

TITLE 18**WATER AND SEWERS¹****CHAPTER**

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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 of Westmoreland and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1978 Code, § 13-101)

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

(2) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

(3) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

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

(5) "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.

(6) "Service line" shall consist of the pipe line extending from any water or sewer main of the municipality 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 municipality's water main to and including the meter and meter box. (1978 Code, § 13-102)

18-103. Obtaining service. A formal application for either original or additional service must be made and be approved by the City of Westmoreland before connection or meter installation orders will be issued and work performed. (1978 Code, § 13-103)

18-104. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the City of Westmoreland for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the City of Westmoreland 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 municipality to the applicant shall be limited to the return of any deposit made by such applicant. (1978 Code, § 13-104)

18-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water and/or sewer service. (1978 Code, § 13-105)

18-106. Connection charges. Service lines will be laid by the City of Westmoreland 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 municipality.

Before a new water or service line will be laid by the city, the applicant shall make a deposit equal to the estimated cost of the installation.

This deposit shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the deposit, the applicant shall pay to the City of Westmoreland the amount of such excess cost when billed therefor. If such cost is less than the amount of the deposit, the amount by which the deposit exceeds such cost shall be refunded to the applicant.

When a service line is completed, the City of Westmoreland shall be responsible for the maintenance and upkeep 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 municipality. 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.

Water and sewer lines shall be installed by boring under the street. No cuts may be made in the streets. (1978 Code, § 13-106, as amended by Ord. #305, Oct. 1996)

18-107. Water and sewer main extensions. 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 Water Works Association Standard (or other construction approved by the city council), not less than six inches (6") 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 one thousand feet (1,000') from the most distant part of any dwelling structure and no farther than six hundred feet (600') from the most distant part of any commercial, industrial,

or public building, such measurements to be based on road or street distances; cement-lined cast iron pipe (or other construction approved by the city council) two inches (2") 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 municipal forces or by other forces working directly under the supervision of the municipality in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the City of Westmoreland, such water and/or sewer mains shall become the property of the city. The persons paying the cost of constructing such mains shall execute any written instruments requested by the municipality to provide evidence of the municipality's title to such mains. In consideration of such mains being transferred to it, the City of Westmoreland 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 said mains. (1978 Code, § 13-108)

18-108. Variances from and effect of preceding section as to extensions. Whenever the city council is of the opinion that it is to the best interest of the City of Westmoreland 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 municipality to make such extensions or to furnish service to any person or persons. (1978 Code, § 13-109)

18-109. Meters. All meters shall be installed, tested, repaired, and removed only by the City of Westmoreland.

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 municipality. 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. (1978 Code, § 13-110)

18-110. Meter tests. The City of Westmoreland will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be

considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

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

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

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

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the City of Westmoreland. (1978 Code, § 13-111)

18-111. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the municipality may from time to time adopt by appropriate ordinance or resolution.¹ (1978 Code, § 13-112)

18-112. Multiple services through a single meter. No customer shall supply water or sewer service to more than one (1) dwelling, premise or business from a single service line and meter without first obtaining the written permission of the City of Westmoreland.

Where the municipality allows more than one dwelling, premise, or business to be served through a single service line and meter, the amount of water used by all the dwellings, premises, and businesses served through a single service line and meter shall be allocated to each separate dwelling, premise, or business served. The water and/or sewer charges for each such

¹Administrative ordinances and resolutions are of record in the recorder's office.

dwelling, premise, or business thus served shall be computed just as if each such dwelling, premise, or business 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, including the provisions as to minimum bills. The separate charges for each dwelling, premise, or business 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. (1978 Code, § 13-113, as amended Ord. #279, July 1994)

18-113. Billing. Bills for residential water and sewer service will be rendered monthly.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the City of Westmoreland.

Both charges shall be collected as a unit; no municipal employee shall accept payment of water service charges from any customer without receiving at the same time payment of all sewer service charges owed by such customer. Water service may be discontinued for non-payment of the combined bill.

Water and sewer bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued without further notice if the bill is not paid on or before twenty (20) days after the discount date. The City of Westmoreland shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

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

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the City of Westmoreland reserves the right to render an estimated bill based on the best information available. (1978 Code, § 13-114)

18-114. Discontinuance or refusal of service. The city shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

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

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only 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. (1978 Code, § 13-115)

18-115. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of ten dollars (\$10.00) shall be collected by the municipality before service is restored. (1978 Code, § 13-116)

18-116. 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 City of Westmoreland 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 City of Westmoreland 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 such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the 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. (1978 Code, § 13-117)

18-117. 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. (1978 Code, § 13-118)

18-118. Inspections. The City of Westmoreland 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. (1978 Code, § 13-119)

18-119. 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 City of Westmoreland 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 municipality 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. (1978 Code, § 13-120)

18-120. Customer's responsibility for violations. Where the City of Westmoreland 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. (1978 Code, § 13-121)

18-121. Supply and resale of water. All water shall be supplied within the City of Westmoreland exclusively by the city 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 city. (1978 Code, § 13-122)

18-122. 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. (1978 Code, § 13-123)

18-123. 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. (1978 Code, § 13-124)

18-124. Damages to property due to water pressure. The City of Westmoreland shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the city's water mains. (1978 Code, § 13-125)

18-125. Liability for cutoff failures. The city'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 City of Westmoreland 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. (1978 Code, § 13-126)

18-126. 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. (1978 Code, § 13-127)

18-127. Interruption of service. The City of Westmoreland will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The City of Westmoreland 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. (1978 Code, § 13-128)

18-128. Private wells prohibited. Use of private wells in the city is prohibited. All water shall be supplied within the City of Westmoreland exclusively by the city. All water used by residences, business places, public institutions or for any commercial use must be city water. Wells currently in existence and in use are excepted from this prohibition, but when real property is sold which is presently utilizing a well as the water source, the property must be connected onto city water prior to the sale thereof. (Ord. #287, May 1995)

CHAPTER 2

SUPPLEMENTARY SEWER REGULATIONS

SECTION

- 18-201. Definitions.
- 18-202. Use of public sewers required.
- 18-203. Private sewage disposal.
- 18-204. Building sewers and connections.
- 18-205. Use of public sewers.
- 18-206. Wastes subject to surcharge.
- 18-207. Protection from damage.
- 18-208. Powers and authority of inspectors.
- 18-209. Violations.

18-201. Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade (68 degrees Fahrenheit) expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drain system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) "City" shall mean the City of Westmoreland, Tennessee.

(5) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(6) "Cooling water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other such system, but which has not been in direct contact with any substance which could result in the addition of any polluting material to the water other than an increased temperature of the water and this increase not to exceed limits considered detrimental to any of the facilities of the city or result in any changes in the water characteristics which would be objectionable from the standpoint of odor or other nuisance. The water must be free of oil and polluting material.

(7) "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.

(8) "Ether soluble material" shall mean the quantity of solids obtained through the use of the ether extraction process as outlined for oils and greases

in the latest edition of "Standards Methods for the Examination of Water and Wastewater."

(9) "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.

(10) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(11) "Mayor" shall mean the mayor of the City of Westmoreland or his authorized deputy, agent, or representative.

(12) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(13) "Normal sewage" shall be regarded as normal for the City of Westmoreland if analyses show a daily average of not more than three hundred (300) milligrams per liter of suspended solids; not more than three hundred (300) milligrams per liter of BOD; not more than twenty-one (21) milligrams per liter of $\text{NH}_3\text{-N}$; and not more than fifty (50) milligrams per liter of ether soluble matter (grease and oil), each.

(14) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions, in grams per liter of solution.

(15) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") (1.27 centimeters) in any dimension.

(16) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(17) "Sanitary sewage" shall mean sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm and surface water.

(18) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(19) "Sewage" shall mean the water carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.

(20) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(21) "Sewage works" or "sewage system" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(22) "Sewer" shall mean a pipe or conduit for carrying sewage and other waste liquids.

(23) "Shall" is mandatory; "may" is permissive.

(24) "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 concentration 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.

(25) "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 mayor.

(26) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

(27) "Unpolluted water or waste" shall mean any water or waste containing no free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving waters; toxic and poisonous substances in suspension, colloidal state or solution; and noxious or odorous gases and/or other polluting materials. (1978 Code, § 13-201)

18-202. Use of public sewers required. (1) 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 City of Westmoreland, Tennessee, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Westmoreland, Tennessee, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) 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.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city 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 of the city, 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 chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. (1978 Code, § 13-202)

18-203. Private sewage disposal. (1) Where any residence, office, recreational facility or other establishments used for human occupancy is not

accessible to a public sewer as provided in § 18-202, the owner shall provide a private sewage disposal system.

(2) Where any residence, office, recreational facility, or other establishment used for human occupancy where the building drain is below the elevation to obtain a one percent (1%) grade in the building sewer but is otherwise accessible to a public sewer as provided in § 18-202, the owner shall provide a private sewage pumping station as provided in § 18-204(8).

(3) A private sewage disposal system may not be constructed within the city limits unless and until a certificate is obtained from the mayor 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 sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than seven thousand five hundred (7,500) square feet.

(4) Any private sewage disposal system must be constructed in accordance with the requirements of the State of Tennessee and of the Sumner County Health Department and the City of Westmoreland, Tennessee, and must be inspected and approved by the authorized representative of the county health department and by the mayor.

(5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

(6) When a public sewer becomes available, the building sewer shall be connected to such public sewer within ninety (90) days of date of notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with suitable material. (1978 Code, § 13-203)

18-204. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the mayor.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service; and

(b) For service to establishments producing hazardous wastes.

In either case, the customer or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the mayor. A permit and inspection fee of fifteen dollars (\$15.00) for residential or commercial building sewer permit shall be paid to the city at the time the application is filed. Applicants for industrial building sewer permits shall provide a description of the constituents of the waste and shall, if requested by the city, provide a laboratory analysis of the waste if it is in being or of a similar waste if the applicant has another facility in being with a similar waste.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Connection to public sewers shall be made only by a plumber duly authorized in writing by the mayor's office.

(4) 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.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the mayor to meet all requirements of this chapter.

(6) Building sewers shall be at least four inches (4") in diameter. Larger building sewers shall be used as necessary in order to carry the flow anticipated. Four inch (4") building sewers shall be laid on a grade of at least one percent (1%). Larger building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second. Slope and alignment of all building sewers shall be neat and regular. Pipe materials as specified in § 18-204(7), below, shall be used. Pipe shall conform to the appropriate ASTM specification and shall be laid in conformance with the appropriate AST, specification or with WPCF Manual of Practice No. 9.

(7) Building sewers shall be constructed only of:

- (a) Concrete or clay sewer pipe using rubber compression joints of approved type;
- (b) Cast iron soil pipe with leaded joints;
- (c) Polyvinyl-chloride pipe 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 mayor.

Under no circumstances will cement mortar joints be acceptable. Building sewers shall be a minimum of four inches (4") in diameter. Each connection to the public sewer must be made at a wye or service line stubbed out, or in the absence of any other provision, by means of a saddle of a type approved by the city attached to the sewer. No connection may be made by breaking into an existing sewer and inserting the service line.

(8) The building sewer may be brought into the building below the basement floor when gravity flow from the building to the sanitary sewer at a grade of one percent (1%) or more is possible. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the sewer, adequate precautions, by installation of check valves or other backflow

prevention devices, to protect against flooding shall be provided by the owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(9) No person shall make connection of roof downspouts, exterior foundation drains, areaway 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.

(10) The connection of the building sewer into the public sewer shall conform to the rules and regulations the county may establish and the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the mayor before installation.

(11) The applicant for the building sewer permit shall notify the mayor when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the mayor or his representative.

(12) 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. (1978 Code, § 13-204)

18-205. Use of public sewers. (1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(2) Storm water 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 mayor.

(3) No person shall discharge or cause to be discharged any of the following described waters or waste to the sanitary sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2.0) mg/l as CN in the wastes as discharged to the public sewer;

(c) Any waters or wastes having pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(d) Solid or viscous substances in quantities or of such size capable of causing obstructions to flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged any of the following described waters or wastes to the sanitary sewers except by special written permit, and then only in strict accordance with the terms of the permit. No permit will be issued if it appears likely in the opinion of the mayor that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, violate the National Pollutant Discharge Elimination System Program or the regulations of the State of Tennessee or the Environmental Protection Agency, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the mayor will give consideration of such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit.

(c) Any waters or wastes containing acidic or alkaline solutions, iron pickling wastes, metal plating wastes, or other process wastes, in sufficient quantities as to be detrimental to the biological treatment process whether by increasing the alkalinity, the acidity, the ionic concentration, or the toxicity. Prospective dischargers with wastes which fall into the classifications of this section shall be responsible for proving their compliance.

(d) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established as follows:

Hexavalent Chromium	0.00 mg/l
Trivalent Chromium	0.10 mg/l
Nickle	0.1 mg/l
Cyanide	0.1 mg/l
Zinc	0.1 mg/l
Cadmium	0.1 mg/l
Copper	0.1 mg/l

Limits on the concentrations of other metallic constituents and/or toxic substances which may have a detrimental effect on the sewage treatment works may be established by the mayor and/or the Tennessee Department of Public Health, unless the prospective discharger can prove to the aforementioned parties that such substances are amenable to treatment at the treatment works.

(e) Any waters or wastes exerting an excessive chlorine demand as determined by the mayor.

(f) Any waters or wastes containing phenols or other waste or odor-producing substances, in such concentration exceeding limits which may be established by the mayor as necessary after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the mayor in compliance with applicable state or federal regulations.

(h) Any waters or wastes containing unusual concentrations of inert dissolved or suspended solids.

(i) Any water or waste so discharged as to cause slugs as defined herein.

(j) Any water or waste containing excessive color.

(k) Any water or waste containing or resulting in noxious or malodorous gases which create public nuisances or prevent entry into the sewer for maintenance or repair.

(l) Any garbage that has not been properly shredded. The installation and operation of any garbage equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the mayor.

(5) Special permits may be granted for discharge of wastes as itemized under subsection (4) above, only under the following conditions:

(a) Submission to the mayor and to the Tennessee Department of Public Health an engineering report giving complete details regarding source of waste, maximum and average rate of discharge, strength or concentration of each objectionable item before and after pretreatment, any other pertinent details as appropriate, and complete details describing the pretreatment facilities necessary to render these wastes acceptable for inclusion into the city sewer system.

(b) Submission to the mayor of a written application for a permit to discharge into the city sewage system, said application to include a summary of the proposed wastewater characteristics before and after pretreatment, and complete details describing the pretreatment facilities that the owner will provide prior to connection to the city sewer system. Such pretreatment shall, as a minimum, comply with federal pretreatment requirements.

(c) Special permits may be granted only where, in the opinion of the city and its representatives and consultants, the waste can be assimilated, diluted, mixed or controlled to the extent that its discharge will not result in damage to personnel, structures, treatment processes or receiving stream, and will not result in a public nuisance.

(d) All special permits are subject to cancellation ninety (90) days from date of notification thereof, where the customer fails to live up to the condition of the permit, or where the continued discharge of the waste is determined to be hazardous or detrimental to the public sewer system; or may be immediately cancelled where actual damage to personnel, structures or treatment processes has occurred or is occurring.

(e) All special permits shall designate any special conditions or restrictions concerning the discharge of the water or waste to the public sewers.

(f) Special permits shall be good only for the discharge of waters or wastes as described in the application and the applicant must file a supplemental application whenever the quantity, characteristics or methods of discharge of the waste is to be appreciably altered.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are required for the proper handling of wastes except that such interceptors or traps shall not be required for private living quarters or dwelling units.

All interceptors shall be of type and capacity approved by the city and shall be located so as to be readily accessible for cleaning and inspection. They shall be maintained by the owner, at his expense, in continuous and effective operation at all times.

(7) Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and they shall be in compliance with any and all federal pretreatment standards that may apply.

(8) Where waters or wastes are otherwise suitable for discharge into the sanitary sewers, but are unusually strong in BOD or solids content as compared to normal domestic sewage, they will be accepted in the sewers but will be subject to a surcharge as outlined in § 18-206 to reimburse the city for the additional treatment plant capacity required for the particular waste.

(9) When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the mayor. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. The provision of a control manhole shall be mandatory for wastes receiving pretreatment or otherwise altered or regulated before discharge and for wastes which are unusually strong and thereby subject to a surcharge.

(10) All measurements, tests, and analyses of the characteristics of waters and wastes to which references are made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

(11) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern. The making of such special agreements or arrangements between the city and any industrial concern shall be strictly limited to the capability of the public sewage treatment works to treat such unusual wastes without affecting the operation, maintenance, or effluent quality of the facility and such special agreements or arrangements must be shown by the industry to be the most cost-effective solution to their problem and that such monetary compensation as the county may receive will satisfy the financial demands created in order to treat such wastes from both an operation and maintenance standpoint. Any such special agreement shall be in compliance with applicable federal pretreatment standards, fair user charge and/or industrial cost recovery provisions. (1978 Code, § 13-205)

18-206. Wastes subject to surcharge. (1) Waters or wastes that are otherwise acceptable for discharge to sanitary sewers, but which have a BOD in excess of three hundred (300) parts per million or a suspended solids content in excess of three hundred (300) parts per million or $\text{NH}_3\text{-N}$ content in excess of twenty-one (21) parts per million, will be subject to a surcharge based on the excess strength as compared to normal sanitary sewage, such surcharge being necessary to compensate the city for the extra cost of treating such wastes.

(2) The surcharge on excess BOD, suspended solids and $\text{NH}_3\text{-N}$ shall be as determined by rate ordinance(s) adopted by the City of Westmoreland.

(3) The surcharge(s) shall be based on the analytical results on not less than three (3) twenty-four (24) hour composite samples collected at the control manhole at unannounced, but appropriately equal, intervals during the preceding three (3) months. Samples shall be collected and analyses shall be made by competent operating personnel at the sewage treatment plant or other persons designated by the city in accordance with the latest edition of "Standards Methods for the Examination of Water and Wastewater."

(4) The surcharge(s) provided for herein shall be rendered with and shall be in addition to the normal sewer charge. (1978 Code, § 13-206)

18-207. Protection from damage. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage work. Any person violating this provision shall be subject to immediate arrest under charge of malicious mischief. (1978 Code, § 13-207)

18-208. Powers and authority of inspectors. (1) The mayor and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all industrial and commercial properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The mayor or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1), above, the mayor 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 gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 18-205(9).

(3) The mayor and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1978 Code, § 13-208)

18-209. Violations. (1) Any person found to be violating any provision of this chapter except § 18-207 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined under the general penalty clause for this code.

(3) Any person violating any of the provisions of this chapter will become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation. (1978 Code, § 13-209)

CHAPTER 3

SEWAGE AND HUMAN EXCRETA DISPOSAL¹

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. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. Discharge into watercourses restricted.
- 18-312. Pollution of ground water prohibited.
- 18-313. Enforcement of chapter.
- 18-314. Carnivals, circuses, etc.
- 18-315. 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 feet (200') of any boundary of said property measured along the shortest available right-of-way;

(2) "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 seven hundred fifty (750) gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Environment and Conservation as provided for in its 1967 bulletin entitled "Recommended Guide for Location, Design, and Construction of Septic Tanks and Disposal Fields." A minimum liquid depth of four feet (4') should be provided with a minimum depth of air space above the liquid of one foot (1'). 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 feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it may

¹Municipal code reference

Plumbing code: title 12, chapter 2.

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;

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

(4) "Human excreta." The bowel and kidney discharges of human beings;

(5) "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;

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

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

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1978 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. (1978 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. (1978 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. (1978 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. (1978 Code, § 8-305)

18-306. Use of pit privy or other method of disposal. Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1978 Code, § 8-306)

18-307. Approval and permit required for septic tanks, privies, etc. Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1978 Code, § 8-307)

18-308. Owner to provide disposal facilities. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-302, or the agent of the owner to provide such facilities. (1978 Code, § 8-308)

18-309. Occupant to maintain disposal facilities. It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1978 Code, § 8-309)

18-310. Only specified methods of disposal to be used. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1978 Code, § 8-310)

18-311. Discharge into watercourses restricted. No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1978 Code, § 8-311)

18-312. Pollution of ground water prohibited. No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, 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. (1978 Code, § 8-312)

18-313. Enforcement of chapter. It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within forty-five (45) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace. Failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1978 Code, § 8-313)

18-314. Carnivals, circuses, etc. Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of forty-five (45) days provided for in the preceding section. (1978 Code, § 8-314)

18-315. Violations. Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1978 Code, § 8-315)

CHAPTER 4

CROSS CONNECTIONS, AUXILIARY INPUTS, ETC.¹

SECTION

- 18-401. Definitions.
- 18-402. Regulated.
- 18-403. Statement required.
- 18-404. Violations.

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

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

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

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

(4) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which normally contains sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(5) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(6) "Public water supply." The waterworks system furnishing water to the City of Westmoreland for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation. (1978 Code, § 8-401)

18-402. Regulated. It shall be unlawful for any person to cause a cross connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of

¹Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the water works of the City of Westmoreland. (1978 Code, § 8-402)

18-403. Statement required. Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent of the water works a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises until the construction and operation of same have received the approval of the Tennessee Department of Public Health, and the operation and maintenance of same have been placed under the direct supervision of the superintendent of the water works. (1978 Code, § 8-403)

18-404. Violations. Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with such provisions. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time to be allowed shall be designated by the superintendent of the water works. In addition to, or in lieu of any fines and penalties that may be judicially assessed for violations of this chapter, the superintendent of the water works shall discontinue the public water supply service at any premises upon which there is found to be a cross connection, auxiliary intake, bypass, or interconnection, and service shall not be restored until such cross connection, auxiliary intake, bypass, or interconnection has been discontinued. (1978 Code, § 8-404)

CHAPTER 5

USER CHARGE SYSTEM

SECTION

18-501. Definitions.

18-502. User charge rate.

18-503. Excessive strength surcharge rate.

18-504. Special provisions.

18-501. Definitions. Unless the context specifically indicated otherwise, the meaning of terms used in this chapter shall be as follows:

(1) "Connection fee" shall mean a fee to be paid by the user at the time the user connects or "ties-on" to the sewage collection system.

(2) "Fair user charge" shall mean a system of charging each user of the Westmoreland sewage works an equal amount depending upon the number of one thousand (1,000) gallons of water purchased each month by the user regardless of water usage by the user.

(3) "Non-metered user" shall mean any user, domestic, commercial or industrial who discharges waste to the sewage system but whose water supply is not metered by the City of Westmoreland.

(4) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm-waters as may be present.

(5) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposal of sewage.

(6) "User" shall mean any individual, firm, company, association, society, corporation, or group.

(7) "Water" shall mean the city's treated water supply or any other metered supply which a person uses and for which a person pays the City of Westmoreland for the consumption thereof. (Ord. #127, Dec. 1978)

18-502. User charge rate. (1) All users of the Westmoreland sewage works shall pay for the use of the sewage works at a uniform rate per each one thousand (1,000) gallons of water purchased by the user from the city. The same rate shall apply regardless of the amount of water a user consumes each month and regardless of how the user chooses to use the water consumed. The rate will include a charge for payment of the bonded indebtedness of the sewage works and for the proportionate share of the operations and maintenance cost including replacement.

(2) The fair user charge rate shall be determined as necessary to pay for itself and shall be based upon the anticipated revenue required to meet the financial obligations of the sewage works.

(3) The monthly charge for sewer use as determined by application of the fair user charge shall be included on the user's monthly water bill and identified as a sewer charge. At least once each year a statement shall be included on or with the monthly water bill indicating what portion of the sewer charge is allocated for debt service and what portion is allocated for O&M.

The fair user charge rate for the initial full year of operation of the sewer system shall be as follows:

- (a) Billing fee--all customers. \$1.00
- (b) Sewer use charge--per 1,000 gallons
water used (minimum chargeable--
1,500 gallons). \$3.00

The sewer bill for an average user (4,000 gallons/month)
Then will be:
\$1.00 + 4 x \$3.00 = \$13.00

Based on an anticipated first year O&M cost of approximately forty-two thousand dollars (\$42,000.00) and bond retirement cost of approximately fifty thousand dollars (\$50,000.00) the percentage cost breakdown for the sewer charge is forty-six percent (46%) for O&M and fifty four percent (54%) for debt service. (Ord. #127, Dec. 1978)

18-503. Excessive strength surcharge rate. (1) Any user of the sewage works whose sewage discharge strength exceeds the allowable limits as delineated in the City of Westmoreland's Sewer Use Ordinance (Ord. #125) for BOD, suspended solids, NH₃-N, or other constituent for which a surcharge may be imposed, shall pay an amount over and above the fair user charge rate for water consumption. The surcharge will be the user's proportionate share of the O&M costs for handling its periodic volume of wastewater which exceeds the strength of BOD₅, suspended solids, NH₃-N, and/or other elements in "normal wastewater" as defined in the sewer use ordinance. The amount of the surcharge will be determined by the following formula:

$$C_s = (B_c \cdot B + S_c \cdot S + N_c \cdot N + P_C \cdot P) \underline{V_u}$$

- Where:
- C_s = Surcharge for wastewaters exceeding the strength of "normal wastewater" expressed in dollars per billing period.
 - B_c = O&M cost for treatment of a unit of BOD expressed in dollars per mg/l per 1,000 gallons.
 - B = Concentration of BOD from a user above the base level of 300 mg/l expressed in mg/l.

Sc = O&M cost for treatment of a unit of suspended solids expressed in dollars mg/l per 1,000 gallons.

S = Concentration of suspended solids from a user above the base level of 300 mg/l, expressed in mg per liter.

NC = O&M cost for treatment of a unit of NH₃-N expressed in dollars per pound.

N = Concentration of NH₃-N from a user above the base level of 21 mg/l expressed in mg per liter.

PC = O&M cost for treatment of a unit of any pollutant which the publicly owned treatment works is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per mg/l per 1,000 gallons.

P = Concentration of any pollutant from a user above a base level. Base levels for pollutants subject to surcharges will be established by the council.

Vu = Volume contribution of user per billing period in the thousands of gallons.

Based on an estimated O&M cost of forty-two thousand dollars (\$42,000.00) and for the first year, the following factors will be utilized in the excessive strength surcharge formula:

Bc = \$0.00115 per mg/l per 1,000 gallons

Sc = \$0.00153 per mg/l per 1,000 gallons

Nc = \$0.01366 per mg/l per 1,000 gallons

The values of parameters used to determine user charges may vary from time to time. Therefore, the Council of Westmoreland is authorized to modify any parameter or values shall be undertaken whenever necessary, but in no case less frequently than annually.

(2) The excessive strength surcharge rates shall be determined prior to the beginning of each fiscal year and shall be based upon those operating expenses of the sewage works which are applicable to the removal of BOD, suspended solids NH₃-N, or other constituents from the sewage. (Ord. #127, Dec. 1978)

18-504. Special provisions. (1) (a) Connection fee. As provided by the City of Westmoreland's "Ordinance Regulating the Use of Stationary

Sewers," Ord. #125, a connection fee shall be levied on all users connecting onto the sanitary sewer system.

(b) Exemptions. Those users who connect onto the new sewer system within ninety (90) days of notification by the city that public sewers are available will not be liable for the connection fee. If requested in writing, an extension for connection onto the system may be granted without imposition of the connection fee, however, the fair user charge based on water use will go into effect at the end of the ninety (90) days notice.

(c) For users who fail to tie-on within the time allotted in subsection (b) or for subsequent new connections, a connection fee to defray the cost to the City of Westmoreland of providing a holding tank, and vacuum valve and valve pit installation will be levied. This connection fee will be subject to review and adjustment annually. The connection fee for the first year will be based on actual installation cost of the various components as reflected in the construction cost unit price breakdown being paid by the city for construction of the new system.

The construction costs are:

(i)	Valve pit installation	With 30 Gal Holding Tank	With 60 Gal Holding Tank
		\$ 765.00	\$1,075.00
(ii)	Vacuum valve	<u>\$ 525.00</u>	<u>\$ 525.00</u>
	Total cost per installation	\$1,280.00	\$1,600.00

Throughout the sewer system the average connections per vacuum valve for domestic users (thirty (30) gallon holding tank) are approximately:

$$\frac{605 \text{ Customers}}{449 \text{ Valves}} = 1.35 \text{ Customers/valve}$$

The first year's connection fee for domestic users will therefore be:

$$\frac{\$1,280 \text{ per installation}}{1.35 \text{ customers per valve}} = \$950.00$$

A large institutional, commercial, or industrial customer requiring installation of an individual valve and valve pit with a sixty (60) gallon holding tank will be charged the full amount of the construction cost or one thousand six hundred dollars (\$1,600.00).

(2) Non-metered domestic user. Users who have a private water system (i.e. well) or whose water supply for any reason is not metered, may discharge into the City of Westmoreland's Sewer System.

Connection to the sewer system will be governed by the provisions of subsection (1) of this section.

Monthly use charges shall be initially determined by the council and their representative and adjusted annually as required. In order to calculate the first years monthly charge for non-metered domestic users, the following formula may be used to calculate the probable water usage upon which to base the charges.

$$Q = Q_{\min} \times N/N_{\min} \times (B_1 + B_2 + B_3 + B_4)$$

Where:

Q =	Estimated flow for non metered user
Q min =	Minimum flow for billing = 1,500 gal/month
N =	Number of people in non-metered user's household
N min =	Number of people in minimum use household = 2
B ₁ =	Constant for first bathroom (toilet) = 1.0
B ₂ =	Constant for second bathroom = 0.35
B ₃ =	Constant for third bathroom = 0.15
B ₄ =	Constant for each additional bathroom = 0.1

For a user having a household of four (4) persons and two (2) baths:

$$Q = 1,500 \text{ gallons/month} \times 4/2 \times 11 + 0.351 = 4,500 \text{ gal/month}$$

Following the first year's operation the non-metered domestic user may request that his monthly charge be adjusted or the city may elect to adjust the charges without receiving a request.

The same formula may be used to adjust the rate if any of the input factors have changed.

The City of Westmoreland may also calculate the rate by averaging the previous year's bill of at least five (5) metered customers having the same or similar household make-up and number of bathrooms.

(3) Non-metered commercial, industrial or institutional user. For users in this category, the charges and fees may be based upon an estimate of the volume to be discharged, prepared by the council or their representative. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinations of water use, including temporary metering, necessary to estimate the wastewater volume discharged. (Ord. #127, Dec. 1978)