

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

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#### CHAPTER 1

### SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>2</sup>

#### SECTION

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.  
Refuse disposal: title 17.

<sup>2</sup>Municipal code reference

Plumbing code: title 12, chapter 2.

**18-101. Definitions.** The following definitions shall apply in the interpretation of this chapter:

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

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

3. "Human excreta." The bowel and kidney discharges of human beings;

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

5. "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data;

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

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

8. "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1979 Code, § 8-301)

**18-102. Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1979 Code, § 8-302)

**18-103. When a connection to the public sewer is required.**

Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1979 Code, § 8-303)

**18-104. When a septic tank shall be used.** Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of environment and conservation. (1979 Code, § 8-304)

**18-105. Registration and records of septic tank cleaners, etc.**

Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1979 Code, § 8-305)

**18-106. Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1979 Code, § 8-306)

**18-107. Approval and permit required for septic tanks, privies, etc.** Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1979 Code, § 8-307)

**18-108. Owner to provide disposal facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-102, or the agent of the owner to provide such facilities. (1979 Code, § 8-308)

**18-109. Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1979 Code, § 8-309)

**18-110. Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1979 Code, § 8-310)

**18-111. Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1979 Code, § 8-311)

**18-112. Pollution of ground water prohibited.** No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1979 Code, § 8-312)

**18-113. Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code. However, such person shall be allowed the number of days herein provided within which to make permanent correction. (1979 Code, § 8-313)

**18-114. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In

these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1979 Code, § 8-314)

**18-115. Sewage bill delinquencies.** Any person, persons, firm, association, or corporation who is a customer of the sewer system, fails or neglects to make full payment of their sewer bill for service shall be subject to service disconnection after forty five (45) days from the date of the delinquent bill. (Ord. #4-2000, Oct. 2000)

**18-116. Re-establishment of sewer service after delinquency.** Any party who wishes to re-establish sewer service after disconnection from the system has occurred due to a delinquent account will be required to pay for all accumulated bill total and pay a service connection fee. The fee will be equal to the present rate a new customer desiring sewer service is charged. (Ord. #4-2000, Oct. 2000)

**18-117. Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1979 Code, § 8-315)

## CHAPTER 2

### WASTEWATER REGULATIONS

#### SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Septic tank effluent pump or grinder pump wastewater systems.
- 18-205. Private domestic wastewater disposal.
- 18-206. Regulation of holding tank waste disposal.
- 18-207. Discharge regulations.
- 18-208. Application for domestic wastewater connection.
- 18-209. Fees and billing.
- 18-210. Validity.

**18-201. Purpose and policy.** This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the Town of Cumberland Gap, Tennessee, wastewater treatment system. The objectives of this chapter are:

1. To protect the public health;
2. To provide problem free wastewater collection and treatment service;
3. To prevent the introduction of pollutants into the municipal wastewater treatment system, which will interfere with the system operation, which will cause the system discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements, or which will cause physical damage to the wastewater treatment system facilities;
4. To provide for full and equitable distribution of the cost of the wastewater treatment system;
5. To enable the town to comply with the provisions of the Federal Water Pollution Control Act, the General Pretreatment Regulations (40 CFR Part 403), and the Tennessee Water Quality Control Act, Tennessee Code Annotated, § 69-3-123, et seq.;
6. To improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater treatment system.

In meeting these objectives, this chapter provides that all persons in the service area of the town must have adequate wastewater treatment either in the form of a connection to the municipal wastewater treatment system or, where the system is not available, an appropriate private disposal system. The chapter also provides for the issuance of permits to system users, for the regulations of wastewater discharge volume and characteristics, for monitoring and enforcement activities; and for the setting of fees for the full and equitable

distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.

This chapter shall apply to the town and to persons outside the town who are, by contract or agreement with the town users of the municipal wastewater treatment system. Except as otherwise provided herein, the local administrative officer of the town shall administer, implement, and enforce the provisions of this chapter. (Ord. #5-2000, Dec. 2000)

**18-202. Definitions.** Unless the context specifically indicates 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 Department of Environment and Conservation, Division of Water Pollution Control.
3. "Authorized representative of industrial user." An authorized representative of an industrial user may be:
  - a. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
  - b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
  - c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
4. "Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
5. "Building sewer." A sewer conveying wastewater from the premises of a user to the publicly owned sewer collection system.
6. "Categorical standards." The National Categorical Pretreatment Standards or Pretreatment Standard.
7. "Commissioner." The commissioner of environment and conservation or the commissioner's duly authorized representative and, in the event of the commissioner's absence or a vacancy in the office of commissioner, the deputy commissioner.
8. "Compatible pollutant." Shall mean BOD, suspended solids, pH, fecal coliform bacteria, and such additional pollutants as are now or may in the future be specified and controlled in the town's NPDES permit for its wastewater treatment works where sewer works have been designed and used to reduce or remove such pollutants.

9. "Cooling water." The water discharge from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

10. "Control authority." The term "control authority" shall refer to the "Approval authority," defined hereinabove; or the local hearing authority if the town has an approved Pretreatment Program under the provisions of 40 CFR 403.11.

11. "Customer." Any individual, partnership, corporation, association, or group who receives sewer service from the town under either an express or implied contract requiring payment to the town for such service.

12. "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

13. "Domestic wastewater." Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent or commercial establishment containing sanitary facilities for the disposal of wastewater and used for residential or commercial purposes only.

14. "Environmental Protection Agency, or EPA." The U. S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

15. "Garbage." Solid wastes generated from any domestic, commercial or industrial source.

16. "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

17. "Grease interceptor." An interceptor whose rated flow is 50 g.p.m. or less and is located inside the building.

18. "Grease trap." An interceptor whose rated flow is 50 g.p.m. or more and is located outside the building.

19. "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

20. "Incompatible pollutant." Any pollutant which is not a "compatible pollutant" as defined in this section.

21. "Indirect discharge." The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

22. "Industrial user." A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

23. "Industrial wastes." Any liquid, solid, or gaseous substance, or combination thereof, or form of energy including heat, resulting from any



process of industry, manufacture, trade, food processing or preparation, or business or from the development of any natural resource.

24. "Interceptor." A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.

25. "Interference." The inhibition or disruption of the municipal wastewater processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria including 40 CFR 503, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), Rules and Regulations of the State of Tennessee, chapter 1200-1-7 (Solid Waste Processing and Disposal), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.

26. "Local administrative officer." The chief administrative officer of the local hearing authority.

27. "Local hearing authority." The town council or such person or persons appointed by the board to administer and enforce the provisions of this chapter and conduct hearings pursuant to § 18-210.

28. "National categorical pretreatment standard or pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

29. "NPDES (National Pollution Discharge Elimination System)." The program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Federal Water Pollution Control Act as amended.

30. "New source." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard if thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

31. "Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

32. "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

33. "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

34. "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.

35. "Pretreatment or treatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR Section 403.6(d).

36. "Pretreatment coordinator." The person designated by the local administrative officer or his authorized representative to supervise the operation of the pretreatment program.

37. "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.

38. "Publicly owned treatment works (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town, who are, by contract or agreement with the town users of the town's POTW.

39. "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

40. "Shall" is mandatory; "May" is permissive.

41. "Significant industrial user." The term significant industrial user means:

a. All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

b. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capatown of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial

user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

42. "Significant noncompliance." A chronic violation of discharge limits, a Technical Review criteria violation, any violation that causes interference or pass through at the treatment plant, a discharge which caused imminent endangerment to human health, failure to meet within 90 days a compliance schedule, failure within 30 days to submit required reports, failure to accurately report noncompliance. See 40 CFR 403.8(f)(2)vii.

43. "Slug." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations of flows during normal operation or any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.

44. "State." The State of Tennessee.

45. "Standard industrial classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

46. "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

47. "Storm sewer or storm drain." A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes. It may, however, carry cooling waters and unpolluted waters, upon approval of the superintendent .

48. "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids and that is removable by laboratory filtering.

49. "Superintendent." The local administrative officer or person designated by him to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

50. "Town." The Town of Cumberland Gap or the Town council, Town of Cumberland Gap, Tennessee.

51. "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

52. "Twenty-four (24) hour flow proportional composite sample." A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.

53. "User." Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

54. "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

55. "Wastewater treatment systems." Defined the same as POTW.

56. "Waters of the state." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies of accumulation of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portion thereof. (Ord. #5-2000, Dec. 2000)

**18-203. Connection to public sewers.** 1. 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, 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 in § 18-203(1)(e) below, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the service area in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the property line over public access.

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 of § 18-203(1)(d) above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-205 of this chapter.

2. Physical connection to public sewer. a. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof. The town shall make all connections to the public sewer upon the property owner first submitting a connection application from the superintendent as required by § 18-208 of this chapter.

The connection application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A connection fee shall be paid to the town at the time the application is filed.

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

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

d. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the superintendent to meet all requirements of this chapter. All others may be sealed to the specifications of the superintendent.

e. Building sewers shall conform to the following requirements:

i. The minimum size of a building sewer shall be as follows:

Conventional sewer system - Four inches (4").

Small diameter gravity sewer - Two inches (2").

Septic Tank Effluent Pump - One and one quarter inches (1-1/4").

Where the septic tanks become an integral part of the collection and treatment system, the minimum size influent line shall be four inches (4") and the minimum size of septic tank shall be 1,000 gallons. Septic tanks shall be constructed of water tight material and protected from flotation. The town shall have the right, privilege, and authority to locate, inspect, operate, and maintain septic tanks which are an integral part of the collection and treatment system.

ii. The minimum depth of a building sewer shall be eighteen inches (18").

iii. Building sewers shall be laid on the following grades:

Four inch (4") sewers - 1/8 inch per foot.

Two inch (2") sewers - 3/8 inch per foot.

Larger building sewers shall be laid on a grade that will produce a velotown when flowing full of at least 2.0 feet per second.

iv. Slope and alignment of all building sewers shall be neat and regular.

v. Building sewers shall be constructed only of ductile iron pipe class 50 or above or polyvinyl chloride pipe SDR-35 for gravity sewers and SDR-21 for pressure sewers. Joints shall be rubber or neoprene "o" ring compression joints. No other joints shall be acceptable.

vi. A cleanout shall be located five (5) feet outside of the building, one as it crosses the property line and one at each change of direction of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal building sewers of six (6) inch nominal diameter and not more than one hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches.

vii. Connections of building sewers to the public sewer system shall be made only by the town 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 services shall be made by either 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 the superintendent. All such connections shall be made gastight and watertight.

viii. The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer is at a grade of 1/8-inch per foot or more if possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a step or grinder pump and discharged to the building sewer at the expense of the owner, pursuant to § 18-204.

ix. 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 Environment Federation Manual of Practice FD-5. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

x. An installed building sewer shall be gastight and watertight.

f. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

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

h. Inspection of connections. i. 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 superintendent or his authorized representative.

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

3. Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance which will include repair or replacement of the building sewer as deemed necessary by the superintendent to meet specifications of the town.

4. Sewer extensions. All expansion or extension of the public sewer constructed by property owners or developers must follow policies and procedures developed by the town. In the absence of policies and procedures the expansion or extension of the public sewer must be approved in writing by the superintendent or manager of the wastewater collection system. All plans and construction must follow the latest edition of Tennessee Design Criteria for Sewerage Works. Contractors must provide the superintendent or manager with documentation that all mandrel, pressure and vacuum tests as specified in design criteria were acceptable prior to use of the lines. Contractor's one year warranty period begins with occupancy or first permanent use of the lines. Contractors are responsible for all maintenance and repairs during the warranty period and final inspections as specified by the superintendent or manager. The superintendent or manager must give written approval to the contractor to acknowledge transfer of ownership to the town. Failure to construct or repair

lines to acceptable standards could result in denial or discontinuation of sewer service. (Ord. #5-2000, Dec. 2000)

**18-204. Septic tank effluent pump or grinder pump wastewater systems.** When connection of building sewers to the public sewer by gravity flow lines is impossible due to elevation differences or other encumbrances, Septic Tank Effluent Pump (STEP) or grinder pump (GP) systems may be installed subject to the regulations of the Town of Cumberland Gap.

1. Equipment requirements. a. Septic tanks shall be of water tight construction and must be approved by the town.
  - b. Pumps must be approved by the town and shall be maintained by the town.
2. Installation requirements. Location of tanks, pumps, and effluent lines shall be subject to the approval of the town. Installation shall follow design criteria for STEP and GP systems as provided by the superintendent.
3. Costs. STEP and GP equipment for new construction shall be purchased and installed at the developer's, homeowner's, or business owner's expense according to the specification of the town and connection will be made to the town sewer only after inspection and approval of the town.
4. Ownership and easements. Homeowners or developers shall provide the town with ownership and an easement. Access by the town to the STEP and GP system must be guaranteed to operate, maintain, repair, restore service, and remove sludge. Access manholes, ports, and electrical disconnects must not be locked, obstructed or blocked by landscaping or construction.
5. Use of STEP and GP systems. a. Home or business owners shall follow the STEP and GP users guide provided by the superintendent.
  - b. Home or business owners shall provide an electrical connection that meets specifications and shall provide electrical power.
  - c. Home or business owners shall be responsible for maintenance drain lines from the building to the STEP and GP tank.
  - d. Prohibited uses of the STEP and GP system.
    - i. Connection of roof guttering, sump pumps or surface drains.
    - ii. Disposal of toxic household substances.
    - iii. Use of garbage grinders or disposers.
    - iv. Discharge of pet hair, lint, or home vacuum water.
    - v. Discharge of fats, grease, and oil.
6. Tank cleaning. Solids removal from the septic tank shall be the responsibility of the town. However, pumping required more frequently than once every five years shall be billed to the homeowner.
7. Additional charges. The town shall be responsible for maintenance of the STEP and GP equipment. Repeat service calls for identical problems shall be billed to the homeowner or business at a rate of no more than the actual cost of the service call. (Ord. #5-2000, Dec. 2000)



**18-205. Private domestic wastewater disposal. 1. Availability.**

a. Where a public sanitary sewer is not available under the provisions of § 18-203(1)(d), the building 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 equivalent to 1/8-inch per foot in the building sewer but is otherwise accessible to a public sewer as provided in § 18-203, the owner shall provide a private sewage pumping station as provided in § 18-203(2)(e)(viii).

c. Where a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days after date of official notice from the town to do so.

2. **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 superintendent 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 county health department.

b. Before commencement of construction of a private sewage disposal system the owner shall first obtain written permission from the town and the county health department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the town and the county health department.

c. A private sewage disposal system shall not be placed in operation until the installation is completed to the satisfaction of the town and the county health department. They shall be allowed to inspect the work at any stage of construction and the owner shall notify the town and the county health department 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 and the county health department.

d. The type, capatown, location, and layout of a private sewage disposal system shall comply with all recommendations of the Tennessee Department of Environment and Conservation, the town and the county health department. No septic tank or cesspool shall be permitted to discharge to waters of Tennessee.

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, or the septic tank effluent line 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 and the county health department. (Ord. #5-2000, Dec. 2000)

**18-206. Regulation of holding tank waste disposal.** 1. Permit. No person, firm, association or corporation shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the town to perform such acts or services.

Any person, firm, association, or corporation desiring a permit to perform such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the superintendent when the conditions of this chapter have been met and providing the superintendent is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

2. Fees. For each permit issued under the provisions of this chapter the applicant shall agree in writing by the provisions of this section and pay an annual service charge to the town to be set as specified in § 18-211. Any such permit granted shall be for one fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted 3-inch permanent letters on each side of each motor vehicle used in the conduct of the business permitted hereunder.

3. Designated disposal locations. The superintendent shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any person, firm, association or corporation to empty or clean such equipment at any place other than a place so designated. The superintendent may refuse to accept any truckload of waste at his absolute discretion where it appears that the waste could interfere with the operation of the POTW.

4. Revocation of permit. Failure to comply with all the provisions of this chapter shall be sufficient cause for the revocation of such permit by the superintendent. The possession within the service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving a septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the

business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the service area of the Town of Cumberland Gap. (Ord. #5-2000, Dec. 2000)

**18-207. Discharge regulations.** 1. General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over twenty percent (20%) of the lower explosive limit (LEL) of the meter. Prohibited flammable materials including, but not limited to, wastestreams with a closed cap flash point of less than 140<sup>0</sup> F or 60<sup>0</sup> C using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the town, the state or EPA has notified the user is a fire hazard or a hazard to the system.

b. Any wastewater having a pH less than 5.5 or higher than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

c. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities including, but not limited to: grease, garbage with particles greater than one-half inch (½") in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, mud, or glass grinding or polishing wastes.

d. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.

e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create

a public nuisance, hazard to life, and are sufficient to prevent entry into the sewers for maintenance and repair.

f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

g. Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, including wastewater plant and collection system operators, or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

h. Any trucked or hauled pollutants except at discharge points designated by the POTW.

i. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, 40 CFR 503, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

j. Any substances which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.

k. Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.

l. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104° F).

m. Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "slug" as defined herein.

n. Any waters containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

o. Any wastewater which causes a hazard to human life or creates a public nuisance.

p. Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, which cause accumulations of solidified fat in pipes, lift stations and pumping equipment, or interfere at the treatment plant.

q. Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent and the Tennessee Department of Environment and Conservation. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Environment and Conservation, to a storm sewer or natural outlet.

2. Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the set of standards provided in Table B - Plant Protection Criteria, unless specifically allowed by their discharge permit local limits (Table A -- User Discharge Restrictions). Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

3. Fats, oils and grease traps and interceptors.

a. Fat, Oil, and Grease (FOG), waste food, and sand interceptors. FOG, waste food and sand interceptors shall be provided when, in the opinion of the superintendent, 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 interceptors shall not be required for single family residences, but may be required on multiple family residences. All interceptors shall be of a type and capatown approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

b. Fat, oil, grease, and food waste. i. 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.

ii. 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 and when the superintendent determines that FOG and food waste are causing excessive loading, plugging, damage or potential problems to structures or equipment in the public sewer system.

iii. Implementation of plan. After approval of the FOG plan by the superintendent the sewer user must:

(1) Implement the plan within a reasonable amount of time;

(2) Service and maintain the equipment in order to prevent adverse impact upon the sewer collection system and treatment facility. If in the opinion of the superintendent 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 interceptors. 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 superintendent may be asked to change the cleaning frequency or to increase the size of the interceptors. 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 ½ inch 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 Standard Plumbing Code and Tennessee Department of Environment and Conservation engineering standards. 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 town retains the right to inspect and approve installation of control equipment.

f. The superintendent may use industrial wastewater discharge permits under § 18-206 to regulate the discharge of fat, oil and grease. (Ord. #5-2000, Dec. 2000)

**18-208. Application for domestic wastewater connection.**

1. Application for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for connection to the municipal wastewater treatment system. Applications shall be required from all new dischargers as well as for any existing discharger desiring additional service. Connection to the town sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-201 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the town of a prospective customer's application for connection shall not obligate the town to render the connection. If the service applied for cannot be supplied in accordance with this chapter and the town's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the town to the applicant for such service. (Ord. #5-2000, Dec. 2000)

**18-209. Fees and billing.** 1. Purpose. It is the purpose of this chapter to provide for the equitable recovery of costs from user's of the town's wastewater treatment system including costs of operation, maintenance, administration, bond service costs, capital improvements, depreciation, and equitable cost recovery of EPA administered federal wastewater grants.

2. Types of charges and fees. The charges and fees as established in the town's schedule of charges and fees may include but are not limited to:

- a. Inspection fee and tapping fee;
- b. Fees for applications for discharge;
- c. Sewer use charges;
- d. Surcharge fees (see Table C);
- e. Industrial wastewater discharge permit fees;
- f. Fees for industrial discharge monitoring; and
- g. Other fees as the town may deem necessary.

3. Fees for application for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by § 18-208 of this chapter.

4. Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the town's Sewer Department at the time the application is filed.

5. Sewer user charges.<sup>1</sup> The town council shall establish monthly rates and charges for the use of the wastewater system and for the services supplied by the wastewater system.

6. Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge fee in accordance with § 18-208 of this chapter.

7. Fees for industrial discharge monitoring. Fees may be collected from industrial user's having pretreatment or other discharge requirements to compensate the town for the necessary compliance monitoring and other administrative duties of the pretreatment program. (Ord. #5-2000, Dec. 2000)

**18-210. Validity.** This chapter and its provisions shall be valid for all service areas, regions, and sewage works under the jurisdiction of the town. (Ord. #5-2000, Dec. 2000)

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<sup>1</sup>Such rates are reflected in administrative ordinances or resolutions, which are of record in the office of the town recorder and treasurer.



## CHAPTER 3

### SEWERS

#### SECTION

- 18-301. Use of system regulated.
- 18-302. Permit and supervision required for connecting to system.
- 18-303. Connection fee.
- 18-304. Installation of lateral lines, etc.
- 18-305. Sewer service charges.
- 18-306. Extension policies.
- 18-307. Sewage bill delinquencies.
- 18-308. Re-establishment of sewer service after delinquency.

**18-301. Use of system regulated.** All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the superintendent of the sewer system when such rules and regulations have been approved by the town council. (1979 Code, § 13-201)

**18-302. Permit and supervision required for connecting to system.** No premises shall be connected to the public sanitary sewer system without a permit from the recorder and treasurer. Also, all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1979 Code, § 13-202)

**18-303. Connection fee.** No permit to connect to the public sanitary sewer system shall be granted unless the applicant first pays to the recorder and treasurer a sewer connection fee in an amount to be set by the town council. (1979 Code, § 13-203)

**18-304. Installation of lateral lines, etc.** When connections to the public sanitary sewer system are required and/or permitted, the town shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the town and the property owner to the contrary. All necessary installations within the property lines shall be made by the owner. (1979 Code, § 13-204)

**18-305. Sewer service charges.** Sewer service charges shall be collected from the person billed for water service to any premises with an accessible sanitary sewer. The sewer service charge shall be an amount set by the town council and shall be added to and combined with the water service charge. Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving

at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill. (1979 Code, § 13-205)

**18-306. Extension policies.** Insofar as practicable, the various policies set forth in the preceding chapter with respect to extending water service facilities shall also apply to extending sewer service facilities except that for sewer main extensions an eight-inch pipe of salt glazed vitrified clay or other construction approved by the town council shall be used for sewer purposes. (1979 Code, § 13-206)

**18-307. Sewage bill delinquencies.** Any person, persons, firm, association, or corporation who is a customer of the sewer system, fails or neglects to make full payment of their sewer bill for service shall be subject to service disconnection after 45 days from the date of the delinquent bill. (Ord. #4-2000, Oct. 2000)

**18-308. Re-establishment of sewer service after delinquency.** Any party who wishes to re-establish sewer service after disconnection from the system has occurred due to a delinquent account will be required to pay for all accumulated bill total and pay a service connection fee. The fee will be equal to the present rate a new customer desiring sewer service is charged. (Ord. #4-2000, Oct. 2000)

**CHAPTER 4****WATER****SECTION**

- 18-401. Definitions.
- 18-402. Standard service.
- 18-403. Fire protection service.
- 18-404. Limited use of unmetered private fire lines.
- 18-405. Obtaining service.
- 18-406. Application and contract for service.
- 18-407. Service charges for temporary service.
- 18-408. Connection charges.
- 18-409. Meters.
- 18-410. Meter location.
- 18-411. Meter tests.
- 18-412. Additional load.
- 18-413. Tapping main and making service connections.
- 18-414. Point of delivery.
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- 18-416. Main extensions.
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- 18-423. Supply and resale of water.
- 18-424. Damage to property due to water pressure.
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- 18-429. Billing and delinquent accounts.
- 18-430. Discontinuance of service; refusal to connect service.
- 18-431. Reconnection charge.
- 18-432. Termination of service by customer.
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- 18-434. Relocation of facilities.
- 18-435. Scope.
- 18-436. Schedule of rates.
- 18-437. Annual review of rates.
- 18-438. Extension policies.

**18-401. Definitions.** 1. "The Town of Cumberland Gap" and/or "town" means the town council and/or any authorized official or employee acting for the town.

2. "Water department" or "department" means the Town of Cumberland Gap Water Department and its duly authorized employees, agents, and representatives.

3. "Person" includes firms and corporations, as well as individuals.

4. "Customer" means any person who applies for water services or who receives water services from the Cumberland Gap Water Department under either an expressed or implied contract requiring such person to pay the Cumberland Gap Water Department for such service; and shall include any person upon whose property there is located a customer-owned water service line even though such service line is not in active use.

5. "Household" means any one or more persons living together as a family group.

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

7. "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 dwelling.

8. "Service connection" shall mean tap of the main and that portion of the line extending from the tap of the main to and including the meter and meter installation in those installations where the meter is set at or near the property line of the street, highway, or right-of-way on which the main is located. For meters located elsewhere on private property, the "service connection" is considered to extend only from the tap of the main to the property line, plus the meter and meter installation.

9. "Service pipe" shall be synonymous with the term "service connection."

10. "Customer's service line" or "service line" shall designate the water line extending from the "service connection" to and within the improvements on such property.

11. "Tapping fee" or "tap fee" shall designate any charges made by the town to users or prospective users for the tap of the main and the installation of the service connection, including the meter, meter installation, and the meter box. Any tapping fee so collected is a contribution in aid of construction and the customer acquires no legal title to nor equity in the facilities installed by reason of payment therefor.

12. "Regular billing period" or the "billing period" for any designated calendar month means the billing period from which the revenues are included in monthly financial and operating statements of the Cumberland Gap Water Department for the calendar month in question.

13. "Rules and regulations," as used herein, shall include amendments adopted from time to time by the town council. (1979 Code, § 13-101)

**18-402. Standard service.** Water service is normally limited to quantities as determined by the physical limitations of the water system's water distribution and storage systems and on specific quantities or rates of flow can be guaranteed. The quality of water will be determined by the Cumberland Gap Water Department's source of supply and treatment facilities and chemical characteristics of such water shall be those resulting from the treatment of the water obtained from the source of supply as used by the Cumberland Gap Water Department for its water system. Customer requirements for chemical characteristics other than those furnished by the Cumberland Gap Water Department shall be the responsibility of the customer and not of the Cumberland Gap Water Department. Water pressure shall be such as determined by the physical properties of the water department's distribution and storage facilities and no maximum and minimum pressures can be guaranteed. (1979 Code, § 13-102)

**18-403. Fire protection service.** 1. Public. At such time as the need may arise, the town may install fire hydrants.

2. Private. Private fire hydrants and fire lines will be installed at the expense of the customer and the construction will be made in accordance with specifications of the town. Such facilities shall be owned and maintained by the customer and the charges for service shall be subject to rates set by the town council.

3. Charges for sprinkler systems. Facilities installed for providing water for automatic sprinkler systems for fire protection shall be owned and maintained by customer and charges for water service to such installation shall be in keeping with the charges outlined in the schedule of rates adopted by the town council. (1979 Code, § 13-103)

**18-404. Limited use of unmetered private fire lines.** Where private fire lines are not metered, no water will be used from such lines or from any fire hydrant thereon except to fight fire or while being inspected in the presence of an authorized agent of the town, except by prior approval of the town and such charge as they may fix for the use.

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 no water shall be used therefrom in violation of these rules and regulations. When a seal is broken on account of fire or any other reason, the customer taking such service shall give the town written notice of such occurrence as soon as possible.

No customer furnished service by an unmetered service connection shall use any device requiring or allowing the continuous flow of water unless such use has been approved in writing by the town. (1979 Code, § 13-104)

**18-405. Obtaining service.** A written application for either initial or additional water service must be made at the office of the recorder and treasurer

and must be duly approved by the town before service connection or meter installation job orders will be issued and construction or installation work performed. (1979 Code, § 13-105)

**18-406. Application and contract for service.** Each prospective customer desiring water service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the town for the expense incurred by reason of its endeavor to furnish said service.

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

After a contract is made, the customer shall agree to pay not less than the minimum water bill for a minimum period of 36 months after notification by the Cumberland Gap Water Department that service is available. (1979 Code, § 13-106)

**18-407. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. This rule applies to circuses, carnivals, fairs, folk festivals, trailers, temporary construction, and other applications requiring temporary service.

The town may, in exceptional cases, issue permits for the use of unmetered water for building, construction, or other temporary purposes provided all other regulations and requirements of the town are met. In such exceptional cases of unmetered water service, the water so used must be discharged from a hose or pipe directly into the mortar beds or barrels and under no circumstances shall it be discharged upon the ground or into or through a ditch, or trench, or into the gutter. In case of such temporary connections, the hose connection through which the water is taken must be properly protected and in no case shall the town's properties be used for controlling the flow of water. Charge will be made by reasonable estimation. (1979 Code, § 13-107)

**18-408. Connection charges.** Service lines will be laid by the town from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town.

Before a new water or service line will be laid by the town, the applicant shall make a deposit as reflected in the application or contract.

When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1979 Code, § 13-108)

**18-409. Meters.** All meters used for billing purposes by the water department shall be the property of the town as shall the meter installations and meter boxes where the town's meters are located, even though the customer may have made a capital contribution as a condition of obtaining service.

No one shall do anything which will in any way interfere with or prevent the proper registration of a meter. No one shall perform 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 a meter or line without such being fully registered by the meter.

Each customer will be supplied through a separate meter. In those cases where a building under one ownership has a number of apartments, businesses, and/or offices under one roof, each shall maintain a separate meter and be charged individually.

Meters and meter installations must be accessible at all times and must not be covered with rubbish and/or other material of any kind. No one other than an authorized agent of the water department shall be permitted to repair, adjust, remove, or replace any meter or any part thereof.

The customer shall be responsible for damage to the meter and meter installation through which he is served if such damage is caused by any carelessness or negligence of the customer, or his agent or employee, or any members of his family. Such customer shall be billed for actual cost of repairs or replacements, and such bills shall be paid within ten (10) days from date of mailing thereof. Failure to pay for damage to a meter or of meter installation as outlined above within a reasonable time may be taken as grounds for discontinuing water service by the town.

The town may discontinue furnishing water to any customer who refuses permission for the water system to remove a meter from the premises. (1979 Code, § 13-109)

**18-410. Meter location.** For new installations, the town's approval of meter locations shall be obtained before any piping is installed. Meters shall be placed on or adjacent to the property line of the premises to be served at the street in which the main line from which service is to be given. Insofar as is practicable, such locations shall be chosen for the joint convenience of the customer and the Cumberland Gap Water Department, but the town reserves the right to specify the location of the meters.

Where more than one meter is to be installed at one premise, separate meters shall be grouped in one common place accessible at all times. (1979 Code, § 13-110)

**18-411. Meter tests.** The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

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

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

<u>Meter Size</u>	<u>Test Charge</u>
5/8" - 3/4" - 1"	\$ 2.00
1" - 2"	\$ 5.00
3"	\$ 8.00
4"	\$12.00
6" and over	\$20.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1979 Code, § 13-111)

**18-412. Additional load.** Meters and equipment supplied by the Cumberland Gap Water Department for each customer have definite capacity and no major addition to the equipment of load connected thereto shall be made except with written consent of the town. Failure to give notice of additions or changes in the load or to obtain the town's consent for same shall render the customer liable for any damage to any installation of the water system. (1979 Code, § 13-112)

**18-413. Tapping main and making service connections.** Service connections will be laid by the Cumberland Gap Water Department from the water main to the property line in keeping with provisions of § 18-438. Such service connections, including the meter installation, will be fitted with all



necessary hardware and so installed as to be readily accessible at all times. The location for such service connections will be in accordance with § 18-410.

When such service connections are completed, the Town of Cumberland Gap shall have ownership of and shall be responsible for the maintenance and upkeep of such service connections from the main to and including the meter and meter installation. The remaining portion, designated as the "service line" or "customer's service line" beyond the meter installation (even though such remaining portion is not located within the customer's property line) shall belong to and be the responsibility of the customer.

In all cases the "service line" shall be installed by the customer at the customer's expense and shall be and remain the exclusive property of the customer. The "service line" shall be of material approved by the Cumberland Gap Water Department and shall be provided with a stop and waste cock. Water service to any customer may be discontinued and water service to any applicant may be refused or declined by the Cumberland Gap Water Department if the service line is not supplied with a stop and waste cock. Notwithstanding anything else herein provided, the Town of Cumberland Gap shall not be responsible for the maintenance or upkeep of any customer's service line located within the property line of the customer, even though the town's meter and meter installation are located within said property line (1979 Code, § 13-113).

**18-414. Point of delivery.** Except as may be otherwise provided by written agreement between the Cumberland Gap Water Department and the customer, the point of delivery shall be at the property line on the customer's side of the meter. All piping and equipment between this point and the point or points where water is used shall be the property of and be maintained by the customer. The Town of Cumberland Gap shall not be liable for injury to person or property on account of any defect or negligence in the installation, maintenance, or use of any piping or equipment beyond the point of delivery. (1979 Code, § 13-114)

**18-415. Multiple services through a single meter.** This section has been moved to § 18-707.

**18-416. Main extensions.** Extensions of the town's water distribution system shall be made in accordance with the applicable provisions of § 18-438. (1979 Code, § 13-116).

**18-417. Customer's piping and fixtures--standards.** All water piping beyond the meter shall be installed and maintained at the expense of the customer. In case of new installations, all such piping fixtures shall be installed in accordance with the applicable requirements and specifications as specified by the town.

By furnishing service to a customer, the Town of Cumberland Gap assumes no responsibility for seeing that the customer's piping and/or plumbing fixtures comply with the requirements set forth herein. (1979 Code, § 13-117)

**18-418. Right of access.** The Cumberland Gap Water Department's properly identified employees and agents shall have access to customers' premises at all reasonable times for the purpose of reading meters, testing, repairing, removing, or changing any or all equipment belonging to the Town of Cumberland Gap Water Department. (1979 Code, § 13-118)

**18-419. Inspections.** The Cumberland Gap Water Department shall have the right, but shall not be obligated, to inspect any installation before water is introduced at the later time. The Town of Cumberland Gap Water Department reserves the right to refuse service or discontinue service to any piping or plumbing installations not in accordance with its standards or specifications, or which are not in accordance with its standards with special contracts, or with these rules and regulations, or other requirements of the town; but any failure to exercise this right shall not render the Town of Cumberland Gap Water Department liable or responsible for any loss or damage resulting from defects in installations or piping or plumbing fixtures, or the provisions of any contract or from accidents which may occur on the customer's premises.

The Cumberland Gap Water Department shall not be obligated to connect to or render water service to new buildings or to buildings or premises not now approved for water service until such time as a certificate of approval has been rendered by the inspector charged with the duty of issuing such a certificate. (1979 Code, § 13-119)

**18-420. Notice of trouble.** Customers shall notify the Cumberland Gap Water Department immediately should the water service be unsatisfactory for

any reason, or should there be any defects, trouble, or accidents affecting the supply of water. Such notices, if verbal, should be confirmed in writing. (1979 Code, § 13-120)

**18-421. Customer's responsibility for town's property.** All meters, service connections, and other equipment furnished and maintained by the department shall be, and remain, the property of the town. Customers shall exercise proper care to protect the property of the town on the customer's premises and in the event of loss or damage to the department's property, arising from the failure of customer to take proper care of the same, the cost of necessary repairs or replacements shall be paid by the customer. (1979 Code, § 13-121)

**18-422. Customer's responsibility for violation of rules and regulations.** Where the town furnishes water service to a customer, such customer shall be responsible to the town for all violations of the rules and regulations and rate schedules of the town, which occur on the premises served or in connection with such services. Personal participation by the customer in any such violation shall not be necessary to impose such personal responsibilities on the customer. (1979 Code, § 13-122)

**18-423. Supply and resale of water.** All purchased water used on the premises of the customer shall be supplied by the department and the customer shall not directly or indirectly sell, sublet, assign, or otherwise dispose of the water so purchased. Customers shall not supply water, nor allow water to be carried or run through a hose or pipe or otherwise, to any premises other than that described in the application, agreement, or contract, without first having received written consent or permission from the town. (1979 Code, § 13-123)

**18-424. Damage to property due to water pressure.** The town or department 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. (1979 Code, § 13-124)

**18-425. Unauthorized use of or interference with water supply.** No person shall turn on or off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the water department. (1979 Code, § 13-125)

**18-426. Interruption of service.** The department will use reasonable diligence in attempting to provide a regular and uninterrupted supply of water, but, in case the supply of water should be interrupted, for any cause, the town shall not be liable for damages resulting therefrom.

In connection with the operation, maintenance, repair, and extension of the water system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The town shall not be liable for any damages from the resumption of service without notice after any such interruption. (1979 Code, § 13-126)

**18-427. Restricted use of water.** In times of emergencies or in times of water shortage, the town reserves the right to restrict the purpose for which water may be used by a customer and the amount of water which a customer uses. Failure of customers to comply with conservation measures during periods of water shortages will result in discontinuance of water service. (1979 Code, § 13-127)

**18-428. Liability for cutoff failures.** The town's liability shall be limited to the forfeiture of the right to charge the customer for water that is not used but is received from a service connection under any of the following circumstances:

1. After receipt of at least ten (10) days written notice to discontinue the water service, the department has failed to discontinue such service.
2. The department has completely cut off service, but subsequently the cutoff develops a leak or is turned on again by representatives of the department 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 cutoffs. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained, after his water service has been cut off. (1979 Code, § 13-128)

**18-429. Billing and delinquent accounts.** Bills for water service must be paid on or before the discount date shown thereon to obtain the net rate, otherwise, the gross rate (10% higher than the net rate) shall apply. Failure to receive a bill will not relieve the customer from payment obligation, nor extend the discount date.

Should the date for the final payment of a bill at the net rate fall on a Sunday or a holiday, the business day next following the final date will be held as the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the town if the envelope is date stamped on or before the final date for payment of the net amount.

In the event a bill is not paid on or before (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The town shall not

be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that the service is actually discontinued.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available.

The town may at its option make adjustments in water bills where excessive billing is directly traceable to hidden leaks, with the adjustment being made on the basis of the department absorbing, or writing off, no more than one-half of the average directly traceable to such hidden leaks, with the customer paying the normal billing plus at least one-half of the average directly traceable to such hidden leaks. Hidden leaks are herein defined as those leaks which the customer could not have been reasonably expected to find until a bill for the excess consumption indicated the presence of such leaks. Leaks in interior plumbing, leaking or dripping faucets, leaking or dripping yard hydrants, leaks in commodes, or other loss through failure of customer to provide a cutoff, water lost due to frozen pipes, and water used to keep pipes from freezing are specifically cited as examples of leaks which will not be termed as "hidden leaks" for the purpose of this section.

No adjustment in billing shall be made where premises are vacated without a notice to discontinue service having been given to the department.

All accounts and payment for service shall be made to the Town of Cumberland Gap Water Department, office of the recorder and treasurer, City Hall, Cumberland Gap, Tennessee. (1979 Code, § 13-129)

**18-430. Discontinuance of service; refusal to connect service.** The town shall have the right to discontinue service or to refuse to connect service for a violation of or failure to comply with any provisions of these rules and regulations and/or the applicable schedule of rates and charges. Such right to discontinue service shall apply to all service rendered through a single meter, even though more than one consumer or tenant is furnished therefrom, and even though a delinquency or violation is limited to only one such consumer 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 payment for service already received or from liability from payments that thereafter become due under the minimum bill provisions or other provisions of the customer's contract.

The town shall have the right to refuse to render services to any applicant whenever the applicant or any member of the household, company, or firm to which such service is to be furnished is in default in the payment of any obligations to the department or has previously had his service discontinued because of a violation of these rules and regulations.

If the department should for any reason, begin to render service to any applicant to whom the town has good and valid reason for refusing to render such service, the town shall have the right to discontinue such service as begun, even though such customer does nothing to justify the discontinuance of service during the time such service is being rendered. (1979 Code, § 13-130)

**18-431. Reconnection charge.** Whenever service has been discontinued as provided for in § 18-430, a reconnection charge of five dollars (\$5.00) shall be collected by the town before service is restored. (1979 Code, § 13-131)

**18-432. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

1. Written notice of the customer's desire for such service to be discontinued may be required; and the town shall have the right to continue such service for a period 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 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. (1979 Code, § 13-132)

**18-433. Water turned on by customer.** If the department discontinues service for nonpayment of a bill, or for any other purpose, and the water is turned on without authority of the department, the town shall have the right to discontinue service, remove the meter, and charge a fee of one hundred dollars (\$100.00) for reinstalling or reconnecting the meter. The department will not be required to furnish service again until all charges against the customer or owner, as the case may be, have been fully paid. (1979 Code, § 13-133, modified)

**18-434. Relocation of facilities.** The town will bear the expense of relocating meters, service connections, mains, and any or all other distribution facilities owned by the town where the relocation work is performed for the sole convenience of the town.

The cost of relocating meters and service connections is covered in § 18-438. Where other distribution of water facilities owned by the town, other than service connections and meters, are located for the sole convenience of the customer, the cost of such relocation work performed by the department will be paid to the department by the customer requesting the facilities to be relocated.

The allocation of costs involved in relocating meters, service connections, mains, and any and all other water distribution facilities of the department for mutual convenience of the town and customer will be determined by negotiations between the two parties. (1979 Code, § 13-134)

**18-435. Scope.** These rules and regulations are a part of all contracts for receiving water service from the town, and apply to all service rendered by the department whether the service is based upon contract, agreement, signed application, or otherwise. (1979 Code, § 13-135)

**18-436. Schedule of rates.** All water service shall be furnished under such rate schedules as the town may from time to time adopt by appropriate ordinance or resolution.<sup>1</sup> (1979 Code, § 13-136)

**18-437. Annual review of rates.** The town council shall review the rate structure annually to insure that the rate structure is adequate to cover the costs of operation and maintenance, debt service, cash reserves, and replacement. (1979 Code, § 13-137)

**18-438. Extension policies.** 1. Tapping and meter deposit fees. Before a service connection for normal residential applications will be made by the town, a service connection charge or "tapping fee" will be paid the town in the amount of two hundred dollars (\$200.00) after construction of the waterworks. Meter deposit fees for use classified as residential, new or existing, will be ten dollars (\$10.00).

Before a service connection for commercial applications will be made by the town, a service connection charge or "tapping fee" will be paid the town in the amount of four hundred dollars (\$400.00) after construction of the waterworks. Meter deposit fees for use classified as commercial, new or existing, will be twenty-five dollars (\$25.00).

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<sup>1</sup>Administrative ordinances and resolutions are of record in the recorder and treasurer's office.

Where more than one meter is to be installed for service to apartment houses, office buildings, etc., so as to give each consumer a separate meter, the service connection charges or "tapping fees" to be paid to the town, by the applicant for services, shall be two hundred dollars (\$200.00) per connection.

2. Replacing and/or relocating service connections and/or meter installations with similar facilities or with facilities of larger or smaller size. The cost of relocating existing service connections and/or installations of meters or replacing existing service connections and/or meter installations with similar facilities of larger or smaller size shall be the cost of the actual tap less the net value of salvable material returned to stock from existing installations. The cost of removal will be deducted from the total valuation of items actually returned to stock at appraised valuation. No credit will be allowed in such cases for the appraised value of the meters and meter boxes returned to stock.

3. Extension of system at discretion of the town in certain instances. The town may in its reasonable and sound discretion contract with prospective customers to extend the service of the waterworks to such customers provided such customers shall bear all cost of extension and make payment for water used in accordance with the applicable schedule of rates and charges and otherwise abide by the rules herein set out. (1979 Code, § 13-138)



**CHAPTER 5****CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**<sup>1</sup>**SECTION**

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

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

1. "Public water supply." The waterworks system furnishing water to Cumberland Gap for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

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

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

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

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

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

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

6. "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative, or federal agency. (Ord. #10198, Jan. 1989)

**18-502. Standards.** The Town of Cumberland Gap Public Water System is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #10198, Jan. 1989)

**18-503. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the Water Operator of the Cumberland Gap Public Water System. (Ord. #10198, Jan. 1989)

**18-504. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the water operator a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (Ord. #10198, Jan. 1989)

**18-505. Inspections required.** It shall be the duty of the water operator of the public water system to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Water Operator of the Cumberland Gap Public Water System and as approved by the Tennessee Department of Environment and Conservation. (Ord. #10198, Jan. 1989)

**18-506. Right of entry for inspections.** The water operator or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Cumberland Gap Public Water

System for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (Ord. #10198, Jan. 1989)

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

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

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. #10198, Jan. 1989)

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

1. Impractical to provide an effective air-gap separation.
2. That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system.
3. That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
4. There is a likelihood that protective measures may be subverted, altered, or disconnected.

The Water Operator of the Cumberland Gap Public Water System or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the water operator of the public water system prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

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

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

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Cumberland Gap Public Water System. (Ord. #10198, Jan. 1989)

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

WATER UNSAFE  
FOR DRINKING

The minimum acceptable sign shall have black letters at least one-inch high located on a red background. (Ord. #10198, Jan. 1989)

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

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), and each day of continued violation shall constitute a separate offense. (Ord. #10198, Jan. 1989)

## CHAPTER 6

### WATER AND SEWER BILLING STANDARDS AND RATES

#### SECTION

- 18-601. Application and agreement for utility services.
- 18-602. Application service fee.
- 18-603. Water and sewer charges due date.
- 18-604. Water and sewer late charges.
- 18-605. Owner responsible for tenants' unpaid water or sewer service.
- 18-606. Termination of service for failure to pay charges.
- 18-607. Reconnect fee.
- 18-608. Failure to pay sewer bill; penalty, etc.
- 18-609. Minimum water and sewer charges.
- 18-610. Turn-off/on fees.
- 18-611. Fees to be set by town council.
- 18-612. Leak adjustments.
- 18-613. Swimming pool wastewater usage credit.

**18-601. Application and agreement for utility services.** All present and future residents shall complete an application and agreement for utility services. Present residents must complete the application/agreement within thirty-days (30-days) of reception. Future residents will complete the application/agreement at the time of request for utility services. (Ord. #4-1999, July 1999)

**18-602. Application service fee.** All applicants for water/sewer services will pay a service fee, as set by roll call vote by the town council. (Ord. #4-1999, July 1999)

**18-603. Water and sewer charges due date.** All water and sewer charges are due by the twentieth (20<sup>th</sup>) of each month. (Ord. #4-1999, July 1999)

**18-604. Water and sewer late charges.** All water and sewer charges paid after the twentieth (20<sup>th</sup>) of each month will incur a uniform late charge as set by a roll call vote by town council. (Ord. #4-1999, July 1999)

**18-605. Owner responsible for tenants' unpaid water or sewer service.** Owners of any property receiving water or sewer service shall be responsible for any fees charged to any tenants of said property that are not satisfied by that tenant. (Ord. #9-1999, Aug. 1999)

**18-606. Termination of service for failure to pay charges.** 1. All water and sewer charges not paid within ten (10) days after the late charge date

will result in services being terminated without further written notice, as this notice appears in the application and agreement for utility services and on the monthly billing card.

2. Whenever water or wastewater service has been disconnected for non payment of any bill rendered, or because of violation of any bill rendered, or because of violation of any other of the utility rules or policies, rates, and charges or any other town policy, a charge shall be made to cover the cost of this service. Any unpaid bills must be settled or paid, and the service connect fee renewed before the service is restored. (Ord. #4-1999, July 1999, as amended by Ord. #4-2003, July 2003)

**18-607. Reconnect fee.** All residents who have utility service terminated because of failure to pay charges as stated above will incur a reconnect fee as determined by roll call vote by the town council. (Ord. #4-1999, July 1999)

**18-608. Failure to pay sewer bill; penalty, etc.** 1. It shall be unlawful, and a civil offense, for any person, firm, or corporation, association, or any other person or organization, who receives city sewer service to fail or refuse to pay for such service.

2. The city shall have the following remedies in the event of the failure or refusal on the part of any person, firm, corporation or any other person or organization who receives city sewer service to pay for such service:

- a. Collect the amount owed by such customer as a civil debt.
- b. Cite such customer into the municipal court, and upon conviction, impose a civil penalty on such customer in an amount not to exceed five hundred dollars (\$500.00). Each day a violation is allowed to continue shall constitute a separate offense.
- c. Termination of sewer service, as follows:
  - i. Written termination (cut-off) shall be given to the customer at least five (5) days prior to the scheduled date of the termination. The cut-off notice shall specify:
    - (1) The reason for the cut-off;
    - (2) The amount due, including late charges and any other charges;
    - (3) The last date to avoid service termination charges;
    - (4) Notification that the customer has a right to a hearing prior to service termination, and the availability for special counseling for emergency and hardship cases.

d. The employee carrying out the termination procedure will attempt before disconnecting service to contact the customer at the premises in a final effort to collect payment and avoid termination.

e. Hearings on service terminations as provided for in (i)(D) above will be held by appointment at the city's sewer service office between the hours of 8:00 A.M. and 4:30 P.M., on any business day, or at other hours by special request of the customer.

f. Termination will not be made on any day preceding the day when the sewer department is scheduled to be closed.

g. If the customer does make payment of the bill, or does not request a termination hearing, the sewer department shall proceed on schedule with the termination of sewer service, as provided for in this section.

h. Sewer service will be reconnected only after the payment of all sewer charges, including late charges and any other charges, or only after satisfactory arrangements for payment of the same shall have been made, plus the payment of a reconnection charge of one hundred dollars (\$100.00).

3. The city shall have the right to use the above remedies prescribed for the failure or refusal to pay sewer bills collectively or selectively, and in any and all combinations. In addition, the use of any or all of the above remedies by the city shall not foreclose its right to use any other remedy that might now or in the future be authorized under state law. (Ord. #2-2001, Nov. 2001)

**18-609. Minimum water and sewer charges.** All residents for services will be charged the minimum charges for water/sewer services even if zero (0) gallons are used, or a request for meter removal is not submitted. (Ord. #4-1999, July 1999)

**18-610. Turn-off/on fees.** 1. All residents requesting a turn-off and turn-on of services except for repairs, will be charged turn-off/on fees as set by a roll call vote of the town council.

a. Temporary water or wastewater cut off or cut on at customer request, per trip for service inside the town limits is twenty-five dollars (\$25.00).

b. For reconnecting water or wastewater service after service is discontinued for non payment of a water or wastewater bill, twenty-five dollars (\$25.00) inside the town and fifty dollars (\$50.00) outside the town.

c. When the work is performed in other than normal business hours the fee shall be fifty dollars (\$50.00).

2. The customer shall pay for the additional costs incurred for disconnecting wastewater when the service is physically removed.

3. Customers who have had water or wastewater cut off for non-payment more than once in a twelve month period will be required to pay a seventy five dollar (\$75.00) reconnect fee.



4. A separate fee shall be charged for the connection and for the disconnect. A separate fee shall be charged for water and for wastewater.

5. The board may establish a higher utility deposit for those customers who are chronic non-payers. (Ord. #4-1999, July 1999, as amended by Ord. #4-2003, July 2003)

**18-611. Fees to be set by town council.** All fees and/or charges stated above as being passed by roll call vote by town council will be posted for public review in town hall. (Ord. #4-1999, July 1999)

**18-612. Leak adjustments.** 1. The city billing clerk is authorized to make adjustments for water and wastewater service affected by water leaks.

2. The adjustment shall be made as follows: Add the gallons used for the previous six (6) months and divide by six (6) to obtain the monthly average. Add this average to the current bill amount (bill to be adjusted) and divide by two (2). The calculated amount is the amount of gallons to adjust for.

3. The billing clerk will report all monthly adjustments made for leaks on a monthly basis to the board of mayor and aldermen.

4. Once the city suspects that there is a leak and notifies the customer, or if the city can determine when the customer discovered the leak, the city shall notify the customer of the suspected leak, and no adjustment shall be made for any period of time after a fifteen (15) day period for minor repairs or thirty (30) days for service line repairs. The customer shall repair leaks in a timely manner.

5. The customer shall not be entitled to more than one adjustment per year. (Ord. #6-2003, Aug. 2003)

**18-613. Swimming pool wastewater usage credit.** 1. Wastewater customers shall pay the appropriate water rates for filling of swimming pools. One adjustment per year shall be made by the town billing clerk on the sewer bill for water used to fill a swimming pool. The pool must be a minimum size of one-thousand (1,000) gallons and must not drain into the public wastewater system. The adjustment shall reduce the sewer service charge for the number of gallons required to fill the pool. Adding water to an already filled pool does not qualify for an adjustment. The clerk may estimate the gallons by using seven and one-half (7 ½) gallons per cubic foot of pool volume where metering is not practicable.

2. The customer must notify the town before filling the pool. (Ord. #7-2003, Aug. 2003)

## CHAPTER 7

### **POLICIES FOR MULTIPLE CONNECTIONS TO A SINGLE METER**

#### **SECTION**

- 18-701. Connections to water and wastewater service; responsible for administering policy.
- 18-702. Background and purpose.
- 18-703. Limitations.
- 18-704. Record keeping duration.
- 18-705. Omissions.
- 18-706. Policy statement.
- 18-707. Multiple services through a single meter.

**18-701. Connections to water and wastewater service; responsible for administering public policy.** Billing manager, public works director, governing board. (as added by Ord. #6-2004, Sept. 2004)

**18-702. Background and purpose.** It is accepted utility practice in the United States that only one dwelling be allowed to hook on to a single utility service line. The costs of utility service are to be shared as equitably as possible among utility customers. Minimum bills reflect, among other things, the overhead required to keep utility service in place, regardless of whether a particular customer uses the service during a billing period. The fact that service is ready upon demand 24 hours every day to meet a customer's potential needs places financial demands on the system that are generally reflected in the minimum bill. If utilities were to allow more than one customer to hook up to a single service line, several users would be paying only one minimum bill. The legitimate overhead costs of the system would be disproportionately passed on to other customers. In addition, the following circumstances require the city to limit service to one dwelling unit per water or sewer connection when possible. (as added by Ord. #6-2004, Sept. 2004)

**18-703. Limitations.** The city's water and wastewater system is subject to various state and federal regulations and has no discretion to offer service in a manner which would violate these regulations. (as added by Ord. #6-2004, Sept. 2004)

**18-704. Record keeping duration.** All multiple service connection records shall be kept for a minimum of ten years after termination of service. (as added by Ord. #6-2004, Sept. 2004)

**18-705. Omissions.** In the absence of specific rules or policies, the disposition of multiple connections to one meter shall be made by the governing

board in accordance with its usual and customary practices. (as added by Ord. #6-2004, Sept. 2004)

**18-706. Policy statement.** 1. The water and wastewater service connection to single family residences shall be limited to serving one residence only. No other dwelling, whether located on the same parcel or on an adjoining parcel, shall be served through the same service connection. Customers may have lines extended to barns and other uninhabited buildings as part of their service, provided that the installation meets the utility's specifications.

2. A residential tapping privilege shall not entitle a customer to connect a commercial or industrial business such as a beauty parlor or repair shop to the city's sewer lines without express approval of the city.

3. Authorized employees, representatives and contractors of the city shall have access to all properties served by the city at reasonable times for the purpose of servicing, maintaining and inspecting lines and connections to the water and wastewater system (or those believed to be connected to the system), observation, measurement, sampling and testing as provided by the policies of the city and by state and federal law.

4. The failure of a customer to comply with the provisions of this and other policies of the water and wastewater system shall constitute a breach of contract by the customer. Any customer found to be violating any provision of this policy shall be served by the city with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. The offending customer shall, within the period of time stated in such notice, permanently cease all violations.

5. Any customer who shall continue any violation beyond the time limit stated in the notice shall be disconnected from the system at the convenience of the city.

6. The following residential dwellings shall have a utility connection for each living unit:

- a. Single family dwellings;
- b. Commercial and industrial buildings;

7. The following commercial residential dwellings shall be allowed to maintain multiple living units on one meter as expressly approved by the city:

- a. Mobile home parks.
- b. Apartment buildings.
- c. Hotels, motels and campgrounds.
- d. Commercial and industrial buildings.

8. All customers who are allowed an exception by the board to receive water or sewer service to multiple users through a single water meter shall be charged commercial rates. In addition, the following method of bill computation shall apply:

The total usage shall be divided by the number of units, then applying the appropriate commercial rate for the amount prorated for each unit, including the minimum bill, and multiplying the result by the number of units. The total bill shall be the responsibility of the customer who contracted for the metered service.

Example:

One meter serving five (5) units-assuming 3,000 gallons per each minimum bill; the actual usage through the single meter for the month is 20,000 gallons; a minimum bill of \$15.00 per month; and \$3.00 per thousand over the minimum.

Compute the bill as follows:

1. (3,000 gallons minimum times 5 units equals 15,000 gallons of usage provided by the minimum bill.)
2. The bill would include a minimum for each unit or 5 times \$15.00.
3. In addition, the single meter would be billed for the additional 5,000 gallons of usage at in this examples \$3.00 per thousand gallons.
4. The bill would be (5x\$15.00 or \$75.00 plus the charge for the additional 5,000 gallons of usage (5,000/1000x\$3.00 or \$15.00).
5. The total bill to the single meter would be \$90.00 (\$75.00 + \$15.00).

Procedure for billing

- Multiply the minimum gallons times the number of units to obtain the number of gallons provided by the minimum bill.
- Multiply the number of units times minimum monthly charge.
- Multiply the additional usage per meter, above minimum usage, by the cost per thousand gallons.
- Add the minimum charges and the additional charge for usage over the minimum. This equates to the new bill.

In effect, the utility charge for each such dwelling unit or business unit thus served will have been computed as if each such unit had received service by separate meters. (as added by Ord. #6-2004, Sept. 2004)

**18-707. Multiple services through a single meter.**

1. a. An individual unit shall be defined as a dwelling served with separate bath facilities for the family unit or person or persons living as a family unit; a commercial business and an industrial facility shall be

defined as a business or industrial facility that maintains a separate bookkeeping ledger system from others located in the facility or location. Residents who have in home occupations shall be considered as one residential unit. Residences that include a mother or mother-in-law, aunt or uncle shall be considered as one residential unit. When apartments or separate buildings are located at the residence, each shall be considered as a separate unit.

b. All residential, commercial, and industrial customers shall be served by a separate water meter as determined by the Cumberland Gap Water Department. Where it is determined by the city to be impractical to meter each residential, commercial, or industrial customers with a single meter, the city water department shall bill each occupied separate residence, commercial business, or industrial customers a minimum monthly bill for each individual unit as follows:

c. Apartments, duplexes, triplexes, condominiums, and similar residential multi-unit dwellings shall be billed on the basis of monthly minimum bill for each individual dwelling unit. Each unit shall be credited with the minimum water usage included in the minimum bill and additional volumes shall be billed to the individual meter holder.

d. Commercial businesses shall be billed on the basis of a monthly minimum for each business served by a single meter. Where residential units are included within a commercial zone or business, the residential unit shall be billed as a separate unit on a per minimum basis. Each unit shall be credited with the minimum water usage included in the minimum bill and additional volumes shall be billed to the individual meter holder. If the city's zoning ordinance permits business owners to live inside their business, the bill shall be for one unit. If the unit is rented to others, it shall be considered as a separate unit and billed accordingly.

e. Industrial facilities shall be billed on the basis of a monthly minimum for each industrial facility served by a single meter. Each unit shall be credited with the minimum water usage included in the minimum bill and additional volumes shall be billed to the individual meter holder.

f. This customer, landowner or tenant shall receive credit for periods of time that the premises is vacant and no water is used for a particular unit, provided, however, the tenant must notify the city within five (5) days after a unit is vacant. The tenant or owner must notify the city of the status of the water usage and occupancy every thirty (30) days thereafter. Failure to so notify the city as above outlined will result in no credit being issued.

No adjustments or credits will be issued for periods preceding the passage of this subsection.<sup>1</sup>

2. No customer shall supply water to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the town.

The schedule of rates for each class of service is based on the supply of water to the entire premises being taken from a single service line and meter location and a separate supply for the same customer at other points or consumption shall be separately metered and billed. In case of separate metering points and metering installations, use of water through each of the separate meters shall be billed in accordance with rate schedules applicable thereto. (1979 Code, § 13-115, as amended by Ord. #R3-2002, June 2002, and Ord. #8-2004, Aug. 2004)

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<sup>1</sup>This subsection was passed by Ord. #8-2004, Aug. 2004.