

TITLE 18

WATER AND SEWERS¹

CHAPTER

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CHAPTER 1

WATER AND SEWERS

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18-101. Application and scope. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1977 Code, § 13-101)

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

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

(3) "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.

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

(5) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1977 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the town before connection or meter installation orders will be issued and work performed. A non-refundable, non-transferable connection fee of \$50.00 shall be required from each and every customer prior to the customer receiving water service at any given address. (1977 Code, § 13-103, modified, and amended by Ord. #347, July 2003)

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

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability

of the town to the applicant shall be limited to the return of any deposit made by such applicant. (1977 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1977 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the town from its mains to the property line. 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 the current price of a tap as set by the mayor and aldermen.

When the applicant requires other than the standard service line and/or meter as used for residential services he shall pay to the town the amount of any excess costs involved.

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. (1977 Code, § 13-106, modified)

18-107. Water and sewer main extensions. Persons desiring water and/or sewer service must pay all of the cost of making such extensions.

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

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 town's 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 said mains. (1977 Code, § 13-108)

18-108. Variances from and effect of preceding section as to extensions. 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.

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. (1977 Code, § 13-109)

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

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1977 Code, § 13-110)

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

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

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

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

| <u>Meter Size</u> | <u>Test Charge</u> |
|-------------------|--------------------|
| All meters | \$25.00 |

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1977 Code, § 13-111, modified)

18-111. Multiple services through a single meter. No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

Where the town allows more than one dwelling or premise to be served through a single service line 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 and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1977 Code, § 13-113)

18-112. Billing. Bills for water and sewer service will be rendered monthly.

Both charges shall be collected as a unit; no town employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the 10th day of the month following that in which the service was furnished, otherwise a ten percent (10%)

penalty will be added. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

In the event a bill is not paid on or before the 20th day of the month following that in which the service was furnished the customer's service may be discontinued. The town shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the 10th day of the month fall on a Sunday or a holiday, the business day next following will be the last day to pay without the penalty. A payment received by mail after the 10th day of the month will be accepted by the town if the envelope is date-stamped on or before the 10th day of the month.

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. (1977 Code, § 13-114)

18-113. Discontinuance or refusal of service. The town shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

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

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

Discontinuance of service by the town for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1977 Code, § 13-115)

18-114. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of twenty-five dollars (\$25.00) shall be collected by the town before service is restored. To restore service after regular business hours a re-connection fee of fifty dollars (\$50.00) shall be paid to the serviceman upon arrival. (1977 Code, § 13-116, modified)

18-115. 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, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1977 Code, § 13-117)

18-116. 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. (1977 Code, § 13-118)

18-117. 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 meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1977 Code, § 13-119)

18-118. 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 properly to care for same, the

cost of necessary repairs or replacements shall be paid by the customer. (1977 Code, 13-120)

18-119. 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. (1977 Code, § 13-121)

18-120. 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. (1977 Code, § 13-122)

18-121. 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. (1977 Code, § 13-123)

18-122. 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. (1977 Code, § 13-124)

18-123. 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. (1977 Code, § 13-125)

18-124. 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. (1977 Code, § 13-126)

18-125. 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. (1977 Code, § 13-127)

18-126. 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 town's 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. (1977 Code, § 13-128)

18-127. Schedule of rates. (1) All water service and sewer service shall be furnished under the following rate schedules:

INSIDE THE CORPORATE LIMITS:

| | |
|---------------------------|--------------------------|
| First 2,500 gallons Water | \$ 10.00 minimum charge |
| Over 2,500 gallons Water | \$ 1.55 per 1000 gallons |
| First 2,500 gallons Sewer | \$ 7.50 minimum charge |
| Over 2,400 gallons Sewer | \$ 2.49 per 1000 gallons |
| Water Taps | \$900.00 (standard size) |
| Sewer Taps | \$700.00 (standard size) |

(2) All water service shall be furnished under the following rate schedule:

WOODBURY UTILITY DISTRICT
OUTSIDE THE CORPORATE LIMITS:

| | |
|---------------------------|--------------------------|
| First 2,000 gallons Water | \$ 13.50 minimum charge |
| Over 2,000 gallons Water | \$ 5.80 per 1000 gallons |

Water Taps \$900.00 (standard size)
(Ord. #270, June 1996, modified, and amended by Ord. #348, July 2003, and
Ord. #349, July 2003)

CHAPTER 2

SUPPLEMENTARY SEWER REGULATIONS¹

SECTION

- 18-201. Definitions.
- 18-202. Use of public sewers required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Use of the public sewers.
- 18-206. Protection from damage.
- 18-207. Powers and authority of inspectors.
- 18-208. Violations.

18-201. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "B.O.D." (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, trades, or businesses as distinct from sanitary sewage.

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

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

¹The regulations in this chapter are substantially the same as those recommended to cities by the Tennessee Department of Health, Division of Sanitary Engineering.

(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 has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 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 watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters 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 in which the 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) "Town manager" shall mean the town manager of the town, 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. (1977 Code, § 13-201)

18-202. Use of public sewers required. (1) It shall be unlawful for any user to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or 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 town, or in any area under its 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 hereafter 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 town 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 town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. (1977 Code, § 13-202)

18-203. Private sewage disposal. The disposal of sewage by means other than the use of the sanitary sewage system shall be in accordance with local 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. (1977 Code, § 13-203)

18-204. 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 town manager.

(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. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the town manager.

(3) All costs and expenses incidental 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.

(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 town manager, 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 code 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 public sewer, 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 connection 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 code 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 town manager before installation.

(10) The applicant for the building sewer permit shall notify the town manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the town manager or the 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. (1977 Code, § 13-204)

18-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Division of Water Quality Control. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Division of Water Quality Control, to a storm sewer, or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation in the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the town manager that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the town manager will give consideration of such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150)° F (65° C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32)° and one hundred fifty (150)° F (0 and 65° C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the town manager.

(d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such

material received in the composite sewage at the sewage treatment works exceeds the limits established by the town manager and/or the Division of Sanitary Engineering, Tennessee Department of Health, for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the town manager as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the town manager in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/l.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the judgment of the town manager, and/or the Division of Sanitary Engineering, Tennessee Department of Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the town manager may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the town manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the town manager, and the Tennessee Department of Health, and subject to the requirements of all applicable codes, ordinances, and laws.

(6) 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, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the town manager, and shall be so located as to be readily and easily accessible for cleaning and inspection.

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

(8) When required by the town manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible at all times.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, 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. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) 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 payment therefor, by the industrial concern. (1977 Code, § 13-205)

18-206. Protection from damage. No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1977 Code, § 13-206)

18-207. Powers and authority of inspectors. (1) The town manager and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The town manager or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1) of this section, the town manager or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(8).

(3) The town manager and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1977 Code, § 13-207)

18-208. Violations. (1) Any person found to be violating any provision of this chapter except § 18-206 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a misdemeanor,

and on conviction thereof shall be fined under the general penalty clause for this municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation. (1977 Code, § 13-208)

CHAPTER 3

WATER RULES AND REGULATIONS

SECTION

- 18-301. Application and scope.
- 18-302. Definitions.
- 18-303. Obtaining service.
- 18-304. Connection fee required.
- 18-305. Minimum charge for water.
- 18-306. Meters.
- 18-307. Refusal of service.
- 18-308. Restricted use of water.
- 18-309. Customer's responsibility for service line.
- 18-310. Customer to provide location for meter box.
- 18-311. Customer liable for damage.
- 18-312. Customer's responsibility for violations.
- 18-313. Extensions.
- 18-314. Limitations on extensions.
- 18-315. Billing; publication of annual statement.
- 18-316. Charges begin when meter is installed.
- 18-317. Customer's desire for service to be suspended.
- 18-318. Power to prorate amount of water customer receives.
- 18-319. Hearings on complaints or adjustment requests.
- 18-320. Cross-connect to other water supplies prohibited.
- 18-321. Discontinuance of service.
- 18-322. Right of inspection.
- 18-323. Amendments of chapter.

18-301. Application and scope. Water will be furnished subject to rules and regulations of the Woodbury Utility District, which rules and regulations, as well as any rules and regulations hereinafter amended, modified or promulgated, are made a part of every application, contract and agreement entered into between the property owner or customer and the district. (Ord. #207, Oct. 1978)

18-302. Definitions. (1) "Customer." The word "customer" will be used in these rules and regulations to designate a person, firm or corporation contracting with the district for the furnishing of water to property, classified as follows:

- (a) A building under one roof and ownership and occupied by one business or as one residence.
- (b) One or more buildings on a single tract of land, all under one ownership and occupied by one family or business.

(c) One side of a double house having a solid vertical partition wall.

(d) A building under one roof and one ownership, but which contains a number of apartments or offices.

(e) A private line owned and maintained by a customer for his individual use only.

(2) "Service connection." The words "service connection" will be used in these rules and regulations to designate the tap on the main together with that portion of the line extending from the tap to the meter; in those installations where the meter is set at or near the property line on the street, highway, or right-of-way on which the main is located, only that portion of the line extending from the tap to and including the meter shall be included as part of the service connection.

(a) In cases where it is necessary to set the meter on the private property of the customer, an easement will be obtained, together with the right of ingress and egress to the meter for the purpose of reading or servicing the same.

(b) All water lines shall be of sufficient size to be compatible with the service needed, in the opinion of the district, for the furnishing of ample water to said customers.

(c) The meter and cut-off valves shall at all times be owned by the district. (Ord. #207, Oct. 1978)

18-303. Obtaining service. Any applicant for water shall file with the Woodbury town manager or some designated representative a written application requesting water service, together with a tap fee of \$615.00. If the service is not available for some reason or other, the tap fee will be refunded. In the event the costs of installation exceed \$615.00, the customer shall pay the actual costs of installation. When the installation of a water tap for the Woodbury Utility District requires boring under the road, the actual cost of the bore shall be charged to the customer in addition to the regular charge for a water tap. (Ord. #207, Oct. 1978, as amended by Ord. #276, July 1997, modified)

18-304. Connection fee required. A non-refundable, non-transferable connection fee of \$50.00 shall be required from each and every customer prior to the customer receiving water service at any given address. (Ord. #207, Oct. 1978, modified, and amended by Ord. #347, July 2003)

18-305. Minimum charge for water. The district shall have a minimum charge of \$12.50 per month per customer for water service regardless of the amount of water used. (Ord. #207, Oct. 1978, modified)

18-306. Meters. The district shall be responsible for installing and maintaining all meters and all service lines running from the main water line

to the meter. The district shall be liable for any injury to person or property occasioned by the negligence of the district in installing and maintaining said service lines and meters or in otherwise maintaining the water works of said district. (Ord. #207, Oct. 1978)

18-307. Refusal of service. The district shall have the right to refuse water service resulting from any causes whatsoever beyond the control of the district, and the district shall not be liable for damages for failure to furnish water for any cause or causes beyond its control. (Ord. #207, Oct. 1978)

18-308. Restricted use of water. The district shall have the right in the case of emergency, water shortage or for any other reason the district may deem proper, to allocate the amount of water used by each customer. (Ord. #207, Oct. 1978)

18-309. Customer's responsibility for service line. The customer shall be responsible for and bear the expense of installing and maintaining the service line from the meter to the property of the customer. (Ord. #207, Oct. 1978)

18-310. Customer to provide location for meter box. When it is necessary, the customer will provide, at no cost, a suitable place for the location of a meter upon customer's property, and will give an easement to the district for any property of the district located upon customer's land. (Ord. #207, Oct. 1978)

18-311. Customer liable for damage. The customer shall be liable for any damage incurred to the district's property resulting from customer's negligence. (Ord. #207, Oct. 1978)

18-312. Customer's responsibility for violations. The district shall, in its discretion, specify how and what uses may be made of water purchased by customer; and if the customer fails to comply with the uses so specified, customer shall be subject to having his water service forthwith terminated. (Ord. #207, Oct. 1978)

18-313. Extensions. In the event the district shall see fit to extend any main line of its water works, the district shall, upon considering all circumstances, determine whether a customer or customers shall bear the expense of this extension. (Ord. #207, Oct. 1978)

18-314. Limitations on extensions. The district shall, at all times, have the right to place discretionary limitations on the extension or extensions of any water main within the district. (Ord. #207, Oct. 1978)

18-315. Billing; publication of annual statement. In the event a customer removes himself or his business from a metered location at which he is receiving water, he shall, if at all possible, give the district 30 days notice of his intention to move. The customer shall be responsible for payment of water consumed up to the date his service is terminated. In the event a customer desires to move to a new location within the district, he shall pay the normal charge of \$615.00 for meter installation together with a \$40.00 connection fee.

The meters in the district shall be read between the 1st and 20th day of each month, and the customer shall receive a bill not later than the 1st day of the succeeding month for water used up the date said meter was read. The customer shall be required to pay his bill not later than the 10th day of the month in which he received his bill. The customer's failure to pay by the 10th day of that month shall constitute a penalty and an additional 10% per cent shall be added to his bill, and he shall have a period of 5 days after the penalty has been added within which to pay the bill. The customer's failure to pay same within the 5 day penalty period shall work a forfeiture upon his right to receive water, and the commissioners may, in their discretion, forthwith terminate his water supply. In the event the delinquent customer wishes to be reinstated as a water customer, he shall pay the sum of \$25.00 for making a re-connection.

Within ninety (90) days after the close of the fiscal year of each district organized and operating under the provisions of this chapter, the commissioners of the district shall publish¹ in a newspaper of general circulation, published in the county in which the district is situated, a statement showing:

- (1) The financial condition of the district at the end of the fiscal year;
- (2) The earnings of the district during the fiscal year just ended;
- (3) A statement of the water rates then being charged by the district, and a brief statement of the method used in arriving at such rates. (Ord. #207, Oct. 1978, modified)

18-316. Charges begin when meter is installed. All water charges begin when the meter is installed. (Ord. #207, Oct. 1978)

18-317. Customer's desire for service to be suspended. If the customer desires the district to suspend his water service, he shall give notice to the district. (Ord. #207, Oct. 1978, modified)

18-318. Power to prorate amount of water customer receives. The district shall have the discretionary power to prorate the amount of water each customer receives. The district shall also have the discretionary right to place any reasonable restrictions it may see fit upon customers' uses of water and the

¹State law reference

Tennessee Code Annotated, § 7-82-401.

district shall have the discretionary power to set a schedule of hours in which water shall be made available for customer uses. (Ord. #207, Oct. 1978)

18-319. Hearings on complaints or adjustment requests. The board of mayor and aldermen may hear any complaints or requests for rate adjustments by a customer or customers, and if said board renders an opinion unfavorable to a customer or customers, the customer shall have his further remedy at law. (Ord. #207, Oct. 1978)

18-320. Cross-connect to other water supplies prohibited. No customer served by the district will be permitted to cross-connect the water service supplied by the district to any other water supplier. No physical connections can be made by the customer to any other distribution system or source other than that furnished by the district. (Ord. #207, Oct. 1978)

18-321. Discontinuance of service. The district shall have the right to discontinue service for the purpose of making any repairs that may be necessary to the main line, service line, or cut-off valves and meters. (Ord. #207, Oct. 1978)

18-322. Right of inspection. The district reserves the right to make an inspection of the plumbing installations on the customer's premises upon giving reasonable notice to said customer. Said inspection will be made for the use and benefit of both the customer and the district during reasonable daylight hours. (Ord. #207, Oct. 1978)

18-323. Amendments of chapter. The foregoing rules and regulations may be amended, modified, enlarged upon or otherwise changed at any time the board of mayor and aldermen deem same necessary. (Ord. #207, Oct. 1978)

CHAPTER 4

**USER CHARGE INDUSTRIAL COST RECOVERY AND
SEWER USE REGULATIONS****SECTION**

- 18-401. Introduction.
- 18-402. Revenues.
- 18-403. Accounting.
- 18-404. Sewage collection and treatment regulations.
- 18-405. Enforcement.
- 18-406. Penalties.
- 18-407. Definitions.

18-401. Introduction. (1) Title. This chapter shall be known as, referred to, or cited as the "USER CHARGE, INDUSTRIAL COST RECOVERY, AND SEWER USE ORDINANCE FOR THE TOWN OF WOODBURY, STATE OF TENNESSEE", and hereinafter referred to as the chapter.

(2) Findings and declaration of policy. The board of mayor and alderman hereby finds that the requirements for the issuance of federal grants and the acceptance of such grants by the Town of Woodbury under Title II of the Federal Water Pollution Control Act Amendments of 1972, as amended, (Public Law 92-500, as amended) and the regulations of the U. S. Environmental Protection Agency as promulgated in the February 11, 1974, Federal Register, Volume 39, Number 39, Part III, for the construction of waste treatment works to improve the quality of effluent discharges from the Town of Woodbury establish:

(a) The necessity of adopting a user charge system that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system;

(b) The necessity of recovering an amount of the grants from a defined set of classes of industrial users in an amount proportionate to the use of that industry of the wastewater treatment facility design, which system is called an industrial cost recovery system; and

(c) The necessity of enacting regulations that control the use and inflow into waste treatment works.

(3) Purpose and intent. The purpose of the chapter is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Town of Woodbury and is designed to provide the legislative enactments required under Public Law 92-500, as amended, and applicable federal regulations for the acceptance of construction grants to improve the quality of effluent discharges from waste treatment works. It is further intended to provide for administration and enforcement of the chapter and to provide penalties for its violations.

(4) Abrogation and greater restrictions. It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(5) Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the town and shall not be deemed a limitation or repeal of any other power granted by the statutes of the State of Tennessee. (Ord. #215-A, _____)

18-402. Revenues. (1) Establishment of revenue system. A user charge shall be assessed to all users by the town board of mayor and alderman in accordance with the provisions of the chapter. The board of mayor and alderman shall recover from industrial users the Public Law 92-500, as amended, federal construction grant amount allocable to the construction of facilities for treatment of wastes from such users by establishing and maintaining an industrial cost recovery system in accordance with the regulations promulgated by the U.S. Environmental Protection Agency. Ad valorem taxes and unit charges levied by ordinance for the operation, maintenance and replacement of Town of Woodbury sewers and sewage works are hereby repealed. The board of mayor and alderman shall, under applicable statutes of the State of Tennessee and town ordinances, levy ad valorem taxes for general obligation bond principal and interest payments and any other purpose provided by law not related to the operation, maintenance, and replacement of the works of the system.

(2) User charge system. (a) Budget and appropriation. The town manager shall annually prepare an estimate of anticipated costs for each category of user charge, as outlined hereafter, for the forthcoming fiscal year. These estimates shall be made in the form of a rate ordinance¹ and shall be proposed to the board of mayor and alderman of the town for enactment by July 1st of each year.

(b) Operating and maintenance charges. (i) Operation and maintenance costs shall be separated in accordance with their applicability to flow, BOD, TSS, toxics, and nontoxic sampling/analysis. The percentage breakdown shall be reviewed each year by the town manager and approved by the board of mayor and alderman.

¹See Ord. #215-B, Annual Unit Rate Ordinance, in the office of the recorder.

(ii) Operation and maintenance costs for flow, BOD, and TSS are totalled for each. The unit charges for each are obtained by dividing the total costs by the previous year's total billable flow in 1000 gallons, billable pounds of BOD, and billable pounds of TSS. To determine the toxics unit charge, the total cost attributable to all the toxics shall be divided by the total number of toxics assigned to be monitored by the town for all industries monitoring for toxics. The monitoring unit charge is obtained by dividing the total non-toxic sampling/analysis costs for all classes of industrial users by the number of industrial users in user class times the number of samplings/analyses per year for that user class.

(c) Replacement charges. (i) The replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the Town of Woodbury, as required, in order to assure the continued peak performance of the equipment and to maintain the capacity for which the sewers and sewage works were designed and constructed. The service life for real and personal property shall be established by the town manager in cooperation with the town auditors, in accordance with experience of the Town of Woodbury, federal guidelines, and accepted accounting procedures. Each piece of equipment shall be evaluated annually to determine if its useful life has been extended as a result of preventative maintenance programs or repairs.

(ii) Yearly replacement costs for each piece of equipment shall be separated in accordance with their applicability to flow, BOD, and TSS. This breakdown shall be reviewed annually by the town manager and approved by the board of mayor and alderman.

(iii) The yearly replacement costs attributable to flow, BOD, and TSS shall be divided by the previous year's total billable flow in 1000 gallons, billable pounds of BOD, and billable pounds of TSS, respectively, and totalled to obtain unit replacement charges.

(d) Toxics charges. For each user discharging toxics, the unit charge for toxics described in § 18-402(2)(b)(ii) shall be multiplied by the number of toxics assigned to be monitored by the Town of Woodbury.

(e) Handling and sampling charges. A unit handling charge per bill to cover the cost of billing and collection shall be assessed against each user. The total administrative and overhead costs associated with billing and collection shall be determined by the town manager. To determine the charge to be assessed against each user, the town manager will divide the total administrative and overhead costs by the forthcoming year's estimated total number of bills to be issued. Industrial users shall be charged an additional amount to cover the cost of wastewater

monitoring, proportionate to the number of times per year their user class is sampled. This additional amount shall be determined as described in § 18-402(2)(b)(ii).

(f) Additional charges. Additional charges shall be billed, as required, for the following:

(i) Actual costs incurred for user-requested samplings and analyses.

(ii) Actual costs incurred for water meter inspection requested by the user or as required because of improper maintenance.

(iii) Actual costs incurred for special handling not provided for elsewhere in this chapter.

(iv) Actual costs incurred for handling a user's check returned because of insufficient funds.

(v) Costs for administering the industrial cost recovery system.

(3) Industrial cost recovery system. (a) Unit charges. The federal grant funds allocated to the Town of Woodbury under Public Law 92-500, as amended, shall be apportioned to each piece of real and personal property constructed under the grant funds. The grant funds for each piece of property shall be further apportioned to flow, BOD, TSS, and divided, respectively, by the sewage work's design flow in one thousand (1000) gallons, pounds of BOD, and pounds of TSS at the completion of construction under the grant to determine the unit charge attributed to flow, BOD, and TSS for each piece of property. The unit charges so determined shall be reviewed annually by the town manager and approved by the board of mayor and alderman.

(b) Industrial cost recovery charges. Unit charges attributed to flow, BOD, and TSS for each piece of property shall be totalled for flow, BOD, and TSS to determine the industrial cost recovery unit charge for each. These industrial cost recovery unit charges shall be levied on each industrial user's actual discharge flow, actual BOD, and actual TSS, minus an allowance in each for flow, and BOD, and TSS for the user's employees' domestic waste load. User's employees' domestic waste load is considered a discharge per capita of one hundred (100) gallons per day at a loading of two hundred (200) milligrams per liter of BOD and two hundred and fifty (250) milligrams per liter of TSS, unless an industrial user can sustain other values.

(c) Industrial cost recovery period. The industrial cost recovery period shall be thirty (30) years, with no charges for interest on the principal except as provided for under § 18-406(2) for late or nonpayment of bills.

(4) Wastewater treatment charges. (a) All users. The basic wastewater treatment bill to be paid by all users shall consist of user

charges for operation, maintenance, and replacement, using the unit charges from § 18-402(2)(b) and (c), and user charges for billing and collection as described in § 18-402(2)(e). The unit charges shall be applied to the user's billable flow, BOD, and TSS, respectively.

(b) Industrial and commercial users. (i) In addition to the basic wastewater treatment bill described in § 18-402(4)(a) for the user charge system, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in § 18-402(2)(e), industrial cost recovery charges as described in § 18-402(2)(e), industrial cost recovery charges as described in § 18-402(3), if applicable, and charges for toxics for each user discharging toxics, as described in § 18-402(2)(d).

(ii) The town shall periodically sample and analyze wastes from selected users in each industrial and commercial user classification to determine the BOD and TSS strengths of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the town manager as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples for the user's classification, and that analysis shall be used as typical of that particular user's waste for billing purposes. Industries with wastes classified by the town manager as having special problems shall, if directed by the town manager, install, at the industry's own cost and in a structure located on the building service line, whatever sampling devices are required by the town manager to obtain exact information about the waste.

(c) Additional charges. Additional charges as described in § 18-402(2)(f) shall, if required, be listed on the wastewater treatment bill.

(5) Wastewater treatment bill. (a) Bill period. A bill shall be produced and submitted to each user once each month.

(b) Payment of bill and discount. A five percent discount, on only the user charge portion of the wastewater treatment bill, shall be given for receipt of payment within fifteen (15) days of the date of billing. After the fifteen (15) day limit, the bill shall be due in full, taking into consideration a grace period to cover handling time by the collecting agent.

(c) Delinquent bills. (i) Any bill not paid four (4) weeks after date of billing shall be declared delinquent and a past due notice issued to the billed party. The past due notice shall contain an additional handling charge to offset all costs incurred for generating and issuing the past due notice. Additional past due

notices containing their respective handling charges shall be issued, if necessary, eight (8) weeks and twelve (12) weeks after date of billing.

(ii) Should a bill still be delinquent one hundred and twenty (120) days after the date of billing, the bill shall be referred to the attorney for the town for collection under the terms and conditions of § 18-406(2).

(iii) Nonreceipt of any bill described in § 18-402(4) shall not release the user of liability for any of those charges. In any case where the user is responsible for the nonreceipt of the bill, the conditions herein described for late payment and penalties shall apply. In those instances where the Town of Woodbury is responsible for the nonreceipt of the bill, the town may, at its discretion, grant the user an extension of the discount period and late payment conditions described herein.

(6) Debt service. General tax revenues shall continue to be collected for general obligation bond principal and interest payments and for public benefit funds, and for any other purpose provided by law not related to the operation, maintenance, and replacement of the waste treatment works. (Ord. #215-A, _____)

18-403. Accounting. (1) User charges. (a) Monies. All user charge monies shall be placed in the general fund. Such monies shall be used only to cover the costs of operation and maintenance, replacement, toxics, handling and sampling, and other costs as outlined in § 18-402(2).

(b) Expenditures. Expenditures shall be made from the user charge monies by the town manager in accordance with the detailed annual budget and ordinances authorized by the board of mayor and alderman.

(c) Replacement reserve expenditures. Expenditures from the accrued replacement reserve on facilities shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life.

(d) Renewals. Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from depreciation and replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed-assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.

(e) Audit. An audit shall be performed annually by a certified public accountant.

(2) Industrial cost recovery charges. (a) Monies. All industrial cost recovery monies shall be placed in the Industrial Cost Recovery Fund.

(b) Disposition of monies. Fifty percent (50%) of the monies collected during the year and certified by the auditors for the town as industrial cost recovery monies, together with the interest accrued thereon, shall be returned to the U.S. Treasury on an annual basis. A minimum of eighty percent (80%) of the retained amounts (40% of the total), together with the interest accrued thereon, shall be placed in an account and pending use these funds shall be invested only in obligations of the U.S. Government or in obligations guaranteed as to the principal and interest by the U.S. Government or any agency thereof. Monies from this account shall be expended only on expansion or reconstruction of the town's collection and treatment works. The EPA Regional Administrator must approve any expenditure from this account. The remaining twenty percent (20%) of the retained amounts (10% of the total), shall be used for any purpose as directed by the Town of Woodbury, but the expenditure of this money shall not affect the proportionality of the user charge. (Ord. #215-A, _____)

18-404. Sewage collection and treatment regulations.

(1) Conditions for discharge into treatment system. (a) Public wastewater collection facilities are required to be used for the deposit of human wastes, garbage, or other liquid wastes that cannot be discharged into a receiving stream or disposed of in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Tennessee Department of Health.

(b) No building or facility shall be connected to any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the Town of Woodbury, except as provided in § 18-404(5).

(c) No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged, upon public or privately-owned property any wastewaters within the corporate limits of the town unless done so within adequately sized holding facilities approved by all applicable federal, state and local agencies.

(d) No person shall deposit or discharge, or cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid, or gaseous waste unless through a connection approved under the terms of this chapter.

(e) No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream or in the air or onto the land, except where the person has made and provided for treatment

of such wastes which will render the content of such wastes' discharge in accordance with applicable town, state, and federal laws, ordinances, and regulations.

(f) In case of natural outlet discharges, at the time construction of the waste treatment works is commenced, each owner or operator shall furnish the town an approved National Pollutant Discharge Elimination System (NPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The NPDES permit shall be kept on file with the town manager and updated by such information as periodically required by the town, local, state, and/or federal agencies.

(g) Any person owning property within the corporate limits of the Town of Woodbury and the property is improved with one or more residences, house, buildings, or structures for or intended for human use, occupancy, employment, or any other similar purpose whatever, and the property abuts on any street, alley, or right-of-way in which there is located a sewer within one hundred (100) feet from the nearest property line shall, within one hundred eighty (180) days after such sewer is in service, at his expense install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the facilities with the sewer in accordance with the terms and provisions of the chapter; provided, however, that in the event compliance with this section of the chapter causes economic hardship to the person, he may apply to the town for exemption. An application for exemption shall state in detail the circumstances which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this chapter shall be made only if the town determines that there is capacity, including BOD and TSS capacity, available in all downstream sewer lift stations and sewer lines and in the treatment plant.

(h) Persons described in § 18-404(1)(e) through (g) shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.

(2) Limitations on discharge. (a) No person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, or unpolluted industrial cooling waters to any sewer connected to the town's waste treatment plant.

(b) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following material to any sewer connected to the town's treatment plant:

(i) Any liquid or vapor having a temperature high enough to create damaging or adverse effects on the treatment

process or to prevent compliance with regulations pertaining to the treatment standards.

(ii) Any waters or wastes which may contain more than one hundred (100) parts per million by weight of fat, oil, grease, or hexane extractable material.

(iii) Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid, or gas of whatsoever kind or nature.

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

(v) Any gases, 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.

(vi) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the waste treatment works.

(vii) Any waters or waste containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals, or that could create any hazard in the receiving waters of the sewage treatment plant.

(viii) Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the town, which agreement may provide for special charges, payments, or provisions for treating and testing equipment.

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

(x) Any amount of the following constituents exceeding that listed below:

| | |
|--------------------------|----------------------------|
| Aluminum | 800.0 Milligrams per Liter |
| Arsenic | 0.25 Milligrams per Liter |
| Barium | 2.0 Milligrams per Liter |
| Boron | 1.0 Milligrams per Liter |
| Cadmium | 2.0 Milligrams per Liter |
| Chlorides | 700.0 Milligrams per Liter |
| Chromium total | 21.8 Milligrams per Liter |
| Chromium (Hexavalent) | 3.6 Milligrams per Liter |

| | |
|---------------------------|-----------------------------|
| Copper | 17.6 Milligrams per Liter |
| Cyanide | 1.2 Milligrams per Liter |
| Fluorides | 2.5 Milligrams per Liter |
| Iron, total | 56.0 Milligrams per Liter |
| Lead | 1.5 Milligrams per Liter |
| Manganese | 1.0 Milligrams per Liter |
| Mercury | 0.0005 Milligrams per Liter |
| Nickel | 6.7 Milligrams per Liter |
| Phenols | 0.3 Milligrams per Liter |
| Selenium | 1.0 Milligrams per Liter |
| Silver | 0.1 Milligrams per Liter |
| Total Dissolved Solids | 1500.0 Milligrams per Liter |
| Zinc | 16.5 Milligrams per Liter |

(xi) Ammonia nitrogen in such an amount that would cause the town to be in noncompliance with regulations of the Tennessee Department of Health.

(xii) No provision of § 18-404(2) shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the U. S. Environmental Protection Agency or the Tennessee Department of Health.

(3) Pretreatment. (a) Grease, oil, and sand interceptors or retainers shall be installed by the user at its own expense when, in the opinion of the town manager, such are necessary for the proper handling of liquid wastes containing grease, oils, or sand in excessive amounts, of any flammable wastes, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the town manager and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the town manager.

(b) Where installed, all grease, oil, and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.

(c) In the event the town approves the admission of any materials into its sewers as set forth in § 18-404(2)(b), the town shall direct the user causing admission of any such materials to, at his own expense, construct, install, and operate such preliminary treatment plants and facilities as may be required in order to:

(i) Reduce the BOD to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight.

(ii) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 18-404(2)(b).

(iii) Control the quantities and rates of discharge of such waters or wastes.

(d) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all town, U. S. Environmental Protection Agency, Tennessee Department of Health, and any other local, state, or federal agency having regulatory authority with respect thereto.

(e) All such preliminary treatment facilities as required by the chapter shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.

(f) No provision contained in the chapter shall be construed to prevent or prohibit a separate or special contract or agreement between the Town of Woodbury and any industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the town for treatment, subject to additional payment therefor by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the board of mayor and alderman.

(g) The town reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.

(4) Private sewage treatment and disposal. (a) Where a public sewer is not available, as set forth in § 18-404(1), the building or structure shall be connected to a private sewer, and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable town, county, state, and federal laws and regulations.

(b) Within one hundred eighty (180) days after a property served by a private sewer or disposal system as described in this section shall become subject to the terms and provisions of § 18-404(1)(g), a direct connection shall be made to the public sewer according to the terms and provisions of the chapter, and all private sewers, disposal systems, septic tanks, cesspools, and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned and all openings, tanks, or other containers of human wastes, garbage and other wastes shall be permanently filled with granular material.

(c) The Town of Woodbury shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system or facility.

(d) No provisions of the chapter shall be construed to provide lesser requirements for private sewers and disposal systems as are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

(5) Service to outlying territory. (a) The Town of Woodbury, by proper resolution of the board of mayor and slderman, shall have the right at its discretion, upon payments, terms and conditions at may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partly outside the town's corporate limits.

(b) In the event a contract is made pursuant to § 18-404(5)(a), a user of any sewer serving property wholly or partly outside the town's corporate limits shall be subject to all of the terms and provisions of this chapter, and in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges, and expenses as would be imposed upon and paid by a user situated within the corporate limits of the town.

(c) If any property of a person desirous of becoming a user is situated outside the corporate limits of the town and not contiguous thereto so that it may not properly be annexed to and become part of the town's corporate limits, the town, at its discretion, may permit such a connection, provided that a contract providing essentially the following be entered into between the town and the user:

(i) The user may connect buildings situated only on the fully-described tract set forth in the agreement and in accordance with all applicable laws, ordinances, and regulations of the town, state, and federal governments.

(ii) The wastes and material discharged shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connections, user, and treatment or service charges which are applicable to all property and users uniformly.

(iii) The user, his successors and assigns, shall, in addition to costs noted previously, pay annually an amount equivalent to town taxes computed in the manner following:

(A) The equalized, assessed value of the user's taxable property, or of any subdivided part or separate tract thereof, as determined by proper authority of Cannon County, Tennessee, shall be multiplied by the town's rate of tax upon real estate and personal property situated within its corporate area for the year, when the tax rate is determined.

(B) The amount, when computed by the town, shall be charged to the user, its successors and assigns, and the statement sent to the user shall be paid within thirty (30) days after the date of sending. Any amount remaining unpaid after due date shall draw interest at the rate of ten percent (10%) per annum until paid.

(C) The amount computed for the use shall be prorated from the date of the contract if the user used the sewer system for only a partial year.

(D) If the user, or any successor or assigns thereof, shall fail to pay the amount when due, each and every sewer upon the property, or any subdivided tract thereof, for which payment is not made shall be disconnected by the owner from any other sewer which was connected under the contract and ultimately attaches to the town treatment plant. The user shall have caused or required its sewer system to be constructed within the property in order that separate tracts may be so disconnected, and hereby gave and granted the town an irrevocable easement for the purpose of going upon the same and disconnecting any such sewer if the producer, its successors or assigns, fails to disconnect promptly when such is required.

(E) In addition to the right of disconnection, town shall have a lien upon the property or subdivided portion of it in the amount of any unpaid charges due therefrom. Upon the filing of notice, the lien shall be deemed perfected, and the lien may be charged and redeemed, or foreclosed and the property sold to satisfy the unpaid charges in accordance with the Tennessee statutes.

(F) The town shall have the additional right to file a civil suit to recover the amount of the lien, the full cost incurred in disconnection, and all its reasonable legal expenses and attorney's fees incurred as a result of the suit.

(G) All amounts charged under § 18-404(5)(c) are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the town is paid in full for all amounts due it, and, in addition, the town shall be paid a deposit equal to the estimated charge for the next succeeding year. This deposit shall be held by the town in escrow, and will be returned upon satisfactory payment of amounts due the town for a period of two years.

(iv) The town shall not, without its prior written consent and acceptance, have dedicated to it, or own, any sewer system installed within the property, and the producer, its successors and assigns, shall maintain the same as its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.

(v) Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and said owner shall have no future liability to the town thereunder in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the Office of the Register of Cannon County, State of Tennessee.

(vi) In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed to the Town of Woodbury by proper ordinance, then the agreement executed pursuant to § 18-404(5)(c), as to such property or the subdivided or separate tract thereof which is so annexed, shall then terminate and be of no further force and effect.

(vii) The agreement executed under § 18-404(5)(c) shall be recorded in the Office of Register of Cannon County, State of Tennessee, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be subject.

(viii) If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors or assigns shall be promptly disconnected from any such system which ultimately connects to the town's waste treatment plant.

(ix) The applicant for treatment service under an agreement pursuant to § 18-404(5)(c) shall agree to assume user charges, industrial waste charges, and capital surcharge, if applicable, and to obtain from the town the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

(6) Discharge permits. (a) The Town of Woodbury reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, If the town does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the town. Upon official notification from the town, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within ninety (90) days from the date of such notification.

(b) Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, 1972 Edition, as amended and supplemented, are adopted by the board of mayor and alderman as

the basis for the issuance of discharge permits for building connections to a sewer.

(c) The application for a discharge permit shall be made on a form provided for that purpose by the town and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent, or representative thereof, and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information, as may be required by the board of mayor and alderman. The town manager shall also have, at his discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

(d) No fee shall be charged for a discharge application or permit.

(e) No discharge permit shall be issued by the town to any person whose discharge of material to sewers, whether shown upon the application to be determined after inspection and testing conducted by the town manager, is not in conformance with federal, state, or town statutes, ordinances, rules, and regulations, unless a waiver or variance of such standards and requirements is granted by the board of mayor and alderman in the manner hereinafter set forth. The town manager shall state in writing the reason or reasons for denial or requirement for waiver-variance and said written communication shall be mailed or personally delivered to the applicant within ten (10) days after denial.

(f) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the town, in the same manner and form as originally made.

(g) If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the town manager, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of § 18-404(6)(e), and a waiver or variance is required, the user may have the board of mayor and alderman review the denial or may request waiver-variance, provided the user shall give written notice of his request within thirty (30) days after receiving the denial. The board of mayor and alderman shall review the permit application, the written denial, and such other evidence and matters as the applicant and town manager shall present at its next regular meeting following receipt of request for its review, and the decision of the board of mayor and alderman rendered publicly at said meeting shall be final.

(h) In the event that any discharge of material to a sewer shall materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the board of mayor and alderman, cease and desist from such

discharge and shall also be subject to disconnection, fine, and other penalties provided by this chapter.

(i) A grant of waiver or variance by the board of mayor and alderman may set forth such conditions, exceptions, time limitations, durations, and expirations as the board of mayor and alderman deems necessary and proper.

(7) Construction of sewers and connections for buildings. (a) 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 code or other applicable rules and regulations of the Town of Woodbury. In the absence of code provisions or in amplifications 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.

(b) A construction permit shall first be applied for and obtained from the town before a person, after the effective date of this chapter, can connect to any sewer located on properties within the corporate limits of the town or on properties outside the town where services have been contracted for with the town.

(c) Construction permits shall not be issued unless it has been determined by the town that there is capacity available in all downstream sewerage facilities.

(8) Reporting criteria for nonresidential users. (a) The Town of Woodbury reserves the right to require any nonresidential user to submit quarterly to the town, on forms provided by the town, a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the town or to any sewers connected to its treatment works. This statement shall be filed with the town manager no later than the tenth (10th) day of the month following the quarter for which the report is required.

(b) The waste characteristics to be measured and certified by the user shall be:

- (i) BOD in milligrams per liter.
- (ii) Suspended solids in milligrams per liter.
- (iii) Such other constituents of wastewater as directed by the town manager.

(c) Should there be a difference in understanding between the town and user as to the characteristics in § 18-404(8), the town reserves the right to use the town results from analyses for purposes of billing. Should submission not be made during the ten (10) day period, the town shall use its results from analyses for purposes of billing.

(d) Whenever required by the town, the owner of any property services by a building sewer carrying nonresidential wastewater and

material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications approved by the town manager and installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely, easily, and independently (of other premises and buildings of user) accessible to authorized representatives of the town at all times. Where construction of a sampling chamber is not economically or otherwise feasible, alternate arrangements for sampling may be arranged at the discretion of the town manager.

(e) Each sampling chamber shall contain a Parshall flume, weir, or similar device with a recording and totalizing register for measuring liquid quantity; or the metered water supply to the industrial plant may be used as measure of liquid quantity where it is substantiated by the town manager that the metered water supply and waste quantities are approximately the same or where a measurable adjustment agreed to by the town manager is made in the metered water supply to determine the liquid waste quantity.

(f) Samples shall be taken every hour or half hour, as determined by the town manager, and properly refrigerated and composited in proportion to the flow for a representative twenty-four (24) hour sample. Such sampling shall be done as prescribed by the town manager to insure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include reevaluation during each twelve (12) month period. The determination of representative quantities and characteristics shall include not less than seven (7) consecutive calendar days of twenty-four (24) hour composite samplings taken during periods of normal operation, together with acceptable flow measurements.

(g) The sampling frequency, sampling chamber, metering device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the town manager.

(h) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the standard methods specified in § 18-407(64) or with any other method approved by the board of mayor and alderman.

(i) The board of mayor and alderman may elect, at its option, to have the metering and sample collection done by the industrial plant personnel and have composite samples delivered to the town's laboratory for analysis. This procedure can also be terminated at any time by the board of mayor and alderman upon reasonable notice.

(9) Septic haulers. (a) Nonindustrial users hauling liquid wastes to the treatment plant shall be assessed user charge unit charges for

billable flow, billable BOD, and billable TSS; the volume of which is determined by the town manager.

(b) Industrial users hauling liquid wastes to the treatment plant shall be assessed user charges as described in § 18-404(8)(a)-(c), and shall be assessed industrial cost recovery unit charges on the billable flow, actual BOD, and actual TSS as described in § 18-404(9)(a).

(c) Liquid wastes hauled to the treatment plant containing concentrations of constituents in excess of the limits set forth in § 18-404(2) shall not be accepted. (Ord. #215-A, _____)

18-405. Enforcement. (1) Inspection rights. Any duly authorized employee or agent of the town bearing proper credentials and identification shall be permitted at any time to enter upon all properties within the corporate limits of the town or outside a town, that has contracted for wastewater treatment service, for the purpose of inspecting, observing, measuring, sampling, and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this chapter.

(2) Liability during inspections. While performing the necessary work on private properties referred to in § 18-405(1), the duly authorized employees of the town shall observe all safety rules applicable to the premises established by the commercial or industrial user, and the user shall be held harmless for injury or death to the town, and the town shall indemnify the user against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions. (Ord. #215-A, _____)

18-406. Penalties. (1) Violations of regulatory provisions. (a) Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a forfeiture in an amount not to exceed fifty dollars (\$50.00) for each violation in accordance with Tennessee Code Annotated, § 6-2-201. For the purpose of this section, each day that a violation exists or continues shall constitute a separate offense.

(b) A person who is subject to a forfeiture for violating any provision of this chapter may be committed to the county jail until the forfeiture and costs are paid; provided, however, that no such incarceration shall exceed ten (10) days for any one violation. For each day of confinement, the committed person shall be allowed, exclusive of his board, a credit of five dollars (\$5.00) toward the forfeiture and costs.

(c) Any person who shall violate any provision of this chapter shall also be:

(i) Liable to the town for all costs, expenses, loss, or damage, if any, incurred by the town as the result of such violation.

(ii) Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation occurred.

(iii) Subject to a lien upon said property in the amount of any costs described in § 18-406(1)(c)(i).

(2) Nonpayment of bills. (a) Lien. Whenever wastewater treatment bills, industrial cost recovery, or capital surcharge bills become delinquent as set forth in § 18-402, the same shall become and constitute a lien upon the real estate to which sewer service is supplied pursuant to the terms and provisions of Tennessee Code Annotated, § 6-35-414. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served. The claim for lien shall be made in the form of a sworn statement setting forth:

(i) A description of the real estate, sufficient for the identification thereof, upon or for which the sewerage service was supplied;

(ii) The amount or amounts of money due for such sewerage service; and

(iii) The date or dates when such amount or amounts became delinquent.

If all amounts shown due remain unpaid after recording as provided by state statutes, the board of mayor and alderman may foreclose the lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

(b) Civil action. In the alternative of levying a lien, the town may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney's fees incurred by the town in filing the civil action. Such attorney's fees shall be fixed by order of the court.

(c) Interest. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the rate of ten percent (10%) per annum.

(d) Filing fees. In all cases where the sewer user charge payment has become delinquent and board of mayor and alderman elects to file a statement thereof in the office of county court clerk, as hereinabove set forth, there shall be added to the amount due the town such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum

established by the board of mayor and alderman as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the town manager or a duly appointed employee of the town shall be authorized and directed to include such additional costs in the amount claimed due the town in the notice of lien.

(e) Revocation of permits and disconnecting of service. The board of mayor and alderman reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment, industrial cost recovery, or capital surcharge bills become delinquent.

(f) Deposit of future payments. All amounts charged under § 18-406(2) continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the town is paid in full for all amounts due it, and in addition, there shall be paid to the town a deposit equal to an estimated amount of such charge for the next succeeding year. Such a deposit shall be held by town in escrow, and will be returned upon satisfactory payment of all bills for a period of two years. (Ord. #215-A, _____)

18-407. Definitions. For the purpose of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory, while the word "may" is permissive.

(1) "Accrued reserves" shall mean a method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an on-going, on-line waste treatment facility.

(2) "Act" shall mean the Federal Water Pollution Control Act Amendments of 1972, as amended, Public Law 92-500, as amended, 33 U.S.C. para. 1251 et seq. (Supp.IV, 1974).

(3) "Administrator" shall mean the Regional Administrator of Region 4 of the U. S. Environmental Protection Agency.

(4) "Audit" shall mean an audit as a separate report from other funds and shall cover the following:

- (a) Financial operations are properly conducted;
- (b) Financial reports are presented fairly;
- (c) Applicable laws and regulations have been complied with;
- (d) Resources are managed and used in an economical and efficient manner;
- (e) Desired results and objectives are being achieved in a financially effective manner; and

(f) Records of audit of the industrial cost recovery system (ICRS) charges and expenditures are being retained for the useful life of the improvement.

(5) "Authorized expenditures" shall mean those expenditures authorized by the board of mayor and alderman and made payable from the accounts kept for the expenditures of the user charge and industrial cost recovery systems. Expenditures from the reserve funds shall be limited to those for which the fund was created.

(6) "Billable Biochemical Oxygen Demand (BOD)" shall mean a user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the town manager. Minimum waste strength of BOD shall be the domestic waste concentration of two hundred (200) milligrams per liter for the purpose of billing for user charges.

(7) "Billable flow" shall mean a user's recorded monthly water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered data, times the town approved percentage factor for wastewater entering the sewer system out of the metered water. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.

(8) "Billable Total Suspended Solids (TSS)" shall mean a user's loading in pounds of TSS calculated using the billable flow and concentration of TSS in the waste as determined by the town manager. Minimum waste strength of TSS shall be the domestic waste concentration of two hundred and fifty (250) milligrams per liter for the purpose of billing for user charges.

(9) "Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade.

(10) "Building drain - sanitary" shall mean that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins three (3) feet outside the building wall.

(11) "Building drain - storm" shall mean that part of the lowest horizontal piping of a drainage system which receives stormwater or other clearwater discharge, but receives no wastewater from sewage or other drainage pipes, and is located inside the walls of a building and conveys the sewage to the building sewer, which

(12) "Building sewer - sanitary" shall mean the extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known as a house connection.

(13) "Building sewer - storm" shall mean the extension from the building drain to the public sewer or other place of disposal and conveys

stormwater or other clearwater drainage, but no sanitary or industrial sewage. This is also known as a house connection.

(14) "Classes of users" means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial, or governmental.

(15) "Collection sewer" shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(16) "Combined sewage" shall mean a combination of both wastewater and storm or surface water.

(17) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

(18) "Commercial user" shall mean, for the purpose of the user charge system, a user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service.

(19) "Compatible pollutant" means BOD, suspended solids (SS), pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly-owned treatment works was designed to treat such pollutants and, in fact, does remove them to a substantial degree.

(20) "Deposited" shall mean placing funds in control of the Board of Mayor and Alderman, of the Town of Woodbury and, if said deposit is in the form of a bank check, deposit shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.

(21) "Depreciation" shall mean an annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties.

(22) "Dissolved solids" shall mean that concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

(23) "Town" shall mean the Town of Woodbury, Tennessee.

(24) "Town manager" shall mean an administrator of the Town of Woodbury.

(25) "Domestic level user or residential user" shall mean, for the purpose of the user charge system, a user whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from the normal living activities of its inhabitants.

(26) "Easement" shall mean an acquired legal right, less than fee simple, for the specific use of land owned by others.

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

(28) "Floatable oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the town.

(29) "Force main" shall mean a pipe in which wastewater is carried under pressure.

(30) "Functional betterment" shall mean a process improvement in the increased size facilities or a process improvement in existing facilities that is directly anticipated to preclude physical betterments or is an indirect improvement to the process as a result of renewal on a cost effective basis.

(31) "Functional obsolescence" shall mean the process deficiency of a functional element of a plant beyond the capacity of a preventive maintenance program to such extent that a new process device or piece of equipment would be more cost effective.

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

(33) "Incompatible pollutant" shall mean any nontreatable waste product including nonbiodegradable dissolved solids.

(34) "Industrial cost recovery system" shall mean the system of charges levied to recover from the industrial users of the wastewater treatment facilities the federal grant amount, issued under Public Law 92-500, as amended, allocable to the construction of facilities for treatment of wastes from such industrial users. These charges are separate from and not a part of the wastewater treatment bill whose constituent elements include the user charge system and the billing and collection charge.

(35) "Industrial user" shall mean, for the purpose of the user charge system, a manufacturing or processing facility which is engaged in a production or profitmaking venture. For the purpose of the industrial cost recovery system, an industrial user shall mean any nongovernmental user of publicly-owned treatment works, identified in the Standard Industrial Classification Manual, 1972, as amended and supplemented, prepared by the Statistical Policy Division, Office of Management and Budget, including, but not limited to the following divisions:

- (a) Division A - Agriculture, Forestry, and Fishing.
- (b) Division B - Mining.
- (c) Division D - Manufacturing.
- (d) Division E - Transportation, Communications, Electric, Gas and Sanitary Services.
- (e) Division I - Services.

A user identified in the Standard Industrial Classification Manual may be excluded from the industrial cost recovery system if it is determined by the town manager that the industry will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

(36) "Infiltration" shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints,

connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

(37) "Infiltration/inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

(38) "Inflow" shall mean the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.

(39) "Interceptor sewer" shall mean a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

(40) "Board of mayor and alderman" shall mean the governing body of the Town of Woodbury.

(41) "National pollutant discharge elimination permit" shall mean a permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of Public Law 92-500, as amended.

(42) "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(43) "Normal domestic strength sewage", as defined for the purposes of the chapter, shall mean wastewater or sewage having an average daily suspended solids (SS) concentration of not more than two hundred and fifty (250) milligrams per liter and an average daily BOD of not more than two hundred (200) milligrams per liter.

(44) "Operation and maintenance costs" shall include all costs, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewaters, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

(45) "Person" shall mean any individual, firm, company, association, society, corporation, or group discharging any wastewater to the wastewater treatment facility.

(46) "Personal property" shall mean, for the purpose of the user charge system, all equipment owned by the Town of Woodbury, and used in the transport and treatment of sewage. Such equipment must be mechanical, electronic, or electrical or have movable parts.

(47) "pH" shall mean the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

(48) "Physical betterment" shall mean the expansion of a physical facility to increase capacity of the treatment works.

(49) "Physical obsolescence" shall mean the material deficiency of a functional element of a treatment plant to a point that repair as normal or preventive maintenance is not cost-benefit effective.

(50) "Pretreatment" shall mean the treatment of industrial sewage from privately-owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly-owned treatment works.

(51) "Private sewer" shall mean a sewer which is not owned by the Town of Woodbury.

(52) "Public sewer" shall mean a sewer which is owned and controlled by the Town of Woodbury and is separate from and does not include sewers owned by other governmental units.

(53) "Pumping station" shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

(54) "Real property" shall mean, for the purpose of the user charge, all fixed physical facilities owned by the Town of Woodbury and used in the transport and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.

(55) "Renewal costs" shall mean the expenditures from reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.

(56) "Replacement costs" shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "Operation and Maintenance Costs," as defined in § 18-407(44), includes replacement costs.

(57) "Replacement reserve" shall mean an account for the segregation of resources to meet capital consumption of personal or real property.

(58) "Retained amount" shall be the amount of money held in trust and deposit for the expansion of the facilities, together with the interest earned thereon, for the proration of the industrial cost recovery system fund.

(59) "Sanitary sewer" shall mean a sewer which carries only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants, and institutions and to which storm, surface, and ground water are not intentionally admitted.

(60) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.

(a) "Sanitary sewage" shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

(b) "Industrial sewage" shall mean a combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.

(c) "Combined sewage" shall mean wastes, including sanitary sewage, industrial sewage, stormwater, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.

(61) "Shredded garbage" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.25 centimeters) in any dimension.

(62) "Significant industry" shall mean any industry that will contribute greater than ten percent (10%) of the design flow and/or design pollutant loading of the treatment works.

(63) "Sludge" shall mean any discharge of water or wastewater in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the allowable concentration or flows during a normal working day (i.e., 1, 2 or 3 shift operation) and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(64) "Standard methods" shall mean the laboratory procedures set forth in the following sources: Standard Method for the Examination of Water and Wastewater, 13th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; Methods for Chemical Analysis of Water and Wastes, 1971, prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; "Guidelines Establishing Test Procedures for the Analysis of Pollutants," enumerated in 40 C.F.R., para. 136.1 et seq. (1975), as amended; and/or any other procedures recognized by the U.S. Environmental Protection Agency and the Tennessee Department of Health.

(65) "Storm sewer" shall mean a sewer that carries only storm waters, surface run-off, street wash, and drainage and to which sanitary and/or industrial wastes are not intentionally admitted.

(66) "Summer quarter" shall mean the user's quarter starting in June, July, or August and ending accordingly in August, September, or October.

(67) "Suspended Solids (SS) or Total Suspended Solids (TSS)" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and is removable by laboratory filtration as prescribed in the "Standard Methods" enumerated in § 18-407(64).

(68) "Total solids" shall mean the sum of suspended and dissolved solids.

(69) "Toxic amount" shall mean concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of Public Law 92-500, as amended.

(70) "Unpolluted water" is water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(71) "Useful life" shall mean the anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be reevaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments, direct or indirect.

(72) "User charge system" shall mean the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.

(73) "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at five hundred (500) degrees Centigrade for fifteen (15) minutes.

(74) "Wastewater treatment works" shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

(75) "Watercourse" shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

(76) "Water works" shall mean all facilities for water supply, treatment, storage reservoirs, water lines, and services and booster stations for obtaining, treating, and distributing potable water. (Ord. #215-A, _____)

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 may be required.
- 18-509. Certain water outlets to be labeled as unsafe.
- 18-510. Violations.

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

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

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

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

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

(5) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

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

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (1977 Code, § 8-301)

18-502. Standards. The Woodbury public water supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1977 Code, § 8-302)

18-503. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection, auxiliary intake, by-pass, or interconnection to be made; or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Health and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the town manager. (1977 Code, § 8-303)

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 town manager a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1977 Code, § 8-304)

18-505. Inspections required. It shall be the duty of the Woodbury Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved, shall be established by the town manager and as approved by the Tennessee Department of Health. (1977 Code, § 8-305)

18-506. Right of entry for inspections. The town manager or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Woodbury public water supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1977 Code, § 8-306)

18-507. Correction of existing violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the town manager. (1977 Code, § 8-307)

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

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

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the town 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 only one unit is installed and the continuance of service is critical, the town 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, 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 town manager. (1977 Code, § 8-308)

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

WATER UNSAFE
FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1977 Code, § 8-309)

18-510. Violations. Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined under the general penalty clause for this municipal code. In addition to the foregoing fines and penalties, the town manager shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, in violation of this chapter and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or inter-connection has been discontinued. (1977 Code, § 8-310)