

TITLE 8

HEALTH AND SANITATION¹

CHAPTER

1. MISCELLANEOUS.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.

CHAPTER 1

MISCELLANEOUS

SECTION

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- 8-110. Spitting on streets, etc.
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8-101. Health officer. The "health officer" shall be such municipal, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the town. [Ord. of Apr. 4, 1980, § 1]

8-102. Adulterated food, drugs, and cosmetics. It shall be unlawful and a violation of this section for any person to violate within the town any provisions of the state food, drug, and cosmetic laws. [Ord. of Apr. 4, 1980, § 2]

8-103. Communicable diseases. When there exists or is suspected to exist in any household a communicable disease other than a venereal disease or a common childhood disease, it shall be the duty of any attending physician and the head or other responsible person in such household possessing knowledge

¹For a provision prohibiting littering streets, etc., see § 12-106 in this code.

of the facts immediately to notify the health officer. The health officer shall thereupon make such investigation and issue such quarantine orders as may reasonably be necessary to protect the public health. It shall be unlawful for any person to violate any such orders of the health officer. [Ord. of Apr. 4, 1980, § 3]

8-104. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures. [Ord. of Apr. 4, 1980, § 4]

8-105. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. [Ord. of Apr. 4, 1980, § 5]

8-106. Stagnant water. It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. [Ord. of Apr. 4, 1980, § 6]

8-107. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by any police officer to cut such vegetation when it has reached a height of over one (1) foot. [Ord. of Apr. 4, 1980, § 7]

8-108. Dead animals. Any person owning or having possession of any dead animals not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. [Ord. of Apr. 4, 1980, § 8]

8-109. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. [Ord. of Apr. 4, 1980, § 9]

8-110. Spitting on streets, etc. It shall be unlawful for any person to spit upon any public street or sidewalk or upon the floors or walks of any public place. [Ord. of Apr. 4, 1980, § 10]

8-111. Junk yards.¹ (1) Defined. "Junk yard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard where more than five (5) vehicles of any kind, incapable of being operated and which it would be economically impractical to make operative are found, and the term shall include garbage dumps and sanitary fills.

(2) All junk yards within the corporate limits shall be operated and maintained subject to the following regulations:

(a) No junk yard shall be located within five hundred (500) feet of a state highway nor on any street where fifty percent (50%) or more of the land is used or zoned for residential purposes.

(b) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(c) All such junk yards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so it will be impossible for stray cats and/or stray dogs to have access to such junk yards.

(d) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

¹The provisions of this section were patterned after the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the 1961 case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W. 2d 818.

CHAPTER 2

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

- 8-201. Definitions.
- 8-202. Town compliance with legal requirements.
- 8-203. Regulated.
- 8-204. Statement required.
- 8-205. Inspections required.
- 8-206. Right to inspect.
- 8-207. Violations.
- 8-208. Protective devices.
- 8-209. "Water unsafe for drinking" requirement.
- 8-210. Penalties.

8-201. 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 Gibson 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 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.

¹The regulations in this chapter are recommended by the Tennessee Department of Public Health for adoption by cities.

See title 13 for provisions providing for the administration of the water and sewer systems.

(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. of Jan. 8, 1979, § 1]

8-202. Town compliance with legal requirements. The Town of Gibson Public Water Supply is to comply with Sections 53-2001 and 53-2004 of the Tennessee Code Annotated, 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. of Jan. 8, 1979, § 2]

8-203. Regulated. It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, 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 Public Health, and the operation of such cross connection, auxiliary intake, bypass, or interconnection is at all times under the direct supervision of the Superintendent of Water Works of the Town of Gibson. [Ord. of Jan. 8, 1979, § 3]

8-204. 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 Superintendent of Water Works of the Town of Gibson a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, or bypasses, or that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. [Ord. of Jan. 8, 1979, § 4]

8-205. Inspections required. It shall be the duty of the Town of Gibson 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 as established by the Superintendent of Water Works of the Town of Gibson and as approved by the Tennessee Department of Public Health. [Ord. of Jan. 8, 1979, § 5]

8-206. Right to inspect. The Superintendent of Water Works or authorized representative shall have the right to enter at any reasonable time,

any property served by a connection to the Town of Gibson Public Water Supply for the purpose of inspecting the piping system or systems thereof 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. of Jan. 8, 1979, § 6]

8-207. 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 Superintendent of Water Works of the Town of Gibson. [Ord. of Jan. 8, 1979, § 7]

8-208. Protective devices. Where the nature of use of the water supplied a premises by the water department is such that it is deemed (1) Impractical to provide an effective air-gap separation; (2) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the official in charge of the 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 Superintendent of Water Works of the Town of Gibson, 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 a 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 Superintendent of Water Works of the Town of Gibson 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.

The department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent of water works 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 superintendent of water works 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. These repairs shall be made by qualified personnel, acceptable to the Superintendent of Water Works of the Town of Gibson. [Ord. of Jan. 8, 1979, § 8]

8-209. "Water unsafe for drinking" requirement. 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:

W A T E R U N S A F E
F O R D R I N K I N G

Minimum acceptable sign shall have black letters one-inch high located on a red background. [Ord. of Jan. 8, 1979, § 9]

8-210. Penalties. Any person violating the provisions of this chapter shall be guilty of a misdemeanor. The imposition of a penalty under the general penalty clause for this code shall not prevent the revocation of any permit or license or the taking of any punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. [Ord. of Jan. 8, 1979, § 10]

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

SECTION

- 8-301. Definitions.
- 8-302. Places required to have sanitary disposal methods.
- 8-303. When a connection to the public sewer is required.
- 8-304. When a septic tank shall be used.
- 8-305. Registration and records of septic tank cleaners, etc.
- 8-306. Use of pit privy or other method of disposal.
- 8-307. Approval and permit required for septic tanks, privies, etc.
- 8-308. Owner to provide disposal facilities.
- 8-309. Occupant to maintain disposal facilities.
- 8-310. Only specified methods of disposal to be used.
- 8-311. Discharge into watercourses restricted.
- 8-312. Pollution of ground water prohibited.
- 8-313. Enforcement of chapter.
- 8-314. Carnivals, circuses, etc.
- 8-315. Violations.

8-301. Definitions. The following definitions shall apply in the interpretation of this chapter.

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

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

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

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

(5) Approved septic tank system. A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the

¹See title 13 of this code for other provisions relating to the administration and operation of the sewer system.

Tennessee Department of Public Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) Sanitary pit privy. A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

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

(8) Watercourse. Any natural or artificial drain which conveys water either continuously or intermittently.

8-302. Places required to have sanitary disposal methods. Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta.

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

8-304. When a septic tank shall be used. Wherever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the

health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health.

8-305. Registration and records of septic tank cleaners, etc. Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer.

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

8-307. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility requiring the approval of the health officer under this chapter shall, before the initiation of construction, obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system.

8-308. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by section 8-302, or the agent of the owner, to provide such facilities.

8-309. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein.

8-310. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal as specified in this chapter.

8-311. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under

conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board.

8-312. Pollution of ground water prohibited. No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, cistern, sinkhole, crevice, ditch, or other opening, either natural or artificial, in any formation which may permit the pollution of ground water.

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

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

8-315. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code.