AND DULY ADOPTED**, with a quorum present and voting by the City Council of the City of Williston, Florida, after properly dispensing with the second reading, on final reading this day of June 7<sup>th</sup> 2022.

ATTEST: CITY OF WILLISTON

  
LATRICIA WRIGHT  
CITY CLERK

  
DEBRA JONES  
PRESIDENT, CITY COUNCIL

Approved as to form and legality:

  
SCOTT WALKER, CITY ATTORNEY

# **EXHIBIT A**

## **City of Williston**

- **ARTICLE V. – GAS SYSTEM**

- **Section 40-171. – Municipal gas system.**

The facility for the distribution and sale of natural gas, now owned, operated and maintained by the City, together with all extensions thereof and replacements thereto is established and declared to be a public utility for the use and benefit of the City in the maintenance of the public health and general welfare of the City; and the same shall be known as the municipal gas system.

- **Section 40-172. – Definitions.**

The following definitions apply to the terms contained in this Ordinance:

“City” – means City of Williston or City of Williston’s Natural Gas Department.

“MACC” or “Maximum Allowable Construction Cost” – as defined in Section 40-173.

“MCF” – means thousand cubic feet.

- **Section 40-173. – Availability.**

**Service Territory:** Natural gas service is available anywhere within the service territory of the City’s natural gas distribution system in Levy County. The City shall extend the natural gas distribution main and appurtenances to any individual customer (excluding Residential Developments – see Section 40-175) that meets the feasibility requirements of the City. The City shall use the Maximum Allowable Construction Cost method for determining the feasibility of extending the distribution system to an individual, prospective customer.

Whenever an individual prospective customer requests gas service at a location where the City does not have a distribution main, the City shall extend its mains and services to serve the individual, prospective customer under the following conditions:

- (1) The extension of gas service to the individual prospective customer will not jeopardize gas service to existing customers.
- (2) The maximum capital cost to be incurred by the City for an extension of main and service facilities shall be defined as the Maximum Allowable Construction Cost (MACC). The MACC shall equal five (5) times the estimated annual revenue to be derived from the facilities less the cost of gas.
- (3) Where the facilities to be installed will require an investment by the City in excess of the MACC, the City shall construct the necessary facilities provided the customer pays for said excess. The customer shall post an estimated amount of the excess with the City, which shall be trued-up to actual costs after completion of construction.
- (4) The extension shall at all times be the property of the City.

**Service Area (for Commodity Sales only):** The Service Area of the City with respect to Natural Gas Commodity sales only is the entire State of Florida.

- **Section 40-174. - Application for service.**

An application for gas service shall be filed with the City of Williston. If a building permit is required, the applicant is responsible for a separate application for a building permit, and the cost thereof, which shall be filed with the building department. The applicant is also responsible for all required gas permits and for the cost of obtaining such permits. All installation work of the consumer's piping system and appurtenances shall require applicable gas permits and successful inspections by the applicable jurisdictional authority. The applicant shall pay gas system deposits, fees or connection charges, as shown in the Rate and Fee Schedule, at the time the application is filed with the City.

- **Section 40-175. - Residential Developments.**

Natural gas line installation shall be required in all new residential developments of more than three (3) units, in accordance with the conditions and criteria hereinafter specified. Developers shall insure that not less than ninety (90) percent of all units in the development be equipped with a natural gas water heater, natural gas furnace and a natural gas range/stove. The City shall have New Construction rebates available for developers/builders, in accordance with the overall rebate program of the City. Before any natural gas lines are installed in any such development the following prerequisites must be met:

(1) *Streets to be surveyed and graded.* All streets within the area shall be properly surveyed, marked and graded the full width of the right-of-way.

(2) *Costs of installation.*

- a. *Plans and specifications to be submitted.* Prior to any construction of natural gas line facilities, proposed plans and specifications must be submitted to the City for preliminary approval.
- b. *Installation by City.* Where the natural gas line distribution system is to be installed by the City, the cost of all natural gas lines and appurtenances must be borne by the developer, subdivider or re-subdivider. Before the City commences any natural gas line construction, the cost, as estimated by the City's design engineer (or designee), must be paid in cash or a bond sufficient to cover the cost of construction. The cost must be posted by the developer. The developer must connect at the nearest available natural gas supply and must also bear the cost from the nearest point to the subdivision. The City may require the sharing of trench space, which will be dug by the developer's water and/or electric utility contractor at no charge to the City.
- c. *Installation by developer.* The developer may at his option install his own natural gas distribution system or contract same to be done by a reliable contracting firm, at the developer's expense. The natural gas system improvements shall become the property of the City after completion. The developer shall meet all applicable local, state and federal regulations regarding natural gas facility installations.

- d. *Inspection and approval.* Before facilities are finally accepted by the City, they must be inspected and approval given by the City as to construction, and any deviation or improper construction must be corrected or replaced before facilities can be used or final approval granted. Inspections must be made before any trench may be completely filled.
- (3) *Mains, lines and meters to be property of City.* All natural gas lines and connections will be, and remain, the property of the City and the City will be responsible for the maintenance and repairs of the system.
- (4) *Main line specifications.* All natural gas line installations, valves and connections shall be installed according to the specifications of the City. Natural gas lines that serve any area must be of a size designated by the City to insure adequate pressures and quantities.
- (5) *Map of installations.* A complete "as built" map of all valves, taps, bends, tees and crosses must be prepared by the design engineer, or by the natural gas system contractor and certified by the design engineer, as designated by the City.
- (6) *Meters are property of City; service charges.* Natural gas meters and regulators may be furnished and installed by the City and will remain the property of the City. In all new construction, or in all cases in which an existing structure is altered so as to create more than one (1) single-family dwelling or single unit therein, a meter shall be installed to serve each such single-family dwelling or single unit; no meter serving more than one (1) single, discrete unit in a building shall be allowed. If the City, at its sole option, furnishes and installs the meters and regulators, charges shall be based on actual cost of labor and materials at time of installation for service.

• **Section 40-176. – Individual Premises.**

For all premises that have an existing natural gas distribution main, the tapping of such gas main shall be performed by City personnel or an authorized agent for the City.

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For residential customers who install a minimum of a natural gas water heater and range/stove, the City shall, at no cost to the customer, tap the existing distribution main and install, own, operate and maintain: 1) up to 75 feet of

service line; 2) the meter and regulator installed at the premise; and, 3) the piping that connects the service line through the meter and regulator up to the interconnection point with the customer-owned piping located at the outlet side of the meter. For a service line that is longer than 75 feet, the residential customer shall pay the charges shown in the Rate and Fee Schedule.

For non-residential customers who install a minimum of two (2) natural gas appliances (not including a generator), the City shall, at no cost to the customer, tap the existing distribution main and install, own, operate and maintain: 1) up to 150 feet of service line; 2) the meter and regulator installed at the premise; and, 3) the piping that connects the service line through the meter and regulator up to the interconnection point with the customer-owned piping located at the outlet side of the meter. For a service line that is longer than 150 feet, the non-residential customer shall pay the charges shown in the Rate and Fee Schedule.

Only licensed gas or plumbing contractors shall make the final connection between the City's gas meter and the customer's gas piping and only after proper permits have been issued by the appropriate jurisdiction authority and having a successful final gas inspection. Only City employees and authorized agents for the City are permitted to perform the final gas inspection and gas meter turn-on to initiate service.

- **Section 40-177. – Authority to turn on gas.**

- (1) *Generally.* It shall be unlawful for any person other than a City employee or an authorized agent of the City to turn on, or in any way alter or damage, any gas meter which has been turned off by the City. The customer serviced by the meter shall be held responsible for any actions.

- (2) *Unauthorized connections.* A fee shall be charged for the removal of any device, including the attaching of a ground wire to the natural gas facilities, which has been installed in lieu of or in addition to a gas meter, except where the pipe or device has been authorized in writing by the City.

- (3) *Open meter bypass servicing.* A fee, over and above the bill established from the meter reading, shall be charged for the service of turning off

the meter bypass valve, when such opening was not previously authorized in writing by the City.

- (4) *Broken stop locks.* A replacement fee shall be charged for the replacement of meter stop locks which have been broken or removed.
- (5) *Damage to Excess Flow Valve Tags.* A fee shall be charged for any damage to the excess flow valve tags.
- (6) *Meter Tampering.* A fee shall be charged for any tampering of the meter or meter set.

- **Section 40-178. – Maintenance of meters and service lines.**

The City shall have the right to meter any and all gas service lines. The City alone shall have the right to stipulate the size, type, make and location of meters, type of meter setting, and the gas delivery pressure. All meters shall be maintained by the City. The customer shall be held responsible for damage to a meter or service line when such damage results from the negligence of the customer. When such damage occurs, the City will furnish and set another meter and repair the damaged meter or make other necessary repairs, and the cost of such repairs, including replacement parts, labor and transportation charges, shall be paid by the customer.

- **Section 40-179. – Meter locations and delivery pressure.**

Gas service will be delivered to the customer for each premises at one point of service. The location of the meter will be designated by the City and will typically be within ten feet of the nearest corner of the premises to the gas main and in a location that is expected to be maintained by the customer as accessible (i.e., not expected to be enclosed by fencing or hedges). Locations that have multiple gas meters shall have them installed in the same point of service area as described above.

Each gas meter and service regulator shall be installed in a location readily accessible for reading, inspection, repairs, testing and changing of the meter and operation of the gas shutoff valve, and shall be protected from corrosion and other damage. The customer is responsible for maintaining bushes, vegetation, sprinklers, etc., clear from the meter to allow access and good operational performance. Sprinklers and their flow must be maintained clear of the meter to avoid premature corrosion. Upon discovery of a deficiency



and notification to the customer, remedial actions must be made including potentially requiring the relocation of the gas facilities to ensure life safety and to maintain required clearances. Such work shall be performed by City personnel and normal time and material charges shall apply.

The standard delivery pressure of natural gas at the point of delivery to the consumer (the meter) is established at the option of the City at either one-quarter pound or two pounds per square inch. An optional delivery pressure above the standard may be requested by the customer or the customer's contractor in advance and may be approved or denied at the sole discretion of the City.

- **Section 40-180. – Gas Consumption.**

The quantity of gas recorded by the meter shall be conclusive, except when the meter is tested and found to be registering inaccurately or has ceased to register.

In such cases, the quantity may be estimated by the City using such information as it determines is representative of the conditions existing during the period of meter inaccuracy.

- **Section 40-181. – Testing.**

The City reserves the right to remove or test any meter at any time and to substitute another meter in its place. In case of a disputed account involving the question of accuracy of the meter, the meter will be tested by the City upon written request of the customer. The customer agrees to accept the results of the test made by the City. If the meter tested is found to have an error in registration of plus or minus three percent (3.0%) or greater, there will be no charge for the testing and the City will produce corrected bills for the period in dispute. If the meter tested is found to be within three percent (3.0%) there shall be a charge for testing the meter (see Rate and Fee Schedule). The billing for the testing will be charged to the customer's account.

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- **Section 40-182. – Tampering.**

No person, other than an employee or authorized agent of the City, shall remove, inspect or alter any part of the City-owned gas distribution system

leading up to and including the gas meter. The customer shall notify the City of any damage to or any failure of the meter or service line.

- **Section 40-183. – Commodity sales to Industrial Customers.**

As part of the program to acquire significantly discounted natural gas from the City's natural gas supplier, the City may enter into natural gas sales contracts with large volume industrial customers, as defined herein, on the following terms:

- The term for deliveries shall be negotiated with the industrial customer and shall be no less than three years. The term shall have renewal options, as negotiated.
- The facilities of the industrial customer must be located in the City's Service Area, as defined by ordinance, or in an area contiguous to such area where the City's Service Territory, as defined by ordinance, exists.
- Industrial customers are eligible for service under Rate Schedule – Large Industrial Customer Rate Schedule if their consumption is greater than 1,000 Mcf per day and that elects to enter into a contract with the City for purchases of gas under this Rate Schedule.
- Any contract between the City and the industrial customer pursuant to this Rate Schedule shall be in the form of a North American Energy Standards Board (NAESB) Base Contract for the Sale and Purchase of Natural Gas, with such Special Conditions and commercial terms set forth in a Transaction Confirmation as shall be established by the City (the NAESB Contract). The NAESB Contract shall be a requirements contract, specifying that the industrial customer shall not be required to pay for gas for which it does not have requirements, but shall be obligated to purchase all of its requirements for gas under the NAESB Contract up to the maximum quantity stated in the NAESB Contract as the first gas through the meter.
- The commodity price per Mcf for sales under this Rate Schedule shall be with reference to published daily or monthly index prices for the applicable flow date of deliveries and specified in the NAESB Contract between the City and the industrial customer, less a discount of not greater than 50% of the net discount below the applicable index-referenced price realized by the City under its supply contract or contracts for the purchase of the gas to be sold to the industrial customer. The City may negotiate lesser discounts with any eligible customer.

- The City may combine sales service of commodity gas supply under this Rate Schedule with transportation service across the City's system so as to provide a delivered service at the industrial customer's premises. In such circumstances, the delivered price to the customer shall include a negotiated transportation service component or components in addition to the price for the commodity gas supply as described herein.
- The City shall not be obligated to supply any new industrial customer eligible for this Rate Schedule or supply any portion of such quantity requested by such customer, unless it determines that it has sufficient long-term, firm gas supplies available to it for sale and delivery to such new industrial customer.

**City of Williston  
Rate and Fee Schedule**

**Rate Schedule.** The service of the system shall be fully metered, and every user of the services of the natural gas system shall pay a monthly rate as follows:

**Residential Customers, Inside City**

Customer Charge	\$10.00 per month
Distribution Charge	\$1.0080 per CCF
Purchase Gas Cost	Determined monthly by City

**Residential Customers, Outside City**

Customer Charge	\$11.00 per month
Distribution Charge	\$1.1086 per CCF
Purchase Gas Cost	Determined monthly by City

**Commercial Customers, Inside City**

Customer Charge	\$25.00 per month
Distribution Charge	\$0.8900 per CCF
Purchase Gas Cost	Determined monthly by City

**Commercial Customers, Outside City**

Customer Charge	\$27.50 per month
Distribution Charge	\$0.9787 per CCF
Purchase Gas Cost	Determined monthly by City

**Industrial Customers, Outside City**

Customer Charge	\$110.00 per month
Distribution Charge	\$0.65 per CCF
Purchase Gas Cost	Determined monthly by City

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**Large Volume Industrial Customers (over 1,000 Mcf/day)**

Customer Charge	Negotiated, if applicable
Distribution Charge	Negotiated, if applicable
Purchase Gas Cost	Negotiated

**Fee Schedule.** The following fees shall apply:

**Deposits:**

Residential	\$100.00
Commercial	\$500.00
Industrial	To be determined by City

**Service Lines:**

Residential (over 75 feet)	\$5.00 per foot
Non-Residential (over 150 feet)	\$10.00 per foot

Unauthorized Connections: \$250

Meter Bypass Servicing: \$100

Stop Lock Repairs: \$75

Excess Flow Valve Tag Repairs: \$200

Meter Tampering: \$500

Meter Testing Charge: \$75

**Meter Turn-on Charge (meter is off)\*:**

Residential	\$50
Non-Residential	\$100

**Account Opening Charge (meter is on)\*:**

Residential	\$25
Non-Residential	\$50

**Failed Trip Charge (customer does not keep appointment):**

Residential	\$25
Non-Residential	\$50

**Late Payment Charge:**

**Residential**

**> 5% of bill amount or \$10**

**Non-Residential**

**> 5% of bill amount or \$25**

**\* If performed after normal business hours, the charge is 1.5 times the standard charge.**