

**TITLE 18**

**WATER AND SEWERS<sup>1, 2</sup>**

**CHAPTER**

1. WATER.
2. WATER POLICY.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. SEWER SYSTEM.
5. PRIVATE WATER WELLS.

**CHAPTER 1**

**WATER<sup>3</sup>**

**SECTION**

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Underground utilities: title 19.

<sup>2</sup>Ord. #85-06, April 2006 (and any amendments) adopts decentralized sewer design and construction standards, and is of record in the recorder's office.

<sup>3</sup>Municipal code reference

Automatic sprinkler systems: title 20.

Fire hydrant water pressure: § 7-301.

Plumbing code: title 12, chapter 2.

- 18-119. Supply and resale of water.
- 18-120. Unauthorized use or interference with water.
- 18-121. Limited use of unmetered private fire line.
- 18-122. Damages to property due to water pressure.
- 18-123. Liability for cutoff failures.
- 18-124. Restricted use of water.
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- 18-126. Installation of water supply lines within a subdivision.
- 18-127. New construction must tie into existing water main.

**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (Ord. #2-83, May 1983)

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

(2) "Discount date" shall mean the date ten (1) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

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

(4) "Household" means any (1) or more person(s) living together as a family group.

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

(6) "Service line" shall consist of the pipe line extending from any water main of the city to private property. The service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box. (Ord. #2-83, May 1983)

**18-103. Obtaining service.** A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed. (Ord. #2-83, May 1983)

**18-104. Application and contract for service.** Each prospective customer desiring water 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 water service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish and service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the city to the applicant for such service shall be limited to the return of any deposit made by such applicant.

The City of Piperton specifically reserves the right to grant or deny water service to any prospective customer outside its corporate boundaries. In no event shall water service be provided to any structure where the provision of such water would in any manner compromise the public health, safety and general welfare of Piperton's citizenry, such determination to be made solely by the said city. In any agreement by the City of Piperton to provide water service outside its corporate boundaries, such agreement must allow the city to discontinue water service, upon written notice, without providing any such customers reason or cause, six (6) months after providing written notice of such termination to the customer. (Ord. #2-83, May 1983, as amended by Ords. #1-91, Dec. 1991, and Ord. #5-96, Sept. 1996)

**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 used. (Ord. #2-83, May 1983)

**18-106. Connection after initial construction.** Before a new service line will be laid by the city, the applicant shall make a deposit in an amount provided by the current rate schedule.

When a service line is completed, the city 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 city. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (Ord. #2-83, May 1983, modified)

**18-107. Additional water mains.** (1) Whenever the city council is of the opinion that it is to the best interest of the water system to construct a water main extension, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the council. In the event that the City of Piperton agrees to allow the extension of water mains beyond the boundaries of the city, such extensions will only be added through a written contract with the city. Such contract may not be entered into by the city unless all of the following are agreed by the parties:

(a) The party with whom the contract is entered into shall agree that the city has no obligation to provide water service to either the party, or any others who may connect to the water mains allowed under the terms of the contract. And that in any agreement by the city to provide water service outside its corporate boundaries, such agreement must allow the city to discontinue water service, without providing any reason or cause, six (6) months after providing written notice of such termination of service.

(b) The party with whom the contract is entered into shall agree that all water mains installed under the terms of the contract shall meet the standards required by the city, and that such party may be held to a higher standard than applied to the city's own water mains, and/or to a higher standard than applied to other water mains that the city may allow to be installed during the same or different periods, and that such installation that is permitted by the contract shall only be performed under the supervision and with the approval of an engineer designated by the city, and that said party shall pay all expenses in any way connected to such installation of water mains including, but not limited to, the cost of having the proposed plans reviewed and approved, or disapproved, by an engineer designated by the city, the cost of having an engineer designated by the city supervise the installation of such water mains, and the cost of having an engineer designated by the city perform an inspection or inspections of such water mains.

(c) The party with whom the contract is entered into shall enter into a separate agreement with the city that said party will dedicate to the city all water mains installed under the terms of the contract. The party further agrees that the dedication to the city of such water mains in no way commits the city to provide water service and that such dedication in no way repudiates § 18-107(a).

(2) The authority to make water main extensions is permissive only and nothing contained therein shall be construed as requiring the city to make water main extensions or to furnish service to any person or persons. (Ord. #2-83, May 1983, as amended by Ords. #1-91, Dec. 1991, and Ord. #5-96, Sept. 1996)

**18-108. Meters.** All meters shall be installed, tested, repaired, and removed only by the city.

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 city. 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. (Ord. #2-83, May 1983)

**18-109. Meter tests.** The city 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%

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

<u>METER SIZE</u>	<u>TEST CHARGE</u>
5/8", 3/4", 1"	\$2.00
1 ½", 2"	\$5.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the city. (Ord. #2-83, May 1983)

**18-110. Schedule of rates.** All water furnished by the city shall be measured or estimated in gallons to the nearest multiple of one thousand (1,000) and shall be furnished under such rate schedules as the city may from time to time adopt by appropriate ordinance or resolution.<sup>1</sup> (Ord. #2-83, May 1983)

**18-111. Billings.** Bills for residential service will be rendered monthly. Bills for commercial and industrial service may be rendered weekly, semi-monthly, or monthly, at the option of the city. Failure to receive a bill will not release a customer from payment obligation.

Water service will be disconnected after the 20<sup>th</sup> day of the following month without additional notice, if payment is not received. This notice shall appear on the bill.

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<sup>1</sup>All ordinances and resolutions establishing water rates are of record in the recorder's office.

If the due date falls on Saturday, Sunday or a holiday, net payment will be accepted if paid before the office closes on the next business day.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the city reserves the right to render an estimated bill based on the best information available. (Ord. #2-83, May 1983, modified)

**18-112. Discontinuance or refusal of service.** The city may discontinue service or 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.

Discontinuance of service by the city 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. (Ord. #2-83, May 1983)

**18-113. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge shall be collected by the city before service is restored. The amount of the charge shall be the amount adopted by the board by ordinance or resolution. (Ord. #2-83, May 1983, modified)

**18-114. 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 city 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 city 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 city should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the city 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. (Ord. #2-83, May 1983)

**18-115. Access to customers' premises.** The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations. (Ord. #2-83, May 1983)

**18-116. Inspections.** The city shall have the right, but not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (Ord. #2-83, May 1983)

**18-117. 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 city shall be and remain the property of the city. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (Ord. #2-83, May 1983)

**18-118. Customer's responsibility for violations.** Where the city furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (Ord. #2-83, May 1983)

**18-119. Supply and resale of water.** All water shall be supplied within the city exclusively by the city 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 city. (Ord. #2-83, May 1983)

**18-120. Unauthorized use or interference with water.** No person shall turn on or turn off any of the city's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the city. (Ord. #2-83, May 1983)

**18-121. 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 city.

All private fire hydrants shall be sealed by the city, and shall be inspected at regular intervals to see that they are in proper conditions 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 city a written notice of such occurrence. (Ord. #2-83, May 1983)

**18-122. Damages to property due to water pressure.** The city shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (Ord. #2-83, May 1983)

**18-123. Liability for cutoff failures.** The city's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

- (1) After receipt of at least ten (10) days' written notice to cut off a water service, the city has failed to cut off such service.
- (2) The city has attempted to cut off a service but such service has not been completely cut off.
- (3) The city 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 city's main.

Except to the extent stated above, the city 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 city's cutoff. Also, the customer (and not the city)



shall be responsible for seeing that his plumbing is properly drained and is kept drained, after his water service has been cut off. (Ord. #2-83, May 1983)

**18-124. Restricted use of water.** In times of emergencies or in times of water shortage, the city 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. (Ord. #2-83, May 1983)

**18-125. Interruption of service.** The city will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the city water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The city 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. (Ord. #2-83, May 1983)

**18-126. Installation of water supply lines within a subdivision.** The City of Piperton will require subdivision plats to detail the size and materials to be used to construct water lines within the area of the subdivision. The developers will sustain the cost of installation up to the existing supply. Inspection and acceptance will be a function of Piperton and become an element of plat documentation. All operational requirements of the Piperton Area Water System will be met within the subdivision. (Ord. #1-82, Oct. 1982, modified)

**18-127. New construction must tie into existing water main.** All new residents who build within the corporate limits of Piperton, Tennessee of Fayette County, where a water main access exists for their residence, must tie into such water main. Special contingencies which may exist for individual cases will be considered for relief from this rule. (Ord. #6-93, Sept. 1993)

## CHAPTER 2

### WATER POLICY

#### SECTION

- 18-201. Purpose.
- 18-202. Definitions.
- 18-203. Meter general rules.
- 18-204. Application for obtaining service.
- 18-205. Customer billing.
- 18-206. Update on accounts.
- 18-207. Customer's responsibility for violations.
- 18-208. Conversions.
- 18-209. Termination of service by customer.
- 18-210. Discontinuance or refusal of service.
- 18-211. Inspections.
- 18-212. Supply and resale of water.
- 18-213. Temporary service/fire hydrant meter.

**18-201. Purpose.** The purpose of the utility is to provide a safe supply of water to the customers within its service area. To ensure that every customer of the Piperton Water System is treated in a fair and equitable manner, the following customer service policies have been developed. (Ord. #1-98, April 1998, modified, as replaced by Ord. #140-08, Sept. 2008, and Ord. #272-16, Nov. 2016)

**18-202. Definitions.** The following terms when used in this policy mean:

(1) "Applicant." Any individual, firm, partnership, corporation, authority, or other entity residing or owning land located within the service area applying for water service.

(2) "Board." The governing body of the Piperton Water System, Piperton, Tennessee.

(3) "Point of delivery." The point of delivery of water service to each customer shall be at the meter, unless otherwise specified in the water user's agreement.

(4) "Point of use." For each customer of the Piperton Water System, the point of use shall mean the precise location at which water is used or consumed (a residence, building, dwelling, business, etc.) or similar location on the customer's premises, where water is to be used by the customer.

(5) "Service." The term "service" shall mean the availability for use by the customers of water adequate to meet the customer's requirements. Service shall be considered "available" when the utility maintains the water supply at

normal pressure at the point of delivery in readiness for the customer's use, regardless of whether or not the customer makes use of it.

(6) "Service line." The water line that extends from the point of delivery to the point of use for each customer of the Piperton Water System.

(7) "Water user's agreement." The agreement or contract between the customer and the utility, pursuant to (according to) which water service is supplied and accepted.

(8) "Water service connection." A water service connection consists of a water meter and other facilities for supplying water to a single point of use (one (1) residence, dwelling, property, or premises, structure, business, etc). A single customer may be supplied by more than one (1) service connection if that customer has more than one point of use. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)

**18-203. Meter general rules.** (1) Each dwelling or premises where water is furnished by the City of Piperton is required to install and maintain a water meter so that accurate measurement of water used may be maintained and the proper charge made therefore.

(2) All meters shall be installed, tested, required and removed only by the City of Piperton. No one shall do anything which will in any way interfere with or prevent the proper operation of a meter. No one shall tamper with or work on a water meter without the permission of the City of Piperton. 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 fully registered by the meter.

(3) The City of Piperton will, at its own expense, make routine tests of meters when it considers such tests desirable. The city will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount of twenty-five dollars (\$25.00). If such test shows a meter not to be accurate within reasonable limits, the costs of such meter test shall be borne by the city.

(4) All meter, service connection and other equipment furnished by or for the City of Piperton shall be and remain the property of the City of Piperton. The customer shall provide space for and exercise proper care to protect the property of the City of Piperton on property/premises. In the event of loss or damage to the property, arising from the neglect of the customer to properly care for same, the cost of necessary repairs or replacement shall be paid by the customer.

(5) The city's identified representatives and employees shall be granted access to all customer's premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing and replacing all equipment belonging to the city and for inspecting customer's plumbing and

premises generally in order to secure compliance with these rules and regulations.

(6) No customer shall supply water service to more than one (1) dwelling or premises from a single service line and meter. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)

**18-204. Application for obtaining service.** (1) A formal application for either original or additional service must be made and approved by the City of Piperton before connection or meter installation orders will be issued for work performed. The receipt of a prospective customer's application for service, whether or not accompanied by the service establishment fee, shall not obligate the city 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 city shall be limited to the return of any service establishment fee paid by the applicant. All applications for service shall be made with the city at the city's designated location.

(2) The deposit and/or fees required for service establishment during service hours, as established or changes shall be made as the need arises by the mayor and the board of commissioners. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)

**18-205. Customer billing.** (1) Water bills are mailed on the last working day of each month. The net amount is due on the 10th of each month. A ten percent (10%) late charge will be added to the net amount. Water service will be disconnected after the 20th day of the following month, without additional notice, if payment is not received. This notice shall appear on the bill. Services that are disconnected because of nonpayment will be charged a reconnect fee. Service will not be reinstated until the account balance, including the reconnect fee, is paid in full. Payment must be made in cash or money order during the hours of 8:30 A.M. and 4:30 P.M. Any payments received after 3:00 P.M. for disconnected accounts, service will not be restored until the next business day. Any customer removing (which includes breaking or cutting) a lock on the water meter, and using that meter after it has been locked by the city, shall be considered a thief of city water and will be handled as such.

Failure to receive a bill will not relieve a customer from payment obligation or penalty. If a meter fails to register properly, if a meter is removed to be tested or repaired, if the meter is inaccessible or if water is received other than through a meter, the City of Piperton reserves the right to render an estimated bill based on the best information available.

(2) Checks returned to the City of Piperton due to insufficient funds will result in a penalty fee to be applied to the account balance of the customer. Such accounts will be considered unpaid, and will be subject to the same lock-off policy stated above. The penalty will be waived if any of the following apply:

(a) Bank error- A letter from the banking institution stating the return of check was their error.

(b) Stolen checkbook- A police report must be presented as proof of the theft.

(c) Death - A bank is required by law to stop payment on checks when they have knowledge of the account holder's death. The bank may continue to pay checks up to a period of ten days.

(d) Appeal to mayor and board of commissioners.

(3) Appeals and requests for adjustments on water bills may be heard at the regular meeting of the mayor and board of commissioners, either by appearance in person, or written request.

(4) A customer may apply for deferred payment before the lock-off date by claiming hardship by filing a request with the city manager. If the hardship qualifies, the customer will sign a deferred payment plan. Hardships eligible for time payment plans include: Loss of job; medical emergency; excessive bill (such as one resulting from large leaks); and extraordinary financial difficulties. The maximum length of a deferred payment plan shall be ninety (90) days unless the approved plan specifies otherwise. Minimum monthly payment amounts shall be in addition to the regular service bill amount.

The formula for adjustments approved by the mayor and board of commissioners is as follows: Total six (6) water bills (do not include the disputed amount) and divide by six (6). Subtract the six (6) month average from the disputed bill amount. Divide this by two (2). This amount will be credited to the water account.

(5) All water accounts shall be paid "in full" in a maximum of sixty (60) days, unless approved under subsection (4) above.

(6) The city shall waive the difference between the net amount and the gross amount of a residential customer's bill after the net date expires only if the customer has paid his or her bill by the net due date for the immediately preceding twelve (12) consecutive months and the customer requests such allowance from the city in writing. (as added by Ord. #140-08, Sept. 2008, as amended by Ord. #270-16, Oct. 2016, and replaced by Ord. 272-16, Nov. 2016)

**18-206. Update on accounts.** (1) Name change. Divorce/marriage; legal name changed; death of spouse; legal name change of company without change of administration.

(a) Account name changes for reasons other than those noted above must be made through the original service agreement application and payment of the required deposit. A builder of a new home may transfer the required deposit to the new owner of the property and the new owner must sign the application for water service. At that time the meter will be read and the home builder will be sent a final bill.

(b) When property is sold/leased and the city is notified by the owner/renter of the property the date of the closing/move in on the

property, the meter will be read. Service will not be disconnected if the new owner/renter establishes service on or before the final reading of the meter. Transfer of service and name cannot be made until the new party completes and signs the application for water service and the deposit is paid.

(2) Address change update on accounts. Changes to the billing address may be made by phone, in person or by mail.(as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)

**18-207. Customer's responsibility for violations.** Where the City of Piperton furnishes water and/or sewer service to a customer, such customer shall be responsible for all violation 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 or her. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)

**18-208. Conversions.** Conversions from well systems to city water service will require the homeowner to install a backflow valve, and the water system of the home shall be drained completely, including the hot water heater. Flush the system for five (5) or ten (10) minutes. The homeowner shall furnish a written, signed statement that they have conformed to the aforementioned requirement. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)

**18-209. Termination of service by customer.** Customers who have fulfilled the terms of their applications and wish to discontinue service must give reasonable notice to that effect. Notice to discontinue service will not relieve the customer from any minimum or guaranteed payment under the applicable rate. Written notice may be required at the city's discretion. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)

**18-210. Discontinuance or refusal of service.** The city 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.

Discontinuance of service by the city 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. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)

**18-211. Inspections.** The city shall have the right, but shall not be obligated, to inspect any installations or plumbing system before water and/or sewer service is furnished or at any later time. The city reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by city ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations or other requirements of the city.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the city liable nor responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)

**18-212. Supply and resale of water.** All water shall be supplied within the city exclusively by the city and no customer shall, directly or indirectly, sell, sublet, assign, and otherwise dispose of the water or any part thereof, except with written permission from the City of Piperton. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)

**18-213. Temporary service/fire hydrant meter.** To receive temporary service, a contractor must sign a contract with the City of Piperton for the use of its fire hydrant meter and the deposit and fees must be paid before the meter is placed. The contractor must designate the period of time the meter will be used. He will be responsible for the safe use of the meter, which shall be returned in the same condition as when it was placed. The contractor will be responsible for and replace the fire hydrant meter in the event it is damaged beyond repair or stolen. A deposit of five hundred dollars (\$500.00), which shall be returned when the meter is returned in as good condition as when the meter was first placed. A hook-up charge of twenty-five dollars (\$25.00) will be charged for which the city will place and lock the meter on a specific fire hydrant. This charge will not be refunded. A twenty dollar (\$20.00) monthly fee for the city meter reader to find and read the meter will be added to the bill in addition to the fees for water used. The usual monthly fees for water used, at the rates charged to Piperton residents/businesses will apply to fire hydrant meters. In the event a fire hydrant meter must be moved, the contractor will pay an additional twenty dollars (\$20.00) each time the meter is moved. If the fire hydrant meter is removed due to outstanding fees, the deposit required for re-installation will be one thousand dollars (\$1,000.00), or double the normal deposit.

(1) **Unauthorized use or interference with water supply.** No person shall turn on or turn off any city stopcocks, valves, hydrants, spigots or fire plugs without permission or authority from the city.

(2) **Damages to property due to water pressure.** The city shall not be liable to any customer for damages caused to his or her plumbing or property by high pressure, low pressure or fluctuations in pressure in the city's water main.

The customer (and not the city) shall be responsible for seeing that his or her plumbing is properly drained and is kept properly drained, after his or her water service has been cut off.

(3) Restricted use of water. In times of emergencies or in times of water shortage, the city reserves the right to restrict the purpose for which water may be used by a customer and the amount of water which a customer may use.

(4) Interruption of service. The city will endeavor to furnish continuous water and sewer service (where available), but does not guarantee to the customer any fixed pressure or continuous service. The city shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair and extension of the city 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 city 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.

(5) Main extensions. The cost of extending a water main shall be at the expense of the developer/land owner.

(6) Services. The city shall install and pay for all water service pipes from its mains to the meters on property abutting the travel way along which the main is installed.

The service pipe shall not be less than one inch (1") in size.

The city shall also install and pay for the city cock, meter, and meter setting.

(7) Availability of records for public inspection. Utility records, including financial records, are available for inspection by the public Monday through Friday during office hours.

(8) Notice of meetings. The board of mayor and commissioners meets in regular session the 3rd Tuesday of each month at 7:00 P.M., at Piperton City Hall. Special meetings of the board are held as necessary. Notices of special meetings are posted at city hall and at the city administration office.

(9) Changes in policies. These policies are subject to change as required and voted on by the board.

The board shall establish rates and fees for service as necessary to operate and maintain the Piperton Water System.

(10) Violations. It shall be unlawful for any person to violate any provision of this chapter. Tampering with the water meter in any way that interferes with the measurement of the water flow (usage) or installing a pipe or device to cause the water to bypass the meter shall be a felony. (as added by Ord. #140-08, Sept. 2008, and replaced by Ord. #272-16, Nov. 2016)



### CHAPTER 3

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

##### SECTION

- 18-301. Definitions.
- 18-302. Standards.
- 18-303. Construction, operation, and supervision.
- 18-304. Statement required.
- 18-305. Inspection required.
- 18-306. Right of entry for inspections.
- 18-307. Correction of existing violations.
- 18-308. Use of protective devices.
- 18-309. Unpotable water to be labeled.
- 18-310. Violations.

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

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

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

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

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

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

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country. (Ord. #1-83, Feb. 1983)

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water system administration: title 18.

**18-302. Standards.** The Piperton 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. (Ord. #1-83, Feb. 1983)

**18-303. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross-connection to be made; or to allow one to exist for any purpose whatsoever, unless the construction and operation of same have been inspected in the manner prescribed in § 18-305 of the City of Piperton Municipal Code. (Ord. #1-83, Feb. 1983, as replaced by Ord. #189-10, Jan. 2011)

**18-304. 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 mayor 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. (Ord. #1-83, Feb. 1983)

**18-305. Inspection required.** (1) It shall be the duty of the customer where a back flow prevention assembly has been installed to have the assembly inspected and tested on a yearly basis. Assemblies on irrigation systems must be tested during the start-up period each year and no later than May 31st. Annual testing prior to winterization or seasonal shutdown is not acceptable. This inspection and test shall be performed by an individual certified by the State of Tennessee in the testing of back flow prevention devices. These inspections and tests shall be at the expense of the customer. The results of such inspection and testing shall be sent to the City of Piperton Director of Public Works within ten (10) days of the inspection and testing, but no later than May 31st.

(2) If a back flow prevention assembly fails the inspection or test, the customer shall notify the City of Piperton Director of Public Works within forty-eight (48) hours of such inspection and test. The customer shall repair or replace the assembly that has failed, pursuant to § 18-307 of the City of Piperton Municipal Code. A replacement assembly shall be inspected and tested after being installed pursuant to § 18-305(1) of the City of Piperton Municipal Code. Any repair or replacement of an assembly shall be at the expense of the customer. Records of such repair or replacement shall be sent to the City of Piperton Director of Public Works within ten (10) days of the completion of the

repair or replacement. The customer shall maintain records of installations, repairs, overhauls, or replacements of backflow prevention assemblies or methods for at least five (5) years and, upon request, such records shall be made available to the department. Water service will not be restored until corrective action is taken and approved after inspection by the public works department. (Ord. #1-83, Feb. 1983, as replaced by Ord. #189-10, Jan. 2011, and Ord. #273-16, Jan. 2017)

**18-306. Right of entry for inspections.** The mayor or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Piperton 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. (Ord. #1-83, Feb. 1983)

**18-307. 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 Mayor of the Piperton Public Water Supply.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the Piperton Public Water Supply shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is corrected immediately. (Ord. #1-83, Feb. 1983)

**18-308. Use of protective devices.** Where the nature of use of the water supplied to a non-resident/premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water supply, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the Mayor of the Piperton Public Water Supply 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 devices shall be reduced pressure zone type backflow preventer approved by the Tennessee Department of Public Health as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the mayor of the public water supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Public Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Piperton Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the mayor or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the mayor shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water supply shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the mayor.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or

defects to the satisfaction of the Piperton Public Water Supply. (Ord. #1-83, Feb. 1983)

**18-309. Unpotable water to be labeled.** In order that the potable water supply made available to premises served by the public water supply be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

The minimum acceptable sign shall have black letters at least one (1) inch high located on a red background. (Ord. #1-83, Feb. 1983)

**18-310. Violations.** The requirements contained herein shall apply to all premises served by the Piperton Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Piperton Corporate Limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one fifty dollars (\$50.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #1-83, Feb. 1983, modified)

**CHAPTER 4**

**SEWER SYSTEM**

**SECTION**

18-401. Industrial businesses required to hook to central sewer system when available.

**18-401. Industrial businesses required to hook to central sewer system when available.** All commercial and industrial businesses in the City of Piperton are required to hook onto central sewer when available, whether south of Highway 72 to Chickasaw Trail Wastewater System, Holly Springs, MS, or north of Highway 72 to Wolf River, to Piperton Wastewater System, Piperton, TN. (as added by Ord. #124-08, March 2008)

## CHAPTER 5

### PRIVATE WATER WELLS

#### SECTION

- 18-501. Applicability - effect.
- 18-502. Requirements.
- 18-503. Construction standards for water wells.
- 18-504. Piperton well permit application.
- 18-505. Inspection of wells.
- 18-506. Condemnation and abatement of unsanitary wells.
- 18-507. Failure to abate nuisance.
- 18-508. City abatement of nuisance.
- 18-509. Wellhead protection.

**18-501. Applicability - effect.** The following requirements, procedures, and standards are hereby prescribed in this chapter governing the use of water wells in the City of Piperton. No person shall conduct any activity contrary to the provisions of these requirements, and only those persons having a valid Tennessee license for water well drillers shall carry out all such activities that are contracted for. (as added by Ord. #261-15, Nov. 2015)

**18-502. Requirements.** (1) Following the effective date of this chapter, the construction of a water well shall not be permitted at any premise, defined as a tract, parcel or lot of land with existing or proposed buildings thereon, where public water is available and which said water supply has a yield, system, and pump capacity to provide the quantity of water which the user has stated is necessary for purposes for which the water is intended to be used unless otherwise provided by this chapter. Public water shall be deemed available to a premise if a supply line is located, or proposed to be extended, within three hundred feet (300') of said premise.

(2) Premises deemed to not have an available public water supply requiring a private water well for a potable water supply and a septic tank system for sewage disposal shall be of a minimum size dictated by the Fayette County Department of Health.

(3) Notwithstanding the above requirements, water wells may be authorized by the City of Piperton, as provided herein, where public water is available, only in the following circumstances:

- (a) Residential zoned property. (i) For filling a lake, provided such lake, pond or similar continuous body of water is not less than one-half (1/2) acre in size, and provided that the tract, parcel, or lot of land on which the lake, pond or similar continuous body of water exists or is proposed contains a minimum of two (2) acres.

(ii) For irrigation purposes, provided that such tract, parcel, or lot of land contains a minimum of two (2) acres.

(iii) For watering livestock, provided that such tract, parcel, or lot of land contains a minimum of two (2) acres.

(b) Commercial zoned property. No exemptions.

(c) Industrial zoned property. For use in manufacturing processes as determined and approved by the City of Piperton Board of Mayor and Commissioners, irrespective of the size of the applicable tract, parcel, or lot of land. (as added by Ord. #261-15, Nov. 2015)

**18-503. Construction standards for water wells.** All private water wells shall be constructed in accordance with all applicable rules, regulations, and construction standards promulgated by the Tennessee Department of Environment and Conservation (TDEC). No person shall construct, repair, modify, or abandon or cause to be constructed, repaired, modified, or abandoned any private water well contrary to the provisions of TDEC. (as added by Ord. #261-15, Nov. 2015)

**18-504. Piperton well permit application.** Any person desiring to construct, modify, and/or abandon a private water well located within the City of Piperton, as permitted herein, shall first be required to submit a well permit application to the City of Piperton Building and Codes Department prior to submitting their well permit application to TDEC. (as added by Ord. #261-15, Nov. 2015)

**18-505. Inspection of wells.** The mayor is hereby authorized and directed to have TDEC inspect and examine all wells which city staff have reason to believe are polluted, unhealthy, unsanitary, and/or carrying in their waters the germs of infectious and contagious diseases, and also to make or have made an analysis of the water thereof for the purpose of ascertaining their sanitary condition. (as added by Ord. #261-15, Nov. 2015)

**18-506. Condemnation and abatement of unsanitary wells.** If, as a result of such examination, inspection, and analysis, provided for in § 18-505, the Piperton Public Works Director or TDEC ascertains that any well is unsanitary, unhealthy, or infected with the germs of contagious and infectious diseases, the Piperton Public Works Director shall at once condemn such well as a public nuisance, and shall post a notice on or near thereto stating that such source of water supply has been condemned as unsanitary and dangerous to health, and shall at once serve written notice upon the owner of such well, if he be a resident of the City of Piperton, to abate such nuisance within ten (10) days by permanently closing such well and so abating it as to render the taking of water therefrom impossible. If the owner resides outside the city, the Piperton Public Works Director shall give him such notice in writing as above provided



by registered mail. Should the owner thereof be unknown, and his identity cannot be established by diligent inquiry, a suitable notice shall be published in a newspaper having general circulation in the city, requiring the unknown owner of such well to close and obstruct such well and abate such well within ten (10) days from the date of publication of such notice. (as added by Ord. #261-15, Nov. 2015)

**18-507. Failure to abate nuisance.** Any owner of a well who fails to comply with an abatement notice as provided herein within ten (10) days from the receipt thereof by closing and obstructing such well and abating such nuisance to the public health shall be subject to a fine in the Piperton municipal court of fifty dollars (\$50.00) for each day such nuisance continues to exist. Additionally, the City of Piperton may seek civil remedies for any damages to the public water supply that are caused by said nuisance. (as added by Ord. #261-15, Nov. 2015)

**18-508. City abatement of nuisance.** If any owner of a well shall fail to close and obstruct such well and abate such nuisance after expiration of ten (10) days from the receipt of such aforesaid notice, or the making of said publication for an unknown owner, it shall then be the duty of the chief of police, upon the request of the mayor, to abate, obstruct, and close up such well so as to prevent persons from obtaining and using water therefrom, and the costs and expenses of such closing shall be chargeable to the owner of such well and shall be payable to the City of Piperton on demand. (as added by Ord. #261-15, Nov. 2015)

**18-509. Wellhead protection.** The City of Piperton hereby adopts TDEC Rule No. 0400-45-01-.34 ("Exhibit A")<sup>1</sup> as its official wellhead protection policy. (as added by Ord. #261-15, Nov. 2015)

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<sup>1</sup>Tennessee Rule No. 0400-45-01-.34 (wellhead protection policy) is available in the office of the recorder.