

**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

1. GAS.

**CHAPTER 1**

**GAS<sup>1</sup>**

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**19-101. Definitions.** As used in this chapter (1) "Gas department" shall mean the Jamestown Gas Department, engaged in the operation of the

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<sup>1</sup>Municipal code reference  
Building and utility codes: title 12.

Jamestown Natural Gas Distribution System and its duly authorized officers and employees.

(2) "Commercial customers" shall mean customers engaged primarily in the sale of goods or services including institutions and local, state, and federal agencies for uses other than those involving manufacturing.

(3) "Industrial customers" shall mean customers engaged primarily in a process which creates or changes raw or unfinished materials into another form or product.

(4) "Residential consumers" shall mean those customers who consume gas from the gas department in a single or multiple unit dwelling with household appliances for the personal comfort and convenience of those residing in such dwelling.

When a portion of a dwelling is used regularly for the conduct of a business, which business consumes or utilizes gas from the gas department, the gas so used in the conduct of the business shall be metered separately from the gas consumed and used in the dwelling house purposes; otherwise the entire premises, both business and dwelling, will be classified as a commercial or industrial consumer, as set forth in this chapter.

(5) "Customer" means any person who receives gas service from the gas department under an expressed or implied contract requiring such person to pay the gas department for such service; and shall include any person upon whose property there is located a gas service line even though such service line is not in active use.

(6) "Service line" shall mean the pipe which leads from the gas department's gas distribution mains to a customer's building or other structure where such customer takes gas service. "Service line" does not include meter, shut-off cock, pressure regulator, or gauges.

(7) "Day" whenever used with reference to a period for which gas used is measured or metered, shall mean a period of twenty-four consecutive hours beginning as near as practical to 8:00 a.m. Central Time, and the date of any such day shall be the date of the calendar day on which said twenty-four hour period begins. (1981 Code, § 13-401)

**19-102. Standard service.** Service is normally limited to natural gas of approximately 1000 BTU cubic foot heat content and approximately 0.6 specific gravity as referred to air, and at a nominal pressure of 6 inches water column above atmosphere. The gas department reserves the right to furnish substitute or supplemental gas of different heat content and/or specific gravity either in the event of emergency or for other reasons. Pressure specified herein is nominal pressure and the gas department does not guarantee actual pressure. (1981 Code, § 13-402)

**19-103. Non-standard service.** For service at other than standard pressure, the customer shall confer with the gas department regarding the type

of service required. Before the customer proceeds with the purchase of equipment or piping in such cases, he should contact the gas department, which will furnish information on the ability to meet special requirements. The customer shall pay any additional cost involved in meeting his particular requirements for service at other than standard pressure. Nothing contained herein shall obligate the gas department to provide such special service.

For billing purposes, the volume or quantity of gas delivered to a customer using non-standard service, as metered or estimated, shall be corrected, in accordance with Boyle's Law, to its equivalent volume at a gauge pressure of four (4) ounces per square inch. (1981 Code, § 13-403)

**19-104. Application for service; extension policies.** Each prospective customer desiring gas service from the Jamestown Gas Department must take application for such service from the gas department in the City Hall, and must comply with all pertinent ordinances and rules and regulations established for the operation of the gas department. Main extensions shall depend on the economic feasibility of extending such mains and available gas supply as determined by the director of the gas department. Any prospective customer refused shall have the right to ask the board of mayor and aldermen to reconsider and rule on the application. During periods of short gas supply, the gas department shall have the right to refuse service to new customers, establish waiting lists for service, and/or establish priorities between classes of customers to be served.

Customer shall pay for all materials used in installing the service line from the gas main to the building.

Gas tap fees are as follows:

<u>Residential</u>	<u>Commercial</u>
Inside city \$350.00	Inside and
Outside city \$450.00	outside city \$450.00

In addition, after the first three hundred feet (300'), there will be a charge of one dollar and twenty cents (\$1.20) per foot for installing the service line from the gas main to the structure. (1981 Code, § 13-404, as amended by Ord. #1000, July 2006, and Ord. #1250, July 2011)

**19-105. Service charges.** There shall be a service charge of twenty-five dollars (\$25.00) for the connection of a consumer where said consumer was the last customer to use natural gas at that particular location, unless service has been discontinued for at least eight (8) months prior to the request for service. No charge shall be made for the connection of a new customer or an old customer moving to a new location. (1981 Code, § 13-405, modified)

**19-106. Deposit required.** Meter deposits will be required as follows:

Owner of property	\$25.00
Renter of property	\$250.00

(1981 Code, § 13-406, modified, as replaced by Ord. #1000, July 2006)

**19-107. Application of deposit.** The security deposit or guarantee, hereinabove provided for, shall be a security or guarantee of the payment of all charges owing or which may become owing to any utility department of the City of Jamestown. (1981 Code, § 13-407)

**19-108. Refund of deposit.** Deposits will be refunded after discontinuance of services if all bills have been paid. (1981 Code, § 13-408)

**19-109. Higher deposit required of certain delinquent customers.** If during any six-month period, an account is allowed to become delinquent beyond the cut-off date as many as three (3) times, the customer will be required to make a deposit equal, to the nearest five dollars (\$5.00), to twice his average monthly gas bill. This provision shall apply to all consumers, with customers becoming eligible for a refund on the same basis as above. (1981 Code, § 13-409)

**19-110. Point of delivery.** The point of delivery shall be the outlet side of the customer's meter or the connection to the customer's piping, whichever is farther downstream from the source of gas supply. (1981 Code, § 13-410)

**19-111. Customers' piping and installation standards.** All piping and installation of appliances must conform to the gas code. The gas department's representatives and employees shall have the right, but shall not be obligated, to enter upon the customers' premises at all reasonable and/or necessary times and inspect gas appliances, installations, and piping to determine whether or not the same meet the requirements of the rules and regulations of Jamestown, Tennessee, at such time. The gas department reserves the right to refuse or terminate gas service for violation of the above mentioned rules and regulations or for any other condition deemed hazardous by responsible gas department representatives or employees. The inspection provided for in this section shall not, however, render the gas department liable or responsible for any loss or damage resulting from defects in installation, piping, or appliances, or resulting from violation of the rules and regulations of Jamestown, Tennessee, or from accidents which may occur upon customer's premises. (1981 Code, § 13-411)

**19-112. Right of access.** The gas department's identified employees shall have access to each customer's premises at all reasonable times for the purpose of reading meters and testing, repairing, removing, or exchanging any or all equipment belonging to the gas department. (1981 Code, § 13-412)

**19-113. Customers' responsibility for gas department property.**

All meters, regulators, service connections, and other equipment furnished by the gas department shall be and remain the property of the gas department. Each customer shall provide a place for, and exercise proper care to protect the property of the gas department on its premises. In the event of loss or damage to the gas department property arising from the neglect of a customer to care for same, the cost of necessary repairs or replacement shall be paid by the customer. (1981 Code, § 13-413)

**19-114. Billing.** Bills will be rendered monthly and shall be paid within ten (10) days from the date of the bill at the office of the gas department. Failure to receive a bill will not release the customer from the obligation to pay for gas and services furnished. The gas department will give written notice on the back of the billing card to the customer that if the bill is not paid within ten (10) days of the discount date, service will be discontinued. Bills paid on or before the discount date shall be payable at the net rate, but thereafter the gross rates shall apply, as provided in the gas rate schedules. Should the final date for payment of the bill at the net rates fall on a Saturday, Sunday, or holiday, the business day next following the final date will be a day of grace for delivery of payment. Net rate remittances received by mail after the time limit for payment of said net rates will be accepted by the gas department if the incoming envelope bears the United States Post Office date stamp of the final date for payment of the net amount or any date prior thereto. (1981 Code, § 13-414, modified)

**19-115. Discontinuance of service.** The gas department will refuse to connect or will disconnect gas service for any violation of this chapter or for violation of any of the provisions of pertinent rules and regulations established for the guidance and operation of the gas department. The discontinuance of service by the gas department for any cause as stated in this section does not release the customer from his obligation to the gas department for the payment of minimum bills as specified in the application of the customer or the contract with the customer. (1981 Code, § 13-415)

**19-116. 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 their service contract specifies otherwise. Notice to discontinue service prior to expiration of the contract term will not relieve the customer from any minimum or guaranteed payment under any contract or rate. (1981 Code, § 13-416)

**19-117. Interruption of service.** The gas department will use reasonable diligence to provide a regular and uninterrupted supply of gas, but the gas department cannot and does not guarantee the consumer any fixed

pressure or continuous service. In case the supply of gas shall be interrupted or disturbed for any cause, the gas department shall not be liable for damages resulting therefrom.

In connection with the operation, maintenance, repair, and extension of the gas distribution system, the gas supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The gas department shall not be held liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1981 Code, § 13-417)

**19-118. Additional load.** The service line, regulator, meter, and equipment supplied by the gas department for each customer have definite capacities, and no additional load shall be connected thereto except by consent of the gas department. Failure to give notice of additions or changes in load, and to obtain the gas department's consent for same, shall render the customer liable for any damage to any of the gas department's equipment caused by such additional or changed installation. (1981 Code, § 13-418)

**19-119. Notice of trouble.** Customers shall notify the gas department immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of gas. Such notices, if verbal, shall be confirmed in writing at the earliest reasonable time. (1981 Code, § 13-419)

**19-120. Meter tests.** The gas department will, at its own expense, make periodical tests and inspections of its meters in order to maintain a high standard of accuracy of said meters. The gas department will make additional tests or inspections of its meters at the request of the customer. If tests made at a customer's request show that the meter is accurate within two percent (2%), either slow or fast, no adjustment will be made in the customer's bill, and the testing charge of one dollar (\$1.00) per meter will be paid by the customer, said amount to be included in the next bill sent to the customer by the gas department. In case the test shows the meter to be in excess of two percent (2%), either slow or fast, an adjustment shall be made in the customer's bill over a period of not to exceed thirty (30) days prior to the date of such test, and cost of making the test shall be borne by the gas department. (1981 Code, § 13-420)

**19-121. Restricted use of gas.** In times of emergencies or in times of gas shortage, the gas department 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.

A time of gas shortage within the meaning of this section shall be deemed to exist whenever the actual use or the reasonably anticipated use of gas in any day, or any other fixed period of time exceeds the quantity of the gas the gas

department is entitled to obtain and can obtain from the gas department's supplier without incurring any overrun penalties or charges in excess of the price normally paid for natural gas.

Insofar as is reasonably practical, the following priorities shall be observed when the gas department finds it necessary or desirable to restrict the use of gas as authorized by this section, with the highest priority of use being the first named and the subsequent uses being in descending order or priority.

- (1) Residential customers.
- (2) Small commercial customers (less than 50 MCF on a peak day).
- (3) Large firm commercial customers (50 MCF or more on a peak day)

and firm industrial customers.

- (4) Interruptible customers.

Interruptions or curtailments may be on a day to day basis or customers may be restricted on the amount of gas they are allowed to use in a stated period of from one (1) to twelve (12) calendar months.

Nothing contained herein shall prevent the gas department from varying the priorities as stated above or varying the degree of curtailment when such variance is necessary to prevent interference with essential public services including the operation of hospitals, schools, educational institutions, utility services, and governmental operations, or whenever the gas department in the exercise of a reasonable discretion, determines such variance to be necessary where:

- (1) The use of an alternate fuel would impose unacceptable safety hazards or is otherwise not technically feasible.

- (2) Natural gas is used as raw material for its chemical properties in creating an end product.

- (3) Applications requiring precise temperature controls and precise flame characteristics where the flame is in direct contact with the material being processed and alternate fuels are not technically feasible.

- (4) Abnormal circumstances, such as strikes, plant closings, etc., during the "base period" being used as a basis for curtailment resulting in lower "base period" volumes than the annual usage normally would have been during the base period.

To insure that any variances granted shall be uniform and nondiscriminatory in nature, an advisory committee composed of industry representatives and/or other technically qualified persons shall be formed to study any request for variance from any curtailment which may be imposed under the terms of this section. Recommendations from this committee shall be given due consideration but shall not be binding upon the gas department in determining whether or not a variance is to be granted. Any variance granted or refused by the gas department may be appealed to the board of mayor and aldermen.

The gas department shall establish written procedures for the implementation of any curtailment resulting from the inability to obtain

sufficient gas supplies for the requirements of its customers. Customers likely to be curtailed will be notified as far in advance as practicable and shall be given information on their priority classification, a copy of the sections of the municipal code pertaining to the gas curtailment, and the written procedures developed by the gas department for implementing the curtailment.

Whenever a customer takes gas in excess of the amount allowed under any notice from the gas department restricting or interrupting the customer's use of gas, the customer shall be required to pay to the gas department for any penalties or other excess charges incurred by the gas department including, but not limited to, propane, liquified natural gas furnished by the department's supplier and/or through its own facilities, or other gaseous products. In addition, should said excess use of gas cause the department to incur damages or other liabilities from its other customers, the customer shall be required to discharge same and hold the department harmless therefor. Refusal to pay such charges, penalties, or damages or continued or willful overruns shall be sufficient grounds for cancellation of service to such customer, as well as legal proceedings to collect such charges, penalties, or damages.

A customer's maximum day may be determined by recording devices, actual day by day readings, or calculated from the previous twelve months maximum consumption. For heating customers, this calculation shall be based on 5% of the maximum month's consumption. For customers whose usage is practically constant regardless of weather conditions, the calculation shall be the maximum month's consumption divided by the number of days normally worked in a month. The method used shall be the method determined by the gas department to be most practical. (1981 Code, § 13-421)

**19-122. Billing adjusted to standard periods.** The gas charges as set forth in the rate schedules are based on billing periods of approximately one (1) month. In case of the first billing of new accounts and final billing of all accounts where the period covered by the billing involves fractions of a month, the charges will be adjusted to a basis proportionate with the period of time during which service is extended. (1981 Code, § 13-422)

**19-123. Rate schedules for gas service.** Rate schedules for gas service shall be as established from time to time by appropriate resolution or ordinance of the board of mayor and aldermen.<sup>1</sup> (1981 Code, § 13-423)

**19-124. Purchased gas adjustment.** The rate schedules are based on the cost of natural gas supplied to the gas department as of the effective date of the rate schedule. The charge for each 100 cu. ft. of gas may be adjusted up or

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<sup>1</sup>Administrative ordinances and resolutions are of record in the recorder's office.



down by one-tenth of the amount of any corresponding change per MCF in the commodity cost of gas being supplied to the gas department by the gas department's natural gas supplier. The rate per 100 cu. ft. in each bracket shall be rounded off to the nearest one-tenth of a cent and with five hundredth of a cent to rounded off to the next highest one-tenth of a cent. Each such change may only be put in effect on those billing periods of customers which billing periods begin on or after the date when the corresponding change in the gas department's cost of gas becomes effective. Such adjustments shall operate prospectively only; and no retrospective change in the gas department's cost of gas shall be used as a basis for any such adjustment in this rate schedule. Any change in rates, other than provided for above, shall be passed by appropriate resolution or ordinance in the prescribed manner. After such change has been made, the purchased gas adjustment provisions shall apply to the new rate schedule in the same manner as to the present rate schedules.

The department, at its option, may adjust said increase or decrease per MCF, in whole or in part, in the demand component of its rate structure. (1981 Code, § 13-424)

**19-125. Applicability of chapter.** These rules and regulations shall apply to all customers receiving gas service from the gas department, whether the service is based upon contract, agreement, signed application, or otherwise. A copy of the provisions in this chapter shall be kept available for public inspection at the office of the gas department. (1981 Code, § 13-425)