

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER.
2. SEWER.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. FAT, OIL, AND GREASE.
5. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1****WATER****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Water main extensions.
- 18-108. Variances from and effect of preceding section as to extensions.
- 18-109. Meters.
- 18-110. Meter tests.
- 18-111. Schedule of rates.
- 18-112. Multiple services through a single meter.
- 18-113. Billing.
- 18-114. Discontinuance or refusal of service.
- 18-115. Re-connection charge.
- 18-116. Termination of service by customer.
- 18-117. Access to customers' premises.
- 13-118. Inspections.
- 18-119. Customer's responsibility for system's property.
- 18-120. Customer's responsibility for violations.
- 18-121. Supply and resale of water.
- 18-122. Unauthorized use of or interference with water supply.
- 18-123. Limited use of unmetered private fire line.

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<sup>1</sup>Municipal code references  
Refuse disposal: title 17.

- 18-124. Damages to property due to water pressure.
- 18-125. Liability for cutoff failures.
- 18-126. Restricted use of water.
- 18-127. Interruption of service.

**18-101. Application and scope.** The provisions of this chapter are a part of all contracts for receiving water service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1990 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water service from the town under either an express or implied contract.

(2) "Service line" shall consist of the pipe line extending from any water main of the town 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 town's water main to and including the meter and meter box.

(3) "Discount date" shall mean the 27th day of each month, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

(4) "Dwelling" means any single residential unit or house occupied for residential purposes. Each separate apartment unit, duplex unit or other multiple dwelling unit shall be considered a separate dwelling.

(5) "Premise" means 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. (1990 Code, § 13-102, modified)

**18-103. Obtaining service.** A request for either original or additional service must be made and be approved by the town before connection or meter installation orders will be issued and work performed. (1990 Code, § 13-103)

**18-104. Application and contract for service.** Each prospective customer desiring water service will be required to request service and pay a \$25.00 deposit before service is supplied. If, for any reason, a customer, after requesting service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the town to the applicant shall be limited to the return of any deposit made by such applicant. (1990 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 service. (1990 Code, § 13-105)

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

Before a new water service line will be laid by the town, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the town the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the town 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 town. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1990 Code, § 13-106)

**18-107. Water main extensions.** Persons desiring water main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Water Works Association Standard (or other construction approved by the board of commissioners), not less than six (6) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet from the most distant part of any commercial, industrial, or public building, such measurements to be based on road or street distances. Cement-lined cast iron pipe (or other construction approved by the board of commissioners) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines.

All such extensions shall be installed either by municipal forces or by other forces working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the town, such water mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town shall incorporate said mains as an integral part of the municipal water system and shall furnish water service

therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of said mains. (1990 Code, § 13-107)

**18-108. Variances from and effect of preceding section as to extensions.** Whenever the board of commissioners is of the opinion that it is to the best interest of the town and its inhabitants to construct a water main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of commissioners.

The authority to make water main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the town to make such extensions or to furnish service to any person or persons. (1990 Code, § 13-108)

**18-109. Meters.** All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1990 Code, § 13-109)

**18-110. Meter tests.** The town 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:

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

The town 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 in the amount of ten dollars (\$10.00).

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1990 Code, § 13-110)

**18-111. Schedule of rates.** All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.<sup>1</sup> (1990 Code, § 13-111)

**18-112. Multiple services through a single meter.** No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1990 Code, § 13-112)

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

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

Water bills must be paid on or before the discount date shown thereon to obtain the net rate; otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The town 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.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the town if the envelope is date-stamped on or before the final date for payment of the net amount.

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

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 town reserves the right to render an estimated bill based on the best information available. (1990 Code, § 13-113)

**18-114. Discontinuance or refusal of service.** The town shall have the right to discontinue water 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 application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the town 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.

No service shall be discontinued unless the customer is given reasonable notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing officer and the customer is notified of that decision. (1990 Code, § 13-114)

**18-115. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars (\$25.00) shall be collected by the town before service is restored. For the second and third re-connections, a charge of thirty dollars (\$30.00) and one hundred dollars (\$100) respectively shall be made. After a customer's water has been cut off as provided above for three times, he may no longer receive water service from the town. (1990 Code, § 13-115)

**18-116. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to disconnect service must give at least three (3) days 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 town 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 town 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 town 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 town 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. (1990 Code, § 13-116)

**18-117. Access to customers' premises.** The town'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 town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1990 Code, § 13-117)

**18-118. Inspections.** The town 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 town reserves the right to refuse service or to discontinue 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 town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1990 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 town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to care for it properly, the cost

of necessary repairs or replacements shall be paid by the customer. (1990 Code, § 13-119)

**18-120. Customer's responsibility for violations.** Where the town 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. (1990 Code, § 13-120)

**18-121. Supply and resale of water.** All water shall be supplied within the town exclusively by the town, 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 town. (1990 Code, § 13-121)

**18-122. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1990 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 town.

All private fire hydrants shall be sealed by the town, 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 town a written notice of such occurrence. (1990 Code, § 13-123)

**18-124. Damages to property due to water pressure.** The town 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 town's water mains. (1990 Code, § 13-124)

**18-125. Liability for cutoff failures.** The town'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 town has failed to cut off such service.

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



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

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained after his water service has been cut off. (1990 Code, § 13-125)

**18-126. Restricted use of water.** In times of emergencies or in times of water shortage, the town 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. (1990 Code, § 13-126)

**18-127. Interruption of service.** The town will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The town 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 town 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. (1990 Code, § 13-127)

**CHAPTER 2****SEWER<sup>1</sup>****SECTION**

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Abbreviations.
- 18-204. Prohibited activities.
- 18-205. Required connections.
- 18-206. Private wastewater disposal--general regulations.
- 18-207. Private wastewater disposal--permit required.
- 18-208. Building sewers and connections--general regulations.
- 18-209. Building sewers and connections--permit required.
- 18-210. Installation of building sewers.
- 18-211. General discharge prohibitions.
- 18-212. Federal categorical pretreatment standards.
- 18-213. Modification of federal categorical pretreatment standards.
- 18-214. State requirements.
- 18-215. Town's right of revision.
- 18-216. Excessive discharge.
- 18-217. Accidental discharges.
- 18-218. Fees--purpose.
- 18-219. Charges and fees.
- 18-220. Schedule of fees and charges.
- 18-221. Wastewater dischargers.
- 18-222. Wastewater discharge permits.
- 18-223. Permit application.
- 18-224. Permit modifications.
- 18-225. Permit conditions.
- 18-226. Permits duration.
- 18-227. Permit transfer.
- 18-228. Reporting requirements for permittee.
- 18-229. Periodic compliance reports.
- 18-230. Monitoring facilities.
- 18-231. Inspection and sampling.
- 18-232. Pretreatment.
- 18-233. Confidential information.
- 18-234. Enforcement--harmful contributions.
- 18-235. Revocation of permit.

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<sup>1</sup>Municipal code reference

Sewage and human excreta disposal: title 18, chapter 3.

- 18-236. Notification of violation.
- 18-237. Show cause hearing.
- 18-238. Legal action.
- 18-239. Civil penalties.
- 18-240. Falsifying information.
- 18-241. Severability.
- 18-242. Conflict.

**18-201. Purpose and policy.** (1) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Benton, Tennessee, and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

(2) This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(3) This chapter shall apply to the Town of Benton, Tennessee, and to persons outside the town who are, by contract or agreement with the town, users of the town POTW. Except as otherwise provided herein, the superintendent of the town POTW shall administer, implement, and enforce the provisions of this chapter. (1990 Code, § 13-201.01)

**18-202. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

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

(2) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user 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.

(4) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(6) "Categorical standards." National Categorical Pretreatment Standards or pretreatment standard.

(7) "Cooling water." The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

(8) "Compatible pollutant." This shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the 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.

(9) "Control authority." The term "control authority" shall refer to the a "approval authority," defined hereinabove; or the superintendent if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

(10) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(11) "Environmental Protection Agency (EPA)." The U.S. EPA, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(12) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(13) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(14) "Indirect discharge." The discharge or the introduction of nondomestic 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).

(15) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act (33 USC 1342).

(16) "Industrial wastes." The liquid wastes from industrial manufacturing processes, trades, or businesses, as distinct from sanitary sewage.

(17) "Interference." The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(18) "National Categorical Pretreatment Standard" or "pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.

(19) "National prohibitive discharge standard" or "prohibitive discharge standard." Any regulation developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.

(20) "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 USC 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred and twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred and twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(21) "National Pollution Discharge Elimination System" or "NPDES permit." A permit issued pursuant to section 402 of the Act (33 USC 1342).

(22) "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(23) "pH." The logarithm (Base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(24) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(25) "Pollutant." Any dredged spill, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(26) "Pretreatment" or "treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR section 403.6(d).

(27) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(28) "Publicly owned treatment works (POTW)." A treatment works as defined by section 212 of the Act (33 USC 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the town, who are, by contract or agreement with the town, users of the town's POTW.

(29) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(30) "Service area." Those areas to which the Town of Benton provides sewer service.

(31) "Shall" is mandatory: "May" is permissive.

(32) "Significant industrial user." Any industrial user of the town's wastewater disposal system who:

(a) Has a discharge flow of 25,000 gallons or more per average work day, or

(b) Has a flow greater than five percent (5%) of the flow in the town's wastewater treatment system, or

(c) Has in his wastes toxic pollutants as defined pursuant to section 307 of the Act of Tennessee statues and rules or

(d) Is found by the town, Tennessee Department of Health and Environment (TDHE) or EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(33) "Slug." Any discharge of water, sewage, or industrial waste that, 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 twenty-four (24) hour concentration of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping station.

(34) "State." State of Tennessee.

(35) "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(36) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(37) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(38) "Superintendent." The person designated by the town to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(39) "Town." The Town of Benton, Tennessee, or the town council or mayor and councilmen.

(40) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of CWA 307(a) or other acts.

(41) "Twenty-four-hour flow proportional composite sample." A sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of a sample are proportionate to the flow and combined to form a representative sample.

(42) "User." Any person who contributes, causes, or permits the contribution of wastewater into the town's POTW.

(43) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with such ground, surface, and storm waters as may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

(44) "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(45) "Wastewater permit." As set forth in § 18-209 of this chapter. (1990 Code, § 13-201.02)

**18-203. Abbreviations.** The following abbreviations shall have the designated meanings:

- (1) BOD -- Biochemical Oxygen Deman
- (2) CFR -- Code of Federal Regulations
- (3) COD -- Chemical Oxygen Demand
- (4) EPA -- Environmental Protection Agency
- (5) l -- Liter
- (6) mg -- Milligrams
- (7) mg/l -- Milligrams per liter
- (8) NPDES -- National Pollutant Discharge Elimination System
- (9) POTW -- Publicly Owned Treatment Works
- (10) SIC -- Standard Industrial Classification
- (11) SWDA -- Solid Waste Disposal Act, 42 USC 6901, et seq.
- (12) USC -- United States Code
- (13) TSS -- Total Suspended Solids. (1990 Code, § 13-201.03)

**18-204. Prohibited activities.** (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Town of Benton, or in any area under the jurisdiction of said town, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet or watercourse within the Town of Benton, or in any area under the jurisdiction of said town, any wastewater or other polluted waters, except where suitable treatment has been provided and a NPDES permit has been issued.

(3) Except as hereinafter provided, 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 wastewater. (1990 Code, § 13-202.01)

**18-205. Required connections.** (1) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the town or within the town's sewer service area and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line inside the town or within four hundred (400) feet of the property line outside the town.

(2) The council of mayor and councilmen may, by majority vote, at a regular meeting, waive the above requirement. The requirement shall only be waived after the property owner shall make application on a form furnished by the town, at least ten (10) days prior to the regular commission meeting. No



application shall be considered by the council of mayor and councilmen without compliance with the following provisions:

- (a) The lot area shall contain a minimum of 20,000 square feet.
  - (b) The private disposal system shall comply with all applicable state and county laws and regulations.
  - (c) A visual inspection of the site shows no evidence of a past or present health menace or nuisance.
- (3) The council of mayor and councilmen reserves the right to revoke any waiver so granted at any time and to require the property owner to comply with this chapter as though no waiver had ever been granted. (1990 Code, § 13-202.02, as amended by Ord. #131, Feb. 2001)

**18-206. Private wastewater disposal—general regulations.**

- (1) Where a public sewer is not available under the provisions of § 18-205, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter.
- (2) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 18-205, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned and filled with suitable material.
- (3) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all regulations of the TDHE. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
- (4) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.
- (5) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the county health officer. (1990 Code, § 13-203.01)

**18-207. Private wastewater disposal—permit required.** (1) Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the superintendent, or other duly authorized representative of the Town of Benton. However, no permit shall be required until public sewers are constructed and operating in the general area of construction.

- (2) The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of twenty dollars (\$20.00) shall be paid to the town clerk at the time the application is filed.
- (3) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of

construction. The applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection will be made within forty-eight (48) hours of the receipt of notice by the superintendent, excluding weekends and holidays.

(4) No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet. (1990 Code, § 13-203.02)

**18-208. Building sewers and connections--general regulations.**

(1) A separate and independent building sewer shall be provided for every building. Except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(2) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(3) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(4) 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 town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(5) All excavations 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 town. (1990 Code, § 13-204.01)

**18-209. Building sewers and connections--permit required.** (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit signed by the superintendent, or other duly authorized representative of the Town of Benton.

(2) The owner or his agent shall make application for a building sewer permit on a form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee for the building sewer permit shall be paid to the town clerk at the time the application is filed. The permit and inspection fee shall be listed in § 18-220 of this chapter. A connection fee (tapping fee) shall be paid to the town clerk

before the building sewer is connected to the public sewer. This fee shall be in accordance with those in § 18-220 of this chapter.

(3) A permit for connection to a public sewer shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or a representative duly authorized by him or by the board of mayor and commissioners. (1990 Code, § 13-204.02)

**18-210. Installation of building sewers.** (1) The building sewer shall be cast iron soil pipe, ASTM specification A74, latest revision, or equal; extra strength vitrified clay sewer pipe, ASTM specification C700, latest revision; concrete sewer pipe, ASTM specification C14, latest revision; or PVC sewer pipe, ASTM specification D3033 or D3034, latest revision. Joints shall be tight and waterproof and shall conform to applicable specification under section 4.03(e). Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast iron pipe with bolted mechanical joints. Cast iron pipe with bolted mechanical joints may also be required by the superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the superintendent.

(2) The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no even shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than one-eighth (1/8) inch per foot.

(3) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Building sewers shall not be placed in the same trench with water service lines.

(4) All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12, latest revision, except that no backfill shall be placed until the work has been inspected and approved by the superintendent or his authorized representative.

(5) All joints and connections shall be made gastight and watertight. No paint, varnish, or other coatings shall be permitted on the jointing material

until after the joint has been tested and approved. Joints shall conform to the following requirements:

(a) Cast iron soil pipe shall have push-on joints with neoprene gaskets. Neoprene gaskets shall be in accordance with the requirements of ASTM specification C564, latest revision.

(b) All joints in vitrified clay pipe or between such pipe and metals shall be factory-fabricated jointing connections. These connections shall be of the compression type positive friction joints in accordance with latest requirements of ASTM Specification C425, latest revision. Lubrication shall be used as recommended by the manufacturer. The joint material shall be bonded to the pipe at the factory.

(c) PVC pipe joint shall be either of the bell and spigot type or of the solvent cemented type as follows:

(i) If the bell and spigot type joints are used, these joints shall be sealed with a rubber "O" ring gasket, and shall be of a composition and texture which is resistant to common ingredients of sewage, industrial wastes, including oils and ground water, and which will endure permanently under the conditions likely to be imposed by this use. Installation of gasket shall be done in accordance with the pipe manufacturer's instructions using all the necessary materials, lubricants, and equipment recommended by the manufacturer.

(ii) If the solvent cemented type joint is used, only the proper cement, bearing the NSF Seal of Approval, recommended for the particular materials shall be used. All pipe cuts shall be square, and both pipe and fittings shall be cleaned of all soil, dirt, oil, and grease. Solvent joints shall be made according to the recommendations of the manufacturer and/or the Plastic Pipe Institute. Joints shall be allowed to dry before testing. Should any leak occur on water test, the defective joint shall be replaced.

(d) Concrete sewer pipe joints shall be of the "O" ring rubber gasket type conforming to ASTM Specification C302, latest revision.

(e) Other jointing materials and methods may be used only by approval of the superintendent.

(6) The connection of the building sewer into the public sewer shall be made at a stub-up or "Y" branch, if such fitting is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located stub-up or "Y" branch is available, the town shall, at the expense of the owner, cut a neat hold into the public sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees, and install a forty-five (45) degree ell with the spigot and cut so as not to extend past the inner subsurface of the public sewer. The invert of the building sewer at the point of connection shall be at an elevation of at least 0.1 foot above the invert of the public sewer. A smooth, neat joint shall be made, and the connection

made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent. (1990 Code, § 13-204.03)

**18-211. General discharge prohibitions.** No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

(1) Any waters or wastes containing the specific substances listed below in concentrations such that the concentration of such substance in the composite sewage received at the sewage treatment plant exceeds the specific limits established as follows:

Pollutant	Selected Protection Criteria (mg/l)
Arsenic	0.100
Boron - Total	10
Cadmium - Total	0.033
Chromium - Total	0.375
Copper - Total	0.500
Cyanide	0.605
Lead	0.250
Manganese	10.0
Nickel	0.273
Mercury	0.004
Silver	0.029
Zinc	1.053
BOD	300
TSS	300
Oil and Grease	80

(2) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (five ) percent nor any single reading over ten (10) percent 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, and sulfides

and any other substances which the town, the state, or EPA has notified the user is a fire hazard or a hazard to the system.

(3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (½) inch in any dimension, 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, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(4) Any wastewater having a pH less than 5.0 or more than 10.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(5) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.

(6) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(7) 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. 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.

(8) Any substance which will cause the POTW to violate its NPDES and/or the receiving water quality standards.

(9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(10) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit).

(11) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the town in compliance with applicable state or federal regulations.

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

(14) Discharge of holding tank wastes. No person shall discharge into the POTW holding tank waste from any vehicle except under the following conditions:

(a) No waste other than waste from domestic holding tanks shall be allowed. Wastes from non-domestic holding tanks and chemical toilets shall be prohibited.

(b) All domestic holding tank waste shall be discharged at the Benton Wastewater Treatment Plant under the supervision of the operator on duty.

(c) Prior to discharging the waste, the driver of the waste-hauling vehicle shall complete and sign a form providing the name and address of the individual or company responsible for the waste, the name of the driver, the date and time of discharge, the name and address of the owner of the premises where the waste was collected, and a description of the waste.

(d) A fee, which may be billed monthly, as set forth in § 18-220 of this chapter.

(15) Storm water, ground water, rain water, street drainage, roof runoff, basement drainage, or unpolluted yard drainage shall not be discharged through direct or indirect connections to a sanitary sewer.

When the town determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the superintendent shall

(a) Advise the user(s) of the impact of the contribution on the POTW and

(b) Develop effluent limitation(s) for such user to correct the interference with the POTW. (1990 Code, § 13-205.01)

**18-212. Federal categorical pretreatment standards.** Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately

supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12. (1990 Code, § 13-205.02)

**18-213. Modification of federal categorical pretreatment standards.** Where the town's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the town may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five (95) percent of the samples taken when measured according to the procedures set forth in section 403.7(c)(2) of title 40 of the CFR, part 403 -- "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The town may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7, are fulfilled and prior approval from the approval authority is obtained. (1990 Code, § 13-205.03)

**18-214. State requirements.** State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations of those in this chapter. (1990 Code, § 13-205.04)

**18-215. Town's right of revision.** The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 18-204 of this chapter. (1990 Code, § 13-205.05)

**18-216. Excessive discharge.** No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the town or state.<sup>1</sup> (1990 Code, § 13-205.6)

**18-217. Accidental discharges.** (1) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide

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<sup>1</sup>Dilution may be acceptable means of complying with some of the prohibitions set forth in § 2.1, e.g., the pH prohibition.



this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(2) Written notice. Within five days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(3) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1990 Code, § 13-205.07)

**18-218. Fees--purpose.** It is the purpose of this chapter to provide for the recovery of costs from users of the town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the town's schedule of charges and fees. (1990 Code, § 13-206.01)

**18-219. Charges and fees.** The town may adopt charges and fees that may include:

- (1) Fees for reimbursement of costs of setting up and operating the town's pretreatment program.
- (2) Fees for monitoring, inspections, and surveillance procedures.
- (3) Fees for reviewing accidental discharge procedures and construction.
- (4) Fees for permit applications.
- (5) Fees for filing appeals.
- (6) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards.
- (7) Other fees as the town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the town. (1990 Code, § 13-206.02)

**18-220. Schedule of fees and charges.** (1) Sewer Service Charges.

- (a) Minimum Charge for First 2,000 Gallons, \$5.80
- (b) All Consumption Over 2,000 Gallons, \$2.90/1,000 gallons

(2) Surcharges for Excessive Loadings. (a) BOD = \$50/1,000 pounds BOD in excess of 300 mg/l BOD.

- (b) Suspended Solids (SS) = \$50/1,000 pounds SS in excess of 400 mg/l SS.

(3) Industrial User Permit Fees. \$10 per application.

(4) Building Sewer Fee.

Permit and Inspection Fees	\$20/Connection
Residential Connection Fee	\$250/Connection
Commercial Connection Fee	\$500/Connection
Public Connection Fee	\$500/Connection
Industrial Connection Fee	\$1,000 Connection

(5) Septic Tank Disposal Fee.

From Inside Town Limits	\$20/1,000 gallons
From Outside Town Limits	\$30/1,000 gallons

(1990 Code, title 13, chapter 2, appendix A)

**18-221. Wastewater dischargers.** It shall be unlawful to discharge without a wastewater permit to any natural outlet within the Town of Benton, Tennessee, or in any area under the jurisdiction of Benton and/or to the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this chapter. (1990 Code, § 13-207.01)

**18-222. Wastewater discharge permits.** Requirements of industrial users--all significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. (1990 Code, § 13-207.02)

**18-223. Permit application.** Users required to obtain a wastewater discharge permit shall complete and file with the town, an application in the form prescribed by the town, and accompanied by a fee of ten dollars (\$10.00). Proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from the address).

(2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

(3) Wastewater constituents and characteristics including but not limited to those mentioned in §§ 18-211--18-217 of this chapter as determined

by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, part 136, as amended.

(4) Time and duration of contribution.

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

(6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.

(7) Description of activities, facilities, and plant processes on the premises, including all materials that are or could be discharged.

(8) Where known, the nature and concentration of any pollutants in the discharge that are limited by any town, state, or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.

(9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in subsection (a) shall exceed nine (9) months.

(c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent, including, as a minimum, whether or not it complied with the increment of progress to be met on such data and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(10) Each product produced by type, amount, process, or processes and rate of production.

(11) Type and amount of raw materials processed (average and maximum per day).

(12) Number and type of employees and hours of operation of plant and proposed actual hours of operation of pretreatment system.

(13) Any other information as may be deemed by the town to be necessary to evaluate the permit application.

The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater permit subject to terms and conditions provided herein. (1990 Code, § 13-207.03)

**18-224. Permit modifications.** Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for an industrial wastewater permit as required by § 18-223, the user shall apply for a wastewater discharge permit within one hundred and eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing industrial wastewater discharge permit shall submit to the superintendent within one hundred and eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by § 18-223. (1990 Code, § 13-207.04)

**18-225. Permit conditions.** Industrial wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the town. Permits may contain the following:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.

(2) Limits on the average and maximum wastewater constituents and characteristics.

(3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.

(4) Requirements for installation and maintenance of inspection and sampling facilities.

(5) Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule.

(6) Compliance schedules.

(7) Requirements for submission of technical reports or discharge reports.

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, the affording town access thereto.

(9) Requirements for notification of the town or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(10) Requirements for notification of slug discharge.

(11) Other conditions as deemed appropriate by the town to ensure compliance with this chapter. (1990 Code, § 13-207.5)

**18-226. Permits duration.** Wastewater discharge permits shall be issued for a specified time period not to exceed five (5) optional years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as limitations or requirements as identified in §§ 18-211--18-217 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. (1990 Code, § 13-207.06)

**18-227. Permit transfer.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (1990 Code, § 13-207.07)

**18-228. Reporting requirements for permittee.** Compliance date report--within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process that are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility that are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative

of the industrial user and certified to by a qualified professional. (1990 Code, § 13-207.08)

**18-229. Periodic compliance reports.** (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent that are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows that during the reporting period exceeded the average daily flow reported. At the discretion of the superintendent and in consideration of such factors as local high or low rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(2) The superintendent may impose mass limitations on users that are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein that are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR, part 136, and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.<sup>1</sup> (1990 Code, § 13-207.09)

**18-230. Monitoring facilities.** The town shall require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's

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<sup>1</sup>Where 40 CFR, part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.

premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the town. (1990 Code, § 13-207.10)

**18-231. Inspection and sampling.** The town shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The town, approval authority, and (where the NPDES state is the approval authority). EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force, which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (1990 Code, § 13-207.11)

**18-232. Pretreatment.** Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be acceptable to the town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall

be reported to and be acceptable to the town prior to the user's initiation of the changes.

The town shall annually publish in the Polk County News a list of the users that were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the users during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request. (1990 Code, § 13-207.12)

**18-233. Confidential information.** Information and data on a user obtained from reports, questionnaires, permit applications, permits, and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the town as confidential shall not be transmitted to any governmental agency or to the general public by the town until and unless a ten (10) day notification is given to the user. (1990 Code, § 13-207.13)

**18-234. Enforcement--harmful contributions.** The town may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW, or causes the town to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The town



shall reinstate the wastewater discharge permit and/or the wastewater treatment service 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 future occurrence shall be submitted to the town within fifteen (15) days of the date of occurrence. (1990 Code, § 13-208.01)

**18-235. Revocation of permit.** Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of §§ 18-234 through 18-238 of this chapter:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- (4) Violation of conditions of the permit. (1990 Code, § 13-208.02)

**18-236. Notification of violation.** Whenever the town finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the town by the user. (1990 Code, § 13-208.03)

**18-237. Show cause hearing.** The town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the town council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the town council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the town why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The town may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the town to:

- (1) Issue in the name of the town notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- (2) Take the evidence.

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the town for action thereon.

At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the town council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. (1990 Code, § 208.04)

**18-238. Legal action.** If any person discharges sewage, industrial wastes, or other wastes into the town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the town, the town attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of this county. (1990 Code, § 13-208.05)

**18-239. Civil penalties.** Any user who is found to have violated an order of the town council or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations, and permits issued hereunder, shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (1990 Code, § 13-209.01)

**18-240. Falsifying information.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six (6) months, or by both. (1990 Code, § 13-209.02)

**18-241. Severability.** If any provision, paragraph, word, section, or subsection 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. (1990 Code, § 13-210)

**18-242. Conflict.** All other 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. (1990 Code, § 13-211)

**CHAPTER 3****SEWAGE AND HUMAN EXCRETA DISPOSAL**<sup>1</sup>**SECTION**

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a septic tank shall be used.
- 18-304. Registration and records of septic tank cleaners, etc.
- 18-305. Use of pit privy or other method of disposal.
- 18-306. Approval and permit required for septic tanks, privies, etc.
- 18-307. Owner to provide disposal facilities.
- 18-308. Occupant to maintain disposal facilities.
- 18-309. Only specified methods of disposal to be used.
- 18-310. Discharge into watercourses restricted.
- 18-311. Pollution of ground water prohibited.
- 18-312. Enforcement of chapter.
- 18-313. Carnivals, circuses, etc.
- 18-314. Violations.

**18-301. Definitions.** The following definitions shall apply in the interpretation of this chapter.

(1) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.

(2) "Human excreta." The bowel and kidney discharges of human beings.

(3) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

(4) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic

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<sup>1</sup>Municipal code reference  
Sewer: title 18, chapter 2.

tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(5) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(6) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a septic tank or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(7) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1990 Code, § 8-301)

**18-302. Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1990 Code, § 8-302)

**18-303. When a septic tank shall be used.** Wherever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1990 Code, § 8-303)

**18-304. Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1990 Code, § 8-304)

**18-305. Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under section 8-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1990 Code, § 8-305)

**18-306. Approval and permit required for septic tanks, privies, etc.** Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility requiring the approval of the health officer under this chapter shall, before the initiation of construction, obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1990 Code, § 8-306)

**18-307. Owner to provide disposal facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by section 8-302, or the agent of the owner, to provide such facilities. (1990 Code, § 8-307)

**18-308. Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1990 Code, § 8-308)

**18-309. Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal as specified in this chapter. (1990 Code, § 8-309)

**18-310. Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1990 Code, § 8-310)

**18-311. Pollution of ground water prohibited.** No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening, either natural or artificial, in any formation which may permit the pollution of ground water. (1990 Code, § 8-311)

**18-312. Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate

and serious menace to health, such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1990 Code, § 8-312)

**18-313. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits, such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1990 Code, § 8-313)

**18-314. Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1990 Code, § 8-314)

## CHAPTER 4

### FAT, OIL, AND GREASE

#### SECTION

- 18-401. Purpose.
- 18-402. Interceptors.
- 18-403. Definitions.
- 18-404. Fat, oil, grease, and food waste.
- 18-405. Sand, soil, and oil interceptors.
- 18-406. Laundries.
- 18-407. Control equipment.
- 18-408. Enforcement and penalties.

**18-401. Purpose.** The purpose of this chapter is to control discharges into the public sewerage collection system and treatment plant that interfere with the operations or the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant. (Ord. #127, Sept. 2000)

**18-402. Interceptors.** FOG, waste food and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the wastewater collection system. Such interceptors shall not be required for single family residences, but may be required on multiple family residences. 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. (Ord. #127, Sept. 2000)

**18-403. Definitions.** In the interpretation and application of this chapter the following words and phrases shall have the indicated meanings:

- (1) "Grease trap." An interceptor whose rated flow exceeds 50 g.p.m. and is located outside the building.
- (2) "Grease interceptor." An interceptor whose rated flow is 50 g.p.m. or less and is located inside the building.
- (3) "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity. (Ord. #127, Sept. 2000, modified)



**18-404. Fat, oil, grease, and food waste.** (1) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste.

(2) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste, if and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or operational problems to structures or equipment in the public sewer system.

(3) Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(a) Implement the plan within a reasonable amount of time;

(b) Service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility.

If in the opinion of the superintendent the user continues to impact the collection system and treatment plant, additional pretreatment may be required. (Ord. #127, Sept. 2000)

**18-405. Sand, soil, and oil interceptors.** All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors will be sized to effectively remove sand, soil, and oil at the expected flow rates. These interceptors will be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose interceptors are deemed to be ineffective by the superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers. (Ord. #127, Sept. 2000)

**18-406. Laundries.** Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids ½ inch or larger in size such as, strings, rags, buttons, or other solids detrimental to the system. (Ord. #127, Sept. 2000)

**18-407. Control equipment.** The equipment or facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with Tennessee Department of Environment and Conservation engineering standards. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control

equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the town is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the town. Nothing in this section shall be construed to prohibit or restrict any other remedy the town has under this chapter, or state or federal law.

The town retains the right to inspect and approve installation of the control equipment. (Ord. #127, Sept. 2000, modified)

**18-408. Enforcement and penalties.** Any person who violates this chapter shall be guilty of a civil violation punishable under and according to the general penalty provision of the town's municipal code of ordinances. Each day's violation of this chapter shall be considered a separate offense. (Ord. #127, Sept. 2000)

## CHAPTER 5

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

#### SECTION

- 18-501. Definitions.
- 18-502. Standards.
- 18-503. Construction, operation, and supervision.
- 18-504. Statement required.
- 18-505. Inspections required.
- 18-506. Right of entry for inspections.
- 18-507. Correction of existing violations.
- 18-508. Use of protective devices.
- 18-509. Unpotable water to be labeled.
- 18-510. Violations.

**18-501. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the town for general use and which supply is recognized as the public water supply by the Tennessee Department of Health and Environment.

(2) "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 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 any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

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

(5) "Interconnection." Any system of piping or other arrangement 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 supply.

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<sup>1</sup>The regulations in this chapter are recommended by the Tennessee Department of Environment and Conservation for adoption by cities.

Municipal code reference

Provisions providing for the administration of the water system:  
title 18, chapter 1.

(6) "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 country. (1990 Code, § 8-401)

**18-502. Standards.** The municipal public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 and 68-221-720, as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1990 Code, § 8-402)

**18-503. Construction, operation, and supervision.** 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 Health and Environment and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the waterworks. (1990 Code, § 8-403)

**18-504. 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 a piping system, shall file with the superintendent of the waterworks a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1990 Code, § 8-404)

**18-505. Inspections required.** It shall be the duty of the superintendent of the waterworks 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 reinspection, based on potential health hazards involved, shall be established by the superintendent of the waterworks and approved by the Tennessee Department of Health and Environment. (1990 Code, § 8-405)

**18-506. Right of entry for inspections.** The superintendent of the waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. 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. (1990 Code, § 8-406)

**18-507. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections 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 the waterworks.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-13-719, within a reasonable time and within the time limits set by the superintendent of the waterworks shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1990 Code, § 8-407)

**18-508. Use of protective devices.** (1) Where the nature of use of the water supplied a premises by the water department is such that it is deemed

- (a) Impractical to provide an effective air-gap separation,
- (b) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water supply, or his designated representative, 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 supply,
- (c) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing,
- (d) There is a likelihood that protective measures may be subverted, altered, or disconnected, the superintendent of the waterworks 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 Health and Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent of the waterworks prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

(2) Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of the waterworks or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(3) 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 it is found that only one unit has been installed and the continuance of service is critical, the superintendent of the waterworks 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 superintendent shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent of the waterworks.

(4) The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute 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 superintendent of the waterworks. (1990 Code, § 8-408)

**18-509. Unpotable water to be labeled.** In order that the potable water supply made available to premises 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

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1990 Code, § 8-409)

**18-510. Violations.** The requirements contained herein shall apply to all premises served by the municipal water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the town to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code of ordinances. (1990 Code, § 8-410)