

TITLE 21

MISCELLANEOUS

CHAPTER

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CHAPTER 1

ALARMS SYSTEM

SECTION

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21-101. Title. This chapter shall be known as the "alarm ordinance." (1985 Code, § 4-801)

21-102. Definitions. Unless it is apparent from the context that another meaning is intended, the following words when used in this chapter shall have the meanings indicated herein:

(1) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the police and/or fire department that an emergency exists or that the services of either or both of those departments are needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility or portion thereof wherein an alarm system is maintained.

(3) "Alarm business" means the business of any individual, partnership, corporation, or other entity engaged in selling, leasing,

maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure, or facility.

(4) "Automatic telephone dialing alarm system" means any alarm system which is a device which automatically or electronically transmits by telephone or telephone line connected to the central dispatch facility a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function it is to transmit to the police and/or the fire department a need for emergency response.

(5) "False alarm" means an alarm signal eliciting a response by the police and/or fire department when a situation requiring a response by the police and/or fire department does not in fact exist; but, this definition does not include an alarm signal caused by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. Also this definition does not include an alarm signal caused by situation that may have been brought under control prior to the arrival of the responding police and/or fire department, that otherwise would have required a response.

(6) "Central dispatch facility" means the central communications center designated by the city council to receive, route, and otherwise handle all incoming police, fire, or other emergency service communications traffic.

(7) "Answering service" refers to a telephone answering service providing among its services the receiving on a continuous basis emergency signals from alarm systems and thereafter relaying the message to the central dispatch facility.

(8) "Permit year" means the portion of the calendar year remaining after the date of issuance of a permit and all subsequent calendar years thereafter that such permit may remain in effect. (1985 Code, § 4-802)

21-103. Automatic telephone dialing alarm system. (1) It shall be unlawful for any person, natural or corporate, to sell, offer for sale, install, maintain, lease, operate, or assist in the operation of an automatic telephone dialing alarm system over any telephone lines exclusively used by the public to directly request emergency service from the fire and/or police department.

(2) The fire inspector, when he has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system installed or operating in violation of this chapter shall, in writing, order the owner, operator, or lessee to disconnect and cease operation of the system within 72 hours of receipt of the order.

(3) Any automatic telephone dialing system installed unlawfully, as set forth in § 20-103(1) hereof, prior to the effective date of this chapter shall be removed within 30 days of the order as contained in § 20-103(2) hereof. (1985 Code, § 4-803, as amended by Ord. #97-25, April 1997)

21-104. Permit issuance and renewal. (1) The Fire Prevention Bureau is hereby authorized to grant an alarm permit to any alarm user located in the city to operate, maintain, install, or modify a police or fire alarm device, and no such device shall be operated unless such permit shall have first been issued.

(2) A permit issued pursuant to this chapter may be revoked at any time by the Fire Prevention Bureau upon the giving of ten (10) days notice to the permittee, given either verbally in person or written, sent to the address shown on the permit. Violation of this chapter, following conviction thereof, shall constitute grounds for revocation of the permit. The failure of the fire inspector to revoke the permit following the finding of the city court that there has been a violation of this chapter, shall not be deemed a waiver of the right to revoke the permit. (1985 Code, § 4-804, as amended by Ord. #97-25, April 1997)

21-105. Application requirements for an alarm permit. Application for an alarm permit shall be made on forms provided by the Fire Prevention Bureau. The application form shall request the following information.

(1) The type of alarm system.

(2) The name, address, and telephone number of the applicant's property to be serviced by the alarm, and the name, address, and telephone number of applicant's residence if different. If the applicant's alarm is serviced by an alarm company, then the applicant shall also include the name, address, and telephone number of that company.

(3) An emergency telephone number of the user or his representative to permit prompt notification of alarm calls and to assist police and/or fire personnel in the inspection of the property.

(4) It is the applicant's responsibility to immediately notify the Fire Prevention Bureau in writing of any and all changes in the information on file with the city regarding such permit. (1985 Code, § 4-805, as amended by Ord. #97-25, April 1997)

21-106. Items required for an alarm system to qualify for an alarm permit. (1) All alarm systems shall have a backup power supply that will become effective in the event of power failure or outage in the source of electricity.

(2) All alarm systems will have an automatic reset which silences the annunciator within thirty (30) minutes after activation and which will not sound again as a result of the same event that resulted in the original activation.

(3) Any system installed on or after the effective date of this chapter must comply with the requirements stipulated in this section. Preexisting installations must comply with this section within six (6) months of the effective date of this chapter. (1985 Code, § 4-806)

21-107. False alarms. (1) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by police and/or fire

personnel, a police and/or fire officer on the scene of the activated alarm shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the police or fire officer at the scene of the activated alarm system determines the alarm to be false and no emergency seems necessary, then said officer shall submit a report of the false alarm to the respective chief. A written notification of emergency response and determination of the response shall be mailed or delivered to the alarm user at the address noted on the permit or location where alarm was activated. The permit holder upon receipt of the notification shall be entitled to a hearing before the respective chief and permit holder desiring a hearing shall request said hearing within ten days of date of notification.

(3) The Fire Prevention Bureau shall have the right to inspect any alarm system on the premises to which response has been made and he may cause an inspection of such system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this chapter.

(4) It shall be a violation of this chapter to intentionally cause a false alarm, and any person who intentionally causes a false alarm shall be subject to the penalty provisions hereof.

(5) There shall be provided to the alarm user, a ten-day grace period during the initial installation of the alarm system. Ten days after the permit has been issued by the Fire Prevention Bureau § 20-108(1) will not apply. Any emergency response provided by the city thereafter will be under the provisions of § 20-108, unless otherwise noted herein.

(6) It shall be required and provided that any alarm business testing or servicing any alarm system notify the police and/or fire departments and instruct said departments of the location and time of said testing and servicing. This section shall apply to any testing period after the initial installation period has ceased. Section 20-108(1) will not apply to the alarm user if prior notice of said testing has been made to the respective departments as outlined in this section. Any violation of this section herein will be assessed under the provisions outlined in § 20-108 of this chapter. (1985 Code, § 4-807, as amended by Ord. #97-25, April 1997)

21-108. Fee assessment. It is hereby found and determined that more than three (3) false alarms within a permit year are excessive and constitute a public nuisance. The activation of four (4) or more false alarms within a permit year will be handled in the following manner:

A service charge shall be automatically levied against the alarm user of twenty-five dollars (\$25.00) upon the occurrence of the fourth (4th) false alarm, a like amount for the fifth (5th) false alarm, and a service charge of fifty dollars (\$50.00) for each false alarm in excess of five (5). All service charges levied shall

be paid to the city by the alarm user within thirty (30) days of the date of the written notice of said charges. (1985 Code, § 4-808)

21-109. Disconnection. In the event that an alarm system emitting an audible, visual, or other similar response shall fail to be deactivated within the time limitations specified in § 20-106 hereof, the city shall have the right to take such action as may be necessary in order to disconnect any such alarm. (1985 Code, § 4-809)

21-110. Penalty for offenses. Any person who violates any provisions of this chapter shall be guilty of a violation, and upon conviction in city court, shall be subject to a fine of not more than \$500. Each occurrence constitutes a separate offense. (1985 Code, § 4-810, modified)

CHAPTER 2

PUBLIC SCHOOLS¹

SECTION

21-201. Definitions.

21-202. Admittance of non-resident students.

21-201. Definitions. For the purposes of this section, the following definitions shall apply:

Resident students shall be classified as those:

(1) With a custodial parent or legal guardian residing inside the corporate limits of the City of Maryville.

(2) Married to and residing with a resident of the City of Maryville.

(3) Verified homeless within the corporate limits of the City of Maryville.

(4) In state custody placed by a state agency in a residence within the corporate limits of the City of Maryville.

All other students shall be classified as non-resident students. (1985 Code, § 1-701)

21-202. Admittance of non-resident students. Non-resident students may attend as tuition students in Maryville City Schools subject to the following rules and regulations:

(1) That space is available at the time of attendance and that said attendance will not cause that class in that grade in that school to exceed the maximum allowable enrollment set by the school board.

(2) That the custodial parent or legal guardian of said tuition student agrees to provide transportation to and from said school during the term of tuition attendance as tuition students are not eligible for public school transportation provided for and paid by city residents.

(3) That tuition is paid at a rate approved by city council by resolution and administered under rules set by the school board.

(4) That after meeting the above listed criteria, tuition students will be allowed to attend City of Maryville schools based on the following priority:

(a) Priority 1: Children of teachers in Maryville City Schools in accordance with state law.

(b) Priority 2: Children of non-residents who own property in the City of Maryville.

(c) Priority 3: Children of non-residents employed by the City of Maryville.

¹Charter references: art. II, § 26 and art. XII.

(d) Priority 4: Children of non-residents who have siblings already in Maryville City Schools.

(e) Priority 5: Children of non-residents. (1985 Code, § 1-702)

CHAPTER 3

FOOTHILLS FALL FESTIVAL--RULES AND REGULATIONS¹

SECTION

- 21-301. Enforcement of reasonable rules and regulations permitted in areas in the immediate vicinity of Foothills Fall Festival activities.
- 21-302. Sale, display or storage of food, drink or merchandise on streets, sidewalks, public rights-of-way, or in any other outdoor space other than an enclosed patio or deck; prohibited without a permit.
- 21-303. Public displays, games, demonstrations or performances not permitted without permission.

21-301. Enforcement of reasonable rules and regulations permitted in areas in the immediate vicinity of Foothills Fall Festival activities. The city manager may promulgate reasonable rules and regulations related to the public's health, safety and welfare to be enforced where the public is invited or permitted for Foothills Fall Festival activities and related areas in the immediate vicinity of such activities. Such rules and regulations may be enforced by authorized city officials including police officers both in areas where a ticket is required and where a ticket is not required for admission. If a person violates a rule or regulation adopted pursuant to this part, he or she may be required to leave the area of the Foothills Fall Festival activities and areas immediately adjacent thereto for the remainder of the day or the remainder of the Foothills Fall Festival, in the discretion of the official or officer requiring him/her to leave based on the violation. (as added by Ord. #2004-26, June 2004)

21-302. Sale, display or storage of food, drink or merchandise on streets, sidewalks, public rights-of-way, or in any other outdoor space other than an enclosed patio or deck; prohibited without a permit. Sale, display or storage of food, drink, or merchandise on streets, sidewalks, public rights-of-way, or in any other outdoor space other than an enclosed patio or deck during the three (3) days of the annual city sponsored Foothills Fall Festival shall be unlawful within the designated Foothills Fall Festival area unless a permit for such purpose has been issued by the Foothills Fall Festival Committee. The designated Fall Festival area shall be defined as follows:

Designated festival area. The boundaries of the designated festival area are as follows:

¹For detailed provisions regarding permit regulations, see title 9, § 9-212.

(1) Beginning at a point in the intersection of U.S. Hwy. 321 and Court Street and continuing along Court Street in a northwesterly direction to the bridge over Pistol Creek.

(2) Then following the course of Pistol Creek downstream in a northeasterly, northwesterly and southwesterly direction around the Maryville central business district to a point below the dam for the Greenbelt Lake where the creek abuts the right-of-way of McCammon Avenue.

(3) Then following McCammon Avenue in a southeasterly direction to its intersection with McGhee Street.

(4) Then following McGhee Street in a southwesterly direction to the southwestern property line of Maryville Towers.

(5) Then in a southeasterly direction along the property line of Maryville Towers, continuing in a southeasterly direction along Cates Street, and the extension of the Cates Street right-of-way to U.S. 321.

(6) Then in a northeasterly direction along U.S. Hwy. 321 to Court Street, being the point of beginning. (as added by Ord. #2010-27, Sept. 2010)

21-303. Public displays, games, demonstrations or performances not permitted without permission. During the three (3) days of the annual Foothills Fall Festival, public displays, games, demonstrations or performances (including, but not limited to musical performances) shall not be permitted in the designated Foothills Fall Festival area except in a designated location provided by the Foothills Fall Festival Committee unless such displays, games, demonstrations, or performances (including, but not limited to musical performances) are expressly permitted by the Foothills Fall Festival Committee. Public displays, games, demonstrations or performances (including, but not limited to musical performances) shall be defined as activities undertaken by a person or group of persons attending to draw attention of festival attendees to merchandise or services or any type of activity intended for group amusement or attention. This restriction shall only be in effect in the area designated as the Foothills Fall Festival area as defined below:

Designated festival area. The boundaries of the designated festival area are as follows:

(1) Beginning at a point in the intersection of U.S. Hwy. 321 and Court Street and continuing along Court Street in a northwesterly direction to the bridge over Pistol Creek.

(2) Then following the course of Pistol Creek downstream in a northeasterly, northwesterly and southwesterly direction around the Maryville central business district to a point below the dam for the Greenbelt Lake where the creek abuts the right-of-way of McCammon Avenue.

(3) Then following McCammon Avenue in a southeasterly direction to its intersection with McGhee Street.

(4) Then following McGhee Street in a southwesterly direction to the southwestern property line of Maryville Towers.

(5) Then in a southeasterly direction along the property line of Maryville Towers, continuing in a southeasterly direction along Cates Street, and the extension of the Cates Street right-of-way to U.S. 321.

(6) Then in a northeasterly direction along U.S. Hwy. 321 to Court Street, being the point of beginning.

The Foothills Fall Festival Committee will be responsible for scheduling times and locations for any public displays, games, demonstrations or performances (including, but not limited to musical performances) desired by the public during the festival in the Foothills Fall Festival area in a designated alternate location within the Foothills Fall Festival area. The Foothills Fall Festival Committee can adopt reasonable rules and regulations regarding use of such alternate location, including, but not limited to, a deadline in advance of Foothills Fall Festival by which persons wishing to use the designated alternate location during the Foothills Fall Festival must apply for such use. (as added by Ord. #2010-28, Sept. 2010)

CHAPTER 4

RECREATION AND PARKS SYSTEM
RULES AND REGULATIONS**SECTION**

21-401. Title.

21-402. Sale of food, beverage, etc., in parks.

21-403. Speed limit for motor vehicles in parks.

21-404. Parking in parks.

21-405. Hours of operation for parks.

21-401. Title. This chapter shall be know as "recreation and parks system rules and regulations." (as added by Ord. #2009-10, March 2009)

21-402. Sale of food, beverage, etc., in parks. (1) It shall be unlawful for any person, firm, corporation, or any agent, representative or employee thereof, to attempt to sell, offer for sale, or sell any food, beverage or any other item of personal property within the boundaries of any public park or upon any of the streets in said parks in the City of Maryville, Tennessee, except as otherwise herein set forth.

(2) The City of Maryville and the recreation and park commission shall have the right to make such sale or sales within the boundaries of said parks, and to authorize or contract for the making of such or sales, this being an exception to the prohibitions of this section. (as added by Ord. #2009-10, March 2009)

21-403. Speed limit for motor vehicles in parks. It shall be unlawful for any person to operate or drive a motor vehicle upon the streets in any public park in the City of Maryville at a rate of speed in excess of fifteen (15) miles per hours. (as added by Ord. #2009-10, March 2009)

21-404. Parking in parks. It shall be unlawful for any person to park any motor vehicle or trailer in any public park in the City of Maryville, Tennessee, except at those locations where parking is specifically designated by painted lines upon the pavement or by signs. (as added by Ord. #2009-10, March 2009)

21-405. Hours of operation for parks. (1) Except as otherwise herein provided, it shall be unlawful for any person, organization or group to use or occupy any public park in the City of Maryville, Tennessee, or any vehicular parking areas in connection therewith for any purpose during the hours between midnight and 6:00 A.M.

(2) Permission to use and occupy any of said parks during the hours prohibited in subsection (1) hereof may be granted on special occasion by application to the Chief of Police of the City of Maryville and the same may be issued in writing by the chief of police with the concurrence and approval of the director of the Maryville-Alcoa-Blount County Recreations and Parks Commission.

(3) Nothing in this section is to be construed as restricting any official work or activity in said parks during said hours by any department of the City of Maryville or of the Maryville-Alcoa-Blount County Recreation and Park Commission. (as added by Ord. #2009-10, March 2009)

CHAPTER 5

CUSTOMER SERVICE POLICY¹

SECTION

- 21-501. Introduction.
- 21-502. Payment hours.
- 21-503. Information to customers.
- 21-504. Utility outage.
- 21-505. Meter tests.
- 21-506. Limitations of liability.
- 21-507. Customer charge.
- 21-508. Manual read policy.
- 21-509. Security lights.
- 21-510. Application for service.
- 21-511. Denial of service.
- 21-512. Deposit - residential customers.
- 21-513. Deposit - commercial customers.
- 21-514. Methods of payment.
- 21-515. Billing.
- 21-516. Collection and termination procedures.
- 21-517. Service underpayments or overpayments.
- 21-518. Leak adjustment policy.
- 21-519. Theft of service.
- 21-520. Rates and charges for services.

21-501. Introduction. The City of Maryville Utilities ("COMU") serves as provider of water and wastewater utilities within the incorporated city limits and certain service areas outside of the incorporated area. In addition, COMU provides electric services as a distributor of power purchased from the Tennessee Valley Authority ("TVA").

The COMU's goal is to provide excellent service to its customers. This document describes the customer service policy that is necessary to effectively manage the utilities and their operations as well as follow regulations established by governing authorities. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-502. Payment hours. The COMU accepts payments with the following times for each method of payment.

¹Appendices A-E (fees, phone numbers, certificate of medical emergency, annual read policy, manual read agreement) are available in the office of the recorder.

(1) In person: Payments may be made during the hours of 8:00 A.M. and 4:30 P.M. 400 W. Broadway.

(2) Drop box: Payments may be made at any time of day or night. However, payments must be placed in the drop box, located at City Hall, 400 W. Broadway prior to 4:00 P.M. to receive current day processing. After 4:00 P.M. all payments will be processed with the next business day's transactions.

(3) Web payments and IVR (Integrated Voice Response): Payments (credit card and electronic check) may be made twenty-four (24) hours a day, seven (7) days a week. Typically, payments are credited to the customer's account within twenty-four (24) hours, but COMU asks customer(s) to allow forty-eight (48) hours before due date to ensure payment is posted on time. Electronic checks may take up to three (3) days to debit customer's bank account.

In order to restore service due to non-payment after 4:30 P.M., customers must contact the overtime crews to re-establish service. If an overtime crew is called out, the customer will be responsible for any associated charges and additional fees. The electric overtime crew will be dispatched to restore service for both water and electric service. However, if the electric overtime crew experiences problems associated with water service, and a water overtime crew is dispatched, the customer will be charged an additional fee to restore water service. These charges become due and payable immediately. Failure to pay these charges may result in the discontinuation of services. Electric service after-hours can be contacted at (865) 983-8722. Water service after-hour can be contacted at (865) 982-7990.

In order to avoid penalties or late fees, payments must be received by COMU prior to, or on, the due dates that are outlined on the associated bill. Postmarks are not an acceptable measurement of the time payment was received. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-503. Information to customers. Information is available for the purpose of conservation, fairness, and communication between COMU and its customers.

(1) The COMU will make available to all customers upon application for service and anytime upon request, information related to:

(a) Current service practice policy;

(b) Current rates applicable to such customer and a written and/or oral explanation of the rate schedule.

(2) Upon request a customer will receive a statement of such customer's monthly kWh and/or gallon consumption for the prior twelve (12) month period. There is no charge for this service.

(3) Requests for information or questions regarding this policy may be made in person at any office of COMU, by phone, by mail, or on COMU's website at www.maryvillegov.com.

(4) Customers shall be notified of the availability of rate schedules, governing policy such as those established by TVA, and consumption information by the most practical combinations of:

- (a) A message printed on COMU's bills;
- (b) Public displays in the office where bills are paid;
- (c) Public service announcements on local radio stations periodically;
- (d) Advertisements in local newspapers periodically;
- (e) On COMU's website.

(5) Customers shall be notified of any proposed significant changes in rates and/or policy at least thirty (30) days prior to implementation of such change by the most practical combinations of:

- (a) Mail;
- (b) Newspaper advertisement;
- (c) Public service announcements;
- (d) Displays in the office where bills are paid;
- (e) On COMU's website. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-504. Utility outage. To report a utility outage, contact the Automated Outage Report Line (865) 983-8722. Water service after-hours can be contacted at (865) 982-7990. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-505. Meter tests. COMU will, at its own expense, make periodic tests and inspections of its meters to maintain a high standard of accuracy. COMU will make additional tests or inspections of its electric and water meters at the customer's request as described below.

Electric meter tests have a standard testing fee as referenced in Appendix A and customer must pay this prior to additional meter testing. If test shows that the meter is accurate within two percent (2%), slow or fast, no adjustment will be made in the customer's bill. If the test shows the meter to be in excess of two percent (2%), slow or fast, an adjustment shall be made in customer's bill over a period of not over thirty (30) days prior and the cost of conducting the test will be credited by COMU.

Water meter tests have a standard testing fee as referenced in Appendix A and customer must pay this prior to meter testing. If a meter registers in excess of any standardized accuracy limits as disclosed in the adopted water and sewer rules and regulations, an adjustment will be made by COMU and the cost of conducting the test will be credited by COMU. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-506. Limitations of liability. COMU's liability shall not extend beyond the customer's delivery point. The delivery point for residential electric shall be defined as the point at which COMU's facility connects with the customer's facility and further being defined as: at customer owned weatherhead for overhead service and at source side of terminal of meter pan for underground service. For other points of delivery, refer to the electric department's rules and regulations. The delivery point for water and sewer service shall be defined as the point at which the COMU's facility connects with customer owned service lines.

In accordance with the TVA operating rules, COMU is not liable for lightning, power surges, low voltage, high voltage, loss of power or other temporary abnormal system conditions that are caused by weather, long term equipment failures or other causes not due to direct negligence by COMU or its employees. The customer shall be responsible for purchasing and installing any devices required to protect the customer's equipment from any temporary abnormal system condition that may occur occasionally. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-507. Customer charge. A customer charge, as adopted by the applicable rate schedule, will be applied to all classes of service for supplying service. This schedule is available on request and at www.maryvillegov.com/customer-service. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-508. Manual read policy. A customer may not want an Advanced Metering Infrastructure (AMI) meter installed at their residence. COMU has provided a manual read policy, Appendix D, for customers who choose not to participate in AMI. Customer must complete the agreement, Appendix E, and pay the appropriate electric and/or water meter change out fee and a monthly manual read fee as referenced in Appendix A. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-509. Security lights. If an existing utility pole is not available, a customer will be charged a pole rental fee plus the monthly rate for usage. If an existing utility pole can be utilized, no monthly pole rental charge will be necessary. In order to recover the initial costs of providing the service, a customer is required to pay a minimum of twelve (12) months of service regardless of their continuance as a customer of COMU. Any unutilized portion of the twelve (12) month period will be collected on the final billing. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-510. Application for service. Each prospective customer desiring service is required to sign a standard application form before service is supplied.

The standard application form requires information pertaining to the receipt of adequate identification, such as a valid driver's license and social security number. Also, a copy of a customer's rental agreement or lease must be provided if the service location is not owner occupied. Service will not be supplied to an applicant who does not

- (1) Sign the required form,
- (2) Provide adequate photo identification, and
- (3) Provide the required rental documents for properties

that are not owner occupied (if applicable). All applications completed prior to 12:00 noon, will have service connected the same business day. After 12:00 noon, service will be connected the following business day. A current customer that has been disconnected for non-payment, account has been finalized and deposit applied to their delinquent account becomes a new customer requiring applicable re-connection fees, a new deposit, and any past due balance if reapplying for service.

For commercial customers located within the Maryville City limits, requests for name change, ownership change or new service requires contact with the City of Maryville Electrical Inspector at (865) 273-3517 prior to processing application. The inspector must authorize any release for service. Commercial customers with a demand in excess of one thousand (1,000) kW will be required to sign an additional Power Contract. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-511. Denial of service. Upon application for new service, COMU may deny service due to previously unpaid utility bills under an applicant's current or past utility contracts with the city as long as the bill or bills at issue were not timely disputed by the customer. Such denial of service on this basis will not occur for an existing customer.

COMU shall deny service if it is determined that service would be a potential hazard to the health, safety, and welfare of our customers.

When service is being furnished to an occupant of premises under contract and such contract is not in the occupant's name, COMU 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.

- (2) COMU may require that the service continue for a period not to exceed three (3) days landlord/tenant account during which time the customer would be responsible to COMU for all charges for such service. During such three (3) day period or thereafter, the occupant of the premises to which service has been ordered disconnected by the customer, other than the occupant, may be allowed by COMU to enter into a contract for service in the occupant's own name if the occupant is deemed to comply with COMU's rules and regulations

with respect to his or her own application for service. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-512. Deposit - residential customers. (1) Deposit policies are to be applied without regard to race, color, creed, gender, age, national origin, or marital status.

(2) Customers who receive a "green check" designation from ONLINE Utility Exchange will not be required to provide a deposit. Customers who receive a "red x" will be required to provide a deposit. The deposit amount required is listed in Appendix A and should not exceed the class average of no more than twice the highest monthly bill. COM reserves the right to adjust deposits as needed.

(3) An existing customer, who wants to transfer service to another location and does not have an excellent payment history with COMU will be required to pay a deposit. An excellent payment history is defined as having no more than one (1) late penalty in the past twelve (12) months.

(4) If account is terminated before one (1) year of service, deposit held will be applied to any outstanding balance due COMU and any remaining balance refunded to customer.

(5) All residential deposits will be accounted for and credited to the account after twelve (12) months of continuous service. The deposit balance is subject to review by COMU and the customer. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-513. Deposit - commercial customers. (1) Deposit policies are to be applied without regard to race, color, creed, gender, age, national origin, or marital status.

(2) A deposit is required of any commercial customer before service will be supplied. The amount required should not exceed twice the highest monthly bill for billing location where billing history exists. For new customers at locations where no billing history exists, the monthly bill will be estimated based on anticipated energy demand and load for customer.

(3) Upon termination of service, any outstanding balance due COMU will be paid in full from the deposit funds and then the balance, if any, shall be paid to the customer.

(4) All commercial deposits will be accounted for and credited to the account after twelve (12) months of continuous service. The deposit balance is subject to review by COMU and the customer.

(5) COMU does not accept surety bonds. An irrevocable letter of credit from a financial institution may be acceptable; however, this should be discussed in advance with the collection technician at (865) 273-3462. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-514. Methods of payment. Acceptable methods of payment during normal business hours are cash, check, money order or cashier's check. Credit cards are also acceptable methods of payment. VISA, MasterCard, Discover and American Express are accepted. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-515. Billing. (1) Bills will be rendered monthly and shall be paid at the office of COMU or through the various other methods listed under "payment hours."

(2) Failure to receive a bill will not release customer from payment obligation.

(3) The due date for payment of the bill will be at least fifteen (15) days for all cycles from the day the bill is mailed to the customer.

(4) Payments made after the due date will be subject to a late payment charge of five percent (5%).

(5) A one (1) time courtesy adjustment of late fee per account may be allowed.

(6) If the COM is unable to obtain access during regular business hours to read meters or if for any other reason correctly registered consumption cannot be obtained, the COM reserves the right to render an estimated bill to the customer on the basis of the best available information available. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-516. Collection and termination procedures. Whenever practical, the following process will be followed to discontinue service. However, this process may be modified as long as the intent of notification remains intact and is deemed to be more efficient in the administration of providing utility services and receiving utility payments:

(1) A monthly bill will be sent to the address provided by the customer. A notice that service is subject to termination for non-payment will be printed on the monthly bill if there is a balance carried forward from previous month.

(2) A courtesy letter for first time late customers will be mailed twenty (20) days after due date.

(3) Written notice of termination ("final notice before disconnection of service") including rights and remedies will be mailed to customer at least five (5) days prior to the scheduled date of termination and will include all amounts due. For billing disputes, contact customer service at (865) 273-3456.

(4) If customer does not make payment of all outstanding charges, notify COMU of a billing dispute, or make other acceptable arrangements by the last date of termination, COMU will proceed on schedule with termination.

(5) Hearings on disputed bills will be held by appointment between the office hours of 8:00 A.M. and 4:30 P.M. by an appointment with the staff member designated by the director of financial services.

(6) A customer requesting a hearing has the right to examine records pertaining to that customer's service.

(7) The hearing will be conducted by the staff member designated by the director of financial services. After hearing the evidence, a written decision will be promptly provided to the customer.

(8) A customer may appeal the decision of the designee of the director of financial services. In such case the director of financial services will hear the evidence and render a decision in writing and shall promptly provide the customer a copy of such final decision.

(9) The customer has the right to a post termination hearing under the above procedures within two (2) business days following such termination.

(10) Discontinuance of service shall not release the customer from liability for service already received or from liability for payment that thereafter becomes due under the minimum bill provisions or other provisions of the customer's contract.

(11) A standard reconnection fee will be required for reconnection after termination for nonpayment during normal business hours. After-hours a service fee will apply and payments will be accepted only in the form of cash or check.

(12) A cut-off fee will be added to all accounts that have made the cut-off list, regardless of whether they are disconnected.

(13) If COMU terminates the customer's service for non-payment due to a returned check, a re-connection fee will apply plus any and all check fees. Full payment of all past due amounts and applicable fees owed to COMU must be received in order to restore service. After the third returned check, COMU will not accept a check from the customer for the next twelve (12) month period.

(14) A returned check/draft fee will be assessed to a customer's account for each returned bank draft. After the third returned draft, the customer will no longer be eligible to participate in the bank draft program.

(15) For a customer with hardship or other extenuating circumstances, special counseling is available. When requested by the customer, COMU may arrange to extend payment a week from last day to pay before disconnection of service. The customer is allowed to have three (3) extensions within a twelve (12) month period as long as the customer pays by the date stated on agreement and past due balance and all applicable fees are paid in full. If any agreement is paid with a returned check, no future agreements are allowed for the following twelve (12) month period.

(16) COMU evaluates weather conditions daily at www.weather.com for Maryville, TN 37801, and in the event that the forecasted temperature is not forecasted to exceed twenty degrees Fahrenheit (20° F) or is forecasted to exceed one hundred degrees Fahrenheit (100° F) for heat, on that day, COMU will not disconnect service for non-payment. 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.

(17) For nonpayment of a bill in cases of documented medical hardship, such as oxygen, life support systems or dialysis machines, with a written order, Appendix C, from a Tennessee medically licensed physician, COMU will postpone disconnection procedures and install a delimiter device on customer's meter for no longer than seven (7) days. COMU limits the number of times this provision may be invoked to three times per year per location/customer. This provision does not apply to CPAP machines. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 ***Ch17_2-5-19***)

21-517. Service underpayments or overpayments. If the COMU determines a customer has been incorrectly billed for utility services, then such incorrect billing shall be adjusted for either overbilling or under billing. After a determination of overbilling or underbilling for services has been made by COMU, an adjustment for overbilling or underbilling shall be for any known or unknown causes which result in incorrect bills for utility services including but not limited to incorrect constants, failure of current and potential transformer or meter equipment, failure of any other related equipment, improper billing procedures, and any other causes which result in incorrect billing for services to the customer. The period of adjustment for any overbilling or underbilling shall be based upon the period of time during which said overbilling or underbilling occurred subject only to the applicable period of limitations under state law Tennessee Code Annotated, § 28-3-301. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 ***Ch17_2-5-19***)

21-518. Leak adjustment policy. In order to qualify for a leak adjustment, a customer with permanent service must apply for the leak adjustment by certifying that they have experienced a leak and have had it fixed within their internal water distribution system. Only (1) one adjustment will be allowed every twelve (12) months and any adjustment will only affect a maximum of three (3) separate billings. A leak adjustment may be made for temporary service at the discretion of the utility director.

(1) **Water bill.** If a customer experiences a leak in their internal water distribution system, the water portion of the bill will be adjusted to a level that is equal to the annual average monthly bill, plus fifty percent (50%) of the difference between the actual bill and the average bill. If data is unavailable for previous twelve (12) month period, the system-wide average residential water bill will be used.

(2) **Sewer bill.** If a customer experiences a leak in their internal water distribution system, the sewer portion of the bill will be adjusted to the annual average only when the leakage does not enter the sewer collection system.

For commercial or new customer, adjustments must be based on actual usage. If no history is available, six (6) months of usage must be established

before an adjustment can be calculated. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-519. Theft of service. When theft of service is suspected, COMU personnel will visit the premises and evaluate the situation. If it appears a meter has been tampered with, Maryville Police Department will be notified. If the customer's meter has been tampered with the service will be disconnected and the account immediately closed. All past due, current due, applicable fees, additional deposits and tampering related costs must be paid or acceptable arrangements made before service will be reconnected. COMU reserves the right to refer all meter tampering and theft of service cases to the attorney general's office for possible prosecution under Tennessee Law. Any theft of service fees adopted by COMU rate schedule will be applied to all accounts, as appropriate. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)

21-520. Rates and charges for services. Rates and charges for electric, water and sewer services are located in the applicable rate schedule. A copy of the current rate schedule is available upon request during the business hours of 8:00 A.M. to 4:30 P.M. They are also available at www.maryvillegov.com/customer-service. Such requests may be given in person or by calling (865) 273-3456.

Rates and charges for electric, water and sewer services are established upon adoption by the Maryville City Council. One (1) exception to this policy is the adoption of a monthly fuel rate charge as adjusted by the Tennessee Valley Authority (TVA). Such charges shall be automatically adopted and included in the electric rate schedule as no additional proceeds are received by COMU. (as added by Ord. #2016-25, Oct. 2016, as replaced by Ord. #2018-08, April 2018 *Ch17_2-5-19*)