

# **ADAMSVILLE UTILITIES**

## **CODE OF OPERATION**

ADAMSVILLE, TENNESSEE

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## SECTION 1

**APPLICATION FOR SERVICE.** Persons, firms, or corporations desiring gas, water, or sewer connections shall make application. The application shall state fully the use to which the utilities are to be applied and shall state that the consumer will abide by the Code of Operation and rates of the Utility Department then in force, or which shall thereafter be adopted. The application shall be signed by the owner of the premises, tenant, or consumer and shall state the location of the premises to be served, the street, number, and lot.

Within the corporate limits of the City of Adamsville, should the premises to be served be new construction, the applicant shall show that a building permit has been issued for such construction.

Outside the corporate limits, applicants for water shall show proof that their sewer disposal system has been approved by the appropriate County Health Department, and a McNairy, Hardin, or Chester County solid waste permit.

## SECTION 2

### **SERVICE CONNECTION AND METER SETTING CHARGES.**

Service lines shall be installed by the property owner from the meter to the dwelling. The installation of stop and waste cock on meters, by the property owner will not be permitted. The property owner can furnish and install a shut-off valve for the purpose of shutting off the utilities supply to his premises.

Sewer connections and /or meter settings shall be placed at a suitable location selected by the Utility Department. The size, service, and meter to be installed shall be within the discretion of the Adamsville Utility Department. For such connections and meter setting, the customer, or property owner, at the time of making application thereof, shall pay to the Utility Division a connection fee and service fee in an amount as set and approved by the Mayor and Commission.

Sewer service lines extended from the connection installed by the Utility Department shall be installed at the expense of the customer and shall be at least 5 1/2' (five and one-half feet) distance from any water service line.

### SECTION 3

**SERVICE FEES – NON-REFUNDABLE -** When premises have been supplied with service line and a customer desires a supply of water or gas the consumer shall pay a service fee for each utility desired at said location. The service fees are as follows: Residential Owner (inside city limits) one service \$30.00, two services \$50.00 and (outside city limits) one service \$50.00, two services \$80.00. Must provide proof of ownership. Residential Renter in Good Standing, only paid penalty as prior Adamsville Utility customer no more than twice, (inside city limits) one service \$30.00, two services \$50.00 and (outside city limits) one service \$50.00, two services \$80.00. Residential Renter (inside city limits) one service \$75.00, two services \$100.00 and (outside city limits) one service \$100.00, two services \$135.00. Must provide rental agreement. Commercial/Industrial Owner/Renter (inside city limits) water service \$30.00, gas and water services \$200.00 and (outside city limits) water service only \$50.00, gas and water services \$300.00. Should customer move to another address on Adamsville Utility Department system **ALL** outstanding debts shall be paid before services will be furnished.

In the event the owner of the premises desires to be billed, rather than the tenant or consumer, for utilities used, then the owner shall make application in accordance with the provisions of Section 7 of this Code.

### SECTION 4

**METERS.** Each consumer will be supplied through a separate meter. Where a building has a number of apartments or offices under one roof, each occupant will be deemed a customer and said customer will be subject to all the applicable provisions of this Code. The charge for such installations and setting shall be made in accordance with the provisions of Section 2 of this code. A licensed mobile home park or camper park or apartment complex may be served through one meter with the property owner being responsible for the bill. This must be approved by the City Administrator for which may need commission approval.

## SECTION 5

**METER TESTS.** Should any consumer doubt the correctness of the meter registration, the consumer may have the meter tested by making written application upon such forms as shall be prescribed and furnished by Adamsville Utility Department and a \$150 testing fee.

If, in such test, the meter is found to over-register in excess of 4 per cent, allowance shall be made by the Adamsville Utility Department to the consumer according to such error and covering a period not to exceed the prior billing, and the current consumption to date of removal of the meter. If the meter is found to over-register in excess of 4 per cent, all the expenses incurred in the meter removal and test shall be borne by the Adamsville Utility Department, and the meter test fee shall be refunded. If, however, the meter is found to register an amount less than 4 per cent all expenses shall be borne by customer.

## SECTION 6

**RELOCATION OF METERS.** All meters which, as of the effective date of the Code of Operation, are located inside of buildings or in meter settings which the Adamsville Utility Department deems to be unsatisfactory may be moved to a more suitable location at the discretion of, and at the expense of, the Adamsville Utility Department.

The Adamsville Utility Department may discontinue to furnish water or gas to any consumer who refuses permission to remove a meter in accordance with the regulation.

**If any meter is relocated on application of, and to suit the convenience of, the customer, or when relocation of meter is required because of change in grade of the lot, such relocation and setting shall be made by the Adamsville Utility Department at the expense of the consumer. Quotes rendered to the consumer for the expense thereof shall be paid within Ten (10) Days from the date for such quote and before work will commence.**

## SECTION 7

**METER READING AND BILLING.** Meters shall be read monthly. All bills shall be payable at the City Hall at 231 East Main St. Adamsville Tennessee, or by other such means as may be designated by the Adamsville Utility Department.

The Water Department, Locator, Meter Reader, or properly authorized employee shall have access at all reasonable hours to premises supplied with water, and gas for the purpose of reading, inspecting, repairing, removing meters, or ensuring the end user of the meter is the original applicant.

If a meter is found not to be in good working order or is stopped at a meter reading period, the bill will be arrived at by computing the average of the six previous monthly billings, but due consideration shall be given for excessive use of water or gas during each period.

Bills due to Adamsville Utilities for water, gas, or sewer shall be paid on or before the 15<sup>th</sup> of the month. If the 15<sup>th</sup> of the month falls on a weekend day or Holiday, the next business day will be given. Bills shall be increased 10 per cent if not paid on or before the payment date. **If bills are not paid fourteen (14) days after due date,** the Adamsville Utility Department may at any time, thereafter, discontinue service, and shall charge a fee of not less than Forty (\$40) Dollars by three (3pm) during business days or Seventy-Five (\$75) after hours for turning water or gas back on, after the same has been cut off, either for non-payment of bills or for any other violation of the Code of Operation.

Fee for returned checks shall be minimum \$25.00. This fee will be in line with state guidelines. If a returned check is received, service may be discontinued immediately.

The non-receipt of a utility bill shall be no excuse for failure, on the part of the consumer, to pay the utility bill when the same becomes due, no matter if a paper copy is not received. No courtesy calls will be made.

If the owner of the premises being supplied by water and/or gas desires to be billed, rather than the tenant or consumer, for metered water or gas used, the owner shall make application and service fee for the furnishing of water and/or gas in accordance with the provisions of Section 3 of this Code. The owner shall be responsible for any violation of this code.

Leaks that occur past the connection on the downstream side of the meter may be adjusted. Customer responsibility to start at the male adapter. The customer is responsible for any leaks, failures, or defects occurring at the male adapter and any piping, fittings, valves, or components downstream past the male adapter. Each customer will have the option of Water Leak Relief insurance. No adjustment shall be given on water or gas, unless paid by Water Leak Relief.

## SECTION 8

**METER TURN-ON.** Water and/or gas meters shall not be unlocked and/or turned on for any purpose by anyone except an authorized employee of the Utility Department, until service application and fees have been paid. Any outstanding bills shall be paid before any new services are established.

In the event the consumer requests that water and/or gas be turned on at any time other than during the scheduled working hours of the Adamsville Utility Department employees, the consumer shall pay an additional charge of not less than **Seventy-Five (\$75.00)** Dollars in excess of the charge set forth in Section 7 of this Code.

## SECTION 9

**METER SHUT-OFF.** The consumer or property owner shall notify Adamsville Utility Department at the time each property becomes vacant. Otherwise, the consumer and/or property owner shall be responsible for any damage to the property of the Utility Division and for all water and/or gas metered to such property until the receipt of such vacancy notice.

The Adamsville Utility Department will presume that service is being rendered from the time service is turned on at the request of the consumer, or property owner gives notice to discontinue the service, and charges will be made accordingly.

**If a consumer desires that the Adamsville Utility Department shut-off water and/or gas service for the consumer's convenience, such as a plumbing repair, the Adamsville Utility shall perform this service for a fee of not less than Twenty (\$20.00) Dollars, if during regular working hours and Seventy-Five (\$75.00) Dollars, if during off duty hours.**

## SECTION 10

**CONSUMERS NOT TO SUPPLY WATER OR GAS TO OTHERS.** CONSUMERS SHALL NOT SUPPLY WATER OR GAS OR ALLOW WATER OR GAS TO BE CARRIED THROUGH A HOSE OR PIPE, TO ANY OTHER PREMISES OR FACILITIES OTHER THAN THOSE FOR WHICH THE METER WAS ORIGINALLY INTENDED, WITHOUT THE CONSENT OF THE UTILITY DIVISION.

## SECTION 11

**SPECIAL SERVICES** Adamsville Utility Department may issue permits for the use of water and/or gas for building or construction purposes, or other temporary purposes, provided the applicant shall pay for tapping and installing and conform to all other requirements of the Commission.

## SECTION 12

**NO GUARANTEE OF PRESSURE AND/OR SUPPLY.** The Utility Department does not guarantee to the consumer any fixed pressure, or a continuous supply. In case of breaks in mains, service pipe, pumping, or distribution equipment, reservoirs, or other equipment of the Utility Department and for the purpose of extending, replacing, or cleaning mains or any other necessary work in connection with mains, the water or gas may be shut off, when necessary, without notice, and the Utility Department shall not be liable for damages which may arise there-from.

## SECTION 13

**RATES.** The monthly rate and/or charges for water, gas, or sewer shall be as set by the City Commission. A copy of the rate schedule shall be provided to customers upon request.

**SPECIAL UTILITY DISTRICTS** - The City Administrator has the right to set a special or higher rate for other water systems who desire to purchase water from Adamsville Utilities.

## SECTION 14

**EXTENSION OF WATER, GAS, OR SEWER MAINS.** The size of the main shall be exclusively within the discretion of the Utility Department.

When mains are extended for the purpose of developing property, all cost shall be borne by the developer and the main will become the property of the Utility Department.

All installations or extensions connected to the Adamsville Water System will be governed by the specifications of the Utility Department, and the Tennessee Department of Environment and Conservation.

## SECTION 15

**WATER USERS TO PAY SEWER CHARGES.** Each and every water consumer whose premises are connected with the Sewerage System of the Division shall be and is hereby required to pay a sewerage disposal charge as shall be set and approved by the City Commission

A universal sewer use ordinance passed by the Mayor and Commissioners of the City of Adamsville, Tennessee on July 2, 2001, requires that all water customers residing in areas served by sanitary sewer must use the service. In accordance with this ordinance, all water customers whose premises are adjacent to a sewer main shall pay a minimum sewer use charge if they **are not** connected to the system.

## SECTION 16

**SEWER CUSTOMERS NOT CONNECTED TO WATER SYSTEM.**

Single family residential customers not having an individual water meter and being served with sewerage connection, will pay a monthly charge as set and approved by the City Commission.

## SECTION 17

**ILLEGAL USE OF SEWER CONNECTION.** In no event shall roof water and/or surface water drains be connected to sewer service lines.

No toxic chemicals or petroleum products shall be discharged into the Sewer System.

## SECTION 18

**CONNECTION OF SEWER SERVICE LINES.** When the customer desires to connect his service line to the line installed by the Utility Department, he shall notify the Utility Department, and shall make such connection in accordance with the policy of the Utility Department.

## **SECTION 19**

**SEWER STOPPAGE.** The Utility Department will unstop sewer mains at its expense. It will be the responsibility of the customer or property owner to unstop blocked service lines to the sewer main.

## **SECTION 20**

**CROSS-CONNECTIONS.** In no event, shall privately owned water systems (wells or springs) be physically connected to any plumbing system being served water by the Adamsville Utility Department. Residential, Commercial, and Industrial customers shall abide by all city, county, and state laws. A representative of the Adamsville Utility Department shall have the right to enter the premises of any or all water customers for the purpose of conducting a cross-connection inspection. Water service may be terminated to any customer who fails to comply with this section.

## **SECTION 21**

**INSPECTION OF GAS PIPING SYSTEMS AND APPLIANCES.** All gas piping and appliances are subject to safety inspection by the Utility Department using any method or means as shall be in effect at the time of inspection. Safety hazards or violations shall result in the termination of gas service until such time that repairs have been made and re-inspection occurs. Gas service will not be established to any new installation until the piping and appliances have been inspected by a representative of the Utility Division.

## **SECTION 22**

**PRIVATE FIRE LINES.** Private fire lines or sprinkler systems will be installed by and at the expense of the consumer; such construction to be made in accordance with the specifications of the Commission. Such lines shall be owned and maintained by the consumer.

Properly authorized employees of the Utility Department shall have access to the premises at all reasonable hours, for the purpose of inspecting such private fire lines and/or sprinkler systems.

No water shall be taken from fire lines and/or sprinkler systems for any purpose other than that which they are intended.

### **SECTION 23**

**FIRE HYDRANTS INSIDE CORPORATE LIMITS.** The location of fire hydrants shall be such that it is agreeable to both the Utility Department and the Fire Chief of the City of Adamsville.

The size and type fire hydrants to be installed shall be exclusively within the discretion of the Utility Department.

No person other than authorized agents of the Utility Department, Fire Departments, or Fire Companies shall take water from fire hydrants without the consent of the Utility Department, however, water may be taken from such hydrants by Fire Departments or Fire Companies only if they, within three days after the use of such hydrants, submit a report to the Utility Department stating which fire hydrant was used and an estimated number of gallons used.

### **SECTION 24**

**FIRE HYDRANTS OUTSIDE CORPORATE LIMITS.** The Utility Department will install fire hydrants outside the corporate limits along a line adequate for fire flow at the expense of the consumer.

Paragraph 2 and 3 of Section 23 is also applicable to this section.

Fire hydrants outside the corporate limits shall be installed and inspected at the expense of the consumer and shall become the property of the Adamsville Utility Department.

**Any Town or City (other than the City of Adamsville) who is served by the Adamsville Water System and has purchased or installed fire hydrants for the protection of its residents, shall pay the Adamsville Utility Department for any necessary repair or replacement of fire hydrants.**

Should the premises of the consumer be annexed to the City of Adamsville after a fire hydrant has been installed, no reimbursement shall be made to the consumer for any cost which may have been incurred toward the installation or maintenance of the fire hydrant; after annexation, no additional charge to the consumer shall be made for the maintenance of such fire hydrant.

## **SECTION 25**

**ILLEGAL USE OF FIRE HYDRANTS.** No person, other than an authorized agent of the Utility Department or Fire department, shall take water from a fire hydrant without the consent of the Adamsville Utility Department. Any such violation of this section will constitute a misdemeanor.

## **SECTION 26**

### **FAILURE OF CUSTOMER TO COMPLY WITH REGULATIONS.**

The Utility Division may refuse service to the premises of any applicant who fails to meet all the applicable provisions of this Code of Operation; or it may discontinue service in the event the customer violates or fails to comply with any of the foregoing Code of Operations.

## **SECTION 27**

### **Dump Truck Requested Usage outside of Bi-Weekly Scheduled Bulk Pick Ups**

1. We will only supply the dump truck to residents in the city limits. This does not include all garbage pickup residents.
2. The city limit residents will be allowed a usage of the dump truck once per year. Each additional usage will be an additional \$100 per usage. This will help offset the additional costs of fuel, insurance, employee labor, and landfill charges.
3. The maximum time of usage at each location for each resident will be 3 days. Monday thru Wednesday or Friday thru Sunday. If the dump truck is not scheduled by another resident, additional days will be \$25 per day.
4. Owners of multiple rent homes inside the city limits will be allowed the usage of the dump truck 1 time per location per year. Additional usage will be a \$100 per location.
5. The dump truck will be placed at the desired location. The resident is not allowed to drive or move the dump truck.

6. If the dump truck gets stuck at any point, the resident is responsible for any additional cost of retrieving the dump truck. (Most extreme measures)
7. The City of Adamsville will come first and supersedes any other usage.

## SECTION 28

### Brush Truck Usage

1. We will only supply brush truck pickup to residents in the city limits. This does not include all garbage pickup residents. If a contractor is hired by the homeowner, the contractor is expected to dispose of all brush.
2. All requests will need to be scheduled with city hall. A workorder will need to be placed for each pickup. The street supervisor will then schedule the route of the pickup order.
3. The City of Adamsville will come first and supersedes any other usage.

## SECTION 29

### GAS INFORMATION

See attached Utility Rate Schedule

All Boring and Welding fees are at current rates and are subject to change.

*The regular ¾ tap fee includes the tap, meter, 100ft. of ¾ poly pipe, and 100ft. of copper tracer. A Regular tap fee is considered at a low-pressure main that is a poly pipe.*

1. Any tap that exceeds 100 feet, there will be a cost per foot for the additional materials. The current cost of material may vary from month to month. Prices will be determined by the current market.
2. Any address needing a larger meter for their usage, there will be an additional cost. The cost will be determined by the current market. The cost of the original smaller meter that comes with the tap will be deducted from the cost of the meter upgrade.
3. All steel low-pressure main taps will have an additional welding fee. These welding fees will be determined by the welder's current cost. Currently, the cost is an additional \$450 per tap.
4. All high-pressure main line taps will require an additional welding fee along with the cost of a Farm Tap or a Steel Pipe all the way to the customer's residence.

This cost will be at the current welding fee as well as the current cost of all additional materials.

5. If the job requires a road bore its \$1200.00 (Non-State Highway or Road)
6. If we can schedule 2 or more bore for the same day, it's \$900 per bore (Non-State Highway or Road) this will be determined by other customer tap requests and the supervisors.
7. State Highway 4 Lanes and 2 Lane Highways are \$20 per foot with a minimum of 100ft per job. This cost may vary due to boring company costs.
8. The customer is responsible for any damage to the gas meters. If a meter or piping is damaged by outside forces a charge of repair or replacement will be added to the customer's billing. The cost will be at current cost of the parts, labor, and equipment. (Outside Forces = Damaged by a mower, vehicle, animals, human, etc.)

## **SECTION 30**

### **WATER INFORMATION**

See attached Utility Rate Schedule

All Boring and Welding fees are at current rates and are subject to change.

*The regular ¾ tap fee includes the tap and meter set. If a bigger meter is requested additional charges will apply.*

1. If the job requires a road bore its \$1200.00 (Non-State Highway or Road)
2. If we can schedule 2 or more bores for the same day its \$900 per bore (Non-State Highway or Road) this will be determined by other customer tap requests and the supervisors.
3. State Highway 4 Lanes and 2 Lane Highways are \$20 per foot with a minimum of 100ft per job. This cost may vary due to boring company costs.
4. The customer is responsible for damage to the water meters. If a meter or piping is damaged by outside forces a charge of repair or replacement will be added to the customer's billing. The cost will be at current cost of the parts, labor, and equipment. (Outside Forces = Damaged by a mower, vehicle, animals, human, etc.)
5. All approved extended water service lines installed to provide water service to a residence will be at the expense of the homeowner and will become the property of the City of Adamsville Utilities.

## Water and Sewer Adjustments

The Public Works Director shall be authorized to adjust a water and sewer bill for reasons such as: leaks or burst pipes which makes a customer's water and sewer bill higher than normal. For the reasons indicated above, the billing clerk shall adjust the customer's bill for water and sewer so that he/she pays for his/her normal water/sewer bill (the average over the last six months) plus one-half the excess or wasted amount of water. An adjustment form must be filled out to begin the process. A receipt for parts or an invoice from a plumber is required with the form.

Only one adjustment of this nature shall be made to a customer's bill during a twelve-month period. You may not receive an adjustment if more than one residence is connected to the same meter. The customer is also required to correct the leak before he/she is eligible to receive an adjustment.

To receive a pool adjustment, you must also have sewer with the City. An adjustment will be available one time per year. This adjustment will not remove any water usage, but sewer fees will be removed based on pool fill usage. We must have a beginning and ending reading of your meter. You may send picture proof or a City employee will need to read your meter before and after fill.

## SEWER INFORMATION

*See Attached Utility Rate Schedule*

All Boring and Welding fees are at current rates and are subject to change.

*The regular gravity tap fee includes the tap, 5ft of pipe, and the clean out box.*

*The clean out box is to be set 5ft outside sewer main. The meter box will be set in clear site with no obstruction to prevent damage. This may exceed in areas with large ditches. In these cases, the 25ft. rule goes in affect. Anything beyond 25ft will result in additional cost.*

*The city is responsible for leaks or stoppages from the main out to the clean out.*

1. Any tap that exceeds 5ft. will be a cost per foot for the additional materials. The current cost of material may vary from month to month. Prices will be determined by the current market.

2. High Pressure sewer taps are an additional cost. All grinder pumps and pump stations will be the responsibility of the resident. These prices vary. The city offers an EONE pump for purchase at the current price of \$2917.25 This pump comes with a 1-year warranty for exchange only. This price varies from month to month. Receipt must be provided to receive the warranty exchange.
3. The city does not install grinder pumps nor stations. A licensed electrician would be an ideal person for this job.
4. If the job requires a road bore its \$1200.00 (Non-State Highway or Road)
5. State Highway 4 Lanes and 2 Lane Highways are \$25.00 per foot with a minimum of 100ft per job. This also may change at any time.
6. The customer is responsible for their own clean out boxes, as well as from the clean out to the resident's home. If a clean out box is damaged by outside forces a charge of repair or replacement will be added to the customer's billing. The cost will be at current cost of the parts, labor, and equipment. (Outside Forces = Damaged by a mower, vehicle, animals, human, etc.)
7. The homeowner is responsible for keeping the clean out exposed and uncovered. If the clean out doesn't exist, the resident's sewer line cannot be cleaned out. Any cleanout close to the home can and will cause damage to the interior of the home. If the homeowner would like the city to expose this clean out or install a new one, a cost of \$150 will be charged.
8. Pump Truck clean outs for force main clean outs are allowed once per resident. Any additional pump truck clean outs, the homeowner will be charged \$250 per clean out. The City of Adamsville is not equipped for multiple truck dumps. The city recommends that the second pump is completed by a local pump truck service.

## SECTION 32

### UTILITY DAMAGES

The following information will be an addition to the Utility Policy Manual. This section will cover any and all damage that may be caused by residents as well as contractors.

#### Contractor or Resident Damage Cost

|                         |                                                                                   |                                                                                            |
|-------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 1 <sup>st</sup> Offense | Cost of parts, material, man hours, equipment time, as well as Water or Gas Loss. | <i>No Locate Cost</i><br>(Warning)                                                         |
| 2 <sup>nd</sup> Offense | Cost of parts, material, man hours, equipment time, as well as Water or Gas Loss  | No Locate Cost<br>(\$1000.00)<br>Fine                                                      |
| 3 <sup>rd</sup> Offense | Cost of parts, material, man hours, equipment time, as well as Water or Gas Loss  | <i>No Locate Cost</i><br>(\$2500.00)<br>Fine<br>Reported to the enforcement board of TN811 |
|                         | These costs may also include state fines.                                         |                                                                                            |

#### Contractors – NO Damages (Digging Without a ticket)

**FINE**

|                         |                          |                                                             |
|-------------------------|--------------------------|-------------------------------------------------------------|
| 1 <sup>st</sup> Offense | Digging Without a locate | Warning and Stop of Operation                               |
| 2 <sup>nd</sup> Offense | Digging Without a locate | \$1000.00                                                   |
| 3 <sup>rd</sup> Offense | Digging Without a locate | \$2500.00 and/or Reported to the enforcement board of TN811 |

#### Residents – No Damages (Digging Without a ticket)

**FINE**

|                         |                          |                                                             |
|-------------------------|--------------------------|-------------------------------------------------------------|
| 1 <sup>st</sup> Offense | Digging Without a locate | Warning and Stop of Operation                               |
| 2 <sup>nd</sup> Offense | Digging Without a locate | \$1000.00                                                   |
| 3 <sup>rd</sup> Offense | Digging Without a locate | \$2500.00 and/or Reported to the enforcement board of TN811 |

This basically includes residents doing work at home. This includes shovel work, tree removal, etc.

### **Damaged Utilities Equipment Cost Schedule**

During Work Hours:

1. Equipment usage cost \$50/hour
2. Employee cost \$20/hour

After Hours:

1. Equipment usage cost \$50/hour
2. Employee cost \$35/hour
- 3.

### **SECTION 33 – Utility Theft**

In accordance with Tennessee law, TCA § 65-35-102, it is unlawful for a person to:

1. Knowingly tap, cut, burn, break down, injure, destroy, or otherwise interrupt or interfere with the current, lines, cables, poles, towers, fixtures.
2. In any way injure, remove, destroy, or interfere with any gas, sanitary sewer, or water fixtures or appliances.
3. Obtain or attempt to obtain by use of any fraudulent scheme, device, means or method, sanitary sewer, water, or gas service, with intent to avoid payment of the lawful price, charge or toll therefore or for any person to cause another to avoid such payment for such service, or for any person to assist another in avoiding payment for sanitary sewer, water, or gas service, either through the making of multiple applications for service at one (1) address, or otherwise.
4. Connect any tube, pipe, wire or other instrument with any meter, device or other instrument used for conducting gas, sanitary sewer service, or water in such a manner as to permit the use of gas, sanitary sewer service, or water without same passing through a meter or other instrument recording the usage for billing.
5. Alter, injure or prevent the action of a meter, valve, stopcock, or other instrument used for measuring quantities of gas, sanitary sewer service, or water.

6. Break, deface or cause to be broken or defaced any seal, locking device or other parts that make up a metering device for recording usage of gas, sanitary sewer service, or water or a recording device.
7. Remove a metering device for measuring quantities of gas, sanitary sewer service, or water.
8. Transfer from one (1) location to another a metering device for measuring utilities of gas, sanitary sewer service, or water.
9. Use a metering device belonging to the utility that has not been assigned to the location and installed by the utility.
10. Adjust the indicated consumption, jam the measuring device, bypass the meter or measuring device with a jumper so that it does not indicate use or registers incorrectly or otherwise obtain quantities of gas, sanitary sewer service, or water from the utility without same passing through a metering device for measuring quantities of consumption for billing.
11. Fabricate or use a device to pick or otherwise tamper with the locks used to deter gas diversion, water diversion, sanitary sewer service diversion, meter tampering and meter thefts.

#### EVIDENCE OF VIOLATION

In accordance with Tennessee law, TCA § 65-35-103, any property on which it is found to have gas, sanitary sewer, or water utilities tampered with in violation of § 65-35-102, and capable of receiving gas, sanitary sewer, or water service as a result of the use of any method of diversion prohibited in that section, is prima facie evidence and creates against the tenant or occupant a presumption of intent to tamper or divert in violation of the provisions of § 65-35-102.

Also, the presence upon property served by a utility of a metering device altered to improperly monitor the amount of utility service used on or by such property is presumptive evidence that the utility customer has diverted or used utility service with the intent to deprive or defraud the utility from receiving proper charges or payment for such utility service in violation of the provisions of this chapter.

#### CRIMINAL LIABILITY – DAMAGES – LIENS

In accordance with Tennessee law, TCA § 65-35-104, any person violating the provisions of § 65-35-102 is liable civilly for damages resulting from such violation, including actual, compensatory, incidental, and punitive damages. **The damage shall be three (3) times the utility's estimated loss of revenue or repair. This will include labor, equipment, locks, water loss, meters, setters, or any other materials or parts connected with each providing meter set. This also may include reasonable attorneys' fees and costs associated with theft or damage to any City of Adamsville property.**

Regardless of any criminal charge or lack thereof, any utility may nevertheless bring a civil action in any court of appropriate jurisdiction against the owner, occupant or tenant and allege the violation of any of the acts prohibited by § 65-35-102; and upon a finding that the person has violated § 65-35-102, the court shall likewise determine the estimated loss of revenues and award judgment for sums specified.

Any utility that can properly establish the amount of utility service fraudulently taken on or by any premises occupied by the owner thereof shall the right to declare a lien for the value of such utility service against the property on which the utility service was taken.

## **SECTION 34**

### **EFFECTIVE DATE AND RIGHTS OF COMMISSION**

**EFFECTIVE DATE:** The effective date of this Code of Operation shall be **May 1, 2022**. The City of Adamsville Commission reserves the right to revise or amend this Code of Operation at its discretion.

Amended and EFFECTIVE DATE: February 27, 2024

FOR SERVICE CALL  
731-632-1401  
OR  
911 FOR EMERGENCIES

ADAMSVILLE UTILITIES  
231 E Main St  
PO Box 301  
Adamsville, TN 38310

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