

TITLE 19

ELECTRICITY AND GAS

CHAPTER

1. ELECTRICITY.
2. NATURAL GAS.

CHAPTER 1

ELECTRICITY¹

SECTION

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- 19-102. Deposit.
- 19-103. Point of delivery.
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¹Municipal code reference
Electrical code: title 12.

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19-101. Application for service. Each prospective customer desiring electric service may be required to sign municipality's standard form of application for service or contract before service is supplied. (1982 Code, § 13-301)

19-102. Deposit. A deposit or suitable guarantee approximately equal to twice the average monthly bill may be required of any customer before electric service is supplied. Municipality may at its option return deposit to customer after one year. Upon termination of service, deposit may be applied by municipality against unpaid bills of customer, and if any balance remains after such application is made, said balance shall be refunded to customer.

RESIDENTIAL PROPERTY

The following deposits will be required before occupancy:

<u>Residential home owners:</u>	<u>Heating with gas:</u> \$5 for electric, \$5 for water, \$8 for gas
	<u>Heating with electricity:</u> \$10 for electric, \$5 for water

Note: However, proof of purchase of this property will be required before these deposits can apply.

Residential rental property: A security deposit of approximately twice an estimated monthly bill.

Rental mobile homes will require the same deposits as residences.

Property owners may guarantee payment of accounts of tenants in lieu of deposits by executing an appropriate agreement.

COMMERCIAL PROPERTY

In all other classes of service, such as commercial establishments and in some industrial classes where the member's credit standings have not been established, a security deposit of approximately twice an estimated monthly bill may be required. (1982 Code, § 13-302)

19-103. Point of delivery. The point of delivery is the point, as designated by municipality, on customer's premises where current is to be delivered to building or premises. All wiring and equipment beyond this point of delivery shall be provided and maintained by customer. (1982 Code, § 13-303)

19-104. Customer's wiring--standards. All wiring of customer must conform to municipality's requirements and accepted modern standards and to the municipal electric code (National Electric Code). (1982 Code, § 13-304)

19-105. Inspections. Municipality shall have the right, but shall not be obligated, to inspect any installation before electricity is introduced or at any later time, and reserves the right to reject any wiring or appliances not in accordance with municipality's standards; but such inspection or failure to inspect or reject shall not render municipality liable or responsible for any loss or damage resulting from defects in the installation, wiring, or appliances, or from violation of municipality's rules, or from accidents which may occur upon customer's premises. (1982 Code, § 13-305)

19-106. Underground service lines. Customers desiring underground service lines from municipality's overhead system must bear the excess cost incident thereto. Specifications and terms for such construction will be furnished by municipality on request. (1982 Code, § 13-306)

19-107. Customer's responsibility for municipal property. All meters, service connections, and other equipment furnished by municipality shall be, and remain, the property of municipality. Customer shall provide a space for and exercise proper care to protect the property of municipality on its premises.

Any damage to the municipality's property arising from customer's intentional actions or neglect shall be the responsibility of and paid for by the customer. Municipality shall repair said damage or replace the damaged equipment and add the cost of same to customer's monthly bill rendered pursuant to § 19-109. Said cost shall be paid and collected together with all other monthly service fees pursuant to § 19-109. (1982 Code, § 13-307, as amended by Ord. #90-__, May 1990)

19-108. Right of access. Municipality's identified employees shall have access to customer's premises at all reasonable times for the purpose of reading meters, testing, repairing, removing, or exchanging any or all equipment belonging to municipality. (1982 Code, 13-308)

19-109. Billings. Bills will be rendered monthly and shall be paid within ten (10) days from date of bill at the office of municipality. Failure to receive bill will not release customer from payment obligation. Second notices will not be mailed. The gross amount is then due and if not paid within fifteen (15) days

after discount date, service will be discontinued without further notice. Bills paid on or before the final date of payment shall be payable at the net rates, but thereafter the gross rates shall apply, as provided in the schedule of rates and charges. Should the final date for payment of the bill at the net rates fall on Saturday, Sunday or holiday, the business day next following the final date will be held as a day of grace for delivery of payment. Net rate remittance received by mail after the time limit for payment at said net rates will be accepted by municipality if the incoming envelope bears United States Post Office date stamp of the final date for payment of the net amount or any date prior thereto.

After the expiration of time specified, the serviceman is instructed to visit customer's premises for the purpose of making collection or discontinuing service. If the collection is made, a charge of \$10.00 is added to the bill. If it becomes necessary to disconnect the service, a charge of \$20.00 is added to the bill and is to be collected before service is restored.

If a customer is delinquent in the payment of his or her electric account and seeks service in the name of another member of his or her household or in the name of another customer to avoid payment of delinquent bills, service may be denied until all bills have been paid and likewise service may be denied a customer who is delinquent in the payment of his or her electric account.

Should delinquent bills remain unpaid for a period exceeding six (6) months they are to be presented to the board of mayor and aldermen for authorization to write off or for collection by attorney. (1982 Code, § 13-309)

19-110. Discontinuance of service by municipality. Municipality may refuse to connect or may disconnect service for the violation of any of its rules and regulations, or for violation of any of the provisions of the schedule of rates and charges, or of the application of customer or contract with customer. Municipality may discontinue service to customer for the theft of current or the appearance of current theft devices on the premises of customer. The discontinuance of service by municipality for any causes as stated in this rule does not release customer from his obligation to municipality for the payment of minimum bills as specified in application of customer or contract with customer. (1982 Code, § 13-310)

19-111. Reconnection charge. Whenever service has been discontinued by municipality, as provided above, or a trip is made for the purpose of discontinuing service, a charge of not less than one dollar (\$1.00) may be collected by municipality before service is restored. (1982 Code, § 13-311)

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 contract specifies otherwise. Notice to discontinue service prior to expiration of contract term will not relieve

customer from any minimum or guaranteed payment under any contract or rate. (1982 Code, § 13-312)

19-113. Service charges for temporary service. Customers requiring electric service on a temporary basis may be required by municipality 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. (1982 Code, § 13-313)

19-114. Temporary service and temporary service fees. Temporary service shall wherever practicable be furnished to customers and prospective customers upon request in accordance with the following instructions:

Temporary service shall be furnished to a location that will later become a permanent location for the fee of \$7.50. All such temporary services shall be three wire except in locations where the permanent service will be two wire and the customer expresses a desire for two wire temporary service only.

Where temporary service is requested in locations that will not later become a permanent location, the person requesting such service shall pay an amount equal to the estimated labor cost to install and remove such service. For the purpose of this section temporary shall be interpreted as any period less than three (3) years.

All temporary services shall be metered and receive a monthly bill in the same manner as a permanent service.

In the following cases, temporary service shall be furnished the customer at no cost to the customer:

(1) Where the service wires and meter are temporarily removed from an existing service location for the purpose of construction.

(2) When an existing service location is destroyed by fire, storm, or other disaster over which the customer has no control, service shall be restored to a point approximately the point of original service without cost to the customer, provided such service is requested within sixty (60) days after the disaster. (1982 Code, § 13-314)

19-115. Interruption of service. Municipality will use reasonable diligence in supplying current, but shall not be liable for breach of contract in the event of, or for loss, injury, or damage to persons or property resulting from interruptions in service, excessive or inadequate voltage, single-phasing, or otherwise unsatisfactory service, whether or not caused by negligence. (1982 Code, § 13-315)

19-116. Voltage fluctuations caused by customer. Electric service must not be used in such a manner as to cause unusual fluctuations or disturbances to municipality's system. Municipality may require customer, at his own

expense, to install suitable apparatus which will reasonably limit such fluctuations. (1982 Code, 13-316)

19-117. Additional load. The service connection, transformers, meters, and equipment supplied by municipality for each customer have definite capacities, and no addition to the equipment or loads connected thereto will be allowed except by consent of municipality. Failure to give notice of additions or changes in load, and to obtain municipality's consent for same, shall render customer liable for any damage to any of municipality's lines or equipment caused by the additional or changed installation. (1982 Code, § 13-317)

19-118. Standby and resale service. All purchased electric service (other than emergency or standby service) used on the premises of customer shall be supplied exclusively by municipality, and customer shall not, directly or indirectly, sell, sublet, assign, or otherwise dispose of the electric service or any part thereof. (1982 Code, § 13-318)

19-119. Notice of trouble. Customer shall notify municipality 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. (1982 Code, § 13-319)

19-120. Nonstandard service. Customer shall pay the cost of any special installation necessary to meet his peculiar requirements for service at other than standard voltages, or for the supply of closer voltage regulation than required by standard practice. (1982 Code, § 13-320)

19-121. Meter tests. Municipality will, at its own expense, make periodical tests and inspections of its meters in order to maintain a high standard of accuracy. Municipality will make additional tests or inspections of its meters at the request of customer. If tests made at customer's request show that the meter is accurate within two percent (2%), slow or fast, no adjustment will be made in customer's bill, and the testing charge of one dollar (\$1.00) per meter will be paid by customer. In case the test shows meter to be in excess of two percent (2%) fast or slow, an adjustment shall be made in customer's bill over a period of not over thirty (30) days prior to date of such test, and cost of making test shall be borne by municipality. (1982 Code, § 13-321)

19-122. Relocation of outdoor lighting facilities. Municipality shall, at the request of customer, relocate or change existing municipally owned equipment. Customer shall reimburse municipality for such changes at actual cost including appropriate overheads. (1982 Code, § 13-322)

19-123. Relocation of services. The point of service entrance on a customer's premises may be changed at the request of or with the permission of the customer when, in the opinion of the engineer, such change is justified.

When the point of service entrance on a customer's premises is changed at the request of the customer and for the sole benefit of the customer and such change requires the moving or addition of a pole, a charge of \$12.50 shall be paid by the customer.

The point of service entrance will be considered as changed when the meter is permanently moved:

- (1) From one place to another on the same building;
- (2) From one building to another;
- (3) From a building to a pole;
- (4) From a pole to a building.

There shall be no charge for removing the service wires and/or meter from a building for the purpose of remodeling or adding to the building, or removing an old building and constructing a new one. In the case of remodeling or adding to an existing building, the service entrance charge may be applied when the meter is returned to the building unless it is returned to its original location.

In the case of an out and out new building, replacing a building which was receiving service, there shall be no charge for moving the service entrance even if the meter is not returned to the original location. This does not imply that we must locate the meter at any place the customer desires on a new house, without cost, and in some cases it may be necessary to refuse to locate the meter at the location desired by the customer or to require him to pay part of the additional cost required to run the service wires to this location.

There shall be no charge for moving the service entrance in cases where the existing meter is the bottom feed type. (1982 Code, § 13-323)

19-124. Relocation of lines. In cases where any part of the distribution system, other than the service entrance, is moved or changed at the request of a customer, and for the sole benefit of the customer, a charge of the total cost of making the change shall be made to the person requesting such change.

If the state, county, or town government requests that any part of the distribution system be moved or changed, the requesting party may be charged an amount consistent with existing state and federal laws, but not more than the actual cost of making such change, provided the manager considers such charge advisable. (1982 Code, § 13-324)

19-125. Billing adjusted to standard periods. The demand charges and the blocks in the energy charges set forth in the rate schedules are based on billing periods of approximately one month. In case of the first billing of new accounts (temporary service, cotton gins, and other seasonal customers excepted) and final billings of all accounts (temporary service excepted) where the period covered by the billing involves fractions of a month, the demand charges and the

blocks of the energy charge will be adjusted to a basis proportionate with the period of time during which service is extended. (1982 Code, § 13-325)

19-126. Scope. This schedule of rules and regulations is a part of all contracts for receiving electric service from municipality, and applies to all service received from municipality, whether the service is based upon contract, agreement, signed application, or otherwise. A copy of this schedule, together with a copy of municipality's schedule of rates and charges, shall be kept open to inspection at the office of municipality. (1982 Code, § 13-326)

19-127. Revisions. These rules and regulations 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. (1982 Code, § 13-327)

19-128. Conflict. In case of conflict between any provision of any rate schedule and the schedule of rules and regulations, the rate schedule shall apply. (1982 Code, § 13-328)

19-129. Customer service extensions. Wherever possible, service shall be provided to permanent customer locations in the area we serve upon request.

In some cases involving extensions of three or more poles in length, it may be necessary to insure a reasonable return on the investment by means of a monthly bill. The amount of this minimum bill shall be determined on the basis of approximately one dollar (\$1.00) per mile of line, but no minimum bill of less than three dollars (\$3.00) per month shall be assigned except as outlined in other sections of this code.

In the case of extensions to locations other than residences, such as barns, small wells, etc., a monthly minimum bill shall be determined on the basis of one dollar (\$1.00) per month for each pole, but not less than two dollars (\$2.00) per month. There shall be no unity charge for another installation. Initiate standard form "Monthly Minimum Bill Contract."

In the case of tenant houses or other locations which the engineer has reason to believe may not prove to be permanent customer locations the property owner or long-term renter may be asked to guarantee the payment of the monthly minimum bill for a continuous period of thirty-six (36) months. (1982 Code, § 13-329)

19-130. Services to entertainment groups. It shall be the policy of Newbern Electric Department that before it serves a temporary connection to a customer which will redistribute power to its own equipment, devices, and installations, either enclosed or unenclosed, to which the general public will be invited, whether or not for a charge, said customer shall present a certificate of inspection from the Department of Insurance and execute an agreement to

indemnify the Newbern Electric Department against any damages to property or injuries to persons resulting from the operation of any such equipment, resulting in installations or devices and deliver a certificate of insurance from some reliable insurance company insuring said customer for general liability, in limits not less than \$300,000.00 for each occurrence and \$1,000,000.00 aggregate with the Newbern Electric Department named as an additional insured. (1982 Code, § 13-330)

CHAPTER 2

NATURAL GAS¹

SECTION

- 19-201. Application for service.
- 19-202. Deposit required.
- 19-203. Point of delivery.
- 19-204. Customer's gas system--standards.
- 19-205. Right of access.
- 19-206. Inspections.
- 19-207. Resale of gas.
- 19-208. Unauthorized use of gas system.
- 19-209. Customer's responsibility.
- 19-210. Interruption of service.
- 19-211. Meter tests.
- 19-212. Billing.
- 19-213. Discontinuance of service.
- 19-214. Reconnection charge.
- 19-215. Termination of contract by customer.
- 19-216. Temporary service.
- 19-217. Rates.

19-201. Application for service. Each prospective customer desiring natural gas service will be required to sign a standard form of contract before service is supplied. (1982 Code, § 13-401)

19-202. Deposit required. A deposit must accompany each application for service. The amount of such deposit shall be as set out in the current "rate schedule." Upon termination of service, the deposit will be applied against any unpaid bill or account due the municipality and its departments. Any balance remaining shall be refunded. (1982 Code, § 13-402)

19-203. Point of delivery. The point of delivery for gas service shall be the outlet of the gas meter either located on or off the customer's premises, as designated and required by the municipality. All facilities beyond said point of delivery shall be owned and maintained by the customer. (1982 Code, § 13-403)

¹Municipal code reference
Gas code: title 12.

19-204. Customer's gas system--standards. The customer's gas system and attachments thereto shall conform to the current municipal gas code and to all municipal ordinances pertinent to same. (1982 Code, § 13-404)

19-205. Right of access. Municipal employees shall have access to customer's premises at all reasonable times for the purpose of reading meters, testing, repairing, removing or exchanging any or all equipment of municipality and for inspecting customer's premises in order to assure compliance with these rules and regulations. (1982 Code, § 13-405)

19-206. Inspections. The municipality shall have the right, but shall not be obligated, to inspect any installation or gas system before gas service is furnished or at any later date. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting the standards fixed by the municipal ordinances regulating building or natural gas installations.

Any failure to inspect or reject a customer's installation or gas system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1982 Code, § 13-406)

19-207. Resale of gas. All natural gas shall be supplied within the municipality exclusively by the municipality and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of natural gas sold to him by the municipality. (1982 Code, § 13-407)

19-208. Unauthorized use of gas system. No person shall turn on or off any of the municipality's stop cocks, valves, hydrants, or spigots without permission or authority from the municipality. (1982 Code, § 13-408)

19-209. Customer's responsibility. All meters, service connections, and other equipment furnished by the municipality shall remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of municipality on his premises.

Municipality shall be solely responsible for the construction of all connections made to the gas mains, service lines to and including the metering devices on customer's property.

Any damage to municipality's property or to the connections to gas mains, service lines or metering devices arising from customer's intentional actions or neglect shall be the responsibility of and paid for by the customer. Municipality shall repair such damage or replace the damaged equipment and add the cost of same to customer's monthly bill rendered pursuant to § 19-212. Said cost shall be paid and collected together with all other monthly services fees pursuant to Section 19-212. (1982 Code, § 13-409, as amended by Ord. #90-___, May 1990)

19-210. Interruption of service. The municipality will endeavor to furnish continuous gas service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality cannot be liable for any damages for any interruption of service, or from any damage caused by low pressure, high pressure, or fluctuations in pressure in the gas system's mains. (1982 Code, § 13-410)

19-211. Meter tests. Municipality will make periodical tests and inspections of its meters in order to maintain a high standard of accuracy. Municipality will make additional tests of its meters at the request of customer. If the meter is found to be correct within 2% variance the customer shall pay the cost of the meter testing. (1982 Code, § 13-411)

19-212. Billing. Bills will be rendered monthly and shall be paid on or before the discount date in order to obtain the net rates, otherwise gross rates shall apply. Failure to receive a bill will not release a customer from payment obligations. A customer's failure to pay within five (5) days after discount date shall be deemed a request by customer that service be discontinued. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment is made at any time on the day that service is actually discontinued. (1982 Code, § 13-412)

19-213. Discontinuance of service. The board of mayor and aldermen shall have the right to discontinue service for violation of any of its rules and regulations or of customer's contract for service.

Discontinuance of service for any cause shall not release customer from liability for service already received. (1982 Code, § 13-413)

19-214. Reconnection charge. Whenever service has been discontinued as provided above, or a trip is made for the purpose of discontinuing service, a charge of not less than one dollar (\$1.00) shall be collected before service is restored. (1982 Code, § 13-414)

19-215. Termination of contract by customer. Three (3) days written notice shall be given by customers wishing to discontinue service. Such notice prior to expiration of contract term will not relieve customer of any minimum or guaranteed payment under any contract or rate schedule. (1982 Code, § 13-415)

19-216. Temporary service. Customers requiring temporary service shall pay all costs of connection and disconnection incidental to the supplying and removing of services in addition to the regular charge for gas consumed. (1982 Code, § 13-416)

19-217. Rates. The rates to be charged for natural gas service shall be those established by the board of mayor and aldermen, from time to time, by resolution. (1982 Code, § 13-417)