

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

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#### CHAPTER 1

#### WATER

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<sup>1</sup>Municipal code references

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**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations and general practice, the liability of the municipality to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1973 Code, § 13-101, modified)

**18-102. Definitions.** (1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or backpressure valves, or because of any other arrangement.

(4) "Customer" means any person, firm, or corporation who receives water service from the municipality under either an express or implied contract.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

(6) "Household" means any two (2) or more persons living together as a family group.

(7) "Inter-connection." Any system of piping or other arrangement whereby the public water supply is connected or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(8) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or county.

(9) "Premise." Any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

(10) "Public water supply." The waterworks system furnishing water to the City of Lafayette, Tennessee, and surrounding area for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(11) "Service line" shall consist of the pipe line extending from any water main of the municipality to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the municipality's water main to and including the meter and meter box. (1973 Code, § 13-102, modified)

**18-103. Obtaining service.** A formal application for either original or additional service must be made and be approved by the municipality before connection or meter installation orders will be issued and work performed. (1973 Code, § 13-103)

**18-104. Application and contract for service.** Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish said service. (1973 Code, § 13-104)

**18-105. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1973 Code, § 13-105)

**18-106. Connection charges.** Service lines will be laid by the municipality from the water main to the property line at the expense of the applicant for service. The location of such lines shall be determined by the municipality.

Before a new service line will be laid the applicant shall pay a fee in accordance with the following schedule to the municipality.

(1) Connections made for the use of water within the municipality.

- (a) 3/4" ..... \$1,000.00
- (b) 1" ..... \$1,500.00

All connections exceeding one inch (1") in diameter shall be the cost of the installation, supplies and meter.

- (2) Connections made for the use of water outside the municipality.
  - (a) 3/4" ..... \$1,250.00
  - (b) 1" ..... \$1,750.00

All connections exceeding one inch (1") in diameter shall be the cost of the installation, supplies and meter.

The city utility department reserves the right to downsize a two inch (2") meter if it is determined that the flow through the two inch (2") meter is inadequate to make the meter register properly.

In addition to the above fees, if the city is required to bore under a street, road or highway to make connection there will be an additional fee to the applicant of ten dollars (\$10.00) per foot for boring under roadway.

(3) Connections made for the use of water when done by developer. The developer is to put all water lines, fire hydrants, and valves etc. in conformity to the city code requirements and state requirements and only when said developer has a minimum of ten (10) lots which are developed at one (1) time and said developer builds on said lots.

Inside and outside the city limits

- (a) 3/4" ..... \$600.00
- (b) 1" ..... \$1,100.00

All connections exceeding one inch (1") in diameter shall be the cost of installation, supplies and meter.

The rights given to the developer in this section are not transferrable to another person or persons, LLCs or corporations.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1973 Code, § 13-106, as amended by Ord. #561, May 2009, and Ord. #594, May 2011, modified, and Ord. #656, Jan. 2014)

**18-107. Main extensions to developed areas.** Any water main construction for subdivision areas, either within or without the corporate limits shall be made in accordance with such terms and conditions that are provided by the governing body and approved by the Tennessee Department of Environment and Conservation Division of Water Supply. All streets in said area shall be paved or repaved with a bituminous substance and adequate drainage shall be provided through the placement of culverts and waterways so

designed as to allow for the proper removal of surface runoff prior to turning water into said water main. (1973 Code, § 13-107, modified)

**18-108. Water non-refundable connection fee.** All applicants for water connections shall deposit with the municipality prior to such connection a non-refundable connection fee. For residential property owner users the non-refundable connection fee shall be twenty dollars (\$20.00). For residential renters or lessees the non-refundable connection fee shall be forty dollars (\$40.00). The rate for deposits on commercial and industrial water customers shall be set by the general foreman of the city, city recorder, and assistant recorder, with a minimum non-refundable connection fee of forty dollars (\$40.00). (1973 Code, § 13-108)

**18-109. Meters.** All meters shall be installed, tested, repaired, and removed by the municipality. There shall be a service charge fee for setting the meter or establishing new service inside the city limits of thirty dollars (\$30.00), and a service charge fee of fifty dollars (\$50.00) outside the city limits of Lafayette.

No one shall do anything which will in any way interfere with the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. A tampering fee of one hundred dollars (\$100.00) shall be charged, in addition to any outstanding amount due on the account, including all service charges, shall be paid before any services are restored. Tampering with a meter or theft of services shall be reported to the police authorities. Customer shall be charged with a misdemeanor or felony, based on the cost of repairs or replacement of city property. (1973 Code, § 13-109, as replaced by Ord. #713, Dec. 2017 *Ch3\_03-05-19*)

**18-110. Meter tests.** The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

Meter Size	Percentage
5/8," 3/4," 1," 2"	2%
3"	3%
4"	4%
6"	5%

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge of fifty dollars (\$50.00).

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1973 Code, § 13-110)

**18-111. Schedule of rates.** All water furnished by the municipality shall be measured in gallons to the nearest multiple of one thousand (1,000) and it shall be furnished to the regular users within the corporate limits of Lafayette under the following rate schedule:

1st 1,000 gallons	\$9.00 minimum
All over 1,000 gallons	\$4.50 per 1,000 gallons.

All water users outside the municipality shall pay in accordance with the following rate schedule:

1st 1,000 gallons	\$15.00 minimum
Over 1,000 gallons	\$9.00 per 1,000 gallons

(1) For those multiple service users (multiple users through a single meter) inside the corporate limits, the charge shall be based on the schedule set out herein, computed as follows:

It shall be necessary to arrive at the average use per individual user by dividing the number of individual users into the total gallons used during the month. The quotient gallons for each month shall be used to determine the charge for each individual user which shall be based on the above schedule of rates, i.e. one thousand (1,000) gallons used during the month – ten (10) individual users being metered by a master meter; divide ten (10) into one hundred thousand (100,000) and the quotient gallons is ten thousand (10,000) gallons.

(2) For all those (multiple users through a single meter) outside the corporate limits the charge shall be based on the above rate schedule computed as in item (1).

(3) Annual payment of sprinkler and fire hydrant connection shall be one hundred dollars (\$100.00). (Ord. #586, Dec. 2010, as replaced by Ord. #772, Dec. 2020 *Ch4\_06-01-21*)

**18-112. Multiple services through a single meter.**<sup>1</sup> No customer shall supply water service to more than one (1) dwelling or premise from a single

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<sup>1</sup>See also § 18-122 of this code.

service line and meter without first obtaining the written permission of the municipality.

(1) Meter, piping, charges. (a) A master water meter shall be provided to RV parks by the city and shall be installed at the location approved by the city.

(b) The owner shall be responsible for all interior piping, valves, hydrants, and appurtenances on the owner's side of the meter.

(c) The owner shall be responsible for all leaks on the owner's side of the meter and the city shall not make any adjustments in charges.

(2) Fees. (a) The city is authorized to bill on a regular basis for water use measured by the single master meter. It shall be the owner's responsibility to bill individual tenants. The minimum monthly bill shall be fifty dollars (\$50.00) for an RV park.

(b) In the event that water or sewer usage is not paid by the owner on or before the due date the city shall discontinue the service to the RV park under the city's policies and procedures for the termination of water service for nonpayment of water bills.

(3) All recreational vehicles located in the RV park must at all times remain mobile. (1973 Code, § 13-112, as amended by Ord. #603, Aug. 2011)

**18-113. Billing.** Bills for residential service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality.

Water bills must be paid on or before the date shown thereon in order to obtain the net rate, otherwise the gross rate shall apply. This municipality shall not furnish water services free of charges to any person or persons. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date. Payments must be received in the office prior to the close of business day, at 4:30 P.M. local time, on the due date to avoid late payment fees. Night deposit payments are applied to customer's account each morning and will be posted the day removed from night deposit box. Mailed payments are posted on date received from post office. Postmark date is not considered when determining late payment fees. A net remittance received by mail after the due date will be considered delinquent and shall not be accepted by the municipality without late fees. In the event service bills are not paid on or before the due date, service may be discontinued after five (5) calendar days of due date; and not again resumed until all bills are paid, including late fees and service charges. Effective July 1, 2016, delinquent notices will no longer be mailed.

The municipality shall discontinue service for nonpayment of bills. However, service shall not be discontinued for nonpayment of bills including delayed charges, without first having made a reasonable effort to induce the customer to pay same. If prior to discontinue use of service there is delivered to the utility department, or to its employee empowered to discontinue service, a written certificate signed by a physician, a registered nurse, or a public health

officer that in the opinion of the certifier discontinued use of the service will aggravate an existing illness or infirmity on the effective premise, service shall not be discontinued until the affected resident can make other living arrangement or until ten (10) days elapses from the time the utility's receipt of said certification, whichever occurs first. If service is discontinued for non or partial payment or a bad check, the customer must make payment in full, of his/her account, including all service charges. If customer's account is on cutoff list, and payment is not done before 7:00 A.M. the day services are turned off for nonpayment, a service charge of sixty dollars (\$60.00) inside the city; and a service charge of one hundred dollars (\$100.00) outside the city limits of Lafayette will be added to the amount due. No after-hours turn-ons will be done. The city will make all efforts to get services turned on the same day for any customer making payments to connect or reconnect services prior to 3:00 P.M.; though, the services are subject to not be turned on until the following business day. Any payments made to connect or reconnect services at 3:00 P.M. or later, shall not be turned on until the following business day. Payments made to connect or reconnect on Friday at 3:00 P.M. and after, will not get services turned on until the following Monday or business day.

The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available.

If a customer has a water leak on the customer's side of the water meter, the City of Lafayette will adjust each of the customer's water accounts only one (1) time a calendar year for a water leak provided the usage is over ten thousand (10,000) gallons on the account to be adjusted.

If the customer's normal usage is over ten thousand (10,000) gallons their bill shall be adjusted to an average plus one-third (1/3) of a difference between that average and the amount of that bill for water.

If the customer's normal usage is less than ten thousand (10,000) gallons per month, the water bill will be adjusted back to ten thousand (10,000) gallons.

These adjustment formulas shall also apply to a water customer who is master metered.

If a customer's account is placed with a collection agency the customer will be required to pay a collection fee in addition to all other applicable fees.

When a water meter charge is adjusted, as set out above, the sewer charge shall be adjusted by figuring the average sewer charge for the previous twelve (12) months.

In the event that the owner of a utility account dies without a surviving spouse, the meter shall be changed to the name of the person using the account. Upon discovery that the City of LaFayette, Tennessee, has been furnished



service to any person other than the person whose name the account is in, the City of LaFayette, Tennessee, shall cease furnishing such service unless such person applies for and the City of LaFayette, Tennessee, approves their membership retroactive to the date they first began using such service. (1973 Code, § 13-113, as amended by Ord. #544, Aug. 2008, Ord. #554, Sept. 2008, Ord. #605, Nov. 2011, Ord. #681, April 2016, Ord. #713, Dec. 2017 *Ch3\_03-05-19*, and Ord. #771, Dec. 2020 *Ch4\_06-01-21*)

**18-114. Discontinuance or refusal of service.** The governing body shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's applications for service.
- (3) The customer's contract for service.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1973 Code, § 13-114)

**18-115. Disconnection and reconnection charges.** In the event the customer requests the city to check a water meter for accuracy, leak, or misreading, service charges shall apply in all cases except when it has been determined by the city that the problem was due to the city's error or mistake. A service charge of thirty dollars (\$30.00) for water service inside the city limits and fifty dollars (\$50.00) for water service outside the city limits shall be collected by the municipality. (1973 Code, § 13-115, as replaced by Ord. #713, Dec. 2017 *Ch3\_03-05-19*)

**18-116. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days' written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

- (1) Written notice of the customer's desire for such service to be discontinued may be required; and the municipality shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to

discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1973 Code, § 13-116)

**18-117. Access to customer's premises.** The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (1973 Code, § 13-117)

**18-118. Inspections.** The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, and such inspection or rejection been made. (1973 Code, § 13-118)

**18-119. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1973 Code, § 13-119)

**18-120. Customer's responsibility for violations.** Where the municipality furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1973 Code, § 13-120)

**18-121. Supply and resale of water.** All water shall be supplied within the municipality exclusively by the municipality and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the municipality. (1973 Code, § 13-121)

**18-122. Unauthorized use or interference with water supply.** No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots or fire plugs without permission or authority from the municipality. (1973 Code, § 13-122)

**18-123. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence. (1973 Code, § 13-123)

**18-124. Damages to property due to water pressure.** The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (1973 Code, § 13-124)

**18-125. Liability for cut-off failures.** The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a water service, the municipality has failed to cut off such service.

(2) The municipality has attempted to cut off a service but such service has not been completely cut off.

(3) The municipality has completely cut off a service, but subsequently, the cut-off develops a leak or is turned on again so that water enters the customer's pipes from the municipality's main.

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cut-off failures. If a customer wishes to avoid possible damage for cut-off failures, the customer shall rely exclusively on privately owned cut-offs and not on the municipality's cut-off. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained after his water service has been cut off. (1973 Code, § 13-125)

**18-126. Restricted use of water.** In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1973 Code, § 13-126)

**18-127. Interruption of service.** The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1973 Code, § 13-127)

**18-128. Standards.** The City of Lafayette Public Water Supply is to comply with Tennessee Code Annotated, § 68-221-701, *et seq.*, as well as the rules and regulations of the public water supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective, ongoing program to control these undesirable uses. (1973 Code, § 13-128, modified)

**18-129. Construction and supervision.** It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or inter-connection to be made, or allow one to exist for any purpose whatsoever unless the construction or operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection, auxiliary intake, by-pass, or inter-connection is at all times under the direct supervision of the Superintendent of Water of the City of Lafayette. (1973 Code, § 13-129, modified)

**18-130. Statement required.** Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through the piping system, shall file with the Superintendent of Water of the City of Lafayette, a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (1973 Code, § 13-130)

**18-131. Inspection required.** It shall be the duty of the City of Lafayette Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Superintendent of Water of the City of Lafayette, and as approved by the Tennessee Department of Environment and Conservation Division of Water Supply. (1973 Code, § 13-131, modified)

**18-132. Right of entry for inspections.** The superintendent of water or an authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Lafayette Public Water Supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (1973 Code, § 13-132)

**18-133. Correction of existing violations.** Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Superintendent of Water of the City of Lafayette. (1973 Code, § 13-133)

**18-134. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation;
- (2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected the Superintendent of Water of the City of Lafayette, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to

manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Superintendent of Water of the City of Lafayette, prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of water or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where only one (1) unit is installed and the continuance of service is critical, the superintendent of water shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel, acceptable to the Superintendent of Water of the City of Lafayette. (1973 Code, § 13-134)

**18-135. Unpotable water to be labeled.** The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

Minimum acceptable sign shall have black letters one inch (1") high located on a red background. (1973 Code, § 13-135)

**18-136. Violations.** Any person who neglects or refuses to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction therefor, shall be fined in accordance with the charter and the city code of the City of Lafayette, being not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties, the Superintendent of Water of the City of Lafayette shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service

shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (1973 Code, § 13-136)

**18-137. Lawn and garden sprinkler systems.** A lawn or garden sprinkler system shall be allowed as follows:

- (1) A three-quarters inch (3/4") or one inch (1") water meter only.
- (2) Customer shall install and maintain a State of Tennessee reduced pressure backflow preventer in an insulated preventer valve box.

(3) The city shall test the backflow preventer and notify the customer of any necessary repairs and the time limit for making the repairs. After the time given for the repairs has expired, the backflow preventer shall be tested by the city again. If the repairs have not been made the water service shall be discontinued at that time. If after the time given for any repairs has expired the backflow system preventer shall be tested again, and if the repairs have not been made the water service will be disconnected at that time.

(4) The sprinkler system tap or connection fees shall be:

Inside city limits

- (a) 3/4" ..... \$500.00
- (b) 1" ..... \$850.00

Outside city limits

- (a) 3/4" ..... \$850.00
- (b) 1" ..... \$1,500.00

There shall be added to each of the above fees a charge of seventy-five dollars (\$75.00) to cover the meter cost.

(5) Use of water for this tap is for lawn and garden sprinkler systems, not for domestic use inside the home for drinking, bathing, or cooking.

(6) Customer shall pay a minimum water bill each month on this meter when not in use.

(7) No sewer charge shall be added for water used for water or garden sprinkler systems.

(8) There shall be no adjustments allowed for a water leak on the customer's side of the meter authorized by this section. (1973 Code, § 13-137)

## CHAPTER 2

### CROSS-CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-201. Definitions.
- 18-202. Compliance with Tennessee Code Annotated.
- 18-203. Regulated.
- 18-204. New installations.
- 18-205. Existing installations.
- 18-206. Inspections.
- 18-207. Right of entry for inspections.
- 18-208. Correction of violations.
- 18-209. Required devices.
- 18-210. Non-potable supplies.
- 18-211. Statement required.
- 18-212. Penalty; discontinuance of water supply.
- 18-213. Provision applicable.

**18-201. Definitions.** The following words, terms and phrases shall have the meanings ascribed to them in this section, when used in the interpretation and enforcement of this chapter:

(1) "Air-gap" shall mean a vertical, physical separation between a water supply and the overflow rim of a nonpressurized receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the water supply line, but in no case less than two inches (2"). Where a discharge line serves as receiver, the air-gap shall be at least twice the diameter of the discharge line, but not less than two inches (2").

(2) "Atmospheric vacuum breaker" shall mean a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system.

(3) "Auxiliary intake" shall mean any water supply, on or available to a premises, other than that directly supplied by the public water system. These auxiliary waters may include water from another purveyor's public water system; any natural source, such as a well, spring, river, stream, and so forth; used, reclaimed or recycled waters; or industrial fluids.

(4) "Backflow" shall mean the undesirable reversal of the intended direction of flow in a potable water distribution system as a result of a cross-connection.

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<sup>1</sup>Municipal code reference  
Plumbing code: § 12-201.



(5) "Backpressure" shall mean any elevation of pressure in the downstream piping system (caused by pump, elevated tank or piping, steam and/or air pressure) above the water supply pressure at the point which would cause, or tend to cause, a reversal of the normal direction of flow.

(6) "Backsiphonage" shall mean the flow of water or other liquids, mixtures or substances into the potable water system from any source other than its intended source, caused by the reduction of pressure in the potable water system.

(7) "By-pass" shall mean any system of piping or other arrangement whereby water from the public water system can be diverted around a backflow prevention device.

(8) "Cross-connection" shall mean any physical connection or potential connection whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other waste or liquid of unknown or unsafe quality, which may be capable of imparting contamination to the public water system as a result of backflow or backsiphonage. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, through which or because of which backflow could occur, are considered to be cross-connections.

(9) "Double check valve assembly" shall mean an assembly of two (2) independently operating, approved check valves with tightly closing resilient seated shut-off valves on each side of the check valves, fitted with properly located resilient seated test cocks for testing each check valve.

(10) "Double check detector assembly" shall mean an assembly of two (2) independently operating, approved check valves with an approved water meter (protected by another double check valve assembly) connected across the check valves, with tightly closing resilient seated shut-off valves on each side of the check valves, filled with properly located resilient seated test cocks for testing each part of the assembly.

(11) "Fire protection systems" shall be classified in six (6) different classes in accordance with AWWA Manual M14 - Second Edition 1990. The six (6) classes are as follows:

Class 1 shall be those with direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to the atmosphere, dry wells or other safe outlets.

Class 2 shall be the same as Class 1, except that booster pumps may be installed in the connections from the street mains.

Class 3 shall be those with direct connection from public water supply mains, plus one (1) or more of the following: elevated storage tanks, fire pumps taking suction from above ground covered reservoirs or tanks, and/or pressure tanks (all storage facilities are filled from or connected to public water only, and the water in the tanks is to be maintained in a potable condition).

Class 4 shall be those with direct connection from the public water supply mains, similar to Class 1 and Class 2, with an auxiliary water supply dedicated to fire department use and available to the premises, such as an auxiliary supply located within one thousand seven hundred feet (1,700') of the pumper connection.

Class 5 shall be those directly supplied from public water mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.

Class 6 shall be those with combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

(12) "Inter-connection" shall mean any system of piping or other arrangements whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device, which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(13) "Person" shall mean any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(14) "Potable water" shall mean water, which meets the criteria of the Tennessee Department of Environment and Conservation and the United States Environmental Protection Agency for human consumption.

(15) "Pressure vacuum breaker" shall mean an assembly consisting of a device containing one (1) or two (2) independently operating spring loaded check valves and an independently operating spring loaded air inlet valve located on the discharge side of the check valve(s), with tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves and relief valve.

(16) "Public water supply" shall mean the Lafayette Water System, which furnishes potable water to the public for general use and which is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(17) "Reduced pressure principle backflow prevention device" shall mean an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing resilient seated shut-off valves, plus properly located resilient seated test cocks for the testing of the check valves and the relief valve.

(18) "Supervisor" shall mean the supervisor of the Lafayette Water System or his duly authorized deputy, agent or representative.

(19) "Water system" shall be considered as made up of two (2) parts, the utility system and the customer system.

(a) The utility system shall consist of the facilities for the storage and distribution of water and shall include all those facilities of the water system under the complete control of the utility system, up to the point where the customer's system begins (i.e. the water meter).

(b) The customer system shall include those parts of the facilities beyond the termination of the utility system distribution system that are utilized in conveying domestic water to points of use. (Ord. #563, Sept. 2009)

**18-202. Compliance with Tennessee Code Annotated.** The Lafayette Water System shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants through the water service connection. The Lafayette Water System shall comply with Tennessee Code Annotated, § 68-221-711, as well as the Rules and Regulations for Public Water Systems and Drinking Water Quality, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes and inter-connections, and shall establish an effective, on-going program to control these undesirable water uses. (Ord. #563, Sept. 2009)

**18-203. Regulated.** (1) No water service connection to any premises shall be installed or maintained by the Lafayette Water System unless the water supply system is protected as required by state laws and this chapter. Service of water to any premises shall be discontinued by the Lafayette Water System if a backflow prevention device required by this chapter is not installed, tested, and/or maintained; or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) It shall be unlawful for any person to cause a cross-connection to be made or allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection is at all times under the direction of the supervisor of the Lafayette Water System.

(3) If, in the judgment of the supervisor or his designated agent, an approved backflow prevention device is required at the water service connection to a customer's premises, or at any point(s) within the premises, to protect the potable water supply, the supervisor shall compel the installation, testing and maintenance of the required backflow prevention device(s) at the customer's expense.

(4) An approved backflow prevention device shall be installed on each water service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line.

(5) For new installations, the supervisor or his designated agent shall inspect the site and/or review plans in order to assess the degree of hazard and to determine the type of backflow prevention device, if any, that will be required, and to notify the owners in writing of the required device and installation criteria. All required devices shall be installed and operational prior to the initiation of water service.

(6) For existing premises, personnel from the Lafayette Water System shall conduct inspections and evaluations, and shall require correction of violations in accordance with the provisions of this chapter. (Ord. #563, Sept. 2009)

**18-204. New installations.** No installation, alteration, or change shall be made to any backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first contacting the Lafayette Water System for approval. (Ord. #563, Sept. 2009)

**18-205. Existing installations.** No alteration, repair, testing or change shall be made of any existing backflow prevention device connected to the public water supply for water service, fire protection or any other purpose without first securing the appropriate approval from the Lafayette Water System. (Ord. #563, Sept. 2009)

**18-206. Inspections.** The supervisor or his designated agent shall inspect all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspection shall be based on potential health hazards involved, and shall be established by the Lafayette Water System in accordance with guidelines acceptable to the Tennessee Department of Environment and Conservation. (Ord. #563, Sept. 2009)

**18-207. Right of entry for inspections.** The supervisor or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Lafayette Water System public water system for the purpose of inspecting the piping system therein for cross-connection, auxiliary intakes, by-passes or inter-connections, or for the testing of backflow prevention devices. Upon request, the owner, lessee, or occupant of any property so served shall furnish any pertinent information regarding the piping system(s) on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-

connections, and shall be grounds for disconnection of water service. (Ord. #563, Sept. 2009)

**18-208. Correction of violations.** (1) Any person found to have cross-connections, auxiliary intakes, by-passes or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of the existing conditions and an appraisal of the time required to complete the work, the supervisor or his representative shall assign an appropriate amount of time, but in no case shall the time for corrective measures exceed ninety (90) days.

(2) Where cross-connections, auxiliary intakes, by-passes or inter-connections are found that constitute an extreme hazard, with the immediate possibility of contaminating the public water system, the Lafayette Water System shall require that immediate corrective action be taken to eliminate the threat to the public water system. Expeditious steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard is immediately corrected, subject to the right to a due process hearing upon timely request. The time allowed for preparation for a due process hearing shall be relative to the risk of hazard to the public health and may follow disconnection when the risk to the public health and safety, in the opinion of the supervisor, warrants disconnection prior to a due process hearing.

(3) The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within the time limits established by the supervisor or his representative, shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the supervisor shall give the customer legal notification that water service is to be discontinued, and shall physically separate the public water system from the customer's on-site piping in such a manner that the two (2) systems cannot again be connected by an unauthorized person, subject to the right of a due process hearing upon timely request. The due process hearing may follow disconnection when the risk to the public health and safety, in the opinion of the supervisor, warrants disconnection prior to a due process hearing. (Ord. #563, Sept. 2009)

**18-209. Required devices.** (1) An approved backflow prevention assembly shall be installed downstream of the meter on each service line to a customer's premises at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, when any of the following conditions exist:

- (a) Impractical to provide an effective air-gap separation;
- (b) The owner/occupant of the premises cannot or is not willing to demonstrate to the Lafayette Water System that the water use and protective features of the plumbing are such as to pose no threat to the safety or potability of the water;

(c) The nature and mode of operation within a premise are such that frequent alterations are made to the plumbing;

(d) There is likelihood that protective measures may be subverted, altered or disconnected;

(e) The nature of the premises is such that the use of the structure may change to a use wherein backflow prevention is required;

(f) The plumbing from a private well or other water source enters the premises served by the public water system.

(2) The protective devices shall be of the reduced pressure zone type (except in the case of certain fire protection systems and swimming pools with no permanent plumbing installed) approved by the Tennessee Department of Environment and Conservation and the Lafayette Water System, as to manufacture, model, size and application. The method of installation of backflow prevention devices shall be approved by the Lafayette Water System prior to installation and shall comply with the criteria set forth in this chapter. The installation and maintenance of backflow prevention devices shall be at the expense of the owner or occupant of the premises.

(3) Premises requiring reduced pressure principle assemblies or air gap separation.

(a) High risk high hazards. Establishments which pose significant risk of contamination or may create conditions which pose an extreme hazard of immediate concern (high risk high hazards), the cross-connection control inspector shall require immediate or a short amount of time (fourteen (14) days maximum), depending on conditions, for corrective action to be taken. In such cases, if corrections have not been made within the time limits set forth, water service will be discontinued.

High risk high hazards require a reduced pressure principle (or detector) assembly. The following list is establishments deemed high risk high hazard and require a reduced pressure principle assembly:

- (i) Mortuaries, morgues, autopsy facilities;
- (ii) Hospitals, medical buildings, animal hospitals and control centers, doctor and dental offices;
- (iii) Sewage treatment facilities, water treatment, sewage and water treatment pump stations;
- (iv) Premises with auxiliary water supplies or industrial piping systems;
- (v) Chemical plants (manufacturing, processing, compounding, or treatment);
- (vi) Laboratories (industrial, commercial, medical research, school);
- (vii) Packing and rendering houses;
- (viii) Manufacturing plants;
- (ix) Food and beverage processing plants;

- (x) Automated car wash facilities;
- (xi) Extermination companies;
- (xii) Airports, railroads, bus terminals, piers, boat docks;
- (xiii) Bulk distributors and users of pesticides, herbicides, liquid fertilizer, etc.;
- (xiv) Metal plating, pickling, and anodizing operations;
- (xv) Greenhouses and nurseries;
- (xvi) Commercial laundries and dry cleaners;
- (xvii) Film laboratories;
- (xviii) Petroleum processes and storage plants;
- (xix) Restricted establishments;
- (xx) Schools and educational facilities;
- (xxi) Animal feedlots, chicken houses, and CAFOs;
- (xxii) Taxidermy facilities;
- (xxiii) Establishments which handle, process, or have extremely toxic or large amounts of toxic chemicals or use water of unknown or unsafe quality extensively.

(b) High hazard. In cases where there is less risk of contamination, or less likelihood of cross-connections contaminating the system, a time period of (ninety (90) days maximum) will be allowed for corrections. High hazard is a cross-connection or potential cross-connection involving any substance that could, if introduced in the public water supply, cause death, illness, and spread disease. (See Appendix A of manual).

(4) Applications requiring backflow prevention devices include, but shall not be limited to: domestic water service and/or fire flow connections for a medical facilities; all fountains, lawn irrigation systems, wells, water softeners and other treatment systems; swimming pools; and on all fire hydrant connections other than those by the fire department in combating fires. Those facilities deemed by Lafayette Water System as needing protection.

(a) Class 1, Class 2 and Class 3 fire protection systems shall generally require a double check valve assembly, except:

- (i) A double check detector assembly shall be required where a hydrant or other point of use exists on the system; or
- (ii) A reduced pressure backflow prevention device shall be required where:

(A) Underground fire sprinkler lines are parallel to and within ten feet (10') horizontally of pipes carrying sewage or significantly toxic materials;

(B) Premises have unusually complex piping systems;

(C) Pumpers connecting to the system have corrosion inhibitors or other chemicals added to the tanks of the fire trucks.

(b) Class 4, Class 5 and Class 6 fire protection systems shall require reduced pressure backflow prevention devices.

(c) Wherever the fire protection system piping is not an acceptable potable water system material, or chemicals such as foam concentrates or antifreeze additives are used, a reduced pressure backflow prevention device shall be required.

(d) Swimming pools with no permanent plumbing and only filled with hoses will require a hose bibb vacuum breaker be installed on the faucet used for filling.

(5) The supervisor or his representative may require additional and/or internal backflow prevention devices wherein it is deemed necessary to protect potable water supplies within the premises.

(6) Installation criteria. The minimum acceptable criteria for the installation of reduced pressure backflow prevention devices, double check valve assemblies or other backflow prevention devices requiring regular inspection or testing shall include the following:

(a) All required devices shall be installed in accordance with the provisions of this chapter by a person approved by the Lafayette Water System who is knowledgeable in the proper installation. Only licensed sprinkler contractors may install, repair or test backflow prevention devices on fire protection systems.

(b) All devices shall be installed in accordance with the manufacturer's instructions and shall possess appropriate test cocks, fittings and caps required for the testing of the device (except hose bibb vacuum breakers). All fittings shall be of brass construction, unless otherwise approved by the Lafayette Water System, and shall permit direct connection to department test equipment.

(c) The entire device, including valves and test cocks, shall be easily accessible for testing and repair.

(d) All devices shall be placed in the upright position in a horizontal run of pipe.

(e) Device shall be protected from freezing, vandalism, mechanical abuse and from any corrosive, sticky, greasy, abrasive or other damaging environment.

(f) Reduced pressure backflow prevention devices shall be located a minimum of twelve inches (12"), plus the nominal diameter of the device, above either:

- (i) The floor;
- (ii) The top of opening(s) in the enclosure; or
- (iii) Maximum flood level, whichever is higher.

Maximum height above the floor surface shall not exceed sixty inches (60").

(g) Clearance from wall surfaces or other obstructions shall be at least six inches (6"). Devices located in nonremovable enclosures shall



have at least twenty-four inches (24") of clearance on each side of the device for testing and repairs.

(h) Devices shall be positioned where a discharge from the relief port will not create undesirable conditions. The relief port must never be plugged, restricted or solidly piped to a drain.

(i) An approved air-gap shall separate the relief port from any drainage system. An approved air-gap shall be at least twice the inside diameter of the supply line, but never less than one inch (1").

(j) An approved strainer shall be installed immediately upstream of the backflow prevention device, except in the case of a fire protection system.

(k) Devices shall be located in an area free from submergence or flood potential, therefore never in a below grade pit or vault. All devices shall be adequately supported to prevent sagging.

(l) Adequate drainage shall be provided for all devices. Reduced pressure backflow prevention devices shall be drained to the outside whenever possible.

(m) Fire hydrant drains shall not be connected to the sewer, nor shall fire hydrants be installed such that backflow/back-siphonage through the drain may occur.

(n) Enclosures for outside installations shall meet the following criteria:

(i) All enclosures for backflow prevention devices shall be as manufactured by a reputable company or an approved equal.

(ii) For backflow prevention devices up to and including two inches (2"), the enclosure shall be constructed of adequate material to protect the device from vandalism and freezing and shall be approved by the Lafayette Water System. The complete assembly, including valve stems and hand wheels, shall be protected by being inside the enclosure.

(iii) To provide access for backflow prevention devices up to and including two inches (2"), the enclosure shall be completely removable. Access for backflow prevention devices two and one-half inches (2 1/2") and larger shall be provided through a minimum of two (2) access panels. The access panels shall be of the same height as the enclosure and shall be completely removable. All access panels shall be provided with built-in locks.

(iv) The enclosure shall be mounted to a concrete pad in no case less than four inches (4") thick. The enclosure shall be constructed, assembled and/or mounted in such a manner that it will remain locked and secured to the pad even if any outside fasteners are removed. All hardware and fasteners shall be constructed 300 series stainless steel.

(v) Heating equipment, if required, shall be designed and furnished by the manufacturer of the enclosure to maintain an interior temperature of forty degrees Fahrenheit (+40° F) with an outside temperature of negative thirty degrees Fahrenheit (-30° F) and a wind velocity of fifteen (15) miles per hour.

(o) Where the use of water is critical to the continuance of normal operations or the protection of life, property or equipment, duplicate backflow prevention devices shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device. Where it is found that only one (1) device has been installed and the continuance of service is critical, the Lafayette Water System shall notify, in writing, the occupant of the premises of plans to interrupt water services and arrange for a mutually acceptable time to test the device. In such cases, the Lafayette Water System may require the installation of a duplicate device.

(p) The Lafayette Water System shall require the occupant of the premises to keep any backflow prevention devices working properly, and to make all indicated repairs promptly. Repairs shall be made by qualified personnel acceptable to the Lafayette Water System. Expense of such repairs shall be borne by the owner for occupant of the premises. The failure to maintain a backflow prevention device in proper working condition shall be grounds for discontinuance of water service to a premises. Likewise, the removal, bypassing or alteration of a backflow prevention device or the installation thereof, so as to render a device ineffective, shall constitute a violation of this chapter and shall be grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Lafayette Water System.

(6) Testing of devices. Devices shall be tested at least annually by the Lafayette Water System by a qualified person possessing a valid certification from the Tennessee Department of Environment and Conservation, Division of Water Supply for the testing of such devices. A record of this test will be on file with the Lafayette Water System and a copy of this report will be supplied to the customer. Water service shall not be disrupted to test a device without the knowledge of the occupant of the premises. There will be no charge/or annual testing. (Ord. #563, Sept. 2009)

**18-210. Non-potable supplies.** The potable water supply made available to a premises served by the public water system shall be protected from contamination as specified in the provisions of this chapter. Any water pipe or outlet which could be used for potable or domestic purposes and which is not supplied by the potable water system must be labeled in a conspicuous manner such as:

## WATER UNSAFE FOR DRINKING

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. Color-coding of pipelines, in accordance with Occupational Safety and Health Act (OSHA) guidelines, shall be required in locations where in the judgment of the Lafayette Water System such coding is necessary to identify and protect the potable water supply. (Ord. #563, Sept. 2009)

**18-211. Statement required.** Any person whose premises are supplied with water from the public water system, and who also has on the same premises a well or other separate source of water supply, or who stores water in an uncovered or unsanitary storage reservoir from which the water is circulated through a piping system, shall file with the Lafayette Water System a statement of the nonexistence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes or inter-connections. Such statement shall contain an agreement that no cross-connections, auxiliary intakes, by-passes or inter-connections will be permitted upon the premises. Such statement shall also include the location of all additional water sources utilized on the premises and how they are used. Maximum backflow protection shall be required on all public water sources supplied to the premises. (Ord. #563, Sept. 2009)

**18-212. Penalty; discontinuance of water supply.** Any person who neglects or refuses to comply with any of the provisions of this chapter may be deemed guilty of a misdemeanor and subject to a fine.

(2) Independent of and in addition to any fines or penalties imposed, the supervisor may discontinue the public water supply service to any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass or inter-connection has been eliminated. (Ord. #563, Sept. 2009)

**18-213. Provision applicable.** The requirements contained in this chapter shall apply to all premises served by the Lafayette Water System and are hereby made part of the conditions required to be for the Lafayette Water System to provide water services to any premises. The provisions of this chapter shall be rigidly enforced since it is essential for the protection of the public water distribution system against the entrance of contamination. Any person aggrieved by the action of the chapter is entitled to a due process hearing upon timely request. (Ord. #563, Sept. 2009)

## CHAPTER 3

### SEWER USE REGULATIONS

#### SECTION

- 18-301. Purpose.
- 18-302. Definitions.
- 18-303. Abbreviations.
- 18-304. Use of public sewers.
- 18-305. Private sewage disposal.
- 18-306. Building sewer permits, connections, and extension policies.
- 18-307. Prohibitions and limitations on wastewater discharge.
- 18-308. Control of prohibited wastes.
- 18-309. Wastewater sampling and analysis.
- 18-310. Industrial self-monitoring requirements.
- 18-311. Permits.
- 18-312. Enforcement procedures.
- 18-313. Sewer fees and charges.
- 18-314. Provision of service.
- 18-315. Private lift stations.
- 18-316. Validity.

**18-301. Purpose.** This chapter sets uniform requirements for discharges into the wastewater collection and treatment system and enables the City of Lafayette to comply with the administrative provisions of the Clean Water Act, PL 92-500, and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the City of Lafayette sewer system. This chapter provides a means for determining wastewater volumes, constituents and characteristics, and the issuance of permits to certain users, in order to:

(1) Prohibit and/or regulate the contribution of wastewater which may cause operational or maintenance difficulties or deterioration of the sewers, force mains, pumping stations and other structures appurtenant to the wastewater treatment system as hereinafter defined;

(2) Establish control of the contribution of wastewater, which requires greater treatment expenditures that are required for equal volumes of normal domestic waste;

(3) Establish pretreatment requirements for industrial waste before discharge to public sewers as required in 40 CFR, part 402, as amended;

(4) Establish a uniform procedure for design, installation, inspection, operation, and maintenance of private wastewater treatment and disposal

systems, extension of public sewer systems, laterals, and connections to sewer mains. (Ord. #541, Sept. 2008)

**18-302. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act as amended, 33 USC 1251, *et seq.*

(2) "Authorized representative of industrial user" shall mean an authorized representative of an industrial user and may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship respectively;

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

(4) "By-pass" shall mean the anticipated or unanticipated intentional diversion of waste streams from any portion of a treatment works.

(5) "C" means centigrade degrees.

(6) "Categorical standards" shall mean the national pretreatment standards.

(7) "City" shall mean the City of Lafayette or the City Council of Lafayette.

(8) "Commercial user" means the owner or occupant of a premise other than a dwelling, and other than a manufacturing plant. Commercial users include, but are not limited to hotels, apartment buildings, retail stores, restaurants, nursing homes, service stations, beauty or barber shops, government buildings, banks, churches, doctor offices, and other similar businesses or enterprises.

(9) "Compatible waste" shall mean the biochemical oxygen demand, suspended solids, pH, the fecal coliform bacteria, plus any additional pollutant identified in a publicly owned treatment works' NPDES permit, for which the publicly owned treatment works is designed to treat such pollutants, and, in fact does remove such pollutants to a substantial degree.

(10) "Control manhole" shall mean a structure specially constructed for the purpose of measuring flow and sampling of wastes.

(11) "Cooling water" shall mean the water discharge from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

(12) "Direct discharge" shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(13) "Dwelling" means any single structure, with auxiliary buildings, occupied by no more than one (1) household for residential purposes.

(14) "Emergency" shall mean a situation, which, in the opinion of the superintendent or his/her authorized representative, may cause interference and/or pass through, damage to the POTW, or present a health hazard to personnel, the general public, or the environment.

(15) "Fecal coliform" shall mean any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

(16) "Floatable oil" means oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

(17) "Fats, oils, and greases" means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases" or "FOG."

(18) "FOG program" means the document and written plan and procedures by which the superintendent implements an enforcement strategy applicable to the FOG control and management program. The plan applies to FOG program violations and matters of program non-compliance.

(19) "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage, and sale of products.

(20) "Holding tank waste" shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(21) "Incompatible waste" shall mean all pollutants other than compatible waste as defined herein.

(22) "Indirect discharge" means the discharge or introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 USC 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the State of Tennessee.

(23) "Industrial discharger" means, for the purposes of this chapter and related documents, shall mean industrial user.

(24) "Industrial user" shall mean a source of discharge which introduces pollutants into the sanitary sewer from any non-domestic source regulated under section 307(b), (c) or (d) of the Act. "Industrial user" shall also mean the owner or occupant of a premise used for a manufacturing plant.

(25) "Industrial wastewater" shall mean the liquid wastes resulting from the industrial and manufacturing processes and/or trade and business establishments.

(26) "Infiltration/Inflow (I/I)" shall mean the total quantity of water from both infiltration and inflow.

(27) "Inflow" shall mean water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

(28) "Interference" shall mean the inhibition or disruption of the sewer treatment system process or operations of which contribute to a violation of any requirement of the city's NPDES permit.

(29) "Major significant industrial user" shall mean any user, which meets or exceeds any of the following criteria:

(a) An industrial user, which discharges a waste whose characteristics are greater than any of the following:

Flow	20,000 gallons per day
BODs	33 lbs/day
TKN	6 lbs/day
NH3-N	3 lbs/day
Phosphorus	2 lbs/day
Suspended solids	33 lbs/day
Oil and grease	8 lbs/day

or, contributes a process waste stream, which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the city as defined in 40 CFR 403.12(a) on the basis that the industrial user has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(b) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40.CFR chapter I, subchapter N.

(c) All commercial users of EPA funded individual systems.

(d) Upon a finding that an industrial user meeting the criteria in the above sections of this definition has no reasonable potential for adversely affecting the POTW's operation, or for violating any pretreatment or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a major significant industrial user.

(30) "May" is permissive; "shall" is mandatory.

(31) "Meter measurement" shall mean the act of or result of determining the quantity of water supplied to a user by an instrument or device used for such purpose and approved by the city.

(32) "Monitoring" shall mean the measurement, continuous or intermittent, of wastewater quality.

(33) "National pretreatment standards or pretreatment standards" shall mean any regulation containing pollutant discharge limits promulgated by the EPA and in accordance with section 307(b) and (c) of the act which applies to the industrial users.

(34) "Natural outlet" shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(35) "Pass through" shall mean the discharge of pollutants through the treatment system into a natural outlet in quantities or concentrations that are a cause of or significantly contributes to any violation of the NPDES permit, which includes pollutants subject to "national pretreatment standards: categorical standards."

(36) "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity, or legal representative, agents or assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context.

(37) "pH" shall mean the negative logarithm or the log of the reciprocal of the concentration of hydrogen ions in gram moles per liter.

(38) "Pollutant" shall mean the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

(39) "Premise" means any structure or group of structures operated as a single business or enterprise provided, however, the term "premise" does not include more than one (1) dwelling.

(40) "Pretreatment" shall mean the treatment of wastewater by the user before introduction into the publicly owned system.

(41) "Pretreatment standards" shall mean all applicable rules and regulations contained in the Code of Federal Regulations as published in the Federal Register, under Section 307 of Public Law 92-500.

(42) "Process water" shall mean "industrial wastes" as described in this section.

(43) "Properly shredded garbage" shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles have a dimension no greater than one-half inch (1/2") which will be carried freely under the flow conditions normally prevailing in public sewers.

(44) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(45) "Residential user" means the owner or occupant of a dwelling.

(46) "Sanitary sewer" shall mean a sewer, which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(47) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwater as may be present.

(48) "Sewer" shall mean a pipe or conduit that carries sewerage.



(49) "Sewerage facilities" includes intercepting sewers, sewage treatment works, pumping stations, outfall sewers, and appurtenances constructed, operated, and maintained by the city for sewage disposal purposes.

(50) "Shall" is mandatory; "may" is permissive.

(51) "Significant violations" are defined as:

(a) Violations of wastewater discharge limits.

(i) Chronic violations. Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period (any magnitude of exceedance).

(ii) Technical Review Criteria (TRC) violations are those in which thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(iii) Any other violation(s) of effluent level (average or daily maximum) that the city believes has caused alone, or in combination with other discharges, interferences or pass through or endangered the health of the sewage treatment personnel or the public.

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(b) Violations of compliance scheduled milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining a final compliance by ninety (90) days or more after the scheduled date.

(c) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety (90) day compliance reports, and periodic reports) within thirty (30) days from the due date.

(d) Failure to accurately report noncompliance.

(e) Any other violation or group of violations that the city considers to be significant.

(52) "Slug" shall mean any discharge of water, sewage, or industrial waste, which in concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average of twenty-four (24) hour concentration or flow during the normal operation, and which shall adversely affect the collection system and/or performance of the wastewater treatment works.

(53) "Standard methods" shall mean Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the APHA, AWWA, and WEF.

(54) "State" shall mean the State of Tennessee.

(55) "Storm drain" (sometimes termed "storm sewer" shall mean a sewer, which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(56) "Storm water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting there from.

(57) "Superintendent" shall mean the superintendent of sewage works and/or wastewater treatment plant of the city, or his authorized representative.

(58) "Suspended solids" shall mean solids that either float on the surface or are in suspension in water, sewage, industrial waste, or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the APHA, AWWA, and WEF.

(59) "Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the EPA under the provisions of 33 USC 1317.

(60) "Treatment works" shall mean any device and system used in the storage, treatment, recycling, and reclamation of domestic wastewater or industrial waste of liquid nature including interceptor sewers, outfall sewers, sewer collection systems, pumping, power or other equipment and appurtenances, extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide reliable recycle supply such as standby treatment units and clearwell facilities, and any works, including land that will be an integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment, including combined stormwater and sanitary sewer systems.

(61) "Twenty-four hour flow proportional composite sample" shall mean a sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of the sample are proportional to the flow and combine to form a representative sample.

(62) "Unpolluted water" is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(63) "Useful life" shall be the estimated period during which a treatment works will be operated.

(64) "User" means any individual, firm, company, association, society, corporation, group, or premise receiving sewer service from the city.

(65) "User charge" shall mean a charge levied on users of the treatment works for the cost of operation and maintenance of such works.

(66) "Waste" shall include sewage and any other waste substances, liquid, solid, or gases that are radioactive, associated with human habitation, or human or animal origin, or from any producing, manufacturing, or processing operation or whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.

(67) "Wastewater" shall mean domestic sewage and industrial wastewaters discharged to the city's sewerage facilities together with any groundwater, surface water, and storm water that may be present.

Scientific terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, American Water Works Association, and the Water Environment Federation. (Ord. #541, Sept. 2008)

**18-303. Abbreviations.** (1) "ASTM" is the American Society for Testing and Materials.

(2) "BOD or Biochemical Oxygen Demand" of sewage or industrial waste shall designate its bio-chemical oxygen demand and shall mean the quantity of oxygen utilized in the bio-chemical oxidation of the organic matter of said sewage of industrial wastes under standard laboratory procedure in five (5) days at twenty degrees (20°) centigrade, expressed in milligrams per liter (mg/l). It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association (APHA), American Water Works Association (AWWA), and the Water Environment Federation (WEF).

(3) "CFR" shall mean the Code of Federal Regulations.

(4) "COD" shall mean chemical oxygen demand.

(5) "EPA" shall mean the United States Environmental Protection Agency.

(6) "Mg/l" shall mean milligrams per liter which is equivalent to parts per million.

(7) "NH<sub>3</sub>-N" shall mean ammonia-nitrogen.

(8) "NPDES permit" or "national pollutant discharge elimination system" shall mean a permit issued to the city pursuant to section 402 of the Act.

(9) "OSHA" shall mean Occupational Safety and Health Administration.

(10) "POTW" or "Publicly Owned Treatment Works" shall mean a treatment works as defined by section 212 of the Act, which is owned in this instance by the city. This definition includes any sewer than conveys wastewater

to such a treatment works, but does not include pipes, sewers, or other conveyances not connected to the facility providing treatment.

(11) "RCRA" shall mean Resource Conservation and Recovery Act.

(12) "SIC" shall mean standard industrial classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Department of Commerce, Bureau of the Census.

(13) "SWDA" shall mean the Solid Waste Disposal Act.

(14) "TDEC" shall mean the Tennessee Department of Environment and Conservation.

(15) "TKN" of sewage or industrial waste shall mean its total Kjeldahl nitrogen content. The quantity of TKN shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the APHA, AWWA, and WEF.

(16) "TSS" shall mean total suspended solids.

(17) "µ/l" shall mean micrograms per liter which is the equivalent to parts per billion.

(18) "USC" shall mean the United States Code.

(19) "WEF" is the Water Environment Federation, 601 Wythe Street, Alexandria, VA. 22314-1994. (Ord. #541, Sept. 2008)

**18-304. Use of public sewers.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city, or any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided and a federal or state discharge permit has been duly issued and is currently valid for such discharge.

(3) Except as hereinafter provided or as otherwise permitted by ordinance or regulation, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational, and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary sewer is hereby required to install suitable toilet facilities therein and connect the same directly with the proper public sewer in accordance with the provisions of this chapter, and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter, provided however the city may waive such requirement in specific cases where it has determined that public sewer service to any particular individual user(s) would be unduly difficult or

expensive and that alternative measures of disposal would not be hazardous to public health.

(5) Direct service connections made to the city's sewerage system shall be made only by persons duly authorized by the city.

(6) The sewers are constructed for the purpose of transporting sewage, not storm water. Any user of the sewerage system shall be responsible for the integrity of the pipes on his property, which connects to the sewerage system. If it is determined that the pipes owned by the user are faulty and in bad state of repair, such that extraneous storm water can enter the sewerage system, the city may require the user to repair his pipes. If the pipes are not repaired within thirty (30) days, service shall be terminated.

(7) No person owning vacuum or "cess pool" pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW, unless such person shall first have applied for and received a truck discharge operation permit from the superintendent or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the city, pay appropriate fees, and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the superintendent. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from the date of issuance, provided that such permit shall be subject to revocation by the city for violation of any provision of this chapter or reasonable regulation established by the superintendent. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The superintendent shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The owner of a truck discharge operation permit shall provide a manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater. The owner of the truck discharge operation permit shall provide a bond in an amount sufficient to cover his potential liability for violating his permit.

(8) No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristic of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the superintendent. Provided, however, no permit will

be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Ord. #541, Sept. 2008)

**18-305. Private sewage disposal.** The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county, and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary system is not available, or where such is otherwise permitted by this city code, city ordinances or regulations. (Ord. #541, Sept. 2008)

**18-306. Building sewer permits, connections, and extension policies.** (1) Sewer connections. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city. No connections outside the corporate limits of the city shall be made unless by contract signed by all parties and approved by action of the City Council of Lafayette.

(2) Cost of sewer connection. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) Users per connection. A separate and independent building sewer shall be provided for every building.

(4) Use of existing sewer connection. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the city, to meet all requirements of this chapter.

(5) Public sewer specifications. The superintendent shall establish the city's specifications for construction of public sewers in conformance with the rules and regulations for construction of public sewers as may be imposed by the state and/or the EPA. These specifications may be modified by the superintendent as the need arises.

Developers desiring to make extensions or additions to the city's sewer system shall obtain approval of plans and specifications from TDEC. All public sewers connected to the city's sewer system shall be constructed in accordance with the city's specifications. The superintendent shall have the right to specify the size and type of pipe to be installed and to inspect the laying of said pipe and to refuse service if the installation is not made in accordance with acceptable construction practices.

(6) Safety. All excavations for sewer installation shall comply with all applicable OSHA standards so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(7) Illegal connections. No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

(8) Inspection of building sewers. The applicant for the building sewer permit shall notify the superintendent, or his representative, when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by or under the supervision of the superintendent.

(9) Excavation. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public property disturbed in the course of the work, which shall be restored in a manner satisfactory to the city.

(10) Grease traps. All cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall install a grease trap on the kitchen waste line at the owner's expense. The city shall retain the right to inspect and approve installation of the grease trap facility. The grease trap must precede the septic tank on the kitchen waste line if a septic tank is used. The grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the city sewer. If the city employees are required to clean out the city sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner or operator shall be required to pay the costs of the city labor and materials required to clean out the sewer lines. The installation of grease traps shall be in accordance with § 18-307 "prohibitions and limitations on wastewater discharge" of this chapter.

(11) Sewer extensions. (a) The city shall permit the orderly extension of its sanitary sewer system to provide sewer service of adequate capacity to unsewered properties and to properties not served by sewers of adequate capacity following the comprehensive plan and policies of the city for sewer system expansion.

(b) No person shall undertake to extend city sanitary sewer service to his property without entering into a sewer extension contract with the city.

(c) In order for a property to be approved for a connection to the city system, the capacity, location, and design of the proposed sewer extension shall conform to the city's comprehensive plans and policies for extension of the sanitary sewer system.

(12) Internal sewers and upstream properties. (a) The owner/developer or his successors in title or assigns shall, at the time of developing the property covered in the sewer extension contract, construct all internal sanitary sewers necessary to serve the property at their sole expense.

(b) Sewer connections. Users requiring connections to existing mains or the extension of mains must arrange for whatever extension of

the sewer main that may be necessary to reach a point in front of or adjacent to his property where his sewer service line or lines may be connected. Several users may jointly arrange for the extension of a main to serve their properties and share the total expense in whatever manner they agree upon. Such mains, upon acceptance by the city, will become part of the community system, without cost to the city and will then be maintained by the city. Connections with existing mains may be made only by the city, at the user's expense, and after inspection of service lines to ensure conformance with requirements of the building permit and the avoidance of any health hazard or interference with the existing system.

(c) The owner/developer shall grant permanent sanitary sewer easements and temporary construction easements to the city at no cost for future extension of the sanitary sewers through the property covered by the sewer extension contract to serve upstream properties. The sewer easement alignment shall be recommended by the owner/developer and be subject to the approval of the city. Acceptance of the sanitary sewer easements does not impose upon the city any obligation or responsibility to participate in the cost of or construct sanitary sewers within the easements.

(13) Notification to city prior to covering of work underground: final inspection. The applicant for the building sewer permit shall notify the city before covering portions of the work to be underground, and when the building sewer is ready for final inspection, and connection to the public sewer. The connection and testing shall be made under supervision of the superintendent or his representative.

(14) Guarding of excavations posing hazard to public: restoration of public property; posting of bond. All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. The posting of a bond of appropriate value may be required to safeguard the interest of the city with regard to damage to public property. (Ord. #541, Sept. 2008)

### **18-307. Prohibitions and limitations on wastewater discharge.**

(1) Special agreements. Nothing in this section shall be construed as preventing any special agreement or arrangement between the city and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specifically treated subject to any payments or user charges as may be applicable. This special agreement shall be implemented by a "major industrial discharge permit," reference § 18-302(29). The making of such special agreements or arrangements between the city and the user shall be strictly limited to the capability of the sewage works to handle such wastes without interfering with unit operations or sludge use and handling



or allowing the pass through of pollutants, which would result in a violation of the NPDES permit.

(2) Prohibitions on wastewater discharge. No person shall discharge or cause to allow to be discharged into the city's sewerage facilities, or any connected treatment facilities, any waste that contains any of the following:

(a) Unpolluted waters. This includes uncontaminated storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers, or to a natural outlet approved by the Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control, to a storm sewer, or natural outlet.

(b) Fats, oils and grease. Fats, wax, grease or oils of more than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) Fahrenheit (0 degrees and 56 degrees Centigrade) at the point of discharge into the system.

(c) Explosive mixtures. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either along or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, waste streams with a closed cap flash point of less than one hundred forty degrees (140°) F or sixty degrees (60°) C using the test method specified in 40 CFR 261.21, and any other substances which the city, state or EPA has notified the user is a fire hazard or a hazard to the system.

(d) Noxious materials. Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(e) Improperly shredded garbage. Garbage that has not been ground or comminuted to such a degree that all particles are one-half inch (1/2") or less and will be carried freely in suspension under flow conditions normally prevailing in the public sewers.

(f) Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and

which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(g) Solid or viscous wastes. Solid or viscous wastes, which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of the sewerage facilities. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(h) Excessive flow/concentration rate. Wastewaters at a flow rate which is excessive relative to the capacity of the treatment works and which could cause a treatment process upset and subsequent loss of treatment efficiency, or wastewaters containing such concentrations or quantities of pollutants that their introduction into the treatment works over a relatively short time period (sometimes referred to as "slug" discharges) would cause a treatment process upset and subsequent loss of treatment efficiency.

(i) Toxic substances. Any toxic substances in amounts exceeding standards promulgated by the EPA pursuant to section 307(a) of the Act, and chemical elements or compounds, phenols, or any other substances, which are not susceptible to treatment of, which may interfere with the biological processes or efficiency of the treatment system, or that will pass through the system, which would cause the POTW to exceed its NPDES permit limits.

(j) Discolored materials. Any wastewater causing discoloration of the POTW effluent such as, but not limited to, dye wastes or vegetable tanning solutions, in sufficient quantity to cause such discoloration of the POTW effluent.

(k) Pretreatment enzymes. Chemical pretreatment shall be limited to products containing salmonella-free bacteria and enzymes in a stable, homogeneous liquid form. The material shall contain or produce enzymes and a biosurfactin to emulsify grease and oils and must enhance digestion. The addition of the pretreatment chemical shall be at an approved dosing rate and schedule. All products must be preapproved by the sewer superintendent.

(l) Corrosive wastes. Any waste which will cause corrosion or deterioration of the sewerage facilities. All wastes discharged to the public sewer system must have a pH value in the range of six (6) to nine (9). Prohibited materials include, but are not limited to acids, sulfides, concentrated chloride and fluoride compounds and substances, which will react with water to form acidic products.

(m) Thermal discharge. Heat in amounts which will inhibit biological activity in the POTW or cause damage to the sewerage system resulting in interference, but in no case heat in such quantities that the temperature at the point of discharge exceeds forty degrees (40°) Centigrade (104° Fahrenheit). A higher temperature may be allowed in the users wastewater discharge permit.

(n) Human hazard. Any wastewater which causes hazard to human life or creates a public nuisance.

(o) Trucked or hauled wastes. Any trucked or hauled pollutants, except at discharge points designated by the city.

(p) Other. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(3) Limitations on wastewater discharges. (a) No person shall discharge, convey or cause to be discharged or conveyed to the public sewer any wastewater containing pollutants of such character or quantity that will:

(i) Not be amendable to treatment or reduction by the wastewater treatment process employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(ii) Constitute a hazard to human or animal life or to the stream or water course receiving the treatment plant effluent.

(iii) Violate national pretreatment standards as promulgated by the EPA with appropriate effective dates.

(iv) Cause the treatment plant to violate its NPDES permit, Tennessee Department of Environment and Conservation permit, or other applicable receiving water standards.

(v) Contain any water or wastes whose strength or other characteristics exceed the limits for normal wastewater, which may be established by the city.

(b) If the wastewater influent to the treatment plant creates adverse effects, or interferes with any wastewater treatment or collection processes, creates any hazard in receiving waters or results in the city being in violation of applicable effluent standards, the city shall establish

industrial wastewater effluent limits as deemed necessary. (Ord. #541, Sept. 2008)

**18-308. Control of prohibited wastes.** (1) Regulatory actions.

Disposal into the sewer system by any person is unlawful except in compliance with federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972 (FWPCAA), and any more stringent state and local standards. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, and contain the substances or possesses the characteristics enumerated in § 18-307, "prohibitions and limitations on wastewater discharge" or the criteria established by the federal government on discharge of toxic and hazard materials or violates, the treatment facilities protection criteria, and which in the judgment of the superintendent and/or TDEC Division of Water Quality Control, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Require a "major industrial discharge permit" as described in § 18-311 of this chapter.

(b) Prohibit the discharge of such wastewater; this includes the right to disconnect the user's connection with sewer system, under § 18-311.

(c) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.

(d) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate objectionable characteristics or substances so that the discharge will not violate these rules and regulations.

(e) Require grease, oil, and sand interceptors (separation facilities) when in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(f) Require the person making, causing, or allowing the discharge to pay an additional cost or expense incurred by the city for handling and treating excess loads imposed on the treatment system.

(g) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(2) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of its sewerage facilities is required by the city, plans, specifications and other pertinent data or

information relating to such pretreatment of flow-control facilities shall be submitted to the superintendent for review and approval. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule, or regulation of any governmental unit or the city. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the superintendent.

(3) Pretreatment facilities operations. If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the owner at his expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

(4) Protection from accidental discharge. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities, and operating procedures to provide this protection, shall be approved by him before construction of the facility, except as provided in the "major industrial discharge permit." Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.

(5) Reporting of accidental discharge. If an accidental discharge of prohibited or regulated pollutants to the sewerage facilities shall occur, the industrial facility responsible for such discharge shall immediately notify the superintendent so that corrective action may be taken to protect the sewerage facilities. In addition, a written report addressed to the superintendent detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the accidental discharge.

(6) Right of entry. Whenever it shall be necessary for the purpose of these rules and regulations, the superintendent or his authorized representative, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:

- (a) Copying any records required to be kept under provisions of this chapter;
- (b) Inspecting any monitoring equipment or method; and
- (c) Sampling any discharge of wastewater to the treatment works.

The superintendent may enter upon the property at any hour under emergency circumstances. EPA and/or TDEC representatives may also enter upon properties or premises but only when accompanied by the superintendent.

(7) Personal injury. While performing the necessary work on private properties referred to in this chapter, the superintendent or duly authorized

employees of the city, shall observe all safety rules applicable to the premises established by the user, and the user shall be held harmless for injury or death to the city employees, and the city shall indemnify the user against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions. (Ord. #541, Sept. 2008)

**18-309. Wastewater sampling and analysis.** (1) Analysis of industrial wastewater. All of the parameters listed in the discharge permit as authorized under § 18-311 "permits" are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the APHA, AWWA, and WEF; Methods for Chemical Analysis of Water and Waste, published by the EPA; or the Annual Book of Standards, Part 23, Water, Atmosphere Analysis, published by the American Society for Testing and Materials; however, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the city and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall be determined by the city.

(2) Control manhole. When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. The city shall have access and use of the control manhole as may be required for their monitoring of the industrial discharge. (Ord. #541, Sept. 2008)

**18-310. Industrial self-monitoring requirements.** In order to effectively administer and enforce and provisions of these regulations, the city shall require any industrial discharger to comply with any or all of the following requirements:

(1) Discharge reports. The city shall require discharge reports, including but not limited to questionnaires, technical reports, sampling reports, test analyses, and periodical reports of wastewater discharge.

(2) Monitoring programs. The city may require of users such technical or monitoring programs, including the submission of periodic reports, as he deems necessary. The industrial discharger shall pay all applicable charges for

the monitoring program, in addition to the sewage disposal and other charges established by the city. The monitoring program shall require the discharger to conduct a sampling and analysis program of a frequency and type specified by the city to demonstrate compliance with prescribed wastewater discharge limits. The discharger may either:

(a) Conduct his own sampling and analysis program provided he demonstrates to the city that he has the necessary qualifications and facilities to perform the work; or

(b) Engage a private laboratory, approved by the city.  
(Ord. #541, Sept. 2008)

**18-311. Permits.** (1) Wastewater discharge permit required All major industrial users, as defined in § 18-302(29), proposing to connect to or discharge into the sanitary sewer system must first obtain a wastewater discharge permit. All existing major industrial users connected to or discharging to any part of the city's sanitary sewer must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this chapter. The superintendent has final authority on who qualifies as a "major industrial user."

(2) Septic tank permit required. All persons within the city's corporate limits, who intend to provide septic tanks for sewage disposal, shall make written request to the city for a septic tank permit. Upon receipt of the written request, the city shall determine whether the applicant is unable to connect to the city's system, or whether other conditions exist as provided herein which would allow the use of a septic tank; if so, the permit may be granted, conditioned upon proper installation in accordance with applicable standards, and such other requirements as necessary to protect the public health and safety.

(3) Permit application. Major industrial users seeking a wastewater discharge permit shall complete and file with the city an acceptable application in the form prescribed by the city, and accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and Standard Industrial Classification (SIC Manual, U. S. Department of Commerce, Bureau of the Census,) number of applicant;

(b) Volume of wastewater to be discharged;

(c) Wastewater constituents and characteristics including, but not limited to, those mentioned in § 18-307 "prohibitions and limitations on wastewater discharges" as determined in accordance with the current edition of Standard Methods for the Examination of Water and Wastewater;

(d) Location of discharge point(s), accompanied with appropriate sketches;

(e) Average and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation;

(g) Description of activities, facilities, and plant processes on the premises, including all materials and types of materials, which are or could be discharged;

(h) Each product produced by type, amount, and rate of production;

(i) Complete description of pretreatment or flow equalization facilities;

(j) Any other information that may be defined by the city for reasonable evaluation of the permit application. The receipt by the city of a prospective user's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the application of such service.

(k) The person or persons signing the application must also include a certification statement on company letterhead, dated and signed, worded as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(4) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the city. The conditions of wastewater discharge permits shall be uniformly enforced by the city in accordance with this chapter, and applicable state and federal regulations. Permits may include but not necessarily limited to the following:

(a) The average and maximum wastewater constituents and characteristics;

(b) Limits on rate and time of discharge or requirements for flow regulations and equalization;



(c) Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs;

(d) All plant records, analyses, and reports relating to the wastewater discharges shall be submitted to the city within thirty (30) days of their completion. The certification statement in § 18-311(3)(k) above must also accompany these reports, analyses, and plant records submitted to the city by the industry. These reports shall be retained by the industry a minimum of three (3) years. This period of retention shall be extended during the course of any unresolved litigation or when requested by TDEC. All analyses shall be performed in accordance with 40 CFR 136;

(e) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;

(f) Compliance schedules; and

(g) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(5) Duration of permits. Permits shall be issued for a specific time period, not to exceed five (5) years. A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. If the user is not notified by the city within thirty (30) days prior to the expiration of the permit, the permit shall be extended one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the city during the life of the permit as limitations or requirements as identified herein before are modified and changed. The superintendent shall be notified in writing ninety (90) days prior to the expiration of the permit by the user of any requested modifications of the user's permit. The user shall be informed of any proposed changes in his permit no less than sixty (60) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. An expired permit will continue to be effective and enforceable up to ninety (90) days until the permit is reissued if:

(a) The user has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.

(b) The failure to reissue the permit, prior to expiration of the previous, is not due to any act or failure to act on the part of the user.

(c) An extension is granted, in writing, by the superintendent by the expiration date of the permit.

(6) Transfer of a permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premise, or a new or changed operation.

(7) Revocation of permit. Any user who violates the conditions of the permit or the provisions of this chapter, or of applicable state and federal

regulations is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include but are not limited to the following:

- (a) Failure of a user to factually and accurately report the wastewater constituents and characteristics of his discharge;
- (b) Obtaining a permit by representing or failing to disclose fully all relevant facts;
- (c) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (e) Violation of the conditions of the permit.

(8) Permit appeal procedures. An industry shall have the right to appeal all items established in the discharge permit. The procedure shall be as follows:

(a) A written notice signed by the person in charge of the industry seeking an appeal hearing shall be delivered by registered mail to the superintendent outlining the permit provisions, which the user wishes to appeal. The superintendent shall then have sixty (60) days from the time of receipt of the notice to notify TDEC and the city council that an appeal hearing will be held. A hearing shall then be conducted and all grievances alleged by the user shall be discussed, and appropriate decisions that in the judgment of the user are inappropriate may be appealed to the city council by filing a written notice with said city council within fourteen (14) days after completion of the first hearing. The city council shall have then forty-five (45) days in which to notify TDEC that a grievance still exists, and to convene a meeting of the city council to hear all unresolved grievances and issue appropriate decisions. The user and/or superintendent shall have the right to appeal any and all decisions to TDEC. Exemptions or variances of the protection criteria established for the system shall not be granted during this appeal procedure. Failure to petition for reconsideration of this permit within sixty (60) days of receipt of the permit is deemed a waiver by the permittee of his/her right to challenge the terms of the permit.

(b) The city retains the right to deny or condition pollutants that do not meet pretreatment standards or would cause a violation of the city's NPDES permit. (Ord. #541, Sept. 2008)

**18-312. Enforcement procedures.** (1) Enforcement guide. Whenever the superintendent finds that a violation of any provision of this chapter or any prohibition, limitation or requirement contained in this chapter, a wastewater discharge permit, or any order issued hereunder has occurred, he will initiate the appropriate enforcement.

(2) Notification of violation. Whenever the superintendent, or his representative, finds that any user has violated or is violating provisions of this

chapter, a wastewater discharge permit or order issued hereunder, the superintendent, or his representative, may serve upon said user written notice of the violation. Notice may be served on the owner, user, and/or permit holder by certified mail, return receipt requested, or any other means of communication that the city has available to notify the party of said violation and the need for corrective action. Within five (5) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction of the violation and prevention of future violations, including specific required actions, shall be submitted to the superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(3) Administrative orders. Whenever the superintendent finds that a violation of any provision of this chapter or any prohibition, limitation or requirement contained in this chapter, a wastewater discharge permit, or any order issued hereunder has occurred, the superintendent may issue an administrative order to direct users not complying with such prohibitions, limits, requirements, or provisions to take any or all of the following measures:

(a) Comply forthwith or in accordance with a time schedule set forth by the superintendent;

(b) Take appropriate remedial or preventive action in the event of a threatened violation;

(c) Surrender his applicable user's permit if ordered to do so after a show cause hearing;

(d) Pay a civil penalty and/or damages; and/or,

(e) Such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(4) Cease and desist order. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter or the provisions of a wastewater discharge permit, the superintendent, or his representative, may issue an order to cease and desist, and direct the user to comply forthwith within a specified time schedule, or to take appropriate remedial or preventative action in the event of a threatened violation.

(5) Injunction. Whenever a user has violated or continues to violate the provisions of this chapter, a discharge permit or order, the city may petition the chancery court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

(6) Termination of service. Termination of service for failing to pay the monthly sewer bill shall be handled in accordance with § 18-314 "provision of service." All other violations for which termination of service is deemed necessary shall be administered according to this section.

Violation of the user's application or agreement for service and failure of payment of any obligation due to the city shall be termed grounds for termination of service. Prior to termination of service for violation of the application or agreement or nonpayment, the superintendent shall notify, in writing, the owner and/or tenant, if any, that service is intended to be so terminated and afford the owner and/or tenant the opportunity to request a hearing thereon if such request is made in writing five (5) days of receipt of notice. However, in the event of an emergency that, in the opinion of the superintendent, threatens harm to the facilities or endangers the public's health, the superintendent may immediately take action to terminate service to the property.

The superintendent may immediately suspend sewer service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the superintendent, in order to stop an actual or threatened discharge, which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes or may cause interference at the POTW treatment plant or causes or may cause the city to violate any conditions of its NPDES permit.

Any person notified of an emergency suspension of sewer service and/or a wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the emergency suspension order, the superintendent shall take such steps as deemed necessary, including immediate disconnection of water service or severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. A hearing shall be held by the superintendent within twenty-four (24) hours of an emergency disconnection order to allow the user an opportunity to demonstrate to the city that the emergency situation has been abated or corrected and that the danger to the facilities or public health no longer exists. The superintendent shall reinstate sewer service and/or the wastewater discharge permit upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the superintendent within five (5) days of the date of occurrence.

Such right to discontinue service shall apply to all service received through a single tap or service, even though more than one user or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such user or tenant. Discontinuance of service by the superintendent for any cause stated in this chapter shall not release the user from liability for service already received or from liability for payment that thereafter become due under the minimum bill provisions or other provisions of the user's agreement.

(7) Legal action. Upon any indication of a lack of response to a duly issued enforcement action, the matter will be referred to the city attorney for appropriate legal action.

(8) Fines and penalties. Each and every day in which a violation occurs or continues shall be deemed a separate offense. Any fine or penalty provided for in this chapter shall be in addition to damages to which the city may be entitled, pursuant to other provisions of this chapter and as may otherwise be provided by law.

(9) Failure to comply. The issuance of a notice of violation, administrative order, or compliance schedule shall not relieve the recipient of any penalties or fines that result from failure to comply with the provisions of this chapter.

(10) Notification to public. The superintendent shall publish, at least annually, in the local newspaper, a description of major industrial users' violations that have occurred since the last publication.

(11) Preventive measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system shall be eliminated if deemed necessary by the superintendent.

(12) Correction of violation. In order to enforce the provisions of this chapter, the superintendent, at his discretion, shall have the authority to correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the user violating this chapter or the owner and/or tenant of the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(13) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to the POTW facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(14) Compliance schedules. When the superintendent finds that a discharge of wastewater is, or has been, taking place in violation of prohibitions or limitations prescribed in this chapter or the wastewater discharge permit requirements, or otherwise finds a violation of this chapter, the superintendent may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

(15) Civil penalties. Any person or user who violates any provision of this chapter, requirements or conditions set forth in permits duly issued or who discharges wastewater which causes pollution or violates any order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be subject to the penalties and procedures provided for in "The Tennessee Water Quality Control Act of 1977," Tennessee Code Annotated, §§ 69-3-101 through 129, as amended.

(16) Criminal penalties. Any person who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

(17) Falsifying of information. Any person or user who knowingly makes any false statements, representation, record, report, plan or other document filed with the superintendent or who falsifies, tampers with or knowingly renders inaccurate any monitoring device required under this chapter is hereby declared to be in violation of this chapter section and subject to the civil and/or criminal liabilities. (Ord. #541, Sept. 2008)

**18-313. Sewer fees and charges.** (1) Purpose of charges and fees. A schedule of charges and fees shall be adopted by the city council, which will enable the city's sewerage facilities to comply with the revenue requirements of section 204 of the Clean Water Act. Charges and fees shall be determined in a manner consistent with regulations of the federal grant program to ensure that sufficient revenues are collected to defray the city's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

(2) Classification of user. All users are to be classified by the superintendent either by assigning each one to a user classification category according to the principal activity conducted on the user's premises, by analyzing each individual user, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees, which will insure an equitable recovery of the city's cost.

(3) Type of charges and fees. The charges and fees established by the city may include, but not be limited to:

- (a) User classification charges;
- (b) Fees for monitoring, maintenance, and analysis;
- (c) Fees for permit applications;
- (d) Surcharge fees;
- (e) Discharge permit fees;
- (f) Charges and fees based on wastewater constituents and characteristics;
- (g) Fees for holding tank wastes;
- (h) Fees for reimbursement of administrative costs related to the pretreatment program;
- (i) Fees for monitoring, inspection, and surveillance procedures;
- (j) Fees for reviewing accidental discharge prevention procedures and construction;

(k) Fees for allowing connection of building sewers to the POTW.

(4) Computation and assessments. The computation of and assessment of surcharges, monitoring charges, maintenance charges and testing or analysis charges shall be subject to the appeals procedures provided in this chapter.

(5) User charge system. (a) Actual use. The User Charge System (UCS) shall be based on actual use, or estimated use, of wastewater treatment services. Each user or user class must pay their proportionate share of the costs of wastewater treatment services based on the quantity and quality of their discharge.

(b) Financial management system. The UCS must establish a financial management system that will accurately account for revenues generated and expenditures of the wastewater system. This financial management system shall be based on an adequate budget identifying the basis for determining the annual operating expenses, interest expense, depreciation (if appropriate), and any reserve account requirements.

(c) Use of revenue revenue derived from the wastewater system, including but not limited to, sale of treatment-related by products; lease of land; or sale of crops grown on land purchased shall offset current user charges as well as moderate future rate increases.

(d) Other municipalities. If the wastewater system accepts wastewater from other local governments, these subscribers receiving wastewater treatment services shall adopt user charge systems in accordance with the same state regulations requiring this chapter.

(e) Inconsistent agreements. This UCS shall take precedence over the terms or conditions of contracts between the city and users that are inconsistent with the requirements of this chapter.

(6) Charge structure. (a) Classification of users.

Class 1: those residential and commercial users whose discharge is considered to be treatable with normal practices. (C1)

Class 2: those industrial or other users whose average biochemical oxygen demand (BOD) is 250 milligrams per liter (mg/l) by weight or less, and whose suspended solids (SS) discharge is 300 mg/l by weight or less. (C2)

Class 3: those industrial users whose average BOD exceeds 250 mg/l concentration by weight and/or whose SS exceeds 300 mg/l concentration. (C3)

Class 4: a discharge received from a truck, which requests discharge privileges in accordance with city policy. (C4)

Class 5: a discharge received from a recreational vehicle in accordance with city policy. (C5)

(b) Determination of costs. The governing body shall establish monthly rates and charges for the use of the wastewater system and the

services supplied by the wastewater system. These charges shall be based upon the most categories described as operation, maintenance, and replacement (OMR); interest (I), and principal repayments or depreciation, whichever is greater (P).

(i) Each user who falls under Class 1 shall pay a minimum charge for usage less than one thousand (1,000) gallons. For usage over one thousand (1,000) gallons, there shall be a surcharge for each one thousand (1,000) gallons over the one thousand (1,000) gallon minimum.

(iii) All users who fall under Class 1 shall pay a single unit charge expressed as dollars per one thousand (1,000) gallons of water purchased with the unit charge being determined by the following formula:

$$C1 = OMR + I + P/\text{Total gallons treated}$$

(iii) Additional treatment cost. In addition to the volumetric charge, all Class 2 users discharging wastewater with a strength greater than domestic sewerage (BOD of 250 mg/l, SS of 300 mg/l) will be assessed an additional treatment charge (ATC) based on the following formula:

$$ATC = U (B) T (B)/B + U (S) T (S)/S$$

Where:

U(B) = BOD loading in excess of 250 milligrams per liter.

T(B) = Treatment costs assigned to BOD (includes debt service, operation, maintenance, and replacement costs).

B = Total BOD loading or BOD capacity of treatment plant, whichever is less.

U(S) = Suspended solids loading in excess of 300 mg/l.

T(S) = Treatment costs assigned to suspended solids (includes debt service, operation, maintenance, and replacement costs).

S = Total suspended solids loading or suspended solids capacity of treatment plant, whichever is less.

Sampling frequency for determination of the ATC will be specified in the pretreatment permit.

(iv) All users who fall under Class 4 shall pay a single charge for each separate discharge accepted from a truck.

(v) All users who fall under Class 5 shall pay a single charge for each separate discharge accepted from a recreational vehicle.

(vi) The volume of water purchased which is used in the calculation of wastewater use charges may be adjusted downward if a user does not discharge it to the public sewers (i.e., filling swimming pools or industrial heating). The user shall be



responsible for documenting the quantity of wastewater actually discharged to the public sewer.

(c) The sewer use service charge for normal domestic wastewater is based on the wastewater discharge to the Lafayette sewer system as measured by the public water supply meter or meters, and/or by any supplementary meter or meters, necessary to measure the amount of water discharged. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. The city also reserves the right to require metering of any water discharged into the sewer system.

The minimum charges referred to below shall be assessed to all users regardless of whether they are serviced by an individual or a master water meter, or regardless of whether they are connected to the sewer as long as sewer service is considered to be available. The sewer use service charge will be collected from the person billed for water service to any premise with an assessable sanitary sewer. The sewer service charge shall be added to and combined with the water service charge. Both charges shall be collected as a unit; no employees shall receive payment for water service charges from any customer without receiving at the same time payment for all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

(d) (i) The sewer use service charge, within the corporate limits of Lafayette, shall be:

(A) First one thousand (1,000) gallons of water usage (minimum bill) will be fourteen dollars and thirty-nine cents (\$14.39).

(B) Over one thousand (1,000) gallons of water usage shall be nine dollars and eighty-four cents (\$9.84) per one thousand (1,000) gallons.

(ii) The sewer use service charge, outside the corporate limits of Lafayette; shall be:

(A) First one thousand (1,000) gallons of water usage (minimum bill) shall be twenty-eight dollars and seventy-seven cents (\$28.77).

(B) Over one thousand (1,000) gallons of water usage shall be nineteen dollars and sixty-eight cents (\$19.68) per one thousand (1,000) gallons.

(7) Connection fees. No permit to connect to any public sewer or appurtenance thereof shall be granted unless the applicant first pays to the city a sewer connection fee as follows:

(a) For residential users, the sewer connection fee shall be one thousand dollars (\$1,000.00) for single family residence, two thousand

dollars (\$2,000.00) for a duplex, three thousand dollars (\$3,000.00) for a triplex, and four thousand dollars (\$4,000.00) for a quadplex. Apartments shall be one thousand dollars (\$1,000.00) each up to four (4) units, and five hundred dollars (\$500.00) each additional unit.

(b) For commercial and industrial users, schools and hospitals, the sewer connection fee shall be five hundred dollars (\$500.00) per restroom.

(c) In addition to the above fees, if the city is required to bore under a street, road, or highway, or cross a street, road, or highway to make connection or to make a connection available, there will be an additional fee of one hundred fifty dollars (\$150.00) plus the cost of the line. When performed by city workforce and equipment.

(d) In special circumstances requiring contracted services to make a connection, addition fees may be added for the cost of materials and labor incurred to make the connection available.

(e) All applicants for water service to any premise with an assessable sanitary sewer, shall deposit with the municipality prior to such connection, a non-refundable sewer processing fee. For residential property owner sewer customers, the non-refundable processing fee shall be twenty dollars (\$20.00). For residential renters or lessees, the non-refundable sewer processing fee shall be forty dollars (\$40.00). For commercial and industrial sewer customers shall be one hundred dollars (\$100.00).

(8) Holding tank waste dischargers. Private contractors dumping septic tank waste into the system shall be subject to the following fees:

(a) Private contractors are subject to approval of an annual permit and payment of the permit fee of one hundred dollars (\$100.00) each year.

(b) Septic tank waste into the wastewater treatment plant shall pay a charge of twenty-five dollars (\$25.00) per one thousand (1,000) gallons or portions thereof to the city.

(c) Persons dumping other holding tank waste must provide an analysis and pay a charge of twenty-five dollars (\$25.00) per one thousand (1,000) gallons or portion thereof plus any applicable surcharge as contained in § 18-313(6)(b)(v).

(9) Other charges. (a) Termination of service. Whenever service has been discontinued by the city for any reason set forth in this chapter, a trip is made for the purpose of discontinuing service for any such reasons, a charge of fifteen dollars (\$15.00) will be assessed.

(b) Restoration of service. Whenever service has been discontinued by the city for any reason set forth in this chapter a charge will be assessed to restore service. This charge will be fifteen dollars (\$15.00).

(10) Inspection fees. (a) An inspection fee for a customer's new service line or repair of an old service line shall be fifty dollars (\$50.00).

(b) A service charge of fifty dollars (\$50.00) will be assessed if the customer has a problem on his side of the service connection without being verified by a plumber.

(11) Review of rates and charges. Annually, prior to the adoption of the city's next fiscal year budget, the mayor and sewer superintendent will review the user charges along with the budget process and recommend any revised rates to the city council necessary to ensure that adequate revenues are generated to pay operation and maintenance costs (O&M), including loan amortization and/or depreciation. The periodic review shall also ensure that the system continues to provide for the proportional distribution of these costs among users and user classes. The rates shall be set in a resolution passed by the city council.

(12) Billing. All bills for sewer service will be rendered monthly as a part of the regular monthly water billing and shall be computed using the applicable rates or charges in effect at the billing date. Billings will be computed and stated on a net and a gross basis. Such billings shall be payable in the net amount only if paid within the discount period stated on the bill; otherwise the bill is payable in the gross amount. All sewer customers shall be governed by the provisions of § 18-113 in this code. The city shall not be liable for damages on account of such discontinuance of service, even though payment of such bills be made on the same day either before or after service is actually discontinued. No user shall be entitled to pay any bill at the net rate while such user is delinquent in payment of any obligation for sewer service owed the city by such user.

(a) Point of delivery - water service. The sewer service rates are based upon the supplying water service to an entire premises through a single delivery and metering point. If water service is rendered to any user or premise through more than one (1) delivery point, the city will bill each such delivery point as a separate service.

(b) Multiple service through a single meter - water. Where the city, as distributor of water, allows more than one dwelling or premise to be served through a single service line and meter, the monthly water billing for each such dwelling or premise will be computed in accordance with the rules and regulations for the distribution of water. The sewer service charge for each such dwelling or premise thus served shall then be computed at the city's applicable sewer service charge rates. (Ord. #541, Sept. 2008, as amended by Ord. #558, Jan. 2009, Ord. #587, Dec. 2010, Ord. #597, June 2011, Ord. #653, Dec. 2013, Ord. #655, Jan. 2014, and Ord. #681, April 2016)

**18-314. Provision of service.** (1) Application for service. Prior to use of the POTW, prospective users shall be required to sign an application for

service and/or the city's standard form of contract before service is supplied. Users requiring the installation of special equipment by the city may be required to sign a form or contract guaranteeing a minimum charge for such period of time as may be required by the city, but, in the absence of a completed application or contract, the usage by the user shall bind the user to the terms of the city's standard form of application. If for any reason user, after signing application or contract for services, does not take the service, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish such service.

(2) Temporary service. Any user requiring temporary service may be required to pay all costs as determined by the city for connection and disconnection incidental to the supplying and removal of service in addition to the regular sewer rate charges.

(3) Discontinuance of service. The city, as the distributor of water, may disconnect its water service and may refuse to reconnect water service for a violation of this chapter, for failure to comply with any of its water rules and regulations, for violation of any provision of the user's application or contract with the city for sewer service furnished. Discontinuance of water service by the city for any cause as stated in this chapter shall not release the user from liability for water or sewer service already received or from liability for payments that thereafter become due under the provisions of any contract between the user and the city.

(4) Termination of service by customer. Users who have fulfilled their contract terms and wish to discontinue service must give a least five (5) days' written notice to that effect, unless their contract specifies otherwise. Notice to discontinue service prior to expiration of contract terms will not relieve user from any minimum or guaranteed payment under contract or applicable rate schedule.

(5) Notice of trouble. User shall notify the city immediately of any known defects, trouble, or accident affecting the sewerage system.

(6) Scope. These rules, regulations, and rate schedules are a part of all contracts for receiving sewerage service from the city and apply to all services received from the city whether the service is based upon contract, signed application, or otherwise. (Ord. #541, Sept. 2008)

**18-315. Private lift stations.** When a sewer lift station is installed by an owner on real estate, that owner of the real estate shall maintain the sewer lift station at all times. In the event that the owner sells the real estate, all successor owners of the real estate shall maintain the sewer lift station located on the property. (Ord. #606, Nov. 2011)

**18-316. Validity.** (1) The provisions of this chapter shall supersede and take precedence over any other ordinance or part thereof or any other rules and regulations of the City of Lafayette.

(2) It is hereby declared the intention of the City Council of Lafayette that sections, paragraphs, sentences, clauses, and words of this chapter are severable, and if any such section, paragraph, sentence, clause, or words be declared unconstitutional or invalid by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses, or words since the same would have been enacted without the incorporation of the unconstitutional section, paragraph, sentence, clause of word. (Ord. #541, Sept. 2008)

## CHAPTER 4

### SEWER USE REGULATIONS: DISCHARGES OF FATS, OILS AND GREASE

#### SECTION

- 18-401. Purpose.
- 18-402. Definitions.
- 18-403. Control plan for FOG and food waste.
- 18-404. General criteria.
- 18-405. Design criteria.
- 18-406. Enforcement and penalties.
- 18-407. Validity: conflict.

**18-401. Purpose.** The purpose of this chapter is to control discharges into the public sewerage collection system and wastewater treatment plant, which interferes with the operations of the system, causes blockage and plugging of pipelines, interferes with normal operation of pumps and their controls, and contributes waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant. (Ord. #540, July 2008)

**18-402. Definitions.** (1) "City." The "city" shall mean the City of Lafayette or the City Council of Lafayette.

(2) "Fats, Oils, and Greases (FOG)." "Fats, oils, and greases" means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease," "greases," or "FOG."

(3) "Food Service Establishments" or "FSE." "Food service establishments" means those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching, and infrared heating, searing, barbecuing, and any other food preparation or serving activity that produces a consumable food product in or on a receptacle requiring washing to be reused.

(4) "Grease trap." A "grease trap or interceptor" means a device for separating waterborne greases and grease complexes from wastewater and retaining such greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps also serve to collect solids that settle, generated by and from activities that

subject users to this section, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

(5) "Oil/water separator." An approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the city.

(6) "Superintendent." The "superintendent" shall mean the Superintendent of Sewage Works and/or Wastewater Treatment Plant of the City of Lafayette, or his authorized representative.

(7) "User." A "user" includes property owners who provide common interceptors for one (1) or more independent establishments, including tenants. (Ord. #540, July 2008)

**18-403. Control plan for FOG and food waste.** (1) Any new construction, renovation, or expansion of Food Service Establishments (FSE) shall be required to submit to the city, a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

(2) Any existing FSE shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this chapter. (Ord. #540, July 2008)

**18-404. General criteria.** (1) Installation requirements. All existing, proposed, or newly remodeled FSE inside the city wastewater service area shall be required to install, at the user's expense, an approved, properly operated, and maintained grease trap.

(2) Sanitary sewer flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

(3) Floor drains. Only floor drains that discharge or have the potential to discharge grease shall be connected to the grease trap.

(4) Garbage grinders/disposers. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

(5) Dishwashers. Commercial dishwashers must be connected to the grease trap. Dishwashers discharge detergents and hot water that can dissolve grease and allow it to pass through an undersized grease trap. Traps must be

sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

(6) Location. Grease traps shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the city.

(7) Pass through limits. No user shall allow wastewater discharge concentration from grease trap to exceed one hundred (100) milligrams per liter (mg/l) as identified by the Environmental Protection Agency (EPA) method 413. (Ord. #540, July 2008)

**18-405. Design criteria**. (1) Grease trap installation, maintenance, recordkeeping, and grease removal. A grease trap shall be installed and maintained at the user's expense, when a user operates a FSE. Grease traps may be required in non-cooking or cold dairy and frozen foods establishments and other industrial or commercial establishments when the establishment generates wastewater containing fat or grease and the superintendent determines a grease trap is necessary to prevent contribution or accumulation of grease to the sanitary sewer collection and treatment system. Upon notification by the superintendent that the user is subject to the terms of an enforcement action, as stipulated in the FOG program manual, said user shall not allow wastewater discharge concentration from subject grease trap to exceed an established action level of one hundred (100) mg/l, expressed as hexane extractable material. All grease traps shall be of a type, design, and capacity approved by the superintendent and shall be readily and easily accessible for maintenance and repair, including cleaning and for city inspection. All grease traps shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease trap, but not less often than every sixty (60) days or as permitted in a valid program modification. Users who are required to pass wastewater through a grease trap shall:

(a) Provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow between the influent and effluent baffles, with twenty-five percent (25%) of the total volume of the grease trap being allowed for any food-derived solids to settle or accumulate and floatable grease-derived materials to rise and accumulate, identified hereafter as a solids blanket and grease cap respectively.

(b) Remove any accumulated grease cap and solids blanket as required, but at intervals of not longer than sixty (60) days at the user's expense, or in accordance with a valid program modification or other superintendent's requirements. Grease traps shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating



utensils, cigarettes, shells, towels, rags, etc., which could settle into this solids blanket and thereby reduce the effective volume of the grease trap.

(c) The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than one thousand (1,000) gallons nor exceed a capacity of three thousand (3,000) gallons. If the calculated capacity exceeds three thousand (3,000) gallons, multiple units plumbed in series shall be installed.

(d) The user at their own expense shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the city's pass through limits. The maintenance of the grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited.

(e) All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program.

(f) If the user performs on-site grease trap treatment pursuant to a modification granted under § 18-405(1)(f)(vii) below, user shall:

(i) Prior to commencement of onsite treatment, obtain written approval by and from the superintendent of all processes utilized in said onsite treatment.

(ii) If any pumped wastes or other materials removed from the grease trap are treated in any fashion on-site and reintroduced back into the grease trap as an activity of and after such on-site treatment, the user shall meet the criteria contained in § 18-405(1)(f)(iii) below.

(iii) Attain and adhere to the criteria listed below:

(A) After thirty (30) minutes of settling time, not more than 3.0 mg/l of settleable solids, as measured in a one (1) liter Imhoff cone shall be allowed, and;

(B) Within and not more than twenty-four (24) hours after onsite grease trap servicing, not more than two inches (2") of settleable solids and/or grease shall be allowed to have accumulated therein as a result of said operations.

(C) Service vehicles and equipment used in onsite grease trap servicing shall be registered with the city, and as required by the Tennessee Department of Environment and Conservation (TDEC).

(D) When servicing grease trap service vehicles and equipment shall have onboard, at all times, a certificate

of approval for the operations and methods used, issued by the superintendent.

(E) Any tanks, tankage, or vessel(s) associated with a modification shall be empty upon arrival at the initial FSE user site for which this modification is intended to be applied.

(iv) Operate and maintain the grease trap to achieve and consistently maintain any applicable grease action level. "Consistent" shall mean any wastewater sample taken from such grease trap must meet the terms of numerical limit attainment described in § 18-405(1)(f)(iii). If a user documents that conditions exist ("space constraints") on their establishment site that limit the ability to locate a grease trap on the exterior of the establishment, the user may request an interior location for the grease trap. Such request shall contain the following information:

(A) Location of city sewer main and easement in relation to available exterior space outside building.

(B) Existing plumbing layout at or in a site.

(C) A statement of understanding, signed by the user or authorized agent, acknowledging and accepting conditions superintendent may place on permitting an identified interior location. Conditions may include requirements to use alternative mechanisms, devices, procedures, or operations relative to an interior location.

(D) Such other information as may be required by the superintendent.

(v) The use of biological or other additives as a grease degradation or conditioning agent is permissible only upon prior written approval of the superintendent. Any user using biological or other additives shall maintain the trap in such a manner that attainment of any grease wastewater, action level, solids blanket or grease cap criteria, goal or directive, as measured from the grease trap outlet or interior, is consistently achieved.

(vi) Chemical treatment such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

(vii) The use of automatic grease removal systems is permissible only upon prior written approval of the superintendent. Any user using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved as required by the superintendent.

(viii) The superintendent may make determinations of grease trap adequacy need, design, appropriateness, application,

location, modification(s), and conditional usage based on review of all relevant information regarding grease trap performance, facility site and building plan review by ail regulatory reviewing agencies and may require repairs to, or modification or replacement of grease traps.

(2) The user shall maintain a written record of grease trap maintenance for three (3) years. All such records will be available for inspection by the city at all times. These records shall include:

- (a) FSE name and physical location.
- (b) Date of grease trap service.
- (c) Time of grease trap service.
- (d) Name of grease trap service company.
- (e) Name and signature of grease trap service company agent performing said service.
- (f) Established service frequency and type of service: full pump out, partial pump out, on-site treatment (type or nature of operations).
- (g) Number and size of each grease interceptor serviced at FSE location.
- (h) Approximated amount, per best professional judgment of contract service provider, of grease and solids removed from each grease trap.
  - (i) Total volume of waste removed from each grease trap.
  - (j) Destination of removed wastes, food solids, and wastewater disposal.
- (k) Signature and date of FSE personnel confirming service completion.
- (l) Such other information as required by superintendent.

(3) The user shall be required to submit maintenance records to the city annually. Records shall be submitted on March 1st for the previous year, ending December 31st. Submit records to: Sewer Superintendent, City of Lafayette, 200 East Locust Street, Lafayette, TN 37083.

(4) No nongrease-laden sources are allowed to be connected to sewer lines intended for grease trap service.

(5) All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the superintendent) that have sources of sand, soil, and oil shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the superintendent shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent inflow of detergents and rainwater into the

wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the superintendent.

(6) Access manholes shall have an installed diameter of twenty-four inches (24"), a maximum weight of fifty (50) pounds, and shall be provided over each chamber, interior baffle wall, and each sanitary tee. The access penetrations, commonly referred to as "risers" into the grease trap shall also be, at a minimum, twenty-four inches (24") in diameter. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

(7) A user may request a modification to the following requirements of this chapter. Such request for a modification shall be in writing and shall provide the information set forth below.

(a) The user's grease trap pumping frequency. The superintendent may modify the sixty (60) day grease trap pump out frequency when the user provides data, and performance criteria relative to the overall effectiveness of a proposed alternate and such can be substantiated by the superintendent. Proposed alternatives may include grease trap pumping or maintenance matters, bioremediation as a complement to grease trap maintenance, grease trap selection, and sizing criteria, onsite grease trap maintenance, and specialized ware washing procedures.

(b) Grease trap maintenance and service procedures. The superintendent may modify the method(s) or procedure(s) utilized service a grease trap when the user provides data, and performance criteria relative to the overall effectiveness of a proposed alternate method or procedures and such can be substantiated by the superintendent. If a modification to maintenance and service procedures is permitted, it shall be a conditional discharge permit approval.

(c) Any modification must be approved by the superintendent in written form before implementation by the user or the user's designated service provider. (Ord. #540, July 2008)

**18-406. Enforcement and penalties.** Any person who violates this chapter, in part or whole, shall be guilty of a civil violation punishable under and according to the general penalty provision of the city's municipal code. Each day's violation of this chapter shall be considered a separate offense. (Ord. #540, July 2008)

**18-407. Validity: conflict.** If any provision, paragraph, word, or section of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be

affected and shall continue in full force and effect. All other code sections, ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict. (Ord. #540, July 2008)