

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER²

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¹Municipal code references

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²The water and sewer departments of the City of Fairview, Tennessee and the property owned by the water and sewer departments was transferred to the Water Authority of Dickson County. See Ord. #616 of record in the office of the recorder.

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18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1973 Code, § 13-101)

18-102. [Repealed.] (1973 Code, § 13-102, as repealed by Ord. #650, Dec. 2006)

18-103. Obtaining service. Per the requirements of the Water Authority of Dickson County, Tennessee. (1973 Code, § 13-103, as replaced by Ord. #650, Dec. 2006)

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18-105. Service charges for temporary service. Per the requirements of the Water Authority of Dickson County, Tennessee. (1973 Code, § 13-105, as replaced by Ord. #650, Dec. 2006)

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18-107. Main extensions to developed areas. Per the requirements of the Water Authority of Dickson County, Tennessee. (1973 Code, § 13-107, as replaced by Ord. #650, Dec. 2006)

18-108. Main extensions to other areas. Per the requirements of the Water Authority of Dickson County, Tennessee. (1973 Code, § 13-108, as replaced by Ord. #650, Dec. 2006)

18-109. [Repealed.]. (1973 Code, § 13-109, as repealed by Ord. #650, Dec. 2006)

18-110. Meters. Per the requirements of the Water Authority of Dickson County, Tennessee. (1973 Code, § 13-110, as replaced by Ord. #650, Dec. 2006)

18-111. [Repealed.]. (1973 Code, § 13-111, as repealed by Ord. #650, Dec. 2006)

18-112. Multiple services through a single meter. Per the requirements of the Water Authority of Dickson County, Tennessee. (1973 Code, § 13-113, as replaced by Ord. #650, Dec. 2006)

18-113. [Repealed.]. (1973 Code, § 13-114, as repealed by Ord. #650, Dec. 2006)

18-114. Discontinuance or refusal of service. Per the requirements of the Water Authority of Dickson County, Tennessee. (1973 Code, § 13-115, as replaced by Ord. #650, Dec. 2006)

18-115. Re-connection charge. Per the requirements of the Water Authority of Dickson County, Tennessee. (1973 Code, § 13-116, as replaced by Ord. #650, Dec. 2006)

18-116. Termination of service by customer. Per the requirements of the Water Authority of Dickson County, Tennessee. (1973 Code, § 13-117, as replaced by Ord. #650, Dec. 2006)

18-117. Access to customers' premises. The city'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 city, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1973 Code, § 13-118)

18-118. Inspections. The Water Authority of Dickson County 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 Water Authority of Dickson County 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 Water Authority of Dickson County.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the Water Authority of Dickson County liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1973 Code, § 13-119, as amended by Ord. #650, Dec. 2006)

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 Water Authority of Dickson County shall be and remain the property of the Water Authority of Dickson County. Each customer shall provide space for and exercise proper care to protect the property of the Water Authority of Dickson County on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1973 Code, 13-120, as amended by Ord. #650, Dec. 2006)

18-120. Customer's responsibility for violations. Where the Water Authority of Dickson County furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1973 Code, § 13-121, as amended by Ord. #650, Dec. 2006)

18-121. Supply and resale of water. All water shall be supplied within the Water Authority of Dickson County exclusively by the Water Authority of Dickson County 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 Water Authority of Dickson County. (1973 Code, § 13-122, as amended by Ord. #650, Dec. 2006)

18-122. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the city's stop cocks, hydrants, spigots, fire plugs, or valves without permission or authority from the city. When any stop cock or valve for any customer's premises is turned on or off without permission or authority from the city there shall be a rebuttable presumption that the customer committed such act. (1973 Code, § 13-123)

18-123. Damages to property due to water pressure. The city 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 city's water mains. (1973 Code, § 13-124)

18-124. [Repealed.] (1973 Code, § 13-125, as repealed by Ord. #650, Dec. 2006)

18-125. [Repealed.] (1973 Code, § 13-126, as repealed by Ord. #650, Dec. 2006)

18-126. [Repealed.] (1973 Code, § 13-129, as repealed by Ord. #650, Dec. 2006)

18-127. [Repealed.] (1973 Code, § 13-112, as repealed by Ord. #650, Dec. 2006)

18-128. [Repealed.] (as added by Ord. #563, Jan. 2004, as repealed by Ord. #650, Dec. 2006)

18-129. Intent. It is the intent of the Board of Commissioners of the City of Fairview, Tennessee that this section shall be used for the benefit of the city and the Water Authority of Dickson County, Tennessee, and that the provisions of this section shall not preclude or limit either the city or The Water Authority of Dickson County, Tennessee from pursuit of any remedy available to them under appropriate state or federal law wherever and whenever applicable. (as added by Ord. #650, Dec. 2006)

CHAPTER 2

SANITARY SEWER SERVICES¹²

SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
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- 18-204. Use of public sewers.
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- 18-210. Powers and authority of inspections.
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18-201. Purpose and policy. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Fairview and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403).

Whenever in this section reference is made to the city manager or their agent(s), or designated representative shall include the Water Authority of Dickson County, Tennessee. All reports required to be filed and delivered to the city manager shall be required and filed with the Water Authority of Dickson

¹See Ord. #199, of record in the recorder's office, for: "AN ORDINANCE TO ESTABLISH PUBLIC SEWER CAPITAL FEES, INSTALLATION CHARGES AND SITE PLAN ELECTRICAL AND PLUMBING REQUIREMENTS FOR ALL BUILDING PERMITS ISSUED SINCE SEPTEMBER 1, 1987, TO THE DATE WHEN SERVICE BECOMES AVAILABLE IN THE CITY OF FAIRVIEW."

²The water and sewer departments of the City of Fairview, Tennessee and the property owned by the water and sewer departments was transferred to the Water Authority of Dickson County. See Ord. #616 of record in the office of the recorder.

County, Tennessee. All requirements for permits, inspection results etc. billing information and inspections shall be made to the Water Authority of Dickson County, Tennessee. It being the intention of this section that all actions previously conducted by the city relative to this chapter now be performed by the Water Authority of Dickson County, Tennessee, as allowed by existing statutes, regarding the operation of the sewer services for the City of Fairview, Tennessee.

The objectives to this chapter are:

- (1) 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;
- (2) 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;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

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, enforcement of general requirements for all users, authorizes monitoring and enforcement activities, requires industrial user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Fairview and to persons outside the city who are, by contract or agreement with the city, users of the city's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the city manager of the city POTW shall administer, implement and enforce the provisions of this chapter. (Ord. #381, Aug. 1995, as amended by Ord. #650, Dec. 2006)

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 U.S.C. 1251, et seq.
- (2) "Approval authority" - The Tennessee Department of Environment and Conservation, Division of Water Pollution Control and/or any authorized representative thereof.
- (3) "Approved pretreatment program" - The pretreatment program administered by the City of Fairview approved by the Tennessee Department of Environment and Conservation under 40 CFR.

(4) "Authorized representative" - An authorized representative of a 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 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.

An authorized representative of the city may be any person designated by the city to act on its behalf.

(5) "Available" - As used in connection with this chapter means a public sewer located at the property line or point at which connection may be made with the city sanitary sewage collection facilities.

(6) "Biochemical Oxygen Demand (BOD)" - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five (5) days at 20° Centigrade expressed in terms of weight and concentration in milligrams per liter (mg/l).

(7) "Building sewer" - The extension from the building drain to the public sewer or other place of disposal, also called "house connection".

(8) "Building sewer permit" - As set forth in "Building Sewers and Connections" (§ 18-206).

(9) "Categorical standards" - National categorical pretreatment standards or pretreatment standard. Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) and 40 CFR 403 which applies to a specific category of industrial users.

(10) "City" - The City of Fairview, its mayor and board of commissioners, or the city manager of the POTW or his/her designee.

(11) "City manager" - The city manager of wastewater facilities, and/or wastewater treatment works and/or of water pollution control for the City of Fairview or his/her authorized deputy, agent or representative.

(12) "Combined sewer" - Any conduit carrying both sanitary sewage and storm water or surface water.

(13) "Compatible pollutant" - Biochemical oxygen demand, suspended solids and fecal coliform bacteria, plus additional pollutants that the POTW is designed to treat and, in fact, does treat to the degree required by the POTW's NPDES permit.

(14) "24-hr., Flow Proportioned Composite Sample" - A combination of individual samples of water or wastewater taken at selected intervals, or based on quantity of flow for some specified period, to minimize the effect of variability of the individual sample. Individual samples may have equal volume or may be proportioned to the flow at the time of the sampling.

(15) "Control authority" - The term shall refer to the "approved authority" defined hereinabove; or the city manager of the POTW or his/her designer if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

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

(17) "County health department" - The Health Department for Williamson County.

(18) "Dilution stream" - Any wastewater not generated by a process regulated for the specific pollutant by a categorical standard under 40 CFR, Subchapter N.

(19) "Direct discharge" - The discharge of treated or untreated wastewaters directly to the waters of the State of Tennessee.

(20) "Easement" - An acquired legal right for the specific use of land owned by others.

(21) "Environmental Protection Agency or EPA" - The U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or his/her duly authorized representative of said agency.

(22) "Equipment" - All movable, non-fixed items necessary to the wastewater treatment process.

(23) "Federal pretreatment standards" - Federal regulations for pretreatment of industrial wastewater under 40 CFR, Subchapter N and any applicable regulations, as amended.

(24) "Garbage" - The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

(25) "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.

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

(27) "Incompatible pollutant" - All pollutants other than compatible pollutants as defined in this section.

(28) "Indirect discharge" - The discharge or the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act and including holding tank wastes discharged into the system.

(29) "Industrial user" - A source of indirect discharge.

(30) "Industrial waste" - The wastewaters from industrial or commercial processes as distinct from domestic or sanitary wastes.

(31) "Interceptor" - A device designed and installed so as to separate and retain deleterious, hazardous and undesirable matter from domestic wastes

while permitting domestic sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.

(32) "Interference" - The inhibition or disruption of the POTW treatment processes or operations or that which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 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 Substance Control Act, or more stringent state criteria (including those obtained in any state sludge management plan prepared pursuant to Title IV or SWDA) applicable to the method of disposal or use employed by the POTW.

(33) "Maximum daily concentration" - The maximum concentration per day of a pollutant based on the analytical results obtained from a 24-hour composite sample.

(34) "May" - This is permissive.

(35) "National Pollutant Discharge Elimination System or NPDES Permit" - A permit issued pursuant to Section 402 of the Act (33 USC 1332).

(36) "NPDES state" - a state (as defined in 40 CFR, 122.2) or interstate water pollution control agency with an NPDES permit program approved pursuant to Section 402(b) of the Act. In this definition, the state refers to the State of Tennessee.

(37) "Natural outlet" - Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(38) "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 120 days of a proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

(39) "Operation and maintenance expenses" - All annual operation and maintenance expenses including replacement cost works as shown by annual audit.

(40) "Pass through" - The allowable concentration of a parameter allowed by the POTW.

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

(42) "pH" - The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

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

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

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

(46) "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 change(s), or other means, except as prohibited by 40 CFR 403.6(d).

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

(48) "Prohibitive discharge standard" - Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

(49) "Properly shredded garbage" - The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

(50) "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 city. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyance not connected to a facility providing treatment. For the purpose of this chapter "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the jurisdiction of the city who are users to the city's POTW.

(51) "Public sewers" - A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

(52) "Replacement" - Expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(53) "Sanitary sewer" - A sewer that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions.

(54) "Sewage" - The spent water of a community. Domestic or sanitary waste shall mean the liquid or waterborne wastes from residences, commercial buildings and institutions and is distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.

(55) "Sewage system or works" - All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

(56) "Sewer" - A pipe or conduit that carries wastewater or drainage water.

(57) "Sewer user charges" - A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement of such works.

(58) "Shall" - This is mandatory.

(59) "Significant industrial user" - Any user of the city's wastewater disposal system who:

(a) Is subject to a categorical pretreatment standard(s) under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or

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

(c) Has a flow greater than 5 percent of the flow in the city's wastewater treatment system; or

(d) Has in its wastewaters toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules; or

(e) Is found by the city, state approval authority or the U. S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(60) "Significant violation" - A violation that meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) - Violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, Fats, Oil and Grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the city manager determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

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

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or other order issued hereunder for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which the city manager determines will adversely affect the operation or implementation of the local pretreatment program.

(61) "Slug discharge" - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the 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 or flow rate during normal operation and/or adversely affects the POTW.

(62) "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.

(63) "State" - The State of Tennessee.

(64) "Storm drain or storm sewer" - A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

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

(66) "Submission" - The information required by the City of Fairview to administer the approved pretreatment program.

(67) "Surcharge" - A charge for service in addition to the basic sewer user and debt service charge, for those users whose contribution contains biochemical oxygen demand (BOD), chemical oxygen demand (COD), suspended solids (SS) or ammonia nitrogen (N-NH₃) in concentrations which exceed limits specified herein for such pollutants.

(68) "Suspended solids (TSS)" - Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

(69) "Toxic pollutant" - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA Section 307(a) or other Acts.

(70) "Unpolluted water" - Water of quality equal to or better than the treatment works effluent criteria in effects or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(71) "User" - Any person who contributes, causes or permits the contribution of wastewater into the POTW. See definition of person.

(72) "User charge" - The charge levied on all users, including but not limited to, persons, firms, corporations, or governmental entities that discharge, cause, or permit the discharge of sewage into the POTW.

(73) "Wastewater" - The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial wastes. See sewage.

(74) "Wastewater discharge permit" - As set forth in the administration section of this chapter.

(75) "Wastewater facilities" - The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(76) "Wastewater treatment works" - An arrangement of devices and structures for treating domestic wastewaters and sludges. Sometimes used synonymously as "waste treatment plant" or "sewage treatment plant".

(77) "Watercourse" - A natural or artificial channel for the passage of water either continuously or intermittently.

(78) "Waters of the state" - All streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation system, drainage system 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. (Ord. #381, Aug. 1995)

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

BOD	Biochemical Oxygen Demand.
CFR	Code of Federal Regulations.
CWA	Clean Water Act of 1979.

EPA	Environmental Protection Agency.
l	liter.
mg/l	milligram per liter (parts per million).
µg/l	micron per liter (parts per billion).
NPDES	National Pollutant Discharge Elimination System.
POTW	Publicly Owned Treatment Works.
SIC	Standard Industrial Classification.
SWDA	Solid Waste Disposal Act (42 USC 6901, <u>et seq.</u>).
TSS	Total Suspended Solids.
USC	United States Code.

(Ord. #381, Aug. 1995)

18-204. Use of public sewers. (1) Mandatory sewer connection.

(a) (i) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the city 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 sanitary sewer of the city, is hereby required at the owner's 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 thirty (30) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the buildings, or properties used for human occupancy, employment, recreation or other purposes, or is determined by the city to be technically feasible to make said connection.

(The provisions of this section (i) shall not apply to any areas annexed into the City of Fairview, Tennessee, without the owner's consent, which had an existing private sewer system in place and working prior to March 18, 2004, and said areas having been annexed into the City of Fairview prior to March 18, 2004.)

(ii) The provisions of this section (i) shall apply to commercial property not exempted by section (i) of this section.

(b) 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 where public sanitary sewer service is available, as defined in § 18-204(1)(a), except as provided for in "Private Wastewater Disposal" (§ 18-205). The existence within the city, wherever the services of the city sanitary sewage collection, treatment and disposal facilities are available, or may hereafter be made available, of septic tanks, seepage laterals, privies, earth pits, cesspools, sanitary waste vaults, sewage drainage fields, private sewage disposal systems, or any

other such facilities or works for the disposition of sanitary sewage wastes other than the facilities of the city, is hereby declared to be a menace to the public health, safety and general welfare of the citizens and inhabitants of the city and is hereby determined and declared to constitute a public nuisance. The existence of such facilities as toilets, sinks, wash basins, showerbaths, bathtubs, any commercial or industrial machinery or device producing a liquid waste product, etc., in or upon any improved property or sewage collection, treatment and disposal system are available or may hereafter be made available is similarly declared to be a menace to the public health and general welfare for the city and its inhabitants, unless such facilities are connected to the city sewage collection, treatment and disposal system. The city manager may prescribe the type and manner of connection to said facilities, and may require that each connection be supervised and inspected by an authorized and qualified agent of the city sewer department.

(c) (i) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with this chapter, and any septic tank, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed. The first exception being the case in which the City of Fairview annexed property without the owners consent. As long as property owners have a preexisting, permitted, properly operating septic tank, cesspool, or private sewage disposal system, that has not failed and meets all requirement of the department of health, the City of Fairview will not require mandatory connection to the available public sewer system. When the property owner's system fails and the health department refuses to issue a permit for the existing system or a new system, the owners must connect to the public system within thirty (30) days. This section shall apply only to areas of the city annexed without the owner's consent who had an existing private sewer system in place and working prior to March 18, 2004, and said areas having been annexed into the City of Fairview prior to March 18, 2004.

Except for the exclusion provided in this section and after the date of the passage of this ordinance revision, when a public sanitary sewer of the city is located within five hundred (500) feet of the buildings, or properties used for human occupancy, employment, recreation or other purposes or it is determined to be technically feasible to make said connection. The owner is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper

public sewer in accordance with this chapter subject to the following conditions:

(A) If the public sewer line is a pressure line (a line that requires the installation of grinder pumps by the user) no requirement to connect will be required unless and until the owner's present sewer system fails and a permit cannot be obtained to operate the owner's system.

(B) If the public sewer line is of the gravity flow type (no grinder pumps required by the user) the owner shall connect to the public sewer line in accordance with this chapter but said owner shall have a total of three (3) years to make the connection from the date the public sewer line becomes available. A public sewer line shall be deemed available from the first date a customer is connected to the particular section of sewer line.

(ii) When a public sanitary sewer of the city is located within five hundred (500) feet of the buildings, or properties used for human occupancy, employment, recreation or other purposes or it is determined to be technically feasible to make said connection. The owner is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with this chapter subject to the following conditions:

(A) If the public sewer line is a pressure line (a line that requires the installation of grinder pumps by the user) no requirement to connect will be required unless and until the owner's present sewer system fails and a permit cannot be obtained to operate the owner's system.

(B) If the public sewer line is of the gravity flow type (no grinder pumps required by the user) the owner shall connect to the public sewer line in accordance with this chapter but said owner shall have a total of three (3) years to make the connection from the date the public sewer line becomes available. A public sewer line shall be deemed available from the first date a customer is connected to the particular section of sewer line.

(2) Unlawful discharge to storm sewers or natural outlets. (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Fairview or in any area under the jurisdiction of said city or into any sewer which connects to the storm sewer system of the City of Fairview, any objectionable wastewater or industrial wastes.

(b) It shall be unlawful to discharge to any natural outlet within the City of Fairview or in any area under the jurisdiction of said city, any

wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions.

(3) Compliance. Compliance with local, state and federal laws. The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this chapter, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977 and subsequent amendments.

(4) Discharge of unpolluted waters into sewer. (a) No person(s) shall discharge or cause to be discharged through any leak, defect or connection any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The city manager or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. Such waters shall not be removed through the dual use of a sanitary drain sump or a sump pump to building sanitary sewer. Discharge of such waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping system shall be included.

(b) Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved by the city manager. Under no circumstances shall sanitary sewage be discharged to a storm sewer.

(c) The owner(s) of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(5) Substances which interfere. 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 federal categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements. A user shall not contribute the following substances to any POTW:

(a) 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 a wastestream exhibit a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21. 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 any other substances which have a closed cup flashpoint of 140 degrees Fahrenheit (60 Centigrade) or less, and any substance which the city, state or EPA has notified the user is a fire hazard or a hazard to the sanitary sewer system.

(b) Any waters or wastes having a pH lower than 6 or higher than 9 or having any other corrosive property(s) capable of causing damage or hazard to structures, equipment and personnel of the POTW.

(c) Any slug load or pollutants, including oxygen demanding pollutants, released at a flow or concentration that will cause interference with the POTW's operation.

(d) Solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities.

(e) 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 that will result in a treatment plant influent temperature which exceeds 104 Degrees Fahrenheit (40 Centigrade).

(f) Any pollutant(s) which, either alone or by interaction with other substances, produce toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(g) Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance 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.

(h) Any substance which causes the POTW to violate its NPDES permit, sludge disposal permit or the water quality standards of the receiving stream.

(i) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.

(j) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety.

(k) Any trucked or hauled pollutants, except at discharge points designated by the city manager.

(6) Grinder, septic tank use accessibility, pump ownership, electrical hookup are allowed to the City of Fairview sewer system. (Ord. #381, Aug. 1995, as amended by Ord. #549, July 2003; and Ord. #570, April 2004, and Ord. #650, Dec. 2006)

18-205. Private wastewater disposal. (1) Public sewer not available.

(a) Where a public sanitary sewer is not available under the provisions of § 18-204, the building sewer shall be connected, until the public sewer system is available, to a private wastewater disposal system complying with the provisions of applicable local and state regulations.

(b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. When it becomes necessary, the sludge may be disposed of only as approved by the city, by operators licensed by the city for such purposes.

(c) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by applicable local, state or federal regulations.

(d) Industries with current NPDES permits may discharge at permitted discharge points provided they are in compliance with the conditions of said permit.

(2) Requirements for installation. (a) The type, capacity, location and layout of a private sewage disposal system shall comply with all local or state regulations. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the city manager after approval of the system by the local and state authorities if required. The application for such permit shall be made on a form furnished by the city manager which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the city manager.

(b) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities, if required. These authorities shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the city manager when the work is ready for final inspection and before any underground portions are covered.

(c) No certificate shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than seventy-five hundred (7,500) square feet.

(d) Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee, the Williamson Health Department and of the City of Fairview and must be

inspected and approved by the authorized representative of the Williamson County Health Department and by the city manager.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

(3) **Requirements for connections.** (a) Where the building drain of any residence, office, recreational facility or other establishment used for human occupancy is below the elevation to obtain a 1% grade in the building sewer but is otherwise accessible to a public sewer as provided in § 18-204(1)(a), the owner shall provide a private sewage pumping station as provided in § 18-206(3)(c) and (i), unless the property is located in an area where the city is providing pumping stations as a part of the system.

(b) When a public sewer becomes available, the building sewer shall be connected to such public sewer within ninety (90) days of date of notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material. (Ord. #381, Aug. 1995)

18-206. Building sewers and connections. Per Water Authority of Dickson County, Tennessee, standards. (Ord. #381, Aug. 1995, as replaced by Ord. #650, Dec. 2006)

18-207. Pollutant discharge limits. Per Water Authority of Dickson County, Tennessee, standards. (Ord. #381, Aug. 1995, as replaced by Ord. #650, Dec. 2006)

18-208. Pretreatment program administration. Per Water Authority of Dickson County, Tennessee, standards. (Ord. #381, Aug. 1995, as replaced by Ord. #650, Dec. 2006)

18-209. Fees. Per Water Authority of Dickson County, Tennessee, standards. (Ord. #381, Aug. 1995, as replaced by Ord. #650, Dec. 2006)

18-210. Powers and authority of inspections. (1) Right to enter premises. The city manager and other duly promulgated employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for purposes of, but not limited to, inspection, observation, measurement, sampling and testing of discharges to the public sewer system and inspection and copying of all records in accordance with the provisions of this chapter.

(2) Right to obtain information regarding discharge. Duly authorized employees and representatives of the city are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a

direct bearing on the kind and source of discharge to the wastewater collection system.

(3) Access to easements. Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement and sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(4) Safety. While performing the necessary work on private properties referred to in § 18-210(1), all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the facility and the company shall be held blameless for any injury or death to the city employee. The city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this chapter. (Ord. #381, Aug. 1995)

18-211. Enforcement. (1) General. The city through the city manager or his designee, to insure compliance with this chapter, may take the following enforcement steps against users in noncompliance with this chapter. The remedies available to the superintendent include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the city manager of the POTW or his/her designee.

All violations of requirements of this chapter must be reviewed and responded to by the city manager or his representative. In general, the city manager shall notify the industrial user when a violation occurs. For all violations, the city manager shall receive an explanation and, as appropriate, a plan from the industrial user to correct the violation within a specific time period. If the violation(s) persist or the explanation and/or plan are not adequate, the city manager's response shall be more formal and commitments or schedules, as appropriate, for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant violation will require a formal enforcement action. The full scale of enforcement actions will be detailed in the city's pretreatment program Enforcement Response Plan.

(2) Enforcement actions. (a) Informal notice. These actions include statements made to the industrial user during sampling and/or inspection

visits, telephone calls to the appropriate company official, informal meetings, warning or reminder letters. These informal notices shall be used for minor violations.

(b) Formal notice. These actions include the following:

(i) Notice of violation. Any person found to be violating any provision of this chapter, wastewater discharge permit or any order issued hereunder shall be served by the POTW city manager with a written notice stating the nature of the violation. The offender must permanently cease all violations.

(ii) Administrative orders/fines. Any person who, after receiving a notice of violation, continues to discharge in violation of this chapter or other pretreatment standard or requirement or is determined to be a chronic or persistent violator, shall be ordered to appear before the city manager. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user, and good-faith efforts made by the user. The fine shall be a nonarbitrary but appropriate amount.

Users desiring to dispute such fines shall file with the city manager a request for the city to reconsider the fine within ten (10) days of being notified of the fine. The city shall convene a hearing on the matter within fifteen (15) days of receiving such a request from the user. The administrative order may take any of the following four forms:

(A) Consent order. The city manager is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified in the order. Consent orders shall have the same force and effect as all other administrative orders.

(B) Compliance order. When the city manager finds that an industrial user has violated or continues to violate this chapter or permit or order issued hereunder, he may issue an order to the industrial user responsible for the violation directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may

also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(C) Cease and desist order. When the city manager finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the city manager may issue an order to cease and desist all such violations to the user and direct those persons in noncompliance to:

- (1) Comply forthwith;
- (2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(D) Show cause hearing order. The city manager may issue to any user who causes or contributes to violations of this chapter, discharge permit or order issued hereunder, an order to appear and show cause why more severe enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing to be held by the city manager 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 city manager why more severe 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 the facility. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

The city itself may conduct the hearing and take evidence or may designate a representative to:

- (1) Issue in the name of the city 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 city 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 city has reviewed the evidence, it may issue an order to the user responsible for the violation directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Further orders and directives as are necessary and appropriate may be issued. (Ord. #381, Aug. 1995)

18-212. Penalties. (1) Written notice. Any user found to be violating any provision of this chapter or a discharge permit or order issued hereunder shall be served by the city manager or his representative with written notice stating the nature of the violation. The violator shall permanently cease all violations upon receipt of this notice. As contained in § 18-211, the notice may be of several forms. Also as contained in § 18-211, penalties of various forms may be levied against users for violations of this chapter. The penalties shall range from publication of violators to fines up to \$1,000 per day per violation.

(2) Continued violation. Any user who shall violate any provision of this chapter, a discharge permit or other order issued hereunder shall be guilty of a violation of this chapter and shall be liable to the city manager for a civil penalty of up to \$1,000 per violation for each day on which the violation occurs. Each day in which such violation occurs shall be deemed a separate offense.

(3) Revocation of permit. Any user violating any of the provisions of this chapter or discharge permit or other order issued hereunder shall be subject to termination of its authority to discharge sewage into the public sewer system. Such termination shall be immediate if necessary for the protection of the POTW. Said user may also have water service terminated. Any user who violates any condition(s) of this chapter, discharge permit, order or applicable state or federal regulations is subject to having its industrial user discharge permit revoked in accordance with the procedures of this chapter. Violations resulting in immediate permit revocation shall include, but not be limited to, the following:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of its discharge;
- (b) Failure of the user to report significant changes in operation, processes, wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection and sampling; and

(d) Violation(s) of any condition of the industrial user discharge permit.

(4) Liability. Any user violating any of the provisions of this chapter, discharge permit or other order issued hereunder shall become liable to the City of Fairview for any expense, loss or damage occasioned by the city by reason of such violation. This civil liability is as provided by state and federal regulations.

(5) Misrepresentation and/or falsifying documents. Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, reports, plan or other document filed or required pursuant to this chapter or industrial user discharge permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this chapter, shall be punished by a fine of up to \$1,000 or by imprisonment for not more than twelve (12) months or by both.

(6) Destruction of POTW and legal action. No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

(7) Judicial action. If any person(s) discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, discharge permit, any order of the city manager or the city, or federal or state pretreatment requirements, the city may commence an action for appropriate legal and/or equitable relief in the appropriate court of this jurisdiction. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person(s) found to have violated this chapter or the orders, regulations and permits issued hereunder.

(8) Termination of service. The city manager may suspend the wastewater treatment service and/or wastewater discharge permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare for the public, the POTW or the environment. Any user notified of a suspension of the wastewater treatment service and/or the discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city manager shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing

the causes for the harmful contribution and the measures taken to prevent any future occurrence to the city manager.

(9) Criminal prosecution. Any industrial user who willfully or negligently violates any provisions of this chapter, any orders or permits issued hereunder, or any other pretreatment requirements shall, upon conviction, be guilty of a misdemeanor, punishable by a fine up to \$1,000 per violation per day or imprisonment for not more than one year or both. (Ord. #381, Aug. 1995)

18-213. New construction. (1) Plans and specifications. On all new additions to sewage system for single family dwellings containing a grinder pump or above one single family dwelling served by gravity sewer, there shall be two sets of plans and specifications submitted to public works for review by the city and the city engineers.

(2) City specifications. All new work shall be done in accordance with city specification. Any changes in specifications must be submitted in writing to city thirty (30) days in advance for approval by city and city engineers.

(3) Inspections. All new work shall be inspected by city appointed authority. All lines and appurtenances shall be inspected before covering or backfilling. City shall be given twenty-four (24) hour notice before inspection. The city shall have the option to make all taps to main line. However, the city may allow a tap to be made by an approved contractor.

(4) Inspector. The owner or developer shall bear all cost for inspection. Inspector rates shall be twenty dollars (\$20.00) per trip or per hour. (One hour, fifteen minutes will constitute forty dollars (\$40.00).) An increase of twenty percent (20%) per year for inspection fees shall take effect January 1st of each year beginning January 1, 1987.

(5) Contractors. All contractors must be approved by the City of Fairview.

(6) Grades for house sewers. Unless authorized all house sewers shall have a grade of not less than 1/8 inch per foot.

(7) Specific requirements. Rain water leaders, roof leaders, surface or building drains shall not be connected to sanitary sewer system.

(8) As built drawings. After construction of project, contractor will furnish to the City of Fairview two sets of as built drawings.

(9) Gravity sewers. House services on gravity line shall not be less than 4" in diameter and shall have a T or Y brought to grade every 80 feet.

(10) Guarantee and payment. A bond shall be put up on all new work that will be dedicated to the city; all new work done by outside contractors shall be guaranteed for a period of one (1) year after acceptance by the city. Upon acceptance of city manager, the bond will be returned.

(11) Plans approval and easements. All plans must bear the stamp of approval at the Tennessee Department of Environment and Conservation and city engineers prior to issuance of building permit. The contractor shall furnish all easements if any are required before construction.

(12) Survey report. All commercial and industrial users shall fill out and submit a survey report. Before acceptance, a study session of city engineers and city shall review application on amount of discharge and impact to existing system for pretreatment program and loading (hydraulic and organic) to this system.

(13) Expenses. All items listed in this section shall be at the expense of the owner or developer.

(14) Reconstruction. All remodeling or tearing down and building back shall constitute new construction.

(15) Review of plans. All users or expected users of sewer shall submit plans to the city and city engineers for sewer study. Developments of subdivisions, industrial and commercial shall be evaluated for total impact.

(16) Commercial construction. All commercial installation 8' deep or above shall be installed by contractors or developer under approval of city and in accordance with city specifications. (Ord. #381, Aug. 1995)

18-214. Sewage capacity charges. Per Water Authority of Dickson County, Tennessee, standards. (as added by Ord. #525, Aug. 2002, as replaced by Ord. #650, Dec. 2006)

18-215. Permits and tap fees. Per Water Authority of Dickson County, Tennessee, standards. (Ord. #381, Aug. 1995, as amended by Ord. #398, June 1996, and renumbered by Ord. #525, Aug. 2002, as replaced by Ord. #650, Dec. 2006)

18-216. Billing. Per Water Authority of Dickson County, Tennessee, standards. (Ord. #381, Aug. 1995 as amended by Ord. #447, Oct. 1998, and Ord. #469, Sept. 1999, and renumbered by Ord. #525, Aug. 2002, as replaced by Ord. #650, Dec. 2006)

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. "Frost-proof toilets."
- 18-312. Discharge into watercourses restricted.
- 18-313. Pollution of ground water prohibited.
- 18-314. Enforcement of chapter.
- 18-315. Carnivals, circuses, etc.
- 18-316. Violations.

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

(1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.

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

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

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

(5) "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 Health as provided for in its 1967 bulletin entitled

¹Municipal code reference
Plumbing code: title 12, chapter 2.

"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 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.

(6) "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.

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1973 Code, § 8-201)

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. (1973 Code, § 8-202)

18-303. When a connection to the public sewer is required. Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1973 Code, § 8-203)

18-304. 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. (1973 Code, § 8-204)

18-305. 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. (1973 Code, § 8-205)

18-306. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1973 Code, § 8-206)

18-307. 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. (1973 Code, § 8-207)

18-308. 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 § 18-302, or the agent of the owner to provide such facilities. (1973 Code, § 8-208)

18-309. 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. (1973 Code, § 8-209)

18-310. 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. (1973 Code, § 8-210)

18-311. "Frost-proof toilets." After the effective date of these regulations, the installation of a so-called "frost-proof toilet," or any similar device for sewage disposal having connection to a public water supply by means of an underground inlet valve or other type of connection which in case of

malfunction could allow said water supply to be contaminated with sewage, is hereby expressly prohibited.

Any "frost-proof toilet," or similar device for sewage disposal as described in the preceding paragraph, which is already installed when these regulations are adopted and which subsequent to the adoption of these regulations is found to be stopped-up or otherwise in need of repairs and in the opinion of the health officer is endangering a water supply, shall be removed by the owner upon due notification by the health officer, and shall not be replaced except by a flush closet of a type approved by the health officer. (1973 Code, § 8-211)

18-312. 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. (1973 Code, § 8-212)

18-313. 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, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1973 Code, § 8-213)

18-314. 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 thirty (30) 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, and 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. (1973 Code, § 8-214)

18-315. 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 thirty (30) days provided for in the preceding section. (1973 Code, § 8-215)

18-316. 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. (1973 Code, § 8-216)

CHAPTER 4**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**¹**SECTION**

- 18-401. Definitions.
- 18-402. Compliance.
- 18-403. Regulated.
- 18-404. Statement required.
- 18-405. Duties of city manager.
- 18-406. Inspections.
- 18-407. Violations.
- 18-408. Protective devices.
- 18-409. Unsafe drinking water; notice thereof.
- 18-410. Premises affected.
- 18-411. Violations and penalties.

18-401. 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 City of Fairview, Tennessee, for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(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 of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of 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.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1973 Code, § 8-301)

18-402. Compliance. The City of Fairview Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 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. (1973 Code, § 8-302)

18-403. Regulated. 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 the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the city manager of the City of Fairview. (1973 Code, § 8-303)

18-404. 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 city manager 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. (1973 Code, § 8-304)

18-405. Duties of city manager. It shall be the duty of the city manager of the City of Fairview 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 city manager of the City of Fairview and as approved by the Tennessee Department of Health. (1973 Code, § 8-305)

18-406. Inspections. The city manager or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Fairview 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. (1973 Code, § 8-306)

18-407. 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 city manager of the City of Fairview.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the city manager 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. (1973 Code, § 8-307)

18-408. Protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(1) Impractical to provide an effective air-gap separation.
(2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water supply, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the city manager 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 as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the city manager of the waterworks prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the City of Fairview 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 city manager or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the city manager shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply 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 city manager of the City of Fairview.

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 city manager. (1973 Code, § 8-308)

18-409. Unsafe drinking water; notice thereof. 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. (1973 Code, § 8-309)

18-410. Premises affected. The requirements contained herein shall apply to all premises served by the City of Fairview 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 city 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 of the City of Fairview corporate limits. (1973 Code, § 8-310)

18-411. Violations and penalties. The requirements contained herein shall apply to all premises served by the city 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 city 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 subject to a penalty of one hundred dollars (\$100) for each offense. Each day a violation is allowed to occur shall be a separate offense.