

**TITLE 18**  
**WATER AND SEWERS**  
**CHAPTER 5**  
**RECLAIMED WATER**

**SECTION**

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**18-501. Use of system regulated.** All persons using, desiring, or required to use the reclaimed water system of the Town of Smyrna,

Tennessee shall comply with the provisions of this chapter and all other provisions in this Code relating to the public water and sanitary sewerage system of the Town.

**18-502. Purposes, objectives and application.** The provisions contained in this chapter of the Smyrna Municipal Code set forth uniform requirements which regulate the use of the reclaimed water system.

**18-503. Approved uses of reclaimed water.** Sites may use reclaimed water for a variety of uses approved by the Town of Smyrna. These include, but are not limited to: landscape irrigation, agricultural irrigation, construction water, water for industrial purposes, impoundment (fountains) and indoor toilet and urinal flushing. Each use of reclaimed water must have a permit from the Town prior to receiving reclaimed water. The Town of Smyrna, at their discretion, can require or specify what sites and/or uses of reclaimed water are to be utilized in their service area. Sites may use reclaimed water only for those uses approved by the Town of Smyrna and State of Tennessee. The design and operation of the reclaimed water system shall be in accordance with the "Policies and Procedures for the Design and Operation of Reclaimed Water Facilities" as adopted by the Town of Smyrna.

**18-504. Requirement for the development of reclaimed water system.** A reclaimed water system may be required in developments with more than five acres or ten building units and in developments with mandatory landscaping requirements. The potential amount of reclaimed water used by the development and the location of the development in relation to the Smyrna reclaimed water system will be the criteria used to determine whether a reclaimed water system will be required for the development. In general, developments that use 7,500 gallons per day or more of reclaimed water (as determined by floor/area ratio and green space irrigation requirements) and are located within 1000 feet of an existing reclaimed water system will be required to install a reclaimed water system. All developments subject to these requirements shall submit to the Smyrna Utilities Department an estimate of the potential water reuse quantities within the proposed development (in conjunction with the site plan submittal to the planning department). A designated representative of the Smyrna Utilities Department shall determine the extent of the reclaimed water system to be installed in the proposed development. Proposed development required to install a reclaimed water system shall be responsible for extending the reclaimed water system to the project site (i.e. extending water/sewer lines), if the Town's reclaimed water system is within 1000 feet of the proposed project/development. If the proposed development is located

more than 1000 feet from the existing reclaimed water system, and the Utilities department requires the developer to install a reclaimed water system, the Town of Smyrna may extend the reclaimed water system to within 1000 feet of the proposed development. If it is determined by the Utilities Department that the development is required to install a reclaimed water system, dual water systems (potable water and reclaimed water) shall be installed in the development, regardless of whether reclaimed water is currently available in the area. When reclaimed water is available to the site, the Utilities Department will be responsible for connecting the reclaimed water to the development's reclaimed water system.

**18-505. Reclaimed water use permit.** Every site must obtain a reclaimed water permit from the Town of Smyrna prior to receiving reclaimed water. Permits will only be issued after the site has met all of the permit conditions. If in the opinion of the Utilities 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 applicant or his agent, and any reinspection of the same work is required, then a fee of \$50.00 per reinspection may be assessed against and collected from the applicant or his agent. No portion of the permitted work shall continue without first paying the reinspection fee.

**18-506. Definitions and abbreviations.** For the purpose of the sections contained in this chapter of the Smyrna Municipal Code, the following phrases, words and abbreviations shall have the meaning assigned below unless the context specifically indicates otherwise:

(1) Effluent. Treated wastewater that flows out of a treatment plant, sewer or industrial outfall.

(2) Potable water. Water that is safe for drinking.

(3) Reclaimed water. Wastewater that is treated and reused to supplement water supplies. Reclaimed water meets safety standards, also called repurified water. Reclaimed water should not be used for drinking water.

(4) Surface water. Water that runs off the land into rivers, lakes, streams and oceans.

(5) Wastewater. Used water from individual homes, communities, farms or businesses that contains dissolved or suspended matter.

(6) Water reuse. Using wastewater or reclaimed water from one application for another application. Possible beneficial reuse options include irrigation, aesthetic uses, groundwater recharge, fire protection and industrial heating and cooling.

**18-507. Reclaimed water meter installation charge.** The reclaimed water installation charge shall be paid by all customers required to use reclaimed water or that request reclaimed water service. Customers that currently have irrigation meters will not be charged an installation fee. The charge shall be due and payable at time of application for reclaimed water service. The reclaimed water meter installation charge will be paid in accordance with the meter installation fee schedule included in the annual budget ordinance.

In the event the Town does any installation work not covered in the above schedule, the cost of such work shall be charged to the customer according to a schedule of rates established by the Utilities Department.

Reclaimed water service lines connected to the reclaimed water system shall be located and installed in accordance with the established standards of the Town. When a service line is completed and accepted by the Town as part of the reclaimed water system, the Town shall be responsible for the maintenance and upkeep of such service line from the reclaimed water main to and including the meter and meter box, and such portion of the service line shall belong to the Town. The remaining portion of the service line beyond the meter box to the customer's premises shall belong to and be the maintenance responsibility of the customer.

**18-508. Reclaimed water main extensions and facilities funded in whole or in part by developers.** If offsite reclaimed water system improvements are required for any proposed development, the developer shall pay the cost of all offsite reclaimed water system improvements. As a minimum, the developer must install reclaimed water lines in accordance with the Town's standard specifications. If the Town has a need for the offsite or onsite reclaimed water system to be larger than that needed for the developer, the Town will enter into a contract with the developer, prior to work commencing, to pay for any upsizing needed by the Town.

**18-509. Variances from and effect of preceding rules as to extensions.** The Town Council 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 Town Council 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 reclaimed water main extensions under § 18-508 is permissive only and nothing contained therein shall be construed as requiring the Town to make water main extensions or to furnish service to any person or persons.

**18-510. Construction of reclaimed water lines.** All persons who undertake the construction of reclaimed water lines located in, or affecting reclaimed water service provided by the Town of Smyrna shall comply with the requirements and regulations set forth in the "Town of Smyrna, Tennessee, Smyrna Standard Specifications for Design and Construction of Reclaimed Water System, prepared by \_\_\_\_\_ dated \_\_\_\_\_, 2010, along with any amendments, additions, or alteration that may thereafter be adopted by the Town Council by resolution, copies of which may be purchased in the office of the Town recorder. Upon completion of the construction of any such reclaimed water line and upon approval by the Town, such reclaimed water lines and mains and appurtenances shall become the property of the Town. The persons paying the cost of constructing such lines and mains shall execute all written instruments required by the Town necessary to provide evidence of the Town's title to such lines and mains. In consideration of such line and mains being transferred to the Town, the Town shall incorporate said mains as an integral part of the Town's reclaimed water system and shall furnish reclaimed water therefrom in accordance with this chapter. When for cause shown, the Town Council determines that it is in the best interest of the reclaimed water system and the general public to extend reclaimed 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 Town Council. The authority to extend reclaimed water service is permissive only, and nothing contained herein shall be construed as requiring the Town to provide reclaimed water service to any person or entity.

**18-511. Reclaimed water meters.** (1) All reclaimed water meters shall be installed, tested, repaired, and removed by the Town, or pursuant to the specifications, regulations and requirements of the Town. No meter shall be installed without the consent of the Town. No meter shall be tampered with or removed.

(2) In the event that any reclaimed water meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable or inaccessible by the Town of Smyrna for purposes of monitoring water usage, or if the meter is not brought up to grade according to Town specifications, the customer responsible for the meter shall be fined \$50.00 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 Town a minimum monthly payment equal to the average reading for the preceding six month period for water service.

In addition, upon either discovery or notice by the Town of the fact that the meter is obstructed, blocked, covered, damaged, destroyed, concealed from view or otherwise rendered unreadable, or 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 Town. 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 Town specifications the customer shall be billed for the repairs and/or replacement of the meter in accordance with the greater of the tampering or damaged meter fees schedules in the annual budget ordinance.

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 Town 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 unreasonable or inaccessible by the Town, or is not brought to grade or otherwise not installed according to Town specifications. In addition, the monthly bill for service shall remain the responsibility of the builder, and there shall be a fine for each month in which the meter is obstructed, covered, damaged, or otherwise unreadable or inaccessible by the Town or is not brought to grade or otherwise not installed according to Town specifications. The fine will be equal to the greater of the tampering or damaged meter fee in the fee schedules of the annual budget ordinance.

(4) If a customer in whose name new service has been extended fails, after reasonable notice by the Town, to correct any improperly installed water, as herein before described, the Town reserves the right to refuse new service to the builder at other locations in the Town until the deficiency is

corrected.

(5) Any unauthorized removal or tampering with the meter shall result in a fine equal to the greater of the tampering or damaged meter fee in the fee schedules of the annual budget ordinance per occurrence.

**18-512. Meter tests.** The Town will, at its own expense, make routine tests of meters when it considers such tests desirable. In testing meters, the water passing through a meter will be 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:

TABLE INSET:

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

If a customer requests a meter test, and the test results are within these percentages, the customer must pay all expenses related to testing the meter.

**18-513. Multiple services through a single meter.** No customer shall supply reclaimed water service to more than one dwelling or premise from a single service line.

**18-514. Billing.** All reclaimed water bills may be rendered weekly, semi-monthly, or monthly, at the option of the Town. Reclaimed water bills must be paid on or before the due date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the due date. In the event a bill is not paid on or before ten days after the due date, the customer's service shall be discontinued without further notice. The Town 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 actually discontinued. Should the final date of payment of bill at the net rate fall on weekend or a holiday, the business day next following the final date will be the last day to obtain the net rate. If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the Town reserves the right to render an estimated bill based on the best information available. Any authorized removal or tampering with the meter shall result in a remedial fine equal to

the greater of the tampering or damaged meter fee in the fee schedules of the annual budget ordinance per occurrence.

**18-515. Discontinuance or refusal of service.** The Town Council 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:

- (1) Nonpayment of bill or other charges.
- (2) Partial payment of bill or other charges.
- (3) Town of Smyrna rules, regulations or policies.
- (4) Customer's application and agreement for service.
- (5) Any threat to public health on the customer's premises, which may endanger other customers.
- (6) Tampering with Town of Smyrna equipment or stealing service.
- (7) In the event that a customer has allowed more than one service on one tap. Such right to discontinue service shall apply to 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. Discontinuance of service by the Town for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's agreement.

**18-516. Disconnect service charge.** Whenever service is disconnected, as provided for in § 18-414 and § 18-415, above, prior to reinstatement of that customer's service, a charge in an amount set by the annually adopted fee schedule shall be paid to the office of Town recorder. This disconnect service charge also applies if the service technician is in route to disconnect service.

**18-517. Discontinuance of service by customer.** Customers who wish to discontinue service must request termination of service in writing. No telephone request or 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.

**18-518. Access to customers' premises.** The Town's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment



belonging to the Town, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations.

**18-519. Inspections; fees.**

(1) The Town 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 of Utilities 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 established by the Council 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 Town reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by Town ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the Town.

(4) Any failure to inspect or reject a customer's installation or plumbing system shall not render the Town liable nor responsible for any loss or damage that might have been avoided, had such inspection or rejection been made.

**18-520. 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 Town shall be and remain the property of the Town. Each customer shall provide space for and exercise proper care to protect the property of the Town on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer.

**18-521. Customer's responsibility for violations.** Where the Town furnishes reclaimed water service to a customer, such customer shall be responsible for all violations of these rules and regulations that 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.

**18-522. Supply and resale of reclaimed water.** All reclaimed water shall be supplied within the Town exclusively by the Town and no customer shall, directly or indirectly, sell, sublet, assigns, or otherwise

dispose of the reclaimed water or any part thereof unless approved by the Town and gain all State of Tennessee regulatory approval.

**18-523. Unauthorized use of or interference with water supply.**

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

**18-524. Damages to property due to water pressure.** The Town shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the Town's water mains.

**18-525. Liability for cutoff failures.** The Town's liability shall be limited to the forfeiture of the right to charge a customer for reclaimed 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 Town has failed to cut off such service.

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

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

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

**18-526. Restricted use of reclaimed water.** The Town 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.

**18-527. Interruption of service.** The Town will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The Town shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the Town'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 Town shall not be liable for any damages from such interruption of service or for damages from the resumption of service without

notice after any such interruption.

**18-528. Schedule of reclaimed water rates.** The rates shall be, and are hereby, established for reclaimed water distributed within the corporate limits of the Town of Smyrna, Tennessee, by the Town of Smyrna as set in the fees schedule within the annual budget ordinance.

For all reclaimed water furnished by the Town of Smyrna to consumers outside the corporate limits of the Town of Smyrna, the rate charged shall be the same rate charged to consumers who are furnished water within the corporate limits of the Town of Smyrna, Tennessee.

**18-529. Backflow prevention.** Customer will install a reduced pressure backflow assembly on all potable water services at the site, as required by this chapter, before receiving reclaimed water service from the Town. Customer is responsible for the maintenance and testing of any backflow protection.

**18-530. Provisions applicable.** The requirements contained herein shall apply to all premises served by the Smyrna 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 protection of the reclaimed 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 Smyrna corporate limits.

**18-531. 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 therefore, shall be fined equal to the damaged meter fee in the fee schedules of the annual budget ordinance. Each day of continued violation shall constitute a separate offense.