

ORDINANCE NO. 44

AN ORDINANCE REGULATING THE CONSTRUCTION AND INSTALLATION OF GAS APPLIANCES, PRESCRIBING CONSTRUCTION, OPERATION, MAINTENANCE AND SAFETY STANDARDS FOR NEW AND EXISTING GAS FACILITIES AND APPLIANCES: REGULATING THE REPAIR, ALTERATION, EXTENSION AND IMPROVEMENT OF GAS FACILITIES AND GAS APPLIANCES PROVIDING FOR THE INSPECTION OF GAS FACILITIES AND APPLIANCES; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION, INSTALLATION, EXTENSION, ALTERATION OR REPAIR OF GAS FACILITIES AND APPLIANCES AND FOR THE TEMPORARY USE OF GAS; PROVIDING FOR THE LICENSING OF PERSONS ENGAGED IN THE BUSINESS OF CONSTRUCTING, INSTALLING, EXTENDING, ALTERING OR REPAIRING OF GAS FACILITIES AND APPLIANCES; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

The Council of the Village of New York Mills, Minnesota, does ordain:

Section 1. This Ordinance shall be known and may be cited as "The Gas Ordinance of the Village of New York Mills, Minnesota."

Section 2. Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Village" is the "Village" of New York Mills, Minnesota.

(2) "Council" or "Village Council" is the Village Council of the Village of New York Mills, Minnesota.

(3) "Consumer" is any person using gas, including gas for residential, commercial or industrial purposes or any combination of such purposes.

(4) "Gas" is artificial gas, natural gas, or mixed gas consisting of both artificial and natural gas.

(5) "Gas Appliance" is any domestic appliance such as stove, heater, burner, water heater, or other appliance or device used for burning gas or using gas in its operation.

(6) "Gas Facility" is piping, fittings, meters, and other facilities used for the distribution, transmission or the delivery of gas or for use in gas appliances.

(7) "Gas Fitter" is any person who constructs, installs, extends, alters or repairs any gas facility or gas appliance.

(8) "Gas Inspector" is the gas inspector of the Village of New York Mills, Minnesota. (officer charged with the responsibility of inspecting gas facilities, gas appliances and performing other functions as herein prescribed, all as determined by the Council.)

(9) "Permitee" is the person having a valid permit issued hereunder.

(10) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

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Section 3. License. No person shall construct, install, extend, alter, repair, or improve any gas facility or gas appliance within the Village unless such person has first procured a gas fitter's license therefor from the Gas Inspector as provided herein. All applications for such license shall be in writing upon forms to be prescribed by the Gas Inspector. All licenses issued under the provisions of this Ordinance shall expire within one year from the date of issuance, unless sooner revoked as herein provided, shall be non-transferable and shall be posted conspicuously to public view in the principal place of business of the licensee. The provisions of this section apply only to such work as is performed on the property or premises of consumers.

Section 4. With each application for such licenses a surety bond in the amount of at least \$1,000.00 shall be filed with the Village Clerk but the Council may require a larger bond.

Section 5. Copies of public liability and property damage insurance policies shall be filed with the Village Clerk for the life of each such license. Public liability insurance shall not be less than \$50,000.00 for injuries including accidental death of one person and, subject to the same limit for each person in the amount of not less than \$100,000.00 on account of one accident and property damage insurance in the amount of not less than \$25,000.00.

Section 6. Permits. No person shall construct, install, extend, alter, or repair a gas facility or a gas appliance without first obtaining a permit to do such work from the Gas Inspector; provided, however, that a permit hereunder is not required for setting or connection to a gas distribution line any gas stove or room heater or for the repair of leaks in any gas facility. The Gas Utility shall not be required to obtain any permit hereunder in the performance of any work pertaining to its own gas system. The provisions on this section shall apply only to such work as is performed on the property or premises of consumers.

Section 7. Temporary Use of Gas. When only the temporary use of gas is desired, the Gas Inspector upon application may issue a permit for a temporary use for a period not exceeding 60 days, provided that the consumer's gas facility is given a test similar to that required for any facility for which a longer use is contemplated.

Section 8. Gas Utilities' Facility. No person, unless in the employ of the gas company or having express authorization of the gas company shall repair, alter, or open a gas facility of the gas company or set or remove a gas service meter or do any work on the gas supply system of the gas utility.

Section 9. Emergencies. In the event of any emergency endangering the life, health, safety or property of any person necessitating immediate repairs to any gas facility or gas appliance, the owners of such gas facility or appliance without first obtaining a permit hereunder shall take or cause to be taken immediate emergency action for the protection of life, health, safety and property through such appropriate measures as may be required to cure or remedy the dangerous conditions and not later than the next succeeding business day such owner shall apply for a permit as required hereunder.

Section 10. Provisions of Permit. Each permit shall state the kind of work to be performed thereunder and that it shall be unlawful for any person to do or perform any work other than that designated in said permit. Such permit shall also state the location by street and number of the consumer's premises where such work is to be done and shall be issued for each consumer's premises, and shall terminate 90 days after issuance unless extended by the Gas Inspector for good and sufficient cause.

Section 11. Rough Piping Inspection. Rough piping inspection shall be made by the Gas Inspector after all piping authorized by the permit has been installed before such piping has been covered or concealed or any fixture or gas appliance has been attached thereto.

Section 12. Tests or Final Piping Inspection. Tests or final piping inspection shall be made by the Gas Inspector after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plaster or otherwise have been installed but before being concealed and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test at which time the piping shall stand an air pressure of 10 pounds per square inch for a period of at least 15 minutes without any perceptible drop in pressure. All tools, apparatus, labor and assistance necessary for the test shall be furnished by the permittee.

Section 13. Inspection Where Gas Not Used For One Year. A new permit shall be required for a consumer's premises which has already been piped for gas but in which no gas has been used for a period of 12 consecutive months or more.

Section 14. Certificate of Approval. Upon the completion of the work for which a permit has been issued the Gas Inspector shall issue a certificate of approval if, after inspection, it is found that such work has complied with the provisions of this Ordinance and has been performed in full conformity with this Ordinance. A duplicate of each certificate of approval shall be delivered to the gas utility and used as its authority to grant gas service. The form and contents of such certificate shall be prescribed by the Gas Inspector.

Section 15. Defective Work or Materials. If the inspection shall show that defective materials have been used or defective workmanship has been performed in the construction, installation, alteration, repair or extension of any gas pipe fixture in or on any consumer's premises, such defective materials or work shall be replaced by the permittee within three days after which the Gas Inspector shall reinspect the replaced materials or work.

Section 16. Disconnection of Dangerous or Defective Facilities. The Gas Inspector is authorized to cause to be disconnected any gas facility or appliance connected before a certificate of approval has been issued which upon inspection shall be found defective or in such condition as to endanger life, health, safety or property. In all cases where such disconnection is made a notice shall be affixed thereto and shall state that the same has been disconnected by the Gas Inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or to re-connect said gas facility or appliance until authorized by the Gas Inspector to do so.

Section 17. Gas Utilities Refusal of Service. The gas utility is authorized to discontinue or refuse to supply gas for any gas facility, or gas appliance which it may find to be defective or leaky or in such condition as to endanger life, health, safety or property. In such case, the gas utility shall immediately give written notice of discontinuance or refusal of service to the consumer. It shall be unlawful for any persons to reconnect said gas facility or appliance until authorized by the Gas Inspector.

Section 18. Standards Applicable. The construction, installation, extension, maintenance, alteration or repair of any gas facility, gas appliance, vent or vent connector or any other work pertaining to gas facilities and gas appliances within the purview of this Ordinance shall be performed in accordance with the provisions of this Ordinance and with the requirements, "Standards and Provisions of the National Board of Fire Underwriters for the Installation of Gas Appliances and Gas Piping" --

Bulletin NBFU No. 54 all such code provisions being on file in the office of the Village Clerk and available for public inspection, and being hereby adopted by reference and incorporated in this Ordinance to the same extent as if included in verbatim form and constituting standards of the Village for the purposes of this Ordinance. In the event any of the provisions of such codes conflict with any of the provisions of this Ordinance, the provisions of this Ordinance shall govern and be controlling. All amendments and additions to the provisions of said codes when ordered by the Council to be filed with the Village Clerk shall thereupon become amendments and additions hereto and shall have the same force and effect as the original codes herein identified, provided that if any provision of such amendments and additions are in conflict with any of the provisions of this Ordinance, the provisions of this Ordinance shall govern and be controlling.

Section 19. Vents as Nuisances. No person shall permit or suffer any vent to unduly annoy the residents, occupants or owners of any building in the neighborhood. If such annoyance is caused by any vent, the Gas Inspector shall cause the vent to be altered, relocated or improved, or carried to such height as may be necessary for the protection of the neighboring property.

Section 20. Heating Appliance Conversion. All heating appliances which are converted to gas shall be vacuumed, cleaned and brushed down.

Section 21. Requirements of New or Used Gas Appliances. Hereafter it shall be unlawful for any person to install or use any new gas appliance which has not been approved by the Gas Inspector. If a new gas appliance is approved by the "American Gas Association Testing Laboratories" or "Underwriters Laboratories, Inc." it shall be considered an approved appliance within the meaning of this Section provided it is marked or labeled with a distinctive trademark or name as a means of identification and bears information showing the approval of such laboratories and the rated heat input in B. T. U. per hour.

All new hot water heaters and heating appliances shall also be equipped with an American Gas Association approved, complete shut-off type pilot.

Used gas appliances hereafter installed for use on consumer's premises shall be approved by the gas inspector for safety and shall be identified accordingly.

Section 22. Exceeding Rated Capacity. In no case shall a gas appliance be fired or adjusted to pass a greater amount of gas than the rated capacity of the particular gas appliance.

Section 23. Repairs or Alterations. Repairs or alterations to gas facilities or gas appliances shall be made with such materials, by such methods and according to such standards as are provided for by this Ordinance for new work except when in the opinion of the Gas Inspector it is impractical to do so.

Section 24. Conversion of Appliances to Gas. Before a gas supply is furnished by the gas utility to a consumer who has previously been using butane or other liquified petroleum gases, the gas utility shall properly adjust all appliances to insure safe operation of the burners and proper combustion of the gas.

Section 25. Devices for Reducing Gas Consumption. No person shall install or use any device intended as an adjunct or addition

to a gas appliance or to be suspended above or wholly or partially to enclose any burner of a gas appliance in such manner as to reduce the effectiveness of the ignition of the gas issuing from the burner or impair combustion of said burner. No person shall cause gas supplied by the gas utility to bypass the meter by which the amount of gas supplied by the utility is measured.

Section 26. Revocation or Suspension of License. Any license granted under provisions of this Ordinance may be suspended or revoked by the Gas Inspector whenever it shall be made to appear to him that the person to whom the license is issued has violated any of the provisions of this Ordinance. In the event the Gas Inspector shall suspend or revoke said license he shall cause to be served upon the licensee a formal order of suspension or revocation of said license which order shall recite the reason therefor. An appeal from any order of the Gas Inspector suspending or revoking a license granted hereunder may be taken to the Council within 30 days after service upon the licensee of the order of suspension or revocation. Action by the Council upon such revocation or suspension shall be deemed final. The suspension or revocation of a license shall not entitle the licensee to a refund of any unearned portion of the fee paid. Any order provided for in this Ordinance shall be served either by delivering a copy personally upon the licensee or by leaving a copy with some person of suitable age and discretion at the place of business of the licensee or, if no person may be found at the place of business of the licensee or, if no person may be found at the place of business of the licensee, by leaving such order in a conspicuous place on the premises and mailing a copy of the order to the licensee at his place of business as set forth in his application for a license.

Section 27. Duties and Functions of Gas Inspector. The Gas Inspector shall, and is authorized and directed to, enforce the provisions of this Ordinance and shall promulgate and enforce reasonable rules and regulations for carrying out its provisions and intent. The Gas Inspector, upon presentation of proper credentials, may enter any building or premises at reasonable times for the purpose of making inspections and ascertaining whether there has been compliance with the provisions of this Ordinance. It shall be the duty of the Gas Inspector to confer, from time to time, with the local health department and the local fire department and otherwise obtain from proper sources all helpful information and advise respecting the safe and proper operation of gas facilities and gas appliances, and he shall present to the Council recommendations for its consideration with reference thereto.

Section 28. Liability of the Village. This Ordinance shall not be construed as imposing upon the Village or any official or employee thereof any liability or responsibility for damages to any person injured by a defect in any gas facility or appliance or by any work in connection therewith; nor shall the Village or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder or by the issuance of any certificate of approval, permit or license hereunder by the Gas Inspector.

Section 29. Effect of Permit. The issuance or granting of a permit shall not be deemed or construed to be a permit for or approval of any violation of the provisions of this Ordinance or any other law. No permit purporting to give authority to violate or cancel the provisions of this Ordinance shall be valid.

Section 30. All applicants for gas fitter's license shall take such an examination and possess such qualifications as shall be determined by the Village Council by Resolution.

Section 31. Gas Fitter's License Fee. The license fee for a gas fitter shall be the sum of \$25.00 for each calendar year or part thereof, provided that the license fee for the year in which the examination before the Board of Examiners is given shall be reduced by the amount paid as an examination fee. Any licensee who at the end of any calendar year holds a license in good standing may upon payment of the required license fee obtain

a new license for the year following without the necessity of submitting to a re-examination, provided, however, that the Gas Inspector shall have the authority to require any prior licensee who has not renewed his license for a period of two consecutive years to submit to another examination in accordance with provisions hereof.

Section 32. Penalties. Any violation of the provisions of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine of not more than \$100.00 or by imprisonment in the County Jail for not more than 90 days.

Section 33. Separability. Should any section or provision of this Ordinance be held to be unconstitutional or invalid by any Court, all other sections or provisions shall, nevertheless, be deemed effective and valid as though such unconstitutional or invalid section or provision had never been inserted in this Ordinance.

Section 34. This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Adopted this 12th day of September, 1960.

Approved this 12th day of September, 1960.

s/ Reino O. Heino
Mayor

ATTEST: s/ Ernest W. Bernu
Village Clerk