

## ORDINANCE NO.1024

### AN ORDINANCE TO ADD CHAPTER 5 “REPURIFIED WATER” TO THE PIGEON FORGE MUNICIPAL CODE

WHEREAS, the Board of Commissioners of the City of Pigeon Forge is desirous to regulate repurified water for use by its citizens and businesses located within the corporate limits of the City, and

WHEREAS, it is necessary to add Chapter 5 “Repurified Water” to Title 18 of the Municipal Code and establish specifications for the use, installation and maintenance of same.

NOW, THEREFORE, BE IT ORDAINED that Title 18 of the Municipal Code be amended to add Chapter 5 Repurified Water as follows:

**Section 1:** Chapter 5 Repurified Water is hereby made a part of the Municipal Code as follows:

1. (a) *Definitions.*
  - (1) Customer shall mean the person or legal entity who owns property to which repurified water service is to be, or is being, provided. Because of the variety of infrastructure and use issues arising with repurified water, the owner of the property is required to complete the application and agreement for service. If a person other than the owner is to be billed for the monthly service charge and the repurified water usage, both the owner and the other person must complete the application and agreement. The owner and the other person will collectively be the customer and both will be required to follow the terms and conditions of this ordinance and the agreement.
  - (2) Pigeon Forge shall mean the City of Pigeon Forge, Tennessee.
  - (3) Repurified water shall mean the highly treated reclaimed water produced at the City of Pigeon Forge Wastewater Treatment Plant. The product has been subjected to physical and biochemical processes, and has been filtered and disinfected with both ultraviolet light and chlorine prior to being introduced into a dedicated distribution system. While not intended for human or animal consumption, this water is suitable for a number of domestic, commercial and industrial applications, as established by the City.
- (b) *Use of repurified water regulated.* All persons using repurified water produced by the City shall comply with all relevant provisions of City ordinances and Pigeon Forge policies and standards relating to potable water, repurified water and sewerage systems of the City.

- (c) *Use of repurified water.* Repurified water shall be utilized for irrigation and may be utilized for other approved uses as established by policies adopted by Pigeon Forge.
- (d) *Infrastructure.* All lines and appurtenances dedicated to public use shall be located in public right-of ways or easements approved by the City. Such lines and appurtenances and easements shall become the property of the Pigeon Forge, and shall be maintained by Pigeon Forge. The construction of all repurified water lines shall be in accordance with the requirements and policies of the City.
- (e) The City Council, after receiving a recommendation from the Public Works Department, shall by ordinance establish and from time to time adjust rates, fees, charges and credits for the repurified water system.
- (f) The Board shall adopt policies and regulations for the repurified water system and the use of repurified water.

**2. Conditions for repurified water service.**

- (a) *Compliance with regulations.* Repurified water is subject to a variety of federal, state and local regulations to protect the safety of the public and the integrity of both the potable and repurified water systems. Customer agrees to comply with any federal, state and local laws, regulations and standards that may apply the customer's use of repurified water. Such laws, regulations and standards may include:
  - (1) requirements and restrictions governing the use of repurified water;
  - (2) application methods that reasonably preclude certain kinds of human contact with repurified water;
  - (3) controlled access to the repurified water, its delivery system, storage and use;

- (4) requirements to prevent repurified water from standing on open access areas during normal periods of use;
  - (5) requirements to prevent repurified water from coming into contact with drinking fountains, water coolers or eating areas; and,
  - (6) requirements to identify certain components of the delivery system, or to provide public notice or signage that repurified water is used on the customer's premises.
- (b) *Compliance with agreement.* A repurified water customer agreement establishes the terms and conditions that apply to the ultimate consumer of the City's repurified water. No repurified water service of the City may be connected or served until the following conditions are met:
- (1) a complete agreement and application for repurified water is executed by the owner of the property and, if different from the owner, the user;
  - (2) Pigeon Forge and the customer agree on the use site; Pigeon Forge agrees to deliver repurified water to a meter at the customer's property line at the designated use site and the customer agrees that repurified water will be stored and/or used exclusively at the designated use site;
  - (3) customer may not resell repurified water, and is prohibited from conveying repurified water delivered under this agreement to any other premises or location not specified in the application;

(4) the Pigeon Forge repurified water distribution system terminates at the meter. The Customer is solely responsible for any on site costs arising from the construction, maintenance or operation of the onsite portion of the system; and,

- (c) *Color coding.* The use of color code Pantone Purple 522C is required for all public repurified water lines, valves and outlets and appurtenances, and is strongly recommended for distribution and application facilities located on private properties.
- (d) *Hose bibs.* Customer specifically agrees not to install hose bibs, except as allowed by City policy, on any component of the repurified water delivery system.
- (e) *Signage.* Customer is responsible for posting and maintaining signs that will inform the public that repurified water is being used on the customer's premises. Such signage shall conform to the policies of the City. Customer may also be responsible for posting other signage that may be required by the State of Tennessee.
- (f) *Cross-connection control.* Repurified water is designated as a non-potable water supply. Since it is virtually impossible to distinguish repurified water from drinking water by sight or scent, it is important to maintain complete separation of the repurified water and potable water systems. To accomplish this goal, the provisions of the cross connection control program shall apply. At a minimum, a reduced pressure backflow prevention device shall be required on the potable water supply for the site served with repurified water.

- (g) *Inspection.* Customer agrees that the City or any other public agency with the authority to verify compliance with the repurified water use regulation may inspect the customer's premises to verify compliance with applicable laws and regulations. Customer further acknowledges the responsibility and obligation to inform Pigeon Forge of certain activities relating to the construction, maintenance and operation of its private repurified water system, including, but not necessarily limited to, materials, construction or modification, testing, violations and emergency situations.
- (h) *Plans.* Customer acknowledges the responsibility to maintain a copy of the on site repurified water system plans at the premises where the water is being used.
- (i) *Potential Disruption of Service.* Customer accepts the possibility that Pigeon Forge may be required to disrupt repurified water service or to reduce pressure due to emergency conditions, peak demands, or planned system maintenance. Pigeon Forge will not be responsible for any damage or loss that may be sustained because of any interruption of service.
- (j) *Emergency terminations.* When there is an unforeseen emergency, Pigeon Forge may terminate delivery of repurified water without notice. When notice of an emergency is given, customer shall reduce or cease usage of repurified water.
- (k) *Cessation or reduction in use.* In order to accommodate peak demands or planned maintenance, Pigeon Forge shall provide the customer with twenty-four hour notice of the need to cease or reduce repurified water usage. Upon receipt of such notice, customer shall comply with the notice.
- (l) *Transfer of property.* Customer agrees that all leases of the premises subject to the agreement for repurified water service shall be in

writing and must be made expressly subject to the agreement. Should the customer sell or otherwise transfer ownership or control of the premises described herein to a third party, Pigeon Forge shall not be obligated to provide repurified water to any subsequent owner or customer unless such sale or disposal incorporates the agreement by reference, and makes any successors and assigns expressly subject to the agreement. If such third party disposition does not include such provisions, customer will close its account with Pigeon Forge and pay any fees or charges incurred by customer before the disposition of the property is effective.

- (m) *Termination of service.* Customer acknowledges that potable water, repurified water and sewer service may be discontinued for failure to comply with the terms and conditions of the agreement for repurified water service, including, but not limited to, failure to pay for potable water, repurified water or sewer services provided by Pigeon Forge.

**3. Discontinuance of service for failure to pay bill.**

If any person shall fail to pay their bill for potable water, repurified water or sewer service by the due date shown on such bill, Pigeon Forge may cut off and disconnect repurified water from the premises of the person owning or controlling the property to which such bill relates, and water shall remain cut off and disconnected from such premises until bill shall be paid.

If the water shall be so cut off or disconnected, the same rules that apply for disconnection and reconnection of potable water shall apply.

If any check is returned by any bank for any reason, there shall be a service charge as set forth in Title 18. If service is discontinued due to

failure by the customer to make satisfactory restitution for said check, the reconnection fee described in the preceding paragraph shall apply.

Pigeon Forge shall not be liable for any damages resulting from discontinuance of service for failure to pay bill, or from delay in reconnection of service.

**4. Tapping mains without permission; using unmetered water; tampering with meters, etc.; interfering with installation, operation, etc., of meter.**

It shall be unlawful for any person:

- (a) to make a tap or connection with any repurified water main of the City or with any pipe connected with any such repurified water main, without first obtaining the consent of Pigeon Forge;
- (b) to take, use or consume any repurified water from any such water main or any pipe connected with any such repurified water main, unless such repurified water is regularly metered by a water meter installed, or the installation of which has been approved, by Pigeon Forge;
- (c) to tamper in any manner with any such meter, including all fittings and fixtures thereon and connection thereto, or in any respect with the regularly approved installation of same; or,
- (d) by the installation or use of any pipe, by-pass, cut-off or other device or by other means whatsoever, to interfere in any manner with the approved installation of any such meter or with the normal operation of any such meter or with the normal registration thereon and thereby of the quantity of water consumed.

**5. Penalty.**

Any person who shall violate or fail to comply with any provision of this chapter shall be penalized as provided herein and by any other applicable

regulation and/or law.

**In addition, whenever it has been determined that an illegal connection has been made, Pigeon Forge shall charge the owner of the property any costs associated with removing the connection.”**

## 6. FEES - REPURIFIED WATER

### (A)1. Schedule of repurified water rates

(a) *Rates established.* The schedules of repurified water service fees and usage rates to be charged and collected by the City from consumers of repurified water served by the City and its water and sewer department is hereby fixed and established as follows:

(b) *Repurified water monthly service charge.*

1	inch meter	\$5.00
2	inch or larger meter	\$10.00

(c) *Repurified water usage rate.* The water rate shall be \$3.26 per 1,000 gallons of consumption. This rate represents one half of the current potable water rate in effect inside city limits.

(d) *Exemption of first year charges.* During the first twelve consecutive month period following initiation of service, customers shall pay the repurified water monthly service charge but shall be exempt from paying the repurified water usage rate.

(e) *Conditions.* All rates and charges are subject to all rules and regulations of the water and sewer department now or hereafter from time to time in force and effect.

(f) *Application of gross rate.* The above charge and rates are net, the gross rate and service charge being ten percent (10%) higher. In the event that the current monthly bill is not promptly paid by the due day applicable to and shown on the respective bills rendered, the gross rate shall apply. Generally, the due day shall be ten (10) days after the date of mailing of the respective bills rendered to consumers.

## 2. Charges for taps made by City.

(a) The charges for repurified water taps made by the Pigeon Forge Utility Department shall be as hereinafter set forth:

(1) *Meter Connection:* In areas where the service line stub has been installed, the charge for a repurified meter connection shall be Seven Hundred Fifty Dollars (\$750.00).

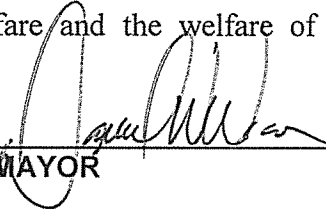


(2) *Complete tap*: In areas where the water service line stub has not been installed, the charge for a one inch repurified water tap shall be Seven Hundred Fifty Dollars (\$750.00). The charge for a two inch repurified water tap shall be Twelve Hundred Fifty Dollars (\$1,250.00). A complete tap consists of both the stub and meter connection.

(3) *Large taps*: Charges for taps and service lines installed larger than two inch shall be the costs of labor, equipment, and materials.

(b) *Delayed connection*: If any person paying any such charge for any such repurified water tap shall, within two years thereafter, fail to request the City to make the repurified water tap so paid for, and if in the meantime the charge for such repurified water tap be increased, then such person shall be required to pay to the City such additional amount which, together with the amount already paid, will equal the increased charge then required to be paid for such repurified water tap, before such repurified water tap shall be made or be permitted to be made.

**SECTION 2.** That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

APPROVED:   
MAYOR

ATTEST:   
CITY RECORDER

Passed on first reading: September 12, 2016  
Passed on second reading: October 10, 2016