

TITLE 18**WATER AND SEWERS****CHAPTER**

1. IN GENERAL.
2. WASTEWATER SYSTEM.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
4. FLUORIDATION OF WATER.

CHAPTER 1**IN GENERAL****SECTION**

- 18-101. Approval of utilities division rules and regulations; rates.
18-102. Connections to public water and/or sewer system.
18-103. Extension of sanitary sewer system.

18-101. Approval of utilities division rules and regulations; rates.

The City Council of the City of Jackson, Tennessee, hereby approves all of the rules and regulations of the utilities division of the city.

The city council expressly reserves the right to study and approve or disapprove any rates for the use of water, sewers, electricity and gas by residents of the city as such rates are proposed by the utilities division. (1995 Code, § 18-101)

18-102. Connections to public water and/or sewer system. In order to protect the public health, the owner or owners of any structure within the City of Jackson which has available to it the public water and/or sewer system of the City of Jackson shall connect such structure to the water system and/or sewer system within thirty (30) days of the service becoming available, provided, however, that the owner or owners of any structure not used or occupied by humans and to which the public is not invited may apply to the Jackson Utility Division for an exemption from this requirement; that upon a satisfactory showing that such structure or building is not used by humans and is not one to which the public is invited, such exemption may be issued. (1995 Code, § 18-102)

18-103. Extension of sanitary sewer system. (1) The owner(s) of property who petition for connection to the city's sewer system to serve their property shall at that time consent to, petition and request the annexation of such property by the City of Jackson, such annexation to take place at such time as the city may deem appropriate, consistent with state law. Until such time as

annexation occurs, the owner(s) shall agree not to seek incorporation as a separate entity nor annexation to any other incorporated area.

(2) The consent to annexation shall be incorporated as part of the City of Jackson land development plan and/or sewer contract between owner(s) and the city acting through Jackson Utility Division. At the time the sewer/land development contract is entered into, the property owner shall submit his petition for annexation to the city.

(3) The above-described consent to annexation by the City of Jackson shall be made a restrictive covenant imposed by the property owner(s) upon the property, which shall run with the land and shall be binding upon all heirs, successors and assigns. Such covenant shall be recorded in the Office of the Madison County Register, and it shall be the duty of the original property owner and all subsequent property owners to disclose the existence of said covenant to any parties to whom the property or a portion thereof is conveyed. Reference to such recorded covenant shall be evidenced on any final plat or plan of development prior to the recordation of said plat or plan of the Office of the Madison County Register. It shall be the responsibility of the planning department of the city and Jackson Utility Division to ensure that the signed petition for annexation is submitted by the property owner and that the covenant appears on the plat or plan prior to signing and recordation of said final plat or plan. (Ord. #1998-003, Jan. 1998)

CHAPTER 2

WASTEWATER SYSTEM

SECTION

- 18-201. Operation and management.
- 18-202. Promulgation of rules and regulations.
- 18-203. Authority of board of utility commissioners to institute court proceedings and to recover damages.
- 18-204. Violations.

18-201. Operation and management. The board of utility commissioners of the Jackson Utility Division shall be and is hereby authorized and directed to operate, manage and maintain the wastewater system (POTW) of the city, in accordance with all applicable state and federal laws, including, but not limited to, the Clean Water Act of 1977 (P.L. 95-217), as amended; the General Pretreatment Regulations (40 CFR Part 403); the Solid Waste Disposal Act, as amended; the Clean Air Act, as amended; the Toxic Substances Control Act, as amended; laws of the State of Tennessee promulgated pursuant to any federal law or for any applicable state purpose; and rules and regulations of the United States Environmental Protection Agency as amended from time to time, and to otherwise use its best engineering judgment in such management so as to:

- (1) Prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) Prevent the introduction of pollutants into the wastewater system which will pass through the waste water system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the wastewater system;
 - (3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the wastewater system;
 - (4) Provide for equitable distribution of the costs attributable to the wastewater system as required by the charter of the city;
 - (5) Regulate users of the wastewater system through the issuance of permits to users and through enforcement of general requirements;
 - (6) Authorize monitoring and enforcement activities;
 - (7) Require user reporting;
 - (8) Assure that existing users' capacities will not be preempted; and
 - (9) Provide for the setting of fees for the equitable distribution of costs.
- (1995 Code, § 18-201)

18-202. Promulgation of rules and regulations. The board of utility commissioners of the Jackson Utility Division shall be and is hereby authorized

and directed to promulgate such rules and regulations as may be necessary for the operation of the wastewater system and for the control of the use of the wastewater system in conformity to the guidelines hereby established and to amend same from time to time as, in the good judgment of the board of utility commissioners, may be necessary; that such rules and regulations, and any amendments thereto, be adopted by the board of utility commissioners in public meeting duly called, provided, however, that any amendment involving an increase in rates be subject to the provisions of section 67 of the Official Charter of The City of Jackson, Tennessee. (1995 Code, § 18-202)

18-203. Authority of board of utility commissioners to institute court proceedings and to recover damages. The board of utility commissioners shall be and is hereby authorized to institute proceedings in any court of competent jurisdiction where same is necessary to enforce this chapter, rules and regulations and amendments thereto promulgated, or conditions of permits issued under these rules and regulations seeking appropriate relief, including injunctive relief and collection of civil penalty, and/or injunctive relief and collection of civil penalty, and/or recover damages caused by the failure of any user to comply with this chapter or the rules and regulations promulgated under the same. (1995 Code, § 18-204)

18-204. Violations. The violation of the provisions of this chapter or of the rules and regulations promulgated under the authority of this chapter by the board of utility commissioners or conditions of permits issued under such rules and regulations are subject to civil penalties up to ten thousand dollars (\$10,000.00) for each violation to be assessed in accordance with applicable state law. (1995 Code, § 18-203)

CHAPTER 3

CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.¹

SECTION

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

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

(1) "Public water supply." The waterworks system furnishing water to the city 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 the public water supply is connected, directly or indirectly, with any other water supply 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 supply 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 supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

¹Municipal code reference

Plumbing and related codes: title 12.

(6) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or county. (1995 Code, § 18-301)

18-302. Standards. The municipal public water supply is to comply with Tennessee Code Annotated, §§ 68-221-101, et seq., 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. (1995 Code, § 18-302, modified)

18-303. 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 general manager of the Jackson Utility Division or his representative. (1995 Code, § 18-303)

18-304. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the general manager of the Jackson Utility Division 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. (1995 Code, § 18-304)

18-305. Inspections required. It shall be the duty of the Jackson Public Water Supply to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the general manager of the Jackson Utility Division and as approved by the Tennessee Department of Environment and Conservation. (1995 Code, § 18-305)

18-306. Right of entry for inspections. The general manager of the Jackson Utility Division or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply for the purpose of inspecting the piping system or systems

therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1995 Code, § 18-306)

18-307. Correction of existing violations. (1) 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 general manager of the Jackson Utility Division.

(2) 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 general manager of the Jackson Utility Division shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the general manager of the Jackson Utility Division 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.

(3) Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water supply shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (1995 Code, § 18-307)

18-308. Use of protective devices. (1) Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

(a) Impractical to provide an effective air-gap separation;

(b) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water supply;

(c) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing;

(d) There is a likelihood that protective measures may be subverted, altered, or disconnected, the general manager of the Jackson

Utility Division 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 general manager of the Jackson Utility Division 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.

(2) Personnel of the municipal public water supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the general manager of the Jackson Utility Division or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

(3) 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 (1) unit has been installed and the continuance of service is critical, the general manager of the Jackson Utility Division 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 general manager of the Jackson Utility Division 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 general manager of the Jackson Utility Division.

(4) 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 general manager of the Jackson Utility Division. (1995 Code, § 18-308)

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

WATER UNSAFE
FOR DRINKING

The minimum acceptable sign shall have black letters at least one (1) inch high located on a red background. (1995 Code, § 18-309)

18-310. Violations. The requirements contained herein shall apply to all premises served by the city water system whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the 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 under the general penalty clause for this municipal code of ordinances. In addition, the general manager of the Jackson Utility Division of the City of Jackson shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, bypass or interconnection, and service shall not be restored until such cross-connection, auxiliary intake, bypass or interconnection has been discontinued. (1995 Code, § 18-310)

CHAPTER 4**FLUORIDATION OF WATER****SECTION**

18-401. Authorization to fluoridate.

18-402. Cost to be borne by water department.

18-401. Authorization to fluoridate. The division of public utilities is hereby authorized and instructed to make plans for the controlled fluoridation of the water supply of the city to maintain an optimum concentration of one (1) part of fluoride per million parts of water in the water supply; to submit such plans to the Tennessee Department of Environment and Conservation for its approval, and upon approval to install the necessary equipment and add the necessary chemicals to the water supply in accord with such approval as will adequately provide for the controlled fluoridation of said water supply. (1995 Code, § 18-401, modified)

18-402. Cost to be borne by water department. The cost of such controlled fluoridation will be borne by the revenues of the water department of the division of public utilities of the city. (1995 Code, § 18-402)