

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY¹

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¹Municipal code references

Electrical code: title 12, chapter 5.

Fire code: title 7, chapter 2.

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19-101. Application for service. (1) Each prospective customer desiring electric service shall enter into a contract for service with the city, post a deposit or acceptable guarantor's agreement and pay the service connection charge. Each customer shall provide two (2) proofs of identity and the city may make a credit investigation. Service will not be supplied to any applicant who is then indebted to the city, until paid in full or acceptable payment arrangements are agreed upon.

(2) Upon each application, the customer will be requested to complete an electronic contact form. This information will allow the city to notify customers of disconnection and termination of services. In the near future, it will allow the customer to log-in to customer portals, to check usage and participate in pre-pay, if so desired. (1988 Code, § 13-401, as replaced by Ord. #578, Dec. 2015)

19-102. Deposits. (1) Residential. A deposit not exceeding twice the highest estimated monthly bill or suitable guarantor's agreement may be required of any customer. The city may obtain a credit report from an approved credit bureau. Interest at the rate paid for passbook savings accounts within Dayton, Tennessee shall accrue on all deposits and is paid annually or at the time the deposit is refunded. The deposit balance (including earned interest) as well as the adequacy of such deposit shall be subject to review by the customer and the city. The deposit balance plus any accrued interest will be credited to the customer's unpaid bills upon termination of electric service or upon the return of the deposit to the customer. The city shall have the right of recoupment and/or to off-set deposits against any electric account of the customer. A residential deposit may be refunded after twenty-four (24) consecutive months in which all payments were made on or before the due date, and no payments were rejected or declined by the customer's financial institution. If any of these incidents have occurred during the past twenty-four (24) consecutive months of service, the deposit will remain with the city until the customer has completed twenty-four (24) consecutive months of good credit. A pre-pay customer may not be required to pay a deposit.

(2) Commercial. For commercial customers, the deposit shall be two (2) times the highest previous bill. When there is no billing history, the deposit shall be calculated by the electric engineering department based on like size businesses or forecasted load. The deposit shall be paid in the form of cash, a certificate of deposit made out in the City of Dayton's name, a surety bond or an irrevocable letter of credit. There shall be no refund of deposit until the close of the account. Interest of passbook rate will be paid, adjusted and credited annually to commercial accounts. (1988 Code, § 13-402, as replaced by Ord. #572, April 2015, and Ord. #578, Dec. 2015)

19-103. Point of delivery. The point of delivery is the point, as designated by the city, on the customer's premises, where current is to be delivered. All wiring and equipment beyond this point of delivery shall be provided and maintained by the customer at no expense to the city. Point of delivery is further defined as that point where obligation ends for the city to furnish and install conductor, and where obligation begins for the customer to furnish and install conductor. (1988 Code, § 13-403, as replaced by Ord. #578, Dec. 2015)

19-104. Customer's wiring standards. All wiring of the customer must comply with standards set forth by the National Safety Code, the State of Tennessee Division of Fire Prevention, or by local city or county codes, as may be amended from time to time. The National Electric Code is superseded by the state or local codes if it is not as stringent, but in all cases is the minimum acceptable standard. All meter locations, for both overhead and underground services, must be approved by the designated representative of the city. The city shall not be obligated to provide protective equipment for the customer's lines, facilities, or equipment, and the customer shall provide such protective equipment as necessary for the protection of its own property and operations. (1988 Code, § 13-404, as replaced by Ord. #578, Dec. 2015)

19-105. Inspections. The city will install electrical services only after a satisfactory inspection has been performed by an authorized representative of the State of Tennessee. However, such inspections or failure to inspect or reject shall not render the city liable or responsible for any loss incurred or from property damages resulting from defects in the installation, wiring, or appliances, or from violation of the city's rules or ordinances, or from accidents which may occur upon customer's premises. For any electrical service that has been removed for a period of greater than twelve (12) months, the customer shall be required to obtain an electrical inspection before service will be reconnected. (1988 Code, § 13-405, as replaced by Ord. #578, Dec. 2015)

19-106. Underground service lines. Customers desiring underground service lines from the city must bear the excess cost incident thereto. Specifications and terms for such construction will be furnished by the city on request. The city shall have no responsibility for damage to the property of the customer or others following any installation or maintenance work on underground service lines. Customers desiring underground service lines from the city, when necessary, shall grant the City of Dayton a permanent and temporary easement for the installation, construction, maintenance and operation of said underground service lines at no cost to the City of Dayton. (1988 Code, § 13-406, as replaced by Ord. #578, Dec. 2015)

19-107. Customer's responsibility for city's property. (1) All meters, service connections, and other equipment furnished by the city shall be, and remain, the property of the city. The customer shall provide a space for and exercise proper care to protect the property of the city on its premises, and, in the event of loss or damage to the city's property arising from the neglect of the customer to care for it, the cost of the necessary repairs or replacements shall be paid by the customer.

(2) Customer shall control new and existing trees and shrubbery and placement of obstructions so as to prevent interference with utility lines and other city facilities. In the event city property, utility lines or other city facilities are interfered with, the city reserves the right to trim or remove said obstructions. Further, in the event city property, utility lines or other city facilities are interfered with, impaired in their operation or damaged by the customer, or by any other person when the customer's reasonable care and surveillance could have prevented such, the customer shall indemnify the city or any other person against death, injury, loss or damage resulting therefrom, including but not limited to, the cost of repairing, replacing or relocating any such city property, utility lines or other city facilities.

(3) In the event city property, utility lines or other city facilities are entered into, or tampered with in such a manner as to allow any service to be illegally consumed or the measurement of that usage to be impaired, a three hundred dollar (\$300.00) charge will be assessed to the customer of record and/or the occupant of the property where such tampering occurred. In addition, such customer of record and/or occupant shall indemnify the city for its estimated loss of revenue, if any, resulting therefrom. Furthermore, the city reserves the right to pursue criminal charges for theft of services. (1988 Code, § 13-407, as replaced by Ord. #578, Dec. 2015)

19-108. Right of access. The city's identified employees shall have access to the customer's premises at all reasonable times for the purpose of reading meters, testing, repairing, removing, or exchanging any or all equipment belonging to the city. The city may, at its discretion, utilize or upgrade existing facilities on customer's property for the additional purpose of serving other properties. (1988 Code, § 13-408, as replaced by Ord. #578, Dec. 2015)

19-109. Billing. A copy of the current applicable rates may be obtained at the Dayton City Hall and an effort will be made to notify customers of any rate changes either by public media or mail. Bills will be rendered monthly and shall be paid within fifteen (15) days from the date on the bill. Bills that are paid after the due date on the billing statement provided shall be subject to an additional charge of five percent (5%) for all bills in the amount of five hundred dollars (\$500.00) or less and an additional one percent (1%) shall be charged on that portion of the bill over five hundred dollars (\$500.00).

Failure to receive a bill will not release a customer from its payment obligations. Should bills not be paid by the due date specified on the bill, service

may be disconnected as set out in the rules and regulations contained herein. Should the due date fall on a weekend or holiday, the next business day following the due date will be held as a day of grace for payment to be received. Payments made after the due date will not be subject to additional charges if their remittance envelope bears the United States Postal Service date stamp of the due date or any date prior. (1988 Code, § 13-409, as replaced by Ord. #578, Dec. 2015, and Ord. #602, Nov. 2017)

19-110. Discontinuance of service by the city and right of hearing.

(1) The city shall have the right to refuse to render service to any applicant whenever the applicant to which such service is to be furnished is in default in the payment of any obligation to the city or has had his/her service disconnected because of a violation of the rules and regulations contained herein. Discontinuance of service by the city for any causes stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's contract.

(2) The city shall have the right to discontinue any service for the violation of any of the rules and regulations contained herein. The city may discontinue any service to the customer for theft of services or the appearance of theft devices on the customer's premises. Any and/or all services will be discontinued to customers with past due accounts. For past due accounts, payment in full will be required and an additional deposit may be required before service will be restored.

(3) No service shall be discontinued unless the customer is given notice in writing (including electronic notification or door hanger) at least ten (10) days prior to the date of such impending action and the reason therefore. All written notices will provide the customer with telephone numbers for customer service inquiries.

(4) The city evaluates weather conditions daily at www.weather.com for Dayton, Tennessee 37321. In the event that the forecasted temperature is expected to exceed ninety-eight degrees Fahrenheit (98°F) or is expected to be below thirty-two degrees Fahrenheit (32°F) on that day, the city will not discontinue service of residential customers for nonpayment. During such events where service is extended due to weather conditions, the service extension shall not extend past the extreme weather condition or past the customer's next due date, whichever date comes first.

(5) It is the customer's responsibility to request from the city a thirty (30) day medical certification form. Upon approval of the city's medical certification form, disconnection of service will be postponed for thirty (30) days from the original scheduled disconnection date to allow customer time to make payment or alternative shelter arrangements. The medical certification form must be completed by a medical doctor or nurse practitioner licensed to practice in the State of Tennessee certifying that the disconnection of electric service would create a life threatening medical situation for the customer or other

permanent resident of the customer's household. It is the responsibility of the customer to ensure that the form has been approved by the city. A life threatening medical condition does not relieve a customer of the obligation to pay for electric service, including any late fees incurred or other applicable charges. The city will only grant this postponement for termination two (2) times in a twelve (12) month period. If full payment of the past due amount, including all late fees, is not received by the end of the thirty (30) day postponement period, electric service will be disconnected without further notice.

(6) The customer shall also be notified of his right to a hearing prior to the disconnection if he disputes the reason therefor and requests a hearing by the date specified in the notice. When a hearing is requested, the customer may have a representative at the hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when a hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1988 Code, § 13-410, as replaced by Ord. #578, Dec. 2015)

19-111. Service charges. (1) All connections for new service, transfers of service or reconnections of terminated service will require a payment of thirty dollars (\$30.00). In addition, the customer shall pay all delinquent amounts, trip charges and deposits prior to being connected for new service, transfer of service or reconnections of terminated service. If, at the customer's request, the connection is made after regular work hours (after work hours being before 8:00 AM EST, after 5:00 PM EST and on weekends and holidays), the charge will be sixty dollars (\$60.00).

(2) Trip charge. If a trip is made to disconnect a delinquent account, there will be a twenty-five dollar (\$25.00) charge for each such trip. In the event a customer causes the city to make an unnecessary service call at the customer's premises, the city reserves the right to charge the customer with the reasonable cost associated with the trip.

(3) Payment rejection charges. There will be a twenty-five dollar (\$25.00) charge for each check returned to the city and for each presented payment rejected or declined by the customer's financial institution. Service shall be terminated if the check is not paid within ten (10) days after appropriate notification to the customer that the check has been returned at the address of the service. If the service is terminated, the same reconnection fees shall apply as those of nonpayment termination.

(4) Service charges:

Connect fee	\$30.00
After hours connect fee	\$60.00
Meter test fee	\$40.00
Meter tampering fee	\$300.00
Reconnect fee	\$30.00

Returned check fee	\$25.00
Temporary/new meter set fee	\$35.00
Trip charge	\$25.00

(1988 Code, § 13-411, as replaced by Ord. #454, Oct. 2004, and Ord. #578, Dec. 2015)

19-112. Termination of contract by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless their contract specifies otherwise. Notice to discontinue service prior to the expiration of the contract term will not relieve a customer from any minimum or guaranteed payment under any contract or rate. (1988 Code, § 13-412, as replaced by Ord. #578, Dec. 2015)

19-113. Service charges for temporary service. Customers requiring electric service on a temporary basis may be required by the city to pay all costs for connection and disconnection incidental to the supplying and removing of service. This rule applies to circuses, carnivals, fairs, temporary construction, and the like. (1988 Code, § 13-413, as replaced by Ord. #578, Dec. 2015)

19-114. Interruption of service. The city will use reasonable diligence in supplying electric power service but shall not be liable for loss, injury, or damage to person or property or for breach of contract resulting from interruptions in service, excessive or inadequate voltage, single phasing or otherwise unsatisfactory service, whether or not caused by negligence. (1988 Code, § 13-414, as replaced by Ord. #578, Dec. 2015)

19-115. Voltage fluctuations caused by customer. Electric service must not be used in such a manner as to cause unusual fluctuations or disturbances to the city's system. The city may require any customer, at customer's own expense, to install suitable apparatus that will reasonably limit such fluctuations. (1988 Code, § 13-415, as replaced by Ord. #578, Dec. 2015)

19-116. Additional load. The service connection, transformers, meters, and equipment supplied by the city for each customer have a definite capacity, and no addition to the equipment or load connected thereto will be allowed except by consent of the city. Failure to give notice of additions or changes in load, and to obtain the city's consent for same, shall render a customer liable for any damage to any of the city's lines or equipment caused by the additional or changed installation. (1988 Code, § 13-416, as replaced by Ord. #578, Dec. 2015)

19-117. Standby and resale service. All purchased electric service (other than emergency or standby service) used on the premises of a customer

shall be supplied exclusively by the city, and the customer shall not, directly or indirectly, sell, sublet, assign, or otherwise dispose of the electric service or any part thereof. (1988 Code, § 13-417, as replaced by Ord. #578, Dec. 2015)

19-118. Notice of trouble. Customers shall notify the city immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of electricity. Such notices, if verbal, should be confirmed in writing. (1988 Code, § 13-418, as replaced by Ord. #578, Dec. 2015)

19-119. Non-standard service. The customer shall pay the cost of any special installation necessary to meet his particular requirements for service at other than standard voltages, or for the supply of closer voltage regulation than required by standard practice. (1988 Code, § 13-419, as replaced by Ord. #578, Dec. 2015)

19-120. Meter tests. The city will, at its own expense, make periodic tests and inspections of its meters to maintain a high standard of accuracy. The city will make additional tests or inspections of its meters at the request of the customer for a fee of forty dollars (\$40.00). If tests made at a customer's request show that the meter is accurate within two percent (2%) slow or fast, no adjustment will be made in the customer's bill. In case the test shows the meter to be in excess of two percent (2%) fast or slow, an adjustment shall be made in the customer's bill over a period not to exceed sixty (60) days prior to the date of such test, and the cost of making the test shall be covered by the city. (1988 Code, § 13-420, as replaced by Ord. #578, Dec. 2015)

19-121. Extensions and additions to street lighting facilities.

(1) The city shall supply, install, and maintain the light fixture, all the equipment pertaining to the fixture, and furnish electrical energy to the customer. The city shall, at the request of the customer, relocate or change existing city owned equipment. The customer shall pay the city for such installations and changes at the actual cost including appropriate overhead.

(2) At a customer's request for street lighting service in the city limits of Dayton, Tennessee, the city manager will evaluate the necessity and the benefits of the light. If a customer desires extensions or additions to the street lighting circuits that will not benefit city residents, the customer shall adhere to the city's outdoor lighting regulations and rules. (1988 Code, § 13-421, as replaced by Ord. #578, Dec. 2015)

19-122. Billing adjusted to standard periods. The customer charges and the energy charges set forth in the schedule of rates and charges are based on billing periods of approximately one (1) month. In the case of the first billing of new accounts (temporary service and other seasonal customers excepted) and

final billing of all accounts (temporary service excepted) where the period covered by the billing involves fractions of a month, the customer charges and the energy charge will be adjusted to a basis proportionate with the period of time during which service is extended. (1988 Code, § 13-422, as replaced by Ord. #578, Dec. 2015)

19-123. Athletic field lighting. Athletic field lighting installations not owned or maintained by the city may be served on an off-peak basis in accordance with the provisions of the street lighting rate. For athletic field lighting, the investment charge provided for in the street lighting rate will be based on the city's investment in furnishing and installing the equipment in accordance with the street lighting schedule and each installation will be considered a separate customer for billing purposes. Customer's bills rendered in accordance with this provision shall be subject to any surcharge and amortization charge applied by the city. The off-peak period shall be determined by the city, but in no case shall it commence earlier than 7:00 P.M. EST. The customer may be permitted to use up to ten percent (10%) (not to exceed ten (10) kilowatts) of the total installed lighting capacity prior to the commencement of the off-peak period, such use to be considered off-peak for billing purposes. In the event a customer fails to restrict service in accordance with these requirements, he shall be billed under the appropriate lighting and power rate. (1988 Code, § 13-423, as replaced by Ord. #578, Dec. 2015)

19-124. Customer's energy use data. Upon request, using procedures established by the city, the city will make available to customers their available energy consumption data for a time period of twelve (12) months. The city will not provide to other parties any customer's individually identifiable energy consumption data or other individually identified customer data collected by the city without the customer's authorization, using authorization procedures established by the city. (1988 Code, § 13-424, as replaced by Ord. #578, Dec. 2015)

19-125. Scope. This chapter is part of all contracts for receiving electric service from the city, and applies to all service received from the city, whether the service is based upon contract, agreement, signed application, or otherwise. A copy of this chapter, together with a copy of the city's schedule of rates and charges, shall be kept open to inspection at the offices of the City of Dayton billing office located at 400 Main Street, Dayton, Tennessee 37321, or found on our website - www.daytontn.net. The city will provide information regarding rates, service policies, and guidelines to customers via www.daytontn.net and information including brochures and print media will also be available in our offices. A customer will also receive such information at any time upon request. All retail rate action initiated by the city will be communicated to the public via

www.daytontn.net and advertisements in the local newspaper. (1988 Code, § 13-425, as replaced by Ord. #578, Dec. 2015)

19-126. Revisions. The rules and regulations in this chapter may be revised, amended, supplemented, or otherwise changed from time to time, without notice. Such changes, when effective, shall have the same force as the present rules and regulations. (1988 Code, § 13-426, as replaced by Ord. #578, Dec. 2015)

19-127. Dispute of bill. (1) In case of a disputed bill, the customer may request in writing a hearing within fifteen (15) days from date of receipt of bill before the city manager or any other officer duly appointed by the Dayton City Council. The hearing officer will hear all evidence and complaints and render a written decision. The hearing shall be scheduled as soon as possible but not later than thirty (30) days from the date of the written request. If the customer is dissatisfied with the decision of the hearing officer an appeal may be perfected within ten (10) days from the date of the rendering of the written decision with the appeal to be directed to the city council who shall hear the evidence and render a decision. The customer's service will not be terminated until an appropriate decision is reached as herein stated.

(2) In the case of billing disputes or other service issues, the customer is expected to resolve the dispute through the process established by the City of Dayton. However, if the dispute is not resolved through the process set forth above, the City of Dayton will provide the customer with information regarding TVA's Complaint Resolution Process. Customers will be informed about the availability of the TVA Complaint Resolution Process upon application for service, at any time upon request, and through information provided on the City of Dayton's website or other technological means of communication, if available. (1988 Code, § 13-427, as replaced by Ord. #578, Dec. 2015, and Ord. #592, May 2016)

19-128. Conflict. In case of conflict between any provision of any rate schedule and the rules and regulations in this chapter, the rate schedule shall apply. (as added by Ord. #578, Dec. 2015)

CHAPTER 2

GAS¹

SECTION

19-201. To be furnished by Middle Tennessee Utility District.

19-201. To be furnished by Middle Tennessee Utility District. Gas shall be furnished for the municipality and its inhabitants by the Middle Tennessee Utility District. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise are clearly stated in the written franchise ordinance.² (1988 Code, § 13-501)

¹Municipal code reference
Gas code: title 12.

²See Ord. #247 of record in the office of the city recorder.