

TITLE 10

WATER AND SEWER

Chapters:

- 10.04 Sewer Regulations
- 10.08 Water and Sewer Rates
- 10.12 Water and Sewer Commission
- 10.16 Wellhead Protection Program
- 10.20 Cross-Connection Control Program

CHAPTER 10.04

SEWER REGULATIONS

Sections:

- 10.04.01 Definitions
- 10.04.02 Use of public sewers required
- 10.04.03 Private sewage disposal system
- 10.04.04 Building sewers and connections
- 10.04.05 Protection from damage
- 10.04.06 Disconnecting sewers
- 10.04.07 Powers and authority of inspectors
- 10.04.08 Administrative enforcement remedies
- 10.04.09 Judicial enforcement remedies
- 10.04.10 Supplemental enforcement action

10.04.01 Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used shall be as follows:

And/or shall mean one item or the other or a combination of both or all.

BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees, C, expressed in milligrams per liter.

Building drain shall mean the extension from the building drain to the public sewer or other place of disposal. The beginning as described in the State Plumbing Code to be thirty (30) inches from the outside of the foundation wall of the building and continuing to a point of connection to an existing sewer main.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

City shall mean the city of Wynne, Arkansas.

Combined sewer shall mean a sewer receiving both surface run off and sewage.

Garbage shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

General manager or **Manager** shall mean the manager of sewage works of the city of Wynne or his authorized deputy, agent or representative.

Human occupancy shall mean buildings used by anyone for the purpose of maintaining or creating a residence or business through the maintenance, use or sale of those items contained within. Excluded from this will be storage buildings constructed for public storage use only.

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

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Objectionable waste shall mean any wastes than can harm either the sewers, sewer treatment processes or equipment, have an adverse effect on the receiving stream or otherwise endanger life, health, or property, or constitutes a nuisance.

Person shall mean any individual, firm, company, association, society, corporation or group.

POTW shall mean Publically Owned Treatment Works.

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

Properly shredded garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried

freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Private sewage disposal or **pumping station** shall mean that facility owned, operated, and maintained by any person for the purpose of collecting and disposing of sewage within the property of said person or pumped to a city-owned sewer main.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sewage shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.

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

Sewer shall mean a pipe or conduit for carrying sewage.

Sewer Committee shall mean the Water and Sewer Commission of the city of Wynne hereafter called the Commission.

Shall is mandatory, **may** is permissive.

Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

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

Suspended solids shall mean solids that float on the water sewage, or other liquids, and which are removable by laboratory filtering.

User shall mean a source of indirect discharge.

Utility shall mean the city of Wynne Water and Sewer Commission and/or Wynne Water Utilities.

Watewater shall mean the spent water of a community, including the combination of the liquid and water carried wastes from residences, commercial establishments, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

W.E.F. is the Water Environment Federation.
(Ord. No. 706, Sec. 1.2)

10.04.02 Use of public sewers required

- A. Unsanitary conditions It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city of Wynne or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- B. Storm water discharge No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, non-contact cooling water or other such waters into any sanitary sewer.
- C. Discharge to natural outlets It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city of Wynne, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- D. Septic tanks, privies, cesspools 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. Existing septic tanks must be operated efficiently and meet all public safety requirements or they will be required to be removed or filled within thirty (30) days of public notice. Failure to meet a compliance schedule shall result in the termination of water service until such time compliance is met.
- E. Connection to public sanitary sewer required 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 or right-of-way in which there is now located or may in the future be located a public sanitary

sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer within sixty (60) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of the property line.

- F. Dischargers outside city All dischargers to the city of Wynne POTW, who are outside the jurisdiction and are not part of another incorporated city, shall be required to agree by written contract to abide by the conditions set forth in this ordinance, subsequent revisions and amendments to this ordinance, and any rules and/or regulations promulgated by the Water and Sewer Commission. All incorporated cities or communities who request discharge to the city of Wynne shall connect only upon the approval of the City Council.
- G. Limitation for discharge into the public sewer
1. No person shall discharge or cause to be discharged any of the following to any public sewers:
 - a. Any pollutant(s), which cause Pass Through or Interference. **Pass Through** means a discharge which exits the sewage treatment plant in quantities or concentrations which, alone or in junction with a discharge or discharges from other sources, is a cause of violation of any requirement of the sewage treatment plant's NPDES permit; **Interference** means a discharge which, alone or in conjunction with a discharge from other wastewater sources; both: Inhibits or disrupts the sewage treatment plant, its treatment processes or operations, and therefore is a cause of a violation of nay requirement of the sewage treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation).
 - b. Pollutants which create a fire or explosion hazard in the sewage works including, but not limited to, waste streams with a closed cup[flashpoint of less than 140⁰ Fahrenheit (F) or 60⁰ Celsius (C) using the test methods specified in 40 CFR Part 261.21.
 - c. Pollutants which will cause corrosive structural damage of the sewage works, but in no case discharges with a pH lower than 6.0.
 - d. Solid or viscous pollutants in amounts, which will cause obstruction to the flow in the sewage works resulting in interference.

- e. Any pollutant, including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the sewage treatment plant.
- f. Heat in amounts, which will inhibit biological activity in the sewage treatment plant resulting in Interference, but in no case heat in such quantities that the temperature at the sewage treatment plant exceeds 40⁰ C (104⁰ F).
- g. Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause Interference or Pass Through.
- h. Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewerage works in a quantity that may cause acute worker health and safety problems.
- i. Any trucked or hauled pollutants.
- j. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Manager.
- k. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- l. Any waters or waste containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Manager for such materials.
- m. Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the Manger as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other agencies of jurisdiction for such discharge to the receiving waters.

- n. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Manager in compliance with applicable state or federal regulations.
 - o. Any waters or wastes having pH in excess of 9.0
 - p. Materials which assert or cause:
 - (1) Unusual concentration of inert suspended solids (such as but not limited to Fuller's earth, lime slurries, and lime residues), or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - q. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- B. No person shall discharge or cause to be discharged substances, materials, waters or wastes if it appears likely in the opinion of the Manager that such wastes can harm either the sewers, sewage treatment process, or equipment, having an adverse effect on the receiving stream, or otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. If toxicity tests fail as a result of any discharge for either private, commercial, or industrial discharge, the costs of retesting shall be the responsibility of the discharging party.

- C. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or process the characteristic enumerated in Section (A) or (B) of this article, and which in the judgment of the Manager, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Manager may:
1. Reject the wastes
 2. Require pre-treatment to an acceptable condition for discharge to the public sewers.
 3. Require control over the quantities and rates of discharge, and/or require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges.
 4. If the Manager permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager, and subject to the requirements of all applicable codes, ordinances, and laws.
- D. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manger, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Manager and shall be located as to be readily and easily accessible for cleaning and inspection. Within ninety (90) days of approval of this code, the utility will develop standard specifications for the type and capacity of grease trap required by this code and shall duly notify any affected user. In the event, the following provisions shall apply:
1. Existing grease traps that do not meet utility requirements will not be required to be upgraded to meet utility requirements, unless in the opinion of the Manager and/or the Health Department the existing grease trap will not function to a level adequate to prevent sewer line blockage and/or a public health hazard. In lieu of replacing an existing trap, the Manger may allow use of a grease trap treatment such as bacteria or require more frequent cleaning of the trap;
 2. All grease traps must be continuously maintained and operated by user at user's expense. User will insure that all residues from the grease trap are

disposed of in a manner consistent with applicable local, state, and federal laws;

3. Manager may require that a grease trap be cleaned by user at a frequency determined by Manager and Manager may require user to maintain records of said cleaning;
 4. The utility may recover from user the cost associated with excessive line cleaning due to the absence and/or malfunction of a grease trap (i.e. improper or inadequate maintenance and operation of the grease trap). For purposes of this provision, excessive line cleaning is defined as any cleaning of the sewer line that would not be expected if the trap as functioning normally would prevent the need for said extra cleaning; and/or,
 5. Manager may waive the requirement for the installation of a grease trap when conditions make installation impractical. A grease trap waiver will not relieve user from any line cleaning charges that may occur as a result of the waiver.
- E. Sand and oil interceptors shall be provided when, in the opinion of Manager, they are necessary for proper handling of liquid waste containing sand, oil, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by utility and shall be readily and easily accessible for regular cleaning and inspection. Within ninety (90) days of approval of this code, utility will develop standard specifications for the type and capacity of sand and oil interceptors required by this code and shall duly notify any affected user. In the event, the following provisions shall apply:
1. Existing sand and oil interceptors which do not meet utility requirements will not have to be upgraded to meet utility requirements unless, in the opinion of the Manager, the existing interceptor will not function to a level adequate to prevent the discharge of excessive sand and oil into the sanitary sewer system;
 2. All sand and oil interceptors must be continuously maintained and operated by user at user's expense. User will insure that all residues from the sand and oil interceptor are disposed of in a manner consistent with applicable local, state, and federal laws; and/or,

3. Manager may require user to clean the sand and oil trap at a frequency determined by Manager, and Manager may require that user maintain a record of said cleaning.
- F. Where preliminary treatment for flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
 - G. When required by the Manager the owner of any property serviced by a building sewer carrying industrial wastes, shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Manager. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
 - H. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard methods for the Examination of Water and Wastewater," published by the American Public Health Association or other approved methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, or property.

The utility shall at all times have the right to establish by ordinance or in wastewater discharge permits more stringent standards or requirements on discharges to the POTW than may be specified in this ordinance and develop charges and fees to recoup direct expenses due to violation of this ordinance. (Ord. No. 706, Sec. 2.)

10.04.03 Private sewage disposal

- A. Private sewage disposal systems allowed Where a public sanitary is not available under the provisions of Section 10.04.02, the building sewer shall be connected to a private sewage disposal system complying with the provisions this article.

- B. Permits required Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Manager and approval if required by the Arkansas Department of Health and Department of Environmental Quality (formerly the Department of Ecology and Pollution Control). The application for such permit shall be made on a form furnished by Wynne Water Utilities, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Manager or the Arkansas Department of Health. A permit and inspection and inspection fee shall be required prior to acceptance by Wynne Water Utilities.
- C. Compliance with regulations A permit for a private sewage disposal system shall not become effective until the design and installation is completed to the satisfaction of the Manager. The Manager shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Manager when the work is ready for final inspection, and before any underground portions are covered. The permit shall outline the notification requirements for inspections. A twenty-four (24) hour notice is required for all inspections.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations, if requested, of the Department of Public Health Engineering, Sanitary Services, and Plumbing Division of the state of Arkansas and the Department of Environmental Quality. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 7,500 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- D. Connection to public sewer required At such time as a public sewer becomes available to a property served by private sewage disposal system, as provided in 10.04.02, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials approved by the Manager. When directed, the building sewer shall be connected to said sewer within sixty (60) days and the private disposal system shall be removed as approved by the Manager.
- E. Owner responsibilities The owner shall operate and maintain the private sewage facilities in a sanitary manner at all times, at no expense to the city.
- F. Additional requirements govern No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Arkansas Department of Health Division of Sanitary Services. (Ord. No. 706, Sec. 3.)

10.04.04 Building sewers and connections

- A. Authorizations required No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager.
- B. Building sewer permits/fees required There shall be three (3) classes of building sewer permits:
1. For residential and commercial service, and
 2. For service to establishments producing industrial wastes, and
 3. For work required inside the right-of-way of the Department of Transportation of the state of Arkansas.

In all cases the owner or his agent shall make application on a special form furnished by Wynne Water Utilities. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager. A permit and inspection will be required for all work involving the connection to a city main, the connection of an existing tap fitting, the connection of a sewer service line, the replacement of a sewer service line, and/or the rehabilitation of the service line. All permits shall be approved prior to any work on the service lines. The procedure for filling permits with the Arkansas Highway and Transportation Department shall be outlined within the permit application.

- C. Costs, expenses, and indemnification All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify Wynne Water Utilities for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. Separate building sewers required A separate and independent building sewer shall be provided for every building except as follows:
1. Where multiple buildings are constructed in an apartment complex or condominium a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a collector building sewer provided that only one person is responsible for maintenance of the building sewer.

2. Temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent buildings provided that both the permanent and temporary buildings are located on the same lot.
 3. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining easement, alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Maintenance agreements shall be required for individual ownership if the buildings are owned by more than one individual.
- E. Use of old building sewers Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Manager, to meet all requirements of this ordinance.
- F. Construction requirements and specifications The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code and/or other applicable rules and regulations of the city and Wynne Water Utilities. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. (American Society of Testing Materials) and W.E.F. Manual of Practice No. 9 shall apply.
- G. Building sewer elevation/lift stations Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. All building slabs shall be higher in elevation than the overflow elevation of closest manhole that they discharge to.
- H. Prohibited connections No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. If such a connection is found to exist, the owner shall be notified and given thirty (30) days to disconnect the prohibited cross connection. If disconnection is not made sewer service and water service shall be disconnected until such time the owner corrects the problem. All property owners shall be responsible for the integrity of the sewer service lines

serving their property to the city main. If it is discovered by smoke testing or other visual means that the line is leaking, the owner shall follow the compliance procedures for correction.

- I. Conformance to rules and regulations The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the current versions of the W.E.F. Manual of Practice No. 9 and the Arkansas Plumbing Code. All such connections shall be made gastight and watertight. A permit shall be required for the installation or work on new sewer service lines. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.

- J. Notification; inspection and connection The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Manager or his designated representative. A minimum of a twenty-four (24) hour notification is required prior to inspection. All permits and fees shall be current prior to inspection. All portions of the building sewer beginning within thirty (30) inches from the building to the connection to the public sewer or stub out provided during the initial construction phase of the development shall be inspected and approved by the Manager before backfilling.

All residences requiring connection to the city sewer main shall be done in a manner approved by the Manager. An inspection fee shall be charged for all inspections. When sewers and laterals are constructed initially and connected to building stub outs they shall be done according to the construction specifications approved by the Wynne Water Utility.

- K. Protection of the public All excavations for building sewer installation shall be adequately guarded with barriers and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

- L. Operation an maintenance requirements and restoration of public property Owners of land shall be required to maintain their building drains and sewers in their entirety, including the point of connection to the public sewer, in a watertight condition so as to eliminate introduction of surface or ground water to the sewer system. If it is determined by the Manager that a building drain or sewer has not been maintained in a watertight condition, the owner shall be notified by certified mail, return receipt requested, that at the owner's expense,

repairs must be made at a reasonable time (not to exceed 90 days) in order to restore the building drain or sewer to a watertight condition. If satisfactory repairs are not made by the owner and inspected by duly authorized Wynne Water Utilities personnel within the specified time, the water service to the property shall be terminated. The Water Commission shall develop and maintain standard construction specifications for all sewer construction. Water Commission standards shall not serve as a substitute normally supplied by consultant engineers for specific projects. All disturbed public property shall be restored to near original condition. (Ord. No. 706, Sec. 4.)

10.04.05 Protection from damage

- A. Damage, destruction, and tampering 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 sewer works.
- B. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.
- C. Violation of any provision of this section is a Class C misdemeanor. (Ord. No. 706, Sec. 5.)

10.04.06 Disconnecting sewers

- A. Disconnection and sealing required Before any dwelling or other being served by the public sewer is moved or demolished, the building sewer serving said buildings shall be disconnected from the public sewer at the property line and the remaining building sewer sealed to prevent the entrance of storm water, groundwater, and debris into the public sewer. The Manager shall inspect all disconnect and seals.
- B. Application and fee required Prior to the demolition or moving of any buildings served by a public sewer, application shall be made to the office of Wynne Water Utilities for disconnect and seal of the building sewer by the utility and the sewer seal fee, as set by the Water and Sewer Commission, shall be paid to the utility at that time.
- C. Notification requirements At least three (3) days before the building is moved or demolished, but after it is no longer occupied, the party making application outlined in (B) above, shall notify the utility that the building sewer is ready for inspection of disconnection and sealing. (Ord. No. 706, Sec. 6.)

10.04.07 Power and authority of inspectors

- A. The Manager and other duly authorized employees of Wynne Water Utilities bearing proper credentials and identification shall be permitted to enter all properties for the purpose of, but not limited to, inspection, observation, measurement, sampling, testing, maintenance, repair, and replacement in accordance with the provisions of his ordinance. The Manager or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to other private property involved.
- B. Adoption of rules and regulations pertaining to services In addition to the provisions of the ordinance, the Wynne Water Commission (Wynne Water and Sewer Commission) is specifically authorized to make such other reasonable rules and regulations in regard to the construction, use, and operation of sanitary sewers to be connected to, or connecting into, the mains of the city of Wynne Sewer System.

Such rules and regulations so made and adopted at a regular meeting of the Commission shall become effective as follows:

1. A public notice of intent to enact and intention of proposed rules and regulations shall be placed in a newspaper in the city of Wynne, Arkansas, one (1) day of each week for a period of four (4) weeks with a brief summary of the proposed rules and regulations.
2. The proposed rules and regulations shall be available for inspections and reproduction at the office of the Manager at 121 E. Merriman for the thirty (30) days following the last publication.
3. A correct copy of those rules and regulations shall be filed for permanent record with the City Clerk of the city of Wynne together with any objections to the proposed rules and regulations at the end of the thirty (30) days public review period.
4. Said rules and regulations shall become effective on the filing of said copy for permanent record with the City Clerk.

5. Said rules and regulations that are imperative to the operation and maintenance of the city owned utility system.
(Ord. No. 706, Sec. 7.)

10.04.08 Administrative enforcement remedies

- A. Enforcement procedure Whenever the Manager finds that any person has violated or is violating any provision of this ordinance, or any prohibition, limitation, or requirement contained herein, he shall serve upon such person a written notice via certified mail or personal service stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.
- B. Show cause hearing
 1. If the violation is not corrected by timely compliance, the Manager shall order any person who violates any provision of this ordinance or causes or allows an unauthorized discharge to show cause before the Manager why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Manager regarding the violation, and directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
 2. The Manager shall conduct the hearing, take the evidence, and the Manager is further authorized to do any and all of the following:
 - a. Issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings and conducts such hearing for the purpose of making a determination of the existence of violations and recommendation to the Water and Sewer Commission for appropriate action.
 - b. Upon appeal of the Manager's decision or decisions, he may transmit a report of the evidence and hearing, including transcripts and other evidence together with the recommendations and/or findings of the Manager to the Water and Sewer Commission for final action by the Water and Sewer Commission subject to any further information which the Water and Sewer Commission may

request or any party to the action may desire to submit for further consideration.

3. After the Water and Sewer Commission has reviewed the evidence, and the Manager's recommendation it may issue an order to the party responsible for the discharge or violation directing that, following a specified time period, the sewer and or water service be discontinued unless adequate treatment facilities, devices, or related appurtenances shall have been installed or existing treatment facilities, devices, or other related appurtenances are properly operated or the violation is corrected, and such further orders and directives as are necessary and appropriate. Such order shall be subject to review by appeal to the Circuit Court of Cross County, Arkansas, in accordance with the law of Arkansas.
 4. A discharge in violation of the provisions of this ordinance shall be considered a public nuisance. In addition to the procedures outlined in this ordinance, nothing herein shall be deemed to prevent the Water and Sewer Commission and/or the utility from seeking appropriate legal and/or equitable relief in the courts of Arkansas in the event of a violation or discharge in violation of the provisions of this ordinance.
- C. Emergency suspension of service The Water and Sewer Commission may for good cause shown, after notice, suspend the receipt of wastewater discharge to the POTW, subject to a hearing within five (5) days, and thereafter, revoke the Wastewater Discharge Permit of a discharger when it appears to the Sewer Committee that an actual or threatened discharge presents or threatens an imminent and substantial danger to the health or welfare of persons, substantial danger to the environment, interferes with the operation of the POTW, or violates any of the provisions of this ordinance. Any discharger notified of the suspension of service and/or discharge permit, shall within a reasonable period of time, as determined by the Water and Sewer Commission or its representative, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the time specified, the Water and Sewer Commission shall take all lawful actions necessary to immediately suspend the access of the user to the POTW. The Water and Sewer Commission shall reinstate the service and/or discharge permit upon proof by the discharger of the elimination of the non-complying discharges or conditions creating the threat of imminent or substantial danger as set forth above. The discharger shall be charged with reimbursing the Water and Sewer Commission all costs incurred in the suspension of service before the service will be reinstated. (Ord. No. 706, Sec. 8.)

10.04.09 Judicial enforcement remedies

- A. Injunctive relief Whenever a user has violated any provision of this ordinance or continues to violate any provision of this ordinance, wastewater discharge permits or orders issued hereunder, the Water and Sewer Commission may commence action for appropriate legal and/or equitable relief in any court of competent jurisdiction for the issuance of a temporary or permanent injunctions, as appropriate, which restrains or compels compliance, performance of a Water and Sewer Commission order, or other requirement imposed by this ordinance on activities of the user. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.
- B. Civil penalties
1. Any person or other entity found to be violating an provision of this ordinance or regulations promulgated by the Water and Sewer Commission shall be subject to a fine in an amount of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for any one (1) specified offense or violation of such ordinance, and not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each repetition of such offense or violation. If a thing prohibited or rendered is unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof shall not exceed Two Hundred And Fifty Dollars (\$250.00) per day for each continuing offense or violation.
 2. Any person or other entity who knowingly makes any false statements, representations or certification of any record, report, plan, or other document filed or required to be maintained pursuant to this ordinance, regulations, or laws referred to herein, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, regulations or laws referred to herein, shall be subject to a fine in an amount not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for any one (1) specified offense or violation of such ordinance, and not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each repetition of such offense or violation. If a thing prohibited or rendered is unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof shall not exceed Two Hundred and Fifty Dollars (\$250.00) per day for each continuing offense or violation.

3. Any person or other entity violating any of the provisions of this ordinance shall become liable to the utility for any expense, loss, or damage occasioned the utility by reason of such violation.
4. In addition to the civil penalties provided for herein, the Water and Sewer Commission may recover, on behalf of the utility, from a person or other entity (ies) determined to be in violation of the provisions of this ordinance any damages suffered, costs and other expenses of litigation in an action at law or equity which may be permitted by the laws of Arkansas.
5. The Water and Sewer Commission shall petition a court of competent jurisdiction to impose, assess and recover all civil penalties, legal fees, and costs together with damages if appropriate. In determining the amount of the penalty, the Water and Sewer Commission in its recommendation for civil penalties, the City Council and the court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained by the user in allowing the violation, the timing and nature of any corrective actions taken by the user, the compliance history of the user, and any other facts as justice requires.
6. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

C. Criminal prosecution

1. The Water and Sewer Commission may criminally prosecute in a court of competent jurisdiction any user who knowingly or negligently violates any provision of this ordinance, its wastewater discharge permit or any orders issued hereunder. If so prosecuted the user shall, upon conviction, be guilty of a misdemeanor, and be punished by a fine not to exceed Five Hundred Dollars (\$500.00) per violation or imprisonment for such term as allowed by law.
2. The Water and Sewer Commission may criminally prosecute in a court of competent jurisdiction any user who knowingly or negligently makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or its Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly or negligently renders inaccurate any monitoring of sampling device, wastewater sample or other methods

required by this ordinance. If so prosecuted, the user shall, upon conviction, be guilty of a misdemeanor, and be punished by a fine of not more than Five Hundred Dollars (\$500.00) per violation or by imprisonment for such term as allowed by law.

3. Each day on which a violation shall occur or continue shall be a separate and distinct offense. In the case of monthly or other long-term average discharge limits, penalties shall accrue for each resident/business and/or operation day during the period of violation.
- D. Remedies non-exclusive The provisions in 10.04.07 through 10.04.09 are not exclusive remedies. The utility reserves the right to take any, all, or any combination of these actions against a non-compliant user. The utility shall be authorized to take other action against any user when the circumstances warrant. Further, the utility is empowered to take more than one (1) enforcement action against any non-compliant user. These actions may be taken concurrently.
- E. Initiation of criminal or civil action Any criminal or civil action for violation of this ordinance may be initiated only after a majority vote of the Water and Sewer Commission resolves to pursue such action.
1. For users with properties located within the corporate limits of the city of Wynne, no suit to collect civil or criminal penalties or fines may be initiated until after such time that a resolution authorizing the suit is duly adopted by the Water and Sewer Commission as the governing body.
 2. For users with properties located outside the corporate limits of the city of Wynne, the City Council of the city of Wynne hereby delegates authority to the Sewer Committee to be the governing body to authorize, be resolution, legal actions to collect civil or criminal penalties or fines. (Ord. No. 706, Sec. 9.)

10.04.10 Supplemental enforcement action

- A. Performance bonds The Manager may decline to issue a wastewater discharge permit to any user who has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond or acceptable letter of credit on an approved bank payable to the utility, in a sum not to exceed a value determined by the Manager to be necessary to achieve compliance.

- B. Liability insurance The Manager may decline to issue a wastewater discharge permit to any user who has failed to comply with the provisions of this ordinance, any orders or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond or acceptable letter or credit on an approved bank payable to the utility, in a sum not to exceed a value determined by the Manager to be necessary to achieve compliance.

- C. Public nuisances Any violation of this ordinance, wastewater discharge permit, or orders issued hereunder, is declared a public nuisance and shall be corrected or abated as directed by the Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of this ordinance including reimbursing the utility for any costs incurred in removing, abating, or remedying said nuisance. Any discharger which makes, causes, or allows a prohibited discharge which causes additional expense or costs to handle and treat such discharge or to correct damages caused by such discharge shall be required to reimburse the utility for such cost or expense. (Ord. No. 706, Sec. 10.)

CHAPTER 10.08

WATER AND SEWER RATES

Sections:

- 10.08.01 Water rates
- 10.08.02 Duplexes, trailers and apartments
- 10.08.02 Sewer rates
- 10.08.04 Vacant unoccupied property
- 10.08.05 Financial management system
- 10.08.06 Review of user charges
- 10.08.07 Notification
- 10.08.08 Appeal and review of request
- 10.08.09 User charge system

10.08.01 Water rates That the following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and minimum rates to be charged for water services by, and they are hereby, fixed as rates to be rendered by the System, effective for service on and after October 1, 2008.

- A. Monthly water rates The water usage of each customer shall be determined each month by meter measurement and the amount to be paid by each customer shall be computed on the basis of the following schedule of rates and effective dates:

<u>Inside city limits</u>	<u>Effective date</u>	<u>Amount</u>
*For the first 2,000 gallons of water consumption per month, or portion thereof	October 1, 2008	\$11.37
For all monthly water consumption in excess of 2,000 gallons per month	October 1, 2008	\$3.79

*(Amounts are based on standard 5/8 inch meters)

For the larger meters the following schedule shall apply:

<u>Rates based on meter size</u>	<u>Rate of flow</u>	<u>Amount</u>
5/8 inch	20 gpm	\$11.37
¾ inch	30 gpm	\$11.37
1 inch	50 gpm	\$16.88
1 ½ inch	100 gpm	\$39.74
2 inch	160 gpm	\$54.54
3 inch	300 gpm	\$68.72
4 inch	500 gpm	\$75.00
6 inch	1000 gpm	\$125.00

(Ord. No. 705, Sec. 1.)

<u>Outside city limits</u>	<u>Effective date</u>	<u>Amount</u>
For the first 2,000 gallons of water consumption per month, or portion thereof	October 1, 2008	\$17.05
For all monthly water consumption in excess of 2,000 gallons per month	October 1, 2008	\$5.69

10.08.02 Duplexes, trailers and apartments All duplex apartments or two trailers with one water meter shall be billed as follows:

Monthly total water usage shall be divided by the number of units occupied at the time the meters are read to obtain an average volume per occupant and the above water rates shown in the schedule will apply to the average volume used by each occupied unit.

Trailer parks and apartment complexes with more than two (2) units connected to one water meter will be billed according to the following schedule of rates:

	<u>Effective date</u>	<u>Amount</u>
For all water consumption per 1,000 gallons of water over each minimum charge	October 1, 2008	\$3.79

Each unit shall pay a minimum for each unit in addition to the usage allowed for each unit over the minimum gallons. (Ord. No. 705, Sec. 1.)

10.08.03 Sewer rates The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and necessary minimum rates by, and there are hereby, fixed as rates to be charged for sewer services to be rendered by the system, effective for services on and after October 1, 2008:

- A. Monthly sewer rates All sewer charges shall be based on water consumption determined each month by meter measurement. The amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

<u>Inside city limits</u>	<u>Effective date</u>	<u>Amount</u>
For the first 2,000 gallons of water consumption per month, or portion thereof	October 1, 2008	\$10.51

For all monthly water consumption in excess of 2,000 gallons per month	October 1, 2008	\$4.17
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<u>Outside city limits</u>	<u>Effective date</u>	<u>Amount</u>
For the first 2,000 gallons of water consumption per month, or portion thereof	October 1, 2008	\$15.76

For all monthly water consumption in excess of 2,000 gallons per month (Ord. No. 705, Sec. 2.)	October 1, 2008	\$6.26
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- B. Each user of the sewer facilities of the system shall be classified as either domestic or commercial on the basis of whether the water consumption for the user is for domestic or commercial purposes. In the case of domestic users, the average monthly water consumption for the months of January, February, March, October, November, and December of the calendar year preceding that in which sewer bills are rendered shall be computed separately for each domestic user and a uniform monthly charge for each domestic user shall be determined by applying the schedule of rates to the average monthly water consumption so computed. For residential sewer charges without history, a set charge will be assessed until which time a history of at least three of the months specified can be used to obtain an average usage. In the case of commercial users, the monthly water consumption for the month in which the sewer bills are rendered shall be computed separately for each commercial user and the sewer charge for each commercial user shall be determined by applying the schedule of rates to the monthly water consumption so computed; provided that in the case of a user using an appreciable amount of water that does not reach the sewer facilities of the system, there shall be determined, upon request by such commercial user, the percentage of the total water usage that does reach the sewer facilities of the system, and the schedule shall be applied to that percentage. In the case of domestic users for whom average monthly water consumption as provided above, cannot be computed, the charge shall be based on water consumption for such month or months as shall be determined to be fair and equitable.
- C. None of the sewer facilities or services afforded by the system shall be furnished without a charge being made therefore.
- D. Customers without water and sewer.
(Ord. No. 705, Sec. 2.)

User Charge Methodology

$$\text{Total Annual OM\&R cost in \$/1,000 gal.} = \frac{\text{Total annual OM\&R \$}}{\text{No. of 1,000 gallons sold annually}}$$

- C. Excessive Strength Charges. For any user, when the biochemical oxygen demand (BOD) exceeds *250 mg/1, the suspended solids (SS) exceed 250 mg/1, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$C_5 = B_c (B) + S_c (S) + P_c (P) V_u$$

Symbols and Definitions:

C_5 = a surcharge for wastewaters of excessive strength.

B_c = Operation and Maintenance (O&M) cost for treatment of a unit of BOD.

B = concentration of BOD from a user above a base level.

S_c = O&M cost for treatment of a unit of SS.

S = Concentration of SS from a user above a base level.

P_C = O&M cost for treatment of a unit of any pollutant.
 P = Concentration of any pollutant from a user above a base level.
 V_U = Volume contribution from a user per unit of time.

*Maximum limit for average domestic waste.

- D. Charges for Extraneous Flows. The costs of O&M for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as O&M charges.
- E. Toxic Pollutants Charges. Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the System's treatment works shall pay for such increased costs.
- F. Debt Service. The following charges represent the debt retirement for the city's indebtedness payable from System revenues ("Debt Service"):
 - 1. For sewer service billed after the first date of the billing cycle which occurs after January 1, 2001, all users of the System shall be charged monthly for Debt Service based upon metered water consumption as follows:

Inside city limits

First 2,000 gallons or portion thereof	\$3.90 (minimum)
All over 2,000 gallons	\$1.20 per 1,000 gallons or portion thereof

Outside city limits

First 2,000 gallons or portion thereof	\$6.89 (minimum)
All over 2,000 gallons	\$1.42 per 1,000 gallons or portion thereof

- 2. For sewer service billed after the first date of the billing cycle which occurs after January 1, 2002, all users of the System shall be charged monthly for Debt Service based upon metered water consumption as follows:

Inside city limits

First 2,000 gallons or portion thereof	\$4.50 (minimum)
All over 2,000 gallons	\$1.50 per 1,000 gallons or portion thereof

Outside city limits

First 2,000 gallons or portion thereof	\$7.56 (minimum)
All over 2,000 gallons	\$1.83 per 1,000 gallons or portion thereof

3. For sewer service billed after the first date of the billing cycle which occurs after January 1, 2003, all users of the System shall be charged monthly for Debt Service based upon metered water consumption as follows:

Inside city limits

First 2,000 gallons or portion thereof	\$4.60 (minimum)
All over 2,000 gallons	\$1.55 per 1,000 gallons or portion thereof

Outside city limits

First 2,000 gallons or portion thereof	\$7.71 (minimum)
All over 2,000 gallons	\$1.98 per 1,000 gallons or portion thereof

G. Total Minimum User Charge – Inside City Limits.

1. For sewer service billed on and after the first day of the billing cycle which occurs after January 1, 2001, the minimum bill per user of the System located inside the city limits shall be \$7.10 calculated as follows:

$$\text{OM\&R for 2,000 gal. (minimum) } (\$3.20) + \\ \text{Debt Service for 2,000 gal. (minimum } (\$3.90) = \$7.10$$

2. For sewer service billed on and after the first day of the billing cycle which occurs after January 1, 2002, the minimum bill per user of the System located inside the city limits shall be \$7.80 calculated as follows:

OM&R for 2,000 gal. (minimum) (\$3.30) +
Debt Service for 2,000 gal. (minimum (\$4.50) = \$7.80

3. For sewer service billed on and after the first day of the billing cycle which occurs after January 1, 2003, the minimum bill per user of the System located inside the city limits shall be \$8.50 calculated as follows:

OM&R for 2,000 gal. (minimum) (\$3.90) +
Debt Service for 2,000 gal. (minimum (\$4.60) = \$8.50

H. Total Minimum User Charge – **Outside City Limits.**

1. For sewer service billed on and after the first day of the billing cycle which occurs after January 1, 2001, the minimum bill per user of the System located outside the city limits shall be \$10.65 calculated as follows:

OM&R for 2,000 gal. (minimum) (\$3.76) +
Debt Service for 2,000 gal. (minimum (\$6.89) = \$10.65

2. For sewer service billed on and after the first day of the billing cycle which occurs after January 1, 2002, the minimum bill per user of the System located outside the city limits shall be \$11.70 calculated as follows:

OM&R for 2,000 gal. (minimum) (\$4.14) +
Debt Service for 2,000 gal. (minimum (\$7.56) = \$11.70

3. For sewer service billed on and after the first day of the billing cycle which occurs after January 1, 2003, the minimum bill per user of the System located outside the city limits shall be \$12.75 calculated as follows:

OM&R for 2,000 gal. (minimum) (\$5.04) +
Debt Service for 2,000 gal. (minimum (\$7.71) = \$12.75

- I. In the case of users not on a metered basis, the Wynne Water and Sewer Commission (the "Commission") shall establish water consumption based on a comparison of the non-metered user with a metered user of similar class. Example: a non-metered family of four will be compared to a typical family of four with a water meter to establish water consumption.
- J. All customers shall be classified by the Commission as either residential or industrial. Classification shall be on the basis of the use by the customer.

For the purpose of fixing the monthly sewer service charges under subsections (b) and (f) above for residential customers, the charges shall be based on the average monthly water consumption for the months of January, February, March, October, November and December for the previous calendar year.

In the case of commercial customers, the monthly sewer service charges under subsection (b) and (f) above shall be based on the current monthly water consumption; provided however, in the case of a commercial customer whose water use is such that an appreciable percentage does not reach the System, the Commission, upon application and sufficient showing by such customer, shall determine the percentage of total water usage that reaches the System, and the computation shall be based on that percentage.

- K. None of the sewer facilities or services afforded by the System shall be furnished without a charge being made therefore. (Ord. No. 612, Sec. 1.)

10.08.04 Vacant unoccupied property Vacant unoccupied property not actually using the System shall not be subject to a charge, but the burden of showing vacancy and non-use shall rest on the owner of the property. All bills for sewer services shall be rendered monthly in the net amount due. If any sewer charge is not paid on or before the fifteenth day after the bill is rendered, a ten percent penalty, with a maximum charge of \$3.00, shall be added, and if any sewer charge is not paid on or before the twenty-fifth day after the bill is rendered, service will be terminated until the matter can be resolved, and if necessary, suit shall be brought to collect the amount due, together with the expenses of collection and a reasonable attorney's fee.

Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users not on metered water service will be billed monthly on an individual notice for service based upon the water consumption established by the Commission.

Users with delinquent accounts of 30 days will be notified in writing by the city where, during which hours of the day, and before whom disputed bills appropriately may be considered. If the user waives the opportunity to be heard, the services will be discontinued until such bill is paid. (Ord. No. 612, Sec. 2.)

10.08.05 Financial management system A financial management system shall be established and maintained by the city to document compliance with federal regulations pertaining to the bonds. Such system will account for all revenues generated and expenditures for OM&R. (Ord. No. 612, Sec. 3.)

10.08.06 Review of user charges The City Council will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of OM&R and that the System continues to provide for the proportional distribution of OM&R costs among users and user classes. (Ord. No. 612, Sec. 4.)

10.08.07 Notification Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment. Costs shall be broken down to show the O&M costs attributable to that user. (Ord. No. 612, Sec. 5.)

10.08.08 Appeal and review of request

- A. Any user who feels his user charge is unjust and inequitable may make written application to the Commission requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.
- B. Review of the request shall be made by the Commission and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period. (Ord. No. 612, Sec. 6.)

10.08.09 User charge system The user charge system for the System shall take precedence over any terms or conditions of agreements or contracts between the city and any of the users which are inconsistent with applicable federal regulations regarding such user charge systems. (Ord. No. 612, Sec. 6.)

CHAPTER 10. 12

WATER AND SEWER COMMISSION

Sections:

10.12.01 Created

10.12.01 Created The number of commissioners of the Wynne Water and Sewer Commission which is hereby created, shall be five (5).

CHAPTER 10.16

WELLHEAD PROTECTION PROCEDURE

Sections:

- | | |
|----------|--------------------------|
| 10.16.01 | Purpose |
| 10.16.02 | Implementation |
| 10.16.03 | Delineating an area |
| 10.16.04 | Application of ordinance |
| 10.16.05 | Fine |

10.16.01 Purpose It is the purpose of this section to:

- A. Promote the public health, safety, and general welfare of the citizens of the city of Wynne.
- B. Minimize the financial and other losses which would be incurred by contamination of the public water supply.
- C. Implement a Wellhead Protection Program following guidelines of the Arkansas Department of Health that will help insure the provision of potable groundwater to our citizens now and in the future.
- D. Contribute to the general public effort of protecting and conserving the natural resources of our state for future generations. (Ord. No. 721, Sec. 1.)

10.16.02 Implementation Implementation of the Wellhead Protection Program shall consist of several parts, which may be phased in at the discretion of the city, and over the time period deemed reasonable and adequate for the city. The parts shall include:

- A. Establishment of a Wellhead Protection Area around each well or well field.
- B. Inventory of the potential sources of contamination within the Wellhead Protection Area on a periodic basis.
- C. Restriction, prohibitions, or other kinds of controls of these potential sources as well as activities that could cause groundwater to become contaminated within the Wellhead Protection Area.
- D. Periodic monitoring of selected chemical parameters of the water from selected wells within the Wellhead Protection Area to provide early warning of contaminated groundwater moving towards public supply wells.

- E. Establishment of an Emergency Action Plan to be implemented if a contamination event should occur. (Ord. No. 721, Sec. 2.)

10.16.03 Delineating an area The Wellhead Protection Area shall be delineated (i.e., its boundaries determined) by a qualified hydro-geologist using the methodology warranted by the kind, quality, and quantity of the hydro-geologic data and information available or obtainable. However, the city retains the right to adjust the size and shape of the area according to its specific needs and goals. All delineations and subsequent changes must receive concurrence from the Arkansas Department of Health, Division of Engineering before final acceptance by the city.

If new data should become available pertinent to well yield, hydro-geology and water-bearing characteristics of the aquifer used, and this new data changes the size or shape of the original Wellhead Protection Area accepted by the City Council, then the City Council may deem by special vote or action the adjusted boundary to be the correct legal boundary of the Wellhead Protection Area. (Ord. No. 721, Sec. 3.)

10.16.04 Application of ordinance This ordinance shall apply to all lands located within the delineated Wellhead Protection Area or areas as adopted by the City Council and within the jurisdiction of the city of Wynne. (Ord. No. 721, Sec. 4.)

10.16.05 Fine Upon conviction of violation of this ordinance before any court of competent jurisdiction, the landowner shall be fined Twenty-Five Dollars (\$25.00) per day for each day that the landowner is in noncompliance. (Ord. No. 721, Sec. 5.)

CHAPTER 10.20

CROSS-CONNECTION CONTROL PROGRAM

Sections:

- 10.20.01 Intent
- 10.20.02 Purpose
- 10.20.03 Definitions
- 10.20.04 Operating criteria
- 10.20.05 Facilities requiring backflow protection
- 10.20.06 Approval of backflow prevention devices
- 10.20.07 Non-compliance
- 10.20.08 Ownership
- 10.20.09 Installation and costs
- 10.20.10 Testing and maintenance

10.20.01 Intent In compliance with the state of Arkansas *Rules and Regulations Pertaining to Public Water Systems*, Section VII.E, the city of Wynne finds it necessary for the health, safety and welfare of the people served by the water division of the city utilities department to adopt cross-connection control standards which establish the requirements for the design, construction and maintenance of connections to the public water supply. These standards are supplemental to and do not supersede or modify the Arkansas State Plumbing Code (ASPC) and its latest revisions under which the city operates. This ordinance pertains to commercial and industrial establishment only. Single-family, residential dwelling units, unless involved in commercial operations, are exempt from the requirements of this ordinance except where they fall under the preview of the Arkansas Plumbing Code (ASPC). (Ord. No. 752, Sec. 1.1)

Cross-reference – Arkansas State Plumbing Code adopted 2006.

10.20.02 Purpose The purposes of this ordinance are:

- A. To provide for the protection of the public potable water supply.
- B. To isolate at the service connection any actual or potential pollution or contamination within the consumer's premises and
- C. To provide a continuous, systematic and effective program of cross-connection control. (Ord. No. 752, Sec. 1.2)

10.20.03 Definitions

Air gap (AG) means a physical separation between two piping systems.

Backflow shall mean a hydraulic condition, caused by a difference in pressures, in which non-potable water or other fluids flow into a potable water system.

Backflow preventer shall mean a testable assembly to prevent backflow.

Double-Check Valve Assembly (DC) means a complete assembly meeting applicable AWWA Standard C510 and the requirements of the *Arkansas State Plumbing Code* consisting of two internally loaded, independently operating check valves between two tightly closing resilient-seated shutoff valves, with four (4) properly placed resilient seated test cocks.

Reduced-Pressure Principle Backflow Prevention Assembly (RP) means a complete assembly meeting applicable AWWA Standard C511 and the requirements of the Arkansas State Plumbing Code consisting of a hydraulically operating, mechanically independent differential relief valve located between two independently operating, internally loaded check valves that are located between two tightly closing resilient seated shutoff valves with four properly placed resilient-seated test cocks. (Ord. No. 752, Sec. 1.3)

10.20.04 Operating criteria The water utility's *Cross-Connection Control Program Handbook of Policies and Procedures* hereby incorporated into this ordinance by reference. It is the primary responsibility of the water purveyor and/or Building Inspector to evaluate the hazards inherent in supplying a consumer's water system, i.e., determine whether solid, liquid or gaseous pollutants or contaminants are, or may be, handled on the consumer's premise in such a manner as to possibly permit contamination of the public water system. When a hazard or potential hazard to the public water system is found on the consumer's premises, the consumer shall be required to install an approved backflow prevention assembly (BFP) or an air gap at each public water service connection to the premises in accordance with this ordinance's requirement. The type of BFP shall depend on the degree of hazard involved. The degree of hazard shall be as described in AWWA Manual M-14 or as described below.

- A. In the case of any premises where there is an auxiliary water supply connected to the plumbing system, the public water system shall be protected from the possibility of backflow by a reduced-pressure principle backflow prevention assembly (RP) at the service connection.
- B. In the case of any premises where substances are handled that are objectionable but not hazardous to health, and the likelihood exists of it being introduced into the public water system by virtue of a backflow occurrence, the public water system shall be protected by an approved double-check valve assembly (DC).
- C. In the case of any premises where there is any material dangerous to human health which is handled in such a fashion as to create an actual or potential hazard to the public water system by virtue of a backflow occurrence, the public water system shall be protected by an approved reduced-pressure principal backflow prevention assembly (RP).
- D. In case of any premises where this are unprotected cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection.
- E. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure principal backflow prevention assembly (RP) or an air gap at the service connection. (Ord. No. 752, Sec. 1.4)

10.20.05 Facilities requiring backflow protection The following is a partial list of facilities which ordinarily may require reduced-pressure principal backflow prevention assemblies (RB) or an air gap in accordance with the ASPC. Requirements are based upon the degree of hazard afforded the public potable water system.

1. Automatic car washes
2. Auxiliary water systems (interconnected with the public water system)
3. Exterminators and veterinary clinics
4. Facilities with boilers, condenser water or chilled water systems
5. Fire systems containing chemical additives
6. Hospitals, medical clinics, dental clinics, health clinics, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes
7. Irrigations systems and lawn sprinkler systems
8. Laboratories (industrial, commercial, photography, medical and school)
9. Commercial laundries
10. Radiator and battery shops
11. Restricted, classified or other facilities closed to inspection
12. Sand, gravel and concrete plants
13. Wastewater treatment plants, pump stations and storm water pumping facilities
14. Marinas and dockside facilities
15. Commercial swimming pools
16. Commercial farms using pesticides and herbicides
17. Establishments holdings livestock for sale or slaughter including cattle, horses, hogs, poultry, emus, ostriches, llamas, rabbits, etc.
18. Others (with suspected high hazards)

The following is a partial list of facilities which ordinarily will require a minimum of double check valve assembly (DC) or an air gap in accordance with the ASPC:

1. Tall buildings (over four stories) or any buildings with water booster pumps
2. Beauty parlors and barber shops
3. Hotels and motels
4. Restaurants, cafeterias, fast-food marts and other food handling facilities
5. Fire sprinkler systems (without chemicals)
6. Others (with suspected medium hazards)
(Ord. No. 752, Sec. 1.5)

10.20.06 Approval of backflow prevention devices Any backflow prevention assembly required herein shall be an approved type which is in compliance with requirements of the *Arkansas State Plumbing Code*. (Ord. No. 752, Sec. 1.6)

10.20.07 Non-compliance Service to be discontinued. Notice: Consent to enter.

- A. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination the water service will be discontinued by the water purveyor.
- B. No water service connection shall be installed on the premises of any consumer unless the public potable water system is protected as required by this ordinance.

- C. Delivery of water to premises of any consumer may be discontinued by the water purveyor, if any protective device required by this article has not been installed, or is defective, or has been removed or bypassed. Discontinued water service shall not be resumed until conditions at the consumer's premise have been abated or corrected to the satisfaction of the water purveyor.
- D. Upon discovery of a violation of this ordinance, written notice shall be given to the consumer. If violations are not corrected by date and time as stated on the notice, the water supply will be discontinued and the violation may be referred to the administrative authority for action.
- E. For the purpose of making any inspections or discharging the duties imposed by this article, the water purveyor, and/or the City Inspector, the State Health Department, and/or Plumbing Inspector shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premise of the water purveyor and/or superintendent, the State Health Department and/or Plumbing Inspector for the purpose stated herein. (Ord. No. 752, Sec. 1.7)

10.20.08 Ownership Backflow prevention assemblies installed downstream of the water meter are owned by and are the responsibility of the customer of the water utility. (Ord. No. 752, Sec. 1.8)

10.20.09 Installation and costs Customers of the city water utility requiring backflow prevention assemblies shall pay all cost associated with installation and testing of the appropriate size and type of backflow preventer under private contract. For newly-constructed facilities, backflow preventers shall be installed prior to the final plumbing inspection so that the device can be included as part of the inspection. Backflow prevention assemblies shall be installed in accordance with the requirements of the *Arkansas State Plumbing Code*. (Ord. No. 752, Sec. 1.9)

10.20.10 Testing and maintenance The consumer will be responsible for the testing of the backflow prevention assembly by contract with a certified assembly test technician within ten (10) days of installation and annually thereafter. The consumer shall furnish the water purveyor and/or the city with a certificate of satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, the city and/or Plumbing Inspector deems the hazard to be great enough, testing may be required at more frequent intervals. All costs of testing shall be paid by the consumer. Any repairs required as a result of inspections or testing shall be arranged for and paid by the consumer through private contract with a certified assembly repair technician. Records of inspections, testing and/ or repairs to backflow preventers shall be kept by the water purveyor and/or the city and made available to the State Health Department upon request. (Ord. No. 752, Sec. 1.10)

All new construction within the city of Wynne shall be effected upon passage of this ordinance. All existing consumer premises shall be in compliance with this ordinance in accordance with the notification by the water utility. (Ord. No. 752, Sec. 1.11.)