

**TITLE 18**

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

**CHAPTER**

1. WATER AND SEWERS.
2. SEWER USE ORDINANCE.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
5. STORM WATER ORDINANCE.
6. FATS, OILS AND GREASE.

**CHAPTER 1**

**WATER AND SEWERS**

**SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charge for temporary service.
- 18-106. Service lines.
- 18-107. Sewer development charge.
- 18-108. Sewer connection charge.
- 18-109. Water development charge and water connection charge.
- 18-110. Water and sewer main extensions.
- 18-111. Water and sewer main extension variances.
- 18-112. Meters.
- 18-113. Meter tests.
- 18-114. Schedule of rates.
- 18-115. Sprinkler system tap fee rates.
- 18-116. Sewer service charges--applicability.
- 18-117. Sewer fee.
- 18-118. When due--effect of nonpayment.
- 18-119. Purchase from other utility.
- 18-120. Water connection service charge.
- 18-121. Sewer fund.
- 18-122. Penalties.
- 18-123. Temporary fire hydrant meter connections.
- 18-124. Temporary fire hydrant connections with waterhose.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-125. Surcharge for customers outside city limits.
- 18-126. Multiple services through a single meter.
- 18-127. Billing.
- 18-128. Discontinuance or refusal of service.
- 18-129. Service charge.
- 18-130. Termination of service by customer.
- 18-131. Access to customers' premises.
- 18-132. Inspections.
- 18-133. Customer's responsibility for system's property.
- 18-134. Customer's responsibility for violations.
- 18-135. Supply and resale of water.
- 18-136. Unauthorized use of or interference with water supply.
- 18-137. Limited use of unmetered private fire line.
- 18-138. Damages to property due to water pressure.
- 18-139. Liability for cutoff failures.
- 18-140. Restricted use of water.
- 18-141. Interruption of service.
- 18-142. Irrigation only service.
- 18-143. Residential winter moratorium.
- 18-144. Drought management.

**18-101. Application and scope.** The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

(2) The property owner is responsible for all plumbing beyond the meter and as such has a responsibility for water use caused by leaks or other malfunctions of the plumbing system. No service shall be provided to a new customer of residential or commercial rental property unless all previous balances, related to leaks or other malfunctions of the plumbing system, have been paid on service at that property location. (1981 Code, § 13-101, as amended by Ord. #2011-10, Dec. 2011)

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

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water or sewer main of the city to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.

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

(5) "Late date" shall mean the date through which water and sewer bills may be paid at the net amount. The date shall be shown on each monthly billing. The heading on the bill for this date is "pay gross after." This date shall be determined by city staff as the 10th of the month or the last city business day before the 10th in the event that the 10th is not a city business day. After this date, the gross amount, including a penalty of ten percent (10%) shall be due.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1981 Code, § 13-102, as amended by Ord. #2011-10, Dec. 2011)

**18-103. Obtaining service.** A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed.

No existing service may be changed to another customer without the approval of the current customer. Husband and wife are considered the same customer. A location is not deemed to have a customer if the property has been abandoned by the most recent non-owner customer and payment is delinquent. (1981 Code, § 13-103, as amended by Ord. #2011-10, Dec. 2011)

**18-104. Application and contract for service.** Each prospective customer desiring water and/or sewer service will be required to pay connection fees before service is supplied. If, for any reason, a customer, after applying for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the city for the expense incurred by reason of its endeavor to furnish such service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice the liability of the City of Millington to the applicant shall be limited to the return of any connection fees made by such applicant. (1981 Code, § 13-104, modified)

**18-105. Service charge for temporary service.** Customers requiring temporary service shall pay a minimum connection fee of fifty dollars (\$50.00), plus any additional costs for connection and disconnection incidental to the supplying and removing of service, plus the regular usage charges for water and/or sewer service. (1981 Code, § 13-105, as replaced by Ord. #2001-16, Dec. 2001, and amended by Ord. #2010-06, April 2010)

**18-106. Service lines.** Service lines will be laid by the city 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 city.

When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city.

The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1981 Code, § 13-106)

**18-107. Sewer development charge.** There is established a sewer development charge as set forth herein to defray part of the construction costs of sewer outfalls and extensions, which charges shall be payable by the applicant, developer of the subdivision, or developer of industrial, commercial or residential site as set forth herein, which charge shall be payable upon the execution of the subdivision contract, or the sewer extension contract, or at the time of application for the sewer connection or plumbing permit as appropriately determined by the city. Sewer development charges shall apply to all subdivisions, land developments, new buildings, and redevelopments of land or buildings served by the City of Millington sanitary sewer system, or where the facility served requires modification to or enlargement of the existing sewers, whether within or without the corporate limits of the City of Millington, and whether service is by existing or by new facilities to be constructed.

Sewer development charges shall be:

- (1) Residential subdivision lots, including churches and schools: \$500.00 per lot.
- (2) Industrial and multi-dwelling buildings: \$350.00 per acre.
- (3) Commercial multiple-unit buildings: \$500.00 per acre.
- (4) For all connections made to the main sewer line or any lateral lines of the North Fork Creek sewer outfall line, whether for residential, industrial, multi-dwelling or commercial use, the sewer development charge shall be the greater of \$3,000 per acre or \$1,200 per connection. (1981 Code, § 13-107, as amended by Ord. #1998-6, Aug. 1998, as amended by Ord. #2000-01, April 2000)

**18-108. Sewer connection charge.**<sup>1</sup> The following sewer connection charges shall be, and the same are hereby fixed:

- (1) For any lot with service lines available, the sewer connection charge shall be \$500.00.
- (2) For any lot without service lines available, the sewer connection charge shall be the actual cost of connection as determined by the water and sewer superintendent. (1981 Code, § 13-108, as replaced by Ord. #1998-16, Aug. 1998, and amended by Ord. #2005-5, May 2005)

**18-109. Water development charge and water connection charge.**

- (1) **Water development charge.** For all connections made to the main water line or any lateral lines of the North Fork Creek water line, whether for

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<sup>1</sup>Section 2 of Ordinance 2000-01, (April 2000) provides:

"Sewer connection charges provided by Section 18-108 shall apply to all connections to the North Fork Creek sewer outfall line or any lateral of service lines that empty into said outfall line."

residential, industrial, multi-dwelling or commercial use, the water development charge shall be the greater of \$3,000 per acre or \$1,200 per connection.

(2) Water connection charge. In addition to the water development charge established by subsection (1) above, there shall be water connection charges as follows:

(a) Single family residences located in subdivisions with mains and service lines provided by the developer: \$400.00 for 3/4" meters and \$450.00 for 1" meters.

(b) Multiple family residences located in subdivisions with mains and service lines provided by the developer: \$400.00, plus \$75.00 for each unit over one for 3/4" meter.

(c) Commercial and industrial lots with mains and service lines provided by the developer: \$400.00, plus \$75.00 for each unit over one for 3/4" meter.

(d) All established lots without service lines from main to the lot: actual cost as determined by the water and sewer superintendent.

(e) Lots requiring a meter larger than 3/4" will be charged \$450.00 for each 1" meter, plus additional per unit charges as set out above. (1981 Code, § 13-109, as replaced by Ord. #1998-16, Aug. 1998, and Ord. #2004-15, Sept. 2004)

**18-110. Water and sewer main extensions.**<sup>1</sup> Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions.

For water main extensions cement-lined cast iron pipe, class 150 American Waterworks Association Standard (or other construction approved by the board of mayor and aldermen), not less than eight (8) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 500 feet from the most distant part of any dwelling structure and no farther than 500 feet from the most distant part of any commercial, industrial, or public building, (or as the authority having jurisdiction may prescribe based on recommended practices and standards) such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the board of mayor and aldermen) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of vitrified clay or other construction approved by the city council shall be used.

All such extensions shall be installed either by city forces or by other forces working directly under the supervision of the city in accordance with

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<sup>1</sup>Municipal code reference

Construction of building sewers: title 18, chapter 2.

plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water and/or sewer mains shall become the property of the City of Millington. The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains. (1981 Code, § 13-110, modified)

**18-111. Water and sewer main extension variances.** Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the city council.

The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons. (1981 Code, § 13-111)

**18-112. Meters.** All meters shall be installed, tested, repaired, and removed only by the City of Millington. No water shall be furnished to any user unless there shall have been installed a water meter satisfactory to the superintendent of the water system.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1981 Code, § 13-112)

**18-113. Meter tests.** (1) The City of Millington shall, at its own expense, make routine tests of water meters when it considers such tests to be desirable.

(2) 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%

(3) The city will conduct a second meter reading at a customer's request without charge. The city will also make tests or inspections of its meters or switch out a meter at the request of a customer; provided that if a test requested by a customer shows the meter to be accurate within the limits set out in subsection (2) above, the customer will be charged a meter testing associated with inaccurate meters will be borne by the city. The customer shall pay a meter change charge of twenty dollars (\$20.00) for each meter switched at the customer's request. Each test or re-test conducted for an accurate meter shall incur a meter testing charge of twenty dollars (\$20.00). If more than one (1) test is requested within six (6) billing cycles, said testing charge shall be paid before the testing occurs. (1981 Code, § 13-113, as replaced by Ord. #2011-10, Dec. 2011)

**18-114. Schedule of rates.** Water supplied by the municipal water system will be charged to each customer based upon the following monthly rates:

Base Rate. . . . . First 2,000 gallons  
 Additional usage. . . . . Each additional 1,000 gallons or part thereof

<u>Effective Date</u>	<u>Base Rate</u>	<u>Additional Use</u>
July 1, 2016	\$10.50	\$3.52
July 1, 2017	\$11.85	\$3.97
July 1, 2018	\$13.21	\$4.43
July 1, 2019	\$14.56	\$4.88
July 1, 2020	15.91	\$5.33

Beginning July 1, 2021, the water rates shall be adjusted each year for bills issued at the end of July based on the percentage increase in the December Consumer Price Index over the December 2019 index and that such rate increase shall be posted on the city's website as soon as it is known. (1981 Code, § 13-114, as replaced by Ord. #2001-08, June 2001, Ord. #2006-2, June 2006, Ord. #2001-11, Oct. 2007, Ord. #2008-9, Oct. 2008, Ord. #2009-16, July 2009, Ord. #2010-06, April 2010, Ord. #2016-12, June 2012, and Ord. #2017-11, June 2017)

**18-115. Sprinkler system tap fee rates.** There shall be a tap fee of \$500 for each sprinkler system connected to the city's water service. There shall also be a sprinkler system fee of \$5.00 per month for each system in addition to the rates provided for in § 18-114. (1981 Code, § 13-115, as replaced by Ord. #2001-16, Dec. 2001)

**18-116. Sewer service charges--applicability.** The sewer service charges imposed in this chapter 1 of title 18 are applicable to every person, firm, partnership, association or corporation inside or outside of the corporate limits of the City of Millington, Tennessee, whose sewage and waste water empties into the city's collection systems and into either the city's treatment systems or those of the City of Memphis. No sewer service charges shall apply to water used solely to manufacture ice, soft drinks or other similar products composed mainly of water, where the water is incorporated into the product and is not emptied into the city's collection and treatment systems in connection with the manufacturing process, and provided that such water is metered separately from water used for all other purposes in the same facility. (1981 Code, § 13-116, as replaced by Ord. #2016-20, Dec. 2016, and Ord. #2017-11, June 2017)

**18-117. Sewer fee.** (1) Customers connected to the Millington Wastewater Treatment Plant, who are provided and billed for water by the City of Millington in gallons, shall be charged based on the following monthly rates:  
 Base Rate. . . . .First 2,000 gallons  
 Additional usage. . . . . Each additional 1,000 gallons or part thereof

<u>Effective Date</u>	<u>Base Rate</u>	<u>Additional Use</u>
July 1, 2016	\$7.10	\$3.42
July 1, 2017	\$7.42	\$3.58
July 1, 2018	\$7.74	\$3.73
July 1, 2019	\$8.06	\$3.89
July 1, 2020	\$8.38	\$4.04

(2) Customers connected to the Millington Wastewater Treatment Plant, who are provided and billed for water by MLGW in hundred cubic feet (CCF), shall be charged based on the following monthly rates:  
 Base Rate. . . . .First 3 CCF  
 Additional usage. . . . . Each additional CCF

<u>Effective Date</u>	<u>Base Rate</u>	<u>Additional Use</u>
July 1, 2016	\$7.97	\$2.5582
July 1, 2017	\$8.33	\$2.6700



<u>Effective Date</u>	<u>Base Rate</u>	<u>Additional Use</u>
July 1, 2018	\$8.69	\$2.7900
July 1, 2019	\$9.05	\$2.9000
July 1, 2020	\$9.41	\$3.0200

There is hereby fixed a monthly sewer fee in the amount of seven dollars and ninety seven cents (\$7.97) for the first three hundred (300) cubic feet (CCF) of water metered to any water user, who is billed for water by and treated by the City of Millington as described in § 18-116 and two point five-five-eight two cents (\$2.5582) for each one hundred (100) cubic feet (CCF) after the first three hundred (300) cubic feet (CCF).

(3) A flat monthly fee shall be charged for areas served by the City of Millington collection systems and treated by the City of Memphis as follows:

<u>Effective Date</u>	<u>Fee</u>
December 12, 2016	\$5.00
July 1, 2017	\$10.00
July 1, 2018	\$12.50
July 1, 2019	\$15.00

Customers in this category, whose wastewater is treated by the City of Memphis, shall pay the rate established by the City of Memphis in addition to the fee for the collection system.

(4) Users metered by a separate wastewater meter in gallons shall have a fixed monthly sewer fee for each one thousand (1,000) gallons, or any part thereof, of metered wastewater as follows:

<u>Effective Date</u>	<u>Rate</u>
July 1, 2016	\$3.42
July 1, 2017	\$3.58
July 1, 2018	\$3.73
July 1, 2019	\$3.89
July 1, 2020	\$4.04

(5) Users with a swimming pool may apply for a credit against sewer fees for the filling of the pool once in each calendar year. The credit shall be calculated based on the average usage for the previous six (6) months and validated by the size of the pool. The amount of the credit shall be approved by the committee established in § 18-127(3).

(6) Users with a Millington water bill exceeding the previous month by at least twenty percent (20%) and who can document the repair of broken plumbing resulting in leakage not going into the sewer system may apply for a credit on the sewer portion of the bill once in each calendar year. The credit shall be calculated based on the average usage for the previous six (6) months. The amount of the credit shall be approved by the committee established in § 18-127(3). Users on the Millington sewer system with water provided by MLGW may not receive a sewer bill credit based on this provision but may receive a credit in accordance with MLGW policies for credits from a water leak.

(7) Non-residential customers with significant water usage that does not flow to the sewer system may elect with the approval of the city to have a meter installed, at the customer's cost, to measure inflows to the sewer system. A customer who installs such a meter shall be billed based on the metered inflows rather than on water purchased. (as replaced by Ord. #2008-9, Oct. 2008, Ord. #2009-16, July 2009, Ord. #2010-06, April 2010, amended by Ord. #2011-04, June 2011, and Ord. #2011-10, Dec. 2011, and replaced by Ord. #2016-20, Dec. 2016, and Ord. #2017-11, June 13, 2017)<sup>1</sup>

**18-118. When due--effect of non-payment.** Said fee will be charged on the monthly water bill and shall be payable at the time charges for water are due. Said charges shall be rendered on the first bill issued by the city on or after July 1, 1977, and for each month thereafter. If sewer fees remain unpaid after the 22nd of the month, water service to the property affected may be cut off. Through the close of business of the 20th customers may request a hearing to avoid services being cut off. (1981 Code, § 13-118, as amended by Ord. #2011-10, Dec. 2011)

**18-119. Purchase from other utility.** In the event any water user as defined in § 18-116 purchases water from any other utility, said other utility meter will be read and the fee set forth in § 18-117 shall be charged and collected notwithstanding the fact that the water is not purchased from the City of Millington. (1981 Code, § 13-119)

**18-120. Water connection service charge.** (1) There shall be a non-refundable water connection service charge of fifty dollars (\$50.00) payable for each water service connection, either residential or commercial. New customers shall pay this service charge prior to the city's providing water

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<sup>1</sup>See Ordinance 1999-17 (January 2000) of record in the clerk's office which provides:

"NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE, that Ordinance 1999-13 be, and the same hereby is, amended to state the effective date of said Ordinance as August 19, 1999."

service. If not paid in advance, this water connection service charge will be billed to existing customers who move or who add one (1) or more meters.

(2) Landlords with ten (10) or more single-family or duplex properties and the Millington Housing Authority (MHA) may elect to have a special arrangement whereby tenants pay for water service directly to the city. If such arrangement is made, the city shall bill the tenant at the time service is requested, and billing shall automatically be made to the landlord or MHA, as applicable, upon the tenant's request to end service. Tenants who desire city water services will be required to pay the water connection service charge of fifty dollars (\$50.00) as provided in this section prior to receiving service. A water connection service charge in the amount of twenty-five dollars (\$25.00) shall be due and payable from the landlord or MHA, as applicable, upon the automatic transfer of billing after a tenant's request to end service. (1981 Code, § 13-120, as replaced by Ord. #2001-16, Dec. 2001, Ord. #2010-06, April 2010, and Ord. #2011-10, Dec. 2011)

**18-121. Sewer fund.** All funds received by the City of Millington for the sewer service charge shall be placed by the city treasurer in a special fund entitled "Sewer Collection and Treatment Fund." Said funds shall be used solely by the City of Millington to pay construction, operation and maintenance expenses of sanitary sewers and sewage treatment plants, including all necessary engineering fees and other charges in the planning for sewage treatment plants and facilities and sanitary sewers, and to fund all future bond issues for sewers and sewer treatment facilities, it being the intention of this section that all funds shall be used to defray the cost of the collection, treatment and disposal of sewage, waste water and pollutants in the city sanitary system, both inside and outside of the City of Millington, to comply with federal and state regulations requiring extension, modification, operation, maintenance and construction of sanitary sewage treatment plants and facilities. (1981 Code, § 13-121, as amended by Ord. #2011-10, Dec. 2011)

**18-122. Penalties.** Any person, firm, partnership, association or corporation using the city sewer system or any part thereof in violation of §§ 18-116 -- 18-122 shall be guilty of a misdemeanor punishable in accordance with the general penalty clause of this code and where such violation is of a continuing nature, each day's violation shall be deemed a separate offense. (1981 Code, § 13-122)

**18-123. Temporary fire hydrant meter connections.** All temporary fire hydrant meter connections are to be charged on the same basis as in § 18-114 above, plus \$3.50 service charge to cover expense incurred. Temporary fire hydrant meter connections for access to city owned fire hydrants shall only be for licensed contractors for construction sites. Each contractor who requests a temporary fire hydrant meter connection shall pay a deposit of eight hundred

dollars (\$800.00), which will be held until the meter is returned in good working order. Failure to return the meter in good working order or provide meter readings as requested by the city shall result in forfeiture of the deposit and shall end the contractor's right to access fire hydrants. (1981 Code, § 13-123, as amended by Ord. #2011-10, Dec. 2011)

**18-124. Temporary fire hydrant connections with waterhose.** All temporary fire hydrant connections with water hose furnished by the Millington Water Department, such as might be used in filling swimming pools, are to be charged on the same basis as in the per thousand gallon table in § 18-114 above, plus an additional service charge of \$10.00 to cover expense incurred if the filling is during the regular office hours. If the filling time extends past regular office hours, there shall be added to such charge the actual expenses incurred, including overtime, insurance and overhead. (1981 Code, § 13-124)

**18-125. Surcharge for customers outside city limits.** All customers outside of the city limits of Millington shall be charged a fifty percent (50%) surcharge. (1981 Code, § 13-125)

**18-126. Multiple services through a single meter.** No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one dwelling or premise to be served through a single service line and meter, a minimum charge of \$3.00 per unit, or the above rates, whichever is larger, shall be charged.

The water and/or sewer charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. All coin-operated laundries in mobile home and/or trailer parks or multiple family complexes shall have a separate water meter. (1981 Code, § 13-126)

**18-127. Billing.** (1) Bills for residential water and sewer service will be rendered monthly and are due upon receipt. Bills for non-residential service may be rendered, weekly, semimonthly, or monthly, at the option of the municipality and are due upon receipt.

Water and sewer charges shall be collected as a unit. Water service may be discontinued for non-payment of the combined water and sewer bill.

If the employees of the Millington Water Department are unable to obtain access to the water meter to read same during regular business hours, or if a

meter should for any reason fail to register or fail to correctly register the consumption, the Millington Water Department reserves the right to render a bill to the customer on the best information available.

All city services are billed on a common bill which includes water and sewer service. The city shall apply all payments received on a prorated basis to the amounts due for the individual services on the account. (Example: Customer owes forty-four dollars and fifty-three cents (\$44.53) with ten dollars (\$10.00) for water, seven dollars and ten cents (\$7.10) for sewer, twenty-four dollars (\$24.00) for sanitation, two dollars and fifty cents (\$2.50) for storm water, and ninety-three cents (\$0.93) for sales tax. Customer remits twenty-five dollars (\$25.00). Payment allocated on a prorated basis is applied as five dollars and sixty-one cents (\$5.61) for water [ $10.00/44.53*25.00$ ], three dollars and ninety-nine cents (\$3.99) for sewer, thirteen dollars and forty-seven cents (\$13.47) for sanitation, one dollar and forty cents (\$1.40) for storm water, and fifty-two cents (\$0.52) for sales tax with a combined balance due before penalties of nineteen dollars and fifty-three cents (\$19.53).)

Payments shall be posted to customer accounts as received. Payments over the counter in city hall will be applied immediately. Payments left in the payment box in the city hall parking lot by 8:00 A.M. each working day shall be applied as of the previous working day. Payments made through the city's online offered site will be posted as of the same business day that they are made online. Payments received in the mail will be posted on the day received in city hall. City initiated bank drafts authorized by customers will be posted on the 8th of the month and scheduled to be deducted from the customer's bank account on that date.

In the event any bill or bills are not paid by the late date, a penalty of ten percent (10%) shall be added thereto. Customers may notify city hall staff verbally or in writing and request a hearing prior to the 21st of each month if they seek to avoid service being discontinued for a delinquent account. In the event that a hearing is requested by a customer, it shall be conducted by one (1) or more members of the committee established in code § 18-127(3) and held in city hall during normal business hours at the date and time established by the city. The customer shall be entitled to one (1) day notice of the scheduled time unless agreeing to an earlier time.

In the event any bill or bills are not paid by close of business on the 22nd of the month and the customer has not requested and received a hearing on their account, then same shall be delinquent and service shall be discontinued.

In the event a customer is rendered a bill in excess of his average bill, and said excess is due to a leak at the meter, damaged meter, or in any way the responsibility of the Millington Water Department, the bill is to be adjusted as so to make the amount due an average amount as ascertained by the previous six (6) months' billing, or, if this information is not available, by the best information available.

Any customer's unpaid bill accrued at a prior address shall be added to the customer's bill for his current address, and be subject to any additional fees or penalties imposed by this chapter.

Any unpaid bill accruing at any address under a contract with any member of the customer's family, living as such, may be added to any unpaid bill for service contracted for by a customer at the same or any other address, and thereupon shall take the same status as if it had been charged to the customer requesting service.

(2) The penalties for late payment of bills for sewer service and refuse collection service shall be the same as the penalties for late payment of water service set out in this § 18-127, and such penalties shall be imposed on the total amount of the water, sewer and refuse collection bill.

(3) Notwithstanding the provisions of § 18-127(1), circumstances may exist which require that judgment be exercised in the billing and collection process as well as in the decision to discontinue service for delinquent unpaid billing. The following considerations shall be available to all customers:

(a) Customers may make partial payments.

(b) Customer may request a waiver of one (1) late fee after six (6) months of timely payments.

(c) Customers with a history of no late payments in the last six (6) months may arrange for a payment plan based on special situations. Such payment plan shall require the account be current at the end of three (3) months. Special situations shall be evaluated under the concept of the prudent man rule of common law. Payment plans must be reviewed and approved by a committee consisting of the city finance director, the city clerk and the city services billing supervisor. Customers who do not stay current on their payment plan shall have service immediately cut off and shall be subject to all collection efforts of the city.

(d) The committee consisting of the city finance director, the city clerk and the city services billing supervisor is authorized and required to review and approve adjustments and account write-offs including where an error has been made in billing or no method exists to collect amounts from previous customers.

(e) A customer in good standing may request a waiver of the fifty dollar (\$50.00) connection fee for a new residence in the event their current residence is made uninhabitable due to natural disasters, fire, etc. as reviewed and approved by the panel outlined in subsection (c) above.

(4) Notwithstanding any other provisions of title 18 of the Millington Municipal Code, customers of city sewers, sanitation and/or stormwater drainage (city services) who purchase water from Memphis Light, Gas and Water (MLGW), may be billed by MLGW for any city services received at that address and subject to MLGW terms on loss of service and late fees. (1981 Code,

§ 13-127, as amended by Ord. #2001-16, Dec. 2001, replaced by Ord. #2011-10, Dec. 2011, and amended by Ord. #2017-11, June 2017)

**18-128. Discontinuance or refusal of service.** The municipality shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Service may be also discontinued or terminated by the city under the special circumstances described in this paragraph. In the event of the death of the account holder of record, unless there is a second account holder already on record with the city as guarantor of the account, the city shall mail notice to the premises served stating that if another party has not made arrangements with the city to become the new account holder of record for the premises within five (5) days of the date of the notice, service shall be terminated. Non-residential service shall be disconnected at the earlier of the dates the city determines the entity has ceased to operate at the address of city service or at the entity's request per § 18-130. Prior to disconnection of non-residential service, the city shall mail notice to the premises served stating city's intent to disconnect service and giving the customer five (5) days from the date of the notice to request a hearing.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1981 Code, § 13-128, as amended by Ord. #2011-10, Dec. 2011)

**18-129. Service charge.** Whenever service has been discontinued as provided for in this chapter or is scheduled for discontinuance for nonpayment as provided for in § 18-127, there shall be a twenty five dollar (\$25.00) service charge, for both residential and commercial service. All amounts due, including extra charges, shall be paid before service is restored.

In the event that connection or reconnection of services is requested between 5:00 P.M. and 8:00 A.M. weekdays or on weekends, an additional amount shall be charged as follows:

<u>Time of service</u>	<u>Applicable charge</u>
Weekday, 5:00 P.M.– 9:00 P.M.	\$25.00

<u>Time of service</u>	<u>Applicable charge</u>
Weekday, 9:00 P.M.– 8:00 A.M.	\$50.00
Friday, 9:00 P.M. – Monday 8:00 A.M.	\$50.00

(1981 Code, § 13-129, as replaced by Ord. #2001-16, Dec. 2001, and Ord. #2016-20, Dec. 2016)

**18-130. 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 municipality 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 municipality shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the 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 municipality 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. (1981 Code, § 13-130)

**18-131. Access to customers' premises.** The city's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1981 Code, § 13-131)

**18-132. Inspections.** The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water



and/or sewer service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1981 Code, § 13-132)

**18-133. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the city on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1981 Code, § 13-133)

**18-134. Customer's responsibility for violations.** Where the municipality furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1981 Code, § 13-134)

**18-135. Supply and resale of water.** All water shall be supplied within the municipality exclusively by the municipality and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the municipality. (1981 Code, § 13-135)

**18-136. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1981 Code, § 13-136)

**18-137. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations.

When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence. (1981 Code, § 13-137)

**18-138. Damages to property due to water pressure.** The municipality shall not be liable to any customer for damage caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (1981 Code, § 13-138)

**18-139. Liability for cutoff failures.** The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a water service, the municipality has failed to cut off such service.

(2) The municipality has attempted to cut off a service but such service has not been completely cut off.

(3) The municipality has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the municipality's main.

Except to the extent stated above, the municipality 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 municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1981 Code, § 13-139)

**18-140. Restricted use of water.** In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1981 Code, § 13-140)

**18-141. Interruption of service.** The municipality will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1981 Code, § 13-141)

**18-142. Irrigation only service.** Customers with regular water service may request the setting of an additional meter for irrigation purposes only. Such meter may only be connected to customer owned water lines used for ground irrigation and may never connect to plumbing systems that may flow into the city's sewer system or any other sewer system. This meter and water used through it shall be exempt from the sewer fees established in § 18-117. All other provisions and fees or charges contained in the Millington Municipal Code shall apply to this service. (as added by Ord. #2011-10, Dec. 2011)

**18-143. Residential winter moratorium.** No residential service will be disconnected during the month of December because of delinquency in payment of December bills. (as added by Ord. #2011-10, Dec. 2011)

**18-144. Drought management fees and fines.** Whenever the use restriction levels in the drought management plan for the City of Millington water system is invoked, the following fees and fines, as defined in the plan, shall become effective:

- (1) Mandatory water restrictions implemented:
  - (a) A twenty five dollar (\$25.00) surcharge will be assessed to all residential customers and small businesses whose water usage was over three thousand three hundred (3,300) gallons during the billing cycle.
  - (b) The following will be used to enforce violations of restrictions:
    - (i) First offense - a written warning will be issued;
    - (ii) Second offense - a minimum one hundred dollar (\$100.00) fine;
    - (iii) Third offense - customer's water service will be discontinued for a minimum of five (5) days. A reconnection service fee will be required to have service restored.
- (2) Emergency water management restrictions implemented:
  - (a) A fifty dollar (\$50.00) surcharge will be assessed to all residential customers and small businesses whose water usage was over three thousand (3,000) gallons during the billing cycle.
  - (b) The following will be used to enforce violations of restrictions:
    - (i) First offense - a minimum five hundred dollar (\$500.00) fine
    - (ii) Second offense - customer's water service will be discontinued for a minimum of fifteen (15) days. A reconnection service fee will be required to have service restored. (as added by Ord. #2016-20, Dec. 2016)

## CHAPTER 2

### SEWER USE ORDINANCE<sup>1</sup>

#### SECTION

- 18-201. Purpose and policy.
- 18-202. Definitions.
- 18-203. Connection to public sewers.
- 18-204. Private domestic wastewater disposal.
- 18-205. Regulation of holding tank waste disposal.
- 18-206. Applications for domestic wastewater discharge and industrial wastewater discharge permits.
- 18-207. Discharge regulations.
- 18-208. Industrial user monitoring, inspection reports, records access, and safety.
- 18-209. Enforcement and abatement.
- 18-210. Penalty: costs.
- 18-211. Fees and billings.

**18-201. Purpose and policy.** This chapter sets forth uniform requirements for the disposal of wastewater in the service area of the City of Millington, 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, will cause the city's discharge to violate its National Pollutant Discharge Elimination System (NPDES) permit or other applicable state requirements 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 City of Millington to comply with the provisions of the Federal Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and other applicable federal and state laws and regulations;
- (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 City of Millington must have adequate wastewater treatment

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<sup>1</sup>Municipal code reference  
Plumbing code: title 12.

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 City of Millington, Tennessee, and to persons outside the city who are, by contract or agreement with the city users of the municipal wastewater treatment system. Except as otherwise provided herein, the Water and Sewer Superintendent of the City of Millington shall administer, implement, and enforce the provisions of this chapter. (1981 Code, § 13-201)

**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 director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

(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 of proprietorship, respectively;

(c) A duly authorized representative who 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, five (5) days at 20 degrees 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 POTW.

(6) "Categorical standards" - National categorical pretreatment standards or pretreatment standard.

(7) "City" - The City of Millington or the board of mayor and aldermen, City of Millington, Tennessee.

(8) "Compatible pollutant" - shall mean BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the city'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 discharged 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 superintendent if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11.

(11) "Customer" - means any individual, partnership, corporation, association, or group who receives sewer service from the city under either an express or implied contract requiring payment to the city 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 containing sanitary facilities for the disposal of wastewater and used for residential 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" - shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

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

(18) "Incompatible pollutant" - shall mean any pollutant which is not a "compatible pollutant" as defined in this section.

(19) "Indirect discharge" - The discharge or the introduction of nondomestic 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).

(20) "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).

(21) "Interference" - The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation

of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), 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.

(22) "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.

(23) "NPDES (Natural Pollutant Discharge Elimination System)" shall mean 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.

(24) "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 is thereafter promulgated within 120 days of proposal a new source, the construction of which is commenced after the date of promulgation of the standard.

(25) "Person" - Any individual, partnership, copartnership, 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, the singular shall include the plural where indicated by the context.

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

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

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

(29) "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 alternation can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CFR Section 40.36(d).

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

(31) "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 city. 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 (city) who are, by contract or agreement with the (city) users of the (city's) POTW.

(32) "POTW treatment plant" - That portion of the POTW designed to provide treatment to wastewater.

(33) "Shall" is mandatory; "May" is permissive.

(34) "Slug" - shall mean 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.

(35) "State" - State of Tennessee.

(36) "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.

(37) "Storm water" - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(38) "Storm sewer" or "storm drain" - shall mean 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.

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

(40) "Superintendent" - The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

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

(42) "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.

(43) "User" - Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(44) "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.

(45) "Wastewater treatment systems" - Defined the same as POTW.

(46) "Waters of the State" - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface of underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (1978 Code, § 13-201)

**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 City of Millington, any human or animal excrement, garbage or other objectionable wastes.

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

(c) Except as hereinafter 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 and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer in the service area, 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 this section, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within five hundred (500) feet of the building drain as defined herein.

(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), the building sewer shall be connected to a private sewage disposal system complying with the provisions of § 18-204.

(2) Physical connection public sewer. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent as required by § 18-206.

(b) All costs and expenses incident to the installation, connection and inspection of the new building sewer shall be borne by the owner. The owner shall indemnify the city 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 building only when they are found, on examination and testing by the superintendent, to meet all requirements of this chapter. All others must 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 four (4) inches.

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

(iii) Four (4) inch building sewers shall be laid on a grade greater than 1/8-inch per foot. Larger building sewers shall be laid on a grade that will produce a velocity 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:

(A) Concrete or clay sewer pipe using rubber or neoprene compression joints of approved type;

(B) Cast iron soil pipe or ductile iron pipe with compression joints; or

(C) Polyvinyl chloride pipe with solvent welded or with rubber compression joints;

(D) ABS composite sewer pipe with solvent welded or rubber compression joints of approved type; or

(E) Such other materials of equal or superior quality as may be approved by the superintendent. Under no circumstances will cement mortar joints be acceptable.

(vi) A cleanout shall be located five (5) feet outside of the building, one at the tap onto the utility lateral and one at each change of the building sewer which is greater than 45 degrees. Additional cleanouts shall be placed no more than seventy-five (75) feet apart in horizontal building sewers of four (4) 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 on a four (4) inch pipe.

(vii) Connections of building sewers to the public sewer system shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or 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 or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert 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 of 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 an approved means and discharged to the building sewer at the expense of the owner.

(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 city or to the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federal Manual of Practice No.

9. 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 city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn is connected directly or indirectly to a public sanitary sewer.

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

(b) 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.

(4) Maintenance of building sewers. Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the building sewer located on private property. This maintenance will include repair or replacement of the service line as deemed necessary by the superintendent to meet specifications of the city. (1981 Code, § 13-202)

**18-204. 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 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 Memphis and Shelby County Health Department.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the Memphis and Shelby County Health Department. The owner shall supply any plans, specifications, and other information as are deemed necessary by the Memphis and Shelby 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 Memphis and Shelby County Health Department. They shall be allowed to inspect the work at any stage of construction and, in any event, the owner shall notify the Memphis and Shelby County Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Memphis and Shelby County Health Department.

(d) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Tennessee and the Memphis and Shelby County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(f) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Memphis and Shelby County Health Department. (1981 Code, § 13-203)

**18-205. 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 of excreta disposal system, unless such person, firm, association, or corporation obtains a permit from the superintendent 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.

(2) Fees. For each permit issued under the provisions of this chapter, an annual service charge therefore shall be paid to the city to be set as specified in § 18-211. Any such permit granted shall be for one full 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 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.

(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 City of Millington. (1981 Code, § 13-204)

**18-206. Applications for domestic wastewater discharge and industrial wastewater discharge permits.** (1) Applications for discharge of domestic wastewater. All users or prospective users which generate domestic wastewater shall make application to the superintendent for written authorization to discharge 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 municipal sewer shall not be made until the application is received and approved by the superintendent, the building sewer is installed in accordance with § 18-203 of this chapter and an inspection has been performed by the superintendent or his representative.

The receipt by the city of a prospective customer's application for service shall not obligate the city to render the service. If the service applied for cannot be supplied in accordance with this chapter and the city's rules and regulations and general practice, the connection charge will be refunded in full, and there shall be no liability of the city to the applicant for such service, except that conditional waivers for additional services may be granted by the superintendent for interim periods if compliance may be assured within a reasonable period of time.

(2) Industrial wastewater discharge permits. (a) General requirements. All industrial users proposing to connect to or to

contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW shall obtain a wastewater discharge permit 180 days after the effective date of this chapter.

(b) Applications. (i) Users required to obtain a wastewater discharge permit shall complete and file with the superintendent an application in the form prescribed by the superintendent, and accompanied by the appropriate fee. Existing users shall apply for a wastewater contribution permit within 60 days after the effective date of this chapter, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(ii) The application shall be in the prescribed form of the city and shall include, but not be limited to the following information: name, address and SIC number of applicant; wastewater volume; wastewater constituents and characteristics; discharge variations - daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the superintendent.

(iii) Any user who elects or is required to construct new or additional facilities for pretreatment shall, as part of the application for wastewater discharge permit, submit plans, specifications and other pertinent information relative to the proposed construction to the superintendent for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the State of Tennessee. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter.

(iv) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the application shall include the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. For the purpose of this paragraph, "pretreatment standard," shall include either a national pretreatment standard or a pretreatment standard imposed by § 18-207.

(v) The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit subject to terms and conditions provided herein.

(vi) The receipt by the city of a prospective customer's application for wastewater discharge permit shall not obligate the city to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with this chapter or the city's rules and regulations and general practice, the application shall be rejected and there shall be no liability of the city to the applicant of such service.

(vii) The superintendent will act only on applications containing all the information required in this section. Persons who have filed incomplete applications will be notified by the superintendent that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the superintendent, the superintendent shall submit the application to the mayor with a recommendation that it be denied and notify the applicant in writing of such action.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on average and maximum rate and time of discharge or requirements and equalization;

(iv) Requirements for installation and maintenance of inspections and sampling facilities;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports of discharge monitoring reports;

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(ix) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change



in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(x) Requirements for notification of slug discharged;

(xi) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(d) Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the superintendent within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by §§ 18-206(2)(b)(ii) and 18-206(2)(b)(iii). The terms and conditions of the permit may be subject to modification by the superintendent during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Permits duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(f) Permit transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(g) Revocation of permit. Any permit issued under the provisions of this chapter is subject to be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(i) Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.

(ii) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.

(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(iv) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.

(3) Confidential information. All information and data on a user obtained from reports, questionnaire, permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use related to this chapter or the city's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the superintendent until and unless prior and adequate notification is given to the user. (1981 Code, § 13-205)

**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 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 materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, chlorates, perchlorates, bromate, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system.

(b) 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 such as, but not limited to: grease, garbage with particles greater than one-half inch ( $\frac{1}{2}$ " ) 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, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 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.

(d) 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 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.

(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 or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) 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, 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.

(g) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(h) 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.

(i) 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 exceed 40°C (104°F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any waters or wastes causing an unusual volume of flow or concentration of waste constituting "sludge" as defined herein.

(l) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(m) Any wastewater which causes a hazard to human life or creates a public nuisance.

(n) Any waters or wastes containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at a temperature between thirty-two (32) or one hundred fifty (150) degrees F (0 and 65°C).

(o) 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 Health. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent and the Tennessee Department of Health, to a storm sewer or natural outlet.

(2) Restrictions on wastewater strength. No person or user shall discharge wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided in this chapter. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of this chapter.

Table A - User Discharge Restrictions

Pollutant	Daily Average* Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)
Antimony	5.0	8.0
Arsenic	1.0	1.5
Cadmium	1.0	1.5
Chromium (total)	4.0	7.0
Copper	3.0	5.0
Cyanide	1.0	2.0
Lead	1.0	1.5
Mercury	0.1	0.2
Nickel	3.0	4.5
Pesticides & Herbicides	0.5	1.0
Phenols	10.0	15.0
Selenium	1.0	1.5
Silver	1.0	1.5
Surfactants, as MBAS	25.0	50.0
Zinc	3.0	5.0

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\*Based on 24-hour flow proportional composite samples.

(3) Protection of treatment plant influent. The superintendent shall monitor treatment works influent for each parameter in the following table. (Table B - Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the superintendent shall initiate technical studies to determine the cause of the influent violation and shall recommend to the city the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The superintendent shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

Table B - Plant Protection Criteria

Parameter	Maximum Concentration mg/l (24 Hour Flow) Proportional (Composite Sample)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Aluminum dissolved (Al)	3.00	6.0
Antimony (Sb)	0.50	1.0
Arsenic (As)	0.06	0.12
Barium (Ba)	2.50	5.0
Boron (B)	0.4	0.8
Cadmium (Cd)	0.004	0.008
Chromium Hex	0.06	0.12
Cobalt (Co)	0.03	0.06
Copper (Cu)	0.16	0.32
Cyanide (CN)	0.03	0.06
Fluoride (F)	0.6	1.2
Iron (Fe)	3.0	6.0
Lead (Pb)	0.10	0.2
Manganese (Municipality)	0.1	0.2
Mercury (Hg)	0.025	0.05
Nickel (Ni)	0.15	0.30
Pesticides & Herbicides	0.001	0.002
Phenols	1.00	2.0
Selenium (Se)	0.01	0.02
Silver (Ag)	0.05	0.1
Sulfide	25.0	40.0

Parameter	Maximum Concentration mg/l (24 Hour Flow) Proportional (Composite Sample)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Zinc (Zn)	0.3	0.6
Total Kjeldahl Nitrogen (TKN)	45.00	90.00
Oil & Grease	50.00	100.00
MBAS	5.00	10.0
BOD	*	
COD	*	
Suspended Solids	*	

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\*Not to exceed the design capacity of treatment works.

BDL = Below Detectable Limits.

(4) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under the chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(5) Right to establish more restrictive criteria. No statement in this chapter is intended or may be construed to prohibit the superintendent from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the Tennessee Department of Health and/or the United States Environmental Protection Agency.

(6) Special use permit. (a) Any business and/or industry subject to the restrictions set forth in § 18-207 (1) General discharge provisions, and/or (2) Restrictions on wastewater strength, may obtain a special permit to discharge wastewater into the sanitary sewer system provided

special requirements, as determined by the water and wastewater manager and stated in the permit, are met. All such special permits shall be issued based upon individual inspections and circumstances on an annual basis, and be renewable annually by the water and wastewater manager subject to the following:

(i) Any business and/or industry that applies for a special permit to discharge waste water shall make any and/or all changes as determined necessary and required by the water and wastewater manager before a permit will be issued.

(ii) All improvements required for the special permit will be installed and maintained at the expense of the owner of the business and/or industry possessing the permit.

(iii) Proof of required improvements must be supplied to the water and wastewater manager prior to the issuance of the permit and are subject to periodic inspection at any time during the term of the permit.

(b) If at the time of any inspection, periodic or annual, the business and/or industry fails to meet any provision, term, improvement, or requirement of the special permit, the permit shall be immediately discontinued until such time as the violation is corrected.

(c) Special provisions and/or requirements of special use permits may consist of, but not be limited to, the following:

(i) Independent laboratory analysis performed annually or at the request of the water and wastewater manager on any waste water to be discharged. Such analysis is to be performed by a certified laboratory and shall meet the requirements set forth in "Table A." Cost of laboratory analysis shall be borne by the owner of the business or industry.

(ii) An oil water separator on the wastewater line before the point of discharge. The separator shall be located where there can be easy access for cleaning and inspection. Cost of cleaning, installing and maintaining these separators shall be borne by the owner of the business or industry.

(iii) Sand and gravel catch basins located so as to permit cleaning and inspection. The cost of installation, cleaning and maintaining these basins will be borne by the owner of the business or industry.

(7) Exceptions to discharge criteria. (a) Application for exception.

Non-residential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in §§ 18-207(1) and 18-207(2). Exceptions can be granted according to the following guidelines.

The superintendent shall allow applications for temporary exceptions at any time. However, the superintendent shall not accept an application if the applicant has submitted the same or substantially



similar application within the preceding year and the same has been denied by the city.

All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the city in its review of the application.

(b) Conditions. All exceptions granted under this paragraph shall be temporary and subject to revocation at any time by the superintendent.

The user requesting the exception must demonstrate to the superintendent that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if excepted, will not:

- (i) Interfere with the normal collection and operation of the wastewater treatment system;
- (ii) Limit the sludge management alternatives available and increase the cost of providing adequate sludge management;
- (iii) Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.

The user must show that the exception, if granted, will not cause the discharger to violate its in force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.

A surcharge shall be applied to any exception granted under this subsection. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this chapter based on the average daily flow of the user.

(c) Review of application by the superintendent. All applications for an exception shall be reviewed by the superintendent. If the application does not contain sufficient information for complete evaluation, the superintendent shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the superintendent to correct such deficiencies. This thirty (30) day period may be extended by the city upon application and for just cause shown. Upon receipt of a complete application, the superintendent shall evaluate same within thirty (30) days and shall submit his recommendations to the city at its next regularly scheduled meeting.

(d) Review of application by the city. The city shall review and evaluate all applications for exceptions and shall take into account the following factors:

(i) Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in Section VII and grant an exception only if such exception may be granted within limitations of applicable federal regulations;

(ii) Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;

(iii) Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works;

(iv) The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;

(v) The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;

(vi) The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;

(vii) The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(8) Accidental discharges. (a) Protection from accidental discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from inplant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this chapter. The wastewater discharge permit of any user who has a history of significant leaks, spills, or other accidental discharge of waste regulated by this chapter shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities and/or establishment of procedures which will

prevent or minimize the potential for such accidental discharge. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the superintendent before the facility is constructed.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of this chapter.

(b) Notification of accidental discharge. Any person causing or suffering from any accidental discharge shall immediately notify the superintendent (or his designated official) by telephone to enable countermeasures to be taken by the superintendent to minimize damage to the POTW, the health and welfare of the public, and the environment.

This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the cause of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve the user of liability for any expense, loss, or damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or state or federal law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (1981 Code, § 13-206)

**18-208. Industrial user monitoring, inspection reports, records access, and safety.** (1) Monitoring facilities. The installation of a monitoring facility shall be required for all industrial users having wastes which receive pretreatment, are otherwise altered or regulated before discharge, or are unusually strong and thereby subject to a surcharge. Monitoring facility shall be a manhole or other suitable facility approved by the superintendent.

When, in the judgment of the superintendent, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the superintendent may require that separate monitoring facilities be installed for each separate source of discharge.

Monitoring facilities that are required to be installed shall be constructed and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewater produced by a user.

If sampling or metering equipment is also required by the superintendent, it shall be provided and installed at the users's expense.

The monitoring facility will normally be required to be located on the user's premises outside of the building. The superintendent may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street right-of-way with the approval of the public agency having jurisdiction of that right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the superintendent's requirements and all applicable local agency construction standards and specifications. When, in the judgment of the superintendent, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 180 days following written notification unless an extension is granted by the superintendent.

(2) Inspection and sampling. The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibility. The superintendent or his representatives shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.

(3) Compliance date report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum

daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(4) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent during the months of June and December unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

(b) The superintendent may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

(c) The reports required by this section shall contain the results of sampling analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standards. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent.

(5) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;

(b) The dates analysis were performed;

- (c) Who performed the analysis;
- (d) The analytical techniques/methods used; and
- (e) The results of such analysis.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the superintendent, Director of the Division of Water Pollution Control, Tennessee Department of Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the superintendent, the approval authority, or the Environmental Protection Agency.

(6) Safety. While performing the necessary work on private properties, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. (1981 Code, § 13-207)

**18-209. Enforcement and abatement.** (1) Issuance of cease and desist orders. When the superintendent finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter, or the provisions of a wastewater discharge permit, the superintendent shall issue an order to cease and desist, and direct that these persons not complying with such prohibitions, limits requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the superintendent;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation; or
- (d) Surrender his applicable user's permit if ordered to do so after a show cause hearing.

Failure of the superintendent to issue a cease and desist order to a violating user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(2) Submission of time schedule. When the superintendent finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this chapter, or wastewater source control requirements, effluent limitations of pretreatment standards or the provisions of a wastewater discharge permit, the superintendent shall require the user to

submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements. Such schedule shall be submitted to the superintendent within thirty (30) days of the issuance of the cease and desist order.

(3) Show cause hearing. (a) The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board of mayor and aldermen regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board of mayor and aldermen why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing.

(b) The board of mayor and aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the water and sewer department to:

(i) Issue in the name of the board of mayor and aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(ii) Take the evidence;

(iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

(c) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(d) After the board of mayor and aldermen has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(4) Legal action. If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city's attorney may commence an action for appropriate legal and/or equitable relief in the chancery court of this county.

(5) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the superintendent presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the superintendent or in his absence the person then in charge of the treatment works shall immediately notify the mayor of the nature of the emergency. The superintendent shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the city or in their absence such elected officials of the city as may be available, the superintendent shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the superintendent as soon as the emergency situation has been abated or corrected.

(6) Public nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the superintendent as authorized by this chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the superintendent. Any person creating a public nuisance shall be subject to the provisions of the city codes of ordinances governing such nuisances.

(7) Correction of violation and collection of costs. In order to enforce the provisions of this chapter, the superintendent shall correct any violation thereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the chapter or the owner or tenant of the property upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges.

(8) Damage to facilities. When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to facilities, the superintendent shall assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(9) Civil liabilities. Any person or user who intentionally or negligently violates any provision of this chapter, requirements, or conditions set forth in permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard or performance, pretreatment, or toxicity standard, shall be liable civilly.

The City of Millington shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any. (1981 Code, § 13-208)



**18-210. Penalty: costs.** (1) Civil penalties. Any user who is found to have violated an order of the board of mayor and aldermen or who willfully or negligently failed to comply with any provision of this chapter, and the order, rules, regulations and permits issued hereunder, shall be fined not less than Fifty and 00/100 Dollars (\$50.00) for each offense. Each day of which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both. (1981 Code, § 13-209)

**18-211. 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 city'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 city's schedule of charges and fees, may include, but not be limited to:

- (a) Inspection fee and tapping fee;

(b)<sup>1</sup> Three hundred dollars (\$300) per truck up to eight hundred (800) gallons of discharge.

Four hundred dollars (\$400) per truck - eight hundred (800) gallons to twelve hundred (1200) gallons of discharge.

Five hundred dollars (\$500) per truck in excess of twelve hundred (1200) gallons of discharge.

No grease from commercial grease traps may be directly or indirectly discharged into the sewer plant.

(c) Sewer use charges;

(d) Surcharge charges;

(e) Industrial wastewater discharge permit fees;

(f) Fees for industrial discharge monitoring; and

(g) Other fees as the city may deem necessary to carry out the requirements of this ordinance.

(3) Fees for applications for discharge. A fee may be charged when a user or prospective user makes application for discharge as required by subsection (5) of this section.

(4) Inspection fee and tapping fee. An inspection fee and tapping fee for a building sewer installation shall be paid to the Water and Sewer Department at the time the application is filed. Fees shall cover the costs of inspecting new and/or existing plumbing within subject building establishments as well as inspection of building sewers, property sewers, and sewer service lines and connections to the public sewers. The inspection fee and tapping fee shall be set by the board of mayor and aldermen.

(5) Sewer user charges. (a) Classification of users. Users of the wastewater system shall be classified into two (2) general classes or categories depending upon the users contribution of wastewater loads; each class user being identified as follows:

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<sup>1</sup>Ordinance #1986-11, section 1, provided that § 13-210(2)(b) (now § 18-211(2)(b)) be deleted and replaced with these provisions.

Sections 2 and 3 of that ordinance provided as follows:

**SECTION 2. BE IT FURTHER ORDAINED:**

That any person from a corporation violating the provisions of this Ordinance shall be liable for the civil penalties as set forth in Section 13-208 (4), (5), (6), (7), (8), and (9) (now §§ 18-209(4)-(9)).

**SECTION 3. BE IT FURTHER ORDAINED:**

That any violation of this Ordinance is hereby declared to be a misdemeanor and in addition to the civil penalties hereinabove set forth the violator shall be fined not less than Fifty Dollars (\$50) for each offense all as set forth in Section 13-209(1) (Now § 18-210(1)).

(i) Class I. Those users whose average biochemical oxygen demand is two hundred fifty milligrams per liter (250 mg/l) by weight or less, and whose suspended solids discharge is two hundred fifty milligrams per liter (250 mg/l) by weight or less.

(ii) Class II. Those users whose average biochemical oxygen demand exceeds two hundred fifty milligrams per liter concentration (250 mg/l) by weight and whose suspended solids exceeds two hundred fifty milligrams per liter concentration (250 mg/l).

(b) Determination of costs. The board of mayor and aldermen shall establish monthly rates and charges for the use of the wastewater system and for services supplied by the wastewater system. Said charges shall be based upon the cost categories of administration costs, including billing and accounting costs; operation and maintenance costs of the wastewater collection and treatment system; and debt service costs.

(i) All users who fall under Class I shall pay a single unit charge expressed as dollars per 1,000 gallons of water purchased (\$/1,000 gallons) with the unit charge being determined in accordance with the following formula:

$$C_i = \frac{T.S.C.}{V_t}$$

Where;

$C_i$  = the Class I total unit cost in \$/1,000 gallons

T.S.C. = the total operation and maintenance, administration, and debt service determined by yearly budget projections.

$V_t$  = the total volume of wastewater contribution from all users per year as determined from projections from one city fiscal year to the next.

(ii) All users who fall within the Class II classification shall pay the same base unit charge per 1,000 gallons of water purchased as for the Class I users and in addition shall pay a surcharge rate on the excessive amounts of biochemical oxygen demand and suspended solids in direct proportion to the actual discharge quantities.

(iii) The volume of water purchased which is used in the calculation of sewer use charges may be adjusted by the superintendent if a user purchases a significant volume of water for a consumptive use and does not discharge it to the public sewers (i.e. filling swimming pools, industrial heating, and humidifying equipment, etc.). The user shall be responsible for documenting the quantity of waste discharged to the public sewer.

(iv) When either or both the total suspended solids or biochemical oxygen demand quantities discharged into the treatment works is in excess of those described in § 18-211(4)(a), above, thus being classified as Class II users, the following formula shall be used to compute the appropriate user charge:

$$C_u = V_c V_u + B_c B_u + S_c S_u$$

Where;

$C_u$  = Total user charge per unit of time.

$V_c$  = Total cost for transportation and treatment of a unit of wastewater volume.

$V_u$  = Volume contribution per unit of time.

$B_c$  = Total cost for treatment of a unit of biochemical oxygen demand (BOD).

$B_u$  = Total BOD contribution for a user per unit of time.

$S_c$  = Total cost of treatment of a unit of suspended solids.

$S_u$  = Total suspended solids contribution from a user per unit of time.

(6) Surcharge fees. If it is determined by the city that the discharge of other loading parameters or wastewater substances are creating excessive operation and maintenance costs within the wastewater system, whether collection or treatment, then the monetary effect of such a parameter or parameters shall be borne by the discharger of such parameters in proportion to the amount of discharge.

(7) Industrial wastewater discharge permit fees. A fee may be charged for the issuance of an industrial wastewater discharge permit in accordance with subsection 5 of this section.

(8) Fees for industrial discharge monitoring. Fees may be collected from the industrial users having pretreatment or other discharge requirements to compensate the city for the necessary compliance monitoring and other administrative duties of the pretreatment program.

(9) Billing. The billing for normal domestic wastewater services shall consist of monthly billing in accordance with the rates specified by the city subject to net and gross rates.

(10) Penalties. The penalties established under § 18-127 of this code for late payment of water fees shall also apply to sewer service charges. (1981 Code, § 13-210, modified, as amended by Ord. #2001-16, Dec. 2001))

## CHAPTER 3

### SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>1</sup>

#### SECTION

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Approval and permit required for septic tanks, privies, etc.
- 18-307. Owner to provide disposal facilities.
- 18-308. Occupant to maintain disposal facilities.
- 18-309. Only specified methods of disposal to be used.
- 18-310. Discharge into watercourses restricted.
- 18-311. Pollution of ground water prohibited.
- 18-312. Enforcement of chapter.
- 18-313. Carnivals, circuses, etc.
- 18-314. Violations.

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

- (1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way;
- (2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent;
- (3) "Human excreta." The bowel and kidney discharges of human beings;
- (4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments;
- (5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four (4) feet should be

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<sup>1</sup>Municipal code reference  
Plumbing code: title 12.

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) "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;

(7) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1981 Code, § 8-301)

**18-302. Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1981 Code, § 8-302)

**18-303. When a connection to the public sewer is required.** Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1981 Code, § 8-303)

**18-304. When a septic tank shall be used.** Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health. (1981 Code, § 8-304)

**18-305. Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health

officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1981 Code, § 8-305)

**18-306. 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. (1981 Code, § 8-307)

**18-307. 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 § 18-302, or the agent of the owner to provide such facilities. (1981 Code, § 8-308)

**18-308. 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. (1981 Code, § 8-309)

**18-309. 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. (1981 Code, § 8-310)

**18-310. 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. (1981 Code, § 8-311)

**18-311. 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. (1981 Code, § 8-312)

**18-312. 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, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1981 Code, § 8-313)

**18-313. 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. (1981 Code, § 8-314)

**18-314. 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. (1981 Code, § 8-315)

## CHAPTER 4

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

#### SECTION

- 18-401. Definitions.
- 18-402. Water department to comply with law, establish program.
- 18-403. Cross-connections, etc., unlawful except under certain conditions.
- 18-404. Certain persons required to file statement of nonexistence of cross-connections, etc.
- 18-405. Inspections.
- 18-406. Right of entry - obtaining information.
- 18-407. Existing cross-connections, etc. - reasonable time to remove.
- 18-408. Protective requirements for existing buildings.
- 18-409. Protective requirements for new construction.
- 18-410. Protective requirements for construction of fire lines and sprinkler systems.
- 18-411. General requirements for the installation of RP devices.
- 18-412. Protection from contamination - warning signs.
- 18-413. Penalties.

**18-401. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter.

(1) “Air gap” - the physical separation of the supply pipe and the container of possible contaminants; used in high hazard situations.

(2) “Antisiphon” - device or assembly which prevents the occurrence of back-siphonage.

(3) “Atmospheric vacuum breakers (AVB)” - device used to prevent back-siphonage of contaminants into the public water supply; provides minimum protection and is used on sinks and low risk areas.

(4) “Auxiliary intake” - any piping connection or other device whereby water may be secured from a source other than that normally used.

(5) “Back-pressure” - a higher pressure in the plumbing system than in the public water system causing the water, which is possibly contaminated to flow backwards through the supply line and into the public water system.

(6) “Back-siphonage” - the siphonage of a contaminated water supply being drawn back into the public water supply during periods of reduced pressure, such as by a broken line or fire hydrant being opened.

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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.

(7) “By-pass” - any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(8) “Cross-connection” - any physical connection whereby a potable water supply system is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the potable water supply is possible, either through the manipulation of valves or because of ineffective check or back pressure valves.

(9) “Discharge zone” - area of an RP device that contains the relief valve and discharges the contaminated water in cases of back-pressure and back-siphonage.

(10) “Double check assembly” - a device used to prevent the reverse flow of water (back-pressure).

(11) “Dry sprinkler system” - a sprinkler system that is not constantly under pressure and holding water in its lines.

(12) “Hazardous conditions” - any situation where the possibility of chemical, bacterial or bodily fluids may be introduced into the public water supply by means of back-pressure and back-siphonage.

(13) “Inter-connection” - 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.

(14) “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.

(15) “Potable water supply” - any public or other water supply, the quality of which is approved by the Tennessee Department of Health and Environment for human consumption.

(16) “Public water supply” - the waterworks system furnishing water to the City of Millington for general use and which supply is recognized as the public water supply by the Tennessee Department of Health and Environment.

(17) “Pressure vacuum breakers (PVB)” - a spring-loaded device used for preventing back-siphonage of contaminants into the public water supply; provides minimum protection and should be used on low hazard areas.

(18) “Reduced pressure zone backflow preventer (RP, RP device)” - device used to provide maximum protection against back-pressure, back-siphonage, and hazardous conditions.

(19) “Wet sprinkler system” - a sprinkler system that is under constant pressure from the water supply line.

(20) “Wet standpipe” - a supply tank for some sprinkler systems that constantly contains water and increases pressure to the sprinkler system by means of gravity feed or a booster pump. (1981 Code, § 8-401, as amended by Ord. #2003-49, Feb. 2004)

**18-402. Water department to comply with law, establish program.**  
The Millington Water Department is to comply with Tennessee Code Annotated,

§ 68-221-101 et seq., as well as the rules and regulations governing the construction of public water supply systems, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes and inter-connections, and establish an effective, ongoing program to control undesirable water users. (1981 Code, § 8-402)

**18-403. Cross-connections, etc., unlawful except under certain conditions.** It shall be unlawful for any person to cause a cross-connection, auxiliary intake, by-pass, or inter-connection to be made, or to allow one to exist for any purpose whatsoever unless the construction and operation of same have been approved by the Tennessee Department of Health and Environment, and the operation of such cross-connection, auxiliary intake, by-pass, or inter-connection is at all times under the direct supervision of the water superintendent of the City of Millington. (1981 Code, § 8-403)

**18-404. Certain persons required to file statement of non-existence of cross-connections, etc.** 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 superintendent of the City of Millington a statement of the nonexistence of unapproved or unauthorized cross-connection, auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (1981 Code, § 8-404)

**18-405. Inspections.** It shall be the duty of the Millington Water Department 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 re-inspections based on potential health hazards involved shall be as established by the water superintendent of the City of Millington and as approved by the Tennessee Department of Health and Environment. (1981 Code, § 8-405)

**18-406. Right of entry - obtaining information.** The water superintendent of the City of Millington, or his authorized representative, shall have the right to enter at any reasonable time any property served by a connection to the Millington Water Department for the purpose of inspecting the piping system or systems thereof for cross-connections, auxiliary intakes, by-passes, or inter-connections. 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-connection. (1981 Code, § 8-406)

**18-407. Existing cross-connections, etc. - reasonable time to remove.** Any person who now has cross-connections, auxiliary intakes, by-passes or inter-connections 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 superintendent of the City of Millington. (1981 Code, § 8-407)

**18-408. Protective requirements for existing buildings.**

(1) Existing buildings will be assessed by the cross-connection control division of the Millington Water Department to determine whether external or internal protection is needed. For purposes of this section:

(a) External protection shall be defined as installation of one or more state approved RP devices on the service line as required to protect the public water supply.

(b) Internal protection shall be defined as the installation of all DCV, PVB, AVB, RP, or approved air gaps within the building, required to protect the public water supply and for the safety of the water supply within the building itself.

(2) External protection shall be required for existing buildings under the following circumstances:

(a) When internal protection is more expensive than a state approved RP device.

(b) When internal protection throughout the building would be excessively difficult and or costly to inspect annually.

(c) When the nature of the facility is such that it poses a threat in spite of standard precautions.

(d) When insufficient information is available or information on the hazards of the facility is refused to the cross-connection division of the Millington Water Department, making proper determination of internal protection virtually impossible.

(e) When the nature and mode of operation of the facility result in frequent adaptations of the plumbing systems.

(f) When the facility is serviced by an auxiliary water supply, in addition to the Millington Water System.

(3) Existing buildings undergoing plumbing adaption shall be subject to the same plans review and inspection procedures applied to new construction under this chapter. (1981 Code, § 8-408)

**18-409. Protective requirements for new construction.** The Millington Water Department shall require the following concerning backflow prevention devices on new construction:

(1) A plumbing plan showing all backflow prevention devices, particularly RP devices, vacuum breakers, and air gaps, must be provided to the Millington Water Department Cross-Connection Control Division for approval on all new construction. Plans must include all water lines, sewer lines, and fire protection systems (where applicable).

(2) State approved RP devices are required on new construction as follows:

(a) All new construction except single or two family dwellings, are required to have an RP device on the service line after the meter. Absolutely no connections will be allowed between the meter and the RP device.

(b) In apartment complexes with individual meters an RP device is required only on the line serving common facilities (laundries, swimming pools, lawn sprinkler, etc.)

(c) RP devices are required on any individual line serving a boiler, cooling tower, lawn sprinkler, irrigation system, or other piece of equipment where back pressure may exist or extremely hazardous solutions may be used.

(3) Vacuum breakers are required on all threaded hose connections both indoors and outdoors and on all toilet flush valves. Anti-siphon ball cocks are required on all tank toilets.

(4) Prior to installation of any fire, irrigation, or lawn sprinkler systems, plans must be submitted and approved by the cross-connection department of the Millington Water Department, in order to obtain a permit for installation of said systems.

(5) Inspection of approved systems shall take place before placement of an RP device, during construction of the system and or upon completion of the system. Inspection of the system will be performed by the cross-connection department.

(6) At all new installations the backflow prevention devices will be tested by the cross-connection control department before the device is put into service.

(7) Customers of the Millington Water System shall obtain approval from the cross-connection control department of the Millington Water Department before any corrective action or protective devices are used or installed.

(8) All new installations of state approved RP devices will be required to be installed as a permanent plumbing fixture and must be accessible for testing at all times. All precautions necessary to provide for freeze protection on outside installations must be taken including but not limited to the following:

(a) An insulated tight fitting cover shall be supplied with the installation, but no insulation will be permitted to interfere with discharges of water or the operation of the discharge zone of the RP device. Use of heat tape will be permitted on all piping above ground leading to the RP device as long as it does not interfere with discharge from the device.

(b) The supply line to the RP device must be at least eighteen (18) inches deep to prevent freezing.

(9) Two RP devices must be installed in parallel manner where the water service cannot be interrupted for testing the device or in high hazard situations.

(10) Upon inspection of an approved backflow prevention device, if the device is found to be unsatisfactory, in need of repair, or failing inspection, the customer or plumbing purveyor shall have thirty (30) days in which to make necessary repairs or replacement of the unit. Thirty (30) days after receiving written notice of a failed inspection, the water service will be disconnected by the superintendent of the City of Millington Water Department for the protection of other customers. (1981 Code, § 8-409)

**18-410. Protective requirements for construction of fire lines and sprinkler systems.** The Millington Water Department shall require the following concerning backflow prevention devices on fire lines and sprinkler systems:

(1) A wet sprinkler system or standpipe will be required to have a double check assembly device installed on the fire service line before any taps. If any antifreeze solutions are utilized for any fire protection sprinkler application, an RP device shall be installed at the point of connection on the supply side of the portion of the sprinkler system having such antifreeze solution.

(2) Storage or fire tanks which are fed from the bottom will be required to have an RP device installed on the service line before any taps.

(3) When several service lines are being fed by one service, an RP device will be required on the service line before any taps.

(4) Any fire protection system maintaining a stagnant water supply or serviced by a private water supply such as wells, ponds, etc. which is also connected to the public water system must be isolated by an RP device on the service line.

(5) Dry stand pipes and dry sprinkler systems will be required to have a double check assembly installed on the fire service line before any taps.

(6) Storage or fire tanks which fill from the top and have sufficient air gaps will not be required to have RP devices installed.

(7) All RP devices must be state approved devices. (1981 Code, § 8-410, as amended by Ord. #2003-49, Feb. 2004)

**18-411. General requirements for the installation of RP devices.**

(1) All RP devices must be a state approved brand and model.

(2) Two parallel RP devices are required at facilities where the interruption of water service for repair or testing would be detrimental to the business.

(3) No connections are allowed between the meter and the RP device.

(4) The installation of RP devices in pits will only be allowed within the strict discretion of the water superintendent and the cross-connection division of the Millington Water Department when there is no other available location for installation.

(5) RP devices shall not be subject to flooding:

(a) RP devices should not be located in any area subject to frequent flooding including areas with floor drains which may become clogged.

(b) Provisions must be made for discharging water from the RP device and its enclosure.

(c) The lowest point of the relief valve should be located at a minimum of two (2) times the nominal pipe diameter plus twelve (12) inches above the finished floor.

(6) Manufacturer recommendations for installation must be followed to insure adequate clearance for servicing the relief valve.

(7) The RP device should not be located above equipment which may be damaged from the discharge of water from the RP device. Adequate means of handling these discharges into drain ports, drain pipes, etc., is recommended. If a drain pipe is used to handle discharge from the relief valve, there must be an adequate air gap of at least two (2) times the diameter of the supply line to the RP device.

(8) Installation of the unit must be made in a manner where it can be easily tested.

(a) The unit shall not be installed higher than seven (7) feet above floor level unless special provisions are made for testing and servicing the unit.

(b) Enclosures must provide doors or removable lids to provide for testing, repairing and replacement.

(c) All ordinance requirements and manufacturer specification must be followed.

(9) All lines must be flushed thoroughly before installing the RP device to prevent fouling of the lines.

(10) Pipe dope is not allowed for the installation of RP devices. Teflon tape can be used as long as care is taken to prevent the fouling of the check valves.

(11) All RP devices must be installed in insulated housing to prevent freezing.

(12) The incoming water line must be at least eighteen (18) inches deep to prevent freezing.



(13) All units must be installed as permanent units and any precaution necessary to keep the device from freezing must be taken. The unit must be installed so as to prevent the necessity of flushing every winter.

(14) Any new, repaired or replaced unit that has been taken out of service for any reason must be tested before being put back into service. Any repairs, replacements, and/or new installations will be made by plumbers and/or plumbing contractors who are licensed and certified in the repair of or installation of RP devices. Any cost of repairs or installation of new RP devices shall be at the sole expense of the owner or occupant of the premises. (1981 Code, § 8-411)

**18-412. Protection from contamination - warning signs.** The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

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

Minimum acceptable sign shall have black letters, one-inch high located on a red background. (1981 Code, § 8-412)

**18-413. Penalties.** 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 punished in accordance with the general penalty clause for this code, and each day of continued violation after conviction shall constitute a separate offense. In addition to the foregoing fines and penalties, the water superintendent of the City of Millington shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary intake, by-pass, or interconnection has been discontinued. (1981 Code, § 8-413)

## CHAPTER 5

### STORM WATER ORDINANCE

- 18-501. Legislative findings and policy.
- 18-502. Creation of storm water utility.
- 18-503. Definitions.
- 18-504. Funding of storm water utility.
- 18-505. Storm water utility special revenue fund.
- 18-506. Storm water utility annual budget.
- 18-507. Storm water user fees established.
- 18-508. Equivalent residential unit (ERU).
- 18-509. Property classification for storm water user fees.
- 18-510. Base rate.
- 18-511. Adjustments to storm water user fees.
- 18-512. Payment of fees and charges.
- 18-513. Billing procedures and penalties for late payment.
- 18-514. Appeal of fees.

**18-501. Legislative findings and policy.** The board of mayor and aldermen (hereinafter called the "board") finds, determines and declares that the storm water system which provides for the collection, treatment, storage and disposal of storm water provides benefits and services to all property within the incorporated city limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of storm water; the reduction of hazards to property and life resulting from storm water runoff; improvements in general health and welfare through reduction of undesirable storm water conditions; and improvements to water quality in the storm water and surface water system and its receiving waters. (as added by Ord. #2006-8, July 2006)

**18-502. Creation of storm water utility.** For purposes of the Federal Clean Water Act and of Tennessee Code Annotated, §§ 68-221-1101 et seq., there is created a storm water utility which shall consist of a program and such staff as the board shall authorize, within the city's department of economic development and planning. The storm water utility, under the legislative policy, supervision and control of the board, shall:

(1) Administer the acquisition, design, construction, maintenance and operation of the storm water utility system, including capital improvements designated in the capital improvement program, in conjunction with the Public Works Department;

(2) Administer and enforce this ordinance and all regulations and procedures adopted pursuant to this ordinance or other applicable law relating to the design, construction, maintenance, operation and alteration of the utility

storm water system, including, but not limited to, the quantity, quality and/or velocity of the storm water conveyed thereby;

(3) Advise the board and city administration on matters relating to the storm water utility;

(4) Direct the preparation of and any revisions to the comprehensive drainage plan for adoption by the board;

(5) Review plans and approve or deny them, and inspect and accept or reject (if not in accordance with applicable law and regulations) extensions and connections to the system;

(6) Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended;

(7) Annually analyze the cost of services and benefits provided and the system and structure of fees, charges, civil penalties and other revenues of the storm water utility. (as added by Ord. #2006-8, July 2006)

**18-503. Definitions.** For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Base rate" means the storm water user fee for a detached single family residential property in the city.

(2) "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of storm water facilities; preliminary planning to determine the economic and engineering feasibility of storm water facilities; the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of storm water facilities; and the inspection and supervision of the construction of storm water facilities.

(3) "Developed property" means real property which has been altered from its natural state by the creation or addition of impervious areas, by the addition of any buildings, structures, pavement or other improvements.

(4) "Equivalent residential unit" or "ERU" means the average square footage of a detached single family residential property, which has been established as three thousand (3,000) square feet.

(5) "Exempt property" means all properties of the federal, state, county, and city governments and any of their divisions or subdivisions, and property that does not discharge storm water runoff into the storm water or flood control facilities of the city.

(6) "Fee" or "Storm water user fee" means the charge established under this ordinance and levied on owners or users of parcels or pieces of real property to fund the costs of storm water management and of operating, maintaining, and improving the storm water system in the city. The storm water user fee is in addition to any other fee that the city has the right to charge under any other rule or regulation of the city.

(7) "Fiscal year" means July 1 of a calendar year to June 30 of the next calendar year, both inclusive.

(8) "Impervious surface" means a surface that is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted or other surface which impedes the natural infiltration of surface water.

(9) "Impervious surface area" means the number of square feet of horizontal surface covered by buildings and other impervious surfaces. All building measurements shall be made between exterior faces of walls, foundations, columns or other means of support or enclosure.

(10) "Other developed property" means developed property other than single-family residential property. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, hospitals, schools, recreational and cultural facilities, hotels, offices, and churches.

(11) "Person" means any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation, partnership, limited liability company or other entity organized or existing under the laws of this or any other state or country.

(12) "Property owner" means the property owner of record as listed in the county's tax assessment roll. A property owner includes any individual, corporation, limited liability company, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, executor, administrator or personal representative.

(13) "Single family residential property" means a developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A single family detached dwelling or a townhouse containing an accessory apartment or second dwelling unit is included in this definition.

(14) "Storm water" means storm water runoff, snow/ice melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration, and drainage.

(15) "Storm water management fund" or "fund" means the storm water utility special revenue fund created by this ordinance to operate, maintain, and improve the city's storm water system.

(16) "Storm water management" means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion, tree conservation, and sediment control.

(17) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(18) "User" or "other user" shall mean the individual or business obtaining utilities for properties where utilities are active and does not apply to vacant or undeveloped properties. (as added by Ord. #2006-8, July 2006, and amended by Ord. #2017-11, June 2017)

**18-504. Funding of storm water utility.** Funding for the storm water utility's activities may include, but is not limited to, the following:

- (1) Storm water user fees;
- (2) Civil penalties and damage assessments imposed for or arising from the violation of the city's storm water management ordinance;
- (3) Storm water permit and inspection fees; and
- (4) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Government Public Obligations Act of 1986<sup>1</sup>

To the extent that the storm water drainage fees collected are insufficient to construct needed storm water drainage facilities, the cost of the same may be paid from such city funds as may be authorized by the board. (as added by Ord. #2006-8, July 2006)

**18-505. Storm water utility special revenue fund.** All revenues generated by or on behalf of the storm water utility shall be deposited in a storm water utility special revenue fund, which shall be kept in an account separate from other accounts of the City of Millington. As required by Tennessee Code Annotated, § 68-221-1107, storm water utility revenues shall be used exclusively for purposes set out in Tennessee Code Annotated, § 68-221-1101 et seq. Storm water utility revenues shall be spent in accordance with the budget for the storm water utility adopted by the board. (Ord. #2006-8, July 2006)

**18-506. Storm water utility annual budget.** The board shall adopt an operating budget for the storm water utility each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service (if any). (as added by Ord. #2006-8, July 2006)

**18-507. Storm water user fees established.** As authorized by Tennessee Code Annotated, § 66-221-1107, there shall be imposed on each and every developed property in the city, except exempt property, a storm water user fee, which shall be set from time to time by ordinance, in the manner and

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<sup>1</sup>Tennessee Code Annotated, title 9, chapter 21

amount prescribed by this ordinance and state law. Prior to establishing or amending user fees, the city shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the city at least thirty (30) days in advance of the meeting of the board at which it shall consider the adoption of the fee or its amendment. (as added by Ord. #2006-8, July 2006)

**18-508. Equivalent residential unit (ERU).** (1) Establishment of ERU. There is established, for purposes of calculating the storm water user fees, the equivalent residential unit (ERU).

(2) Definition. The ERU is the average square footage of a detached single family residential property within the city, which has been established as three thousand (3,000) square feet.

(3) Setting the ERU. The ERU shall be set by the board from time to time by ordinance.

(4) Source of ERU. The board shall have the discretion to determine the source of the data from which the ERU is established, taking into consideration the general acceptance and use of such source on the part of other storm water systems and the reliability and general accuracy of the source. The board shall have the discretion to determine the impervious surface area of developed property through property tax assessor's rolls, site examination, mapping information, aerial photographs and other reliable information. (as added by Ord. #2006-8, July 2006, as amended by Ord. #2017-11, June 2017)

**18-509. Property classification for storm water user fees.**(1) Property classifications. For purposes of determining the storm water user fees, all properties in the city are classified into one of the following classes:

- (a) Single family residential property;
- (b) Other developed property;
- (c) Exempt property.

(2) Single family residential fee. The board finds that the intensity of development of most parcels of real property in the municipality classified as single family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures, and other impervious areas) on each such parcel. Therefore, all single-family residential properties in the city shall be charged a flat storm water management fee, equal to the base rate, regardless of the size of the parcel or the improvements.

(3) Other developed property fee. The fee for other developed property (i.e., non-single-family residential property) in the municipality shall be the base rate multiplied by the numerical factor obtained by dividing the total impervious area (square feet) of the property by one ERU. The impervious surface area for other developed property is the square footage for the buildings and other improvements on the property. The minimum storm water management fee for

other developed property shall equal the base rate for single family residential property.

(4) Exempt property. There shall be no storm water user fee for exempt property.(as added by Ord. #2006-8, July 2006)

**18-510. Base rate.** The board shall, by ordinance, establish the base rate for the storm water user fee. The base rate shall be calculated to insure adequate revenues to fund the costs of storm water management and to provide for the operation, maintenance, and capital improvements of the storm water system in the city. The base rate, which is the rate for single family residential property and is the rate for each ERU on all other properties subject to this title, shall be as follows:

<u>Effective Date</u>	<u>Fee</u>
August 1, 2006	\$ 2.50
July 1, 2017	\$ 3.80

(as added by Ord. #2006-8, July 2006, and replaced by Ord. #2017-11, June 2017)

**18-511. Adjustments to storm water user fees.** The storm water utility shall have the right on its own initiative or upon request of the property owner to adjust upward or downward the storm water user fees with respect to any property other than residential property, based on the approximate percentage of any significant variation in the volume or rate of storm water, or any significant variation in the quality of storm water, emanating from the property for which an adjustment is considered, compared to other similar properties. In making determinations of the similarity of property, the storm water utility shall take into consideration the location, geography, size, use, impervious area, storm water facilities on the property, and any other factors that have a bearing on the variation. Adjustments shall be made in accordance with objective criteria and measurable standards to be developed by the storm water utility after consultation with the city's engineer, and such criteria and standards shall be available at city hall to the owner of any property subject to non-residential user fees upon request.(as added by Ord. #2006-8 July 2006)

**18-512. Payment of fees and charges.** The owner or other user of each non-exempt lot or parcel shall be liable for the storm water user fees and charges as provided in this ordinance<sup>1</sup>, as shall be amended from time to time.(as added by Ord. #2006-8, July 2006 and amended by Ord. #2006-9, November 2006)

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<sup>1</sup>Ordinances setting rates are of record in the office of the city clerk.

**18-513. Billing procedures and penalties for late payment.**

(1) Rate and collection schedule. The storm water user fees shall be billed on a utility bill issued by either the City of Millington or Memphis Light, Gas and Water (MLGW) for all properties with active utilities or on an invoice issued by the City of Millington for properties without active utilities. Such billings and due dates shall be based on the regular billing cycles and due dates for utility customers and shall be determined by the city finance director for all other properties subject to this title.

(2) Penalties for late payment. Storm water user fees shall be subject to the same late fee and terms established for other items on a utility bill and shall become delinquent ten (10) days after the date of billing for other bills and shall pay the same late fee as established for City of Millington utility bills.

(3) The city shall be entitled to recover attorney's fees and expenses, including court costs, incurred in collecting delinquent storm water user fees, including late fees. The city is authorized to file suit to recover any unpaid amounts due under this ordinance.

(4) Mandatory statement. Pursuant to Tennessee Code Annotated, § 68-221-1112, each bill for storm water user fees shall contain the following statement in bold type:

**"THIS TAX HAS BEEN MANDATED BY CONGRESS"**

(as added by Ord. #2006-8, July 2006, and amended by Ord. #2017-11, June 2017)

**18-514. Appeal of fees.** (1) Generally. Any person who disagrees with the calculation of the non-residential storm water user fee as provided in this ordinance, or who seeks a non-residential storm water user fee adjustment based upon storm water management practices, may appeal such fee determination to the storm water utility within thirty (30) days from the date of the last bill containing storm water user fees charges. Any appeal shall be filed in writing and shall state the grounds for the appeal. The storm water utility director may request additional information from the appealing party.

(2) Adjustments. Storm water user fee adjustments for storm water management practices may be considered for reductions in runoff volume, including discharge to a non-city drainage system and properly designed, constructed and maintained existing retention facilities, i.e. evaporation and recharge. Based upon the information provided by the utility and the appealing party, and in accordance with the criteria and standards adopted by the storm water utility, the storm water utility shall make a final calculation of the storm water user fee. The storm water utility shall notify the property owner in writing, of its decision. Any property owner dissatisfied with the decision upon appeal of the storm water utility shall have the right to appeal to the board of storm water appeals, which shall be the city's board of zoning appeals.



(3) All hearings of the board of storm water appeals shall be open to the public. Any person desiring to appeal from the fee determination of the storm water utility shall deliver a written notice of appeal to the board of storm water appeals to the city clerk and recorder within ten (10) business days after the date of determination of the initial appeal by the storm water utility. Such appeal shall state the grounds for the appeal.

(4) The board of storm water appeals shall have the right to request and receive evidence and opinions of the city's engineers, the storm water utility, and such other persons and entities as it may deem appropriate in considering an appeal as to storm water user's fees. The appellant shall have the right to present his appeal in person or to have a representative of his choosing to present his case to the board of storm water appeals and shall also have the right to present such evidence and opinions as the appellant or his representative shall deem appropriate. (as added by Ord. #2006-8, July 2006, and amended by Ord. #2007-3, June 2007)

## CHAPTER 6

### FATS, OILS AND GREASE

#### SECTION

- 18-601. Purpose.
- 18-602. Definitions.
- 18-603. Control plan for FOG and food waste/grease trap requirement.
- 18-604. General requirements.
- 18-605. Design requirements.
- 18-606. Grease trap maintenance and pumping.
- 18-607. Biological additives.
- 18-608. Chemical treatment prohibited.
- 18-609. Sand, soil and oil interceptors.
- 18-610. Commercial laundry requirements.
- 18-611. Control equipment.
- 18-612. Alteration of control methods.
- 18-613. Enforcement and penalties.
- 18-614. Severability.

**18-601. Purpose.** The purpose of this chapter is to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant. (as added by Ord. #2010-04, April 2010)

**18-602. Definitions.** (1) "Food service facilities." (a) For purposes of this chapter, a "food service facility" is any facility whose primary activity is preparing, serving, or otherwise making available for consumption foodstuffs and that use one (1) or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

(b) In addition, any facility whose primary activity is not preparing, serving or otherwise making available foodstuffs for consumption, but which does prepare, serve or otherwise make available for consumption foodstuffs as a secondary activity, shall be classified as a food service facility if it uses a deep fryer.

(c) Food service facilities may include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons,

jails, churches, camps, caterers, manufacturing plants, and all other sewer users that discharge applicable waste into the city's systems, as determined by the City of Millington.

(2) "Grease." Material composed primarily of Fats, Oil, and Grease (FOG) from animal or vegetable sources. For purposes of this chapter, the words "fats, oil and grease" are all together sometimes called "grease." Grease does not include petroleum based products.

(3) "Grease trap." A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the city's sanitary sewer collection and treatment system. Grease traps also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

(4) "Oil/water separator." An approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the city's wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the City of Millington.

(5) "Person." As used in this chapter, "person" means and includes any individual, business entity, for-profit or non-profit corporation, limited liability company, partnership or limited partnership, and any other entity or association engaged in activities subject to this chapter.

(6) "User." Any person or establishment, including those located outside the jurisdictional limits of the city, who contributes, causes, or permits the contribution or discharge of wastewater into the city's wastewater collection and treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater. (as added by Ord. #2010-04, April 2010)

**18-603. Control plan for FOG and food waste/grease trap requirement.** (1) Pumping/maintenance control plan required. Before undertaking any new construction, renovation, or expansion of a food service facility, the owner, tenant, developer or other intended user of such facility shall submit to the city a FOG and food waste control plan that shows the user's plan for pumping and maintenance of the grease trap that will effectively control the discharge of undesirable materials into the city's wastewater collection system. This submittal must be included with the application for a building permit.

(2) Existing food service facilities. Food service facilities in existence as of the effective date of the ordinance comprising this chapter shall also be required to submit to the city a FOG and food waste control plan that shows the proposed plan for pumping and maintenance of its grease trap to effectively control the discharge of undesirable materials into the city's wastewater

collection system. Existing food service facilities shall have three (3) months after the effective date of the ordinance comprising this chapter to submit a control plan as described in subsection (1) above and to implement a control plan.

(3) Grease trap for existing food service facilities. Any existing food service facility that is not undertaking new construction, renovation or expansion but that does not have a grease trap shall have a period of six (6) months after the effective date of the ordinance comprising this chapter to install such a grease trap and notify the city of such installation and to submit its control plan as required under subsection (1) of § 18-603. There will be no "grandfathering."

(4) City right to monitor. The City of Millington shall have the right to monitor the waste haulers who provide service to the food service facilities or other facilities with a grease trap attached to the City of Millington's sewerage system in order to insure property pumping and disposal of pumpage and maintenance of required information and to require their compliance with the applicable provisions of this chapter. (as added by Ord. #2010-04, April 2010)

**18-604. General requirements.** (1) Installation requirements. All existing, proposed, or newly remodeled food service facilities inside the City of Millington wastewater service area shall be required to install, at the user's expense, an approved grease trap and to properly operate and maintain such grease trap at all times.

(2) Sanitary sewer flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

(3) Floor drains. Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

(4) Garbage grinders/disposers. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used, it must be connected to the grease trap. The use of grinders is discouraged, since use of a grinder decreases the operational capacity of the grease trap and requires an increased pumping frequency to ensure continuous and effective operation.

(5) Dishwashers. Commercial dishwashers in food service facilities required to have grease traps under this chapter must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized to allow enough detention time so that water will cool to the temperature at which grease will solidify and float to the top of the trap.

(6) Location. Every grease trap shall be installed outside the building and upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at

any time. A grease trap may not be installed inside any part of a building without prior written approval by the City of Millington.

(7) Pass through limits. The current Millington Sewer Use Ordinance<sup>1</sup> applies to those persons subject to this chapter.

(8) Waiver. The city reserves the right to waive elements of the general requirements on a case by case basis, at the request of the affected user, and provided the city determines that such waiver will not adversely affect the city's wastewater and sewer system. (as added by Ord. #2010-04, April 2010)

**18-605. Design requirements.** (1) Construction. Grease traps shall be constructed in accordance with the City of Millington's standards and shall have a minimum of two (2) compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the City of Millington. Such approval shall be based on demonstrated removal efficiencies of the proposed device or technology.

(2) Access. Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to each grease trap shall be provided by two (2) manholes (one (1) on each compartment), which shall terminate at finished grade, with cast iron frame and cover.

(3) Load-bearing capacity. In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (Example: where there is vehicular traffic in driving or parking areas).

(4) Inlet and outlet piping. Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one (1) inlet and one (1) outlet pipe.

(5) Grease trap sizing. The size of each grease trap shall be the size required under the Shelby County Code of Ordinances, including any model codes adopted by reference by the county. (as added by Ord. #2010-04, April 2010)

**18-606. Grease trap maintenance and pumping.**

(1) Cleaning/pumping required. The user, at the user's expense, shall maintain all grease traps to assure proper operation and efficiency and to maintain compliance with Table B - Plant Protection Criteria of § 18-207 of the Millington Municipal Code. Maintenance of a grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or into any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. Cleaning/pumping of a grease trap shall include a

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<sup>1</sup>Municipal code reference

Sewer use: title 18, chapter 2.

thorough inspection of the trap and its component parts. Any needed repairs shall be noted and shall be made immediately at the user's expense.

The hauler (party who will clean and pump any grease trap) must notify the City of Millington at least two (2) business days prior to beginning the work. Such notice shall be sent by email to d.dunn@millingtontn.gov or by fax to 901-872-4113 or delivered to 7930 Nelson Road, Millington, TN.

(2) Cleaning/pumping frequency. Each grease trap must be pumped out completely a minimum of once every four (4) months, or more frequently, as determined by the City of Millington, as needed to prevent deposit of grease into the city's sanitary sewer system.

(3) Disposal. Every waste hauler who removes waste from any grease trap shall dispose of such waste at a facility approved to receive such waste in accordance with the provisions of this chapter and other applicable law. No pumpage removed by cleaning and/or pumping shall be returned to any private or public portion of the city's sanitary sewer collection system. All pumpage from grease traps must be tracked by a hauler's manifest, which identifies the pumping, hauling, and disposal of waste from each trap. Every hauler must provide a copy of such manifest to each customer, and every food service facility subject to this chapter must obtain from the hauler and retain for a period of twenty-four (24) months a copy of every such manifest.

(4) Maintenance log. A grease trap cleaning/maintenance log showing each pumping for the previous twenty-four (24) months shall be maintained by each food service facility. This log shall include the date, time, amount pumped, name and contact information of the hauler, and disposal site. Said log shall be kept in a conspicuous location for inspection by the city during normal business hours. Said log shall be made available to the City of Millington or its representative upon request.

(5) Submittal of records. Each user shall submit all cleaning and maintenance records to the City of Millington twice each year. Such submittals shall be due March 1st and September 1st. The maintenance records shall include the following information:

- (a) Facility name, address, contact person, and phone number;
- (b) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap;
- (c) Types of maintenance performed;
- (d) Dates maintenance was performed;
- (e) Date of next scheduled maintenance; and
- (f) Copies of haulers' manifests.

The records shall be submitted to:

City of Millington  
Attn. Storm Water Manager  
7930 Nelson Road  
Millington, Tennessee 38053

(6) City inspections. The City of Millington will perform periodic inspections of food service facilities subject to this chapter and shall notify the user of any additional required maintenance or repairs needed for each grease trap. Upon receipt of written notification by the city, the user shall be required to perform the maintenance and/or repairs and provide the city with a report and records of said maintenance within fourteen (14) calendar days. Upon inspection by the City of Millington the user may be required to install, at its expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

Each food service facility shall pay a one hundred dollars (\$100.00) annual inspection fee that shall be due and payable to the City of Millington on August 1, 2017 and on August 1 of each year thereafter. Notice of the payment due date of said tax shall be mailed by the city to each facility, at the facility address, at least thirty (30) days prior to August 1. (as added by Ord. #2010-04, April 2010, and amended by Ord. #2017-11, June 2017)

**18-607. Biological additives.** Any biological additive(s) placed into the grease trap or building discharge line, including but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease, shall require written approval by the City of Millington prior to use. The use of such additives shall in no way be considered as a substitute for the maintenance and pumping procedures required herein. (as added by Ord. #2010-04, April 2010)

**18-608. Chemical treatment prohibited.** Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap. (as added by Ord. #2010-04, April 2010)

**18-609. Sand, soil, and oil interceptors.** (1) Traps/interceptors required. All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the City of Millington) that have sources of sand, soil, and oil shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the City of Millington shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system.

(2) Oil/water separators. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities

deemed necessary by the City of Millington. (as added by Ord. #2010-04, April 2010)

**18-610. Commercial laundry requirements.** Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the wastewater collection system of solids one-half inch (1/2") or larger in size such as rags, strings, buttons, or other solids detrimental to the system. (as added by Ord. #2010-04, April 2010)

**18-611. Control equipment.** (1) The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed and installed in accordance with the plumbing code as adopted by the City of Millington, the Tennessee Department of Environment and Conservation guidelines, most current engineering standards, or other applicable guidelines approved by the City of Millington. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection.

(2) Control equipment shall be maintained by the owner and/or operator of the facility to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant.

(3) If the City of Millington is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack thereof), the owner or operator shall be required to pay to the city, upon presentation of a statement of costs, all costs for labor, equipment, materials, and any overhead costs incurred by the city, in addition to any penalties or fines on account of any sanitary sewer overflow due directly to the stoppage.

(4) The city shall have the right to inspect and approve any and all installations of control equipment at all reasonable times. (as added by Ord. #2010-04, April 2010)

**18-612. Alteration of control methods.** The City of Millington shall have the right to require additional control measures if existing control equipment is shown to be insufficient to protect the city's wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials. (as added by Ord. #2010-04, April 2010)

**18-613. Enforcement and penalties.** (1) This chapter shall be enforced by the Storm Water Manager of the City of Millington.

(2) Any person who violates this chapter, in part or whole, shall be guilty of a violation of the Millington Municipal Code. The city may either:



(a) Issue a citation to city court, in which case the alleged violator, upon conviction, shall be subject to pay a civil penalty not to exceed fifty dollars (\$50.00) per day, plus payment to the city of all costs incurred to repair any damage to city property caused by the violation; or

(b) Bring an action against the alleged violator in state court, in which case alleged violator, upon conviction shall be subject to pay a civil penalty in the amount of up to one thousand dollars (\$1,000.00), plus payment to the city of all costs incurred to repair any damage to city property caused by the violation. In either case, each day that a violation exists shall constitute a separate offense.

(3) In addition to imposition of a civil penalty, the city shall be entitled to seek an injunction from a court of competent jurisdiction to require compliance with this chapter or to enjoin continued operation of a food service facility or a waste hauler subject to this chapter that is in violation hereof until such violation has been cured. (as added by Ord. #2010-04, April 2010, and amended by Ord. #2017-11, June 2017)

**18-614. Severability.** The provisions of this chapter are declared to be severable. If any provision of this chapter should be declared by a court of competent jurisdiction to be invalid or unenforceable, the portions of this chapter not so declared shall continue in full force and effect. (as added by Ord. #2010-04, April 2010)