

TITLE 18

WATER AND SEWERS¹

CHAPTER

1. WATER AND SEWER SYSTEM ADMINISTRATION.
2. OUTSIDE TOILETS.

CHAPTER 1

WATER AND SEWER SYSTEM ADMINISTRATION

SECTION

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¹Municipal code references

Building, utility and housing codes: title 12

Refuse disposal: title 17

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

18-102. Definitions. (1) "Adequate" shall mean sufficient to perform the function intended.

(2) "Board of Commissioners" shall mean the Board of Commissioners of the Town of Graysville or its successor body.

(3) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

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

(5) "Imminent hazard to the health of the town" shall mean that to a reasonable and prudent man, the good health of any citizen of the Town of Graysville is or can reasonably be expected to be placed in immediate peril.

(6) "Liquid waste disposal system" shall mean a system of disposing of liquid or semi-solid wastes by disposal of said wastes into a closed sewer or closed septic tank via a closed piping system.

(7) "Person" shall mean any individual, corporation, partnership, or joint venture, and/or the agents, employees, successors, and assigns of same.

(8) "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; both improved and unimproved realty.

(9) "Service line" shall consist of the pipe line extending from any water or sewer 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.

(10) "Supervisor of the water system" shall mean that person designated by the board of commissioners to administer and manager the water system.

(11) "Water services" shall mean the supplying of water from the water system.

(12) "Water system" shall mean the governmental or quasi-governmental body providing water to the Town of Graysville and surrounding areas by pumping said water from a source or sources to person using said water.

(13) "Working" shall mean functional. (Ord. # 1979-1, amendment # 1)

18-103. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form contract and pay a service connection fee of twenty-five dollars (\$25.00) for

property owner and fifty dollars (\$50.00) per rental property occupants before service is supplied. The service connection fee shall be refundable. If, for any reason, a customer, after signing a contract for 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 such service.

The receipt of a prospective customer's application for service, 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, the liability of the town to the applicant shall be limited to the return of any service connection fee made by such applicant. (Ord. # 1983-1, modified, as amended by Ord. #2005-4, Oct. 2004)

18-104. Service charges for temporary service and transfer fee.

(1) 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 and/or sewer service.

(2) Transfer fee. All existing customers requiring a transfer of service from one location to another shall first be required to pay a transfer fee in the amount of \$15.00 for administrative costs associated with the transfer. (as amended by Ord. #1999-2, May 1999)

18-105. Connection and reconnection charges.

(1) Connection charges. Service lines will be laid by the town from its mains at the expense of the applicant for service. The location of such lines will be determined by the town.

Before a new water or sewer service line will be laid by the town, the applicant shall pay a nonrefundable connection charge of four hundred twenty-five dollars (\$425.00) per connection for the first twenty-five feet of service line from the water main. There will be an additional charge of five dollars (\$5.00) per lineal foot for each foot of service line laid beyond the initial twenty-five (25) feet.

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 (or property line, in the case of sewers) shall belong to and be the responsibility of the customer.

(2) Reconnection charges. Service termination for any reason shall be reconnected only after the payment of all charges due or satisfactory arrangements for payment have been made, or the correction of the problem that resulted in the termination of service in a manner satisfactory to the water and sewer department, plus the payment of a \$25.00 reconnection charge. (Ord.

1979-1, § 2; Ord. # 1985-4; Ord. # 1992-1, modified; as replaced by Ord. #97-3, July 1997; and Ord. #1999-3, June 1999)

18-106. Water and sewer main extensions.¹ Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

All such extensions shall be installed either by town 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 and/or sewer 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 and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains.

18-107. Water and sewer main extension variances. Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the town and its inhabitants to construct a water and/or sewer 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 mayor and aldermen.

The authority to make water and/or sewer 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.

18-108. 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.

¹Municipal code reference

Construction of building sewers: title 18, chapter 2.

18-109. 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 a test or inspection of its meters at the request of the customer. However, if a test required by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge to cover all costs including but not limited to testing costs, labor and shipping charges. If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (as amended by Ord. #2001-4, Aug. 2001)

18-110. Multiple services through a single meter. No more than one family dwelling or business entity shall be attached to or serviced by a single water meter for any meter installed or replaced after August 3, 1998. (Ord. 1982-5, modified, as replaced by Ord. #1998-1, Aug. 1998)

18-111. Customer billing and payment policy. Water and sewer bills shall be rendered monthly and shall designate a standard net payment period for all members. Failure to receive a bill will not release a customer from payment obligation.

Payment must be received in the water and sewer department no later than 4:30 P.M. on the due date. If the due date falls on Saturday, Sunday, or a holiday, net payment will be accepted if paid on the next business day no later than 4:30 P.M.

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.

18-112. Termination or refusal of service. (1) Basis of termination or refusal. The town shall have the right to discontinue water and sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations, including the nonpayment of bills.
- (b) The customer's application for service.
- (c) The customer's contract for service.

The right to discontinue service shall apply to all water and sewer services received through collective single connections or services, even though more than one (1) customer or tenant is furnished services therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

(2) Prevention and abatement of nuisances. (a) Prior to the installation of water service with the town's water system, a person requesting permission for the tie-in shall give evidence to the supervisor of the water system that the premises to be served shall be connected to an adequate, working liquid waste disposal system. Upon presenting said evidence, the supervisor shall determine whether the used has an adequate, working liquid waste disposal system. If the supervisor finds said disposal system to be working and adequate, he shall authorize installation of water service to the premises. If the supervisor finds said disposal system to be inadequate or not working he shall refuse to authorize installation until said defects are corrected.

(b) If at any time subsequent to thirty (30) days following the second reading of this ordinance, the supervisor shall find that a user or a using premises does not have an adequate or working liquid waste disposal system, he shall immediately notify said user or the owner of said using premises by mail, after which time if the defect is not corrected, the supervisor shall terminate said user's use of the water system.

(c) In the event at anytime subsequent to thirty (30) days following the second reading of this ordinance, the supervisor shall find that a user or using premises does not have an adequate or working liquid waste disposal system and if he further finds that said defect poses an imminent hazard to the health of town, the supervisor shall immediately terminate said user's water use and notify him of same by mail.

(d) In the event of termination of water use pursuant to paragraph (b) and (c) of this section, the supervisor shall not reinstall water service until the defect shall have been corrected and all costs or termination and reinstallation of service shall be charged to the user.

(e) In the event the user fails to abate the nuisance, the town shall bring suit for the abatement of same, and all costs incurred in said suit, including but not limited to court costs and attorney's fees, shall be charged to the user and against the using premises.

(3) Termination of service for non-payment of charges; penalties.

(a) In the event any charge for any user shall be sixty (60) days in arrears, the supervisor shall terminate said service until said charges are paid, including the charge for termination and reinstallation of service and the supervisor shall notify the user of same.

(b) In the event any charge shall have been due for any user for ninety (90) days, all charges then due shall immediately become due and owing and the supervisor shall turn over to the town attorney for collection all such charges. The town attorney shall immediately file suit for collection of same, plus collection of court costs and a reasonable attorney's fee based upon the town attorney's hourly rate. At any time prior to a court hearing on said suit, the user may tender to the town attorney all charges sued for, plus court costs and a reasonable attorney's fee calculated at the town attorney's hourly rate and shall be absolved of any further liability for said suit.

(c) Upon collection of all outstanding charges, the supervisor may, at the request of the user, reinstall water service to the user.

(d) Liability for all charges due and owing shall attach to both the user and the owner of the using premises.

(4) Right to appeal. (a) At any time prior to the filing of suit pursuant to this chapter, a user may appeal any decision by the supervisor to the board of commissioners by giving notice of said appeal in writing to the town recorder, who shall immediately notify the mayor or mayor pro tempore, if the officer of mayor be vacant. The mayor or mayor pro tempore shall upon receipt of said notification cause to be called a meeting of the board no more than eight and no less than five days therefrom for the purpose of considering said appeal. At said meeting, the sole issue to be determined is whether or not the supervisor has acted arbitrarily or capriciously in his decision or action. A majority of those present and voting shall decide said issue. There shall no further appeal lie for said cause. If the board shall find in favor of the user, the decision or actions of the supervisor shall be reversed. If the board sustain the supervisor, said decision or actions shall not be reversed.

(b) Pending determination of an appeal brought by this section the decision or action of the supervisor is stayed; where the decision or action is pursuant to abating an imminent health hazard no stay shall lie pending appeal.

(5) No municipal liability. Nothing in this chapter shall be construed to create a cause of action against the supervisor or the Town of Graysville or any of its agents or employees.

18-113. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract

term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the 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 the ten (10) day period.

(2) During the ten (10) day period, 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.

18-114. 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.

18-115. Inspections. The town shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not in compliance 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.

18-116. 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.

18-117. Customer's responsibility for violations. Where the town furnishes water and/or sewer 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.

18-118. 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. No person shall obtain any alternate source of underground water supply within the town limits. (as amended by Ord. #2001-9, Nov. 2001)

18-119. 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. Any person damaging the fire hydrants or any water works property of the town shall be liable for all damages. (Ord. dated Sept. 19, 1955, modified)

18-120. 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.

18-121. 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.

18-122. 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 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.

18-123. 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.

18-124. Interruption of service. The town will endeavor to furnish continuous water and sewer 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 and sewer systems, 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.

18-125. 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.¹

18-126. Water pressure to newly developing property. The town will guarantee to the customer, 20 pounds of water pressure at the water meter, with a flow of 2 gallons per minute, as mandated by state law.

The location of such water meters shall be determined by the town. (as added by Ord. #97-6, Aug. 1997)

¹Administrative ordinances and regulations are of record in the office of the city recorder.

CHAPTER 2

OUTSIDE TOILETS

SECTION

18-201. Inspection.

18-202. Violation and penalty.

18-201. Inspection. The recorder of this town is empowered to inspect all outdoor toilets. (Ord. # 1980-9)

18-202. Violation and penalty. (1) The board of commissioners has the authority, on recommendation of the recorder, to bring a civil action to abate any nuisance caused by an outdoor toilet.

(2) The recorder may cite into city court any person owning or possessing an outdoor toilet constituting a nuisance.

(3) The city court of the Town of Graysville may impose a fine of no more than fifty dollars (\$50) a day for each day of the existence of such a nuisance against any person found guilty in said court of owning or possessing said nuisance. (Ord. # 1980-9)