

ORDINANCE 2018-26

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 18 – WATER AND SEWERS OF THE FRANKLIN MUNICIPAL CODE FOR PROVIDING SIMPLIFIED WATER AND SANITARY SEWER IMPACT FEES STRUCTURE AND OTHER GENERAL HOUSEKEEPING AND FOR MODIFYING APPENDIX A, COMPREHENSIVE FEES AND PENALTIES IN SUPPORT OF THE MODIFICATIONS TO TITLE 18"

WHEREAS, for promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee, the Board of Mayor and Aldermen is authorized to prescribe regulations and standards that encourage and advance the quality of life within the City; and

WHEREAS, in its legislative judgment, the Board of Mayor and Aldermen has found that ordinances and policies that regulate land use, guide the maintenance of the City's infrastructure, and delivery of essential services must be dynamic and modified from time to time to reflect changes in best practices, model codes, land and labor costs, and safety standards necessary to preserve and promote the private and public interest; and

WHEREAS, the Franklin Board of Mayor and Aldermen have, on behalf of the citizens of Franklin, invested in public water and sanitary sewer systems; and

WHEREAS, the City of Franklin is endeavoring to equitably charge for services provided by the Water Management Department to provide for ongoing repair, replacement and capacity improvements; and

WHEREAS, the City of Franklin desires to charge fees for such funding to aptly respond to ongoing and shifting capital investment needs.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that Title 18, Chapters 1 and 2, and Appendix A, Comprehensive Fees and Penalties, Chapter 18, of the Franklin Municipal Code, is hereby amended by deleting the existing sections in their entirety and replacing as follows:

CHAPTER 1. - WATER

Sec. 18-101. - Application and scope.

These rules and regulations are a part of all contracts for receiving water service from the City and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

Sec. 18-102. - Definitions.

- (1) *Customer* means any person, firm, or corporation who receives water service from the City under either an express or implied contract.
- (2) *Household* means any one or more persons living together as a family group.
- (3) *Service Line* shall consist of the pipe line extending from any water main of the City to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the City's water main to and including the meter and meter box.
- (4) *Due Date* shall mean the date ten days after the date of a bill, except when some other date is provided by contract. The due date is the last date upon which water 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) *Impact Fee* refers to a fee to be paid by any entity making a connection to the public water system of the City of Franklin, which fee is made for the purpose of enabling the City of Franklin to repair and replace its facilities as necessary or to provide for additions, replacements, Improvements and expansions to the Franklin Water System, such Improvements being required periodically because of growth. The Impact Fee is a summation of the previous system development and access fees, as authorized by Private Act Chapter No. 117.
- (7) *Installation Fee* refers to a fee to be paid the City of Franklin for reimbursing the City its expenses, including labor, equipment and materials, for installing a service line from the water main to the property line of a potential Customer, including the meter, meter box, and any related apparatus or equipment.
- (8) *Director* refers to the Director of the City of Franklin Water Management Department or authorized agent or representative.
- (9) *Department* refers to the City of Franklin Water Management Department.

Sec. 18-103. - Obtaining service.

Any Customer or potential Customer desiring original service or additional service shall complete a Customer application and agreement form. A minimum of 24 business hours' notice is required prior to obtaining service. Applications must be approved before any service orders will be issued and work performed.

Additionally, a service fee as specified in Appendix A, Comprehensive Fees and Penalties, is required for the transfer of an existing service or an additional service, and a service fee as specified in Appendix A, Comprehensive Fees and Penalties, for new construction. The service fee is not a security deposit and is not refundable. If, for any reason, a Customer does not take the service because of not occupying the premises or otherwise, he/she shall forfeit the service fee.

The receipt of a prospective Customer's application for service, regardless of whether accompanied by a service fee or not, shall not obligate the City to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations and general practice, the liability of the City to the applicant for such service shall be limited to the return of any portion of the tap fee paid by the applicant.

Sec. 18-104. - Charges for seasonal service and temporary disconnection.

A Customer may request a seasonal temporary turn off. There will be a service fee for this service. The account will remain active and there will be a minimum bill assessed for each billing period. If a Customer does not wish to pay a minimum bill, service will be terminated and a final bill rendered. At the time the Customer wishes to resume service, a new application and service fee will be applicable.

The Customer shall pay a service fee as specified in Appendix A, Comprehensive Fees and Penalties, for the discontinuance and reinstatement of service for temporary repairs and for any other purposes for the Customer's exclusive benefit.

Sec. 18-105. - Service charges for temporary connection.

Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removal of service in addition to the regular charge for water used. Temporary service for new connections must be approved by the Director.

Sec. 18-106. - Assessment and collection of Impact Fees.

Before a new connection is made to the water system or an existing Customer increases requirements by expansion of the original served facilities, fees shall be assessed and collected by the City.

The Impact Fee and Installation Fee for all Customers is assessed and shall be paid prior to the issuance of a building permit.

The Impact Fee shall be based on the size of the meter needed to serve each Customer. The smallest meter shall be a $5/8 \times 3/4$ inch meter, which has a capacity of 12.5 gallons per minute. The Impact Fee for developments requiring larger meters will be based on its capacity in relation to the capacity of the $5/8 \times 3/4$ inch meter. The developer's engineer shall determine meter sizes. The Director will accept or reject the size of the meter based on:

- (1) Information furnished to the Director by the person or entity desiring to connect to the waterlines or facilities;
- (2) Information contained in recognized state or national publications;
- (3) Records of similar installations; or
- (4) Information provided from other reliable sources approved by the Director.

Where applicable, the charges as specified in Appendix A, Comprehensive Fees and Penalties, shall be collected by the City at the time the permit is issued.

These fees will be assessed for any connection inside or outside the corporate limits.

TEMPORARY FIRE HYDRANT METERS

Temporary fire hydrant meters will be available for a deposit as specified in Appendix A, Comprehensive Fees and Penalties, and a nonrefundable setup fee as specified in Appendix A,

Comprehensive Fees and Penalties, payable by certified check or money order. Water use will be billed at the inside commercial rate. If the meter is damaged, the cost of the damaged meter will be deducted from the deposit. Use of the fire meter will be for no more than 30 days. Temporary fire hydrant meters will be assigned to a designated fire hydrant. Removal of the fire hydrant meter to any other location will revoke the deposit fee.

PRIVATE FIRE HYDRANTS AND SPRINKLER SYSTEMS

An Impact Fee for connection of private fire hydrants and sprinkler system lines to the City's lines shall be as specified in Appendix A, Comprehensive Fees and Penalties.

Radio-read meters will be required on all private fire hydrants and sprinkler systems, at the discretion of the City.

METER INSTALLATION CHARGE

A double-check backflow preventer with a leak detection meter shall be required on private fire lines. Should any unauthorized water flow be detected through the leak detection meter, the City reserves the right to mandate at the owner's expense installation of a fire line meter with radio read capabilities. In addition, upon determination of the Director, radio read meters will be required on all private fire hydrants and sprinkler systems that are deemed inaccessible by the City always. The meter Installation Fee shall be as specified in Appendix A, Comprehensive Fees and Penalties.

In the event the City does any installation work not covered in the Installation Fees, the cost of such work shall be charged to the Customer according to a schedule of rates established by the Department.

The standard connection charge and the private fire service connection charge shall be paid prior to the issuance of a construction permit for the installation of water facilities to serve the Customer(s), prior to the issuance of a building permit, or prior to the issuance of a permit to tap a water main, whichever occurs first.

Service lines connected to the public water system shall be located and installed in accordance with the established standards of the City. When a service line is completed and accepted by the City as part of the public water system, the City shall be responsible for the maintenance and upkeep of such service line from the water main to and including the water meter and meter box, and such portion of the service line shall belong to the City. The remaining portion of the service line beyond the meter to the Customer's premises shall belong to and be the maintenance responsibility of the Customer. When a service line that may not require a meter, as in the case of a dedicated fire line, is completed and accepted by the City as part of the public water system, the City shall be responsible for the maintenance and upkeep of such service line from the water main to the property line, and such portion of the service line shall belong to the City. The remaining portion of the service line beyond the property line to the Customer's premises shall belong to and be the maintenance responsibility of the Customer.

LOW FLOW-HIGH FLOW METERS

A low flow-high flow meter is two meters installed parallel to each other in the same meter box and tied to the same service line. One meter is smaller than the other and measures the normal usage of the Customer. The other meter is much larger and is used to measured high flows as in fire flows or other usage through a fire hydrant. In such cases, the Impact Fees are calculated on one-meter size larger than the small or low flow meter. By example, if the low flow meter is a two-inch meter and the high flow meter is a six-inch meter the fees will be calculated for a three-inch domestic meter. In addition, applicable fire line access and SDF access shall be paid at the rate of the larger meter. Each proposed

application for this type meter shall be reviewed and approved by the Director before final construction plans are submitted and approved.

IRRIGATION METERS

An irrigation meter is a meter designated for measuring the flow of water off the normal domestic water service line, intended for outdoor watering. The intended use for this meter is to allow for deduction of charges for sanitary sewer service when such water is not returned to the sanitary sewer system.

Sec. 18-107. - RESERVED.

Sec. 18-108. - Main extensions and facilities funded in whole or in part by developers.

If a person has been required to pay all or a part of the cost of constructing water lines or facilities (hereinafter "Improvements"), which Improvements become part of the Franklin Water System and are available for use and benefit of the Customers of the Franklin Water System, that person may be eligible to be reimbursed a portion of its costs of construction of the said Improvements.

Reimbursement shall be allowed only by the Board of Mayor and Aldermen and shall be paid from a revenue source established by the Board of Mayor and Aldermen. Cost reimbursement will not be allowed for Improvements constructed, on or off-site, for the sole benefit of the development. Costs eligible for reimbursement include labor, equipment, supplies, materials, engineering design, supervision, inspection, legal, and acquisition costs for easements and right-of-way. Fiscal costs, including interest, finance charges, and other similar costs are ineligible for reimbursement.

The person requesting reimbursement must enter into a written agreement with the City prior to commencement of construction of any Improvements for which reimbursement is sought. This agreement shall set out:

- (1) A description of the Improvements;
- (2) The estimated total eligible costs, as above defined;
- (3) The portion of the cost of such Improvements for which reimbursement will be allowed. The latter determination shall be based generally upon the difference in sizing or capacity of the line or facility needed for the development and the size or capacity needed for the system as a whole. However, the board may in its reasonable discretion consider such other factors as are necessary for an equitable sharing of costs of any system Improvements so constructed.

Further, prior to dedication and acceptance of the Improvements by the City, the person requesting reimbursement must present to the board a detailed statement of the actual eligible costs and the board in its discretion may amend the agreement, and the reimbursement amount, to reflect the actual project costs.

Sec. 18-109. - Variances from and effect of preceding rules as to extensions.

Board of Mayor and Aldermen may grant a variance or waiver from requirement of this chapter, upon written request by a developer or owner of property subject to this chapter. The Board of Mayor and Aldermen shall grant the waiver or variance only upon finding that a strict application of such requirement would result in confiscation of the property.

The authority to make water main extensions under Section 18-108 is permissive only and nothing contained therein shall be construed as requiring the City to make water main extensions or to furnish service to any person or persons.

Sec. 18-110. - Construction of water lines.

All persons who undertake the construction of water lines located in, or affecting water service provided by, the City of Franklin shall comply with the requirements and regulations set forth in the "General Requirements and Technical Specifications, Water Management Department, City of Franklin, Tennessee," latest edition, along with any amendments, additions, or alteration that may thereafter be adopted by the Board of Mayor and Aldermen by resolution, copies of which may be purchased in the office of the City recorder.

Upon completion of the construction of any such water line, and upon approval by the City, such water lines and mains shall become the property of the City. The persons paying the cost of constructing such lines and mains shall execute all written instruments required by the City that are necessary to provide evidence of the City's ownership of such lines and mains. In consideration of such lines and mains being transferred to the City, the City shall incorporate said mains as an integral part of the City's water system and shall furnish water therefrom in accordance with this chapter.

When for cause shown, the Board of Mayor and Aldermen determines that it is in the best interest of the water system and the general public to extend water service, without requiring strict compliance with this section, and/or the requirements of the standard water and sewer specifications, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the Board of Mayor and Aldermen.

The authority to extend water service is permissive only, and nothing contained herein shall be construed as requiring the City to provide water service to any person or entity.

Sec. 18-111. - Water meters.

- (1) All water meters shall be installed, tested, repaired, and removed by the City, or pursuant to the specifications, regulations and requirements of the City. No meter shall be installed without the consent of the City. No meter shall be tampered with or removed.
- (2) In the event that any water meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible by the City of Franklin for purposes of monitoring water usage, or if the meter is not brought up to grade according to City specifications, the Customer responsible for the meter shall be fined as specified in Appendix A, Comprehensive Fees and Penalties, for each month in which the meter is unreadable, or not otherwise in compliance, for any period of time. During the time that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible, or otherwise not in compliance, the Customer shall pay to the City the minimum monthly payment for water service.

In addition, upon either discovery or notice by the City of the fact that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable, inaccessible, or not brought to grade, the Customer shall immediately take measures to have the meter unobstructed and or uncovered so that it may be read and is accessible by the City. In addition, when the meter is uncovered and or unobstructed, the Customer responsible shall pay for the total consumption since the last available reading.

If any damage results from the meter being obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible, or otherwise not in compliance with City specifications, the Customer shall be billed for the repairs and/or replacement of the meter, but shall not be billed less than as specified in Appendix A, Comprehensive Fees and Penalties.

Any repairs, replacement or relocation of meters, boxes, service lines or associated utilities, necessitated by damage to meters, boxes, service lines or associated utilities, or failure to install according to City specifications, shall be paid by the responsible Customer and shall be billed at full replacement price. All materials shall be billed at full retail value along with associated equipment and labor costs. There shall be a one-hour minimum labor charge for repair replacement or relocation of any damaged water utilities.

The costs of any relocation of an existing service requested by a Customer shall be billed to such Customer. All materials shall be billed at full retail value along with associated labor and equipment costs. There shall be a one-hour minimum labor charge for relocation of any water utilities.

- (3) Service shall not commence to any new Customer if the meter is obstructed, covered, damaged, or otherwise unreadable or inaccessible by the City, or is not brought to grade or otherwise not installed according to City specifications. In addition, the monthly bill for service shall remain the responsibility of the builder, and there shall be a fine as specified in Appendix A, Comprehensive Fees and Penalties, for each month in which the meter is obstructed, covered, damaged or otherwise unreadable or inaccessible by the City or is not brought to grade or otherwise not installed according to City specifications.
- (4) If a Customer in whose name new service has been extended fails, after reasonable notice by the City, to correct any improperly installed water, as herein before described, the City reserves the right to refuse new service to the builder at other locations in the City until the deficiency is corrected.
- (5) Any unauthorized removal or tampering with the meter shall result in a fine as specified in Appendix A, Comprehensive Fees and Penalties, per occurrence.

Sec. 18-112. - Meter tests.

The City 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 measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the measured amounts of water within the percentage shown in the following table:

Meter Size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%

6"	5%
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If a Customer requests a meter test, and the test results indicate that the meter is reading lower than actual water flow or reads within these percentages, the Customer must pay all expenses related to testing the meter.

Sec. 18-113. - Multiple services through a single meter.

No Customer shall supply water service to more than one dwelling or premise from a single service line.

Sec. 18-114. - Billing for water service.

All water bills may be rendered weekly, semi-monthly, or monthly, at the option of the City.

The bills will consist of charges for the user service fee, consisting of the availability charge, the Customer service charge and the consumption service charge, as well as other services obtained by the Customer from the City in accord with the agreement between the Customer and the City and the provisions of the Municipal Code.

The water service bill is based on gallons of water delivered. An availability charge applies if water is available, even if the Customer has not connected to the sewer or there is no consumption for the period.

Water bills must be paid on or before the due date shown thereon to obtain the net or discount rate, otherwise the gross rate shall apply which includes a penalty of ten percent of the net amount billed for water. Failure to receive a bill will not release a Customer from payment obligation, nor extend the due date.

In the event a bill is not paid on or before 15 days after the discount date, the Customer's service may be discontinued without further notice. The City shall not be liable for any damages resulting from discontinued service under the provisions of this section, even though payment of the bill is made at any time on the day that service is discontinued.

Should the final date of payment of bill at the net rate fall on a weekend 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 City if the envelope is date-stamped on or before the final date for payment of the net amount.

If a water 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 reserves the right to render an estimated bill based on the best information available. Any unauthorized removal or tampering with the meter will result in a fine as specified in Appendix A, Comprehensive Fees and Penalties, per occurrence.

The wastewater (sewer) service charge shall not apply to separately metered water delivery points that are owned, maintained and read by the water provider where there is no potential for the wastewater stream of entering the wastewater stream (e.g., separately metered irrigation and cooling tower applications). All irrigation and reclaimed service shall be priced under nonresidential rates.

Bills will be issued to the party or parties who obtain service under the provisions of section 18-103 of this Code ("obtaining service"). Residential Customers will have consolidated bills presented for other services including, but not limited to, wastewater, solid waste, and stormwater in accordance with the provisions of this Code.

Service pricing will be as either residential or nonresidential (commercial) as shown in appendix A as follows:

- A. *Residential* is for a residential property owner whose property meets all the following criteria and will have water service provided and billed under residential rate provisions using residential rates:
 1. The property is used as a detached single-family residential living unit by an owner or tenant and is intended to be used as a residential dwelling; and
 2. The property is classified by the Williamson County Assessor as a residential or homebelt property; and
 3. Is served by a single water meter serving a single residential living unit; and
 4. The development consists primarily of similar units and not mixed-use or attached dwellings which are classified as "multi-residential".
 5. The occupant (owner or tenant) has a unique utility service contract with the City or water district. An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).
- B. *Multi-residential* Customers are those that live in residential living units containing the following characteristics. Service is priced at residential rates using "multiple minimums". Multiple minimums apply when more than one living unit is served from one water meter. This allows for water service to be priced as if each living unit were measured and billed separately. The effect is that total consumption is divided by total units to determine the pricing per unit and billed to the party contracting for service. Living units with one meter/unit will result in being priced as if they are residential.
 1. The property is used as an attached or detached multi-family residential living unit by an owner or tenant and is intended to be used as residential dwellings; and
 2. The property is classified by the Williamson County Assessor as a residential (condominiums, townhomes, duplexes, triplexes) or commercial property (apartments, duplexes, triplexes) or governmental property (Franklin Housing Authority); and
 3. The development consists primarily of similar mixed-use or attached dwellings which are not classified as "residential" above.
 4. The occupant (owner or tenant) typically does not have a utility service contract with the City or water district and the contract for service is typically with a commercial enterprise, an agent of the owner/tenant (e.g. an homeowner's association or property management firm) or a government entity (Franklin Housing Authority). An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).

- C. *Nonresidential* is a Customer who does not meet the requirements as a residential or multi-residential Customer but may have living units on the property. Included are farms, healthcare facilities, hospitals, assisted living facilities, hotels (including extended stay facilities) and common properties for residential and multi-residential developments. All "irrigation water" shall be classified as nonresidential even if delivered to a residential Customer. Water pricing will be under nonresidential (commercial) rate provisions.

Sec. 18-115. - Discontinuance or refusal of service.

- (1) The Board of Mayor and Aldermen shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:
- (a) Nonpayment of bill or other charges.
 - (b) Partial payment of bill or other charges.
 - (c) City of Franklin rules, regulations or policies.
 - (d) Customer's application and agreement for service.
 - (e) Any threat to public health on the Customer's premises, which may endanger other Customers.
 - (f) Tampering with City of Franklin equipment or stealing service.
 - (g) If a Customer has allowed more than one service on one tap.
 - (h) Customer noncompliance with a declared water shortage emergency.
- (2) Such right to discontinue service shall apply to:
- (a) All service received through a single connection or service, even though more than one Customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such Customer or tenant; and
 - (b) Irrigation services.
- (3) Discontinuance of service by the City 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.

Sec. 18-116. - Reconnect service charge.

Whenever service is disconnected, as provided in section 18-114 and section 18-115, above, prior to reinstatement of that Customer's service, a charge as specified in Appendix A, Comprehensive Fees and Penalties, shall be paid to the office of the City recorder if the reconnection is made during normal business hours, and a charge as specified in Appendix A, Comprehensive Fees and Penalties, shall be paid to the office of the City recorder if the reconnection is made during nonbusiness hours, holidays, or on weekends. This disconnect service charge also applies if the service technician is en route to disconnect service.

Sec. 18-117. - Discontinuance of service by Customer.

Customers who wish to discontinue service must request termination of service in writing. No telephone request for cutoffs will be honored. The Customer in whose name the service is furnished or their legal representative must request the termination. A minimum of three days' notice is required.

The Customer will be responsible for all charges, which accrue, to the end of the termination date including the minimum charge.

Sec. 18-118. - Access to Customers' premises.

The City's identified representatives and employees shall be granted access to all Customers' premises at all reasonable times for reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the City, and for inspecting Customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

Sec. 18-119. - Inspections; fees.

- (1) The City shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time.
- (2) If in the opinion of the Director or his designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any reinspection of the same work is required, then a fee as specified in Appendix A, Comprehensive Fees and Penalties, per reinspection may be assessed against and collected from the permittee or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.
- (3) The City reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by City ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the City.
- (4) Any failure to inspect or reject a Customer's installation or plumbing system shall not render the City liable nor responsible for any loss or damage that might have been avoided, had such inspection or rejection been made.

Sec. 18-120. - 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 shall be and remain the property of the City. Each Customer shall provide space for and exercise proper care to protect the property of the City on his premises. In the event of loss or damage to such property, arising from the neglect of a Customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the Customer.

Sec. 18-121. - Customer's responsibility for violations.

Where the City furnishes water 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.

Sec. 18-122. - Supply and resale of water.

All water shall be supplied within the City exclusively by the City and no Customer shall, directly or indirectly, sell, sublet, assigns, or otherwise dispose of the water or any part thereof unless approved by the City and gain all State of Tennessee regulatory approval.

Sec. 18-123. - Unauthorized use of or interference with water supply.

No person shall turn on or turn off any of the City's stop cocks, meters, hydrants, spigots, fire plugs, or valves without permission or authority from the City. When any stop cock, meter or valve for any Customer's premises is turned on or off without permission or authority from the City there shall be a rebuttable presumption that the Customer committed such act.

Sec. 18-124. - Installation of detector checks on fire mains for water usage.

- (1) New construction. For all new construction, when fire mains serving hydrants, standpipe systems, or automatic sprinkler systems are installed, regardless of size, except for public fire hydrants and mains, a double detector check shall be installed. The plumbing official or Director or their representatives shall inspect and approve installation. Said double detector check must be of a type approved by the Tennessee Department of Environment and Conservation and the Standard Plumbing Code as adopted by the City of Franklin, and must be installed in a readily accessible location.
- (2) Existing fire protection systems. A double detector check must be installed in all existing systems within 120 days of the effective date of this chapter. Installation in existing systems shall be subject to the same inspections and specifications as stated in subsection (1) for new construction.
- (3) Violations of this section shall be punishable by a fine up to an amount established by law with each day of noncompliance deemed to be a separate offense.

Sec. 18-125. - Damages to property due to water pressure.

The City 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.

Sec. 18-126. - 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 days' written notice to cut off water service, the City has failed to cut off such service.
- (2) The City has attempted to cut off a service but such service has not been completely cut off.
- (3) The City 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 City's main.

Except to the extent stated above, the City shall not be liable for any loss or damage resulting from cutoff failures.

Sec. 18-127. - Restricted use of water.

In times of emergencies or in times of water shortage, the City 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, including but not limited to immediate termination of irrigation service. Customers shall not be responsible for reconnection charges in the event of a declared emergency, unless the service was terminated for noncompliance.

Sec. 18-128. - Interruption of service.

The City will endeavor to furnish continuous water service, but does not guarantee to the Customer any fixed pressure or continuous service. The City shall not be liable for any damages for any interruption of service whatsoever.

About the operation, maintenance, repair, and extension of the City's water system, the water supply may be shut off without notice when necessary or desirable, and each Customer must be prepared for such emergencies. The City 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.

Sec. 18-129. - Schedule of rates.

The schedule of rates shall be as specified in Appendix A, Comprehensive Fees and Penalties, established for water distributed within the City of Franklin's water service area.

Sec. 18-130. - Water shortage policy.

- (1) No water furnished by the City shall be wasted. Waste of water includes, but is not necessarily limited to the following:
 - (a) Permitting water to escape down a gutter, ditch or other surface drain;
 - (b) Failure to repair a controllable leak of water; and
 - (c) Failure to put to reasonable beneficial uses any water withdrawn from the City's system.
 - (d) The mayor is hereby authorized to declare a water shortage emergency to exist, and the mayor may declare an end to a water shortage emergency.

In declaring a water shortage emergency, such emergency shall be designated Status 1 or Status 2 in accordance with conditions as determined by the Director of the Water and Wastewater System of the City of Franklin.

- (2) Water Shortage Emergency Status 1 exists when:
 - (a) The total volume of water in the City raw water reservoir drops to less than that required to supply the water treatment plant for 30 days with the plant operating at its design capacity of 2.0 MGD (million gallons per day); or
 - (b) When the water level in two or more of the distribution system reservoirs cannot be brought above the two-thirds full mark in a 48-hour period.

When the water supply reaches Water Shortage Emergency Status 1, the mayor, upon the recommendation of the appropriate committee of the City of Franklin, may declare any or all the uses of water identified as nonessential use Category 1 provided for in this resolution as being prohibited and said prohibition shall remain in full and effect until the next meeting of the Franklin Board of Mayor and Aldermen. The list of nonessential uses may be increased or decreased pending the next meeting of the Franklin Board of Mayor and Aldermen.

- (3) Water shortage Emergency Status 2 exists when:
 - (a) The total volume of water in the City raw water reservoir drops to less than that required to supply the water treatment plant for 15 days with the plant operating at its design capacity of 2.0 MGD, or
 - (b) When the water level in two or more of the distribution system reservoirs cannot be brought above the one-quarter full mark within a 48-hour period.

If Water Shortage Emergency Status 2 is reached, the mayor, upon recommendation of the appropriate committee of the City of Franklin, may declare any or all the nonessential uses provided for in this resolution as being prohibited and the same shall remain in full force and effect until the next meeting of the Franklin Board of Mayor and Aldermen. During Emergency Status 1 or 2, the mayor may increase or decrease the number of prohibited nonessential uses and/or the extent to which the prohibition applies pending the next meeting of the Franklin Board of Mayor and Aldermen.

(4) Nonessential uses during water shortage emergency.

(a) *Nonessential Use, Category 1.* The following uses are declared to be Nonessential Uses, Category 1:

- (i) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other exterior paved areas, except by the City of Franklin for the public safety.
- (ii) Filling or refilling swimming pool.
- (iii) Noncommercial washing of privately owned motor vehicles, recreational vehicles, trailers and boats.
- (iv) Any use of water from a fire hydrant except for fighting fires, or use by the City of Franklin.
- (v) Watering of lawns, landscaped areas, or ball fields, except that gardens, trees, shrubs or other plants other than grass or lawns may be watered to sustain the life of the plant material from 8:00 P.M. to 6:00 A.M., using only hand-held mechanisms, buckets, or other similar devices.
- (vi) Water any portion of a golf course.
- (vii) Use of water for dust control or compaction during construction.

(b) *Nonessential Use Category 2.* The following uses are declared to be Nonessential Uses, Category 2:

- (i) Use by a laundromat in excess of 70 percent of the amount of water used by it during the corresponding billing period for the previous year. If the laundromat was not operating the previous year, an estimated amount shall be computed by the City from its records.
- (ii) Use by a motor vehicle washing facility in excess of 70 percent of the amount used by it during the corresponding billing period the previous year. If the facility was not operating the previous year, an estimated amount shall be computed by the City from its records. This subsection shall not apply to any facility that recycles water in a manner satisfactory to the Department and has received written approval and exemption from this subsection by the Department.
- (iii) The maximum amount of water sold and supplied to any utility district shall not exceed 70 percent of the amount used by it during the corresponding billing period of the previous year. If the utility district was not operating the previous year, an estimated amount shall be computed by the City from its records.
- (iv) Any nonresidential use in excess of 70 percent of the amount used by the Customer during the corresponding billing period for the previous year. If the Customer was not operating the previous year, an estimated amount shall be computed by the City from its

records. The Director, with the concurrence of the City Recorder, may increase the percentage for any connection use or Customer if it is determined that such increase is necessary to protect the public health, safety, and welfare or to spread equitably among the water users of the City the burden imposed by the shortage of the City's water supply.

- (v) Water served for drinking purpose, restaurants or public or nonpublic eating establishments unless such water is specifically requested by the patron or Customer.
- (c) *Nonessential Category 3.* The following use is declared to be Nonessential Uses, Category 3:
 - (i) Any use by a motor vehicle washing facility or other nonresidential use or use by any utility district in excess of 50 percent of the amount used by the Customer during the corresponding billing period of the previous year. If the Customer was not operating the previous year, an estimated amount shall be computed by the City from its records.
- (5) Exceptions to nonessential uses. Effluent reuse or well water shall not be subject to the restrictions in this title.
- (6) Board of Mayor and Aldermen action.
 - (a) The Franklin Board of Mayor and Aldermen or the Mayor under authority granted by the Charter may declare a water shortage emergency irrespective of whether the water supply has reached Water Shortage Emergency Status 1 or 2. Only the Board may terminate or end a water shortage emergency declared by the Board.
 - (b) The Franklin Board of Mayor and Aldermen or the Mayor may prohibit any Nonessential Use, Category 1, during any period that a water shortage emergency has been declared, irrespective of whether the water shortage has reached Water Shortage Emergency Status 1 or not.
 - (c) The Franklin Board of Mayor and Aldermen or the Mayor may prohibit any nonessential use when the water supply of the City has reached the Water Shortage Emergency Status 1.
 - (d) Any water shortage emergency described by the Mayor shall continue until the next meeting of the Franklin Board of Mayor and Aldermen. If the Board does not act to terminate the water shortage emergency, the same shall continue in full force and effect. The Board may terminate or modify any limitations on nonessential use of water.

In the absence of affirmative action by the Franklin Board of Mayor and Aldermen, the action of the Mayor shall be final.

- (7) Notice. Upon the declaration of the existence of a water shortage emergency by the Mayor or the Board, the City Recorder shall notify the local newspapers and radio stations and furnish detailed information concerning the existence of the water shortage emergency and all prohibited uses. In addition, a newspaper ad shall be published once per week in any weekly local newspapers, informing the public of the water shortage emergency and any prohibition concerning the nonessential uses. Every practical effort shall be made to keep the water-using public informed of conditions during any declared water shortage emergency.
- (8) Customer noncompliance.
 - (a) Any failure of a Customer to comply with the requirements of a declared water shortage shall be reported to any official of the City and shall be immediately investigated by the Director or his designated agent. If noncompliance is found to exist, the Director shall request immediate compliance by the Customer. Should the Customer fail or refuse to immediately comply with

the Director's request the Director shall immediately discontinue water service to the Customer in question.

- (b) Any Customer whose service is disconnected because of failure to comply with the requirements of a declared water shortage emergency shall have the right, after the first such disconnection, to have service reconnected upon payment to the City of its customary reconnection charge and upon execution of a written, sworn statement under penalty of perjury that he will comply with the requirements of the declared emergency. If service is disconnected because of a subsequent failure to comply, such Customer shall have the right to request reinstatement of service only upon approval of the Assistant City Administrator for Public Works (A.C.A.), such as for compliance with the Americans with Disabilities Act. The A.C.A. may grant approval subject to such reasonable terms and conditions as the A.C.A. may impose or may refuse to reinstate service.
- (c) The decision of the A.C.A. may be appealed for hearing to the City Administrator. The disconnection shall remain in effect until the appeal is heard. A hearing shall be conducted within 72 hours of the time the request for hearing is made by the Customer. In the event a hearing is not conducted within 72 hours, service shall be reinstated until the hearing is conducted. All requests for a hearing shall be made to the City Administrator.

Sec. 18-131. - Provisions applicable.

The requirements contained herein shall apply to all premises served by the Franklin Water System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the City to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health-wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Franklin corporate limits.

Sec. 18-132. - Penalty and administrative costs.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined as specified in Appendix A, Comprehensive Fees and Penalties. Each day of continued violation shall constitute a separate offense. Violators shall reimburse the City for actual administrative costs associated with enforcement of this chapter not to exceed the amount specified in Appendix A, Comprehensive Fees and Penalties, in addition to any other remedy at law that may be available to the City.

Sec. 18-133. - Date of effect.

All ordinances and parts of ordinances in conflict with this chapter shall be hereby repealed. This chapter shall take effect from and after its passage.

CHAPTER 2. - WASTEWATER

Sec. 18-201. - Use of system regulated.

All persons using, desiring, or required to use the public Sanitary Sewerage system of the City of Franklin, Tennessee shall comply with the provisions of this chapter and all other provisions in this Code relating to the public sanitary sewerage system of the City.

Sec. 18-202. - Purposes, objectives and application.

The provisions contained in this chapter of the Franklin Municipal Code set forth uniform requirements which regulate the use of public and private sewers and drains, private sewage disposal, the installation and connections of Building Sewers, and the discharge of water and waste into the Public Sewer system. These provisions are designed to enable the City to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pre-Treatment Regulations (40 CFR, Part 403).

The following are the objectives of the provisions contained in this chapter of the Franklin Municipal Code:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will Pass-Through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

The Sections contained in this chapter of the Franklin Municipal Code provide for the regulation of direct and direct contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorize monitoring and enforcement activities, require user recording, assure that existing customer capacity will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City and to persons outside the City boundaries who are, by contract or agreement with the City, users of the Franklin publicly owned treatment works (POTW).

(1976 Code, § 13-202; Ord. No. 97-05, 2- -1997; Ord. No. 2001-56, 4- -2002)

Sec. 18-203. - Definitions and abbreviations.

For the purposes of the sections contained in this chapter of the Franklin Municipal Code, the following phrases, words and abbreviations shall have the meaning assigned below unless the context specifically indicates otherwise, whether capitalized or not:

- (1) *Impact Fee.* refers to a fee to be paid by any entity making a connection to the public wastewater system of the City, which fee is made for enabling the City to repair and replace its facilities as necessary or to provide for additions, replacements, Improvements and expansions to the Franklin

Wastewater System, such Improvements being required periodically because of growth. The Impact Fee is a summation of the previous system development and access fees, as authorized by Private Act Chapter No. 117.

- (2) *Act or The Act.* The federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- (3) *Approval Authority.* The Tennessee Department of Environment and Conservation Director of the Division of Water Resources.
- (4) *Authorized Representative of Industrial User.* The proprietor, partner or chief executive officer or his designated representative.
- (5) *Board.* The Board of Mayor and Aldermen consisting of the elected Mayor and Aldermen of the City of Franklin, State of Tennessee.
- (6) *B.O.D. (denoting Biochemical Oxygen Demand).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20;deg; C, expressed in milligrams per liter (mg/l).
- (7) *Building Drain.* 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 feet outside of the inner surface of the building wall.
- (8) *Building Sewer.* The extension from the Building Drain to the point of connection with the Public Sewer or other place of disposal. The building "sewer" includes the Service Line.
- (9) *CFR.* Code of Federal Regulations.
- (10) *COD.* Chemical Oxygen Demand.
- (11) *Categorical Standards.* The national retreatment standard established by EPA for specific industrial subcategories.
- (12) *City.* The City of Franklin, Tennessee.
- (13) *Committee.* The appropriate Committee of the Board.
- (14) *Compatible Pollutant.* BOD, suspended solids, ammonia nitrogen, fecal coliforms, COD, pH, oil and grease, and such other pollutants as may be found in normal Domestic Sewage which the POTW is designed to treat and in fact does remove such pollutants to a substantial degree.
- (15) *Control Authority.* The Director of the City of Franklin Water Management Department.
- (16) *Cooling Water.* The water discharged from any use to which the only pollutant added is heat.
- (17) *Direct Discharge.* The discharge of treated or untreated wastewater directly to any surface watercourse or underground aquifer.
- (18) *Director.* This term shall refer to the Director of Water Management for Franklin, Tennessee or his authorized agent or representative.
- (19) *Domestic Sewage.* Wastewater or sewage having the same general characteristics as that originating in places used exclusively as single-family residences. Strength of the Compatible Pollutants in Domestic Sewage is assumed to be equal to or less than the following: BOD₅ - 300 mg/l; pH - 6.0-9.0; oil and grease - 50 mg/l.

- (20) *Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or the duly authorized official of said agency.
- (21) *Garbage.* Biodegradable solid wastes from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce.
- (22) *Grab Sample.* A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (23) *Holding Tank Waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum tank trucks.
- (24) *Incompatible Pollutant.* All pollutants other than Compatible Pollutants as defined above.
- (25) *Indirect Discharge.* The discharge to the Sanitary Sewers of nondomestic wastes from any source regulated under 307 (b) or (c) of the Act (33 U.S.C. 1317).
- (26) *Industrial User.* A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342). This term shall also include all discharges of wastes having characteristics other than those of Domestic Sewage as defined above.
- (27) *Industrial Wastes.* The liquid waste from industrial or other technical processes.
- (28) *Interference.* The inhibition or disruption of the municipal wastewater treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or with 40 CFR 503 or violation of any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of (SWDA) applicable to the method of disposal or use employed by the municipal wastewater treatment system.
- (29) *National Categorical Pretreatment Standard or Pretreatment Standard.* Any regulation containing Pollution discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users.
- (30) *Natural Outlet.* Any outlet into a water course, pond, ditch, lake or other body of surface or ground water.
- (31) *NPDES.* National Pollution Discharge Elimination System.
- (32) *pH.* The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (33) *Pass-Through.* The allowance of a pollutant not susceptible to treatment at the P.O.T.W. to enter the receiving stream.
- (34) *Person.* Any individual, firm, company, association, society, corporation, group or their legal representative, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural, where indicated by the context.
- (35) *Pollution.* The manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

- (36) *Premises*. A parcel of real estate or portion thereof including any Improvements thereon which is determined by the Director to be a single user for purposes of receiving, using and paying for services.
- (37) *Pretreatment*. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The alteration or reduction may be obtained by physical, chemical or biological processes, process changes, or by other means except as prohibited by 40 CFR 403.6(d).
- (38) *Pretreatment Requirements*. Any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user.
- (39) *Properly Shredded Garbage*. The wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers with no particle greater than one-half (1/2) inch in any dimension.
- (40) *Public Sewer*. A sewer controlled by public authority to which owners of the abutting properties may have access. In general, the Public Sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer upon private property and any sewers which are connected with the sewage system of the City.
- (41) *Publicly Owned Treatment Works or POTW*. A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any sewers that convey wastewater to such treatment works but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.
- (42) *Sanitary Sewer*. A sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.
- (43) *Service Area*. That geographic area for which the City provides public Sanitary Sewer services.
- (44) *Service Line*. The pipe line extending from any sewer main of the City to the facility which generates wastewater.
- (45) *Sewage Works or Treatment Works*. All facilities for collecting, pumping, treating and disposing of sewage.
- (46) *Sewage or Wastewater*. A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm water as may be present in a Sanitary Sewer.
- (47) *Sewage Treatment Plant or Plant*. Any arrangement of devices and of structures used in treating sewage.
- (48) *Sewer*. A pipe or conduit for carrying sewage.
- (49) *Significant Industrial User*. Any industrial user of the City's wastewater disposal system who:
- (a) Has a discharge flow of 25,000 gallons or more per average work day, or
 - (b) Has a flow greater than five percent of the flow in the City's wastewater treatment system, or which has a flow that contributes five percent of the organic capacity of the wastewater plant,

- (c) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, subchapter N, or
 - (d) Is found by the City, the Tennessee Department of Environment and Conservation or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contribution industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (50) *Shall*. As used in this chapter of the Franklin Municipal Code, the word "shall" is mandatory and the word "may" is permissive.
 - (51) *Single Family Unit Equivalent (SFUE)*. This is the standard unit of measure as established by the City for determining the connection fee to be paid by each customer connecting to the Public Sewer system. For the purposes of this chapter, single family unit refers to a user generating 350 gallons per day of wastewater with a strength of 200 mg. per liter B.O.D.
 - (52) *Slug*. This term shall refer to 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 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
 - (53) *Standard Industrial Classification or SIC*. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
 - (54) *Storm Sewer or Storm Drain*. A sewer which carries storm and surface water and drainage, but excludes sewage and polluted industrial waste.
 - (55) *Suspended Solids*. 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.
 - (56) *Installation Fee*. A fee to be paid the City for reimbursing the City for its expenses, including labor and materials, for installing a Service Line from the sewer main to the property line of a potential customer and any related apparatus or equipment.
 - (57) *Toxic Pollutant*. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of 33 U.S.C. 1317.
 - (58) *Twenty-Four Hour Flow Proportional composite sample*. A sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.
 - (59) *U.S.C.* United States Code.
 - (60) *Unpolluted Water*. Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee, or EPA, for disposal to storm or natural drainage, or directly to surface waters.
 - (61) *User*. Any Person, firm, corporation or government entity that discharges, causes, or permits the discharge of wastewater into a Public Sewer.
 - (62) *Waste*. Any sewage and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to or for the purposes of disposal.

(63) *Wastewater Constituents or Wastewater Characteristics.* The individual chemical, physical, bacteriological, and radiological parameters, including a volume and flow rate, and such other parameters as may serve to define, classify, or measure the content, quality, quantity and strength of Wastewater.

Sec. 18-204. - Use of public sewers and septic systems where public sewers are provided.

- (1) It shall be unlawful for any Person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the 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, or in any area under the jurisdiction of the City, any Sanitary Sewer, Industrial Wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent revisions 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) Use of Public Sewers required. Except as provided, 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, right-of-way or easement in which there is now located or may in the future be located a public Sanitary Sewer shall connect to the public Sanitary Sewer system. The connection to the public Sanitary Sewer system shall be required at the property owner's expense including all applicable installation and Impact Fees provided said Public Sewer is within 200 feet of the property line or easement on which the principal structure is located.

Exceptions:

- (a) Immediately, but no instance more than ten days if the owner's private sewage disposal system no longer complies with the Williamson County Board of Health regulations or with Tennessee Code Annotated, §§ 68-221-401 et seq.; or
 - (b) Immediately, but no instance more than ten days, in the opinion of the City Administrator, conditions on the property pose an unacceptable risk to the public health, safety and welfare.
- (5) Use of septic system where Public Sewers are provided. If Public Sewer is available to properties having functioning septic systems (i.e., sewer lines are adjacent to or within 200 feet of the property line or easement on which the principal structure is located) property owners may elect not to connect to the public Sanitary Sewer system provided all the following requirements and conditions are met:
- (a) A Sanitary Sewer service charge, based upon water usage, shall be assessed from the date the public sanitary sewer is available. Payment is due monthly. At such time it is determined to connect to the public sanitary sewer system, payment of the Sanitary Sewer service charge shall not relieve the property owner from the requirements of payment of all installation and Impact Fees as applicable prior to obtaining the permit and authorization to commence work.
 - (b) Septic system certification. To ensure existing septic systems in the City are functioning properly, property owners with active systems shall have their septic tank(s) pumped and inspected. The pumping and inspection shall be conducted by a septic hauling company licensed by the State of Tennessee and certified by the City to perform these services. The initial pumping and inspection shall be conducted upon receipt of a notification letter from the

City, and at five-year intervals thereafter. The cost of pumping the septic system tank and administrative fee shall be the responsibility of the property owner. The amount of the administrative fees and penalties shall be specified in Appendix A, Comprehensive Fees and Penalties.

- (c) Upon pumping and inspection of the septic system tank(s), if it is determined a septic system is functioning properly according to applicable Williamson County Board of Health regulations or with Tennessee Code Annotated § 68-221-401 et seq., the property may defer connection to the public Sanitary sewer system for an additional five years. If at any time a septic system is determined to be malfunctioning, the certification shall be revoked and the property owner shall be required to connect at the homeowner's expense to public Sanitary sewer within 30 days.

Sec. 18-205. - Private sewage disposal.

- (1) Where a public Sanitary Sewer is not available under the provisions of subsection 18-204(4), the Building Sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (2) The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the State of Tennessee Department of Environment and Conservation of the State of Tennessee. No septic tank or cesspool shall be permitted to discharge to any Public Sewer or Natural Outlet.
- (3) A permit for a private sewage disposal system shall be obtained from the Williamson County Environmental Department. The application for such permit shall be made on a form furnished by the County Environmental Department. The permit for said private sewage disposal shall not become effective until the installation of the system is completed to the satisfaction of the county health inspector.
- (4) When a Public Sewer becomes available to a property served by a private sewage disposal system, as provided in section 18-204, a direct connection shall be made to the Public Sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be properly abandoned and treated in such a manner as to cease to be health hazard or filled with suitable material.
- (5) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- (6) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the state and/or county health authorities.

Sec. 18-206. - Building Sewer or Service Line connections.

No Person not authorized by the Director 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 Director. Also, all connections to the system must be made under the supervision of the Director.

(1) *Permits.*

- (a) All applications for permits for connections to the public Sanitary Sewer shall be made on blank forms approved and furnished by the City Recorder, for each building or connection desired.

- (b) There shall be two classes of Building Sewer or Service Line permits:
 - (i) For residential and commercial service, and
 - (ii) 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 Director.
- (c) If in the opinion of the Director or designee, after appropriate inspection, any work inspected under the terms of this chapter fails to comply with the law, and notice is given to the permittee or his agent, and any reinspection of the same work is required, then a fee as specified in Appendix A, Comprehensive Fees and Penalties, per reinspection may be assessed against and collected from the permittee or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.
- (2) *Assessment and collection of Impact Fees.* The Impact Fee for all customers is assessed and shall be paid prior to the issuance of a building permit. The installation fee is assessed and shall be paid whenever the City provides labor, equipment or materials to install the portion of the Service Line between the sewer main and the customer's part of the Service Line.
 - (a) The installation fee is assessed and shall be paid whenever the City provides labor, equipment or materials to install the portion of the Service Line between the sewer main and the customer's part of the Service Line. The installation fee consists of the cost of labor, materials and equipment involved in installing the Service Line and required appurtenances, and will be paid in accordance with the following schedule as specified in Appendix A, Comprehensive Fees and Penalties.
 - (b) In the event the City does any installation work not covered in the above table of installation fees, the cost of such work shall be charged to the customer according to a schedule of rates established by the Water Management. The installation fee shall be paid within ten days after the Service Line or lines have been laid and before service is received by the customer.
 - (c) Connections to the public sanitary sewage system shall be made in accordance with the established standards of the City. The City shall be responsible for installing that portion of the Service Line from the sewer main to the customer's property line unless there is approval by the City for the customer or its agent to install that portion of the Service Line. When a service line is completed and accepted by the City as part of the Public Sewer system, the City shall be responsible for the maintenance and upkeep of such Service Line from the main to the customer's property line and that portion of the line shall belong to the City. The remaining portion of the Service Line beyond the customer's property line and extending into the customer's property shall belong to and be the maintenance responsibility of the customer. Maintenance shall include repairs or corrections to correct infiltration or inflow of rainwater or groundwater.
 - (d) A separate and independent Building Sewer or Service Line shall be provided for every building. Except where one building stands at the rear of another on an interior lot and a Service Line cannot be constructed to the rear building through an adjoining alley, courtyard, or driveway, the Building Sewer Service Line from the building may be extended to the rear building and the whole is considered as one Building Sewer Service Line.

- (e) In case application is made to connect multiple units (such as would be contained in a shopping center, trailer park, apartment complex, condominium, duplex, triplex, etc.) to the sanitary sewage system, no privilege shall be granted unless a Wastewater Impact Fee as above set out is paid for each individual unit to be served within said development.
- (3) *Schedule of rates.* Wastewater Impact Fees as specified in Appendix A, Comprehensive Fees and Penalties, will be assessed for any connection inside or outside the corporate limits and shall be based upon single-family unit equivalent (SFUE) of 350 gallons/day discharge.

Sec. 18-207. - Wastewater Impact Fee.

- (1) In order to provide additional funds for additions, replacements and Improvements to the Franklin Wastewater System the City hereby establishes a Wastewater Impact Fee, hereinafter referred to as the "Impact Fee." The Impact Fee shall be assessed to any Person or entity connecting to the Sanitary Sewer lines or facilities of the City for furnishing Sanitary Sewer service to a new or expanded demands of residential or nonresidential sites.
- (2) For the purposes of this section, the point of connection to the system shall be that point at which any new line or service tap is connected to an existing line in the Franklin Wastewater System. Such point may be remote from the site of the development or customer requiring service.
- (3) The Impact Fee shall be based on the anticipated Wastewater discharge for the development. Such anticipated discharge shall be determined by the Director, and shall be based on the following:
 - (a) Information furnished to the Director by the Person or entity desiring to connect to the sewer lines or facilities;
 - (b) Information contained in recognized state or national publications;
 - (c) Records or similar installations; or
 - (d) Information supplied from other reliable sources approved by the Director.
- (4) The unit of measure shall be the single-family unit equivalent (SFUE) which shall be equivalent to a daily Wastewater discharge of 350 gallons.
- (5) The Impact Fee shall be no less than as specified in Appendix A, Comprehensive Fees and Penalties, per SFUE; however, an Impact Fee greater than the SFUE as specified in Appendix A, Comprehensive Fees and Penalties, for access to any specific section of a sewer main may be established by resolution of the Board of Mayor and Aldermen upon recommendation of the appropriate Committee.

Sec. 18-208. - Main extensions or facilities funded in whole or in part by developers.

If a Person has been required to pay all or a part of the cost of constructing Wastewater lines and facilities (hereinafter "Improvements"), which Improvements become part of the Franklin Sewer System and are available for use and benefit of the customers of the Franklin Sewer System, that Person may be eligible to be reimbursed a portion of its costs of construction of the said Improvements.

Reimbursement shall be allowed only by the Board of Mayor and Aldermen and shall be paid from revenue generated from the Wastewater Impact Fee account or other source established by the Board of Mayor and Aldermen. Cost reimbursement will not be allowed for Improvements constructed, on or off-site, for the sole benefit of the development. Costs eligible for reimbursement include labor, equipment, supplies, materials, engineering design, supervision, inspection, legal, and acquisition costs

for easements and right-of-way. Fiscal costs, including interest, finance charges, and other similar costs are ineligible for reimbursement.

The Person requesting reimbursement must enter into a written agreement with the City prior to commencement of construction of any Improvements for which reimbursement is sought. This agreement shall set out:

- (1) A description of the Improvements;
- (2) The estimated total eligible costs, as above defined;
- (3) The portion of the cost of such Improvements for which reimbursement will be allowed. The latter determination shall be based generally upon the difference in sizing or capacity of the line or facility needed for the development and the size or capacity needed for the system as a whole. However, the Board may in its reasonable discretion consider such other factors as are necessary for an equitable sharing of costs of any system Improvements so constructed.

Further, prior to dedication and acceptance of the Improvements by the City, the Person requesting reimbursement must present to the Board a detailed statement of the actual eligible costs and the Board in its discretion may amend the agreement, and the reimbursement amount, to reflect the actual project costs.

Sec. 18-209. - Construction of sewer lines.

- (1) All Persons who undertake the construction of sewer lines located in or affecting Sanitary Sewer service provided by the City shall comply with the requirements and regulations set forth in the "General Requirements and Technical Specifications, Water Management Department, City, Tennessee," latest edition, along with any amendments, additions, or alterations that may hereafter be adopted by the Board of Mayor and Aldermen by resolution, or the latest edition thereof or amendment thereto, copies of which may be purchased in the office of the City Recorder.
- (2) Upon completion of the construction of any such Wastewater line, and upon acceptance by the City, such Wastewater lines and mains shall become the property of the City. The Persons paying the cost of constructing such lines and the mains shall execute all written instruments required by the City that are necessary to provide evidence of the City's ownership of such lines and mains. In consideration of such lines and mains being transferred to the City, the City shall incorporate said mains as an integral part of the City's Wastewater system and shall furnish sewer service therefrom in accordance with this chapter.
- (3) When for cause shown, the Board of Mayor and Aldermen determines that it is to the best interest of the Wastewater system and the general public to extend sewer service, without requiring strict compliance with this section, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the Board of Mayor and Alderman.
- (4) The authority to extend Wastewater service is permissive only, and nothing contained herein shall be construed as requiring the City to provide sewer service to any Person or entity.

Sec. 18-210. - Billing for Sanitary Sewer service.

All sewer bills may be rendered weekly, semi-monthly, or monthly, at the option of the City.

The bills will consist of charges for the user service fee, consisting of the availability charge, the customer service charge and the consumption service charge, as well as other services obtained by the customer from the City in accord with the agreement between the customer and the City.

The sewer service bill is based on gallons of water delivered by the water provider through the potable water meter. An availability charge applies if sewer is available, even if the customer has not connected to the sewer or there is no consumption for the period.

Sewer bills must be paid on or before the due date shown thereon to obtain the net or discount rate, otherwise the gross rate shall apply which includes a penalty of ten percent of the net amount billed for sewer. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date.

In the event a bill is not paid on or before 15 days after the discount or due date, the customer's water service may be discontinued without further notice. The City shall not be liable for any damages resulting from discontinued service under the provisions of this section, even though payment of the bill is made at any time on the day that service is discontinued.

Should the final date of payment of bill at the net rate fall on a weekend or a holiday, the business day next following the final date will be the last day to obtain the net rate.

If a water 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 reserves the right to render an estimated bill based on the best information available. Any unauthorized removal or tampering with the meter will result in a fine as specified in Appendix A, Comprehensive Fees and Penalties, per occurrence.

Any unauthorized removal or tampering with the water meter shall result in a remedial fine as specified in Appendix A, Comprehensive Fees and Penalties.

The Wastewater (sewer) service charge shall not apply to separately metered water and reclaimed water delivery points that are owned, maintained and read by the water provider where there is no potential for the Wastewater stream of entering the Wastewater stream (e.g. separately metered irrigation and cooling tower applications).

Bills will be issued to the party or parties who obtain service under the provisions of section 18-103 of this Code ("obtaining service"). Residential customers will have consolidated bills presented for other services including, but not limited to, Wastewater, solid waste, and stormwater in accordance with the provisions of this Code.

- A. *Residential* is for a residential property owner whose property meets all of the following criteria and will have water service provided and billed under residential rate provisions using residential rates:
1. The property is used as a detached single-family residential living unit by an owner or tenant and is intended to be used as a residential dwelling; and
 2. The property is classified by the Williamson County Assessor as a residential or homebelt property; and
 3. Is served by a single water meter serving a single residential living unit; and
 4. The development consists primarily of similar units and not mixed-use or attached dwellings which are classified as "multi-residential".
 5. The occupant (owner or tenant) has a unique utility service contract with the City or water district. An addendum to the water supply contract authorizes the City to provide and be

paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).

- B. *Multi-residential* customers are those that live in residential living units containing the following characteristics. Service is priced at residential rates using "multiple minimums". Multiple minimums apply when more than one living unit is served from one water meter. This allows for water service to be priced as if each living unit were measured and billed separately. The effect is that total consumption is divided by total units to determine the pricing per unit and billed to the party contracting for service. Living units with one meter/unit will result in being priced as if they are residential.
1. The property is used as an attached or detached multi-family residential living unit by an owner or tenant and is intended to be used as residential dwellings; and
 2. The property is classified by the Williamson County Assessor as a residential (condominiums, townhomes, duplexes, triplexes) or commercial property (apartments, duplexes, triplexes) or governmental property (Franklin Housing Authority); and
 3. The development consists primarily of similar mixed-use or attached dwellings which are not classified as "residential" above.
 4. The occupant (owner or tenant) typically does not have a utility service contract with the City or water district and the contract for service is typically with a commercial enterprise, an agent of the owner/tenant (e.g., a homeowner's association or property management firm) or a government entity (Franklin Housing Authority). An addendum to the water supply contract authorizes the City to provide and be paid for City provided services if served water from MVUD, Milcrofton, HB&TS or Brentwood (specific addendums are in their contracts for City services).
- C. *Nonresidential* is a customer who does not meet the requirements as a residential or multi-residential customer but may have living units on the property. Included are farms, healthcare facilities, hospitals, assisted living facilities, hotels (including extended stay facilities) and common properties for residential and multi-residential developments. All "irrigation water" shall be classified as nonresidential even if delivered to a residential customer. Water pricing will be under nonresidential (commercial) rate provisions.

Sec. 18-211. - Use of public sewers.

- (1) No stormwater, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage, foundation drainage, yard drainage, swimming pool drainage, process water drainage, Cooling Water, or other unpolluted or minimally polluted water shall be discharged into the City's sewer system unless no other reasonable alternative is available, except with permission from the Director. Reasonable conditions shall be prescribed, and a sewer service charge will be issued based upon the quantity of water discharged as measured by a flowmeter or a reasonable estimate accepted by the Director. All users shall be required to maintain their private sewer lines to prevent filtration of groundwater or stormwater as a condition of use of the system and shall immediately replace or repair any leaking or damaged lines.
- (2) The POTW will accept discharge of contaminated stormwater if the following criteria are met:
 - (a) All known and available technology will not prevent contamination or treat contaminated water to meet state standards for discharge to receiving waters or will cause unreasonable financial burden;

- (b) The contaminated stormwater meets the POTW's discharge limits and all state and federal pretreatment requirements; and
 - (c) The volume of discharge will not exceed the hydraulic loading in the collection system or the treatment plant.
- (3) Adequate and proper pretreatment facilities including grease traps must be provided for other than domestic Wastewater discharges when such Wastewater exceeds the limits of pollutants established in this chapter of the Franklin Municipal Code. The pretreatment facilities must be installed in accordance with plans approved by the Director and shall be properly operated by the user.

Such pretreatment facilities shall be provided as a condition on the permit for connection to the POTW and may be required on new or existing connections where conditions warrant as determined by the Director.

The facilities shall be at all times subject to inspection by the Director or his authorized representative. In the event facilities are determined to be inadequate or improperly operated, the user shall be given written notice of the deficiency and shall correct such deficiency.

(4) *Prohibited Wastewater.*

- (a) Any Wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 104° F (40° C).
- (b) Unless a higher discharge temperature is specified in the user's Wastewater discharge permit, no user shall discharge into a sewer line or other appurtenances of the POTW Wastewater with a temperature exceeding 150 degrees Fahrenheit.
- (c) Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, pollutants with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees centigrade) as determined by a Pensky-Martens closed-cup tester, using the test method specified in the American Society for Testing and Materials (ASTM) D-93-79 or D-93-80k, or a Setaflash closed-cup tester, using the test method specified in ASTM D-3278-78, or pollutants which cause an exceedance of ten percent of the lower explosive limit (LEL) at any point within the POTW.
- (d) No waste from garbage disposals shall be discharged into the POTW's sewers except from private garbage disposals used in an individual residence or upon permit issued by the Director for preparation of food consumed on Premises, and then only when applicable fees are paid. It shall be unlawful for any Person to use a garbage disposal grinder connected to the sewer system for grinding and discharging plastic, paper products, inert materials, or anything other than the waste products from normal food preparation and consumption.
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any substance capable of causing obstruction to the flow in sewers, capable of coating the sewers or other appurtenances, or causing other interferences with the proper operation of the sewage works.
- (f) Any water or waste having a pH lower than 6.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

- (g) Any water and waste containing a toxic or poisonous substance in amounts exceeding standards established by the Environmental Protection Agency pursuant to section 307(a) (b) or (c) of the act.
- (h) Any radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use or which may be hazardous to plant facilities or personnel.
- (i) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (j) Any water or waste containing a pollutant capable of causing a pass-through violation at the POTW or an interference with the operation or performance of the POTW.
- (k) Any trucked or hauled pollutants, except at discharge points specified by the POTW.
- (l) Any waste known or suspected of being infectious without first undergoing pretreatment to eliminate such pathogens.

(5) *Regulated Wastewater.*

- (a) Wastes having any of the following characteristics may be accepted only under such conditions and/or limitations as may be approved on a case-by-case basis by the Director.

- (i) Any waters or wastes containing constituents in excess of the following concentrations:

BOD	300 mg/l
COD	600 mg/l
TKN	60 mg/l
NH ₃ -N	30 mg/l
TSS	300 mg/l
Oil and Grease	100 mg/l

- (ii) Intermittent slugs, or short-time-high volume discharges, at such discharge rates or concentrations as to overload either the Public Sewers or the treatment facilities.
- (iii) Any waters or wastes having noxious or malodorous substances which either alone or in combination with other substances which may be present in the Wastewater may cause an offensive odor or public nuisance.
- (iv) Any waters or wastes having color which is not removed by the treatment processes or which could adversely affect plant appearance or performance.

- (b) Restrictions on Wastewater strength. No Person or user shall discharge Wastewater which exceeds the following set of standards (Table A - User Discharge Restrictions) unless an exception is permitted as provided for in this chapter or the user's Wastewater discharge permit provides a special permit condition temporarily allowing a higher concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a predetermined time frame (compliance schedule).

TABLE A
User Discharge Restrictions

Parameter	Daily Maximum Concentration (mg/l)
Copper (Cu)	2.77
Chromium (Cr), Total	2.24
Nickel (Ni)	2.21
Cadmium (Cd)	0.128
Lead (Pb)	0.330
Mercury (Hg)	0.0002

Molybdenum (Mo)	0.063
Silver (Ag)	0.140
Zinc (Zn)	2.61
Cyanide (CN)	0.141
Toluene	0.311
Benzene	0.134
1,1,1, Trichloroethane	1.785
Ethylbenzene	0.255
Carbon Tetrachloride	0.223
Chloroform	1.650

Tetrachloroethylene	0.268
Trichloroethylene	0.406
1,2, trans Dichloroethylene	0.041
Methylene Chloride	1.174
Phenols, Total	1.090
Napthalene	0.041
Phthalates, Total	01.690

- (c) Criteria to protect the treatment plant influent. The POTW shall monitor the treatment plant influent for each pollutant in the following table. In the event the influent at the POTW reaches or exceeds the levels set forth in this table, the Director shall initiate technical studies to determine the cause of the exceedance and shall recommend to the City the necessary remedial measures. The Director may also recommend changes to these criteria if the POTW effluent standards are changed, there are changes in applicable laws or regulations, or changes are needed for more effective operation of the POTW.

Plant protection criteria have been established for the WWTP influent and are listed in Table B.

TABLE B
Plant Protection Criteria

Parameter	Daily Maximum Concentration (mg/l)
Copper (Cu)	0.34
Chromium (Cr), Total	0.28
Nickel (Ni)	0.28
Cadmium (Cd)	0.015
Lead (Pb)	0.038
Mercury (Hg)	0.0002
Molybdenum (Mo)	0.006
Silver (Ag)	0.020
Zinc (Zn)	0.95

Cyanide (CN)	0.16
Toluene	0.035
Benzene	0.015
1,1,1, Trichloroethane	0.200
Ethylbenzene	0.029
Carbon Tetrachloride	0.025
Chloroform	0.185
Tetrachloroethylene	0.030
Trichloroethylene	0.046
1,2, trans Dichloroethylene	0.005

Methylene Chloride	0.132
Total Phenols	0.125
Napthalene	0.005
Total Phthalates	0.190

(d) Hearings. Any regulated discharger may request and receive a hearing before the committee regarding establishment of discharge conditions or violations thereof and may appeal an adverse decision for hearing by the Board. The ruling of the Board shall be final.

(6) *Grease, oil and sand interceptors.*

(a) Disposal of oil by discharge to the sewer system is not permitted. Oils include automotive lubrication oils, transmission and brake fluid, other industrial oils, and vegetable oils used in a restaurant or food preparation or processing facility.

(b) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and 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 Director and shall be located as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight.

(c) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(d) Grease, oil, and sand interceptors shall be subject to monitoring, entry, inspection, reinspection, reinspection fees, reporting and other requirements as determined by the Director.

(7) *Regulation of commercial septic and drain cleaning services.*

(a) No Person shall clean out, drain, or flush any septic tank or any other type of Wastewater or excreta disposal system, unless such Person, firm, association, or corporation obtains a permit from the Director to perform such acts or services. Any Person desiring a permit to perform

such services shall file an application on the prescribed form. Upon any such application, said permit shall be issued by the City Recorder when the conditions of this chapter have been met and providing the Director is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.

- (b) For each permit issued under the provisions of this section, an annual fee, as established by the Board, shall be paid to the City. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year, and shall continue in full force and effect from the time issued until the ending of the fiscal year unless sooner revoked, and shall be nontransferable. The number of the permit granted hereunder shall be plainly painted on each side of each motor vehicle used in the conduct of the business permitted hereunder.
- (c) The Director shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for, and it shall be a violation hereof for any such Person to empty or clean such equipment at any place other than a place so designated.
- (d) Failure to comply with all the provisions of this section shall be sufficient cause for the revocation of such permit and for application of penalties described elsewhere in this section. The possession within the Service Area by any Person of any motor vehicle equipped with a body type and accessories of a nature and design capable of serving as a cleaning unit for septic tank or other Wastewater or excreta disposal system shall be prima facie evidence that such Person is engaged in the business of cleaning, draining, or flushing septic tanks or other Wastewater or excreta disposal systems within the Service Area of the City.

(8) *Industrial users.*

(a) Permits.

- (i) Each industrial user proposing to discharge to the Sanitary Sewers wastes of any description, exclusive of domestic sewerage shall file with the Director an application for the discharge of such wastes. Applications shall be filed on forms provided by the Director and shall include data on the raw materials used, finished products, process descriptions, chemicals used and stored, sources of process wastes proposed for discharge to Sanitary Sewers, approximate number of employees, anticipated water consumption and proposed pretreatment. The application shall further include the SIC number(s) of the applicant; Wastewater volume; daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the Premises, including concentrations; site plans; flow plans; mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities; and any other information deemed necessary by the Director.
- (ii) The Director will provide prompt written acknowledgement of the application and will either approve or reject the request to discharge, or when necessary, request more data. If the application is approved, the Director will issue a discharge permit setting forth the conditions under which the wastes may be discharged to the sewers.
- (iii) The Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City. The permits may contain the following:

- (A) The units charge or schedule of user charges and fees for the Wastewater to be discharged to a community sewer.
 - (B) Limits on the average and maximum Wastewater constituents and characteristics.
 - (C) Limits on average and maximum rate at time of discharge or requirements for equalization.
 - (D) Requirements for installation and maintenance of inspection and sampling facilities.
 - (E) Specifications for monitoring program which may include sampling locations, frequency of sampling, number, types, and standard for testing and reporting schedule.
 - (F) Compliance schedules.
 - (G) All technical reports or discharge reports shall comply with all signatory requirements of 40 CFR 403.12(1).
 - (H) Requirements for maintaining and retaining plant records relating to Wastewater discharge as specified by the City, and affording the City access thereto.
 - (I) Requirements for notification of the City of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the Wastewater treatment system.
 - (J) Requirements for notification of slug discharges.
 - (K) Any other conditions as deemed appropriate by the Director to ensure compliance with this chapter.
- (iv) The Director may request updated information or additional data from any industrial user at any time and failure to respond in a timely manner shall constitute a violation of the discharge permit conditions.
 - (v) It shall be the responsibility of the industrial user to file new or updated data with the Director whenever there is a significant change in process waste discharge because of a plant expansion, change in manufacturing process, or any other reason. Upon request by the Director, the industrial user shall also provide a comprehensive analysis of the waste stream performed by a qualified commercial laboratory.
 - (vi) The application for permit to discharge process wastes to the Sanitary Sewer and the resulting approval notice setting forth discharge conditions shall not be transferable. A separate application must be filed whenever an industry moves to a new location or is replaced by another industry at the same location.
 - (vii) The permit shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be set to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.
 - (viii) Any permit issued under the provisions of this chapter is subject to being modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
 - (A) Violation of any terms or conditions of the Wastewater discharge permit or other applicable federal, state, or local law or regulation.

- (B) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
 - (C) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
 - (D) Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or Wastewater characteristics.
- (9) *Monitoring manholes.* Any industrial user discharging industrial process wastes of any description shall install a suitable monitoring manhole in the Building Sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be suitably located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense and shall be maintained by him to be safe and accessible at all times.
- (10) *Surveillance fees.* Any industrial user discharging industrial process wastes of any description shall be charged a surveillance fee as recommended by the Director and approved by the Committee to compensate the City for the added cost of collecting and analyzing waste samples on a periodic basis to ensure compliance with the terms of this chapter. Results of such analyses will be furnished to the industrial user. The surveillance fee shall be levied in addition to all other applicable charges, user's fee and/or taxes, and shall be subject to adjustment on an annual basis.
- (11) *Monitoring equipment.*
- (a) Automatic composite samplers and monitoring units will be installed at the monitoring manholes of industrial dischargers when and as deemed necessary by the Director.
- (12) *Surcharges.*
- (a) Any waters or wastes containing constituents in excess of the following concentrations:

BOD	300 mg/l
COD	600 mg/l
TKN	60 mg/l
NH ₃ -N	30 mg/l
TSS	300 mg/l
Oil and Grease	100 mg/l

may be accepted in the Public Sewer subject to a surcharge to cover the additional cost of treating such wastes. Discharges of extra strength wastes must apply for and operate under a permit from the City. The surcharges will be based on the average of six composite samples collected over a three-month period, at least one of which should have been collected within

30 days of billing date. The Director will use independent sampling, split samples, or other means to verify the constituents of the Wastewater.

- (b) The surcharge shall be based on the average concentration and the metered water consumption (or Wastewater flows).
- (c) The surcharge will be calculated according to the following formula with no credit for concentrations less than the threshold concentration amounts listed in paragraph (a) above and with the total applied to the monthly bill of affected users:

$[A(E-300) + B(F-300) + C(G-60) + D(H-100) \times 0.00834 \times I \times J = \text{SURCHARGE MONTHLY BILL}]$ and where:

A is the surcharge rate for BOD of \$0.35 per pound;

B is the surcharge rate for TSS of \$0.35 per pound;

C is the surcharge rate for TKN of \$1.75 per pound;

D is the surcharge rate for oil and grease of \$1.05 per pound;

E is the user's effluent BOD concentration (mg/l);

F is the user's effluent TSS concentration (mg/l);

G is the user's effluent TKN concentration (mg/l);

H is the user's effluent oil and grease concentration (mg/l);

I is the user's flow to the sewer system in 1,000 gallons per day;

J is the number of days in the billing month.

COD may be used in lieu of BOD with the agreement of the Director. The COD surcharge rate is \$0.15 per pound.

The extra strength of $\text{NH}_3\text{-N}$ will be handled through the surcharge of Total Kjeldahl Nitrogen (TKN) in all cases.

(13) *Violations.* If any discharge to the Wastewater system, or any proposed discharge to the system is responsible for or is likely to be responsible for violation of § 18-211(3), (4) hereinabove, and (5) the Director may take any action necessary to:

- (a) Prohibit the discharge of such Wastewater.
- (b) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances not in conformity with this chapter.
- (c) Require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
- (d) Take such other remedial action enforcement action, or penalty action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

- (e) In the event any actual or threatened discharge to the Wastewater system presents an imminent danger to the health and welfare of Persons, the Director may take immediate action, such as severance of the sewer connection, to halt or prevent the discharge.
- (14) *Prior approval for pretreatment.* Where pretreatment or equalization of Wastewater flows prior to discharge into any part of the Wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the Director for review and approval. Such approval shall not exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Director.
- (15) *Maintenance of pretreatment facilities.* Where preliminary treatment facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (16) *Slug control program.*
- (a) Each user shall provide protection from slug discharges of restricted materials or other substances regulated by this chapter. A slug is defined as any pollutants, including oxygen demanding pollutants, released in a discharge of such volume or strength as to cause interference in the POTW or individual unit operations or cause adverse effects upon its employees or the government. No user shall be permitted to discharge into the system until the need for slug control plans or procedures has been reviewed by the Director.
- (b) Certain users will be required to prepare spill response plans showing facilities and procedures for providing this protection. These plans shall be submitted to the Director for review and approval. All users required to have such a plan shall submit it within 60 days of notification by the Director and complete implementation within 90 days of notification.
- (c) In the case of a slug discharge, it is the responsibility of the user to immediately notify the POTW of the incident by telephone or in Person. Information concerning the location of the discharge, type of waste, concentration and volume, and corrective action shall be provided by the user.
- Within five days following a slug discharge, the user shall submit a detailed written report describing the cause of the discharge and the measures being taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, fish kills, or any other damage to Persons or property, nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.
- (d) A notice shall be permanently posted on the user's Premises advising employees of a contact to call in the event of a slug discharge. The user shall ensure that all employees who may cause or allow such slug discharge to occur are advised of the proper emergency notification procedure.
- (17) *Sampling and analysis.*
- (a) All collected samples must be of such nature that they provide a true and accurate representation of the industry's normal workday effluent quality.
- (b) Chain-of-custody procedures, sample preservation techniques, and sample holding times recommended by the EPA shall be followed in all self-monitoring activities. Grab samples must

be used for pH, cyanide, phenols, oil and grease, sulfide, and volatile organics. All other samples shall be 24-hour flow proportional composite samples, unless otherwise specified.

- (c) Monitoring shall be performed at the approved monitoring station on the effluent sewer. Location and design of the monitoring station shall be subject to the review and approval of the Director. Any change in monitoring location will be subject to the approval of the Director.
- (d) All analyses shall be performed in accordance with procedures established by the EPA under the provisions of section (304(h)) of the Act and contained in 40 CFR, part 136 and its amendments or with any other test procedures approved by the EPA or the Director. Sampling shall be performed in accordance with the techniques approved by EPA or the Director.
- (e) If sampling by an industrial user indicates a violation, then the user shall notify the Director within 24 hours of becoming aware of such violation.

(18) *Compliance with federal requirements.*

- (a) Any user of the Public Sewer who discharges industrial waste or matter must satisfy and meet federal government guidelines for Pretreatment as may be prescribed from time to time by the Environmental Protection Agency or its successor agency and the guidelines for Pretreatment as may be prescribed from time to time by the Division of Water Pollution control of the Tennessee Department of Environment and Conservation, and further must furnish at its own expense any additional monitoring equipment as reasonably may be necessary in the opinion of the Director.
- (b) Upon the promulgation of the federal categorical Pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations under this chapter. The Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(19) *Records.*

- (a) All industrial users who discharge or propose to discharge Wastewaters to the Wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this chapter and any applicable state or federal Pretreatment standards or requirements.
- (b) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspection shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of productions entitled to protection as trade secrets of the user.
- (c) When requested by the Person furnishing a report, the portions of a report which might disclose trade secrets of secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit and/or the Pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings

involving the Person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

- (d) Information accepted by the City as confidential shall not be transmitted to any government agency or to the general public by the City until and unless a ten-day notification is given to the user.
- (20) *Pretreatment of off-site generated wastes.* No industrial user may accept or treat liquid wastes from any other site for Pretreatment and discharge to the Public Sewer system without such arrangement having been reviewed by the Director and approved in writing by the appropriate Committee.
- (21) *Dilution.* Except where expressly authorized by an applicable Pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

Sec. 18-212. - Enforcement.

- (1) *Enforcement response plan.* To apply enforcement actions toward violators of Pretreatment permits or this sewer use chapter in an efficient, objective and consistent manner, the Enforcement Response Plan has been developed and is incorporated herein by reference.
- (2) *Administrative enforcement remedies.*
 - (a) *Notification of violation.* When the Director finds that any user has violated or is violation this section or a Wastewater permit or order issued hereunder, the Director or his agent may serve upon the user a written notice of violation (NOV). Within 10 days of receipt of the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.
 - (b) *Consent orders.* The Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time frame also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraph (d) below.
 - (c) *Show-cause hearing.* The Director may order any user which causes or contributes to a violation of this chapter, its Wastewater permit, or any order issued hereunder to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any principle executive, general partner, or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.
 - (d) *Compliance order.* When the Director finds that a user has violated or continues to violate this chapter or permit or order issued hereunder, he may issue an order to the user responsible for the discharge, directing that, following a specified time period, sewer service shall be discontinued and/or civil penalties will be assessed unless adequate treatment facilities,

devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements deemed reasonably necessary and appropriate to address the noncompliance, including the installation of Pretreatment technology, additional self-monitoring, and management practices.

(e) *Cease and desist orders.* When the Director finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the Director may issue an order to cease and desist all such violations and direct those Persons in noncompliance to do one of the following:

(i) Comply with the order.

(ii) Take the appropriate remedial or preventive action needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(f) *Emergency termination of service.* When the Director finds that an emergency exists in which immediate action is required to protect public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or the facilities of the POTW, the Director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that certain action(s) be taken as the Director deems necessary to meet the emergency.

If the violator fails to respond or is unable to respond to the Director's order, the Director may take such emergency action as deemed necessary or contract with a qualified Person to carry out the emergency measures. The Director may assess the Person(s) responsible for the emergency condition for actual costs incurred by the Director in meeting the emergency.

If the emergency action adversely affects the user, the Director shall provide the user an opportunity for a hearing as soon as possible thereafter to consider restoration of service upon abatement of the condition or other reasonable conditions. Following the hearing, the Director may take any such authorized action should the proof warrant such action.

(g) All of the administrative enforcement remedies may be appealed to the appropriate Committee.

(3) *Administrative and civil penalties.*

(a) Any Person or user who does any of the following acts or omissions shall be subject to a civil or administrative penalty as specified in Appendix A, Comprehensive Fees and Penalties, per day for each day during which the act or omission continues or occurs:

(i) Violates any effluent standard or limitation imposed by a Pretreatment program.

(ii) Violates the terms or conditions of a permit issued pursuant to a Pretreatment program.

(iii) Fails to complete a filing requirement of a Pretreatment program.

(iv) Fails to allow or perform an entry, inspection, monitoring, or reporting requirement of a Pretreatment program.

(v) Fails to pay user or cost-recovery charges imposed by a Pretreatment program.

(vi) Violates a final determination or order of the Director or the appropriate Committee.

(b) Any administrative penalty shall be assessed in the following manner:

- (i) The Director may issue an assessment against any Person or user responsible for the violation.
 - (ii) Any Person or user against whom an assessment has been issued may secure a review of such assessment by filing with the Director a written petition setting forth the grounds and reasons for his objections and asking for a hearing on the matter involved before the appropriate Committee. If a petition for review of the assessment is not filed within 30 days of the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final.
 - (iii) When any assessment becomes final because of a Person's failure to appeal the Director's assessment, the Director may apply to the appropriate court for a judgment and seek execution of such judgment and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgment in the amount of the assessment. Penalties will be assessed based on the following criteria:
 - (A) Whether the penalty imposed will be a substantial economic deterrent to the illegal activity.
 - (B) Damages to the POTW, including compensation for the damage or destruction of the facilities of the POTW, which also includes any penalties, costs, and attorney's fees incurred by the POTW as the result of the illegal activity, as well as the expenses involved in enforcing this section and the costs involved in rectifying any damage.
 - (C) Cause of the discharge or violation.
 - (D) The severity of the discharge and its effect upon the facilities of the POTW and upon the quality and quantity of the receiving waters.
 - (E) Effectiveness of actions taken by the violator.
 - (F) The technical and economic feasibility of reducing or eliminating the discharge.
 - (G) The economic benefit gained by the violator.
 - (c) The Director may institute proceedings for assessment of civil penalty in the name of the City in the Chancery Court of Williamson County.
 - (d) The Mayor and Board of Aldermen may establish by regulation a schedule of the amount of administrative or civil penalty which can be assessed by the Director for certain specific violations or categories of violations.
 - (e) Any administrative civil penalty assessed to a violator pursuant to this section may be in addition to any civil penalty assessed by the commissioner of environment and conservation for violations of Tennessee Code Annotated, § 69-3-115(a)(1)(F). Provided, however, the sum of the penalties imposed by this section and by § 69-3-115(a) shall not exceed the amount specified in Appendix A, Comprehensive Fees and Penalties, per day for each day during which the act or omission continues to occur.
- (4) *Assessment of damages.*
- (a) The Director may assess the liability of any violator for damages to the Pretreatment agency resulting from any Person(s) or user(s) Pollution or violation, failure, or neglect in complying with any permits or orders issued pursuant to the provisions of the Pretreatment program.

- (b) If an appeal from such assessment is not made to the Director by the violator within 30 days of notification of such assessment, he shall be deemed to have consented to such assessment and it shall become final.
 - (c) Damages may include any expenses incurred in investigating and enforcing the Pretreatment program or any other sections of this chapter in removing, correcting, and terminating any Pollution, and also compensation for actual damages caused by the violation to the POTW. The Director shall assess the expenses and damages incurred by the POTW to clear the obstruction, repair damage to the POTW, and otherwise rectify any impairment caused by the violation.
 - (d) Whenever any assessment has become final because of a Person's failure to appeal within 30 days, the Director shall bill the Person responsible for the damage for reimbursement of all expenses and damages suffered by the POTW. If the Person responsible refuses to pay, the Director may apply to the appropriate court for a judgment and seek execution on such judgment. The court, in such proceedings, shall treat the failure to appeal such assessment as a confession of judgment in the amount of assessment.
 - (e) The Director may institute proceedings for the assessment of damages in the name of the City in Chancery Court of Williamson County.
- (5) *Hearings.*
- (a) Any hearing or rehearing brought before the appropriate Committee shall be conducted in accordance with the following:
 - (i) Upon receipt of a written petition from the alleged violator pursuant to this section, the Director shall give the petitioner ten days written notice of the time and place of the hearing.
 - (ii) The hearing provided may be conducted by the appropriate Committee at a regular or special meeting. A quorum of the appropriate Committee must be present at the regular or special meeting to conduct the hearing.
 - (iii) A verbatim record of the proceedings of the hearings shall be made and filed with the appropriate Committee in conjunction with the findings of fact and conclusions of law. The transcript shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the Director to cover preparation fees.
 - (iv) In connection with the hearing, the chairperson of the appropriate Committee shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In any case of refusal to obey a notice of hearing or subpoena issued under this section, the Chancery Court of Williamson County shall have the jurisdiction upon the application of the Director to issue an order requiring such Persons to appear and testify or produce evidence as the case may require. Failure to obey such an order of the court is punishable by the court as contempt.
 - (v) Based on the evidence produced at the hearing, the appropriate Committee shall make findings of fact and conclusions of law and enter such decisions and orders as, in its opinion, will best further the purposes of the Pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this

subsection shall be issued no later than 30 days following the close of the hearing by the Person or Persons designated by the chairperson.

- (vi) The decision of the appropriate Committee shall become final and binding on all parties unless appealed to the courts as provided in § 18-212(5)(b).
 - (vii) Any Person to whom an emergency order is directed shall comply therewith immediately but, on petition to the appropriate Committee, shall be afforded a hearing as soon as possible but in no case shall such hearing be held later than three days from the receipt of such a petition by the appropriate Committee.
 - (viii) Upon agreement of all parties, the testimony of any Person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure with the chairperson to rule on such matters as would require a ruling by the court under said rules.
 - (ix) The Director shall first call witnesses, which shall be followed by witnesses called by the other party. Rebuttal witnesses shall be called in the same order. The chairperson shall rule on any evidentiary questions arising during such hearing and shall make other rulings necessary or advisable to facilitate an orderly hearing subject to approval of the appropriate Committee. The appropriate Committee, the Director, his representative, and all parties shall have the right to examine any witness. The appropriate Committee shall not be bound by or limited to rules of evidence applicable to legal proceedings.
 - (x) Any Person aggrieved by an order or determination of the Director, where an appeal is not otherwise provided by this section, may appeal said order or determination to be reviewed by the appropriate Committee under the provisions of this section. A written notice of appeal shall be filed with the Director and said notice shall set forth with particularity the action or inaction of the Director complained of and the relief being sought by the Person filing said appeal. A special meeting of the Committee may be called by the chairperson upon the filing of such an appeal, and the committee may, at member's discretion, suspend the operation of the order or determination of the Director on which is based the appeal until the appropriate Committee has acted upon the appeal.
 - (xi) The vice chairperson or the chairperson pro tem shall possess all the authority delegated to the chairperson by this section when acting in their absence or place.
- (b) An appeal may be taken from any final order or other final determination of the Director or Committee by any party who is or may be adversely affected thereby to the Chancery Court pursuant to the common law writ of certiorari set in Tennessee Annotates (T.C.A. § 27-8-101, within 60 days from the date such order or determination is made.
- (6) *Judicial proceedings and relief.* The Director may initiate proceedings in the Chancery Court of Williamson County against any Person or user who is alleged to have violated or is about to violate the Pretreatment program, its industrial user permit, any section of this chapter, or any order of the Director and/or Committee. In such action, the Director may seek, and the court may grant, injunctive relief and any other relief available in law or equity.
- (7) *Disposition of damage payments and penalties.* All damages and/or penalties assessed and collected under the provisions of this section shall be placed in a special fund by the City and allocated and appropriated to the sewer system for the administration of its Pretreatment program.

Sec. 18-213. - 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 municipal sewage works. Any Person violating this provision shall be subject to immediate arrest.

Sec. 18-214. - Powers and authority of inspectors.

The Director, and other duly authorized employees of the City, as well as state and federal EPA personnel bearing proper credentials and identification, shall be permitted to enter upon all properties for inspection, observation, measurement, sampling, testing and record review and copying in accordance with the provisions of this chapter.

Sec. 18-215. - Duties and authorities.

- (1) *Appropriate Committee.* In addition to any other duty or responsibility otherwise conferred upon the appropriate committee by this chapter, the appropriate Committee shall have the duty and power as follows:
 - (a) To recommend amendments or modifications to the provisions of this chapter;
 - (b) To hold hearings upon appeals from orders of actions of the Director as may be provided under the provisions of this chapter;
 - (c) To hold hearings related to the suspension, revocation, or modification of a Wastewater discharge permit and issue appropriate orders relating hereto;
 - (d) To hold hearings that may be required in the administration of this chapter and to make determinations and issue orders necessary to effectuate the purposes of this chapter.
 - (e) To request assistance from any officer, agent, or employee of the City and to obtain any necessary information or other assistance;
 - (f) The appropriate Committee, acting through its chairperson, shall have the power to issue subpoenas requiring attendance, the testimony of witnesses, and the production of documentary evidence relevant to any matter properly heard by the appropriate Committee;
 - (g) The chairperson shall be authorized to administer oaths to people giving testimony.
- (2) *Director.*
 - (a) *Director and staff.* The Director and his/her staff shall be responsible for the administration of all parts of this section.
 - (b) *Authority of Director.* The Director shall have the authority to enforce all sections of this chapter. He/she shall be responsible and have the authority to maintain and operate the various treatment works, sewer lines, pump stations, and other appurtenances of the POTW. The Director shall be responsible for preparation of operating budgets, subject to the normal budgetary processes of the City.
 - (c) *Records.* The Director shall keep in his office or at an appropriate storage facility all applications required under this chapter a complete record thereof, including a record of all Wastewater discharge permits.
 - (d) *Notice of national pretreatment standard.* The Director shall notify users identified in 40 CFR, part 403.8(f)(2) of any applicable Pretreatment standards or other applicable requirements

promulgated by the EPA under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345) or under the provisions of Sections 3001, 3304, or 4004 of the Solid Waste Disposal Act. Failure of the Director to notify users shall not relieve the users from the responsibility of complying with these regulations.

- (e) *Public participation notice.* The Director shall comply with the public participation requirements of 40 CFR, Part 425 in the enforcement of National Pretreatment Standards. The Director shall, at least annually, provide public publication in the largest local newspaper of all significant industrial users which, during the previous 12 months, significantly violated applicable Pretreatment standards or other Pretreatment requirements. For the purposes of this provision, a significant industrial user is in significant violation if its violations meet one or more of the following criteria:
- (i) Chronic violations of Wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceeded (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
 - (ii) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily average maximum limit or average limit times the applicable TRC (TRC=1.4 for BOD, TSS, and oil and grease; and 1.2 for all other pollutants except pH).
 - (iii) Any other violation of a Pretreatment effluent limit (daily maximum or longer-term average) that the Director believes has caused, alone or in combination with other discharges, interference, or Pass-Through, including endangering the health of the POTW personnel and the general public.
 - (iv) Any discharge of a pollutant that has caused imminent endangerment to human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
 - (v) Violation by 90 days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.
 - (vi) Failure to provide required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring.
- (f) *Approves new construction.* The Director shall give approval in acceptance of newly constructed Sanitary Sewer lines, pump stations, and other appurtenances.

Sec. 18-216. - Validity.

- (1) All ordinances and/or sections of the Franklin Municipal Code, or parts thereof, in conflict herewith are hereby repealed.
- (2) The invalidity of any section, clause, sentence or provision of this chapter of the Franklin Municipal Code shall not affect the validity of any other part of this chapter of the Franklin Municipal Code which can be given effect without such invalid part or parts.

Sec. 18-217. - Provisions applicable.

The requirements contained herein shall apply to all Premises served by the Franklin Wastewater System whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the City to provide Wastewater services to any Premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe health wise, or otherwise undesirable, shall be enforced rigidly without regard to location of the Premises, whether inside or outside the Franklin corporate limits.

Sec. 18-218. - Penalty.

Any Person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined as specified in Appendix A, Comprehensive Fees and Penalties. Each day of continued violation shall constitute a separate offense.

Sec. 18-219. - Date of effect.

All ordinances and parts of ordinances in conflict with this chapter shall be hereby repealed. This chapter shall take effect from and after its passage.

CHAPTER 18. - WATER AND SEWERS

<i>Application Fee</i>	
Additional service	\$50.00
Transfer of existing service	\$50.00
New construction	\$25.00
<i>Repairs, replacement or relocation of meters, boxes, service lines or associated utilities, necessitated by damage to meters, boxes, service lines or associated utilities, or failure to install according to city specifications.</i>	Billed at full replacement price. Materials billed at full retail value along with associated equipment and labor costs. One-hour minimum labor charge for repair replacement or relocation of any damaged water utilities.
<i>Temporary/Seasonal</i>	
Disconnection fee	\$25.00
Reconnection fee	\$25.00
<i>Fire Hydrants and Sprinkler Systems—Private</i>	
System Development fee	\$500.00 per inch diameter of connection line
<i>Fire Hydrant Meters—Temporary</i>	
Deposit	\$1,000.00
Set-up fee	\$500.00
<i>Irrigation Access Fee to Potable Water Main</i>	\$1,186.00
<i>Inspection Fees</i>	
Reinspection fee	\$50.00 per reinspection
<i>Penalties</i>	

Municipal Code Violations	\$50.00 per day per violation plus incurred administrative costs not to exceed \$1,000.00
Administrative Civil Penalty	\$10,000.00 per act or omission per day
<i>Sanitary Sewer Service Connection Fee</i>	\$50.00
<i>Water Meters (Potable and Reclaimed)</i>	
Meter repair resulting from damage caused by meter being obstructed, blocked, or otherwise unreadable	Actual cost \$500.00 minimum
Obstructed, blocked, or otherwise unreadable meter	\$50.00 per month
Unauthorized removal or tampering	\$500.00 per occurrence
<i>Water Service (Potable and Reclaimed)</i>	
Reconnect service charge	\$35.00 normal business hours
	\$75.00 nonbusiness hours, holidays, and weekends

Fire Hydrant and Sprinkler System (Private) System Development and Meter Installation Fees

System Development Fee (SDF)		\$500.00 per inch diameter of connection line	
Meter Size	SDF	Complete Installation	Installation of Meter and Meter Box Only
¾" x 5/8 "	\$500.00	\$720.00	\$300.00
1"	500.00	854.00	356.00

1½"	750.00	1,375.00	625.00
2"	1,000.00	2,117.00	1,297.00
3"	1,500.00	3,480.00	1,506.00
4"	2,000.00	5,230.00	2,541.00
6"	3,000.00	7,035.00	4,498.00
8"	4,000.00	13,438.00	9,803.00

Water Impact Fee, Installation Fees and Irrigation Meter Fees				
Hi-/Low-flow meters will be charged at the next meter size up for pricing purposes.				
Example: The fee for a 2-inch domestic water meter and 8-inch fire line shall be based on a 3-inch water meter plus the \$500.00 per inch for the fire line (8×\$500.00)				
Meter Size	Impact Fee	Installation — Meter Only	Installation — Complete Tap	Irrigation Meter
¾"	\$2,089	\$315	\$756	\$3,150
1"	\$8,358	\$374	\$897	\$4,725
1½"	\$20,009	\$656	\$1,444	\$6,300
2"	\$26,745	\$1,362	\$2,223	\$7,875
3"	\$58,506	\$1,581	\$3,654	\$9,450
4"	\$83,580	\$2,668	\$5,492	\$11,025
6"	\$200,592	\$4,723	\$7,387	\$12,600
8"	\$250,740	\$10,293	\$14,110	\$14,175

Wastewater Impact Fee and Installation Fees			
Meter Size	Impact Fee	Installation Fee, tap in place	Installation Fee, tap not in place
¾"	\$3,544	\$263	\$1,240
1"	\$14,175	\$263	\$1,240
1½"	\$34,020	\$263	\$1,240
2"	\$45,360	\$263	\$1,240
3"	\$99,225	\$263	\$1,240
4"	\$141,750	\$263	\$1,240
6"	\$340,200	\$263	\$1,240
8"	\$425,250	\$263	\$1,240

Effluent Disposal Assessment Fee (EDA)

Meter Size	GPM	EDA Fee
5/8 " × ¾"	12.5	\$450.00
1"	50	1,800.00
1½"	120	4,320.00
2"	160	5,760.00
3"	350	12,600.00
4"	500	18,000.00
6"	1200	43,200.00
8"	1500	54,000.00

Reclaimed Water Connection and Meter Installation Fee

Meter Size	Reclaimed Water Connection Fee	Complete Installation	Total Fee
5/8 " × 3/4"	\$500.00	\$720.00	\$1,220.00
1"	500.00	853.50	1,354.00
1½"	500.00	1,375.00	1,875.00
2"	500.00	2,116.50	2,617.00
3"	500.00	3,480.00	3,980.00
4"	500.00	5,230.00	5,730.00
6"	500.00	7,035.00	7,535.00
8"	500.00	13,438.00	13,938.00

Plan Review Fees

Water plan review fee	\$300.00
Wastewater plan review fee	\$300.00
Reclaimed water plan review fee	\$300.00
Water plan review fee with consultant expedited POST PC review	\$1,000.00 per submittal/review
Wastewater plan review fee with consultant expedited POST PC review	\$1,000.00 per submittal/review
Reclaimed water plan review fee with consultant expedited POST PC review	\$1,000.00 per submittal/review

Inspection Fees

Water mains	\$1.25/lf (minimum \$1,000.00)
Reclaimed Water	\$1.25/lf (minimum \$1,000.00)
Wastewater: Gravity Main	\$2.00/lf (minimum \$1,000.00)
Wastewater: Force Main	\$1.50/lf (minimum \$1,000.00)

Reclaimed Water Rate

Reclaimed Water Rate	\$0.97/1,000 gallons Availability charge/1,000 gallons
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Sanitary Sewer Rates—Effective January 1, 2017

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$16.55	Availability charge (1,000 gallons)	\$21.63
Next 14,000 gallons	5.54	Next 14,000 gallons	8.68
All additional gallons	4.75	All additional gallons	7.53
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$41.98	Availability charge (1,000 gallons)	\$45.46
Next 14,000 gallons	6.09	Next 14,000 gallons	9.51
All additional gallons	5.10	All additional gallons	7.62

Sanitary Sewer Rates—Effective January 1, 2018

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$16.55	Availability charge (1,000 gallons)	\$21.63
Next 14,000 gallons	5.99	Next 14,000 gallons	9.38
All additional gallons	5.20	All additional gallons	8.23
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$41.98	Availability charge (1,000 gallons)	\$45.46
Next 14,000 gallons	6.54	Next 14,000 gallons	10.21
All additional gallons	5.55	All additional gallons	8.32

Water User Rates—Effective January 1, 2017

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$11.86	Availability charge (1,000 gallons)	\$14.30
Next 9,000 gallons	4.71	Next 9,000 gallons	7.29
Next 15,000 gallons	5.64	Next 15,000 gallons	7.87
All additional gallons	6.57	All additional gallons	8.45
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$18.49	Availability charge (1,000 gallons)	\$22.21
Next 9,000 gallons	4.69	Next 9,000 gallons	7.21
Next 15,000 gallons	5.62	Next 15,000 gallons	7.79
All additional gallons	6.55	All additional gallons	8.37

Water User Rates—Effective January 1, 2018

<i>Residential-inside, per 1,000 gallons</i>		<i>Residential-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$11.86	Availability charge (1,000 gallons)	\$14.30
Next 9,000 gallons	4.96	Next 9,000 gallons	7.68
Next 15,000 gallons	5.89	Next 15,000 gallons	8.26
All additional gallons	6.82	All additional gallons	8.84
<i>Commercial-inside, per 1,000 gallons</i>		<i>Commercial-outside, per 1,000 gallons</i>	
Availability charge (1,000 gallons)	\$18.49	Availability charge (1,000 gallons)	\$22.21
Next 9,000 gallons	4.94	Next 9,000 gallons	7.60
Next 15,000 gallons	5.87	Next 15,000 gallons	8.18
All additional gallons	6.80	All additional gallons	8.76

(Ord. No. 2010-63, § I, 11-23-2010; Ord. No. 2010-84, § I, 1-25-2011; Ord. No. 2011-29, § I, 9-13-2011; Ord. No. 2012-57, § I, 12-11-2012; Ord. No. 2013-07, § I, 2-26-2013; Ord. No. 2014-24, § II, 10-14-2014; Ord. No. 2014-32, § I, 11-25-2014; [Ord. No. 2016-15](#), § I, 6-28-2016, eff. 1-1-2017)

SECTION II: BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect on June 30, 2018, and after its passage on second and final reading for the health, safety and welfare of the citizens of Franklin, Tennessee, requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PASSED FIRST READING _____

PASSED SECOND READING _____