

TITLE 13

UTILITIES AND SERVICES¹

CHAPTER

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CHAPTER 1

WATER AND SEWERS

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13-101. 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. [Code of 1982]

13-102. 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 (1) or more persons or households for residential purposes.

(5) "Premises" 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. [Code of 1982]

13-103. 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. [Code of 1982]

13-104. Application and contract for service. Each prospective customer desiring water and/or sewer service from the Town of Jonesborough shall be required to sign a standard service agreement before service is supplied. If a service fee has been established for water and/or sewer service, the current service fee shall be paid before any provision of service is initiated. If, for any reason, a customer, after signing a contract for service and paying any

associated service fee, does not take such service by reason of not occupying the premises or otherwise, the customer shall forfeit the service fee paid.

The receipt of a prospective customer's application for service and any applicable service fee shall not obligate the town to render the service applied for. If the service applied for cannot be supplied by the town 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 service fee paid by such applicant. Despite receiving an application for service and an associated application fee, the town may refuse service to any applicant that has previously been a customer of the Jonesborough Water and Sewer systems who has an unpaid balance due on the previous account. No action on the new service request shall take place until the previous balance due has been paid or satisfied. (Code of 1982, as replaced by Ord. #2002-05, March 2002, Ord. #2005-15, Aug. 2005, and Ord. #2016-08, Aug. 2016 **Ch12_04-09-18**)

13-105. Connection requirements within town limits. (1) When water or sewer service has been extended to within five hundred feet (500') of an existing premises within the Jonesborough town limits, said premises shall be expected to connect to the town's water and/or sewer services. Any new construction within the Jonesborough town limits in which water and/or sewer services are required by building code, and the premises to be constructed will be located within five hundred feet (500') of existing water or sewer services, the new premise shall be connected to the town's water and/or sewer service, with the exemption addressed in § 13-105(2). Connection to available water and/or sewer service within the Jonesborough town limits is required without a variance or exception issued by the Jonesborough Board of Mayor and Aldermen. Unless exempted by the town board or in § 13-105(2), the town shall charge minimum bills to persons in premises in which water and/or sewer service is available within five hundred feet (500') and no application for service has been initiated or service requested.

(2) Single tracts of land within the town limits of Jonesborough that are twenty (20) acres or more in size are exempt from the mandatory connection to the town's water and/or sewer systems, and the associated minimum billing requirements, on the following conditions:

(a) The owner of the property is requesting the exemption from connecting to the town's water or sewer services, and the owner is constructing only one (1) new single-family structure on the property in which well and septic service is desired.

(b) The Washington County Health Department approves the use of a well and construction of a septic system to serve the residence constructed.

(c) The twenty plus (20+) acre tract is used in some way for agricultural purposes.

(d) If the property is subdivided where any or all resulting parcels are less than twenty (20) acres, the parcels less than twenty (20) acres must comply with the five hundred foot (500') connection requirements in § 13-105(1) including any existing structure on a well and septic system.

(e) If the owner of a twenty plus (20+) acre property requests water and/or sewer service that is within five hundred feet (500') of the premise on the parcel, both water and sewer must be connected if both are available.

(f) Any request meeting the above criteria can result in an exemption issued through the Jonesborough Building Inspector. Any request for well and/or septic service not meeting the above criteria must be approved by the Jonesborough Board of Mayor and Aldermen to be exempt from the connection requirements in this chapter. [Code of 1982, as replaced by Ord. #2016-08, Aug. 2016 *Ch12_04-09-18*]

13-106. Services 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. [Code of 1982, as replaced by Ord. #94-02, Jan. 1994; amended by Ord. #94-07, April 1994, and replaced by Ord. #2016-08, Aug. 2016 *Ch12_04-09-18*]

13-107. General water main and sewer line extension policies. All proposed extensions to the Jonesborough Water System and/or the Jonesborough Sewer Collection System must meet requirements established by the Jonesborough Board of Mayor and Aldermen under separate system extension policies. All water line and sewer line extensions requested outside of town limits of Jonesborough must be approved for service by the Jonesborough Board of Mayor and Aldermen. Any financial terms associated with water or sewer line extensions shall be established by the board of mayor and aldermen in the separate extension policies that may be changed from time to time by the town board. The following also applies:

(1) Extensions of Jonesborough water or sewer service in subdivisions or businesses must be approved by the applicable planning commission.

(2) The Jonesborough Board of Mayor and Aldermen reserves the right to make exceptions to the current water and sewer extension policies when the town board determines it is in the best interest of the general public or the economic stability of the town to make one (1) or more exceptions involving a service or extension request. In such situations in which an exception is considered, the exception will be acted upon as a designated agenda item in a meeting receiving adequate notice, and the reason(s) for the exception are identified.

(3) Certain projects involving the extension of water and/or sewer services provided by the Town of Jonesborough that through the funding received target certain population groups such as low-moderate income persons. In such occasions, when the project is authorized by the Jonesborough Board of Mayor and Aldermen the conditions in which services are made available to customers within the project area will comply with the funding requirements.

(4) Water and sewer line construction that will become part of the Jonesborough water or sewer system must be constructed only under the specifications and oversight of the Jonesborough Water and Sewer Systems. [Code of 1982, as replaced by Ord. #2016-08, Aug. 2016 *Ch12_04-09-18*]

13-108. Water main and sewer line sizes. (1) Unless approved otherwise by the Jonesborough Water System, all water line extensions will be six inch (6") diameter ductile iron pipe. Smaller pipe sizes may be authorized in extensions less than five hundred feet (500") when no future line extension is feasible.

(2) Sewer collection line sizes shall be determined by the director of environmental services based on sewer drainage basin sizes and possible future development, as well as potential users.

(3) The Jonesborough Water System may, at its option, require the construction of mains larger than six inches (6") in diameter. In such cases, a negotiated amount for the additional cost of construction due to the increased line size will be mutually determined in advance prior to construction. [Code of 1982, as replaced by Ord. #2016-08, Aug. 2016 *Ch12_04-09-18*]

13-109. Jonesborough water main installations in subdivisions and platted areas. (1) Before the water mains within a subdivision or platted area are approved by the town, the site plan and preliminary plat shall have been approved by the Jonesborough Regional Planning Commission if it is within the Jonesborough planning region, by the Johnson City Regional Planning Commission if within Johnson City's planning region, or by the Washington County Planning Commission.

(2) The sub-divider shall meet the requirements of the Jonesborough Water Line Extension Policy, and, if required, be approved for the extension by the Jonesborough Board of Mayor and Aldermen. Any exceptions to the extension policy must be authorized by the town board. [Code of 1982, as replaced by Ord. #2016-08, Aug. 2016 *Ch12_04-09-18*]

13-110. Sewer main extensions in subdivisions and platted areas. Sewer line extensions shall be made under the terms of the separate sewer line extension policy adopted by the Jonesborough Board of Mayor and Aldermen, and will be required to meet the same requirements for water line extensions outlined in § 13-109 for subdivision and platted areas. [Code of 1982, as replaced by Ord. #2016-08, Aug. 2016 *Ch12_04-09-18*]

13-111. Governing authority. The authority to make or authorize waster and/or sewer line extensions under the preceding sections or under the terms of the separate water and sewer line extension policies 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. [Code of 1982, as replaced by Ord. #2016-08, Aug. 2016 *Ch12_04-09-18*]

13-112. Utility lines to be underground. All extensions of public utility lines installed within the town limits shall be placed underground. [Ord. of April 10, 1972]

13-113. Sewer tap; fee. All persons connecting to sewers shall pay a fee of two thousand dollars (\$2,000.00) for the privilege of each tap, plus a twenty-five dollar (\$25.00) inspection fee, payable in advance with the following exceptions:

(1) The board reserves the right to reduce sewer tap fees to seven hundred dollars (\$700.00) in a project area involving new sewer construction with said discounted fee to be available only through the end of construction. "End of construction" shall be defined as the point the collection lines are completely installed and functional and the right-of-way areas have been leveled and been re-landscaped or sown in grass.

(2) The board reserves the right to establish a sewer tap payment plan in project areas involving new sewer construction for residents of said project areas that desire installment payments; provided that interest is charged at the prevailing interest rate, which is defined as a Treasury Bill plus one percent (1%), and the term of the plan shall not exceed five (5) years. Sewer tap payment plans shall be available to all residents in a designated project area up to a period of twelve (12) months from the end of construction.

(3) Multi-family units inside the town limits shall pay the applicable single dwelling rate of two thousand dollars (\$2,000.00) for the first unit plus an additional one thousand dollars (\$1,000.00) for each additional unit. Each building of an apartment complex will be considered as a new initial tap and be charged the applicable first unit rate of two thousand dollars (\$2,000.00). There will be a twenty-five dollar (\$25.00) inspection fee per building.

(4) Sewer taps made to households outside the town limits of the town shall pay a fee of three thousand three hundred dollars (\$3,300.00) for the privilege of each tap, payable in advance. There will be a twenty-five dollar (\$25.00) inspection fee per household. Multi-family units outside shall pay the applicable single dwelling rate of three thousand three hundred dollars (\$3,300.00) for the first unit plus an additional one thousand six hundred fifty dollars (\$1,650.00) for each additional unit. Each building of an apartment complex will be considered as a new initial tap and be charged the applicable first unit rate of three thousand three hundred dollars (\$3,300.00) outside. There will also be a twenty-five dollar (\$25.00) inspection fee per building.

(5) Sewer taps for industrial/commercial buildings such as factories, warehouses, shopping centers shall pay two thousand dollars (\$2,000.00) for structures up to ten thousand (10,000) square feet plus one thousand five hundred dollars (\$1,500.00) for each additional ten thousand (10,000) square feet or portion thereof. Motels/hotels shall pay the same sewer tap fees as charged multi-family units. Sewer taps for a car wash structure shall pay two thousand dollars (\$2,000.00) for the first bay and one thousand five hundred dollars (\$1,500.00) for each additional bay. The town reserves the right to surcharge industrial users for any treatment activity that is above the normal requirements for household treatment, or requires pre-treatment. A twenty-five dollar (\$25.00) inspection fee will be charged per building for sewer connections. [Ord. of Jan. 23, 1973, §§ 1(c) and 2(b) and (c), as replaced by Ord. #92-05, April 1992; Ord. #94-06, April 1994; amended by Ord. #96-17, § I, Oct. 1996; replaced by Ord. #97-12, June 1997; and Ord. #99-08, July 1999; and amended by Ord. #2001-06, July 2001, and Ord. #2006-06, Aug. 2006]

13-114. 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. [Code of 1982]

13-115. 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"	4%

The town will also make tests or inspections of its meters at the request of the customer. Any test or inspection made by the town upon request of the customer will be charged to said customer at the rate of ten dollars (\$10.00) per test or inspection. [Code of 1982, as modified by Ord. of June 12, 1989]

13-116. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.¹ [Code of 1982]

13-117. Multiple services through a single meter. No customer shall supply water or sewer service to more than one (1) dwelling or premises from a single service line and meter without first obtaining approval of a multi-service application from the town. Approval will not be granted in locations in which service lines and meters can be easily installed through the town's normal connection policies and procedures.

Where the town allows more than one (1) dwelling or premises to be served through a single service line and meter, a minimum bill will be charged for each dwelling or premises in determining the total charge computed through the town's applicable water rates schedule. The minimum bills and applicable charges will be added together into one (1) bill, and the sum thereof shall be billed to the customer in whose name the service is supplied. It shall be the responsibility of the customer in whose name the service is supplied to pay the amounts due as required in § 13-118.

The town will take no responsibility for resolving any disputes between customers arising from the multiple services through a single meter.

When the town discovers that multiple services through a single meter exist that have not been properly reported and billed from the Jonesborough Water Department, the town may take immediate action to amend the billing to include multiple minimum bills and the current service charge for reworking the account. The town may also disconnect service until the proper application has been completed and approved. (Code of 1982, as replaced by Ord. #2003-19, Oct. 2003, and amended by Ord. #2008-10, Oct. 2008)

13-118. Billing.² (1) Billing for residential water and sewer services will be rendered monthly and both charges will be collected as a unit, except as provided for in § 13-118(5) below. Payments shall be made at the water department or other locations designated by the board of mayor and aldermen within ten (10) days of date of bill.

(2) Bills for commercial and industrial services may be rendered weekly, semi-monthly, or monthly, at the option of the town and may be paid as specified for residential bills.

¹Administrative ordinances and resolutions are of record in the recorder's office. User rate established by #B-06-02 (July 10, 2006) are available in the office of the recorder.

²See Ord. #B-06-01 (July 10, 2006) which provides for the user rates for garbage collection and also provides that this rate is "to be billed along with the water bill."

(3) Both water and sewer 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 services charges owned by such customer, except as provided for in § 13-118(5) below. Water and/or service may be discontinued for non-payment of the combined bill. Failure to receive a bill will not release a customer from payment obligation.

(4) Should the final date of payment of a bill without proceeding to cut off water service being initiated fall on a Saturday, Sunday, or holiday, the business day next following the due date will be held as a day of grace for delivery of payment.

(5) In such situations in which the town has installed either water or sewer lines, and a resident chooses not to connect to the line and the board of mayor and aldermen has determined that all households capable of being served by the line shall pay fees to help defray the cost of installation and maintenance regardless of actual connection, billing for water shall be the minimum bill if water is not connected, and sewer shall be billed by the water usage if water is connected and sewer is not, or by the minimum bill for sewer if neither water nor sewer is connected. Jonesborough will not connect sewer service to a household not on the Jonesborough Water System without specific approval of the connection and billing arrangement by the board of mayor and aldermen.

(6) 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, or if weather or other circumstances prohibit the town from reading meters on any given month, or if the board so chooses, the town reserves the right to render an estimated bill based on the best information available.

(7) The water department will recheck meter and meter reading at the request of customer. If said recheck shows the meter reading to be correct and the meter shows no malfunction, no adjustment will be made to the customer's bill and a recheck charge of five dollars (\$5.00) will be paid by the customer. In the event of misreadings or malfunction, an adjustment shall be made to the customer's bill and no charge for the recheck shall be made. The only exception will be when a customer discovers a leak in their line and a one (1) time adjustment for that leak shall be made.

(8) Bills paid on or before the final day of payment shall be payable at the net rate, but thereafter the gross rates shall apply, which is an additional ten percent (10%) of the current month's bill. However, bills that have reached the gross amount may only be paid at the water department office.

(9) A bad check charge of thirty dollars (\$30.00) will be made to the customer for each check returned for insufficient funds.

(10) Water customers served by the Jonesborough Sewer System that have individual residential pools not connected to the sewer system may receive a sewer billing adjustment the month their pool is filled. The sewer billing adjustment is made by averaging the previous year's usage, and the adjustment will only be made:

- (a) Once a year;
 - (b) At the request by the owner;
 - (c) Upon verification that the pool is present and operational;
- and
- (d) To pools constructed under a proper building permit. (Ord. of Feb. 28, 1984; as amended by Ord. of March 11, 1985; and Ord. of June 27, 1989, and replaced by Ord. #2002-05, March 2002, and Ord. #2005-15, Aug. 2005, and amended by Ord. #2006-06, Aug. 2006, and Ord. #2007-05, April 2007)

13-119. 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 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. (Code of 1982, as replaced by Ord. #2005-15, Aug. 2005)

13-120. Cut offs and reconnection. (1) In the event a bill is not paid by the due date, the following day a written cut-off notice will be sent advising the customer that their service will be discontinued if the bill in arrears is not paid within ten (10) days of the date of the notice.

(2) In the event that service is discontinued, a lock shall be placed on the meter. A service charge of forty dollars (\$40.00) plus the entire bill must be paid before service is restored. Any person who tampers with the lock or meter or has an illegal cross-connection from the town's main line is subject to legal action.

If, after water service has been discontinued, a customer removes a lock or tampers with a meter or assembly in order to illegally obtain water from the town's system without paying the past due bill and any remaining service charges, or having some written agreement with the town allowing water service to be continued and the meter is removed, then an additional two hundred fifty dollar (\$250.00) meter re-installation fee will be charged to the customer. The entire bill, including the forty dollar (\$40.00) re-connect charge and the two hundred fifty dollar (\$250.00) re-installation fee must be paid before water service is restored. This re-installation fee does not take the place of or restrict

the town in any way from taking legal action against the customer in violation for water theft.

(3) If customer does not make payment, notify the water department of dispute of bill, or make other arrangements acceptable to the water department by last date of payment, water department will proceed on schedule with termination.

(4) Failure to receive cut-off notice will not release customer from termination of services. (Ord. of May 11, 1985, modifying Ord. of Feb. 28, 1984, as replaced by Ord. #2005-15, Aug. 2005, and amended by Ord. #2006-06, Aug. 2006, Ord. #2009-06, May 2009, and Ord. #2018-08, May 2018 *Ch13_03-08-21*)

13-121. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days 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 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 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. [Code of 1982]

13-122. 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 customer's plumbing and premises generally in order to secure compliance with these rules and regulations. [Code of 1982]

13-123. 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 buildings 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. [Code of 1982]

13-124. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. [Code of 1982]

13-125. 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. [Code of 1982]

13-126. 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. [Code of 1982]

13-127. Unauthorized use of or interference with water supply. No person shall turn on or turn off or in any way interfere with any of the town's meters, stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. Interference with the town's water system without authorization is deemed a misdemeanor by the board of mayor and aldermen and subject to prosecution. [Code of 1982]

13-128. Fire hydrant classification and usage. (1) Fire hydrants in the Jonesborough Water Distribution System shall be classified in accordance with their rated capacities (at 20 psi residual pressure) as follows:

Class AA:	Rated capacity of 1500 gpm or greater
Class A:	Rated capacity of 1000 gpm to 1499 gpm
Class B:	Rated capacity of 500 gpm to 999 gpm
Class C:	Rated capacity of less than 500 gpm

(2) The tops and nozzle caps of Jonesborough Water System fire hydrants shall be painted with the following capacity-indicating color scheme:

Class AA:	Blue
Class A:	Green
Class B:	Orange
Class C:	Red

(3) Class C fire hydrants are restricted hydrants and may be used to fill tanker trucks used in fire suppression efforts. However, it shall be unlawful to connect a pumper truck to a Class C fire hydrant.

(4) Before fire hydrants are installed or removed from the Jonesborough Water Distribution System, the Jonesborough Fire Department shall be notified of the proposed installation or removal.

(5) Limited use of unmetered private fire lines. 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. (Code of 1982, as amended by Ord. #2000-09, July 2000, and Ord. #2011-17, Nov. 2011)

13-129. 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. [Code of 1982]

13-130. 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 a 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. [Code of 1982]

13-131. 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. [Code of 1982]

13-132. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. [Code of 1982]

13-133. Fluoridation of water supply. The water department is hereby authorized and instructed to make plans for the fluoridation of the water supply of the town; to submit such plans to the Department of Public Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of said water supply.

The cost of such fluoridation will be borne by the revenues of the water department. [Ord. of April 11, 1978, §§ 1 and 2]

CHAPTER 2

SEWER USE AND WASTEWATER TREATMENT

SECTION

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13-201. Purpose and policy. This chapter sets forth uniform requirements for users of the wastewater facilities for the Town of Jonesborough and enables the town to comply with all applicable state and federal laws, including the State Pretreatment Requirements (Tennessee Rule 0400-40-14), the Clean Water Act (33 U.S.C. §§ 1251, et seq.) and the General Pretreatment Regulations (40 CFR part 403). The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the wastewater facilities that will interfere with its operation;

(2) To prevent the introduction of pollutants into the wastewater facilities that will pass through the wastewater facilities, inadequately treated, into receiving waters, or otherwise be incompatible with the wastewater facilities;

(3) To protect both wastewater facilities personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(4) To promote reuse and recycling of industrial wastewater and sludge from the wastewater facilities;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the wastewater facilities; and

(6) To enable the town to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the wastewater facilities is subject.

This chapter shall apply to all users of the wastewater facilities. The chapter authorizes the issuance of individual wastewater discharge permits or general permit; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. dated 8-21-87, as replaced by Ord. #2002-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-202. Abbreviations. The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD - Biochemical Oxygen Demand.

BMP - Best Management Practice.

BMR - Baseline Monitoring Report.

CFR - Code of Federal Regulations.

CIU - Categorical Industrial User.

COD - Chemical Oxygen Demand.

DES - Director of Environmental Services.

EPA - U.S. Environmental Protection Agency.

gpd - gallons per day.

IU - Industrial User.

mg/l - milligrams per liter.

NPDES - National Pollutant Discharge Elimination System.

NSCIU - Non-Significant Categorical Industrial User.

RCRA - Resource Conservation and Recovery Act.

SIU - Significant Industrial User.

SNC - Significant Noncompliance.

TSS - Total Suspended Solids.

U.S.C. - United States Code.

WWF - Wastewater Facilities. (Ord. dated 8-21-87, as amended by Ord. #94-06, April 1994, and replaced by Ord. #2002-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-203. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

(1) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251, *et seq.*

(2) "Approval authority." The Tennessee Division of Water Resources Director or his/her representative(s)

(3) "Authorized or duly authorized representative of the user."

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities; provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in subsections (3)(a) to (3)(c) above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town of Jonesborough.

(4) "Biochemical Oxygen Demand" or "BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees Centigrade (20°C), usually expressed as a concentration (e.g., mg/l).

(5) "Best Management Practices" or "BMPs." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 13-205(1) and (2), and Tennessee Rule 0400-40-14-.05(1)(a) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(6) "Categorical pretreatment standard or categorical standard." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405-471.

(7) "Categorical industrial user." An industrial user subject to a categorical pretreatment standard or categorical standard.

(8) "Town." Town of Jonesborough or board/BMA: board of mayor and aldermen.

(9) "Chemical Oxygen Demand" or "COD." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(10) "Control authority." The Town of Jonesborough

(11) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

(12) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where "daily maximum limits" are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where "daily maximum limits" are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(13) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.

(14) "Existing source." Any source of discharge that is not a "new source."

(15) "Grab sample." A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(16) "Indirect discharge" or "discharge." The introduction of pollutants into the WWF from any non-domestic source.

(17) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(18) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or the collection system.

(19) "Local limit." Specific discharge limits developed and enforced by the Town of Jonesborough upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 0400-40-14-.05(1)(a) and (2).

(20) "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(21) "Monthly average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(22) "Monthly average limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(23) "New source."

(a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided that:

(i) The building, structure, facility, or installation is constructed at a site at which no other source is located;

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the

extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a "new source" if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (23)(a)(i) or (23)(a)(ii) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a "new source" as defined under this section has commenced if the owner or operator has:

(i) Begun, or caused to begin, as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used, in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection (23)(c)(ii).

(24) "Noncontact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(25) "Pass through." A discharge which exits the WWF into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town of Jonesborough's NPDES permit, including an increase in the magnitude or duration of a violation.

(26) "Person." Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.

(27) "pH." A measure of the acidity or alkalinity of a solution, expressed in standard units.

(28) "Pollutant." Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(29) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the WWF. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(30) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(31) "Pretreatment standards" or "standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(32) "Prohibited discharge standards" or "prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 13-205.

(33) "Significant Industrial User (SIU)." Except as provided in subsections (33)(c) and (33)(d) below, a "significant industrial user" is:

(a) An industrial user subject to categorical pretreatment standards; or

(b) An industrial user that:

(i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the WWF (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(ii) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the WWF treatment plant; or

(iii) Is designated as such by the Town of Jonesborough on the basis that it has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement,

(c) The Town of Jonesborough may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless

specifically included in the pretreatment standard) and the following conditions are met:

(i) The industrial user, prior to the Town of Jonesborough finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submits the certification statement required in § 13-244(2) (see Tennessee Rule 0400-40-14-.12(17)), together with any additional information necessary to support the certification statement; and

(iii) The industrial user never discharges any untreated concentrated wastewater.

(d) Upon a finding that a user meeting the criteria in subsection (33)(b) above has no reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement, the Town of Jonesborough may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 0400-40-14-.08(6)(f), determine that such user should not be considered a significant industrial user.

(34) "Slug load" or "slug discharge." Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 13-205 of this chapter. A "slug discharge" is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWF's regulations, local limits or permit conditions.

(35) "Wastewater Facilities" or "WWF." All treatment facilities, as defined by section 212 of the Act (33 U.S.C. § 1292), which is owned by the Town of Jonesborough. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

(36) "Septic tank waste." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(37) "Sewage." Human excrement and gray water (household showers, dishwashing operations, etc.).

(38) "Stormwater." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(39) "Director of Environmental Services" or "DES." The person designated by the Town of Jonesborough to supervise the operation of the WWF, and who is charged with certain duties and responsibilities by this chapter. The term also means a duly authorized representative of the board of mayor and aldermen.

(40) "Total Suspended Solids" or "Suspended Solids" or "TSS." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

(41) "User" or "industrial user." A source of indirect discharge.

(42) "Wastewater." Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the WWF.

(43) "Wastewater treatment plant" or "treatment plant." That portion of the WWF which is designed to provide treatment of municipal sewage and industrial waste. (Ord. dated 8-21-87, as amended by Ord. #94-06, April 1994, replaced by Ord. #2002-03, March 2002, amended by Ord. #2002-10, June 2002, and replaced by Ord. #2011-14, Oct. 2011, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-204. (Reserved.) (Ord. dated 8-21-87, as amended by Ord. #92-10, July 1992, and replaced by Ord. #2002-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)¹

13-205. Prohibited discharge standards. (1) General prohibitions. No user shall introduce or cause to be introduced into the WWF any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the WWF whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(2) Specific prohibitions. No user shall introduce or cause to be introduced into the WWF the following pollutants, substances, or wastewater:

(a) Pollutants which create a fire or explosive hazard in the WWF, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (sixty degrees Centigrade (60°C)) using the test methods specified in 40 CFR § 261.21;

(b) Wastewater having a pH less than 5.5 or more than 9.5, or otherwise causing corrosive structural damage to the WWF or equipment;

(c) Solid or viscous substances in amounts which will cause obstruction of the flow in the WWF resulting in interference but in no case solids greater than one and one-half inch(es) (1-1/2");

(d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the WWF;

¹Ordinance 2011-14, Oct. 2011 omitted the text for § 13-204.

(e) Wastewater having a temperature that will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104°F) (forty degrees Centigrade (40°C));

(f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWF in a quantity that may cause acute worker health and safety problems;

(h) Trucked or hauled pollutants, except at discharge points designated by the DES in accordance with § 13-214 of this chapter;

(i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating Town of Jonesborough NPDES permit;

(k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(l) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director of environmental services;

(m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(n) Medical wastes, except as specifically authorized by the director of environmental services in an individual wastewater discharge permit or a general permit;

(o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(p) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the WWF;

(q) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l; and/or

(r) Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the WWF, or at any point in the WWF, of more than ten percent (10%) or any single reading over ten percent (10%) of the lower explosive limit of the meter.

Pollutants, substances, or wastewater prohibited by this chapter shall not be processed or stored in such a manner that they could be discharged to the WWF. (Ord. dated 8-21-87, as amended by Ord. #94-06, April 1994, and replaced by Ord. #2002-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-206. National categorical pretreatment standards. Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director of environmental services may impose equivalent concentration or mass limits in accordance with §§ 13-206(5) and 13-206(6).

(2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director of environmental services may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

(3) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director of environmental services shall impose an alternate limit in accordance with Tennessee Rule 0400-40-14-.06(5).

(4) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following subsections.

(a) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this chapter. Any industrial user wishing to obtain credit for intake pollutants must make application to the Town of Jonesborough. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of subsection (2) above are met

(b) Criteria.

(i) Either:

(A) The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or

(B) The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(ii) Credit for generic pollutants such as Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and oil and

grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(iii) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(iv) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water, as that into which the WWF discharges. The Town of Jonesborough may waive this requirement if it finds that no environmental degradation will result.

(5) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the town convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the DES. The town may establish equivalent mass limits only if the industrial user meets all the conditions set forth in §§ 13-206(5)(a)(i) through 13-206(5)(a)(v) below.

(a) To be eligible for equivalent mass limits, the industrial user must:

(i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

(ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

(iii) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

(iv) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

(v) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

- (b) An industrial user subject to equivalent mass limits must:
- (i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - (ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - (iii) Continue to record the facility's production rates and notify the DES whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in § 13-206(5)(a)(iii) of this section. Upon notification of a revised production rate, the DES will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to § 13-206(5)(a)(i) above so long as it discharges under an equivalent mass limit.

(c) When developing equivalent mass limits, the DES:

(i) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated, process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

(ii) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(iii) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to § 13-210. The industrial user must also be in compliance with § 13-269 regarding the prohibition of bypass.

(6) The DES may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the DES.

(7) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(8) Many categorical pretreatment standards specify one (1) limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four (4) day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(9) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the DES within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the DES of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. (Ord. dated 8-21-87, as amended by Ord. #94-06, April 1994, and replaced by Ord. #2002-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-207. State pretreatment standards. Users must comply with State of Tennessee Pretreatment Standards codified at Tennessee Rule 0400-40-14 to state statute or law. (Ord. Dated 8-21-87, as amended by Ord. #92-10, July and replaced by Ord. #2002-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-208. Local limits. The Town of Jonesborough is mandated by our NPDES permit to monitor the pass through limits for some or all of the pollutants listed below, and may need to establish local limits for pollutants not listed below. The municipality may also establish Best Management Practices (BMPs) to control certain pollutants. The Town of Jonesborough will provide public notice and an opportunity to respond to interested parties (40 CFR § 403.5(c)(3)). This requirement applies whether local limits are set by ordinance or on a case-by-case basis. The Town of Jonesborough has developed protection limits and local limits based on the pass through limits and will apply them to IU's on a case-by-case basis.

(1) The DES is authorized to establish local limits pursuant to Tennessee Rule 0400-40-14-.05(3).

(2) The following pollutant local limits are established to protect against pass through and interference. The following list of pollutants has been established by the town's NPDES permit and may not be limited only to these pollutants. No person shall discharge wastewater containing in excess of the following:

	<u>Monthly Average (mg/l)</u>	<u>Daily Maximum (mg/l)</u>
Copper	8.52	17.04

	<u>Monthly Average (mg/l)</u>	<u>Daily Maximum (mg/l)</u>
Chromium	6.75	13.50
Nickel	4.89	9.77
Cadmium	0.46	0.92
Lead	4.48	8.96
Mercury	0.03	0.06
Zinc	2.77	5.55
Silver	0.52	1.04
Cyanide	1.76	3.52
Toluene	3.82	7.64
Benzene	0.23	0.45
1,1,1-Trichloroethane	4.50	9.01
Ethylbenzene	0.71	1.43
Carbon Tetrachloride	27.07	54.13
Chloroform	3.94	7.88
Tetrachloroethylene	2.50	5.00
Trichloroethylene	1.80	3.59
1,2-Transdichloroethylene	0.13	0.25
Methylene Chloride	1.69	3.38
Phenol	7.08	14.17
Naphthalene	0.20	0.40
Total Phthalates	2.91	5.81
Oil and Grease	n/a	100.00
CBOD	per industrial user permit	
Total Suspended Solids	per industrial user permit	

The above limits apply at the point where the wastewater is discharged to the collection system. All concentrations for metallic substances are for total metal unless indicated otherwise. The DES may impose mass limitations in addition to the concentration-based limitations above.

(3) The DES may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement local limits and the requirements of § 13-205. (Ord. dated 8-21-87, as replaced by Ord. #2003-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-209. Town of Jonesborough right of revision. The town reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent standards or requirements on discharges to the WWF consistent with the purpose of this chapter. (Ord. dated 8-21-87, as amended by Ord. #94-06, April 1994, and replaced by Ord. #2002-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-210. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. DES may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate. (Ord. dated 8-21-87, as amended by Ord. #94-06, April 1994, and replaced by Ord. #2002-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-211. Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 13-205 of this chapter within the time limitations specified by EPA, the state, or the Town of Jonesborough, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to Town of Jonesborough for review, and shall be acceptable by Town of Jonesborough before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the town under the provisions of this chapter. (Ord. dated 8-21-87, as amended by Ord. #96-22, Dec. 1996, and replaced by Ord. #2002-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-212. Additional pretreatment measures. (1) Whenever deemed necessary, DES may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the WWF and determine the user's compliance with the requirements of this chapter.

(2) The DES may require any person discharging into the WWF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of DES, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Town of Jonesborough, shall comply with the town's oil and grease management ordinance, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the town's oil and grease management ordinance by the user at their expense.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. dated 8-21-87, as replaced by Ord. #2002-03, March 2002, and Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-213. Accidental discharge/slug discharge control plans. The DES shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The DES may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the DES may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the DES of any accidental or slug discharge, as required by § 13-236 of this chapter; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency

response. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-214. Hauled wastewater. (1) Septic tank waste may be introduced into the WWF only at locations designated by the DES, and at such times as are established by the DES. Such waste shall not violate § 13-205 through 13-210 of this chapter or any other requirements established by the town. The DES may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.

(2) If sewer needs to be hauled by the Town of Jonesborough in a pump and haul situation a request must be made to the town no less than forty-five (45) days prior to the service needed. The Town of Jonesborough will be responsible for requesting a pump and haul permit from TDEC. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-215. Wastewater analysis. When requested by DES, a user must submit information on the nature and characteristics of its wastewater within fourteen (14) days of the request. The DES is authorized to prepare a form for this purpose and may periodically require users to update this information. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-216. Individual wastewater discharge permit and general permit requirement. (1) No significant industrial user shall discharge wastewater into the WWF without first obtaining an individual wastewater discharge permit or a general permit from the Town of Jonesborough, except that a significant industrial user that has filed a timely application pursuant to § 13-217 of this chapter may continue to discharge for the time period specified therein.

(2) The DES may require other users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this chapter.

(3) Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 13-210 through 13-212 of this chapter. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-217. Individual wastewater discharge and general permitting: existing connections. Any user required to obtain an individual wastewater discharge

permit or an effective date of this chapter and who wishes to continue such discharges in the future shall, within forty-five (45) days after said date, apply to the DES for an individual wastewater discharge permit or a general permit in accordance with § 13-219 of this chapter, and shall not cause or allow discharges to the WWF to continue after forty-five (45) days of the effective date of this chapter except in accordance with an individual wastewater discharge permit or a general permit issued by the DES. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-218. Individual wastewater discharge and general permitting: new connections. Any user required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the WWF must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with § 13-219 of this chapter, must be filed at least forty-five (45) days prior to the date upon which any discharge will begin or recommence. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-219. Individual wastewater discharge and general permit application contents. (1) All users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application.

(2) Users that are eligible may request a general permit under § 13-220. The DES may require users to submit all or some of the following information as part of a permit application:

(a) Identifying information.

(i) The name and address of the facility, including the name of the operator and owner.

(ii) Contact information, description of activities, facilities, and plant production processes on the premises.

(b) Environmental permits. A list of any environmental control permits held by or for the facility.

(c) Description of operations.

(i) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

(ii) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WWF.

(iii) Number and type of employees, hours of operation, and proposed or actual hours of operation.

(iv) Type and amount of raw materials processed (average and maximum per day).

(v) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(d) Time and duration of discharges.

(e) The location for monitoring all wastes covered by the permit.

(f) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in § 13-206(3) (Tennessee Rule 0400-40-14-.06(5)).

(g) Measurement of pollutants.

(i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the DES, of regulated pollutants in the discharge from each regulated process.

(iii) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

(iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 13-240 of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the DES or the applicable standards to determine compliance with the standard.

(v) Sampling must be performed in accordance with procedures set out in § 13-241 of this chapter.

(h) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 13-234(2), Tennessee Rule 0400-40-14-.12(5)(b).

(i) Any request to be covered by a general permit based on § 13-220.

(j) Any other information as may be deemed necessary by the DES to evaluate the permit application.

(k) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-220. Wastewater discharge permitting: general permits. (1) At the discretion of the DES, the DES may use general permits to control SIU discharges to the WWF if the following conditions are met. All facilities to be covered by a general permit must:

- (a) Involve the same or substantially similar types of operations;
- (b) Discharge the same types of wastes;
- (c) Require the same effluent limitations;
- (d) Require the same or similar monitoring; and
- (e) In the opinion of the DES, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(2) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with § 13-234(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the WWF deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the DES has provided written notice to the SIU that such a waiver request has been granted in accordance with § 13-234(2).

(3) The DES will retain a copy of the general permit, documentation to support the WWF's determination that a specific SIU meets the criteria in § 13-220(1)(a) to (e) and applicable state regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general permit.

(4) They may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined wastestream formula (§ 13-206(3)) or net/gross calculations (§ 13-206(4)). (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-221. Application signatories and certifications. (1) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 13-244(1).

(2) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the DES prior to or together with any reports to be signed by an authorized representative.

(3) A facility determined to be a non-significant categorical industrial user by the DES pursuant to § 13-203(33)(c) must annually submit the signed certification statement in § 13-244(2). (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-222. Individual wastewater discharge and general permit decisions. The DES will evaluate the data furnished by the user and may require additional information. Within forty-five (45) days of receipt of a complete permit application, the DES will determine whether to issue an individual wastewater discharge permit or a general permit. The DES may deny any application for an individual wastewater discharge permit or a general permit. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-223. Individual wastewater discharge and general permit duration. An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit or a general permit may be issued for a period less than five (5) years, at the discretion of the DES. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-224. Individual wastewater discharge permit and general permit contents. An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the DES to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the WWF.

(1) Individual wastewater discharge permits and general permits must contain:

(a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the town in accordance with § 13-227 of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(c) Effluent limits, including best management practices, based on applicable pretreatment standards;

(d) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practice to be monitored,

sampling location, sampling frequency, and sample type based on federal, state, and local law.

(e) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 13-234(2).

(f) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(g) Requirements to control slug discharge, if determined by the director of environmental services to be necessary.

(h) Any grant of the monitoring waiver by the DES (§ 13-234(2)) must be included as a condition in the user's permit or other control mechanism.

(2) Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;

(e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the WWF;

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(g) A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit; and

(h) Other conditions as deemed appropriate by the DES to ensure compliance with this chapter, and state and federal laws, rules,

and regulations. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-225. Permit issuance process. (1) Public notification. All records pertaining to industrial user permits are public record and can be reviewed at the office of the DES. The only items that may be restricted are anything pertaining to trade secrets or to a proprietary process. If someone wishes to review permits, a request must be submitted in writing and an appointment made with the DES.

(2) Permit appeals. The DES shall provide public notice of the issuance of an individual wastewater discharge permit or a general permit. Any person, including the user, may petition the DES to reconsider the terms of an individual wastewater discharge permit or a general permit within thirty (30) days of notice of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the individual wastewater discharge permit or a general permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit or a general permit.

(c) The effectiveness of the individual wastewater discharge permit or a general permit shall not be stayed pending the appeal.

(d) If the DES fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit or a general permit, not to issue an individual wastewater discharge permit or a general permit, or not to modify an individual wastewater discharge permit or a general permit shall be considered final administrative actions for purposes of judicial review.

(e) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit or general permit decision must do so by filing a complaint with the appropriate legal authorities for proper jurisdiction within the State of Tennessee Statute of Limitations. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-226. Permit modification. (1) The DES may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(c) A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the town's WWF, town personnel, or the receiving waters;

(e) Violation of any terms or conditions of the individual wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 0400-40-14-.13;

(h) To correct typographical or other errors in the individual wastewater discharge permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 13-227.

(2) The DES may modify a general permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(b) A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(c) To correct typographical or other errors in the individual wastewater discharge permit; or

(d) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 13-227. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-227. Individual wastewater discharge permit and general permit transfer. Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least forty-five (45) days advance notice to the DES and the DES approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to the DES must include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-228. Individual wastewater discharge permit and general permit revocation. The DES may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the DES of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the DES of changed conditions pursuant to § 13-235 of this chapter;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the DES timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the general permit or this chapter.

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a user are void upon the issuance of a new individual wastewater discharge permit or a general permit to that user. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-229. Individual wastewater discharge permit and general permit reissuance. A user with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge permit or general permit. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-230. Regulation of waste received from other jurisdictions. (1) If another municipality, or user located within another municipality, contributes wastewater to the WWF, the DES shall enter into an inter-municipal agreement with the contributing municipality.

(2) Prior to entering into an agreement required by subsection (1) above, the DES shall request the following information from the contributing municipality:

- (a) A description of the quality and volume of wastewater discharged to the WWF by the contributing municipality;
- (b) An inventory of all users located within the contributing municipality that are discharging to the WWF; and
- (c) Such other information as the DES may deem necessary.

(3) An inter-municipal agreement, as required by subsection (1) above shall contain the following conditions:

(a) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits, including required Baseline Monitoring Reports (BMRs), which are at least as stringent as those set out in § 13-208 of this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the town's ordinance or local limits;

(b) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(c) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the DES; and which of these activities will be conducted jointly by the contributing municipality and the DES;

(d) A requirement for the contributing municipality to provide the DES with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(e) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the WWF;

(f) Requirements for monitoring the contributing municipality's discharge;

(g) A provision ensuring the DES access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the DES; and

(h) A provision specifying remedies available for breach of the terms of the inter-municipal agreement. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-231. Baseline monitoring reports. (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the WWF shall submit to the DES a report which contains the information listed in subsection (2) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the DES a report which contains the information listed in subsection (2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

(a) All information required in §§ 13-219(1)(a)(i), 13-219(1)(b), 13-219(1)(c)(i), and 13-219(1)(f).

(b) Measurement of pollutants.

(i) The user shall provide the information required in § 13-219(1)(g)(i) through (iv).

(ii) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section.

(iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 0400-40-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(iv) Sampling and analysis shall be performed in accordance with § 13-240;

(v) The DES may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and

(vi) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

(c) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 13-203(3) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 13-232 of this chapter.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with this chapter and signed by an authorized representative as defined in § 13-203(3). (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-232. Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 13-231(2)(d) of this chapter:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

(3) The user shall submit a progress report to the DES no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such progress reports to the DES. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-233. Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WWF, any user subject to such pretreatment standards and requirements shall submit to the DES a report containing the information described in §§ 13-219(1)(f) and (g)

and 13-231(2)(b) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 13-206, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 13-244(1) of this chapter. All sampling will be done in conformance with § 13-241. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-234. Periodic compliance reports. (1) All significant industrial users must, at a frequency determined by the DES submit no less than twice per year on the dates specified in their permit, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the DES or the pretreatment standard necessary to determine the compliance status of the user.

(2) The town may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user (see Tennessee Rule 0400-40-14-.12(5)(b)). This authorization is subject to the following conditions:

(a) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility; provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(b) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than three (3) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. (See § 13-219(1)(h).)

(c) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(d) The request for a monitoring waiver must be signed in accordance with § 13-203(3) and include the certification statement in § 13-244(1) (Tennessee Rule 0400-40-14-.06(1)(b)2).

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the DES must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the DES for three (3) years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the user's permit by the DES, the industrial user must certify on each report with the statement in § 13-244(3) below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: Comply with the monitoring requirements of § 13-234(1), or other more frequent monitoring requirements imposed by the DES, and notify the DES.

(i) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(3) All periodic compliance reports must be signed and certified in accordance with § 13-244(1) of this chapter.

(4) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(5) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the DES, using the procedures prescribed in § 13-241 of this chapter, the results of this monitoring shall be included in the report. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-235. Reports of changed conditions. Each user must notify the DES of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least forty-five (45) days before the change.

(1) The DES may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 13-219 of this chapter.

(2) The DES may issue an individual wastewater discharge permit or a general permit under § 13-229 of this chapter or modify an existing wastewater discharge permit or a general permit under § 13-226 of this chapter in response to changed conditions or anticipated changed conditions. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-236. Reports of potential problems. (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug discharge or slug load, that might cause potential problems for the WWF, the user shall immediately telephone and notify the DES of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five (5) days following such discharge, the user shall, unless waived by the DES, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (1) above. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the DES immediately of any changes at its facility affecting the potential for a slug discharge. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-237. Reports from unpermitted users. All users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to, the DES as the DES may require. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-238. Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the DES within twenty-four (24) hours of becoming aware of the violation. The user shall also

repeat the sampling and analysis and submit the results of the repeat analysis to the DES within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the town performs sampling at the user's facility at least once a month, or if the town performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the town receives the results of this sampling, or if the town has performed the sampling and analysis in lieu of the industrial user. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

12-239. Notification of the discharge of hazardous waste. (1) Any user who commences the discharge of hazardous waste shall notify the WWF, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other), if the user discharges more than one hundred (100) kilograms of such waste per calendar month to the WWF, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this subsection (1) need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 13-235 of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 13-231, 13-233, and 13-234 of this chapter.

(2) Dischargers are exempt from the requirements of subsection (1) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §§ 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the DES, the

EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-240. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the DES or other parties approved by EPA. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-241. Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(1) Except as indicated in subsections (2) and (3) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the DES. Where time-proportional composite sampling or grab sampling is authorized by the Town of Jonesborough, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in §§ 13-231 and 13-233 Tennessee Rule 0400-40-14-.12(2) and (4), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the DES may authorize a lower minimum. For the reports required by § 13-234 (Tennessee Rule 0400-40-14-.12(5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by applicable pretreatment standards and requirements. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-242. Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-243. Recordkeeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 13-208(3). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the DES. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-244. Certification statements. (1) Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 13-221; users submitting baseline monitoring reports under § 13-231(2)(e); users submitting reports on compliance with the categorical pretreatment standard deadlines under § 13-233; users submitting periodic compliance reports required by § 13-234(1)

to (3), and users submitting an initial request to forego sampling of a pollutant on the basis of § 13-234(2)(d). The following certification statement must be signed by an authorized representative as defined in § 13-203(3):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(2) Annual certification for non-significant categorical industrial users.

A facility determined to be a non-significant categorical industrial user by the DES pursuant to §§ 13-203(33)(c) and 13-221(3) must annually submit the following certification statement signed in accordance with the signatory requirements in § 13-203(3). This certification must accompany an alternative report required by the DES:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR____, I certify that, to the best of my knowledge and belief that during the period from_____ to _____,_____ [months, days, year]:

- (i) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 13-203(33)(c);
- (ii) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (iii) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period."

(3) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 13-234(2) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 13-234(1)." (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-245. Right of entry: inspection and sampling. The DES shall have the right to enter the premises of any user to determine whether the user is

complying with all requirements of this chapter and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the DES ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the DES shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The DES shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The DES may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the DES and shall not be replaced. The costs of clearing such access shall be born by the user.

(5) Unreasonable delays in allowing the DES access to the user's premises shall be a violation of this chapter. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-246. Search warrants. If the DES has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town of Jonesborough designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the DES may seek issuance of a search warrant from the appropriate court of the State of Tennessee. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-247. Confidential information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits, and monitoring programs, and from the DES's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the DES, that the release of such information would divulge information, processes, or methods of production

entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR § 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-248. Publication of users in significant noncompliance. The DES shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the Town of Jonesborough, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users (or any other industrial user that violates subsections (3), (4) or (8) below) and shall mean:

(1) "Chronic violations of wastewater discharge limits," defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in §§ 13-205 to 13-210;

(2) "Technical Review Criteria (TRC) violations," defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 13-203(17) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by §§ 13-205 to 13-210 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the DES determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of WWF personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the DES's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices, which the DES determines will adversely affect the operation or implementation of the local pretreatment program. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-249. Notification of violation. When the DES finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the DES may serve upon that user a written notice of violation. Within three (3) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the DES. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the DES to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-250. Consent orders. The DES may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 13-252 and 13-253 of this chapter and shall be judicially enforceable. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-251. Show cause hearing. The DES may order a user which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the DES and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the

proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 13-203(3) and required by § 13-221(1). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-252. Compliance orders. When the DES finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the DES may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-253. Cease and desist orders. When the DES finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the DES may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-254. Administrative fines. (1) When the DES finds that a user has violated, or continues to violate, any provision of this chapter, an individual

wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the DES may fine such user in an amount not to exceed maximum fine allowed under state law. Such fines shall be assessed on a per-violation, per-day basis, in the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(2) Unpaid charges and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the user's property shall be sought for unpaid charges and penalties.

(3) Users desiring to dispute such fines must file a written request for the DES to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the DES may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The DES may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-255. Emergency suspensions. The DES may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The DES may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the WWF, or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the DES may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF, its receiving stream, or endangerment to any individuals. The DES may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the DES that the period of endangerment has passed, unless the termination proceedings in this chapter are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the DES prior to the date of any show cause or termination hearing under §§ 13-251 or 13-256 of this chapter. Nothing in

this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-256. Termination of discharge. In addition to the provisions in § 13-228 of this chapter, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of individual wastewater discharge permit or general permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in §§ 13-205 to 13-210 of this chapter. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 13-251 of this chapter why the proposed action should not be taken. Exercise of this option by the DES shall not be a bar to, or a prerequisite for, taking any other action against the user. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-257. Injunctive relief. When the DES finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the DES may petition the appropriate court through the town's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this chapter on activities of the user. The DES may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-258. Civil penalties. Violations, administrative civil penalty, under the authority of Tennessee Code Annotated, § 69-3-125:

- (1) Any person including, but not limited to industrial users, who does any of the following acts or omissions is subject to a civil penalty of up to ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs:
 - (a) Unauthorized discharge, discharging without a permit;

- (b) Violates an effluent standard or limitation;
- (c) Violates the terms or conditions of a permit;
- (d) Fails to complete a filing requirement;
- (e) Fails to allow or perform an entry, inspection, monitoring or reporting requirement;
- (f) Fails to pay user or cost recovery charges; or
- (g) Violates a final determination or order of the local hearing authority or the local administrative officer.

(2) Any administrative civil penalty must be assessed in the following manner:

(a) The local administrative officer may issue an assessment against any person or industrial user responsible for the violation;

(b) Any person or industrial user against whom an assessment has been issued may secure a review of the assessment by filing with the local administrative officer a written petition setting forth the grounds and reasons for the violator's objections and asking for a hearing in the matter involved before the local hearing authority and, if a petition for review of the assessment is not filed within thirty (30) days after the date the assessment is served, the violator is deemed to have consented to the assessment and it becomes final;

(c) Whenever any assessment has become final because of a person's failure to appeal the assessment, the local administrative officer may apply to the appropriate court for a judgment and seek execution of the judgment, and the court, in such proceedings, shall treat a failure to appeal the assessment as a confession of judgment in the amount of the assessment;

(d) In assessing the civil penalty the local administrative officer may consider the following factors:

(i) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(ii) Damages to the pretreatment agency, including compensation for the damage or destruction of the facilities of the publicly owned treatment works, and also including any penalties, costs and attorneys' fees incurred by the pretreatment agency as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damages;

(iii) Cause of the discharge or violation;

(iv) The severity of the discharge and its effect upon the facilities of the publicly owned treatment works and upon the quality and quantity of the receiving waters;

(v) Effectiveness of action taken by the violator to cease the violation;

(vi) The technical and economic reasonableness of reducing or eliminating the discharge; and

(vii) The economic benefit gained by the violator.

(e) The local administrative officer may institute proceedings for assessment in the chancery court of the county in which all or part of the pollution or violation occurred, in the name of the pretreatment agency.

(3) The local hearing authority may establish by regulation a schedule of the amount of civil penalty which can be assessed by the local administrative officer for certain specific violations or categories of violations.

(4) Assessments may be added to the user's next scheduled sewer service charge and the local administrative officer shall have such other collection remedies as may be available for other service charges and fees.

(5) Any civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). However, the sum of penalties imposed by this section and by Tennessee Code Annotated, § 69-3-115(a) shall not exceed ten thousand dollars (\$10,000.00) per day for each day during which the act or omission continues or occurs. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-259. Criminal prosecution. Judicial proceedings and relief. Under the authority of Tennessee Code Annotated, § 69-3-127: The local administrative officer may initiate proceedings in the chancery court of the county in which the activities occurred against any person or industrial user who is alleged to have violated or is about to violate the pretreatment program, this section, or orders of the local hearing authority or local administrative officer. In the action, the local administrative officer may seek, and the court may grant, injunctive relief and any other relief available in law or equity. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-260. Remedies nonexclusive. The remedies provided for in this chapter are not exclusive. The DES may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the town's enforcement response plan. However, the DES may take other action against any user when the circumstances warrant. Further, the DES is empowered to take more than one (1) enforcement action against any noncompliant user. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-261. Penalties for late reports. A penalty of one hundred dollars (\$100.00) per day shall be assessed to any user for each day that a report required by this chapter, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due and higher penalties may also be

assessed where reports are more than thirty (30) days late. Actions taken by the DES to collect late reporting penalties shall not limit the DES's authority to initiate other enforcement actions that may include penalties for late reporting violations. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-262. Performance bonds. The DES may decline to issue or reissue an individual wastewater discharge permit or a general permit to any user who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the town, in a sum not to exceed a value determined by the DES to be necessary to achieve consistent compliance. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-263. Liability insurance. The DES may decline to issue or reissue an individual wastewater discharge or a general permit to any user who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the WWF caused by its discharge. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-264. Payment of outstanding fees and penalties. The DES may decline to issue or reissue an individual wastewater discharge permit or a general permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this chapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-265. Water supply severance. Whenever a user has violated or continues to violate any provision of this chapter, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-266. Public nuisances. A violation of any provision of this chapter, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby

declared a public nuisance and shall be corrected or abated as directed by the DES. Any person(s) creating a public nuisance shall be subject to the provisions of Jonesborough Municipal Code §§ 8-301 through 8-311 governing such nuisances, including reimbursing Town of Jonesborough for any costs incurred in removing, abating, or remedying said nuisance. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-267. Upset. (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (3) below are met.

(3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

(c) The user has submitted the following information to the DES within twenty-four (24) hours of becoming aware of the upset if this information is provided orally. A written submission must be provided within three (3) days:

(i) A description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or

an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-268. Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 13-205(1) of this chapter or the specific prohibitions in § 13-205(2) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town of Jonesborough was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 **Ch13_03-08-21**)

13-269. Bypass. (1) For the purposes of this section:

(a) Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (3) and (4) below.

(3) Bypass notifications.

(a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the DES, at least ten (10) days before the date of the bypass, if possible.

(b) A user shall submit oral notice to the DES of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the

bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The DES may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) Bypass.

(a) Bypass is prohibited, and the DES may take an enforcement action against a user for a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The user submitted notices as required under subsection (3) above.

(b) The DES may approve an anticipated bypass, after considering its adverse effects, if the DES determines that it will meet the three conditions listed in subsection (4)(a) above. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-270. Wastewater treatment tap fee schedule. (1) Sewer tap fee inside corporate limits. All persons connecting to sewers shall pay a fee of two thousand dollars (\$2,000.00) for the privilege of each tap that is connected inside the corporate town limits of Jonesborough plus a twenty-five dollar (\$25.00) inspection fee, payable in advance with the following exceptions.

(2) Reduction of tap fees. The board reserves the right to reduce sewer tap fees in a project area involving new sewer construction with said discounted fee to be available only through the end of construction. End of construction shall be defined as the point the collection lines are completely installed and functional and the right-of-way areas have been leveled and been re-landscaped or sown in grass. If there is to be a reduced fee schedule it must be in writing and agreed upon by the BMA before the start of construction or development of any property.

(3) The board reserves the right to establish a sewer tap payment plan. The board of mayor and aldermen may vote to authorize a sewer tap installment payment plan for project areas involving new sewer construction within an existing residential area and normally inside or adjacent to the corporate limits. Sewer tap payment plans shall be available to all residents in a designated

project area up to a period of twelve (12) months from the end of construction; provided that interest is charged at the prevailing interest rate, which is defined as a treasury bill rate plus one percent (1%), and the term of the plan shall not exceed five (5) years. Action by the town board to establish an installment fee payment plan shall take place prior to sewer service becoming available.

(4) Multi-family units inside the town limits shall pay the applicable. Single dwelling rate of two thousand dollars (\$2,000.00) for the first unit plus an additional one thousand dollars (\$1,000.00) for each additional unit. Each building of an apartment complex will be considered as a new initial tap and be charged the applicable first unit rate of two thousand dollars (\$2,000.00). There will be a twenty-five dollar (\$25.00) inspection fee per building.

(5) Sewer taps fees for households outside the town limits of the town. Outside customers shall pay a fee of three thousand three hundred dollars (\$3,300.00) for the privilege of each tap, payable in advance. There will be a twenty-five dollar (\$25.00) inspection fee per household. Multi-family units outside shall pay the applicable single-dwelling rate of three thousand three hundred dollars (\$3,300.00) for the first unit plus an additional one thousand six hundred fifty dollars (\$1,650.00) for each additional unit. Each building of an apartment complex will be considered as a new initial tap and be charged the applicable first unit rate of three-thousand three hundred dollars (\$3,300.00) outside. There will also be a twenty-five dollar (\$25.00) inspection fee per building.

(6) Sewer taps for industrial/commercial facilities inside the town limits. Buildings such as factories, warehouses, and shopping centers shall pay two thousand dollars (\$2,000.00) for structures up to ten thousand (10,000) square feet plus one thousand five hundred dollars (\$1,500.00) for each additional ten thousand (10,000) square feet or portion thereof. Motels/hotels shall pay the same sewer tap fees as charged for multi-family units. Sewer taps for a car wash structure shall pay two thousand (\$2,000.00) for the first bay and one thousand five hundred dollars (\$1,500.00) for each additional bay. The town reserves the right to surcharge industrial users for any treatment activity that is above the normal requirements for household treatment or requires pre-treatment. A twenty-five dollar (\$25.00) inspection fee will be charged per building for sewer connections.

(7) Sewer taps for industrial/commercial facilities outside the town limits. Buildings such as factories, warehouses, and shopping centers shall pay three thousand three hundred dollars (\$3,300.00) for structures up to ten thousand (10,000) square feet plus two thousand six hundred fifty dollars (\$2,650.00) for each additional ten thousand (10,000) square feet or portion thereof. Motels/hotels shall pay the same sewer tap fees as charged multi-family units. Sewer taps for a car wash structure shall pay three thousand three hundred dollars (\$3,300.00) for the first bay and two thousand six hundred fifty dollars (\$2,650.00) for each additional bay. The town reserves the right to surcharge industrial users for any treatment activity that is above the normal

requirements for household treatment, or requires pretreatment. A twenty-five dollar (\$25.00) inspection fee will be charged per building for sewer connections.

(8) Sewer taps fees for households that require residential grinder pump stations. The Town of Jonesborough has adopted a plan to eliminate septic tanks from being added to our system. Any residential household that is located below grade of the main sewer line that is available to their property will be required to the extent possible to use a residential grinder pump station. If the property is within the existing town limits with available sewer service or in a new subdivision within the town limits, the sewer tap fee for the grinder pump is three thousand five hundred dollars (\$3,500.00). Sewer tap fees for residential grinder pump stations installed as a result of annexation of an area initiated by the board of mayor and aldermen will be the same as the established sewer tap fee for the annexed area. This includes the wetwell, pump, controls and installation. This does not include electrical conduit, wiring, disconnect box, other electrical items needed to connect the station to the home, or the services of a licensed electrician. These must be provided by the homeowner. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-271. Pretreatment charges and fees. The Town of Jonesborough has adopted reasonable fees for reimbursement of costs of setting up and operating the Jonesborough Pretreatment Program, which may include:

(1) Fees for wastewater discharge permit applications including the cost of processing such applications. There is an application fee of one thousand five hundred dollars (\$1,500.00), which must be paid within thirty (30) days of receiving an industrial user permit. The Town of Jonesborough charges an annual permitting fee of one thousand dollars (\$1,000.00) which covers that calendar year billed;

(2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users; costs for quarterly or semi-annually testing will be billed to the industry on an annual basis;

(3) Fees for reviewing and responding to accidental discharge procedures and construction;

(4) Fees for filing appeals;

(5) Fees to recover administrative and legal costs (not included in § 13-271(2)) associated with the enforcement activity taken by the DES to address IU noncompliance; and

(6) Other fees as the Town of Jonesborough may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the Town of Jonesborough. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-272. Equipment charge. (1) In cases where a developer, contractor or a plumber requests the services of the Jonesborough Sewer Department specialty equipment such as remote sewer camera or sewer line jetter/cleaner, a rate of one hundred ninety-five dollars (\$195.00) per hour with a one (1) hour minimum charge will be used. This rate will be charged when a developer, contractor or a plumber requests a lateral locate or a lateral blockage that is not the responsibility of the Town of Jonesborough. This only applies to sewer specialty equipment.

(2) When a septic tank is requested to be pumped and the tank is not the cause of a sewer problem, a charge of one hundred dollars (\$100.00) will be charged for the unnecessary service requested. All restaurants, cafeterias, hotels, motels, hospitals, schools, grocery stores, prisons, jails, churches, camps, caterers, brewery, or manufacturing plants that request a septic tank to be pumped, and it is determined that the problem is due to the customer failing to pump their grease trap, waste separator or for any other action by the customer that causes the septic tank to stop working properly or septic system failure, will be charged the one hundred dollars (\$100.00) pumping fee. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-273. Severability. If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-274. Sewer pre-construction and engineering requirements. (1) Any developer or contractor must have a licensed engineer design the new extension or development.

(2) The Town of Jonesborough staff must review and approve the project plans before going to the state for final approval.

(3) The Town of Jonesborough Board of Mayor and Aldermen and Planning Board must approve all developments, subdivisions, and/or industries inside or outside the town limits that use the Jonesborough sewer system.

(4) The Jonesborough Sewer Department will receive a paper set and electronic set of project plans after plans are approved by the State of Tennessee (electronic set in Auto CAD).

(5) If or when a construction project deviates from the designed plans, a set of as-built plans must be submitted to the DES in paper and electronic forms.

(6) If there is an electric component to the project such as a lift station, the Johnson Town Power Board must be notified in advance for service design. All connection and installation fees will be at the cost of the developer.

(7) Whether inside or outside the town corporate limits, access easements to cleanouts must be recorded on deeds or plats.

(8) All new subdivisions or developments shall install six-inch (6") diameter stub out connections for lateral line connections. This includes subdivision extensions or developments with plans approved, but not yet constructed. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 ***Ch13_03-08-21***)

13-275. Sewer operation and construction guidelines. (1) Connection to public sewers. Requirements for proper wastewater disposal:

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the service area of the Town of Jonesborough, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any waters of the state within the service area of the town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

(c) Except as herein 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.

(d) Except as provided below in subsection (1)(h), the owners of all existing houses, buildings, and other properties used for human occupancy, employment, recreation, or other purpose located within the town's corporate limits and situated within the town's public sanitary service area, but not previously connected to the town's sewer system, are hereby required at his or her 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 one hundred twenty (120) days after the date of official notice to do so; provided said public sewer is adjacent to the property line or designated sewer easement area.

Houses, buildings, or other properties or structures used for human occupancy, employment, recreation, or other purposes that are intended to be developed and constructed within the town corporate limits must install suitable toilet facilities therein that are connected directly to the proper public sewer collection system as part of the development of said structures.

(e) The owner of a manufacturing facility may discharge wastewater to the waters of the state; provided that he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.

(f) Where a public sanitary sewer is not available under the provisions above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(g) When properties are annexed into the town limits of the Town of Jonesborough, the board of mayor and aldermen shall adopt a plan of services that projects a reasonable schedule for installation of sanitary sewer into an annexed area.

(h) When sanitary sewer service is constructed by the town after annexation and available to receive sewer flow, all houses, businesses, buildings and structures used for human occupancy must connect to the town's sewer system within one hundred twenty (120) days after date of official notice to do so, and monthly billing will be initiated at one hundred twenty (120) days with the following exceptions:

(i) Any dwelling or other such existing building for human occupancy more than five hundred feet (500') from the town's sewer system can be exempt; provided that the septic system serving such dwelling or building has been inspected and determined to be in proper working condition and not a source of contamination;

(ii) The owner of an existing dwelling or building considered for exemption must sign a form requesting the exemption, acknowledging that any tap fee discount with the sewer extension project will not be extended, and upon documented septic tank failure the owner will be required to connect to the town's sewer system at the charges current when the application is made;

(iii) Any existing dwelling or building exempted above shall not be billed for sewer service, however, unless any discounted tap fee is paid by the official end of construction, any future tap fee payment made to connect said dwelling or building to the town's sewer system will be at the full tap fee charge when the application for service is made; and

(iv) Any septic system failure at a dwelling or building exempted above that results in an unsanitary condition is a violation of the ordinance with every day of unsanitary condition being considered a separate violation. When such unsanitary conditions result in one (1) or more citations, connection to the town's sewer system will be mandatory and billing will begin immediately.

(2) Physical connection to sewer. (a) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. Homeowners, contractors, developers, etc., must contact the director of environmental services to receive authorization to connect to the town's sewer system. When authorization is received for non-town personnel to make the connection to the sewer tap, the connection must be inspected by designated town personnel, before the lines are covered. Within the town corporate limits, extensions

to the town's sewer system must be approved by the planning commission and be undertaken under the town's sewer extension policy. Sewer system extensions outside of the town's corporate limits must also be undertaken under the town's sewer extension policy, and must be approved by the board of mayor and aldermen.

(b) Unless approved otherwise by the Jonesborough Board of Mayor and Aldermen, or through a policy established by the Jonesborough Board of Mayor and Aldermen, all costs and expenses incident to the installation, connection, and inspection of the building or construction of a sewer line service or extension shall be borne by the owner, contractor or developer. The owner, contractor or developer shall indemnify and hold-harmless the town from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer line(s).

(c) A separate and independent building sewer shall be provided for every building; except where one (1) 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 (1) building sewer.

(d) Old building sewers may be used in connection with new buildings; provided that the entire line meets current code requirements and passes inspection by the town building inspector and/or appropriate representative from the department of environmental services.

(e) Sewer service connections to buildings shall conform to the following requirements:

(i) Conventional gravity sewer lateral lines shall be a minimum of four inches (4").

(ii) Residential grinder pump lateral lines from the pump shall be a minimum of one and one-fourths inches (1-1/4").

(iii) Residential septic tanks, when used, the lateral line to the main collector shall be a minimum of two inches (2"). Whenever possible, septic tank usage within the town's sanitary sewer system shall be terminated and the gravity service lateral constructed as a replacement shall be a minimum of four inches (4").

(iv) Pipe will be PVC sewer pipe or equivalent.

(v) The recommended depth of sewer service laterals to customers is thirty inches (30") unless topography prohibits. However, the minimum depth of a sewer service lateral is eighteen inches (18"). Slope of alignment of sewers to buildings shall be neat and regular.

(vi) The minimum slope for a four inch (4") service lateral is one percent (1%) slope from clean out to main line. Larger sewer

service lines to buildings shall be designated by the project engineer.

(vii) Sewer service laterals shall be constructed using ductile iron, class 50 or above, or by using PVC (poly vinyl chloride) SDR-35 pipe for gravity sewers, and SDR-21 (schedule 40) pipe for pressure or gravity sewers. Joints shall be rubber or neoprene "O" ring compression joints, and no other joints shall be acceptable.

(viii) Clean outs on the service lateral shall be located in the following locations;

(A) Three feet (3') outside the building.

(B) At the point the service lateral crosses the property or easement line.

(C) At any change in direction in the sewer service lateral is more than forty-five (45°) degrees, Additional cleanouts shall be placed not more than one-hundred feet (100') apart in sewer laterals serving buildings when the sewer line is six inches (6") in diameter or more. Cleanouts shall be extended to or slightly above the finished grade level as closely as feasible to the location of the cleanout connection. A wye four inch (4") and one-eighth (1/8) bend shall be used for the cleanout base. Cleanouts shall not be smaller than four inches (4").

(ix) Owners, contractors and developers must receive authorization from the town's director of environmental services before making any direct connection of sewer service lateral from a building or dwelling to the public sewer system. Connections shall be made at the appropriate locations using fittings and materials and connection standards determined by the director of environmental services. All authorized connections to the town's sewer system must be inspected by designated personnel from the town's department of environmental services.

(x) All dwelling or building locations in which the basement or ground floor level is lower than below the ground elevation at the point of connection to the town's sewer system, are required to install check valves or backflow prevention devices to protect against flooding and backflow into the dwelling. Such devices shall be installed at the expense of the owner, contractor or developer.

Except as may be determined in other sections of this chapter, the cost of pumping sewer from a dwelling or building to the public sewer system will be the responsibility of the owner, contractor or developer. Four inch (4") sewers—minimum one percent (1%) slope from cleanout to main line.

Larger building sewers shall be laid on a grade that will produce a velocity, when flowing full of at least two feet (2') per second.

New subdivisions or developments shall install six inch (6") diameter stub out connections for lateral connections.

(xi) Slope and alignment of all building sewers shall be neat and regular.

(xii) Connections of building sewers to the public sewer system shall be made only with the approval of the DES or his representative, and shall be made at the appropriate existing wyes or tee branch using compression type couplings or collar type rubber joint with stainless steel bands. Where existing wye or tee branches are not available, connections of building sewer laterals to the town's system shall be made by removing a length of pipe and replacing it with a wye or tee fitting using flexible neoprene adapters with stainless steel bands of a type approved by and under the supervision of the DES. All such connections shall be made gastight and watertight

(xiii) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, or other activities in the construction of a building sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual or international codes. Any deviation from the prescribed procedures and materials must be approved by the building inspector and/or the DES before installation.

(xiv) An installed building sewer shall be gastight and watertight.

(xv) All excavations for building sewer installation shall be adequately guarded with barricades and signs 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.

(xvi) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement drains, or other sources of surface runoff or groundwater to a building directly or indirectly to a public sanitary sewer.

(3) Inspection of connections. (a) The sewer connection and all building sewers from the building to the public sewer main line shall be inspected before the underground portion is covered, by the building inspector, the DES or his authorized representative.

(b) The applicant for discharge shall notify the wastewater director when the building sewer service line is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of and inspected by the DES or his representative.

(4) Maintenance of building sewers. Each individual property owner or user of the Jonesborough Sewer System shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer from the building to the public sewer system.

(5) Availability of private domestic wastewater disposal. (a) Where a public sanitary sewer is not available the sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(b) Any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a grade that achieves two feet (2') per second.

(c) Where a public sewer becomes available, the building sewer shall be connected to said sewer within one hundred twenty (120) days after date of official notice from the town to do so.

(6) Requirements. (a) A private domestic wastewater disposal system may not be constructed within the service area unless and until a certificate is obtained from the board of mayor and aldermen stating that a public sewer is not accessible to the property and no such sewer is proposed for construction in the immediate future. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Tennessee Department of Environment and Conservation.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the Town of Jonesborough and the Tennessee Department of Environment and Conservation. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Town of Jonesborough and the Tennessee Department of Environment and Conservation.

(c) A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Town of Jonesborough and the Tennessee Department of Environment and Conservation. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the Town of Jonesborough and the Tennessee Department of Environment and Conservation when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Town of Jonesborough and the Tennessee Department of Environment and Conservation.

(d) The type, capacity, location, and layout of the private sewage disposal system shall comply with all recommendations of the Department of Environment and Conservation of the State of Tennessee, and the Town of Jonesborough.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town. When the public sewer becomes available, the building sewer shall be connected to the public sewer within sixty (60) days of the date of availability and the private sewage disposal system should be cleaned of sludge and if no longer used as a part of the town's treatment system, filled with suitable material.

(f) No statement contained in this chapter shall be construed to interfere with any additional or future requirements that may be imposed by the Town of Jonesborough and the Tennessee Department of Environment and Conservation.

(7) Holding tank waste disposal. (a) No person, firm, association or corporation shall clean out, drain, or flush any septic tank that is designated a part of the town's sewer collection system without first contacting the director of environmental services. Waste collected by private haulers from a septic tank within the town's sewer system may only be discharged into a town operated dump station by obtaining a permit from the DES.

(b) Discharging by permit. No person, firm, association or corporation shall discharge into a town operated dump station without obtaining a permit from the DES.

(c) Designated disposal locations. No person, firm, association or corporation shall discharge waste of any form into a manhole, clean out, pipe, or other such connection in the town's sewer collection system, with the exception of dump stations established under the authority of the department of environmental services. Discharge into said official town dump stations must be by permit.

(d) Any permit to discharge into the town's sewer system may be immediately revoked by the DES or his representative at his absolute discretion if there is any indication the permitted discharge may interfere with the efficient operation of the wastewater treatment plant. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-276. Grease traps and oil separators. (1) Fat, Oil, and Grease (FOG) and waste food and oil. FOG, grease traps or oil and grease interceptors shall be installed when, in the opinion of the DES, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, any flammable wastes, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amount which impact the wastewater collection system. Such

separators or traps shall not be required for single-family residences, but may be required on multiple-family residences. All traps or interceptors shall be of a type and capacity approved by the DES, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease traps and oil and grease interceptors must be maintained properly by the owner, and must be cleaned and pumped regularly.

(2) Required users and trap size. (a) New construction and renovation. Upon construction or renovation, all restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall submit a FOG and food waste control plan that will effectively control the discharge of FOG and food waste so that it does not negatively impact the town's sewer system.

(b) Existing structures. All existing restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants and any other sewer users who discharge applicable waste shall be required to submit a plan for control of FOG and food waste. If or when the DES determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system, the existing sewer user creating the problem will be required to install a grease trap or separator as it applies to the waste discharged. Any installation required shall be installed at the expense of the owner.

(c) The minimum exterior grease trap size is one thousand (1,000) gallons. Larger size traps may be required based on type of and amount of materials discharged. Food or oil separators located inside structures will be evaluated on a case-by-case basis,

(3) FOG or food waste plan. (a) The DES must approve the user's plan before implementation and the plan must be implemented within a reasonable amount of time. Required plan components are spill control, pumping schedules, maintenance and housekeeping procedures and records.

(b) The owner or operator must service and maintain the equipment in order to prevent impact upon the sewer collection system and treatment facility, if in the opinion of the DES the user continues to impact the collection system and treatment plan, additional pretreatment may be required, including a requirement to meet numeric limits and have surcharges applied.

(c) Sand, soil, and oil separators. All car washes, truck washes, garages, service stations and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors. These interceptors shall be sized to effectively remove sand, soil, and oil at the expected flow rates. The interceptors shall be cleaned on a regular basis to prevent impact upon the wastewater collection and treatment system. Owners whose

interceptors are deemed to be ineffective by the DES may be asked to change the cleaning frequency or to increase the size of the separators or traps. Owners or operators of washing facilities will prevent the inflow of rainwater into the sanitary sewers.

(d) Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the sewer system of solids one-half inch (1/2") or larger in size such as strings, rags, buttons, or other solids detrimental to the system.

(e) Control equipment. The equipment of facilities installed to control FOG, food waste, sand and soil, must be designed in accordance with the Tennessee Department of Environment and Conservation engineering standards or applicable town guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance. Control equipment shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the public sewer, and the accumulation of FOG in the lines, pump stations and treatment plant. If the town is required to clean out the public sewer lines as a result of a stoppage resulting from poorly maintained control equipment, the property owner shall be required to refund the labor, equipment, materials and overhead costs to the town. Nothing in this subsection shall be construed to prohibit or restrict any other remedy the town has under this chapter, or state or federal law. The city retains the right to inspect and approve installation of control equipment

(f) Solvents prohibited. The use of degreasing or line cleaning products containing petroleum based solvents is prohibited by all FOG programs. The use of other products for the purpose of keeping FOG dissolved or suspended until it has traveled into the collection system of the town is prohibited unless approved by the Town of Jonesborough.

(g) The DES may use industrial wastewater discharge permits to regulate the discharge of fat, oil, grease and food waste. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

13-277. Effective date. This chapter shall be in full force and effect immediately following its passage, approval, and publication, as provided by law. (as added by Ord. #2011-14, Oct. 2011, as replaced by Ord. #2018-07, May 2018 *Ch13_03-08-21*)

CHAPTER 3

CABLE TELEVISION

SECTION

13-301. To be furnished under franchise.¹

13-301. To be furnished under franchise. Cable television shall be furnished for the town and its inhabitants under such franchise as the Board of Mayor and Aldermen shall grant. The rights, powers, duties and obligations of the parties shall be clearly stated in the written franchise agreement which shall be binding upon the parties. [Code of 1982]

¹Cable television is provided by Comcast Cablevision of the South d.b.a. Tennessee Valley Cable, pursuant to a franchise granted by Ordinance No. 97-07 passed June 9, 1997, which is of record in the office of the town recorder.

CHAPTER 4

TELECOMMUNICATIONS

SECTION

- 13-401. Definitions.
- 13-402. Purpose.
- 13-403. Applicability and exemptions.
- 13-404. Locating towers.
- 13-405. General requirements.
- 13-406. Application requirements.
- 13-407. Administratively approved uses.
- 13-408. Special exception permit.
- 13-409. Removal of abandoned antennas and towers.
- 13-410. Nonconforming use.
- 13-411. Public notice.
- 13-412. Private review and associated fees.
- 13-413. Automatic approval.

13-401. Definitions. "Accessory use." A use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to such primary use.

(1) "AM array." For the purposes of implementing this chapter, an AM array, consisting of one (1) or more tower units and supporting ground system which functions as on AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(2) "Antenna." Any exterior transmitting or receiving device mounted on a tower, building or structure, and used in communications that radiate or capture electromagnetic waves, digital signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(3) "Antenna support structures." Any structure which supports an antenna, including towers, water tanks, buildings, etc.

(4) "Apartment." A form of multi-family housing which is "attached" and contains three (3) or more dwelling units for rent. The term does not include condominiums, row houses, or other structure which is intended for sale, not lease, of individual units.

(5) "Backhaul network." The lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(6) "FAA." Federal Aviation Administration.

(7) "FCC." Federal Communications Commission.

(8) "Height, antenna." When referring to an antenna located on a tower, the distance is measured from the base of the tower to the highest point on the antenna. When referring to an antenna located on a building, water tank, etc., the height is for the antenna only, and excludes the height of any support structure.

(9) "Height, tower." The distance measured from the base of the tower to the highest point on the antenna.

(10) "OSHA." Occupational Safety and Health Administration.

(11) "Principal use." The primary use of the property, which is permitted under the zoning regulations which apply to the district in which the use is located.

(12) "Special exception." Uses which are not permitted as of right in a zoning district, but which may be permitted upon review and approval by the board of zoning appeals.

(13) "Stealth type antenna support structures." A communication structure designed and installed in a manner such that the antenna, supporting apparatus and associate structures are aesthetically and architecturally appropriate with respect to existing structures or the immediate environment in which the towers/structure is located. (Examples include antennae in church steeples, bell towers, flag poles, power poles, etc.)

(14) "Tower." Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antenna for telephone, radio and similar communication proposed, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. (Ord. #99-05, May 1999)

13-402. Purpose. Telecommunications towers and antennas will use the following standards to minimize adverse visual and operational effects of towers through careful design, siting, and screening; to avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers; and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed. (Ord. #99-05, May 1999)

13-403. Applicability and exemptions. (1) New towers and antennas. All new towers and/or antennas in the Town of Jonesborough shall be subject to these regulations except non-commercial hobby type antennas/towers less than forty-five feet (45') in height; receive only antennas; antennas/towers located on property owned, leased, or otherwise controlled by the town or other governmental entity which are used for public purposes; and antennas less than forty-five feet (45') in height which are located on structures such as water tanks and buildings.

(2) Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than state and federal regulations, and building codes.

(3) Amateur radio and hobby type antenna support structures. Residents where not prohibited by deed or other restrictions may install a single antenna support structure that meets standard setback requirements and that does not exceed forty-five feet (45') in height for their hobby or other non-commercial use. "Crank up" type towers may exceed this height; provided they do not exceed the forty-five foot (45') height restriction in the "cranked down" position where they must remain when not in use. (Ord. #99-05, May 1999)

13-404. Locating towers. (1) Monopole towers and stealth-type antenna support structures are permitted as of right, subject to applicable regulations, in the B-3 (Intermediate Business), B-4 (Arterial Business), M-1 (Manufacturing Warehouse), and M-2 (Industrial) Districts, and within apartment developments in R-2 (Medium Density) and R-3 (High Density) Residential Districts.

(2) Monopole towers and stealth-type antenna support structures are permitted as special exceptions, upon a showing that such location and such antenna support structure is required to prevent an effective denial of coverage, and subject to applicable regulations, in the following districts: R-1 (Low Density Residential), R-2 (Medium Density Residential), and B-1 (Neighborhood Business District), and in non-apartment areas in R-3 (High Density Residential) Districts.

(3) Towers are not permitted in the H-1 (Historic Overlay District) and B-2 (Central Business) Districts.

(4) Lattice self-supporting and guyed towers are permitted as special exceptions in the B-3 (Intermediate Business), B-4 (Arterial Business), M-1 (Manufacturing Warehouse), and M-2 (Industrial) Districts, upon a showing that such location and such antenna support structure is required to prevent an effective denial of coverage.

(5) Monopoles in excess of the height requirements of Section 1505.16.3¹ are permitted as special exceptions in R-1 (Low Density Residential), R-2 (Medium Density Residential), R-3 (High Density Residential), and B-1 (Neighborhood Business) Districts, upon a showing that such location and such antenna support structure is required to prevent an effective denial of coverage.

(6) Monopoles and stealth-type antenna support structures are permitted as a matter of right on municipal power line utility easements; provided that the Board of Jonesborough Light and Power System gives its

¹This section number appears in Ordinance #99-05 (May 1979), from which these provisions were taken.

consent and the antenna support structure is incorporated into the power line support structure.

(7) Monopoles and stealth-type antenna support structures up to one hundred sixty feet (160') in height are permitted as a matter of right on municipal property in all districts excepting in H-1 (Historic Overlay District), provided that the appropriate governing body approves. (Ord. #99-05, May 1999)

13-405. General requirements. (1) Aesthetics. Towers and antenna support structures shall meet the following requirements:

(a) Towers and antenna support structures shall maintain a galvanized steel finish and shall not be painted unless previously approved by the Town of Jonesborough.

(b) Stealth-type antenna support structures are to be encouraged in areas of high population density.

(c) Towers or antenna support structures of any kind, including amateur, will not be permitted to be located in the front yard of any residence or on the roof of any single-family residence.

(d) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(e) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(f) Flush-mounted (within two feet (2') of the surface) antenna will be utilized on monopoles where feasible.

(2) Buildings or other equipment storage. The equipment cabinet or structure used in association with antennas shall be constructed in accordance with the following:

(a) In R-3 (High Density Residential) equipment enclosures shall not contain more than two hundred (200) square feet of gross floor area or be more than ten feet (10') in height for each carrier using the site.

(b) In R-1 (Low Density Residential), R-1A (Low Density Residential), R-2 (Medium Density Residential), R-3 (High Density Residential), B-1 (Neighborhood Business), and B-2 (Central Business) Districts, the equipment enclosure shall be no larger than one hundred (100) square feet of gross floor area to be more than five feet (5') in height for each carrier using the site.

(c) In all other districts they shall be no greater than twelve feet (12') in height or two hundred (200) square feet of gross floor area for each carrier using the site.

(d) In all above cases where equipment shelters are mounted outside existing buildings, the equipment enclosures must be designed such that they blend in with the local environment and be unobtrusive in addition to those requirements set forth in 1504.7¹ hereof.

(3) Building codes. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town of Jonesborough concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower at the owner's expense.

(4) Certification. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.

(5) Compliance. A description of compliance with this chapter and all applicable federal, state or local laws relating to such tower/antenna support structure shall be submitted with each request for a tower/antenna.

(6) Franchises, permits and licenses. Owners and/or operators of towers, antenna support, structure, or antennas shall certify that all franchises, licenses, and permits required in the Town of Jonesborough have been obtained and shall file a copy of all required franchises, licenses and permits with the town in their initial application. Permits will not be granted to any applicant that does not hold a valid FCC issued license or permit or a letter of commitment to use the requested structure from an FCC permittee or licensee upon completion, at the time of application.

(7) Landscaping. All new tower facilities, or reconstructed tower facilities, are required to provide an evergreen screen or artificial buffer located outside the required tower fencing. This screen may consist of evergreen trees, have a minimum height of six feet (6') at planting and a minimum height of fifteen feet (15') at maturity, or a continuous hedge with three feet (3') height at planting and a six foot (6') height at maturity, or in the alternative, an artificial buffer of colored archival fencing material that blends in with the surrounding

¹This section number appears in Ordinance #99-05 (May 1979), from which these provisions were taken.

land use. The board of zoning appeals may grant a variance to the landscaping requirements if they find existing vegetation adequate to provide a buffer.

(8) Lighting. Towers and antenna support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. Deflectors shall be utilized to direct the light upwards and away from residential areas. Further, where lighting is required, the lights so installed shall be of the "dual lighting" variety whereby white strobe lights are permitted for daytime and red lights for nighttime. White strobe lights for night operation are not permitted in the Town of Jonesborough. Any lighting required will be to the dual lighting requirements of the FAA.

(9) Measurement. For the purposes of measurement, tower setbacks and separation distances shall be calculated from the base of the tower.

(10) Principal or accessory use. Towers may be considered either principal or accessory uses, while antennas are accessory uses.

(11) Security. (a) All towers shall be equipped with an appropriate anti-climbing device or the removal of climbing pegs on the first twenty feet (20') of the structure.

(b) Security fences will not be permitted in R-1 (Low Density Residential) and R-1A (Low Density Residential) except as special exceptions. All cabling within twenty feet (20') of the ground shall be enclosed in conduit or other secure enclosure and all cabinetry shall be locked.

(c) Security fences are permitted in all other districts and may be required at the discretion of the building official except in locations on municipal property when fencing may be required at the discretion of the appropriate governing body. These fences shall be not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device. The fences shall remain locked when not in use.

(12) Separation. Towers shall comply with the minimum separation standards established in Table 1.

TABLE 1

Type of Use	Distance between tower and use
Single-Family Dwellings	150 feet*
Vacant R-1 or R-2 zoned land which is either platted or has preliminary subdivision plat approval which is not expired	150 feet
Vacant unplatted residentially zoned lands.	200 feet

Existing multi-family residential units (3 units or more) 100 feet

Non-residentially zoned lands or non-residential uses None; only setbacks for district apply

* The separation distances listed in Table 1 do not apply to monopoles, which become part of the utility system. These poles, because of their nature, will be closer to residential structures than the above listed area.

(a) A special exception may be granted in instances when written permission has been obtained from all persons owning land within the above-cited distance.

(13) Setbacks. (a) Towers proposed to be located in R-1 (Low Density Residential), R-1A (Low Density Residential), R-2 (Medium Density Residential), R-3 (High Density Residential), and B-1 (Neighborhood Business) Districts, must be set back a distance of one foot (1') for each two feet (2') of the height of the tower from any adjoining lot line; provided however, that all towers must also meet the separation distances listed in Section 1504.12.¹ Accessory buildings must satisfy the minimum zoning district setback requirements.

(b) Towers proposed to be located in all other districts shall meet the minimum setback requirements for that district, provided however, that all towers must also meet the separation distances listed in section 1504.12.¹

(c) Towers proposed to be located on municipal property, regardless of the zoning designation for the property, shall meet the minimum setback requirements for that district.

(14) Signs. No commercial signs, including banners, shall be permitted on an antenna or antenna support structure. Any sign required by the FCC, FAA, OSHA or any other appropriate authority will be permitted so long as said sign is no larger than twelve inches (12") by eighteen inches (18") and is placed within eight feet (8') of the base of the tower. However, an additional sign no larger than stated above indicating the owner of the facility and a telephone number to call for more information or in an emergency shall be allowed inside the compound fence on the side the gates are located.

(15) State or federal requirements. All towers and antenna support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this

¹This section number appears in Ordinance #99-05 (May 1979), from which these provisions were taken.

chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(16) New towers. A new tower/antenna support structure will not be permitted unless the tower is designed to support a minimum of three (3) communications carriers' antennas and feedlines, except for ninety foot (90') or shorter monopoles which must be designed to support a minimum of two (2) carriers' antennas and feedlines. The applicant for the permit certifies that it will make space on the tower available to other communications carriers at a reasonable cost. Should there be a dispute over what constitutes a "reasonable cost," the matter will be resolved by binding arbitration with arbitration costs to be borne by the parties. An arbitrator will be chosen by mutual agreement of the parties, but if they are unable to agree on an arbitrator, one (1) will be selected by the Town of Jonesborough.

(a) Where a new antenna support structure/tower is permitted to be constructed in R-1 (Low Density Residential), R-1A (Low Density Residential), R-2 (Medium Density Residential), R-3 (High Density Residential) Districts, the owner shall be required to submit a sealed "fall zone radius" letter from the antenna support manufacturer when applying for a building permit.

(b) A permit for a proposed new tower/support structure within two thousand five hundred feet (2,500') of an existing communications tower shall not be issued unless the applicant certifies that the existing communications tower does not meet applicant's structural specifications and applicant's technical design requirements as reviewed by the town, or that a co-location agreement could not be obtained.

(c) Permitted height of freestanding communication antennae support structures.

<u>Districts</u>	<u>Height</u>
R-1, R-1A, R-2, B-1	90 feet (unlighted)
R-3, (Non-apartment areas)	90 feet (unlighted)
R-3, (Apartment areas)	199 feet (unlighted)
B-3, B-4, M-1, M-2	199 feet (lights if approved as a special exception)

(Ord. #99-05, May 1999)

13-406. Application requirements. The following information is required to be submitted when requesting approval for a new tower, whether by administrative approval, or by a special exception. This information may be

submitted to and reviewed by a consultant employed by the town who has expertise in antenna support structure issues, with costs to be borne by the party requesting approval.

(1) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the town an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town of Jonesborough or within Jonesborough planning region thereof, including specific information about the location, height, and design of each tower.

(2) Site plan. The following information is required to be shown on the site plan: the location, type and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning (including information for adjacent municipalities and Washington County); separation distances from uses as set forth in section 1504.12¹ adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed tower and any other structures; topography; parking; drainage, legal description of the parent tract and leased parcel (if applicable), or tax map identification number; the setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zone properties; the separation distance from and construction of other existing towers; owner/operator of existing tower(s), if known; method of fencing, and finished color; landscape plan showing specific landscape materials, with spacing proposals, height of vegetation at planting, and height of vegetation in three (3) years (considered maturity).

(3) Documentation. (a) A notarized statement by the applicant as to how many antennas the tower can accommodate.

(b) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(c) A description of the feasible location(s) of future towers or antennas within the Town of Jonesborough and the planning region based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(d) Evidence to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna. This evidence may consist of any of the following:

(i) A certification that there are no existing towers or structures located within the geographic area, which meet the applicant's engineering requirements.

¹This section number appears in Ordinance #99-05 (May 1979), from which these provisions were taken.

(ii) A certification that existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

(iii) A certification that existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

(iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(viii) A certification that no other tower is located within two thousand five hundred feet (2,500') of the proposed location.

(ix) A certification from the applicant that the landowner has been advised that the land is to be used for multiple carriers' equipment.

(x) The applicant for a tower or antenna support permit shall, upon the filing of said application, pay an initial application fee to the Town of Jonesborough as set forth by the town from time to time. (Ord. #99-05, May 1999)

13-407. Administratively approved uses. The building official may approve the following requests; provided the proposed antenna/tower meets all applicable criteria listed in this chapter.

(1) Locating a tower or stealth-type antenna support structure outside an H-1 (Historic Overlay District), in B-3 (Arterial Business), B-4 (Intermediate Business), M-1 (Warehouse Manufacturing), and M-2 (Industrial) Districts.

(2) Locating an antenna on a non-tower structure, or constructing a stealth-type antenna support structure outside an H-1 (Historic Overlay

District) in the R-2 (Medium Density Residential), R-3 (High Density Residential), B-2 (Central Business), B-3 (Arterial Business), B-4 (Intermediate Business), M-1 (Warehouse Manufacturing), and M-2 (Industrial) Districts.

(3) Replacing existing towers. Towers may be reconstructed; provided they are located within fifty feet (50') of the original tower, and the original tower is removed upon completion of the replacement tower. The replacement tower may be constructed up to fifty feet (50') taller than the original tower if additional antennas are to be added. This height change may only occur one (1) time per communication tower within a special exception approval.

(4) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. (Ord. #99-05, May 1999)

13-408. Special exception permit. (1) A special exception permit is required if:

(a) A monopole or stealth-type antenna support structure is proposed to be located in R-1 (Low Density Residential), R-1A (Low Density Residential), R-2 (Medium Density Residential), and B-1 (Neighborhood Business) Districts, and in non-apartment areas in R-3 (High Density Residential) District. It must be shown that the location is required to prevent an effective denial of coverage. Section 1504.1¹ notwithstanding, the aesthetic design of such monopole or stealth-type antenna support structure shall be subject to the approval of the Jonesborough Board of Zoning Appeals.

(b) A special exception permit is required if a tower or antenna support structure exceeds any of the limits set forth or is not in compliance with any of the provisions hereof is proposed.

(c) A guyed or lattice tower/antenna support structure is requested to be constructed.

(2) In granting a special exception permit, the board of zoning appeals may impose conditions to the extent they conclude such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

(3) Factors considered in granting special use permits for towers. The board of zoning appeals shall consider the following factors in determining whether to grant a special exception: height of the proposed tower; proximity of the tower to residential structures and residential district boundaries; nature of uses on adjacent and nearby properties; surrounding topography; surrounding tree coverage and foliage; design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual

¹This section number appears in Ordinance #99-05 (May 1979), from which these provisions were taken.

obtrusiveness; proposed ingress and egress; and availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

13-409. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Town of Jonesborough notifying the owner of such abandonment. Failure to remove an abandoned antenna within the said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users abandon tower. (Ord. #99-05, May 1999)

13-410. Nonconforming use. (1) No expansion of nonconforming uses. Towers that are constructed, and antennas that are installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

(2) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

(3) Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding section 1509.1,¹ bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special exception permit and without having to meet the separation requirements. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained, or if said permit expires, the tower or antenna shall be deemed abandoned as specified in section 1508.¹ (Ord. #99-05, May 1999)

13-411. Public notice. For the purpose of this chapter, any review of a tower/antenna request by the board of zoning appeals shall require written notice to all abutting property owners at least seven (7) days prior to the meeting where the item will be discussed. (Ord. #99-05, May 1999)

¹This section number appears in Ordinance #99-05 (May 1979), from which these provisions were taken.

13-412. Private review and associated fees. The Town of Jonesborough reserves the right to submit for private sector review any and all requests for towers and antennas. All fees associated with private sector reviews and recommendations shall be assessed to the individual or company submitting the tower or antenna request, and the amount of any fees shall be provided to the applicant in advance of the review. (Ord. #99-05, May 1999)

13-413. Automatic approval. The building official or his designee shall either approve or deny each application for administrative approval within sixty (60) days after receiving a completed application. If the building official fails to respond within the said sixty (60) days, the application shall be deemed to be approved. (Ord. #99-05, May 1999)

CHAPTER 5

STREET LIGHTING

SECTION

- 13-501. Application and scope.
- 13-502. Approval required.
- 13-503. Installation through public safety director.
- 13-504. Location.
- 13-505. Adding security lights.
- 13-506. Regular street lighting.
- 13-507. Decorative street lighting--historic district.
- 13-508. Security and other lights--historic district.
- 13-509. Decorative street lighting--non-historic district.
- 13-510. Bond for decorative lighting.

13-501. Application and scope. The provisions of the chapter apply to all streetlights installed within the town limits on town right-of-way or on other public ways and places. [as added by Ord. #2001-05, July 2001]

13-502. Approval required. No streetlight shall be installed on any town right-of-way or public way or place without either the approval of the public safety director or the Jonesborough Planning Commission. [as added by Ord. #2001-05, July 2001]

13-503. Installation through public safety director. The public safety director is hereby authorized to request individual streetlights along existing town streets or alleys when the director determines that the health and safety of residents requires additional lighting. [as added by Ord. #2001-05, July 2001]

13-504. Location. Regular street lights shall be normally spaced three hundred to three hundred fifty feet (300' to 350') apart on residential streets or in subdivisions being designed under the regulatory authority of the Jonesborough Planning Commission, two hundred to two hundred fifty feet (200' to 250') apart on intermediate streets and one hundred to one hundred fifty feet (100' to 150') apart on major arterial streets within the town. Streetlights are also generally located at intersections and the ends of dead end streets. However, the public safety director, or his designee, is given the discretionary authority to add or relocate street lights, based on factors including, but not limited to, hills, curves, trees, etc., when it is determined that to do so will improve the health and safety of residents. [as added by Ord. #2001-05, July 2001]

13-505. Added security lights. Jonesborough street lighting is installed for the sole purpose of making streets and public ways safer for vehicles and pedestrians. Street lighting is not intended to provide lighting for homes, businesses, or yards. Residents or businesses wanting lighting around homes, buildings or grounds for security purposes shall provide said lighting at their expense. [as added by Ord. #2001-05, July 2001]

13-506. Regular street lighting. The Town of Jonesborough will normally install cobra style streetlights on wooden poles through the Johnson City Power Board. These lights will be installed through a request initiated by the public safety director which details location and number. The entire cost of this lighting will be added to the town's investment account with the Johnson City Power Board to be billed on a monthly basis and paid by the town. [as added by Ord. #2001-05, July 2001]

13-507. Decorative street lighting--historic district. Decorative street lighting used along streets within the historic district shall be the Jonesborough lamp or a similar fixture modeled after the original Jonesborough gas street lamp. [as added by Ord. #2001-05, July 2001]

13-508. Security and other lights--historic district. Lighting installed by residents and businesses within the historic district on grounds, lots and structures for security or decorative purposes shall follow standards and guidelines in Section 18 Exterior Lighting, established by the historic zoning commission. [as added by Ord. #2001-05, July 2001]

13-509. Decorative street lighting--non-historic district. Decorative street lighting in subdivisions and commercial areas outside the historic district is encouraged. Decorative lighting, installed with the intent to become part of the town's street lighting system and under town responsibility, shall be installed under the following provisions.

(1) The decorative lights selected must be one (1) of the fixtures and poles approved for installation by the board of mayor and aldermen. An approved list will be developed, and said list may be updated and revised from time to time by the board of mayor and aldermen as it deems necessary, subject to any requirements of the Johnson City Power Board. The approved street lighting list will be available to residents, developers, etc. through the building inspector, public safety director, or the town recorder.

(2) Cost of decorative lighting will be determined by the Johnson City Power Board.

(3) Individuals, developers, etc. installing decorative lighting must pay an amount prior to installation that is equal to the difference between the cost of the decorative light(s) to be installed and the regular cobra street light(s)

normally installed by the town. The difference in cost will be determined by the Johnson City Power Board.

(4) Payment for the added capital cost of the decorative streetlights will be paid to the recorder's office in advance, prior to the lights being ordered. The recorder shall make payment to the power board to reduce the investment change that is added to the town's account.

(5) Once-installed, the decorative streetlights will become the property of the Town of Jonesborough and will be added to the town's investment and maintenance account. [as added by Ord. #2001-05, July 2001]

13-510. Bond for decorative lighting. Decorative lighting included in site plans approved by the Jonesborough Planning Commission must be installed as approved, or the planning commission must approve a waiver or alternate plan. The developer must obtain a letter of credit or a contractor's performance bond that is in an amount that is at least equal to the capital cost of purchasing the decorative streetlights from the Johnson City Power Board and laying the electrical lines associated with said lights. Decorative streetlight costs can be included with other utility, streets, curbs, sidewalks, stormwater, etc. work covered under a comprehensive letter of credit or contractor performance bond, however, said letter of credit or bond will not be released until the streetlights have been installed property as approved. Streetlight improvements in new subdivisions shall constructed:

(1) In a timely manner with streetlights being placed along streets in front of houses or businesses before the buildings are occupied and a certificate of occupancy is issued.

(2) In locations approved by the public safety director and in such numbers as to meet the safety requirements as determined by the public safety director.

(3) With a fixture and pole design approved by the Jonesborough Planning Commission. [as added by Ord. #2001-05, July 2001]

CHAPTER 6

GAS

SECTION

13-601. To be furnished under franchise.

13-601. To be furnished under franchise¹. Gas service shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant. The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. [as added by Ord. #2006-02, April 2006]

¹See Ord. #2006-02 of record in the office of the town recorder.