

**AN ORDINANCE AMENDING THE ORDINANCE GRANTING FRANCHISE TO PIEDMONT NATURAL GAS COMPANY, INC., TO SELL AND DISTRIBUTE GAS IN THE CITY OF BELTON, SOUTH CAROLINA, AND TO USE THE PUBLIC WAYS IN THE CITY OF BELTON, SOUTH CAROLINA**

Therefore be it ordained by the City Council of the City of Belton, South Carolina;

WHEREAS, an amendment to Ordinance Number 444 is needed to accurately reflect the franchise agreement between the City of Belton and Piedmont Natural Gas, Inc.;

WHEREAS, Piedmont Natural Gas Company, Inc., a North Carolina corporation authorized to do business in the State of South Carolina, has applied to the City of Belton to grant it a franchise under which it shall have the right and privilege to produce, transmit, distribute, and sell gas within the limits of the City of Belton; and,

WHEREAS, the City Council of the City of Belton deems it for the best interest of the City to grant franchise to Piedmont Natural Gas Company, Inc., its successors and assigns, under the terms of which it is permitted to supply said City and the citizens thereof with gas and to build, establish, operate and maintain a gas distribution system in said City.

NOW, THEREFORE, BE IT ORDAINED FURTHER:

1. That whenever the word "Company" appears in this ordinance, it shall mean Piedmont Natural Gas Company, Inc., a corporation organized under the laws of the State of North Carolina and its successors and assigns: that whenever the word "City" appears herein, it shall mean the City of Belton, South Carolina, as now or hereafter constituted, including future, as well as present, territorial limits: that whenever the unqualified word "gas" appears herein, it shall mean, either natural or artificial gas, by whatsoever processes derived or manufactured, or both such gases either separately or a mixture of them.
2. That the Company be, and hereby is, granted the right to construct, operate, and maintain a gas utility system within the City for the production, transmission, distribution and sale of gas to consumers and users within the City and to the City and any and all departments thereof.
3. That the Company be, and hereby is granted the right, authority and privilege to construct, install, operate, maintain, lay or re-lay, renew, replace and repair gas pipes, mains, pipelines, conduits, regulators, connections and services thereto, in through, across, along and under the streets, avenues, roads, alleys, lanes, bridges, parks and squares, and other public places and ways in the City for the production, pumping, handling, transmission, distribution and

sale of gas for any and all purposes and, for such objects and purposes, to take up the pavements and sidewalks to make such excavations and changes therein as may be necessary therefore.

4. That said gas utility system shall be so construed as not to interfere unreasonably with the proper use of the public places and ways in the City and shall be maintained in reasonably good condition, and repair.

5. That whenever the Company shall cause any opening or alterations to be made in any of the public places and ways in the City for the purpose of construction, operating and maintaining a gas utility system, the Company shall use reasonable care and caution to prevent injury to persons and property, and shall replace and restore such portions of such public places and ways so disturbed by the Company to their former condition as nearly as practicable and within a reasonable time to the satisfaction of the City Administration, and shall not unreasonably obstruct or impede traffic upon the streets and public ways of the City.

6. That the Company shall save and keep harmless the City from any and all liability by reason of damage or injury to any person or persons on account of negligence of the Company, its agents, servants, or employees in the construction, operations and maintenance of said gas utility system, provided the Company shall have been promptly notified in writing of any claim against the City on account thereof and shall have been given ample opportunity to defend the same for and on behalf of the City.

7. That the Company may from time to time declare, make and enforce reasonable rules and regulations as a condition for the sale or distribution by it of gas to any person, firm, corporation or location in the City.

8. That the Rates charged to be charged for gas at all times shall be such as are fixed and approved by such public authority as from time to time may be lawfully constituted for such purpose.

9. That in the event of any interruption or impairment of service or failure or supply of gas by reason of force majeure, act of God, strike, breakdown, accident or other happening beyond the reasonable control of the Company, the Company shall use diligence to restore such service within a reasonable time, and such interruption or failure shall not constitute a breach of this Ordinance, or shall the Company be liable for damages by reason of such interruptions or failures.

10. That this franchise and the rights, authority, and privileges herein granted shall be, and hereby are, vested in the Company for a period of 5 (FIVE) years from the date of adoption of this Ordinance.

11. That the Company shall collect from its customers within the City and pay to the City an amount equal to four percent (4%) of the gross receipts of gas sold by the Company to consumers in the City. There shall be no other tax, license, or fees assessed against the Company other than the usual city tax as assessed on the property in the City. The City of Belton reserves the right to raise or lower the franchise fee with a maximum rate of percent (4%) with one hundred twenty (120) days written notice to Piedmont Natural Gas Company, Inc.

12. This Ordinance shall be effective retroactive to the effective date of Ordinance 444.

DONE AND RATIFIED in the Council duly assembled this day of 12/4, 2012.

ATTEST:

Laurie F. Kennedy  
Laurie F. Kennedy  
City Clerk

Rufus Callahan  
Rufus Callahan, Mayor

James Bright  
James Bright, Ward 1

Hattie S. Green  
Hattie S. Green, Ward 2

Jay West  
Jay West, Ward 3

Wallace Shaw  
Wallace Shaw, Ward 4

APPROVED TO FORM:

W. N. Epps, Jr.  
W. N. Epps, Jr.  
City Attorney

First Reading: November 5, 2012  
Second and Final Reading: December 4, 2012

Wendell F. Page  
Wendell F. Page, Ward 5

John R. Campbell, Jr.  
John R. Campbell, Jr., Ward 6

PIEDMONT NATURAL GAS COMPANY, INC.

Jane Benkayn

Date: 1/14/13

By its: SRVP General Counsel + Corp. Secretary

(12/4)