

TITLE 18

WATER AND SEWERS¹

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CHAPTER 1

WATER SYSTEM ADMINISTRATION

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18-101. Application and scope. These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1978 Code, § 13-101)

18-102. Definitions. (1) "Municipality" means the board of mayor and aldermen and its duly authorized officers and agents.

(2) "Person" includes firms and corporations as well as individuals.

(3) "Customer" means any person who receives water service from the municipality under either an express or implied contract requiring such person to pay the municipality for such service.

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

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

(6) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is expressly required by an agreement approved by the municipality. The discount date is the last date upon which water bills can be paid at net rates.

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

(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 dwelling. (1978 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made with a duly appointed employee of the municipality and be fully approved before connection or meter installation orders will be issued and work performed. (1978 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing

a contract for water service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a non-refundable connection fee, shall not obligate the town to render the service for which applied. (1978 Code, § 13-104, as amended by Ord. #02-10-A, Nov. 2002)

18-105. Non-refundable connection fee. (1) Town residents. Each prospective water customer who owns property within the corporate limits on which they live shall pay a twenty-five (\$25.00) non-refundable connection fee and each prospective water customer who rents property within the corporate limits on which they live shall pay a fifty-dollar (\$50.00) non-refundable connection fee to secure water and sewer service to his or her residence.

(2) Non-residents. Each prospective water customer who lives outside of the corporate limits shall pay a fifty-dollar (\$50.00) non-refundable connection fee to secure water and sewer service to his or her residence,

(3) Commercial and industrial customers. Each prospective commercial and industrial water customer shall pay a non-refundable connection fee, to be set by the utility board, (board to be appointed by the mayor) based on number of employees, expected usage or history or usage. The customary non-refundable connection fee is based on two (2) months expected average billing. (1978 Code, § 13-105, as replaced by Ord. #95-8, Dec. 1995, and Ord. #02-10-A, Nov. 2002)

18-106. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1978 Code, § 13-106)

18-107. Tapping main and making connections. Service lines will be laid by the municipality from the water main to the property line at the expense of the applicant for service. The location of such lines will be determined by the municipality.

Before a new service line will be laid by the municipality, the applicant shall make a deposit of the following amount with the municipality:

- (1) For a 3/4" or a 1" service line, the cost of which is not estimated to exceed the amount of the applicable deposit provided hereunder:
 - (a) In a dirt or a macadam street \$50.00
 - (b) In an oil macadam or other paved street \$60.00

(2) For a 3/4" or a 1" service line, the cost of which is estimated to exceed the amount of applicable deposit provided in paragraph (1) above, and for all service lines over 1" in diameter, the cost as estimated by the municipality.

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

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. Notwithstanding anything elsewhere herein provided, the municipality shall not be responsible for the maintenance and upkeep of any service line located within the property line of the customer, even though the meter and meter box are located within said property line. (1978 Code, § 13-107)

18-108. Main extensions to developed areas. The provisions of this section shall apply only to water main extensions of 500 feet or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotion, even though accompanied by the erection of occasional houses within such areas.

Owners of property to be served by a proposed water main extension of the character to which this section applies shall pay to the municipality the regular charge for each connection desired immediately and shall also assume one minimum monthly bill for each 100 feet, or fraction thereof, of said proposed extension, the connection charge to be paid and the agreement to pay minimum monthly bills to be signed before the work is begun. The municipality shall require a cash deposit as security for such minimum bill agreement, in an amount that does not exceed the estimated cost of the main extension, before making any such requested extension. Beginning with the completion of the water main extension, such persons shall pay water bills at least equal to the minimum monthly charges agreed upon, until the obligation for the payment of such minimum monthly water bills shall have been assumed by other persons acceptable to the municipality. (1978 Code, § 13-108)

18-109. Main extensions to other areas. The provisions of this section shall apply to all areas to which the preceding section is not applicable.

Customers desiring water main extensions pursuant to this section must pay all of the cost of making such extensions.

All water mains installed pursuant to the provisions of this or the preceding section shall be of cement lined cast iron construction and shall be not less than six (6) inches in diameter, class 150 American Water Works Association standard. All such mains shall be constructed either by municipal forces or by other forces working directly under the supervision of the municipality.

Upon completion of such extensions and their approval by the municipality, such water mains shall become the property of the municipality. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the municipality shall incorporate said mains as an integral part of the municipal water system and shall furnish water therefrom in accordance with these rules and regulations subject always to such limitations as may exist because of the size and elevation of said mains. As further consideration, the municipality shall repay to the person or persons who pay the cost of such water main extension, for a period of five years, but no longer, from the date of completion of said extension the sum of \$50.00 for each tap that is made to such main extension, provided, however, that the total payments shall in no event exceed the cost of the said extension to the person or persons who paid therefor. Provided also, that before making any such payment the municipality shall have the right to require that the customer making the connection in question shall sign a contract for water service for a period of time to be fixed by the municipality, but not to exceed three (3) years.

No repayment shall be made for service line connections not made directly to the water main extension in question, even though such service line connections are made to a main extended from, or receiving water through, the main extension in question. (1978 Code, § 13-109)

18-110. 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 water system to construct a water main extension without requiring strict compliance with the preceding two (2) sections, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the board.

The authority to make water main extensions pursuant to the preceding two (2) sections is permissive only and nothing contained therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (1978 Code, § 13-110)

18-111. Meters. All meters shall be installed, tested, repaired, and removed only by the municipality.

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 municipality. 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. (1978 Code, § 13-111)

18-112. Meter tests. The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

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

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$10.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1978 Code, § 13-112)

18-113. Water rates. (1) All water furnished by the town shall be measured or estimated in gallons to the nearest multiple of one hundred (100) gallons.

A minimum charge of \$7.46 is hereby established for each water customer within the corporate limits of the town, and water charges or water rates to such customers within the corporate limits are as follows:

WATER RATES - INSIDE

First 2,000 gallons	\$7.46 Minimum
Next 3,000 gallons	2.42 per 1,000 gallons
Next 5,000 gallons	2.15 per 1,000 gallons
Next 15,000 gallons	2.10 per 1,000 gallons
Next 25,000 gallons	2.05 per 1,000 gallons
Next 50,000 gallons	2.00 per 1,000 gallons
All over 100,000 gallons	1.89 per 1,000 gallons

(2) A minimum charge of \$14.92 is hereby established for each water customer, exclusive of Mousetail Landing State Park, outside the corporate limits of the town, and water charges or rates to such customers outside the corporate limits are as follows:

WATER RATES - OUTSIDE

First 2,000 gallons	\$14.92 Minimum
Next 3,000 gallons	4.83 per 1,000 gallons
Next 5,000 gallons	4.31 per 1,000 gallons
Next 15,000 gallons	4.20 per 1,000 gallons
Next 25,000 gallons	4.10 per 1,000 gallons
Next 50,000 gallons	3.99 per 1,000 gallons
All over 100,000 gallons	3.78 per 1,000 gallons

(3) A minimum charge of \$500.00 is hereby established for water sold to Mousetail Landing State Park, and water charges or water rates for Mousetail Landing State Park are as follows:

WATER RATES - MOUSETAIL LANDING STATE PARK

First 139,000 gallons	\$500.00 Minimum
All over 139,000 gallons	2.70 per 1,000 gallons

(4) The sewer rates for all customers will be one hundred percent (100%) of the established water rates. (Ord. #88-2, _____, as amended by Ord. #02-3-A, April 2002)

18-114. Multiple services through a single meter. No customer shall supply water service to more than one dwelling or premise from a single service

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

Where the municipality allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1978 Code, § 13-114)

18-115. Fire hydrants. There shall be a charge for fire hydrant rental in the amount of twenty-five dollars (\$25.00) per hydrant per year. (1978 Code, § 13-115)

18-116. Re-connection charge. Whenever service has been discontinued as provided for above, a reconnection charge of not less than an amount equal to five (5) times the minimum water bill shall be collected by the municipality before service is restored. (1978 Code, § 13-117)

18-117. Discontinuance or refusal of service. (1) The board shall have the right to discontinue or refuse to connect water service for nonpayment of a water or sewer bill or for a violation of, or a failure to comply with, any of the following:

- (a) These rules and regulations.
- (b) The customer's application for service.
- (c) The customer's contract for service.

(2) In the event a water and/or sewer bill is not paid on or before the 15th day of the second (2nd) month after the delinquency date thereof, the water service may be discontinued without notice to the customer and not again resumed until all bills are paid. The municipality shall not be liable for damages for discontinuing service in accordance with this section even though payment of such bill is made on the same day either before or after service is actually discontinued.

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

(4) Discontinuance of service by the municipality for any causes stated in these rules and regulations shall not release the customer from liability for

service already received or from liability for payments that thereafter become due under the minimum bill provisions or other provisions of the customer's contract.

(5) The municipality shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, company or firm to which such service is to be furnished, is in default in the payment of any obligation to the municipality or has theretofore had his service discontinued because of a violation of these rules and regulations.

(6) If the municipality should for any reason begin to render service to an applicant to whom it has a good and valid reason for refusing to render such service, said municipality may discontinue such service at any time within one year after it is begun, even though the customer does nothing to justify the discontinuance of service during the time such service is being rendered. (1978 Code, § 13-116)

18-118. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

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

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1978 Code, § 13-118)

18-119. Access to customers' premises. The municipality's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the

municipality, and for inspecting customers' plumbing and premises generally in order to determine that these rules and regulations are being complied with. (1978 Code, § 13-119)

18-120. Inspections. The municipality shall have the right, but shall not be fixed by municipal ordinances regulating plumbing, etc., or obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any plumbing or other installation not in accordance with the standards not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1978 Code, § 13-120)

18-121. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, 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. (1978 Code, § 13-121)

18-122. Customer's responsibility for violations. Where the municipality furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1978 Code, § 13-122)

18-123. Supply and resale of water. All water shall be supplied within the municipality exclusively by the municipality, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the municipality. (1978 Code, § 13-123)

18-124. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, fire plugs, or valves without permission or authority from the municipality. (1978 Code, § 13-124)

18-125. Limited use of unmetered private fire line. Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall give the municipality a written notice of such occurrence as soon as possible. (1978 Code, § 13-125)

18-126. Damages to property due to water pressure. The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (1978 Code, § 13-126)

18-127. Liability for cutoff failures. (1) The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

(c) The municipality 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 municipality's main.

(2) Except to the extent stated above, the municipality 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 municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1978 Code, § 13-127)

18-128. Restricted use of water. In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1978 Code, § 13-128)

18-129. Interruption of service. The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water system, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1978 Code, § 13-129)

CHAPTER 2

SEWER SYSTEM¹

SECTION

- 18-201. Use of system regulated.
- 18-202. Permit and supervision required for connecting to system.
- 18-203. Connection fee and advance deposit required for permit.
- 18-204. Installation of lateral lines, etc.
- 18-205. Sewer service charges.
- 18-206. Disposition of sewer revenues.
- 18-207. Superintendent to manage.
- 18-208. Extension policies.

18-201. Use of system regulated. All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when such rules and regulations have been approved by the board of mayor and aldermen. (1978 Code, § 13-201)

18-202. Permit and supervision required for connecting to system. No premises shall be connected to the public sanitary sewer system without a permit from the town recorder. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1978 Code, § 13-202)

18-203. Connection fee and advance deposit required for permit. No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the town recorder a sewer connection fee in an amount equal to the actual costs of running lines from the sewer to the property for all new services installed and in no event shall this fee be less than sixty dollars (\$60.00). In addition, the applicant shall be required to pay in advance a sum equal to the estimated monthly sewer service charge for such premises. (1978 Code, § 13-203)

19-204. Installation of lateral lines, etc. When connections to the public sanitary sewer system are required and/or permitted the municipality shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract

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

between the board of mayor and aldermen and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1978 Code, § 13-204)

18-205. Sewer service charges. Sewer service charges shall be collected from the person billed for water service to any premises connected to the public sanitary sewer system. The sewer service charge shall be 75% of the water service charge and shall be added to and combined with the water service charge. Both charges shall be collected as a unit and no municipal employee shall accept payment of one charge without the other. Either the water service or the sewer service, or both, may be discontinued in accordance with § 18-117 of this code. (1978 Code, § 13-205)

18-206. Disposition of sewer revenues. The revenues of the sanitary sewer system shall be used as authorized and directed by the sewer bond authorization act. (1978 Code, § 13-206)

18-207. Superintendent to manage. A superintendent of the sewer system appointed by and answerable to the board of mayor and aldermen shall manage the sanitary sewer system. All employees of the system shall be directly responsible to the superintendent. To supplement the provisions of this chapter the superintendent is authorized and directed to enforce such written rules and regulations as he may prescribe provided the board of mayor and aldermen approves them. (1978 Code, § 13-207)

18-208. Extension policies. In so far as practicable, the various policies set forth in the preceding chapter with respect to extending water service facilities shall also apply to extending sewer service facilities except that where, in such provisions, a six inch cement lined cast iron line is specified for water purposes, an eight inch line of salt glazed vitrified clay or other construction approved by the board of mayor and aldermen shall be substituted for sewer purposes. (1978 Code, § 13-208)

CHAPTER 3

SUPPLEMENTARY SEWER REGULATIONS¹

SECTION

- 18-301. Definitions.
- 18-302. Use of public sewers required.
- 18-303. Private sewage disposal.
- 18-304. Building sewers and connections.
- 18-305. Use of the public sewers.
- 18-306. Protection from damage.
- 18-307. Powers and authority of inspectors.
- 18-308. Violations.

18-301. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

¹Municipal code reference

Building, utility and housing codes: title 12.

Cross connections: title 18, chapter 5.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have 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 one-half (1/2) inch (1.27 centimeters) in any dimension.

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

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

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

(14) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

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

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

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

(20) "Superintendent" shall mean the superintendent of the sewage works and/or of water pollution control of the Town of Linden, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (1978 Code, § 13-301)

18-302. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the municipality, or in any area under the jurisdiction, any sewage or other polluted

waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

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

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the municipality, 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 or combined sewer of the municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet (61 meters)¹ of the property line. (1978 Code, § 13-302)

18-303. Private sewage disposal. The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local county and state laws. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the sanitary sewage system is not available. (1978 Code, § 13-303)

18-304. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits:

(a) for residential and commercial service, and

(b) for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

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

¹The state health department's ordinance provides "one hundred (100) feet" but this is inconsistent with its other ordinance which is set forth in title 18, chapter 4. Therefore, this provision has been revised in this code in an attempt to reconcile the two recommended ordinances of the state health department.

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

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

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

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

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

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

(11) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (1978 Code, § 13-304)

18-305. Use of the public sewers. (1) Unpolluted water. No person shall discharge or cause to be discharged any stormwater, surface water, ground

water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.

(2) Prohibited uses. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer or private sewer connecting to the disposal plant:

(a) Any liquid or vapor having a temperature higher than 150° F.

(b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease or exceed a daily average of 25 PPM.

(c) Any grease, oil, or other substance that will become solid or viscous at temperatures between 32 degrees and 150 degrees Fahrenheit, including mineral oils from the viscosity range of kerosene or up.

(d) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas in sufficient quantity to endanger the sewage system.

(e) Any garbage that has not been properly shredded.

(f) Any wastes that contain insoluble solids in excess of 10,000 PPM or exceeds a daily average of 500 PPM or that contains a combination of soluble and insoluble material in excess of 20,000 PPM and must not contain any insoluble substance having a specific gravity greater than 2.65.

(g) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(h) Based upon a single-source flow of 100,000 gallons daily, any wastes containing in excess of 1.0 PPM of chromium, 5.0 PPM of iron, 0.5 PPM of copper, 0.1 PPM of cyanide, 150.0 PPM of chlorine demand, 0.2 PPM phenols, 0.5 PPM of nickel, 0.5 PPM of cadmium, or other metallic compounds sufficient to impair the operation of the sewage treatment processes.

(i) Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having a twenty-four (24) hour average of less than 6.5 or higher than 8.5 or containing a toxic or poisonous substance in sufficient quantity to substantially injure or interfere with any sewage treatment process or constitute a hazard in the receiving waters of the sewage treatment plant. Free mineral acids must be neutralized at the source of entrance into the sewer.

(j) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(k) Any wastes containing any insoluble substance that will not pass a No. 8 standard sieve, or have a dimension greater than one-half (1/2) inch.

(l) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(3) Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients. All interceptors shall be of a type and capacity approved by the superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(4) Interceptor maintenance. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(5) Preliminary treatment facilities. The admission into the public sewers of any waters or wastes having a five day biochemical oxygen demand greater than 300 parts per million by weight or suspended solids, or containing any quantity of substance having the characteristics described in subsection (2), or (3) having an average daily sewage flow of greater than two per cent (2%) of the average daily sewage flow of the Town of Linden, shall be subject to the review and approval of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

(a) reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or

(b) reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection (2), or (3) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Town of Linden or its duly authorized agent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(6) Maintenance of preliminary facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(7) Control manholes. When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(8) Measurements and tests. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in subsection (2) shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in subsection (7), or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(9) Agreements. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment subject to the payment by the industrial concern of the estimated cost of such treatment. (1978 Code, § 13-305)

18-306. Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works or treatment plant. Any person violating this section shall be punished as provided in this code. (1978 Code, § 13-306)

18-307. Powers and authority of inspectors. The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of access to the control manhole (if any) for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter at any time during reasonable or usual business hours. Any person guilty of refusing or obstructing such entries shall be guilty of a violation of this code. (1978 Code, § 13-307)

18-308. Violations. (1) Notice to cease violation. Any person found to be violating any provisions of this chapter except § 18-306 shall be served by the Town of Linden with written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, take such corrective action as may be necessary.

(2) Continued violation. Any person who shall continue any violation beyond the time limit provided for in subsection (1) shall upon conviction thereof, be punished as prescribed in this code. Each day or fraction of a day in which such violation shall continue shall be deemed a separate offense. Any officer, agent, or employee guilty of aiding or abetting such violation, or, being responsible therefor, who refuses or neglects to take corrective action, shall be guilty as a principal.

(3) Civil liability. Any person violating any of the provisions of this chapter shall be liable to the Town of Linden for any expenses, loss, or damage occasioned to the Town of Linden by reason of such violation, and recovery therefor may be had in an appropriate action in any court of competent jurisdiction.

(4) Abatement in equity. Any continued violation, after due notice as provided in subsection (2) shall be deemed a public nuisance, and may be abated by suit in equity by the Town of Linden in any court of competent jurisdiction. This remedy shall be in addition to those heretofore provided for. (1978 Code, § 13-308)

CHAPTER 4

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 18-401. Definitions.
- 18-402. Places required to have sanitary disposal methods.
- 18-403. When a connection to the public sewer is required.
- 18-404. When a septic tank shall be used.
- 18-405. Registration and records of septic tank cleaners, etc.
- 18-406. Use of pit privy or other method of disposal.
- 18-407. Approval and permit required for septic tanks, privies, etc.
- 18-408. Owner to provide disposal facilities.
- 18-409. Occupant to maintain disposal facilities.
- 18-410. Only specified methods of disposal to be used.
- 18-411. Discharge into watercourses restricted.
- 18-412. Pollution of ground water prohibited.
- 18-413. Enforcement of chapter.
- 18-414. Carnivals, circuses, etc.
- 18-415. Violations.

18-401. 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 "Recommended Guide for Location, Design, and Construction of Septic Tanks

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

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. (1978 Code, § 8-301)

18-402. 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. (1978 Code, § 8-302)

18-403. 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. (1978 Code, § 8-303)

18-404. 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. (1978 Code, § 8-304)

18-405. 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. (1978 Code, § 8-305)

18-406. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-402 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1978 Code, § 8-306)

18-407. 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. (1978 Code, § 8-307)

18-408. 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 § 18-402, or the agent of the owner to provide such facilities. (1978 Code, § 8-308)

18-409. 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. (1978 Code, § 8-309)

18-410. 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. (1978 Code, § 8-310)

18-411. 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. (1978 Code, § 8-311)

18-412. 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. (1978 Code, § 8-312)

18-413. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, but such person shall be allowed the number of days herein provided within which to make permanent correction. (1978 Code, § 8-313)

18-414. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1978 Code, § 8-314)

18-415. 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. (1978 Code, § 8-315)

CHAPTER 5**CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹****SECTION**

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

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

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

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

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

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

(5) "Inter-connection." Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

sewage or other waste or liquid which would be capable of imparting contamination to the public water system.

(6) "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative, or federal agency. (Ord. #87-1, ____)

18-502. Standards. The Town of Linden 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 Systems, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #87-1, ____)

18-503. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made; or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and Environment, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the Utilities Manager of the Town of Linden Public Water System. (Ord. #87-1, ____)

18-504. Statement required. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the utilities manager a statement of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. #87-1, ____)

18-505. Inspections required. It shall be the duty of the utilities manager of the public water system to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections, based on potential health hazards involved, shall be established by the Utilities Manager of the Town of Linden Public Water System and as approved by the Tennessee Department of Health and Environment. (Ord. #87-1, ____)

18-506. Right of entry for inspections. The utilities manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Town of Linden Public Water System for the purpose of inspecting the piping system or systems therein for

cross-connections, auxiliary intakes, by-passes, or inter-connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (Ord. #87-1, _____)

18-507. Correction of existing violations. Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the Utilities Manager of the Town of Linden Public Water System.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Town of Linden Public Water System, 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 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, inter-connections, auxiliary intakes, or by-passes 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 corrected immediately. (Ord. #87-1, _____)

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

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system.
- (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 Utility Manager of the Town of Linden Public Water System, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health and Environment as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the Utilities Manager of the Town of Linden Public Water System prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health and Environment. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Town of Linden Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the utilities 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 utilities 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 system 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 Utilities Manager of the Town of Linden Public Water System.

The failure to maintain backflow prevention device(s) in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, by-passing, or altering of the protective device(s) or the installation thereof so as to render the device(s) 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 Town of Linden Public Water System. (Ord. #87-1, _____)

18-509. Unpotable water to be labeled. The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #87-1, _____)

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

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #87-1, _____, as amended by Ord. #00-12-A, Jan. 2001)

CHAPTER 6

CUSTOMER BILLING AND SERVICE POLICY

SECTION

18-601. Customer billing and payment policy.

18-602. Termination or refusal of service.

18-601. Customer billing and payment policy. Water, sewer and gas bills shall be rendered monthly and shall designate a standard net payment period for all members of not less than 15 days after the date of the bill. Failure to receive a bill will not release a customer from payment obligation. There is established for all members a late payment charge not to exceed 10% for any portion of the bill paid after the net payment period.

Payment must be received in the water, sewer and gas department no later than 4:00 P.M. on the due date. If the due date falls on Saturday, Sunday or a holiday, net payment will be accepted on the next business day no later than 4:00 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 city reserves the right to render an estimated bill based on the best information available. (Ord. #95-3, § 1, Sept. 1995)

18-602. Termination or refusal of service. (1) Basis of termination or refusal. The town shall have the right to discontinue water, sewer and gas 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 customers application for service.
- (c) The customers contract for service.

The right to discontinue service shall apply to all water, sewer and gas services received through collective single connections or services, even though more than 1 customer is furnished services.

(2) Termination of service. (a) In the case of termination for nonpayment of bills, the employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination.

(b) Termination will be made on Monday - Thursday only from 7:00 AM until 12:00 Noon.

(c) Service termination for any reason shall be reconnected only after 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, sewer

and gas department, plus the payment of a reconnection charge of \$30.00. Reconnection services will be performed from 7:00 A.M. - 4:00 P.M., Monday thru Friday. (Ord. #95-3, § 2, Sept. 1995)