

ORDINANCE NO. 2014-32

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, SECTION 22-33 OF THE WAYNE MUNICIPAL CODE REGARDING NATURAL GAS COMPANIES; FRANCHISE FEE; TO REPEAL THE ORIGINAL SECTION; AND PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Chapter 22, Article II, Section 22-33 of the Municipal Code of Wayne, Nebraska, be amended to read as follows:

§22-33 NATURAL GAS COMPANIES; FRANCHISE FEE.

- A. Imposed. All natural gas companies selling, distributing or transporting natural gas in the City are required to collect from their customers located within the corporate limits of the City and pay a franchise fee in an amount based on the following fee schedule:

CUSTOMER CLASS	FEE
Residential	\$2.50 4.00 /month/customer
Commercial	\$5.00 7.00 /month/customer
Industrial	\$50.00/month/customer

The amount collected and paid by natural gas companies shall be in lieu of, and natural gas companies shall be exempt from, all other occupation, license, excise, or right-of-way permit fees or taxes.

Natural gas companies shall list the local franchise fee collected from customers as a separate item on bills for utility service issued to customers. If at any time any authority having proper jurisdiction prohibits such recovery, then natural gas companies will no longer be obligated to collect and pay the franchise fee herein contemplated.

- B. When Paid. Payment of the franchise fee levied herein shall be made to the City on a quarterly basis, using the calendar quarter year as a basis for computing the amount due. Each quarterly payment shall be due within thirty (30) days after the end of each calendar quarter year. The franchise fee levied herein shall be paid to the City Clerk who shall furnish a proper receipt upon payment. The amount of payment shall be recorded and credited by the Clerk to the City General Fund.
- C. Delinquent Payments. Payments of the franchise fee, as provided in this section which are made after the due date, shall be subject to a penalty of one percent (1%) of the amount due for each month or fraction of a month past due. This amount shall be paid in addition to the fee which is due. Such statement shall be certified by an authorized representative.

- D. Adjustments. Each succeeding payment of the franchise fee levied pursuant to this section may include any adjustment which is shown on any previous report. Such adjustments may include uncollectible amounts or other amounts that cause an increase or decrease in the amount of the franchise fee paid in any previous quarterly period.
- E. Records. The City shall have the right, at any reasonable time, to require any natural gas company to produce all books and records necessary to verify any report submitted pursuant to this section.
- F. Collection. In case any natural gas company shall fail to make payment of the franchise fee provided for by this section, the City shall have the right to sue in any court of competent jurisdiction for the amount of such franchise fee due and payable under the terms and provisions of this section and may recover judgment against any such company for such amount so due, together with interest and penalties, and may have execution thereon.

Section 2. Original Section 22-33 and any other sections in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force beginning February 1, 2015, after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 18th day of November, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk