

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. GAS.

CHAPTER 1

GAS¹

SECTION

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¹Municipal code reference
Gas code: title 12.

See the ordinance dated November 15, 1966, of record in the recorder's office, for provisions authorizing a contract with Commonwealth Utility Service Corporation for the management and operation (subject to the town's rules and regulations) by said corporation of the town's gas system. The executed contract, dated November 9, 1966, is attached thereto and is for a period of 35 years.

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19-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving gas service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

19-102. Definitions. (1) "Customer" means any person, firm, or corporation who receives gas service from the town under either an express or implied contract.

(2) "Service line" shall consist of the pipe line extending from any gas main of the town to private property.

Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the town's gas main to and including the meter and meter box.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(4) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

19-103. Application and contract for service. Each prospective customer desiring gas service will be required to sign a standard form contract and pay deposit and connection charges as listed in the schedule of rates and charges before service is supplied. The deposit and connection charges shall be refundable if and only if the town cannot supply service in accordance with the terms of this chapter. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish the service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the town to the applicant shall be limited to the return of any deposit made by such applicant.

19-104. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for gas service.

19-105. Tap fees. Before a new gas service line will be laid by the town, the applicant shall make a nonrefundable tap fee as listed in the schedule of rates and charges.

When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer.

19-106. Gas main extensions. Persons desiring gas main extensions must pay all of the cost of making such extensions. All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the town, such gas mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate the mains as an integral part of the municipal gas system and shall furnish gas service therefrom in accordance with these rules and regulations.

19-107. Gas main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a gas main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen.

The authority to make gas main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons.

19-108. Meters. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a gas meter without the written permission of the town. No one shall install any pipe or other device which will cause gas to pass through or around a meter without the passage of such gas being registered fully by the meter.

19-109. Multiple services through a single meter. No customer shall supply gas service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of gas used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The gas and charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of gas so allocated to it, such computation to be made at the town's applicable gas schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied.

19-110. Customer billing and payment policy. Gas bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than 10 days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed 10% for any portion of the bill paid after the net payment period. If any such bill shall remain delinquent for 30 days or more from date thereof, gas service shall be disconnected and shall not be reconnected except upon payment of all delinquent bills, together with a reconnection charge as listed in the schedule of rates and charges; provided, however, that in case of a change of the occupancy of any premises the new occupant shall not be charged with the delinquencies of the prior occupant.

Payment must be received in the gas department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday net payment will be accepted if paid on the next business day no later than 4:30 P.M.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if gas is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available.

19-111. Termination or refusal of service. (1) Basis of termination or refusal. The town shall have the right to discontinue gas service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills.
- (b) The customer's application for service.
- (c) The customer's contract for service.

Such right to discontinue service shall apply to all gas services received through collective single connections or services, even though more than one (1)

customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(2) Termination of service. Reasonable written notice shall be given to the customer before termination of gas service according to the following terms and conditions:

(a) Written notice of termination (cutoff) shall be given to the customer at least five (5) days prior to the scheduled date of termination. The cutoff notice shall specify the reason for the cut-off and

- (i) The amount due, including other charges.
- (ii) The last date to avoid service termination.
- (iii) Notification of the customer's right to a hearing prior to service termination, and, in the case of nonpayment of bills, of the availability of special counseling for emergency and hardship cases.

(b) In the case of termination for nonpayment of bill, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination. If a customer is not at home, service may be left connected for one (1) additional day and a further notice left at a location conspicuous to the customer.

(c) Hearings for service termination, including for nonpayment of bills, will be held by appointment at the company office between the hours of 8:00 A.M. and 4:30 P.M. on any business day, or by special request and appointment a hearing may be scheduled outside those hours.

(d) Termination will not be made on any preceding day when the gas department is scheduled to be closed.

(e) If a customer does not request a hearing, or, in the case of nonpayment of a bill, does not make payment of the bill, or does not otherwise correct the problem that resulted in the notice of termination in a manner satisfactory to the gas department, the same shall proceed on schedule with service termination.

(f) Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made or the correction of the problem that resulted in the termination of service in a manner satisfactory to the gas department, plus the payment of a reconnection charge as listed in the schedule of rates and charges.

19-112. Termination of service 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 the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract

term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the town reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the town shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the town should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service.

19-113. Access to customers' premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' gas plumbing and premises generally in order to secure compliance with these rules and regulations.

19-114. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or gas plumbing system before gas service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or gas plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

19-115. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost of necessary repairs or replacements shall be paid by the customer.

19-116. Customer's responsibility for violations. Where the town furnishes gas service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

19-117. Supply and resale of gas. All gas shall be supplied within the town exclusively by the town, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the gas or any part thereof except with written permission from the town.

19-118. Unauthorized use of or interference with gas supply. No person shall turn on or turn off any of the town's gas, valves, or controls without permission or authority from the town.

19-119. Damages to property due to gas pressure. The town shall not be liable to any customer for damages caused to his gas plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's gas mains.

19-120. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for gas that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a gas service, the town has failed to cut off such service.

(2) The town has attempted to cut off a service but such service has not been completely cut off.

(3) The town has completely cut off a service but subsequently the cutoff develops a leak or is turned on again so that gas enters the customer's pipes from the town's main.

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff.

19-121. Restricted use of gas. In times of emergencies or in times of gas shortage, the town reserves the right to restrict the purposes for which gas may be used by a customer and the amount of gas which a customer may use.

19-122. Interruption of service. The town will endeavor to furnish continuous gas service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal gas system, the gas supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

19-123. Schedule of rates. All gas service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.¹

19-124. Service connections to comply with gas code, etc. All service connections shall comply with the Standard Gas Code² and shall comply with all rules and regulations of the State of Tennessee, or of its duly constituted authorities. (1969 Code, § 13-307)

19-125. List of customers to be kept. It is hereby made the duty of the recorder to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving the services of the gas system, showing the name and address of the occupant and of the owner of the same. The list shall be kept up to date and shall be corrected from time to time to show changes of the occupancy or ownership of any of such property or premises. (1969 Code, § 13-308)

19-126. Disposition of gas system revenues. All monies received as charges for the services of the gas system shall be deposited in a bank account separate and distinct from the bank accounts in which other town funds are held. Said funds shall be administered and allocated in accordance with the provisions of the ordinance of said town passed on the 8th day of May, 1967, authorizing the issuance of \$80,000 Municipal Gas System Revenue Bonds,³ or in accordance with any ordinance which may hereafter be adopted to refund such bonds. (1969 Code, § 13-309)

19-127. Accounts and records; annual audit. It shall be the duty of the board of mayor and aldermen to have set up and maintained a proper system of accounts and records separate from all other accounts and records, showing the

¹Administrative ordinances and regulations are of record in the office of the city recorder.

²Municipal code reference
Gas code: title 12.

³This ordinance is of record in the recorder's office.

amount of revenues received from the gas system, the application of such revenues, and all financial transactions in connection therewith. Such accounts shall annually be audited properly by an independent certified public accountant. (1969 Code, § 13-310)

19-128. Diligence to be exercised in collecting charges; rates may be increased. It shall be the duty of the officials of the Town of Mason diligently to collect the charges imposed by this chapter and to employ the proper means for the collection thereof.

Any increase in the wholesale cost of natural gas will result in an automatic and immediate increase in the retail rates of an equal and like amount. Also, any charges or taxes that may be levied in the future by the state or any other public bodies against the sale or consumers of natural gas will likewise result in an automatic and immediate increase in the retail rates of an equal and like amount. (1969 Code, § 13-311)