

TITLE 10

UTILITIES

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CHAPTER 10.04

SEWER REGULATIONS

Sections:

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

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

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

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

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

5. **"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.
6. **"Industrial Wastes"** shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
7. **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
8. **"Person"** shall mean any individual, firm, company, association, society, corporation or group.
9. **"Ph"** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. **"Properly Shredded Garbage"** shall mean the waste from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.
11. **"Public Sewer"** shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
12. **"Sanitary Sewer"** shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
13. **"Sewage"** shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
14. **"Sewage Treatment Plant"** shall mean any arrangement of devices and structures used for treating sewage.
15. **"Sewage Works"** shall mean all facilities for collecting, pumping, treating and disposing of sewage.
16. **"Sewer"** shall mean a pipe or conduit for carrying sewage.
17. **"Shall"** is mandatory; "may" is permissive.
18. **"Slug"** shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

19. **"Storm-Drain"** (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
20. **"Superintendent"** shall mean the City Engineer or his authorized agent, deputy, or representative.
21. **"Suspended Solids"** shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
22. **"Watercourses"** shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. S-20, Art 1.)

10.04.02 Use of public sewers required.

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- C. 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.
- D. 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 or combined 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 in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet (91.5 meters) of the property line. (Ord. No. D-20, Art. 2.)

10.04.03 Private sewage disposal system.

- A. Where a public sanitary or combined sewer 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 of this article.

- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of five dollars shall be paid to the city at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.
- D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Arkansas. 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 4000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 10.04.02, Sec. D, 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 material, when notified by a proper city official.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any city, county or state health officer.
- H. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt, when notified by a proper city official. (Ord. No. D-20, Sec. 3.)

10.04.04 Building sewers and connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereon without first obtaining a written permit from the Superintendent.

- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of Five (\$5.00) Dollars for a residential or commercial building sewer permit and Ten Dollars (\$10.00) for an industrial building sewer permit shall be paid to the city at the time the application is filed.
- C. All costs and expenses incident to the installation and connection of the building sewer shall be born by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The building sewer from the front building may extend to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- F. 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 or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- G. 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.
- H. 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.

- I. 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 W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- K. 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. (Ord. No. D-20, Sec. 4.)
- L. 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 or combined sewer of the city, is hereby required at his expense to install toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet (91.5 meters) of the property line, with the exception of crossing a city street, county road, or state highway. Owner shall properly maintain at this own expense the service line from property owners premises to the main sewer transmission line owned and operated by Decatur Water and Wastewater Department. (Ord. No. 85-7, Sec. 1.)

10.04.05 Use of public sewers.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewer or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, oil, or gas;
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either simply or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as SN in the wastes as discharged to the public sewer;
3. Any water or wastes having a Ph lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or pumping facilities, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, 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 Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (sixty-five (65) degrees C);
2. Any water or wastes containing fats, wax, gases, or oils, whether emulsified or not, in excess of one hundred (100) mg/l; or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 to sixty-five 65 degrees C);
3. Any garbage that has not been properly shredded. The installation and

operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;

4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not;
5. Any waters or wastes 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 Superintendent for such materials;
6. Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
8. Any waters or wastes having a Ph in excess of 9.5;
9. Materials which assert or cause:
 - a. 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).
 - b. Excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions).
 - c. Unusual BOD (biochemical oxygen demand) or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein; and
10. 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.

- E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 10.04.05 part D hereinabove and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
1. reject the wastes;
 2. require pretreatment to an acceptable condition for discharge to the public sewers;
 3. require control over the quantities and rates of discharge; and/or
 4. require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of part 10 of this section.

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

- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

- I. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer 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 and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern. (Ord. No. D-20, Sec. 5.)

10.04.06 Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewer works. Any person violating this provision shall be deemed guilty of a misdemeanor. (Ord. No. D-20, Sec. 6.)

10.04.07 Power and authority of Superintendent.

- A. The Superintendent and other duly authorized employees of the city of Decatur, Arkansas, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in part A. above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging

and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in 10.04.05, Sec. H.

- C. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. 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 the private property involved. (Ord. No. D-20. Sec. 7.)

10.04.08 Penalty for violation.

- A. Any person found to be violating any provision of this ordinance except Section 10.04.07 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in part A. of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.
- C. All provisions of this ordinance are to be regulated by proper city officials. Any person violating any of the provisions of this chapter shall become liable to the city for any expenses, loss or damage occasioned the city by reason of such violation. (Ord. No. D-20, Sec. 8.)

CHAPTER 10.08

WATER AND SEWER RATES

Sections:

- 10.08.01 Water rates
- 10.08.02 Sewer rates
- 10.08.03 Wastewater treatment contract with Centerton

10.08.01 Water rates The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and minimum rates to be charged for services rendered by the water facilities of the system. 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:

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

Water Rates

(per 1,000 gallons or portion thereof)

	<u>Resident</u>	<u>Non-resident</u>
0 – 1,000 gallons	\$10.79	\$16.28
1,000 – 10,000 gallons	\$5.05	\$6.39
10,000 – 50,000 gallons	\$4.76	\$5.47
50,000 – 300,000 gallons	\$4.59	\$5.25
300,001 gallons plus	\$4.53	\$5.25

The water rates established by this ordinance shall go into effect on January 12, 2023.
(Ord. No. 2022-18, Sec. 1)

- B. That none of the facilities afforded by the water system shall be furnished without a charge being made therefore.
- C. That the operation of the water system shall be on a fully metered basis; that is, that meters shall be installed at each water connection, and all bills for water services shall be mailed on the first day of each month and shall be rendered in the net amount due. If any water bill is not paid on or before the fifteenth day of the month in which mailed, a ten percent (10%) penalty shall be added and if any bill is not paid within thirty (30) days after the bill shall be rendered, water service shall be disconnected. There shall be no dual connection, that is, there shall be no more than one user on a single meter.
- D. Tapping fee There shall be a tapping fee in an amount equal to \$250 for each customer situated inside the City limits who hereafter connects with the System and \$750 for every customer situated outside the City limits who hereafter connects with the System. The tapping fee shall be nonrefundable.

In addition, each customer, whether situated within the City or outside the City, who hereafter connects with the System and whose connection has a water meter larger than 3/4" will pay the tapping fee in subsection (D) above plus all additional actual costs to the City for materials (including tapping saddles) and labor.

In the case of a customer who makes a second or subsequent connection to serve the same premises, the tapping fee for each second and subsequent connection shall be the actual cost to the City for materials (including tapping saddles) and labor.

Any required road bores are the responsibility of the customer. (Ord. No. 16-07, Sec. 2.)

E. Meter deposits

1. Each customer, whether situated within the City or outside the City, who hereafter connects with the System shall pay a meter deposit in the amount of \$100 for each meter installed. The meter deposit shall be retained to assure prompt payment of monthly water and sewer bills. (Ord. No. 16-07, Sec. 4.)
2. Deposit refund: The water deposit may be refunded to the water customer after service is terminated unless a balance is owed
3. Water clerk: The water clerk shall be responsible for determining whether the customer is entitled to a water meter deposit refund.
4. City Council: In the event a customer does not agree with the water clerk's decision concerning the water meter deposits, he may appeal that decision to the City Council within thirty (30) days upon giving written notice to the Mayor and City Clerk. (Ord. No. 2013-5, Secs. 1-4.)

F. Reconnection charge In the event any premises is disconnected from the System, the customer concerned, whether situated within the City or outside of the City, shall, prior to reconnection, pay all delinquent charges, together with a reconnection charge of \$35 during office hours and an additional \$ 15 fee for after office hours for each reconnection of the premises to the System. (Ord. No. 16-07, Sec. 5.)

G. Non-sufficient check charge Non-sufficient check charge shall be Twenty-Five Dollars (\$25.00) upon receipt of a non-sufficient check. Each check shall have a charge. (Ord. No. 2008-10, Sec. 3.)

None of the facilities or services afforded by the System shall be furnished without a charge being made therefor. (Ord. No. 16-07, Sec. 6.)

10.08.02 Sewer rates The following monthly rates and charges which the City Council hereby declares are fair, reasonable, and minimum rates to be charged for sewer services be and they are hereby confirmed as rates to be charged for services rendered by the sewer facilities of the System.

All monthly sewer charges shall be based upon water consumption. 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:

RESIDENTIAL SEWER RATES

(based on water consumption in gallons; per 1,000 gallons or portion thereof)

0 – 1,000	\$7.20
1,000 – 10,000	\$3.64
10,000 – 50,000	\$3.34
50,001 plus gallons	\$3.24 (Ord. No. 19-09, Sec. 1.)

INDUSTRIAL/COMMERCIAL SEWER RATES

(based on water consumption and/or certified meter reads in gallons
per 1,000 gallons or portion thereof)

0 – 1,000	\$7.20
1,000 – 10,000	\$3.64
10,000 – 50,000	\$3.34
50,000 – 300,000	\$3.24
300,001 plus gallons	\$4.22
(Ord. No. 19-09, Sec. 1)	

- A. All sewer customers shall be classified by the city as either residential, commercial, industrial or major industrial users. Major industrial customers shall be those discharging or capable of discharging in excess of 1 million gallons per day to a city sewer.
- B. The sewer rates established by this Ordinance shall become effective on November 25, 2019. (Ord. No. 19-09, Sec. 1)
- C. Monthly surcharge rate: A surcharge shall be made for major industrial customers whose liquid waste entering into Decatur sewer system exceeds the allowable base established herein and such surcharge shall be computed by the following:

1. For each industrial or major industrial customer whose sewage effluent contains wastes with concentrations in excess of 500 milligrams per liter biochemical oxygen demand (BOD) the monthly surcharge on such customer shall be 0.07 cents per pound of BOD in excess of 500 mg/L discharged into the Decatur wastewater system.
2. For each industrial or major industrial customer whose sewage effluent contains wastes with concentrations in excess of 289 milligrams per liter of Total Suspended Solids (TSS), the monthly surcharge on such customer shall be 0.07 cents per pound of TSS in excess of 289 mg/L discharged into the Decatur wastewater system.
3. For each industrial or major industrial customer whose sewage effluent contains wastes with concentrations in excess of 100 milligrams per liter of Total Kjeldahl Nitrogen (TKN), the monthly surcharge on such customer shall be 0.18 cents per pound of TKN in excess of 100 mg/L discharged into the Decatur wastewater system.
4. Formula for excess TKN, BOD and TSS:

$$S = V.W.W. \cdot 8.34 [X(TKN - 100) + Y(TSS - 289) + Z(BOD - 500)]$$

Where:

S = Surcharge in dollars monthly

V.W.W. = Volume of wastewater in million gallons monthly

8.34 = Pounds per gallon of water

X = Unit Charge for Total Kjeldahl Nitrogen in dollars per pound

TKN = Total Kjeldahl Nitrogen in mg/L

100 = Threshold level for TKN, above which a surcharge shall be computed by the city and included on the customers monthly invoice (100 mg/L or more).

Y = Unit Charge for suspended solids in dollars per pound

TSS = Total Suspended solids in mg/L by weight (289 mg/L or more)

289 = Maximum suspended solids strength in mg/L by weight

Z = Unit Charge for BOD in dollars per pound

BOD = Five (5) day BOD in mg/L by weight 500 = Maximum BOD in mg/L by weight (500 mg/L or more)

S,Y & Z - Derived from yearly plant expenses

- D. Periodically, the Decatur City Council shall review, as the need may arise, on a fiscal year basis the actual cost of treating excess wastes and shall increase or decrease the unit charge for X,Y and Z of the formula for excess wastes in accordance with the findings of such review.
- E. For the purpose of surcharge administration, determination of TKN, BOD and TSS in the wastewater of each industrial customer shall be on the basis of tests made by the industry utilizing 24 hour composite samples taken on a weekly basis and that amount of surcharge relating thereto shall be computed upon that basis as long as the Decatur Wastewater Department can adequately administer the industrial waste code items. If need by, the City shall require an increased frequency of sampling the testing by the industrial customer. Or, if that proves inadequate, the city shall perform all or a portion of the sampling/testing duties. The city shall accurately track all such costs associated with managing any apparent deficiency of the industry's sampling/testing and invoice these costs periodically, which costs shall be paid by the customer.
- F. Major industry customers shall install and maintain flow measuring and recording equipment providing accurate continuous record of their total discharge of wastewater to the city system. They shall secure semiannual manufacturer's calibration of the detection device(s) and submit copies of reports from the respective manufacturer(s) to the city. (Ord. No. 97-01, Sec.2.)
- G. Tapping fee. There shall be a tapping fee of \$100.00 for each customer, whether situated within or without the corporate limits of the City, who hereafter connects with the sewer system; provided, however, that in the case of customer who makes a second or subsequent connection to serve the same premises the tapping fee for each second and subsequent connection shall be \$25.00. (Ord. No. 85-1, Sec. 1.)
- H. No sewer services shall be provided without a charge being made therefor.
- I. That under the provisions of A.C.A. 14-235-223 (Repl. 1980), a lien is fixed upon the land for any unpaid sewer charge, even though the use of the sewer system is by a tenant of lessee instead of the owner. All bids for sewer services shall be rendered monthly, on the first day of the month, and if any sewer charge is not paid on or before the fifteenth day of the month in which the bill is

rendered, a 10% penalty shall be added. If any sewer charge is not paid on or before the thirtieth day after the bill is rendered, suit shall be brought to enforce the lien and to collect the amount due, together with the expense of collection. (Ord. No. 85-1, Sec. 1.)

10.08.03 Wastewater treatment contract with Centerton The City Council of the city of Decatur hereby authorizes the Mayor of the city of Decatur to execute a contract with the city of Centerton in the form of Exhibit “A” attached hereto, providing for Decatur to treat wastewater, all as is set forth in such contract. Due to certain changes in Arkansas law, such contract shall not be executed by the Mayor until on or after August 19, 2013. (Ord. No. 2013-4, Secs. 1-2.)

CHAPTER 10.12

CROSS CONNECTION PROGRAM

Sections:

10.12.01	Intent
10.12.02	Purpose
10.12.03	Definitions
10.12.04	Operating criteria
10.12.05	Facilities requiring backflow protection
10.12.06	Approval of backflow - prevention devices
10.12.07	Noncompliance
10.12.08	Ownership
10.12.09	Installation and costs
10.12.10	Testing and maintenance
10.12.11	Construction

10.12.01 Intent In compliance with *Arkansas Rules and Regulations pertaining to Public Water Systems*, Section VII. E, the City of Decatur Water and Wastewater Department 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, but 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 establishments 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 purview of the Arkansas State Plumbing Code (ASPC). (Ord. No. 2013-3, Sec. 1.1)

10.12.02 Purpose The purposes of this article are (1) To provide for the protection of the public potable water supply; (2) To isolate at the service connection any actual or potential pollution or contamination within the consumers' premises; and (3) To provide a continuous, systematic and affective program of cross-connection control. (Ord. No. 2013-3, Sec. 1.2)

10.12.03 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 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.

Reduce-Pressure Principal Backflow Prevention Assembly (RP) means a complete assembly meeting 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 (4) properly placed resilient-seated test cocks. (Ord. No. 2013-3, Sec. 1.3.)

10.12.04 Operating criteria The water utility's *Cross-Connection Control Program: Handbook of Policies and Procedures* is hereby incorporated into this ordinance by reference. It is the primary responsibility of the water purveyor and/or the city of Decatur 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 premises in such a manner as to possibly contaminate 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 requirements. The type of BFP shall depend on the degree of hazard involved. The degree of hazard shall be as described in AWWA M-14 manual or as described below.

- A. In the case of any premise 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 premise where substances are handled that are objectionable, but not hazardous to human health, and the likelihood exists of its being introduced into the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or an approved double check valve assembly (DC).
- C. In the case of any premise where there is any material hazardous to human health which is handled in such a fashion as to create an actual or potential threat to the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or an approved reduced-pressure principle backflow prevention assembly (RP).
- D. In case of any premise where there 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 premise 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-principle backflow prevention assembly (RP) or an air gap at the service connection. (Ord. No. 2013-3, Sec. 1.4)

10.12.05 Facilities requiring backflow protection The following is a partial list of facilities which may require reduced-pressure-principal backflow prevention assembly (RP) 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 clinic, dental clinics, health clinics, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes
7. Irrigation 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 facilities, 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 holding livestock for sale or slaughter including cattle, horses, hogs, poultry, emus, ostriches, llamas, rabbits, etc.
- 16. Others (with suspected medium hazards) (Ord. No. 2013-3, Sec. 1.5)

10.12.06 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. 2013-3, Sec. 1.6)

10.12.07 Noncompliance

- A. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination, 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 and/or the city of Decatur if any protective device required by this ordinance 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 premises 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 notice, water supply will be discontinued and the violation will be referred to the administrative authority for further action.
- E. For the purpose of making any inspections or discharging the duties imposed by this ordinance, water purveyor and/or the city of Decatur, 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 premises of the water purveyor and/or superintendent, the State Health Department, and/or Plumbing Inspector for the purpose stated herein. (Ord. No. 2013-3, Sec.1.7.)

10.12.08 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. 2013-3, Sec. 1.8.)

10.12.09 Installation and costs Customers of the city water utility requiring backflow-prevention assemblies shall pay all costs 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. 2013-3, Sec.1.9.)

10.12.10 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 city with a certificate of satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, city and/or the 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 city and made available to the State Health Department upon request. (Ord. No. 2013-3, Sec. 1.10)

10.12.11 Construction All new construction within the city of Decatur shall be effective upon the passage of the ordinance. All existing consumer premises shall be in compliance with this ordinance in accordance with the notification by the water utility. (Ord. No. 2013-3, Sec. 1.11.)

CHAPTER 10.16

FALLING SPRINGS WATER PROJECT

Sections:

- 10.16.01 Contract
- 10.16.02 Bidding waived
- 10.16.03 Materials and services

10.16.01 Contract The city of Decatur shall be the sole source contractor for the Falling Springs Water Project. (Ord. No. 04-6, Sec. 1.)

10.16.02 Bidding waived The project is unique in time and price making the bid process inadequate so the statutory bid process is hereby waived. (Ord. No. 04-6, Sec. 2.)

10.16.03 Materials and services The Mayor and City Recorder are authorized to purchase materials and services for the project as suggested by James Boston. (Ord. No. 04-6, Sec. 3.)

CHAPTER 10.20

WELLHEAD PROTECTION PROCEDURE

Sections:

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|----------|--------------------------|
| 10.20.01 | Purpose |
| 10.20.02 | Implementation |
| 10.20.03 | Delineating an area |
| 10.20.04 | Application of ordinance |
| 10.20.05 | Administration |

10.20.01 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 Crossett.
- 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. 2007-4, Sec. 1.)

10.20.02 Implementation Implementation of the Wellhead Protection Program shall consist of several parts, which may be phased in at the discretion of Decatur and over the time period deemed reasonable and adequate for the city of Decatur. 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. 2007-4, Sec. 2.)

10.20.03 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, Decatur 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 of Decatur.

If new data should become available pertinent to well yield, hydrogeology 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. 2007-4, Sec. 3.)

10.20.04 Application of ordinance This section shall apply to all lands located within the delineated Wellhead Protection Area(s) as adopted by the City Council, and within the jurisdiction of the city of Decatur. (Ord. No. 2007-4, Sec. 4.)

10.20.05 Administration The policies and procedures for the administration of the Wellhead Protection Area(s) established in pursuance of this ordinance, including application, variances, enforcement, and penalties, shall be determined by the City Council or the pertinent legally appointed entity. (Ord. No. 2007-4, Sec. 5.)

CHAPTER 10.24**WATER SERVICE OUTSIDE CITY LIMITS****Sections:**

- 10.24.01 Requirements
- 10.24.02 Boring

10.24.01 Requirements The City will continue to provide water service to agricultural uses, such as poultry houses, as well as residential uses, when it is feasible in the City's sole opinion, and every potential City water customer which is located outside the City limits shall be required to provide at their sole expense equipment required for the connection, including but not limited to all pipe and other connection equipment, as well as engineering, related installation costs and all other expenses related to making the connection to a City main line. A Main Line is defined as a 6-to-8-inch diameter supply line. (Ord. No. 2022-08, Sec. 1)

Anyone desiring to receive water service from the City to property outside the City Limits will be required to apply for service and must be approved by the City water department. (Ord. No. 2022-08, Sec. 2)

10.24.02 Boring The City may, as needed, pay for "boring" under city streets and state highways as long as both sides of the city street or highway are in the city limits of Decatur, Arkansas. (Ord. No. 2022-08, Sec. 3)