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6 Introduced April 14, 1987 by
7 Councilman at Large Singletary,
8 seconded by Councilman at Large
9 Martinez and Councilman Berault
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12 Item No. 87-04-1163
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14
15 ORDINANCE NO. 2104
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18 An ordinance granting franchise right and privilege to
19 Louisiana Gas Service Company ("Company"), its successors and
20 assigns, for a period of 30 years to supply, in such manner and
21 from such sources as Company deems best, natural and/or artificial
22 gas throughout and to the MUNICIPALITY OF SLIDELL, LOUISIANA
23 ("Municipality") and the inhabitants thereof or any person, firm
24 or corporation thereof or therein and to acquire or construct,
25 operate and maintain such plants, structures, distribution systems
26 and equipment as may be useful or necessary for the manufacture,
27 transportation, distribution and/or sale of natural and/or arti-
28 ficial gas in and throughout the Municipality, and to lay, operate
29 and maintain mains, pipes, conductors, meters, connections and
30 any and all other appliances useful or necessary for the trans-
31 portation and/or distribution and/or sale of natural and/or arti-
32 ficial gas, in, over, under, along, upon and across all of the
33 present and/or future streets, roads, highways, alleys and public
34 places of the Municipality and to excavate therein for the pur-
35 pose of laying, repairing, replacing or removing such pipes and
36 appliances, or any portion thereof, and to connect any such
37 main(s) or pipe(s) to any other main(s) or pipe(s) for the purpose
38 of transporting natural and/or artificial gas into, through or
39 beyond the boundaries of the Municipality, and providing for
40 payment by Company, its successors and assigns, of a sum equal
41 to 2% of the gross receipts of Company from the sale and delivery
42 of natural and/or artificial gas for residential and commercial
43 purposes billed on residential and commercial rates within the
44 limits of Municipality as same may now or hereafter lawfully
45 exist, and repealing all ordinances in conflict herewith.
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48 BE IT ORDAINED by the governing authority of Slidell,
49 Louisiana ("Municipality"), in regular session duly and legally
50 convened:
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53 SECTION 1. That Louisiana Gas Service Company, herein-
54 after designated as the "Company" (a Louisiana corporation), domi-
55 ciled and doing business in the State of Louisiana, its successors
56 and assigns, be and the said Company is hereby granted the right,
57 privilege and franchise to supply in such manner and from such
58 sources as Company deems best, natural and/or artificial gas
59 throughout and to the Municipality and the inhabitants thereof
60 or any person, firm or corporation thereof or therein, and to
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11 acquire, or construct, operate and maintain such plants, struc-
12 tures, distribution systems and equipment as may be useful or
13 necessary for the manufacture, transportation, distribution and/
14 or sale of natural and/or artificial gas in and throughout the
15 Municipality, and to lay, operate and maintain mains, pipes,
16 conductors, meters, connections and any and all other appliances
17 useful or necessary for the transportation and/or distribution
18 and/or sale of natural and/or artificial gas in, over, under,
19 along, upon and across all of the present and/or future streets,
20 roads, highways, alleys and public places of the Municipality,
21 and to excavate therein for the purpose of laying, repairing,
22 replacing or removing such pipes and appliances, or any portion
23 thereof, and to connect any such main(s) or pipes(s) to any other
24 main(s) or pipe(s) for the purpose of transporting natural and/or
25 artificial gas into, through or beyond the boundaries of the
26 Municipality.
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43 SECTION 2. That the Company, its successors and as-
44 signs, shall at all times maintain its natural and/or artificial
45 gas systems in a safe and good condition and shall comply with
46 all necessary and reasonable safety regulations in the operation
47 thereof, and shall protect and save harmless the Municipality
48 from all claims and damages due to its negligence, or its failure
49 to comply with any obligations of this franchise.
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57 SECTION 3. That all changes made necessary in the
58 Company's gas lines in connection with the improvements of
59 streets, roads, bridges, alleys or other public places shall be
60 made by the Company, its successors or assigns, who shall like-
61 wise repair all damage to the streets, roads, bridges, alleys or
62 other public places caused by the construction or maintenance of
63 said gas lines.
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11 SECTION 4. That the Company, its successors and as-
12 signs, shall have the right to formulate and publish rules and
13 regulations under which service will be furnished subject to the
14 approval of the legally constituted authorities having juris-
15 diction over such matters; which regulations may provide for the
16 payment, on or before a specified day each month, for all ser-
17 vice furnished for the preceding month, with right to disconnect
18 and discontinue service to all delinquents.
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21 SECTION 5. That this franchise and the rights, author-
22 ities and privileges herein granted are not exclusive and are
23 granted for a period of 30 years from and after date the ordinance
24 becomes effective.
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27 SECTION 6. In consideration of the grant of this fran-
28 chise:
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31 (a) The Company agrees to pay to the Municipality
32 during the effective period of this franchise, a sum of money
33 equal to two percent (2%) of the gross receipts of the Company
34 from the sale and delivery of natural and/or artificial gas at
35 retail for residential and commercial purposes to customers
36 within the limits of the Municipality, billed on rates approved
37 by the Louisiana Public Service Commission. It is understood
38 and agreed that no payment shall be due to the Municipality by
39 the Company on receipts from the following classifications of
40 sales:
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43 (1) Sales of natural and/or artificial gas for
44 resale.
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47 (2) Sales of natural and/or artificial gas to the
48 Municipality and to other public authorities,
49 including, but not limited to, the United States
50 of America, the State of Louisiana and its
51 political subdivisions, including parishes and
52 other municipalities, and all divisions and
53 agencies of any of the foregoing.
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12 (3) Sales of natural and/or artificial gas to indus-
13 trial customers who are identified as those who
14 engage in the business of working raw materials
15 into wares suitable for use or which gives new
16 shapes, qualities or some artificial process.
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21 The period for which such gross receipts shall be computed will
22 commence when this ordinance becomes effective, and the amount
23 shall be paid quarterly, the quarterly periods being fixed on a
24 calendar year basis, and the payments on a quarterly basis shall
25 be made not later than thirty (30) days after the end of each
26 quarter, that is, on or before April 30, July 30, October 30 and
27 January 30 of each year, and on the payment date the Company
28 shall furnish to the Municipality a statement showing the total
29 amount of gross receipts of the Company for the preceding quar-
30 terly period to which payment of two percent (2%) is applicable.
31 The payments herein provided to be made by the Company to the
32 Municipality will be reduced in an amount equal to the sum of
33 any new or increased taxes of any nature whatsoever levied by the
34 Municipality and payable by the Company, subsequent to the date
35 of this ordinance (except uniform ad valorem taxes, that is, any
36 uniform taxes based on property values).
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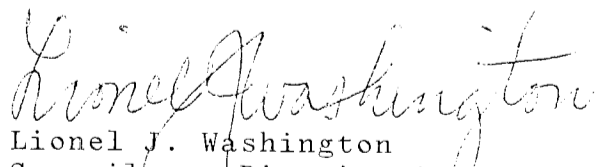
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40 (b) Should the Company, while this franchise is in ef-
41 fect, renew a franchise, permit or privilege from any municipal-
42 ity, parish, or other political subdivision in this state for
43 supply, sale or delivery of natural and/or artificial gas under
44 which the Company agrees to pay a greater percentage upon the
45 gross receipts than is provided for in this franchise, then the
46 Company agrees, upon a majority vote of the authorized membership
47 of the Slidell City Council, Company agrees to increase its fee
48 on the gross receipts as provided herein to the higher percentage
49 provided in such other municipality's, parish's or other political
50 subdivision's franchise, permit or privilege granted to the
51 Company.
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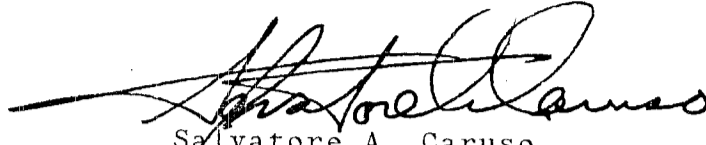
12 (c) The Company shall be obligated during the term of
13 this franchise to furnish natural and/or artificial gas require-
14 ments of the Municipality for facilities owned and operated by
15 the Municipality, all at costs to the Municipality, as agreed
16 upon by the Municipality and the Company under contracts to be
17 entered into hereafter, provided, however, that the validity of
18 this franchise shall not in any way be contingent upon the exis-
19 tence or validity of any such contracts.
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28 SECTION 7. That all of the franchise rights and ob-
29 ligations created hereunder shall be applicable to natural and/or
30 artificial gas service by the Company within the corporate limits
31 of the Municipality as same may now and/or thereafter lawfully
32 exist. The Municipality shall provide to the Company in writing
33 a legal description of said corporate limits as of the effective
34 date of this franchise and shall immediately provide to the Com-
35 pany in writing all changes therein. All obligations of the
36 Company under Section 6 of this franchise shall be based upon
37 the last designation of the corporate limits made by the Muni-
38 cipality to the Company pursuant to this Section.
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50 SECTION 8. That all ordinances or parts of ordinances
51 contrary to or in conflict with the provisions of this ordinance
52 be and the same are hereby repealed, and this ordinance shall
53 take effect from and after its promulgation and its acceptance
54 in writing by the Company for itself, its successors and assigns.
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61 ADOPTED this 12th day of May , 1987.
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Lionel J. Washington
Councilman, District A
President of the Council


Salvatore A. Caruso
Mayor


Barbara Manteris Penton
Clerk of the Council

ACCEPTED this day of , 1987.

LOUISIANA GAS SERVICE CO.

BY: _____

DELIVERED

5-15-87 11:30 p.m.
to the Mayor

RECEIVED

5-18-87 9:30 a.m.
from the Mayor