

TITLE 18

WATER AND SEWERS¹

CHAPTER

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2. WASTEWATER REGULATIONS.
3. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

CHAPTER 1

WATER AND SEWERS

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¹Municipal code references
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18-101. Town council to perform duties of water commission. As authorized in Tennessee Code Annotated, § 7-35-406, the town council shall perform the duties of the water commission. (1989 Code, § 13-101)

18-102. Town council to adopt rules and regulations. The town council shall adopt rules and regulations to carry out the provisions of this chapter. (1989 Code, § 13-102)

18-103. Power of the town council over construction, maintenance, etc., of the water system. The town council shall have the general, complete, and exclusive control over the laying out, construction, reconstruction, and maintenance of all water and sewer lines owned by the town and used or to be used in connection with its water and sewer system. The town council shall hire all necessary employees to maintain and service said water and sewer system and fix the wages and salaries to be paid such employees, the same to be in keeping with the usual wages and salaries for similar services rendered in said town and in other towns of similar size in the State of Tennessee.

The town council shall let contracts for the construction and reconstruction of water and sewer lines, and the purchase of other equipment necessary in the operation of said water and sewer system, if a majority of said town council deems the same advisable and advantageous, but such contracts will only be let upon a competitive basis and after giving at least ten (10) days' written notice in a newspaper of general circulation in Roane County, Tennessee, calling for sealed bids therefor, to be opened at fixed date and place at a meeting of said town council, in the presence of a majority of said council; and the same shall be awarded to the lowest and best bidder, if satisfactory; but if unsatisfactory, they may reject any or all bids and thereupon new bids may be called for and received, opened, and awarded in the manner herein provided. This will be the procedure for accepting bids for water and sewer line extension. Small jobs under \$5,000 may be negotiated by the water department director with approval by town council. All water line and sewer line extension plans will be developed by a licensed engineer. (1989 Code, § 13-103)

18-104. Annual audit. The town council shall have made an audit of the books and accounts and reports of the water and sewer department at the end of each year along with the audit of other town funds. The expense of said audit shall be paid out of the revenues derived from the water and sewer system. (1989 Code, § 13-104)

18-105. Application and scope of chapter. The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the town and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1989 Code, § 13-105)

18-106. Definitions. (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the town under either an express or implied contract.

(2) "Household" means any person or persons living together in a dwelling.

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

(4) "Discount date" shall mean the 16th day of the month. The discount date will always be on the 16th day of the month. The discount date is the last date upon which water and/or sewer bills can be paid at net rates.

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

(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. (1989 Code, § 13-106)

18-107. 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 town 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 connection fee, shall not obligate the town to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter, and general practice, the liability of the town to the applicant shall be limited to the return of any connection fee made by such applicant. (1989 Code, § 13-107)

18-108. 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. (1989 Code, § 13-108)

18-109. Connection charges. Water and/or sewer service lines will be laid by the town from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the town.

Before a new service line will be laid by the town, the applicant shall pay a connection fee for the installation in an amount to be set by the town council by appropriate ordinances or resolution.

This fee shall be used to pay the cost of laying such new service line and appurtenant equipment. If such cost exceeds the amount of the fee, the applicant shall pay to the town the amount of such excess cost when billed therefor.

When a service line is completed, the town shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the town. The remaining portion of the service line beyond the meter box (or

property line, in the case of sewers) shall belong to and be the responsibility of the customer. (1989 Code, § 13-109)

18-110. Service outside corporate limits. Water service may be made available to properties outside the corporate limits under such terms and conditions as the town council may prescribe. (1989 Code, § 13-110)

18-111. Main extensions. For water main extensions cement-lined cast iron pipe, ductal iron PVC, and cement asbestos, class 150 American Water Works Association Standard (or other construction approved by the town council) not less than six (6) 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 1,000 feet from the most distant part of any dwelling structure and no farther than 600 feet 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 town council) 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 town council shall be used. Sewer main extension will be no less than 8" vitrified clay, PVC, ductal iron, or cast iron. All water meters and sewer laterals will be installed by town forces except for new contractual construction.

Where the main cannot be extended, a line less than 6" may be used provided the line is not less than 2".

Fire hydrants shall be spaced in accordance with requirements of the Department of Commerce Insurance and fire marshal.

Upon completion of such extensions and their acceptance by the town, such water and/or sewer mains shall become the property of the town. The persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the town's title to such mains. In consideration of such mains being transferred to it, the town 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. Any water or sewer main extension developed on the town right-of-way will be a part of the town system. Private lines may not be constructed on town right-of-way. The town council will accept water and sewer main extensions as part of the town system on the written recommendation of the engineer. The engineer will provide the town with a one year bond for the full amount of the project. (1989 Code, § 13-111)

18-112. Water and sewer main extension variances. Whenever the town council is of the opinion that it is to the best interest of the town 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 town 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 town to make such extensions or to furnish service to any person or persons. The town council of the Town of Oliver Springs shall

have the power to hear appeals asking for variances from this chapter. The town council shall grant variances from the terms of these provisions, but shall grant variances only when the change shall not violate the spirit of this chapter and shall only allow a fractional change from it. Those found in violation of this chapter will be dealt with using normal legal procedures. Only in cases where the property involved is below the level of the sewer main will a variance to the requirement that a person must connect to the sanitary sewer be considered. Variances shall be in writing. Appeals will be heard at regular council meetings. No variance can be given on violations of state statutes. Variances can be given from the terms of this chapter by reason of exceptional conditions related to the fall of the land or to obstacles making sewer connection unreasonable. (1989 Code, § 13-112)

18-113. Meters. Before a meter is installed by the town, the applicant shall pay an installation fee to the town council. All meters shall be installed, tested, repaired, and removed only by the town.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the town. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1989 Code, § 13-113)

18-114. Meter tests. The town will, at its own expense, make routine tests of meters when it considers such tests desirable.

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

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

The town will also make tests or inspections of its meters at the request of the customer. However, if a test required 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"	\$12.00
1-1/2", 2"	15.00
3"	18.00
4"	22.00
6" and over	30.00

If such test shows a meter not to be accurate within such limits, the cost of such meter test shall be borne by the town. (1989 Code, § 13-114)

18-115. 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 town.

Where the town allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. 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 town's applicable water schedule, including the provisions as to minimum bills. 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. (1989 Code, § 13-116)

18-116. Billing. Bills for residential water and sewer service will be rendered monthly at the option of the town.

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 16th day of the month 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.

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 town if the envelope is dated stamped on or before the final date for payment of the net amount.

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 will be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date which is always the 16th day of the month. The town shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the town reserves the right to render an estimated bill based on the best information available. (1989 Code, § 13-117)

18-117. Discontinuance or refusal of service. The town shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

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

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

Discontinuance of service by the town for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

No service shall be discontinued unless the customer is given reasonable notice in advance of such impending action and the reason therefor. The customer shall also be notified of his right to a hearing prior to such disconnection if he disputes the reason therefor and requests such hearing by the date specified in the notice. When a hearing is requested, the customer shall have the right to have a representative at such hearing and shall be entitled to testify and to present witnesses on his behalf. Also, when such hearing has been requested, the customer's service shall not be terminated until a final decision is reached by the hearing committee and the customer is notified of that decision. (1989 Code, § 13-118)

18-118. Re-connection charge. Whenever service has been discontinued as provided for above, and reconnection is requested within thirty (30) days, a re-connection charge to be set by the town council from time to time by appropriate ordinance or resolution shall be collected by the town before service is restored. If reconnection is requested after thirty (30) days, a new meter installation charge will be required in accordance with § 18-107. (1989 Code, § 13-119)

18-119. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

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

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the town shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the town should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the town to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1989 Code, § 13-120)

18-120. Access to customers' premises. The town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1989 Code, § 13-121)

18-121. Inspections. The town shall not be obligated to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The town reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the town liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made. (1989 Code, § 13-122)

18-122. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished the town shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1989 Code, § 13-123)

18-123. Customer's responsibility for violations. Where the town furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. The customer is responsible for the safe maintenance of his own system on his side of the meter. (1989 Code, § 13-124)

18-124. Supply and resale of water. All water shall be supplied within the town exclusively by the town and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the town. (1989 Code, § 13-125)

18-125. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the town's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the town. (1989 Code, § 13-126)

18-126. 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 town.

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

When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the town a written notice of such occurrence. (1989 Code, § 13-127)

18-127. Damages to property due to water pressure. The town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the town's water mains. (1989 Code, § 13-128)

18-128. Liability for cutoff failures. The town's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

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

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

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

Except to the extent stated above, the town shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the town's cutoff. Also, the customer (and not the town) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1989 Code, § 13-129)

18-129. Restricted use of water. In times of emergencies or in times of water shortage, the town reserves the right to restrict the purpose for which water may be used by customers and the amount of water which customers may use. (1989 Code, § 13-130)

18-130. Interruption of service. The town will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1989 Code, § 13-131)

18-131. Schedule of rates. All water and sewer service shall be furnished under such rate schedules as the town council may from time to time adopt by appropriate ordinance or resolution.¹

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

Adjustments to water and/or sewer rates due to known or suspected leaks is prohibited. (1989 Code, § 13-115)

18-132. Responsible owner. The town will require the owner, tenant, or occupant of each lot or parcel of land within the municipality which abuts upon a street or other public way containing a sanitary sewer, the elevation of which will permit a connection with such sanitary sewer, and upon which lot or parcel a building is situated for residential, commercial, or industrial use, to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste, or other polluting matter. (1989 Code, § 13-132)

18-133. Sewer health hazard. Any broken sewer line or defunct septic tank or field line which is discharging sewage upon the ground is considered a health hazard and must be corrected within ten days after notice to do so by the owner of the property. Such repairs must be approved by the health and building inspector, and a permit must be issued by the health inspector for the continued use of the sanitary sewer, septic tank, or field line. (1989 Code, § 13-133)

18-134. Sewer on private property. A utility line extended by a private owner is extended and connected at his own expense and the maintenance of such line is the responsibility of said owner except for trunk lines. All such sewer extensions will be constructed in accordance with town ordinances and will be inspected by the building inspector for a fee set by the town council. The owner will dedicate to the town a ten foot easement on either side of the sewer. Sewer trunk lines will be a 8" line. All laterals will be 6" with connection to residential and small businesses to be not less than 4". Sewer lines will be schedule 40 plastic tile or heavier. Schedule 40 is required for 4", 6", and 8" pipe. The sewer line must have 1/4" drop per foot for 4" lines and less for 6" and 8" lines and must have one cleanout per 75 feet. (1989 Code, § 13-134)

18-135. Sewer policies. The town will require the owner, tenant, or occupant of each lot or parcel of land within the town which abuts upon a street or other public way containing a sanitary sewer, the elevation of which will permit a connection with such sanitary sewer, and upon which lot or parcel a building is situated for residential, commercial, or industrial use, to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste, or other polluting matter. (1989 Code, § 13-135)

18-136. Use of saddle. All connections, except main extensions, shall be made by the use of a saddle. These taps must be made with a tapping machine and with appropriate adapters. A substantial amount of concrete shall be placed around the saddle to insure a water-tight connection. The riser or connecting pipes shall be supported by whatever means necessary to a point where the first full length of horizontally laid pipe is placed on an undisturbed bedding. All connections shall be made with approved adapters and/or special fittings. (1989 Code, § 13-136)

18-137. Swimming pool regulations. There will be no sewer adjustments made for filling of private citizen's swimming pool, except in case of where an accident causes damage to the pool. This will be determined on a case by case by the water board. (Ord. #93-15-07, July 1993)

18-138. Leak adjustment policy. Whenever the meter readers detect a meter that has an unusual high reading he/she will immediately notify the customer either in person, or by leaving a printed notice on the door knob informing them of a possible leak.

(1) When the Oliver Springs Water Department receives a complaint of excessive billing, the office manager will first determine if the meter was misread.

(2) If the meter was misread, the office manager may give credit based on a average daily use since the previous months bill.

(3) If the office manager finds the reading is incorrect, but the meter is faulty, he/she will give a credit based on the last six months average.

(4) Customers that are connected to the sewer system will have their water and sewer bill adjusted to the six months average, and all usages over the average will be billed at \$1.45 per 1,000 gallons of water.

(5) If the office manger finds the excessive billing is due to the customers plumbing, he/she will make a report to the town administrator which may make adjustments under the following conditions:

(a) An excessive bill must be at least twice the last six months average.

(b) An excessive bill may be adjusted only once in any twelve month period, except with water board approval.

(c) After the complaint is received, the office manager will have the meter inspected to see that the leak has been permanently repaired, and a letter be prepared by the customer stating the repair.

(d) The adjustment shall be an average of the last six months in which no leak was recorded, and all usage over the average will be billed at a rate of \$1.45 per 1,000 gallons of water.

(e) The customer will not pay a late charge if the adjustment procedure delays payment past the penalty date. (Ord. #93-15-07, July 1993)