

ORDINANCE 20-2020-21

AN ORDINANCE AMENDING PART II (CODE OF ORDINANCES), TITLE 13 (UTILITIES AND SERVICE), CHAPTER 3 (GAS, WATER, AND SEWER SERVICE) AND CHAPTER 4 (WATER AND/OR SEWER SERVICE TO PARTICULAR AREAS OR SUBDIVISIONS) THE CITY OF CLARKSVILLE RELATIVE TO CHARGES, DEPOSITS, PROGRAMS, ADJUSTMENTS, INSTALLMENT PLANS, AND SERVICE EXTENSION APPROVAL

*WHEREAS*, The City of Clarksville (Gas and Water Department) has extensively reviewed internal policies and the city code, as it pertains to customers' accounts and service and/or more specifically related to charges, deposits, programs, adjustments, installment plans, and service extension outside of city limits; and

*WHEREAS*, the current policies and city code hinders the department's ability to provide the level of customer service deemed necessary and/or operate efficiently or effectively; and

*WHEREAS*, the City of Clarksville (Gas and Water Department) wishes to modify its policies and the city code in order to provide an acceptable level of customer service and operate more efficiently and effectively; and

*WHEREAS*, the City Council finds that the best interests of the City, its residents, and the Gas and Water Department rate payers would best be served by the following city code amendments.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:*

1. That City of Clarksville Code of Ordinances, Title 13 (Utilities and Service), Chapter 3 (Gas, Water, and Sewer Service) and Chapter 4 (Water and/or Sewer Service To Particular Areas or Subdivisions), in its entirety, is hereby amended by deleting same in its entirety and substituting therefor the following:

**Chapter 3 - GAS, WATER, AND SEWER SERVICE**

**Sec. 13-301. - Rates, service fees, penalties, security deposits, and other charges.**

The city council shall approve all rates for gas, water, and sewer service. Service fees, security deposits, penalties, or other charges as authorized herein shall be in the amounts set forth in schedule A below:

Schedule A

New service	
• Water and/or sewer .....	50.00
• Overtime .....	100.00
• Gas .....	50.00
• Overtime .....	100.00
Interdistrict .....	125.00
Meter re-read .....	0.00
Testing/changing meters .....	125.00
Payment collections .....	Cost
Returned payment .....	Amount as authorized by TCA
Reactivation—Business hours .....	50.00
Reactivation—After hours .....	100.00
Property Owners Account Program - water/gas	10.00/10.00
Security deposit	
Residential	
• Water and sewer .....	150.00

• Gas .....	200.00
Commercial water/gas .....	2x highest bill
Industrial water/gas .....	2x highest bill
Governmental entity, utility, or co-op gas .....	500.00
Credit Inquiry .....	6.00

**Sec. 13-302. - Waiver of fees, penalties, and other charges.**

- (1) The general manager of the department of gas and water, or his/her designee(s) made in writing, shall have authority to make monetary adjustments to customer accounts, and to waive fees and penalties incurred by customers, due to errors made by the department.
- (2) The general manager of the department of gas and water, or his/her designee(s) made in writing, may approve a one-time deposit waiver for a customer whose current account has been deactivated for non-payment. As this waiver is per customer and location, a change in customer's service location shall renew qualification for a one-time deposit waiver.
- (3) As determined by the mayor in writing, in cases of war, rebellion, insurrection, civil emergency, or natural or man-made disaster, the general manager of the department of gas and water may be authorized by the mayor to waive any and all service fees or penalties, and to dispense with the requirement of payment of a security deposit, and to allow the payment of any bills due for service through installment payments, and to suspend the deactivation of accounts or termination of services, for a reasonable period of time to be determined by the mayor, irrespective of any error made by the department, for customers who provide proof of substantial damages or harm to their real or personal property, or significant interruption of their business, due to war, rebellion, insurrection, civil emergency, or natural or made-made disaster, in form satisfactory to the general manager, or his/her designee(s) made in writing.
- (4) The general manager of the department of gas and water, or his/her designee(s) made in writing, shall have authority to make monetary adjustments to residential customer accounts, and to waive fees and penalties incurred by said customers, which are the result of the customer inadvertently and by whatever means, directing the application of a payment to an account other than the intended account. Provided however that said payment is in an amount sufficient to satisfy all amounts due on customer's account and further provided that said customer has remained in good standing, to mean no late fees assessed, in the immediately preceding 12-month period. Request for an adjustment must be made within thirty (30) days of the fee or penalty being applied to the account.

**Sec. 13-303. - City not liable for failure or condition of service.**

According to its source of supply and the condition of its water system, the city will make reasonable effort to furnish water to its consumers. But the city makes no guarantee to anyone as to supplying water nor its condition and it shall not be liable to anyone for any loss or failure or interruption of the supply of water, gas, and sewer service or its condition.

#### **Sec. 13-304. - Authority to curtail or refuse service.**

The city reserves the right to restrict, curtail, or refuse water, gas, or sewer service for good and sufficient reasons.

#### **Sec. 13-305. - Ownership and maintenance of gas and water meters.**

All gas and water meters hereafter installed, whether within or without the corporate limits of the city, shall be owned, serviced, and maintained by it. All meters whether or not owned by the city, used for measuring gas or water furnished by it, shall be subject to the city's inspection at all times, and shall be maintained, serviced, and repaired by it.

#### **Sec. 13-306. - Tampering with equipment or meters.**

- (1) No authorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any equipment, structure, appurtenance, or water or gas meter which is part of the water and/or gas department works of the City of Clarksville.
- (2) Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. Any customer, or his or her designee, found violating this provision shall be subject to related fees, disconnection of related service and/or held liable for damages produced by such actions.

#### **Sec. 13-307. - Right to inspect property.**

Insofar as its rights and liabilities are concerned, the city shall have the right at reasonable hours to inspect properties to which it supplies water, gas, and sewer service.

#### **Sec. 13-308. - Application for service; service fees; security deposits; property owners account program; interdistrict fees; outstanding balances.**

- (1) Application for water, gas, and sewer service shall be made at the Clarksville Department of Gas and Water. A service fee for each applicable service shall be charged to each new customer, and to existing customers moving to a new location within the service area. A new customer shall be defined as a customer requesting service that has not had service from CGW, as determined by current customer service software. In the event a customer requesting service is determined not to be a new customer, the deposit requirements set forth in subsection 13-308(2) shall apply.
- (2) In addition to any applicable service fees provided for herein, a security deposit to ensure payment for services for any service to be provided may be charged to each new customer and/or any customer whose account has been deactivated for non-payment. Said security deposit shall be in an amount as approved by ordinance of the city council. The following security deposit criteria shall be applicable for each customer class:
  - (a) Residential: In lieu of a deposit, applicants for residential service as a new customer may request a credit inquiry to determine the required deposit amount. For residential customers, said security deposit may also be paid in three (3) equal monthly installments, in which case the first installment payment shall be due upon application for service. A fee as set forth in schedule A shall be charged per credit inquiry. Said security deposit shall be credited to the customer's account after four (4) continuous years of payment history with no intervening inactivation of the customer's account for nonpayment for service. Any inactivation of the customer's account for nonpayment shall be cause to restart the computation of the four-year time period for return of a customer's security deposit. A change in customer's service location shall not interrupt accumulation of continuous years of payment history.
  - (b) Commercial/Industrial: Upon application for service by a new commercial or industrial customer, a security deposit shall be payable in one lump sum. All commercial and/or industrial customers will be required to pay a security deposit for each water and/or gas service, including each location of a chain-type business or similar businesses owned by same individual(s), company, and/or corporation. Said security deposit shall be the greater amount of either two (2) times the highest billed or estimated month amount or \$250.00 for water and/or \$500.00 for gas. Two (2) times the highest billed or estimated month amount shall be determined by billing history of previous owner of same or similar business, similar chain-type business at different location, and/or engineering/plumbing estimate submitted for site/utility plan. Said security deposit will be maintained for the lifetime of the service, to be credited and/or returned only upon termination of said service.
- (3) A service fee may also be charged as necessary to cover the costs of re-reading meters which were initially read correctly, testing and changing meters which are determined to be accurate, and for collecting funds for checks and bank drafts that have been returned due to insufficient funds in the customer's bank account or financial institution.
- (4) Upon application of a property owner and/or property manager, the general manager for the department of gas and water, or his/her designee(s) established in writing, may enter into an agreement with said property owners and/or managers automatically transferring responsibility of active services from a departing tenant to said property owner and/or manager. Upon execution of agreement, the owner/manager agrees to pay a security deposit, in full, for each water and/or gas service established. No installment payments shall be allowed. Upon execution of agreement, the owner/manager agrees to pay the property owners account program fee, per gas and/or water service, for each account meter to be read, service left on, and account transferred into owner's/manager's name when at such time a tenant properly terminates said service(s). Upon execution of agreement, the owner/manager shall be responsible for all usage, including all

associated charges and fees, once a tenant notifies the gas and water department to terminate service(s). If a service in a tenant's name is deactivated for nonpayment, normal services fees shall apply. If a service in an owner's/manager's name is deactivated for nonpayment, normal services fees shall apply and a security deposit shall be charged. If any account in a property owner's/manager's name, and associated with this property owners account program, remains unpaid exceeding thirty (30) days beyond the billing due date, all normal fees and security deposits shall apply and all properties in said owner's/manager's name, and within said program, will be immediately removed from the property owners account program.

- (5) An interdistrict fee for each applicable sewer service located in an adjoining utility district, as provided for by an interlocal agreement between the city and such utility district, shall be charged to each new sewer customer and to existing sewer customers moving to a new location within the utility district. The general manager/department head of the department of gas and water, or his/her designee made in writing, shall have authority to waive this fee incurred by a customer who has provided satisfactory evidence that they are the surviving spouse of a deceased current customer.
- (6) All customers shall be required to pay any and all outstanding balances from existing and/or past accounts, in perpetuity, prior to being allowed to establish service.

**Sec. 13-309. - Fee for new connections; service line.**

(a) (1) The city shall charge connection fees for each metered customer added to the water and/or sewer system. Connection fees for all new construction shall be due and payable at the time the plumbing permit for connecting the structure to the outside water and/or sewer service is issued. No such permit shall be issued unless the connection fee is paid first. The following schedules shall be used for the various classifications of customers.

(2) Water and sewer connection fees for all new residential construction shall be based on the number of square feet of heated living area contained by the new construction. The area is to be computed as defined by the Veterans Administration. Mobile homes and other prefabricated structures that are moved onto a building site shall also be classified as new residential construction for this purpose. The fee per unit shall be as follows:

New residential construction water connection fee: Twenty cents (\$0.20) per square foot.

New residential construction sewer connection fee: Eighty cents (\$0.80) per square foot.

- (b) If inspection reveals a misrepresentation or understatement of the actual area of the permitted structure by an amount greater than five (5) percent, an adjustment of the fee shall be made and the additional area shall be charged to the holder of the building permit at twice the normal rate.
- (c) Water and sewer connection fees for existing residential construction and for new and existing commercial and industrial construction shall be based on the size of the primary water meter(s) serving the customer according to the following schedule:

		Sewer Connection Fee
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Meter Size	Water Connection Fee	New Construction	Existing Construction
¾"	\$ 400	\$ 800	\$ 600
1"	800	1,500	1,000
1½"	1,200	2,500	2,000
2"	1,800	4,000	2,500
3"	2,500	5,000	3,000
4"	3,500	8,000	5,000
6"	6,000	12,000	8,000
8"	10,000	20,000	15,000

(d) (1) Secondary meters, yard, and irrigation meters: In addition to the primary meter supplying the customer, meters may be installed to record water flows such as for yard irrigation which do not enter the sewer system and consequently these flows do not result in a sewer charge. Secondary meters may also be installed to separate flows that formerly went through one meter such as when a master meter for an existing apartment complex is replaced by individual meters. Each additional meter is charged only the following fee.

(2) Water connection fee for yard/irrigation meters for new and existing construction and for other secondary meters that are added to existing customers to separate flows for billing purposes:

Meter Size	Meter Fee
¾"	\$200.00
1"	250.00
1½"	500.00
2"	800.00

3"	2,000.00
4"	3,500.00
6"	5,000.00

- (e) (1) Connection fees are not charged where existing services are being replaced unless such replacement results in an increase of meter size in which case a fee is charged equal to the difference between the connection fees for the original meter size and the fee for the new meter size.
- (2) Connection fees are not charged where the applicable service is connected directly to a water or sewer main installed with Federal Community Development Grant funds.
- (3) The above connection fee prices include the cost of the meter and the charge for tapping the main where applicable. The city shall make all water and sewer taps on mains that have been accepted by the city for operation and maintenance. The customer shall be responsible for all excavation, provision, and installation of tap materials, and backfilling. Taps on new main installations not yet accepted by the city shall be made by the installing contractor.
- (f) In cases where a tap on a city main is made without the requirement for a meter, such as for main extensions or a fire service line, a connection fee is charged as follows:

Water Tap Size	Fee
¾"	\$150.00
1"	200.00
2"	250.00
3"	300.00
4"	350.00
6"	450.00
8"	650.00
10"	750.00

- (g)
  - (1) Buildings requiring a fire service line six (6) inches in size or less, shall be required to pay a connection fee as set forth in subsection F above. A backflow prevention device meeting the requirements of Title 8, Section 8-407(2), (3) of the Clarksville Municipal Code shall be installed at the property boundary and become part of the fire system. The chief utility engineer, at his sole discretion, may require the fire line be metered when it is determined to be in the city's best interest to do so.
  - (2) Buildings requiring a fire service line greater than six (6) inches shall be required to meter such service as well as meet the requirements of subsection (g)(1) above and pay a connection fee based on cost plus ten (10) percent. The cost includes the cost of the meter, all appurtenances, and a tapping fee as established in subsection F above.
  - (3) All fire service lines shall be separate and independent of any other water service line to the property/building.
- (h) Connections to city water mains by manipulating valves and adding fittings may be performed only when approved by the city engineer. Such approval shall not relieve the contractor of notifying any affected customer, nor of any other associated liability. Such connections shall be without charge unless a meter is required, in which case the appropriate water connection fee will be charged to the individual installing the meter set-up.
- (i) Meter box fees will be charged for all new meter installation including secondary meters based on actual cost plus ten (10) percent.
- (j) Connections to city sewer mains or manholes for the purpose of extending a main or replacing a service shall not be subject to a connection fee. Any new service extending from such a main or manhole shall be subject to the appropriate sewer connection fee. When a sewer tap is required on an existing main, it will be made by the city. The cost of such sewer tap is considered to be included in the applicable connection fee. If a tap is required to replace an existing service, an additional connection fee is not charged, but a tapping fee of fifty dollars (\$50.00) shall be charged.
- (k) Natural gas service and main extensions.
  - (1) Customers that have an existing service line up to their premises will only have to apply for proper permit and pay connection fee. Add-ons to present meters will be limited to permit and connection fee requirements.
  - (2) Customers' requests for relocation of mains, service lines, meters, or other services will be honored by the gas department. Property owners or contractors will be charged total costs for this type work.
  - (3) For each gas service connection, the customer shall apply for service at the Clarksville Gas and Water Department and pay twenty-five dollars (\$25.00) for each service line application. This application fee will be refunded if the customer wishes to withdraw their application. The application fee may be transferrable to the connection fee, if the tenant is the person whose name appears on the application.
  - (4) For new service line requests, the customer or contractor shall be required to pay a gas service connection fee plus a tapping fee of one hundred fifty dollars (\$150.00), which includes the first one hundred fifty feet (150) of the gas service line from the main to the meter as follows:

Service line size:

$\frac{3}{4}$ -inch and 1-inch—for base-load gas installations: The first 150 feet or less from the gas main to the meter will be installed at no additional cost to the customer. Footage over 150 feet shall be charged \$2.00 per foot of additional service line.

$\frac{3}{4}$ -inch and 1-inch—For less than base-load gas installations: The first 150 feet or less from the gas main to the meter will be installed at no additional cost to the customer. Footage over 150 feet shall be charged \$2.00 per foot of additional service lines. No refunds of tapping fee will be made to the customer.

Larger than 1-inch—The first 150 feet or less from the gas main to the meter will be installed at no additional cost to the customer. Footage over 150 feet shall be charged the actual cost to install the additional service line.

- (5) Base-load gas installations: For the purpose of determining who qualifies for base-load gas incentives, the base-load gas installation is defined as follows:

Residential: Water heating, gas air conditioning, or a combination of other appliances as deemed acceptable (to adequately increase base-load requirements) by the manager gas division.

Commercial: Water heating, gas air conditioning, cooking, or a combination of other appliances as deemed acceptable (to adequately increase base-load requirements) by the manager gas division.

Industrial: Water heating, gas air conditioning, or in the processing of manufacturer's materials or goods (to adequately increase base-load requirements) as deemed acceptable by the manager gas division.

Incentives: New residential/commercial customers who install new base-load gas appliances will be offered incentives per gas appliance. Existing customers who change over from electric/propane to base-load gas appliances will be offered the same incentives per gas appliance. The manager of the gas division and the general manager of the gas and water department shall offer these incentives throughout the year and for scheduled time periods as deemed appropriate by the manager of the gas division and the general manager of the gas and water department and approved by the mayor and the public utilities committee.

- (6) Main extensions for City of Clarksville: The first three hundred (300) feet will be installed at no cost to the customer. Any footage installed in excess of three hundred (300) feet will be required to make a contribution in aid of construction equal to three dollars (\$3.00) per foot. No refunds will be made for future customer connections to the gas main.
- (7) Main extensions for outside City of Clarksville: The first two hundred (200) feet will be installed at no cost to the customer. Any footage installed in excess of two hundred (200) feet will be required to make a contribution in aid of construction equal to five dollars (\$5.00) per foot. No refunds will be made for future customer connections to the gas main.

- (8) Main extensions for large commercial or industrial customers: Gas service lines or gas main extensions to large commercial or industrial customers that require service line or gas main extensions, additions, or improvements to the Clarksville Gas Department's distribution system will be furnished by the gas department if the main extension is deemed economically feasible by the manager gas division and/or general manager of Clarksville Gas and Water.
- (9) Main extensions—General:
- a. Customers who sign up for a main extension must be prepared to receive flowing gas through their meters within one hundred eighty (180) calendar days. If the customer does not meet this requirement due to environmental or geographic constraints, then he may request a thirty-day extension from Clarksville Gas and Water. If the customer does not have gas flowing through his meter within the required time frame, then the customer shall bear the entire cost of the main extension.
  - b. The Clarksville Gas Department reserves the right to determine the size of all gas main extensions. Gas main costs to the customer shall be based upon a two-inch polyethylene gas main. All gas mains installed larger than two (2) inches in diameter, or gas mains installed made with steel, are installed for the future benefit of the gas system or to improve pressure. When an extension requires a gas main in excess of two (2) inches in diameter or one made of steel, the Clarksville Gas Department will pay the difference between the cost of a two-inch polyethylene gas main and the actual cost of the new gas main to be installed.
  - c. All gas main extensions, additions, or improvements shall become the property of the Clarksville Gas Department, as they are installed, even though all or some part of the cost thereof is paid by parties other than the Clarksville Gas Department.
- (10) New subdivisions City of Clarksville: The gas department will install distribution mains within new subdivisions if an agreement between developer, home builder, and the gas department can be finalized, guaranteeing that a sufficient number of housing units will be installed to meet the following requirements:
- a. Housing units will meet the definition of base-load gas installation.
  - b. Housing units will be constructed within piped areas designated for natural gas use.
  - c. A minimum of one housing unit will use natural gas for each three hundred (300) feet of main installed to serve the subdivision.
  - d. Certain areas within the subdivision may be designated for natural gas use.
- The manager gas division and/or the general manager of Clarksville Gas and Water can approve exceptions or variances to these requirements.
- (11) The manager gas division and the general manager of [Clarksville] Gas and Water shall only authorize service to subdivisions outside the City of Clarksville where it is an economical advantage to the City of Clarksville to do so. Service to subdivisions that is not economically advantageous to the City of Clarksville, but may have other advantageous value, may be approved by the gas, water and wastewater committee of the city council. Service lines into subdivisions shall be installed under the guidelines set previously in this policy.

(12) The gas department, at its discretion, may install segments of distribution piping that would be an asset for future development. The gas department reserves the right to refuse service to any customer under this policy who is remotely located from existing facilities that service would not be economically feasible.

(13) Refund policy:

- a. Customers who make contributions in aid of construction shall not be entitled to refunds from main extensions (for additional customer additions to main) under the new main extension policy.
- b. Refunds for customers who made contributions in aid of construction prior to the new main extension policy and Ord. No. 7-1997-98, but after Ord. No. 4-1990-91, will be due refunds as follows:
  - (i) Customers who make contributions in aid of construction shall be entitled to refunds, if within three (3) years after construction additional customers services are connected to their specific gas main extension. In no case shall the customer making the payment be refunded more than he paid. The amount of the refund shall be two hundred dollars (\$200.00) for each additional total gas customer and one hundred dollars (\$100.00) for each less than total gas customer. If more than one customer makes contributions in aid of construction, the total refund shall be proportionately divided according to the original contributions.
  - (ii) There shall be no duplication of reimbursements, i.e., customers added to additional extensions of a gas main shall be a part of a separate contract and not included in calculating reimbursements for the initial extension.
  - (iii) The previous policy and its reimbursement features are effective only for mains that are extended subsequent to the effective date of Ord. No. 4-1990-91 and prior to this new main extension policy and Ord. No. 7-1997-98.

(14) A customer requesting the installation of an excess flow valve will be responsible for the payment of the actual cost associated with the installation of the excess flow valve and cost associated with the maintenance, if any, of the excess flow valve.

(I) Hazelwood Drainage Basin (HDB):

(1) A special sewer assessment district is hereby established to be known as the Hazelwood Drainage Basin (HDB) and more fully defined as the general area outlined on exhibit "A." In addition to the current connection fee authorized under this section 13-309, a wastewater capacity fee based on the number of residential equivalent units (REU) demanded to equal the peak day anticipated volume, or part thereof, is hereby assessed in the HDB. A residential equivalent unit shall be defined as two hundred (200) gallons per day peak demand. The fee shall be one thousand five hundred dollars (\$1,500.00) per REU. The fee is due and payable prior to the issuance of a sewer connection permit. For commercial/industrial purposes the peak demand shall be based on fixture values as established in the latest publications of the American Water Works Association.

(2) The following schedule shall prevail to establish a guide as to the number of residential equivalent units associated with certain types of activities:

Single family dwelling (home)	One unit
Apartment (each)	One unit
Motel Room (each)	One-half (½) unit
Restaurant (order from menu)	Ten (10) units
Lounge	Five (5) units
Fast food restaurant	Eight (8) units
Laundromat	One-half (½) unit per washer
Convenience store w/cooking	Five (5) units
Office building	One unit per three thousand (3,000) s.f. or portion thereof of total space
Warehouse	One unit per ten thousand (10,000) s.f. or portion thereof of total warehouse space plus one unit per two thousand (2,000) s.f. or portion thereof of office space
Carwash (full service)	Ten (10) units per bay
Carwash (self service)	Two (2) units per bay
Service station	Five (5) units
Manufacturing facility	Negotiated (based on one unit per each two hundred (200) G.P.D. peak demand)

(3) This fee will apply to all branch or extension sewer mains connected to and flowing through the improvements. Together the improvements shall be referenced to as the Hazelwood Drainage Basin Improvements Project. The fee shall be collected until such time as Clarksville Gas and Water has recovered the total cost of said improvements. At such time as the total cost of said improvements has been fully and wholly recovered the aforementioned unit sewer capacity fee shall become zero dollars (\$0.00).

(m) Oakland Road Drainage Basin:

(1) A wastewater drainage basin is hereby established to be known as the Oakland Road Drainage Basin and more fully defined as the general area outlined on exhibit "B." In addition to the current connection fee authorized under this section 13-309, a wastewater capacity fee based on the number of residential equivalent units (REU) demanded to equal the peak day anticipated volume, or part thereof, is hereby assessed in the HDB. A residential equivalent unit shall be defined as two hundred (200) gallons per day peak demand. The fee shall be two hundred seventy-five dollars (\$275.00) per REU. The fee is due and payable prior to the issuance of a sewer connection permit. For commercial/industrial purposes the peak demand shall be based on fixture values as established in the latest publications of the American Water Works Association.

(2) The following schedule shall prevail to establish a guide as to the number of residential equivalent units associated with certain types of activities:

Single family dwelling (home)	One unit
Apartment (each)	One unit
Motel room (each)	One-half (½) unit
Restaurant (order from menu)	Ten (10) units
Lounge	Five (5) units
Fast food restaurant	Eight (8) units
Laundromat	One-half (½) unit per washer
Convenience store w/cooking	Five (5) units
Office building	One unit per three thousand (3,000) s.f. or portion thereof of total space

Warehouse	One unit per ten thousand (10,000) s.f. or portion thereof of total warehouse space plus one unit per two thousand (2,000) s.f. or portion thereof of office space
Carwash (full service)	Ten (10) units per bay
Carwash (self service)	Two (2) units per bay
Service station	Five (5) units
Manufacturing facility	Negotiated (based on one unit per each two hundred (200) G.P.D. peak demand)

- (3) This fee will apply to all branch or extension sewer mains connected to and flowing through the improvements. Together the improvements shall be referenced to as the Oakland Road Drainage Basin Improvements Project. The fee shall be collected until such time as Clarksville Gas and Water has recovered the total cost of said improvements. At such time as the total cost of said improvements has been fully and wholly recovered the aforementioned unit sewer capacity fee shall become zero dollars (\$0.00).

**Sec. 13-310. - Reserved.**

**Sec. 13-311. - Compliance with building code required.**

No water, gas, or sewer service from the city's distribution system shall be made available to any buildings hereafter constructed within a radius of five (5) miles of the corporate limits that do not conform to the city's building code. All private gas, water, and sewer services, for any buildings, to include residential structures, served by the city's distribution or collection systems, shall be inspected by the city's building codes department.

**Sec. 13-312. - Water and sewer rates; basis for charges; surcharges.**

- (1) *Water rate schedules.* Effective July 1, 2008 a customer charge shall be charged each month based on meter size in accordance with water rate schedule A, section II. In addition usage fees shall be charged in accordance with water rate schedule A, section I.

The following definitions shall be used to determine the applicable rate code:

*Residential service* means single private residences, including separate private units of apartment houses and other multiple dwellings, actually used for residential purposes, which are separately metered. A dwelling shall be considered nonresidential which has more than one apartment or condo on the same meter. A residential dwelling shall be considered commercial if in the water department's judgment such dwelling and/or usage is identifiable as being used primarily (more than fifty (50) percent) for business or professional purposes.

*Commercial service and small industrial* means customers engaged in selling, warehousing, or distributing a commodity or service in some business activity or profession or in some other form of economic or social activity. For example, and not by way of limitation, all local, state and federal governmental agencies, any organizations or institutions whether profit or non-profit, with uses other than those involving industrial or residential requirements are classified as commercial customers. Also included are offices, stores, schools, dormitories, hotels, restaurants, apartment houses, religious institutions, orphanages, clubs, boarding and rooming houses, communes, motor courts, camps, and rehabilitation organizations.

*Industrial service* means customers primarily engaged in a process that creates or changes raw or unfinished materials into another form or product, including the generation of electric power and who's usage exceeds a minimum of seven hundred fifty thousand (750,000) gallons of water per month as averaged over the previous twelve (12) months. Should the usage fall below seven hundred fifty thousand (750,000) gallons per month the customer shall be reclassified as a commercial service and small industrial customer and charged accordingly. The customer will be eligible for reclassification following twelve (12) consecutive months of water usage in excess of seven hundred fifty thousand (750,000) gallons of water per month.

WATER RATE SCHEDULE A  
WATER RATES AND FEES  
EFFECTIVE AUGUST 9, 2008

*Section I. Usage Fees (per 1,000 gallons):*

Residential	(Inside City)	\$3.54
	(Outside City)	\$7.08
Commercial	(Inside City)	\$3.54
	(Outside City)	\$7.08
Industrial	(Inside City) Rate shall be based on the latest audited operation and maintenance cost for production and supply (including the greater of depreciation or debt service principle).	
	(Outside City)	1.3 times inside city Industrial rate

Section II. Customer charge (per month):

Meter Size	
Up to ¾"	\$3.00
1"	5.00
1½"	10.00
2"	16.00
3"	44.00
4"	84.00
6"	175.00
8"	175.00
10"	175.00
12" or larger	Negotiated

- (2) *Basis for sewer charges.* The volume of water usage shall be the basis for sewer usage charges unless special metering is installed by the customer, with the prior approval of the utility department, to otherwise determine the volume of water that is being discharged to the sewer. The customer shall be responsible for the maintenance and accuracy of said meter. In the event of a discrepancy in the volume of wastewater metered by said device, the combined volume of potable water measured during the billing period shall be used as the basis for the sewer charges.
- (3) *Sewer rate schedules.* The charge for sewer usage or availability shall be in accordance with the following rate schedules:

For residential, commercial, and small industrial customers:

	Per 1,000 gallons (Effective July 1, 2013 to June 30, 2014)	
Usage (gallons)	Within City	Outside city but served directly by City
First 2,000	\$ 6.14	\$11.44
All over 2,000	6.14	10.23

	Per 1,000 gallons (Effective July 1, 2014 to June 30, 2015)	
Usage (gallons)	Within City	Outside city but served directly by City
First 2,000	\$ 6.73	\$12.53
All over 2,000	6.73	11.20

	Per 1,000 gallons (Effective July 1, 2015 to June 30, 2016)	
Usage (gallons)	Within City	Outside city but served directly by City
First 2,000	\$ 7.37	\$13.72

All over 2,000	7.37	12.26
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	Per 1,000 gallons (Effective July 1, 2016)	
Usage (gallons)	Within City	Outside city but served directly by City
First 2,000	\$ 8.07	\$15.02
All over 2,000	8.07	13.43

The minimum bill per month shall be based on two thousand (2,000) gallons.

All industrial customers using a minimum of three hundred thousand (300,000) gallons of water per month shall be charged a rate per one thousand (1,000) gallons based on the cost per one thousand (1,000) gallons for operation, maintenance, and replacement of the sewer treatment plant according to the latest audit. This rate will be automatically revised each year upon receipt of the annual audit to reflect any changes.

Outside city industrial customers:

First 300,000 gallons ..... 1.3 x inside city industrial rate

Next 700,000 gallons ..... 1.2 x inside city industrial rate

Next 2,000,000 gallons ..... 1.1 x inside city industrial rate

All over 3,000,000 gallons ..... 1.0 x inside city industrial rate

The minimum monthly bill for the industrial rate will be based on three hundred thousand (300,000) gallons.

(4) Reserved.

(5) *Surcharge*. The surcharge for persons discharging excessive quantities and concentrations as established in the sewer use ordinance shall be as follows:

*Surcharge  
per pound*

BOD in excess of 300 mg/l ..... \$0.08

Suspended solids in excess of 325 mg/l ..... 0.08

Oils and grease in excess of 100 mg/l ..... 0.08

- (6) *Review of charge system.* The water and sewer use charge system shall be reviewed annually and revised periodically by the city council as required in order to generate sufficient revenue to pay for the cost of operation, maintenance, and replacement of the water and sewer systems.
- (7) *Environmental compliance fee.* Each sewer customer shall be charged an environmental compliance fee of three dollars (\$3.00) per month effective July 1, 2005, four dollars (\$4.00) effective July 1, 2006, and five dollars (\$5.00) per month effective July 1, 2007. This fee is to be charged to each sewer customer in addition to their normal sewer usage and without regard to the volume of sewerage generated by the customer. It is intended to generate funds to offset mandated environmental expenses of the sewer system that do not otherwise lend to generating revenues.
- (8) *Backflow prevention testing fee.* Each commercial, industrial and residential customer who is required under section 8-407 to install and maintain a backflow prevention device shall be charged a backflow prevention testing fee per device that recovers the costs incurred by the department in conducting the tests. This fee will apply to new and annual backflow prevention tests. The first re-inspection of failed backflow tests will be at no charge to the customer. Fees incurred will be added to the customer's water and sewer bill.
- (9) *Grease management inspection fee.* Each customer who is required under section 13-702 to install and maintain a grease trap and/or inceptor shall be charged a grease management inspection fee per device that recovers the costs incurred by the department in conducting the tests. This fee will apply to new, semi-annual and annual inspection. The first re-inspection of a failed inspection will be at no charge to the customer. Fees incurred will be added to the customer's water and sewer bill.

### **Sec. 13-313. - Bill payment; late payment penalty; account deactivation/reactivation service fee.**

- (1) Charges for gas, water, or sewer services shall be due as shown on a customer's bill and payable at the department of gas and water. If a customer's account balance is not paid in full by the due date of the bill, a ten (10) percent late payment penalty shall be assessed. Thereafter, if a customer's account balance is not paid in full by the 10th day following the due date of the bill, the customer's account will be deactivated. Thereafter, no gas or water will be furnished to the customer until the customer has paid all amounts due for gas, water, or sewer service, plus a service fee for reactivating the customer's account. The department shall be entitled to recover all costs of collection of delinquent accounts, including attorney fees.
- (2) Notwithstanding the forgoing, the State of Tennessee and its political subdivisions and departments, the Federal Government and its departments (to include, but not limited to the Department of Defense and the Department of the Army) shall pay in full by the due date of the bill, being 30 days following the calculation of such, or as otherwise may be agreed upon by the city and the other governmental entity in a written agreement.

## **Sec. 13-314. - Bill adjustments for water and/or gas leakage, installment plans, lawn watering, pool filling, etc.**

The gas and water department may adjust bills as circumstances require, using the minimum cost established by audit and/or calculations as described below:

- a) *Water leakages.* Upon application of a customer, the department of gas and water may make adjustments to a customer's sewer bill for water leaks occurring through the customer's piping, in cases where it can be determined that said water leakage did not actually enter the sewer system. Adjustments shall be determined by calculating above-average usage, based on the average monthly usage at the customer's service location for the immediately preceding twelve (12) months. In the event that the customer does not have twelve (12) months of usage history, monthly usage shall be determined as follows: 2,000 gallons for one household resident; 1,800 gallons per resident, for households containing two or more residents. Two (2) adjustments per twelve (12) month period may be allowed, which may include a maximum of two (2) consecutive billing cycles per adjustment. The general manager for the department of gas and water, or his/her designee(s) established in writing, may approve an installment plan for payment of a customer's bill in cases involving a leakage adjustment. No water leakage installment plan shall continue for longer than six (6) calendar months. Prior to making any such adjustment and/or installment plan, the customer shall be required to provide documentation to prove that the leak has been repaired.
- (b) *One-time high water bill installment plan.* Upon application of a customer, the general manager for the department of gas and water, or his/her designee(s) established in writing, may approve an installment plan for payment of a customer's water bill in cases involving unexplained water usage three (3) times the previous twelve (12) months monthly average usage. One (1) installment plan per account may be allowed per twelve (12) month period, which may include a maximum of two (2) consecutive billing cycles. No one-time high water bill installment plan shall continue for longer than six (6) calendar months.
- (c) *Back billing installment plan.* Upon application of the customer, the general manager for the department of gas and water, or his/her designee(s) established in writing, shall approve an installment plan for payment of a customer's water bill in cases involving back billing of previously unbilled usage. A back billing installment plan shall be allowed for a period of time equal to, but no longer than, the determined extent of time taken to accrue the calculated amount of unbilled usage.
- (d) *One-time lawn watering.* Upon application of a customer, the general manager for the department of gas and water, or his/her designee(s) established in writing, may make adjustments to a customer's sewer bill for water used in the course of establishing the lawn of a newly constructed home or re-establishing the lawn of an existing home. One adjustment may be allowed for the contractor, during construction of said home, and one for the customer, after account has been transferred into said customer's name. This adjustment is only valid within the first year of owning a new or existing home. Proof of purchase of seed or sod must be provided.
- (e) *Pool filling.* Upon application of a customer, the general manager for the department of gas and water, or his/her designee(s) established in writing, may make adjustments to a customer's sewer bill for water used in the course of filling a swimming pool. One (1) adjustment per calendar year may be allowed, which may include a maximum of two (2) consecutive billing cycles per adjustment. The meter-readings at the beginning and conclusion of the pool filling or the gallon capacity of the pool shall be requested from the customer. In the event that the customer cannot

provide this information, adjustments shall be determined by calculating above-average usage, based on the average monthly usage at the customer's service location for the immediately preceding twelve (12) months. In the event that the customer does not have twelve (12) months of usage history, monthly usage shall be determined as follows: 2,000 gallons for one household resident; 1,800 gallons per resident, for households containing two or more residents. Fish ponds, hot tubs, kiddie pools, fountains, pet or animal waterers, power washers, and like types of structures and/or uses are excluded from qualification for this adjustment.

- (f) *One-time pool repair.* Upon application of a customer, the general manager for the department of gas and water, or his/her designee(s) established in writing, may make adjustments to a customer's sewer bill for additional water used in association with a swimming pool repair. As one adjustment may be allowed per customer and location, a change in customer's service location shall renew qualification for this one-time adjustment. Proof or documentation of repair must be provided.
- (g) *Gas leakages.* There shall be no adjustment made to a customer's gas bill for natural gas leaks. In cases where the gas service is off, locked, and the service valve does not hold, the gas charge may be adjusted off by general manager for the department, or his/her designee(s) established in writing.

### **Sec. 13-315. - Authorization for pass through adjustment.**

The CGW Chief Financial Officer and the Gas Manager are hereby authorized to pass gas cost adjustments on to customers, whether increases or decreases, from the supplier of the city gas system to maintain the balanced efficiency of the gas department.

The PTA adjustment is intended to assure that the city gas and water department adjusts for these volatile changes in the commodity cost of gas.

The "commodity" cost of gas is the city gas and water department monthly city gate cost of gas. This includes the actual gas cost plus the interstate pipeline volumetric and storage costs involved in transporting the gas from the source of supply to our city gate regulator station.

The PTA will be calculated monthly on the last business day of each month to be applied to the first billing that follows.

Any balance over or under recovery of gas cost at the end of each month may be passed through the subsequent month PTA accordingly.

### **Sec. 13-316. - Gas services.**

- (1) *Availability.* Gas shall be available to any customer as defined in section 13-312 where the department's distribution mains are suitable for supplying the desired service. A building, for purposes of gas service, shall be considered nonresidential which has more than four (4) units. Commercial and industrial customers will be supplied only through a single metering point. The commercial and industrial rate shall be available to individual apartment houses where service is supplied to more than one family unit through a single meter. The High Load Factor rate schedule shall be available to any commercial or industrial consumer using natural gas principally for process

steam generation, manufacturing purposes, or any other base-load application, and where the use of gas for space heating is only incidental. This rate is not available to consumers whose use of gas during the months of least consumption is less than fifty (50) percent of the use of gas during the month of greatest consumption. The department reserves the right to place customers in the appropriate rate schedule based on usage history.

- (2) *Rates.* The following rates shall be applicable for each customer class, effective March 1, 2020:

Residential inside city

Monthly meter charge ..... \$12.050

Usage charge (per 100 cf) ..... \$0.088

Commodity charge (per 100 cf) ..... Based on actual cost of gas

Residential outside city

Monthly meter charge ..... \$17.600

Usage charge (per 100 cf) ..... \$0.110

Commodity charge (per 100 cf) ..... Based on actual cost of gas

Commercial and industrial inside city

Monthly meter charge ..... \$37.410

Usage charge (per 100 cf) ..... \$0.144

Commodity charge (per 100 cf) ..... Based on actual cost of gas

Commercial and industrial outside city

Monthly meter charge ..... \$44.890

Usage charge (per 100 cf) ..... \$0.173

Commodity charge (per 100 cf) ..... Based on actual cost of gas

High load factor

Monthly meter charge ..... \$211.000

Usage charge (per 100 cf) ..... \$0.048

Commodity charge (per 100 cf) ..... Based on actual cost of gas

Firm transportation

Monthly meter charge ..... \$497.26

Usage charge (per 100 cf) ..... \$0.038

Demand charge (per 100 cf/month) ..... \$0.170

Interruptible transportation

Monthly meter charge ..... \$497.26

Usage charge (per 100 cf) ..... \$0.038

Firm governmental entity, public or private utility or utility cooperative

Monthly meter charge ..... \$12.050

Usage charge (per 100 cf) ..... \$0.088

Commodity charge (per 100 cf) ..... Based on actual cost of gas

WACOG

Monthly meter charge ..... \$497.26

Usage charge (per 100 cf) ..... \$0.033

Commodity charge (per 100 cf) ..... Based on actual cost of gas

- (3) *Minimum bill.* For all services rendered, the minimum bill shall be equal to the monthly meter charge as applicable to each customer class per meter. The demand charge for firm transportation customers shall be as set forth in section 13-317(a).

**Sec. 13-317. - Firm and interruptible transportation.**

(a) *Firm transportation.*

*Availability:* To be eligible for firm transportation service under this section, customers must meet each of the following criteria:

- (1) The distribution mains owned and operated by the department must be suitable for supplying the desired service;
- (2) The customer must take deliveries of all gas at a single meter;
- (3) The customer must use at least one hundred (100) Mcf per day or three thousand (3,000) Mcf per month of natural gas;
- (4) The customer must have executed a written notice of election to receive firm transportation service under this ordinance for a minimum term of twelve (12) months;
- (5) The customer must have executed a Natural Gas Firm Transportation Agreement substantially in the form approved by the department for use by the department in connection with the provision of firm transportation service to eligible customers; and
- (6) The customer must have paid the department a fee of eight thousand dollars (\$8,000.00) for the installation of telemetry equipment to be owned and installed by the department at the customer's meter. Such fee shall be true-up based on actual cost incurred by the department

with any overpayment being reimbursed to the customer and any underpayment being due the department.

*Rates:* For each month of service provided during the term of the Natural Gas Firm Transportation Agreement the customer shall pay the rates set forth in that agreement and under section 13-316(2), including charges for firm transportation, for authorized interruptible overrun service, for daily and monthly balancing and for certain charges imposed by third parties.

*Minimum bill:* For service rendered under this section, the minimum monthly bill shall be the monthly demand charge as set forth in section 13-316(2) and shall be applied to the level of the customer's maximum daily quantity, which quantity will be the same for each month for the term of the Natural Gas Firm Transportation Agreement and will be set forth in that agreement.

*Contract period and billing:* Contracts shall be for a minimum period of one (1) year. A customer that has elected to receive service under this section shall not be allowed to switch to service under a different section or rate schedule without the department's written permission during the contract period.

(b) *Interruptible transportation.*

*Availability:* To be eligible for interruptible transportation service under this section, a customer must meet each of the following criteria:

- (1) The distribution mains owned and operated by the department must be suitable for supplying the desired service and must not displace firm load;
- (2) The customer must take deliveries of all gas at a single meter;
- (3) The customer must maintain in a usable condition facilities for substitute fuels or otherwise make provision for the curtailment of gas service and must agree to use such substitute facilities or other provision for curtailment of gas service in order to curtail the use of gas up to one hundred (100) percent of the customer's requirements immediately upon oral notice from the department, and after such curtailment to refrain from increasing the use of gas until permitted to do so by the department;
- (4) The service is not available for residential load;
- (5) The customer must use at least one hundred (100) Mcf per day or three thousand (3,000) Mcf per month of natural gas at its plant when not curtailed by the department;
- (6) The customer must have executed a written notice of election to receive interruptible transportation service under this ordinance for a minimum term of twelve (12) months;
- (7) The customer must have executed a Natural Gas Interruptible Transportation Agreement substantially in the form approved by the department for use by the department in connection with the provision of interruptible transportation service to eligible industrial and commercial customers; and
- (8) The customer must have paid the department a fee of eight thousand dollars (\$8,000.00) for the installation of telemetry equipment to be owned and installed by the department at the customer's meter. Such fee shall be trueed-up based on actual cost incurred by the department with any overpayment being reimbursed to the customer and any underpayment being due the department.

*Minimum bill:* For service rendered under this interruptible transportation rate schedule, the minimum monthly bill shall be as set forth in section 13-316(2). However, in order to remain eligible for service under this ordinance, the customer must maintain the minimum volume requirements for the availability of interruptible transportation service set forth in this section during the term that the service is provided. If the customer fails to maintain such minimum volume requirements during the term of the interruptible transportation service, the department may terminate the availability of service under this ordinance.

*Contract period and billing:* Contracts shall be for a minimum period of one (1) year with monthly payment for service taken. A customer that has elected to receive service under this section shall not be allowed to switch to service under a different section or rate schedule without the department's permission during the contract period.

*Penalty for unauthorized use:* In the event a customer uses gas in excess of the daily volume allowed by the department during a curtailment period, the customer shall pay the amounts set forth in the Natural Gas Interruptible Transportation Agreement between the department and the customer. Each such unauthorized use of gas, whether occurring in the same month or in different months of a contract year, shall be subject to a separate penalty.

*Daily transportation balancing charges:* Customer shall pay a daily transportation balancing charge to the department as set forth in the Natural Gas Interruptible Transportation Agreement between the department and the customer for variances between the quantities that the customer has scheduled for transportation and the quantities that the customer uses at its plant each day. Customer understands and acknowledges that any takes of gas by customer at its plant on any day that are at variance with customer scheduled quantities on TGP for that day shall be accounted for by TGP as a variance amount under TGP's FERC Gas Tariff and Clarksville's Rate Schedule FT G service agreement with TGP and are subject to the daily load balancing provisions set forth in Section 8 of that rate schedule. As a result, any variance between the quantities of gas redelivered to customer as measured at the meter at customer plant, plus shrinkage, and the quantities of gas scheduled by customer on TGP for delivery to Clarksville, will be automatically injected into or withdrawn from Clarksville's contract storage under its FS MA firm storage agreement with TGP, as applicable for under takes or over takes, respectively. Accordingly, Clarksville shall charge and customer shall pay the daily transportation balancing charges set forth in Section 4.2 of the agreement as compensation to Clarksville for performance of this daily balancing service. The parties understand and recognize that customer intends to schedule on TGP for delivery to Clarksville daily transportation quantities at the beginning of each month that are somewhat in excess, but not greater than ten (10) percent in excess, of customer projected average daily use of gas at the plant, exclusive of shrinkage. It is the parties' intent that through this scheduling protocol, customer shall not at any time take gas supplies owned by Clarksville through automatic withdrawals from Clarksville's FS MA storage or otherwise. In the event customer on any day takes gas in excess of its scheduled quantities and it has not previously built up a balance of gas in Clarksville's FS MA storage sufficient to serve such takes as required by Section 2.4(a) of the agreement, Clarksville shall charge customer a penalty of five dollars (\$5.00) per Mcf in addition to any gas commodity cost, without limitation as to other rights and remedies that Clarksville may have under this agreement. Likewise, if on any day Clarksville takes gas belonging to customer, customer shall charge Clarksville a penalty of five dollars (\$5.00) per Mcf, without limitation as to other rights and remedies that customer may have under this agreement. In addition, customer shall not schedule gas on TGP for delivery to Clarksville in excess of its requirements at the plant such that the cumulative total of gas injected into storage less gas withdrawn from storage exceeds

five (5) percent of customer average monthly requirements. In the event customer does so, Clarksville shall charge customer a penalty of fifty cents (\$0.50) per Mcf of such excess gas injected into storage each day such excess remains in storage. Such charges shall be in addition to all other remedies that Clarksville has and actions Clarksville may take to bring customer back into balance under this agreement.

*Monthly gas balancing charges:* Monthly balancing of quantities of gas owned by the customer and delivered to the department and the quantities of gas used by the customer and charges associated with such balancing shall be as set forth in the Natural Gas Interruptible Transportation Agreement between the department and the customer.

The customer understands and recognizes that while variances between customer takes of gas as measured at the meter at its plant, plus shrinkage, and customer scheduled quantities on TGP for delivery at Clarksville's city gate are to be balanced daily under the agreement with respect to the swing transportation and storage service described in Section 2.4(a) of the agreement, and that the resulting daily transportation balancing charges under Section 4.2 of the agreement shall be assessed accordingly, balancing of the quantities of gas consumed by customer, plus shrinkage, and the quantities of gas scheduled for delivery on Clarksville's system by customer shall be performed monthly, not daily. This monthly balancing of the applicable quantities of gas shall be performed in accordance with the provisions of Section 4.3 of the agreement.

The charges and other provisions set forth in Section 4.3 of the agreement shall apply (i) if customer in any month has delivered more gas to Clarksville at Clarksville's city gate than customer has taken at the point of delivery exclusive of shrinkage (a "positive imbalance") or (ii) if customer in any month has delivered less gas to Clarksville's city gate than customer has taken at the point of delivery, plus shrinkage (a "negative imbalance"):

- (a) *Positive imbalances.* If customer at the end of any month has a positive imbalance of not greater than five (5) percent, Clarksville shall have the option (i) to cash out the imbalance using TGP's cash out provisions in Rate Schedule LMS-MA, Sections 7(d)(vii)(A) and (B) of TGP's FERC Gas Tariff, as amended, (ii) to carry forward the imbalance amount to the next month, or (iii) to deliver the positive imbalance amount to customer at the point of delivery during the next succeeding month. If the positive imbalance amount at the end of any month is greater than five (5) percent, Clarksville shall have the right to elect (i) to deliver the positive imbalance amount to customer during the next ensuing month or (ii) to pay customer a cash out amount equal to the "low price" using the imbalance tiers specified in TGP's FERC Gas Tariff, Rate Schedule LMS-MA, Sections 7(d)(vii)(A) and (D), as amended.
- (b) *Negative imbalances.* If customer at the end of any month has a negative imbalance of not greater than five (5) percent, Clarksville shall have the option (i) to cash out the imbalance using TGP's cash out provisions in Rate Schedule LMS-MA, Sections 7(d)(vii)(A) and (B) of TGP's FERC Gas Tariff, as amended, (ii) to carry forward the imbalance amount to the next month, or (iii) to require customer to make up the imbalance in kind during the next ensuing month. If the negative imbalance amount at the end of any month is greater than five (5) percent, Clarksville shall have the right to elect to require customer (i) to make up the negative imbalance in kind during the next ensuing month or (ii) to pay Clarksville an amount equal to the "high price" using the imbalance tiers specified in TGP's FERC Gas Tariff, Rate Schedule LMS-MA, Sections 7(d)(vii)(A) and (C), as amended.

- (c) *Notification.* At least ten (10) days prior to the end of any month, Clarksville shall notify customer by telephone and by fax which imbalance settlement option it has elected for the following month. Once a method has been selected, it will remain in place until further notice.

### **Sec. 13-318. - Governmental entity, utility, or cooperative.**

To be eligible for firm sales service under this chapter, a governmental entity, public or private utility or public utility cooperative shall meet the following criteria:

- (1) The distribution mains owned and operated by the city gas and water department must be suitable for supplying the desired service; and
- (2) The customer must be a governmental entity, a public or private utility, or a utility cooperative who enter into and executes a written firm natural gas sales agreement with the City of Clarksville.

### **Sec. 13-319. - Weighted average cost of gas, interruptible service (WACOG).**

- (1) *Availability.* The WACOG interruptible gas service rate shall be available for eligible governmental entities, public or private utilities, utility cooperatives, and commercial or industrial customers for all purposes where the city gas and water department's distribution mains are suitable for supplying the desired service. The department shall establish guidelines to determine customer eligibility for this service. The customer shall maintain, in a usable condition, facilities for substitute fuel or shall otherwise make provisions for the curtailment of gas service hereunder and shall agree to use such substitute facilities or curtailment provisions in order to curtail the use of gas up to one hundred (100) percent of the maximum requirements immediately upon verbal notice from the department and, after such curtailment, shall refrain from increasing the use of gas until permitted to do so by the department. It is understood and agreed that the department will have the right to cut off gas service to the customer in the event the customer fails to curtail his use of gas in accordance with the department's verbal notice of curtailment.
- (2) *Rate.* The rate shall be as described in City Code section 13-316(2). Upon the recommendation of the general manager/department head of the gas and water department, the mayor shall have the authority to, under circumstances where it is economically feasible and beneficial for the city to do so, to modify the specific terms of the WACOG natural gas sales agreement entered into between the department and a specific industrial end use consumer under this section as the department and the mayor deem necessary to induce such consumer to locate plant facilities in the city or the city service area, or to locate plant expansions that will increase the consumer's usage of natural gas at its facilities in the city or the city service area, rather than locating such plant facilities or plant expansions in other locations not served by the department.
- (3) *Minimum bill.* For services rendered under the WACOG rate, the minimum monthly bill shall be equal to the monthly meter charge for WACOG customers as listed in section 13-316(2).
- (4) *Contract period and billing.* Contracts shall be for a period of one year with monthly payment of service taken. The customer shall not be allowed to switch from this contract rate during the period covered.

- (5) *Penalty for unauthorized use.* In the event a customer uses gas in excess of the daily volumes allowed by the department during a curtailment period, the customer agrees to pay, in addition to the regular rate, an amount the department is penalized by the supplier and/or pipeline for the twelve-month period immediately following the month in which the breaching of the curtailment agreement occurred. Each unauthorized use of gas, whether occurring in the same month or in different months of a contract year, will be subject to a separate penalty.

**Secs. 13-320, 13-321. - Reserved.**

**Sec. 13-322. - Voluntary designation of money to fund recreational programs, etc. as option on utility bill.**

As part of its billing procedures, the gas, water and sewer department shall provide a method by which persons who receive services from the department may voluntarily designate an amount of money in excess of one dollar (\$1.00) to fund recreational programs, facilities, and activities in the City of Clarksville.

If a customer indicates a willingness to contribute any amount pursuant to this section, the amount designated by the customer shall be billed to the customer in the next billing cycle, and shall be remitted to, separately maintained and accounted for in the recreation special revenue fund in accordance with the provisions of Ordinance No. 61-1997-98.

Failure of a customer to honor any commitment made pursuant to this section shall not be grounds for termination of any services to the customer, nor shall the city pursue collection of any unpaid pledges by any manner whatsoever.

The gas, water and sewer department is hereby authorized to charge and collect an administrative fee for implementation of the provisions of this section in an amount not to exceed \$0.10 (ten cents) per transaction. For purposes of this section, "transaction" shall include any activity undertaken by the department to record an individual's intention to contribute to, and collect and remit any monies received in connection with such pledges.

**Sec. 13-323. - Natural gas interruptible transportation agreement—Modifications.**

The department, the mayor, and the utilities of the city council shall have the authority, under circumstances where it is economically feasible and beneficial for the city to do so, to modify the specific terms of the natural gas interruptible transportation agreement entered into between the department and a specific industrial end use consumer that is eligible for and has elected to receive interruptible transportation service as the department, the mayor, and the utilities committee of the city council deem necessary to induce such consumer to locate plant facilities in the city or the city service area, or to locate plant expansions that will increase the consumer's usage of natural gas at its facilities in the

city or the city service area, rather than locating such plant facilities or plant expansions in other locations not served by the department.

### **Sec. 13-324. - Sewer backup claims.**

- (1) *Purpose.* This section establishes city department of gas and water (hereafter "department") policy and procedures pertaining to payment of claims for sewer backups.
- (2) *Definitions.* As used in this section, "sewer backup" means any backup of sewage from the city owned and maintained sewer system. "Sewer backup" does not include storm water drainage system backups.
- (3) *General responsibility for maintaining sewer service lines.* The department is responsible for maintaining sewer lines, sewer mains, manholes, pump stations and force mains located on city rights-of-way, easements, and city owned property. Maintenance of sewer service lines from the city owned sewer system to a property owner's structure is the responsibility of the property owner.
- (4) *Payment of claims caused by sewer backup.* Subject to any order of a court or administrative tribunal of competent jurisdiction, and in accordance with and to the extent allowed by law, the city/department shall not be responsible for, shall not assume any liability for, and shall not pay any sewer service customer's claim for any damages or costs, direct or indirect, of whatever kind or nature whatsoever, associated in any manner with any sewage backup or blockage onto private property, unless such damages are caused by: (a) a dangerous or defective condition of the city sewer system located on land owned or controlled by the city, to include city rights-of-way and easements, and which such dangerous or defective condition the city/department had actual or constructive notice of prior to the occurrence of the sewer backup damage(s); or (b) the negligence of any city employee(s) acting within the scope of his employment, except as otherwise provided by law. It shall be the responsibility of the sewer service customer making a claim to submit sufficient and satisfactory evidence as determined by the city risk manager or city attorney to substantiate the claim.
- (5) *Procedure.* A department customer seeking to make a claim for sewer backup damages will be advised to submit a written claim to the city risk manager using claim forms as adopted by the risk manager. All claims must be filed within thirty (30) days of the incident/occurrence giving rise to the claim. The risk manager shall investigate the claim and may review same with the department general manager or his designee, and such others as the risk manager may determine appropriate, and may consult with the city attorney, and shall thereafter deny the claim, or approve payment of the claim in whole or in part, as is appropriate under the law and facts of each case and as consistent with the provisions herein, but any payment made shall not exceed the amount permitted by law. The risk manager authority to approve claim amounts shall be the same as that provided in the city internal service fund policy, and the city attorney shall have authority to approve the payment of any claim exceeding the authority of the city risk manager to the same extent as provided in the city internal service fund policy, and the gas and water committee of the city council shall have authority to approve payment of any claim exceeding the authority of the city attorney as established in the city internal service fund policy.

## **Sec. 13-325. - Authority to negotiate terms and to contract with large industrial consumers of large volumes of natural gas.**

Notwithstanding any other provisions in the Official Code of the city to the contrary, the city, through the department of gas and water, shall have the authority to negotiate individual contracts with large industrial or business consumers of natural gas, pertaining to the provision, sale and/or transportation of large volumes of natural gas, and which such contracts may contain terms, provisions and conditions different from or in conflict with other City Code sections pertaining to the provision of natural gas service, to the extent permitted by state and federal law. All such contracts shall be approved by both the mayor and the gas and water committee of the city council or any successor committee or board with authority over the city's department of gas and water. Only those customers with a minimum annual average usage or expected usage of three thousand (3,000) dekatherm per day shall be eligible for consideration under this provision. This provision shall not be construed to require the city to enter into any contract, or to agree to any specific terms, conditions, or provisions, with any natural gas customer.

## **Chapter 4 - WATER AND/OR SEWER SERVICE TO PARTICULAR AREAS OR SUBDIVISIONS**

### **Sec. 13-401. - Generally.**

- (1) *Plans required.* Any person desiring to have water and/or sanitary sewer service made available to a particular area or subdivision shall have detailed plans of the proposed system prepared by a person qualified under the terms of the act creating for the State of Tennessee a state board of architectural and engineering examiners and amendment to the registration law passed in the Tennessee Legislature on February 10, 1970, and shall have the necessary professional seal affixed.
- (2) *Plans to conform to city standards.* The plans of the proposed water and/or sanitary sewer systems shall conform to the regulations and specifications of the City of Clarksville and shall have the approval of the city engineer written thereon.
- (3) *Approval by state agency.* The plans shall meet the designs standards of the Tennessee Department of Environment and Conservation. Approval of the plans must be obtained from the Tennessee Department of Environment and Conservation except cases where the City of Clarksville has been delegated this authority by the Tennessee Department of Environment and Conservation, the city engineer may approve such plans and may collect a plans review fee as established by the public utilities committee, said fee not to exceed the fee that would otherwise be required and charged by the Tennessee Department of Environment and Conservation.
- (4) *Permit.* A permit shall be issued by the city engineer to persons qualified and having a thorough knowledge of utility construction for extensions of and connections to the water and/or sanitary sewer systems of the City of Clarksville including services. This work shall be inspected by the city, and only after the work has been inspected and all irregularities corrected will the system or lines be served by the City of Clarksville.

- (5) *Cost breakdown; as-built plans.* Upon acceptance of the water and/or sanitary sewer system by the city engineer, the person designing the system or the owner shall furnish the city an itemized cost breakdown of the components of the system and a set of "as-built plans," showing in detail the location of all lines, line sizes, service connections, valves, fire hydrants, manholes, etc. Until these costs and plans are received, service to the system will be denied.
- (6) *Changes.* No changes in construction from that as shown on the plans approved by the city engineer will be allowed without his written permission.
- (7) *Taps.* The City of Clarksville shall make all taps for water service lines, and all sanitary sewer laterals, not larger than six (6) inches, on water and sanitary sewer mains that are accepted and owned by the City of Clarksville.
- (8) *Excavations.* All excavations for the installation, replacement, or repair of water service lines or sanitary sewer laterals located in the paved portions of streets, roads or highways maintained by the City of Clarksville, Montgomery County, or the State of Tennessee shall be backfilled entirely with crushed stone.
- (9) *Tapping fees.* There shall be charged and collected the cost of all taps made by the City of Clarksville and the cost of all service lines or laterals that have been installed by the City of Clarksville prior to any person connecting thereto.
- (10) *CCTV inspection fee.* There shall be a fee established by the general manager, or his designated representative, and approved by the gas and water committee for the cost of closed circuit television inspections and other equipment necessary to perform closed circuit television inspections of sewer lines.
- (11) *Maintenance.* Each customer/owner shall be responsible for the normal routine maintenance and inspection of the sanitary sewer service line serving the property from the building to the point where it connects to the city's main sewer. In cases where the customer or customer's plumber cannot clear the line outside of the customer's property by normal sewer rodding methods or it becomes necessary to replace the noted portion of service line, the city will assume responsibility for major maintenance, repair, or replacement of that applicable portion of the sewer service from the city sewer main to the point it crosses onto the owner's property. Each customer/owner is required at his expense to repair/replace the domestic sanitary sewer service if found defective by the city during inspections of the sanitary sewer system. The city will give written notification of the defective sanitary sewer service to the person responsible under this section for the repair/replacement of the defective domestic sanitary sewer service. Correction shall be made within sixty (60) days after notification. If the correction has not been made within sixty (60) days following the date of notification, the city shall assess a fine in accordance with the general penalty clause of this Code for each day that the repair/replacement has not been made or terminate the water service to the residence.
- (12) *Exceptions to permit requirement.* No permit will be required for work done by employees of the City of Clarksville or by persons having a contract to do such work with the City of Clarksville.
- (13) *Penalty for illegal connections.* Any person who without the knowledge of the city engineer connects to any water and/or sanitary sewer line, or appurtenance thereto that is owned and operated by the City of Clarksville, shall be guilty of a misdemeanor, and in addition to pecuniary penalties provided in the general penalty clause for this code.

## **Sec. 13-402. - Connection with the city system and execution of agreements.**

Upon the execution of agreements and delivery of the conveyance provided herein, the city shall:

- (1) **Connectors.** Permit the distribution/collector system and/or trunk lines to be connected with the city's water and/or sewer system and be serviced by the distribution/collector system and/or trunk lines after the installation of city-owned water meter for each service.
- (2) **Charges.** Charge for water and/or sewer service at the rate being charged other customers in similar locations.
- (3) The developer of the water and/or sewer system shall be responsible for all costs associated with the water and/or sewer infrastructure or improvements, including both on-site and off-site cost. The city may require that water and/or sewer infrastructure or improvements be designed and installed larger or differently than that immediately necessary (upgrade) to serve the subdivision or area under development in order for any utility or service to be extended to other developments or areas in the future. The developer shall be responsible for the full cost of any upgrades required by the city. However, the developer may be eligible for reimbursement of the cost of the upgrades as provided in section 13-403. At the city's discretion, reimbursement cost, when allowed, shall include all labor, equipment, supplies and other incidentals necessary for construction of the project and shall exclude any engineering, surveying, legal or administrative costs.
- (4) Pump stations and force mains are not allowed if the development can be served by the extension of gravity sewer.
- (5) Should the development require any existing water and/or sewer infrastructure or improvements be upgraded, the developer will be responsible for all of the costs associated with the upgrade to the existing infrastructure or improvements. No reimbursement of any type will be made.

## **Sec. 13-403. - Eligibility and method of reimbursement.**

- (1) *Eligibility.* The developer must strictly adhere to the city's purchasing guidelines (bid process) to qualify for any reimbursement. Reimbursement shall be based on actual costs of the infrastructure or improvements and shall require full supporting documentation to support any request for reimbursement. The only cost that shall qualify for reimbursement is the cost of any upgrade as required in subsection 13-402(3). On projects requiring upgrades, and for which reimbursement is requested, any reimbursement for consideration must be based upon the publicly bid price of the infrastructure or improvements without the required upgrades (base bid) and the publicly bid price of the infrastructure or improvements with the required upgrades. The amount of eligible reimbursement shall be determined by the cost differential calculated by subtracting the base bid amount from the upgrade bid amount.
- (2) *Method of reimbursement.* Projects that meet the eligibility requirements for reimbursement shall be approved by Clarksville Gas and Water prior to the bid process. Upon completion of the project and acceptance by the city, and submittal of all required documentation by the developer, the city and developer shall enter into an agreement that specifies the amount of reimbursement available.

A basin fee shall be established for the area that necessitated the upgrades, inclusive of the developer's project based on the future development potential of the area and the cost of the upgrades required. The basin fee shall be in addition to any other fees, rates, or payments required by the city. The basin fees paid to the city in the month prior to connect to the water and/or sewer improvements in the area that necessitated the upgrades shall determine the amount of the monthly reimbursement payable to the developer. When reimbursement is allowed, the developer reimbursement will be monthly for a period not exceeding five (5) years from the date the water and/or sewer infrastructure or improvements are accepted by the city, or the developer has fully recovered the actual costs eligible for reimbursement, whichever occurs first. Notwithstanding anything herein to the contrary, no reimbursement may be made after the passing of five (5) years from the date the water and/or sewer infrastructure or improvements are accepted by the city.

**Sec. 13-404. - Reserved.**

**Sec. 13-405. - Areas serviced outside the city.**

The city shall be under no obligation to enter into any contract for, or to provide, any water or sewer system or service outside the city limits; however, in areas outside the city limits where the city has utility service rights, the general manager of the department of gas and water, or his/her designee(s) made in writing, may approve the extension of water or sewer service when sufficient capacity exists, or can be feasibly made to exist, and when the extension will benefit the city by increased revenues or the avoidance of future system costs required by annexation. Requests for extension of city water or sewer systems or service outside of city limits shall be made by submittal of construction plans depicting said proposed extension(s) to the gas, water and sewer department. The gas, water, and sewer department shall review the submitted plans and make a decision to approve or disapprove the plans. If approved, said approval shall be for a period of one (1) year beginning on the approval date stamped on the construction plans. An applicant's failure to start construction within one (1) year of approval of construction plans by the gas, water and sewer department shall render the prior approval of extension of water or sewer service null and void. All standards for plans submission, construction, and reimbursement shall be the same as for developments within the city; however, all water and sewer usage rates shall be at the outside-of-city rates.

**Sec. 13-406. - City reserves right of eminent domain.**

The city reserves all of its rights of eminent domain and condemnation.

<i>FIRST READING:</i>	September 3, 2020
<i>SECOND READING:</i>	October 1, 2020
<i>EFFECTIVE DATE:</i>	October 1, 2020