

TITLE 13

UTILITIES AND SERVICES¹

CHAPTER

1. WATER AND SEWERS.
2. SUPPLEMENTARY SEWER REGULATIONS.

CHAPTER 1

WATER AND SEWERS²

SECTION

- 13-101. Water and sewer rates.
- 13-102. Water deposits and service charges.
- 13-103. Sewer tap fees; responsibility for sewer service charges.
- 13-104. Unauthorized water taps, etc.

13-101. Water and sewer rates. (1) The minimum rate for water service for the first 2,500 gallons of water and under shall be \$3.00 and the minimum rate for sewer service for the first 2,500 gallons of water and under shall be \$1.00.

(2) The rate for water service over 2,500 gallons shall be 65 cents for each 1,000 gallons thereafter and the rate of sewer service over 2,500 gallons of water shall be 35 cents for each 1,000 gallons thereafter.

(3) Each family unit whether in a trailer or apartment or house shall pay a minimum water and sewer bill and in the event that the water bill shall exceed 2,500 gallons they shall pay in accordance with the water used and in accordance with this section.

(4) Commercial establishments located in the city shall pay a minimum bill even though the establishment may not be open and doing

¹Electric service for the city is provided by the Nashville Electric Service. Gas service is provided by the Nashville Gas Company. See title 4 in this code for the building and utility codes.

²Water and sewer service for the city is provided under the supervision of a board of waterworks and sewerage commissioners appointed under the provision of title 7, chapter 35, part 4, Tennessee Code Annotated.

See also titles 4 and 8 and chapter 2 in this title for other provisions related to water and/or sewers.

business. This water bill shall be paid by the owner or the lessee as the case may be. All over 2,500 gallons shall be billed at the regular rate. (Ord. 75, as amended)

13-102. Water deposits and service charges. (1) Pursuant to the terms and conditions of Tennessee Code Annotated § 6-19-101 (11), there shall be assessed against each and every new water customer within the city, a mandatory fifteen dollar (\$15.00) deposit for water service, which deposit shall be made with the city manager before the initiation of water service to the customer.

(2) Said deposit shall be held by the city manager for a period of not less than twelve (12) months, after which time the customer may apply for a full refund of said deposit. The city manager shall return said deposit to the customer, if the customer's payment record indicates that all payments for the preceding twelve (12) months have been made on or before the stated "due date." In no event shall a customer be entitled to a refund of his water deposit, prior to twelve (12) consecutive months of timely payments. However, those residents who shall move from Lakewood or shall otherwise terminate water service shall be entitled to an immediate refund of their water deposit, as long as said resident's water account is current.

(3) The city shall pay all water deposits into an interest bearing account, and shall pay said interest to the customer upon refund of his deposit. Interest to be paid under this section shall begin to accrue on January 1, 1981, and shall be paid on all deposits made from and after that time.

(4) In addition to the deposit set forth above, each new water customer shall pay a mandatory ten dollar (\$10.00) non-refundable service charge to defray the reasonable and necessary expense of cutting on and cutting off the water service, said service as is provided by the city.

(5) Any violation of this section, including any attempt by any person to receive water service without complying with the terms hereof, shall be considered a violation of this section punishable by a fine under the general penalty clause for this municipal code. (Ord. 85, as amended by ord. 89)

13-103. Sewer tap fees; responsibility for sewer service charges. (1) There is assessed against the owner(s) of real property in the City of Lakewood, Tennessee, a sewer tap fee for the privilege of making new connection(s) to the sanitary sewer system owned and operated by the city.

(2) Said sewer tap fee(s) shall be a one-time assessment, and is separate from, and in addition to, the monthly service fee charged with water billings.

(3) The tap fee charged shall be based upon the type and number of dwelling(s) to be serviced, and upon the size of the connecting line, as follows:

(a) All four inch (4") connections shall be charged at the rate of \$1,000 each. A single four inch (4") connection shall serve a maximum of one (1) single family dwelling on one lot.

(b) All six inch (6") connections shall be charged at the rate of \$2,000 each. A single six inch (6") connection shall serve a maximum of two single family dwellings on the same lot, or one (1) duplex, or a multi-family dwelling containing not more than three (3) units, all on the same lot.

(c) All connections larger than six inches (6") shall be charged at the rate of \$5,000 each.

(d) Any commercial connections which do not fall within the guidelines of this section as to type of structure, shall be assessed according to the schedule set forth above, with the minimum or maximum line size to be determined by standard engineering practices.

(4) Owner(s) of real property affected by this section shall become liable for the city's monthly sewer service charge, as same is changed from time to time by resolution, as soon as sewer service is available to such property, whether or not the owner avails himself of its use. In the event an owner does not pay the city for said tap within sixty (60) days of its availability to the property, the rates shown in paragraph (3) herein shall double in amount. For the purposes of this section, availability shall mean when the city provides a trunk sewer line on or immediately adjacent to the owner's property, and the 60 day payment period before increase in tap fee shall begin upon the city's giving written notice to the owner of sewer availability.

(5) Owner shall be solely responsible for the expense and liability of running connecting line(s) to said sewer trunk line, but the city shall reserve the right to supervise and direct the actual connection to the city's lines.

(6) For the purposes of this section alone, the following definitions shall apply

(a) Single family dwelling - A single family dwelling is each separate house structure or mobile home designed to maintain one (1) family unit.

(b) Duplex - A duplex is a structure which contains two units under one common roof, each of which units is capable of and designed to maintain a family unit.

(c) Multi-family dwelling - A multi-family dwelling is a structure which is in the nature of an apartment building, and contains more than two (2) separate family units under a common roof, each of which is capable of and designed to maintain a family unit.

(7) The terms and conditions contained in this section shall also apply to any property owner who shall improve, alter, amend, or otherwise change the character of the structure(s) on the owner's property so as to bring said property within a larger service category than the existing tap on said property. In this

event the owner shall be required to pay to the city an amount equal to the difference between the tap fee for his existing class of property use, and the fee for such class of use resulting from said change(s). (Ord. 43, art. II, and ord. 92)

13-104. Unauthorized water taps, etc. (1) It shall be unlawful where the water has been turned off by the board of waterworks and sewerage commissioners for non-payment of a bill, if upon proper investigation, the water shall have been found to have been turned on without the consent of the said board. This shall be deemed prima facie evidence that the occupant of the premises served is guilty of turning on the water.

(2) It shall be unlawful for any person, except an authorized employee or agent of the waterworks department, to tap, open, remove or in any way disturb or injure any of the water pipes, mains, meter cocks, fire plugs, or water connections, whether private or public, or waterworks department property, or to take therefrom or waste the water thereof, or to knowingly permit any such unlawful tapping or connection to be made on his premises or on any premises in his control, or to use water from such an unauthorized connection, or in any way to prevent free access to fire plugs, especially the apparatus of the fire department, or stop cocks, or to deface or injure in any manner any of the houses, walls, machinery, or fixtures connected with or appertaining to the waterworks system, or to throw or deposit any sticks, mud, rubbish or other matter in the reservoirs, basins, or any storage tanks connected to the waterworks system. (ord. 26)

CHAPTER 2

SUPPLEMENTARY SEWER REGULATIONS¹

SECTION

- 13-201. Definitions.
- 13-202. Use of public sewers required.
- 13-203. (Reserved for future use.)
- 13-204. Building sewers and connections.
- 13-205. Use of the public sewers.
- 13-206. Protection from damage.
- 13-207. Powers and authority of inspectors.
- 13-208. Violations.

13-201. Definitions. Unless the context specifically indicates otherwise, the meaning of 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 20° C. expressed in milligrams per liter.

(2) "Building drain" shall mean that part of the lowest horizontal piping of a drainage 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 (5) feet (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) "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(5) "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.

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

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

¹See title 8, chapter 3, for additional regulations relating to sewers.

See title 4 for plumbing regulations.

See chapter 1 in this title for the basic water and sewer regulations.

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

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

(10) "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 (1.27 centimeters) in any dimension.

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

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

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

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

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

(16) "Sewer" shall mean a pipe or conduit for carrying sewage.

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

(18) "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.

(19) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Superintendent" shall mean the city manager or superintendent of sewage works and/or of water pollution control of the city, or his authorized deputy, agent, or representative.

(21) "Suspended solids" shall mean solids that are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently. (ord. 43, art. I)

13-202. 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, or in any area under its jurisdiction, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city, or in any area under its jurisdiction, 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 except temporary construction facilities, and where houses are too low for gravity flow. Pumping to existing sewers is encouraged. (Ord. 43, art. II)

13-203. (Reserved for future use.)

13-204. 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 appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner 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 superintendent.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building except that 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 superintendent, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. 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.

(8) No person shall make connection of roof down-spouts, 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.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. 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 superintendent before installation.

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

(11) All excavations for building sewer installations 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. (Ord. 43, art. III)

13-205. Use of the public sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Tennessee Stream Pollution Control Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Tennessee Stream Pollution Control Board, to a storm sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public 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,

to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having a pH lower than 5.5, 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 obstruction to the 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 and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to 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)° F (65°C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)° F (0 and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder 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 superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, cyanide, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent and/or the Division

of Sanitary Engineering, Tennessee Department of Public Health, for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the superintendent 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 superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD (above 300 mg/1), chemical oxygen demand, or chlorine requirement in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Waters or wastes containing suspended solids in excess of 300 mg/1.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this section, and which in the judgment of the superintendent and/or the Division of Sanitary Engineering, Tennessee Department of Public Health, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and the Tennessee Department of Public Health and subject to the requirements of all applicable codes, ordinances, and laws.

(6) Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be so located as to be readily and easily accessible for cleaning and inspection.

(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.

(8) When required by the superintendent, 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 accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. 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.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is 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 constituent upon the sewage works and to determine the existence of hazards to 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 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

(10) 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. (Ord. 43, art. V)

13-206. Protection from damage. No unauthorized 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 works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 43, art. VI)

13-207. Powers and authority of inspectors. (1) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent 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) of this section, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 13-205, subsection (8).

(3) The superintendent 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 purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entries 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. (Ord. 43, art. VII)

13-208. Violations. (1) Any person found to be violating any provision of this chapter except section 13-206 shall be served by the city with written notice stating the nature of the violation and providing a reason-able 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 municipal code of ordinances.

(3) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Ord. 43, art. VIII, modified)