

# TITLE 10

## UTILITIES

### Chapters:

- 10.04 Sewer Regulations
- 10.08 Waterworks and Sewer Commission
- 10.05 Requirements for Right-Of-Way Easement Work
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### CHAPTER 10.04

#### SEWER REGULATIONS

### Sections:

- 10.04.01 Definitions
- 10.04.02 Regulations for private systems
- 10.04.03 Use of public sewers
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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 (20°) 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.

**City Council** shall mean the duly elected or appointed governing body of the city of Centerton.

**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.

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

**Mayor** shall mean the Mayor of the city of Centerton, Arkansas.

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

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

**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 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.

**Public Utilities Director** shall mean the duly appointed officer in charge of the water and/or sewer department of the city of Centerton, or his authorized representative.

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

**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.

**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 of flow 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 either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

**Waterworks and Sewer Commission** shall mean the Waterworks and Sewer Commission, city of Centerton, county of Benton, in the state of Arkansas.

**Unusual BOD** shall mean BOD greater than 200 mg/l.

#### 10.04.02 Regulations for private sewer systems

- A. The City Council shall establish such fees for sewer service and connections as necessary to properly maintain and operate the sewage works. The City Council shall also establish such regulations for private sewage disposal systems as to ensure their operation in a sanitary manner at all times.
- B. Provided that a public sewer is within three hundred feet (300') of the property line, the property 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 or hereafter located a public sanitary or combined sewer of the city, is hereby required at his expense to connect said buildings directly with the proper public sewer.
- C. The Public Utilities Director, or a representative designated by him, as appointed by the Waterworks and Sewer Commission is hereby authorized to perform the duties as set out hereinafter.

#### 10.04.03 Use of public sewers

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.
- B. Storm water 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 Public Utilities Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Utilities Director, 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 singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, or 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, the following parameters in concentrations in excess of these listed, as discharged to the public sewer:

Parameter Composite	Concentration (mg/l)*	Max Limits (mg/l)
Arsenic	0.05	0.05
Barium	5.00	5.00
Boron	1.00	1.00
Cadmium	0.02	0.02
Chromium	0.05	0.50
Copper	0.02	0.20
Cyanide	0.05	0.05

Lead	0.10	0.10
Manganese	0.5	1.00
Mercury	0.002	0.005
Nickel	0.08	0.80
Selenium	0.02	0.02
Silver	0.01	0.10
Zinc	0.05	0.50

\* If at least a tenfold dilution is available in a receiving sewer system at its absolute minimum flow or in a receiving stream at its absolute minimum flow, there allowable values may be increased tenfold, or to the maximum limits shown above.

3. Any water or wastes having a Ph lower than 6.0 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 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 Public Utilities Director 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 Public Utilities Director 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 more than one hundred (100) parts per million (833lbs. per million gallons) of fats, wax, grease, or greases if such water or wastes are, in the opinion of the Public Utilities Director, sufficient to:
    - a. Interfere with the biological processes of a sewage treatment plant
    - b. Interfere with proper operation of the sewage works.
    - c. Cause obstruction to flow in sewers.
    - d. Cause pollution of any area or receiving stream.
  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 Public Utilities Director;
  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 heavy metals and toxic substances in concentrations in excess of those listed in 10.04.03.C.2 as amended, and other 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 Public Utilities Director 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 Public Utilities Director 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 Public Utilities Director in compliance with applicable state or federal regulations;
  8. Any waters or wastes having a Ph in excess of 9.0;
  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 10.04.03.C.2 hereinabove and which, in the judgment of the Public Utilities Director, 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 Public Utilities Director 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

7. 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 10.12.05 F. If the Public Utilities Director 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 Public Utilities Director 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 Public Utilities Director, 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 Public Utilities Director 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 Public Utilities Director, 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 Public Utilities Director. 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 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.)

#### 10.04.04 Power and Authority of Public Utilities Director

- A. The Public Utilities Director and other duly authorized employees of the Waterworks and Sewer Commission, 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.
- B. While performing the necessary work on private property, the Public Utilities Director and duly authorized employees of the Waterworks and Sewer Commission shall make every attempt to observe safety rules in the performance of their duties.
- C. The Public Utilities Director and other duly authorized employees of the Waterworks and Sewer Commission bearing proper credentials and identification shall be permitted to enter all private properties through which the Waterworks and

Sewer Commission of the City of Centerton 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 waterworks or sewage works lying within said easement.

#### 10.04.05 Penalty for violation

- A. Any person found to be violating any provision of this chapter shall be served by the Public Utilities Director 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 10.04.05.A 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. Any person violating any of the provisions of this chapter shall become liable to the Waterworks and Sewer Commission for any expenses, loss or damage occasioned the Waterworks and Sewer Commission by reason of such violation.  
(Ord. No. 2015-04, Sec. 1)

## **CHAPTER 10.05**

### **REQUIREMENTS FOR RIGHT-OF-WAY & EASEMENT WORK**

#### Section:

10.05.01	Procurement of Permit
10.05.02	Requirements for Permit
10.05.03	Minimum Requirements for Work Performed
10.05.04	Additional Requirements

10.05.01 Procurement of Permit: Any individual, company, contractor, subcontractor or organization (hereinafter “Applicant”) who wishes to perform work within rights-of-way, exclusive utility easements, City property or within utility easements on private property when the work impacts City wet utilities (water, sanitary and storm), streets and public right-of-ways shall first procure a Public Works Right-Of Way & Easement Work Permit.

10.05.02 Requirements for Permit: Applicants shall complete a Public Works Right-Of-Way & Easement Work Permit Application at least 5 (five) days prior to the proposed work start date. Applicants must be licensed contractors with the State of Arkansas. The following shall be included with applicant’s application:

- A. The type of work to be performed: i.e. Water Service, Fire Line, Sanitary Sewer Service, Gas, Electric, Phone, Cable TV, Curb & Gutter, Sidewalk, Ramp Drive, Curb Chase, Landscaping, Driveway, Material Storage, Tree Removal, Pruning, Private Utility, Building Remodel/Demolition or Special Use.
- B. A site plan indicating work location, limits of construction, street cuts and repairs, proposed pipe/cable/conduit/cabinet/hand hole, open trench limits, directional bore

imits, bore pits, potholes, etc. Use engineering scale 1:10 to 1:50 for preparation of site plan.

- C. A traffic control plan. Traffic control plan shall be in conformance with the Manual on Uniform Traffic Control Devices.
- D. The name and phone number of subcontractor and their specialty.
- E. A list of construction equipment and materials used in performance of described work.
- F. Pavement mix design for asphalt repairs.
- G. Concrete mix design for walk, curb, cross pan, etc. repairs.
- H. Concrete flow fill mix design.
- I. The name and phone number of geotechnical testing company.
- J. A list of material that may be stockpiled within street or alley.
- K. A valid copy of Arkansas Contractor's License, Performance Bond for a minimum of \$100,000 coverage and put up a \$1000 refundable maintenance deposit.
- L. Permits Fees: \$50 for general Right-Of-Way work. Additional \$100 for Street or pavement cuts.

10.05.03 Minimum Requirements for Work Performed: Any work performed pursuant to this Chapter shall meet the following minimum requirements:

- A. All work must be inspected by the City of Centerton, Street Department and Water/Wastewater Division.
- B. Contractor shall request inspection by contacting Utilities Director or Street Superintendent at the contact information listed on the bottom of this document, at least 24 hours prior to the beginning of work. Failure to arrange for an inspection will result in, but is not limited to, the assessment of a penalty fee, suspension of the work and/or the removal of the completed work.
- C. Contractor/Applicant shall comply with the City of Centerton, Street Department and Water and Wastewater Division's latest edition of the Standards and Specifications.
- D. Contractor/Applicant shall comply with the most recent edition of the Manual on Uniform Traffic Control Devices. All traffic control devices shall be in place prior to beginning work. If the approved traffic control plan is not fully implemented or functioning as intended, work shall be suspended until the devices are properly placed. The traffic control layout may be modified, as directed by the City, as conditions warrant.
- E. The Contractor/Applicant shall call for UTILITY LOCATES through ARKANSAS ONE CALL at 1-800-482-8998 or 811. The Contractor/Applicant shall also field locate and verify the location of all utilities within the proposed work area, prior to the beginning of work. All existing utilities shall be protected from damage by the Contractor/Applicant's operations and the Contractor/Applicant shall be responsible for and shall repair at their expense all damage that occurs to any existing utility or surface improvement as a result of the contractor's work activities. Repairs shall be completed within the times stipulated on the Permit.



- F. Soil compaction within rights-of-way shall be 95% of optimum density throughout. Subgrade density testing will be required, as directed by the Street Superintendent, with test results submitted to the City within 7 days of completed work and prior to the permit closing date. Deficient testing results will be cause for rejection of work. Results may be faxed or emailed to the City. Controlled low strength material (Flow Fill) shall be used in lieu of compacted backfill for excavations including potholes, unless otherwise approved by the City. Subgrade density testing will be waived by the City in specific locations where controlled low-strength material (Flow Fill) is used in lieu of compacted back fill material.
- G. Contractor/Applicant shall be responsible for restoring or replacing, as directed by the City, all sidewalk, curb and gutter, bike paths, other hard surfaces, asphalt or concrete pavements, striping, signage, utilities (public or private), landscaping, sod, irrigation facilities, or any other improvement damaged as a result of work activities by the Contractor/Applicant, or his subcontractors, or a third party that may or may not be directly associated with the work activities stipulated on the permit. Restoration and/or repair work shall be completed prior to the permit closing date.
- H. Contractor/Applicant shall warranty work against defects, as determined by the City, for two years after completed work is accepted by the City.
- I. Construction activities allowed under the Permit shall occur Monday-Friday except holidays and shall be restricted to the hours of 8:00 a.m. through 4:30 p.m., unless otherwise approved by the City.
- J. Work performed within an easement on private property shall require advance property owner notification that includes a description of the work, schedule and contact information.
- K. Contractor/Applicant and all subcontractors must be licensed contractors with the State of Arkansas. A copy of the Right of Way Permit shall be forwarded to all subcontractors by the Contractor/Applicant. A copy of the Permit shall be available at the work site at all times.
- L. Contractor/Applicant shall take all necessary steps to adequately control erosion. Additional erosion control measures may be required as directed by the City.
- M. Contractor/Applicant shall clean the work area and streets of all construction dirt and debris at the end of each work day.
- N. Limits of concrete and asphalt removal shall be saw cut full depth with a straight edge saw as directed by the City. Over-saw cutting is discouraged and shall be limited to the maximum extent possible.
- O. No utility cabinet, above ground structure, foundation pad, or foundation system shall be installed within seven ( 7 feet) of a water main, sewer main, storm sewer pipe, drainage swale or other City facility and not within ten (10 feet) of a fire hydrant. Approval of this permit shall not relieve the Contractor/Applicant of satisfying this condition in the field.
- P. No below ground utilities shall be installed within five (7 feet) of water main, fire hydrant lateral, sewer main, storm sewer pipe, drainage swale, other City facility.
- Q. Underground utilities shall be installed with a minimum 18 inch vertical clearance from City water main, fire hydrant lateral, sanitary sewer main, storm sewer pipe, or other City facility.

- R. Emergency or Expedited Right of Way and Easement Work Permits will be approved at the discretion of the Street Superintendent or Utilities Director when required because of loss of essential services or public safety concern.
- S. Work performed without an inspection, deficient Geotechnical Material Testing results, non-conforming and/or poor quality workmanship shall be cause for rejection of work. Any rejected work shall be removed and replaced promptly at the expense of the contractor/applicant.
- T. To protect paved surfaces provide wood/rubber pads for equipment outriggers, buckets, attachment.
- U. Proper concrete truck washout locations are to be provided at the Contractor/Applicant's own cost.
- V. Rubber tire marks on concrete walk or curb surfaces caused by contractor's activities shall be removed.
- W. Dirt ramps in gutter pan or over walk surfaces are not permitted.
- X. Upon completion of the work, contractor shall remove locate flags from grass areas and excessive painted locate marks as directed by the City.

10.05.04 Additional Requirements: Applicants shall abide by the following additional requirements while performing and completing work within a right-of-way or easement:

- A. Applicant shall take all necessary steps to adequately control erosion. Additional erosion control measures may be required as directed by the City.
- B. Applicant shall clean the work area and streets of all construction dirt and debris at the end of each work day.
- C. Limits of concrete and asphalt removal shall be saw cut full depth with a straight edge saw as directed by the City. Over-saw cutting is discouraged and shall be limited to the maximum extent possible.
- D. No utility cabinet, above ground structure, foundation pad, or foundation system shall be installed within seven ( 7 feet) of a water main, sewer main, storm sewer pipe, drainage swale or other City facility and not within ten (10 feet) of a fire hydrant. Approval of this permit shall not relieve the Contractor/Applicant of satisfying this condition in the field.
- E. No below ground utilities shall be installed within five (7 feet) of water main, fire hydrant lateral, sewer main, storm sewer pipe, drainage swale, other City facility.
- F. Underground utilities shall be installed with a minimum 18 inch vertical clearance from City water main, fire hydrant lateral, sanitary sewer main, storm sewer pipe, or other City facility.
- G. Emergency or expedited Right of Way and Easement Work Permits will be approved at the discretion of the Street Superintendent or Utilities Director when required because of loss of essential services or public safety concern.
- H. To protect paved surfaces provide wood/rubber pads for equipment outriggers, buckets, attachment.
- I. Proper concrete truck washout locations are to be provided at the Contractor/Applicant's

- J. Rubber tire marks on concrete walk or curb surfaces caused by contractor’s activities shall be removed.
- K. Dirt ramps in gutter pan or over walk surfaces are not permitted.
- L. Upon completion of the work, contractor shall remove locate flags from grass areas and excessive painted locate marks as directed by the City.
- M. Work performed without an inspection, deficient Geotechnical Material Testing results, non-conforming and/or poor quality workmanship shall be cause for rejection of work. Any rejected work shall be removed and replaced promptly at the expense of the contractor/applicant. (Ord. 2015-12, Chapter 10.05, Sec. 1)

## CHAPTER 10.08

### WATERWORKS AND SEWER COMMISSION

Sections:

- 10.08.01 Creation
- 10.08.02 Powers and duties generally
- 10.08.03 Composition
- 10.08.04 Qualifications
- 10.08.05 Appointment
- 10.08.06 Vacancies
- 10.08.07 Term of office
- 10.08.08 Oaths
- 10.08.09 Compensation
- 10.08.10 Rules
- 10.08.11 Annual audits
- 10.08.12 Reports

10.08.01 Creation A Waterworks and Sewer Commission is hereby created.  
(Ord. No. 98-14, Sec. 1.)

10.08.02 Powers and duties generally The Waterworks and Sewer Commission shall:

- A. Have full and complete authority to manage, operate, improve, extend and maintain the city waterworks and distribution system and the city sewage system.
- B. Have full and complete custody and charge of the city waterworks and distribution system and the city sewage system.
- C. Employ or remove any and all assistants and employees of whatsoever nature, kind or character in the waterworks system and the sewage system, and fix, regulate and pay their salaries or wages.
- D. Have all those powers granted to waterworks commissions and to sewer committees by state law. (Ord. No. 98-14, Sec. 2.)

10.08.03 Composition The Waterworks and Sewer Commission shall consist of three persons.  
(Ord. No. 98-14, Sec. 3.)

10.08.04 Qualifications The members of the Waterworks and Sewer Commission shall be qualified electors of the city. (Ord. No. 98-14, Sec. 4.)

10.08.05 Appointment Members of the Waterworks and Sewer Commission shall be appointed by the Mayor and confirmed by a two-thirds (2/3) vote of the duly elected and qualified members of the City Council. Thereafter, and upon the expiration of their respective terms, their successors shall be appointed by the remaining commissioners subject to the approval of two-thirds (2/3) of the duly elected and qualified members of the City Council. (Ord. No. 98-14, Sec. 5.)

10.08.06 Vacancies Vacancies on the Waterworks and Sewer Commission shall be filled for the unexpired term by appointment, by the remaining commissioners, subject to the approval of two-thirds (2/3) of the duly elected and qualified members of the City Council. (Ord. No. 98-14, Sec. 6.)

10.08.07 Term of office Members of the Waterworks and Sewer Commission shall hold office for terms of eight years, or until their successors are appointed and qualified. However, commissioners first appointed and confirmed shall serve for terms of four (4), six (6), and eight (8) years, each to be designated by the Mayor and City Council. (Ord. No. 98-14, Sec. 7.)

10.08.08 Oaths Members of the Water works and Sewer Commission shall file the oath of public officials required by law. (Ord. No. 98-14, Sec. 8.)

10.08.09 Compensation Each of the members of the Waterworks and Sewer Commission shall receive as full compensation, the sum of \$75.00 per meeting, payable monthly. (Ord. No. 98-14, Sec. 9.)

10.08.10 Rules The Waterworks and Sewer Commission shall adopt such rules and regulations as it deems necessary and expedient for the proper operation and management of its affairs and shall have authority to alter, change or amend such rules and regulations at its discretion. (Ord. No. 98-14, Sec. 10.)

10.08.11 Annual audits The Waterworks and Sewer Commission shall cause an annual audit of the operations of the systems to be made and shall submit a copy of the reports thereof to the Mayor and City Council. (Ord. No. 98-14, Sec. 11.)

10.08.12 Reports The Waterworks and Sewer Commission shall submit monthly reports to the Mayor and City Council, and shall furnish further reports, information and data as the Mayor and City Council may request. (Ord. No. 98-14, Sec. 12.)

## **CHAPTER 10.12**

### **WATER AND SEWER SERVICES**

Sections:

- 10.12.01 Charges for Water and Sewer Services
- 10.12.02 Metered System
- 10.12.03 Billing Statement
- 10.12.04 Unmetered Water Usage
- 10.12.05 Fees, Deposits, Rates for Water and/or Sewer Usage and other Charges
- 10.12.06 Change in Rates for Water
- 10.12.07 Change in Rates for Sewer
- 10.12.08 Schedule of Sewer Rates

#### 10.12.01 Charges for Water and Sewer Services

- A. Water Services No water services shall be supplied by the system without a charge being made in accordance with the established rates of the Waterworks and Sewer Commission.
- B. Sewer Services No sewer services shall be supplied by the system without a charge being made in accordance with rates established in 10.12.05 and adopted by the City Council.

#### 10.12.02 Metered system

The operation of the water system shall be on a fully metered basis with a meter installed at each water connection (except fire hydrants) when practical. Metered connections shall be limited to a single user unless otherwise permitted by the Waterworks and Sewer Commission.

#### 10.12.03 Billing statement

When the customer signs up for service, they will be instructed as to which billing cycle they will be part of and what are the important dates relative to payments. A billing statement for water and/or sewer services will be generated on or about the first day of each billing cycle and shall be due 15 days later. If any statement is not paid by the due date of the billing cycle, it will be considered delinquent and a penalty equal to ten percent (10%) of the outstanding balance will be added to the customer's account. If the customer's account is still unpaid 15 days after the due date, service will be disconnected.

#### 10.12.04 Unmetered Water Use

- A. If it is determined by the Waterworks and Sewer Commission that a person who is a sewer customer is not connected to the water facilities is consuming water, from whatever source, in any amount greater than the amount use included in the minimum charge for water service, then said person shall be billed for sewer service as if such person was a water customer and billed for the amount of recorded use or estimated usage amount as determined by the Waterworks and Sewer Commission.
- B. Persons that fail to pay for the adjusted sewer usage charges within 30 days of the notice of adjustment by the Waterworks and Sewer Commission shall be referred to the Waterworks and Sewer Commission's attorney for collection and/or prosecution of criminal charges for theft of goods and/or services.

#### 10.12.05 Fees, Deposits, Rates for Water and/or Sewer Usage and other Charges

- A. The Waterworks and Sewer Commission shall publish a list of all fees, deposits, and rates for water and/or sewer services. Each customer at the time of initiation of water and/or sewer service shall be provided a list current as of the date service is initiated.
- B. The Waterworks and Sewer Commission may establish such fees, deposits, and other charges it determines as necessary to maintain the financial viability of the systems or the operational integrity of the systems.
- C. The Waterworks and Sewer Commission may add to customer bills fees and other charges be imposed by state or federal law or regulation or imposed by a contracted supplier of water or sewer services.
- D. Customers shall be notified of changes in fees, deposits, rates for water and/or sewer

service and other charges by printed notice on the monthly billing statement or a printed notice distributed with the billing statement or a separate mailed notice.

E. Rates for water service

Category	Usage level in Gallons	Rate
Located within city with sewer services	Usage Fee	\$20.00
	From 0 to 9,999,999	\$4.65 per 1,000 Gallons
Agricultural within city without sewer services	Usage Fee	\$20.00
	From 0 to 9,999,999	\$3.75 per 1,000 Gallons
Located outside city	Usage Fee	\$25.00
	From 0 to 9,999,999	\$4.95 per 1,000 Gallons
Agricultural outside city	Usage Fee	\$25.00
	From 0 to 9,999,999	\$3.75 per 1,000 Gallons
Inside city commercial	From 0 to 100,000	\$34.50/\$3.45/1,000 Gallon
	From 100,001 to 500,000	\$3.25/1,000 Gallon
	From 500,001 to 9,999,999	\$3.15/1,000 Gallon
Outside city commercial	Usage Fee	\$34.50
	From 0 to 100,000	\$3.45/1,000 Gallon
	From 100,001 to 500,000	\$3.25/1,000 Gallon
	From 500,001 to 9,999,999	\$3.15/1,000 Gallon

F. Rates for sewer service

Category	Water Usage level in Gallons	Rate
Located within city with water services	Minimum monthly service fee for Each 1,000 gallons of water consumption per month, or portion thereof	\$16.76
		\$7.99/1,000 Gallon
Located within city without water services	Monthly service fee	\$42.19 per month
Located outside city with water services	Minimum monthly service fee for each 1,000 gallons of water consumption per month, or portion thereof	\$18.18
		\$9.08
Located outside city without water service	Monthly service fee	\$49.19

10.12.06 Change in Rates for Water

The rates for water may be changed upon resolution properly adopted by the Waterworks and Sewer Commission as necessary to maintain the financial viability of the system. Events that make such changes necessary include but are not limited to change in cost of water supply from supply source, imposition of new or changed fees or other charges, repayment of financing for construction or reconstruction of additions and or improvements to the system. Changes in costs shall apply uniformly to each category and level of consumption as set out in the schedule of rates adopted and published by the Waterworks and Sewer Commission. Any such change in rate for water shall be effective with the start of the next complete monthly billing after adoption by the Waterworks and Sewer Commission.

10.12.07 Change in Rates for Sewer

The rates for sewer service may be changed upon enactment of an ordinance by the City Council as recommended by the Waterworks and Sewer Commission. The Waterworks and Sewer Commission will recommend changes as necessary to maintain the financial viability of the system. Events that may occasion such changes necessary include but are not limited to change in cost of sewer treatment, imposition of new or changed fees or other charges, repayment of financing for construction or reconstruction of additions and or improvements to the system. Changes in costs shall apply uniformly to each category and level of consumption as set out in the schedule of rates adopted by the City Council and published by the Waterworks and Sewer Commission. Any such change in rate for sewer shall be effective with the start of the next complete monthly billing after adoption by the City Council. (Ord. No. 2015-04. Sec. 1)

10.12.08 Schedule of Sewer Rates

SCHEDULE OF SEWER RATES

WATER CUSTOMERS

Inside City Limit

Base Rate	\$16.76 (minimum)
For all water consumption of 0-299,999 gallons per month	\$7.99 per 1,000 gallons

For all water consumption for  
300,000 gallons and above \$8.57 per 1,000 gallons

Outside City Limit

Base Rate \$18.18 (minimum)

For all water consumption of 0-299,999  
gallons per month \$ 9.08 per 1,000 gallons

For all water consumption of  
300,000 gallons and above \$ 9.66 per 1,000 gallons

Outside of District

Base Rate \$18.18 (minimum)

For all water consumption of 0-299,999  
gallons per month \$ 9.08 per 1,000 gallons

For all water consumption of  
300,000 gallons and above \$ 9.66 per 1,000 gallons

For all waste treatment plant  
Surcharge \$0.20 per 1,000 gallons

NON-WATER CUSTOMERS

Inside City Limit \$42.19 (minimum per month)

Outside City Limit \$49.19 (minimum per month)

If it is determined by the Commission that a customer not connected to the water facilities is consuming water from whatever source in an amount that if billed under the classification "Water Customers" would exceed the minimum charge, then said customer shall be billed as if such customer was a water customer.

- A. No sewer services shall be supplied by the system without a charge being made therefore in accordance with the foregoing schedule of rates.
- B. A billing statement for sewer services will be made on or about the first day of each month



for the preceding month and shall be due on the fifteenth (15<sup>th</sup>) day of the following month. If any statement is not paid when due, it will be considered delinquent and a penalty equal to ten percent (10%) of the outstanding balance will be added to the customer's account. If the account is still not paid by the end of the month, service will be disconnected. (Ord. No. 2019-40. Sec. 1)

## **CHAPTER 10.16**

### **EXTENSION OF WATER AND SEWER LINES POLICY**

Sections:

- 10.16.01 Objectives
- 10.16.02 Water line extensions
- 10.16.03 Sewer line extensions
- 10.16.04 Contractors qualifications
- 10.16.05 Amending policy
- 10.16.06 Application for extension of services outside city of Centerton
- 10.16.07 Processing of application
- 10.16.08 Contract
- 10.16.09 Delegation of Authority
- 10.16.10 Penalty

#### 10.16.01 Objectives

The objectives of this policy are:

- A. to protect the quality of service to existing customers by prohibiting extensions and/or connections to the system when there is not sufficient surplus capacity in the existing system to provide satisfactory service to new customers without creating unsatisfactory service to existing customers;
- B. to provide a uniform policy of extensions of water and sewer service;
- C. to assure that any extension of the water system will result in fire protection coverage at least equal to that provided by the existing system;
- D. to encourage development (residential, agricultural, industrial and commercial) by providing for return on capital investment;
- E. to aid the Waterworks and Sewer Commission in keeping the quality of materials and

system capacity in the best interests of its customers.

- F. the Waterworks and Sewer Commission shall take such prudent actions as may be necessary to ensure that water and sewer lines installed pursuant to this policy are adequate and properly sized, considering the length of the line, the future land use map, the projected growth of city of Centerton, Fire Department needs, and other appropriate considerations.

#### 10.16.02 Water line extensions

- A. No ties or extensions to the water system will be permitted without prior written approval of the Waterworks and Sewer Commission.
- B. In accordance with Arkansas State Statutes, all plans and specifications pertaining to public water systems shall be prepared by a qualified engineer and submitted to the Arkansas Department of Health for approval. Plans and specifications must first be submitted through the Public Utilities Director for approval by the Waterworks and Sewer Commission prior to submission to the Arkansas Department of Health.
- C. All costs for water line extensions shall be borne by the party requiring service, except as set out below:
  - 1. The Waterworks and Sewer Commission may elect to require oversizing of water lines if it is determined it is in the best interest of its customers. Should the line be oversized, the additional cost thereof will be paid by the Waterworks and Sewer Commission.
  - 2. If in the opinion of the Waterworks and Sewer Commission an extension will benefit existing customers as a whole, the Waterworks and Sewer Commission may elect, depending upon the availability of funds, to participate in the cost of any water line extension. (An example of a project which might benefit all customers as a whole would be a water main extension that would be along the same route as a water supply line to a future water storage tank.)
  - 3. The Waterworks and Sewer Commission may elect to provide its participation in an extension through provision of materials such as pipe, valves and/or appurtenances.
- D. Minimum standards for materials of construction: The Waterworks and Sewer Commission may adopt, update and publish a handbook of standards for construction that supplements the subsequent paragraphs in this subsection.
  - 1. Since one of the primary objectives of the waterworks system is to provide fire protection within the city of Centerton, the minimum size water main will have nominal diameter of 6 inches or greater. The Waterworks and Sewer Commission may, at its option, allow for the installation of lines as small as three inch nominal diameter when, due to the layout of the existing or proposed system, the fire protection objective will be met.

Water mains 6 inches and larger may be one of the following materials:

- a. Ductile iron pipe conforming to the requirements of AWWA Standard C151, latest revision, and shall be thickness class 50 unless design requires greater thickness.
  - b. Asbestos cement pipe shall be in accordance with AWWA specifications C400, latest revision, with minimum working pressure of 150 psi unless design requires greater thickness.
  - c. Polyvinyl chloride (PVC) pipe meeting the requirements of AWWA C900, latest revision, with minimum working pressure of 150 psi unless design requires greater thickness.
2. All pipe smaller than 6 inches may be polyvinyl chloride (PVC) plastic pipe conforming to ASTM specification D2241, latest revision. All pipe shall have a minimum working pressure of 200 psi with a standard dimension ratio (SDR) of 21.
  3. Fittings for 6 inch and larger pipe shall be ductile iron and shall conform to requirements of ANSI/AWWA C110/A21.10, latest revisions, or shall be light-weight ductile iron fittings having a minimum pressure rating of 350 psi. Fittings for pipe smaller than 6 inches shall be of the same material and pressure class as the pipe.
  4. All non-metallic water mains and services shall require the installation of a tracer wire and shall be attached to valves and meter yokes.
  5. All non-metallic pipe shall be bedded in crushed limestone from a point 4 inches below the pipe barrel to the centerline of the barrel. Pipe laid in very rocky conditions shall be covered with material free of large rocks to at least 12 inches above the top of the pipe.

#### 10.16.03 Sewer line extensions

- A. No ties or extensions to the sewer system will be permitted without prior written approval of the Waterworks and Sewer Commission.
- B. In accordance with Arkansas State Statutes, all plans and specifications pertaining to public sewer systems shall be prepared by a qualified engineer and submitted to the Arkansas Department of Health for approval. Plans and specifications must first be submitted through the Public Utilities Director for approval by the Waterworks and Sewer Commission prior to submission to the Arkansas Department of Health.
- C. All costs for sewer line extensions shall be borne by the party requiring service, except as set out below:
  1. The Waterworks and Sewer Commission may elect to require oversizing of sewer lines

- if it is determined it is in the best interest of its customers. Should the line be oversized, the additional cost thereof will be paid by the Waterworks and Sewer Commission.
2. 2. If in the opinion of the Waterworks and Sewer Commission an extension will benefit existing customers as a whole, the Waterworks and Sewer Commission may elect, depending upon the availability of funds, to participate in the cost of any sewer line extension. (An example of a project which might benefit all customers as a whole would be a sewer main extension that would make sewer service available to a large potentially developable area.)
  3. The Waterworks and Sewer Commission may elect to provide its participation in an extension through provision of materials such as pipe, valves and/or appurtenances.

D. Minimum standards for materials of construction. The Waterworks and Sewer Commission may adopt, update and publish a handbook of standards for construction that supplements the subsequent paragraphs in this subsection.

The sewer line may be one of the following materials:

1. Ductile iron pipe conforming to the requirements of “Standard Specifications for Ductile Iron Gravity Sewer Pipe.” ASTM A746, latest revisions, and shall be thickness class 50 unless design requires greater thickness.
2. Vitrified clay sewer pipe and fittings shall conform to the Extra Strength Provisions of ASTM Designation C700, latest revision.
3. 3. Polyvinyl chloride (PVC) sewer pipe shall conform to the requirements of ASTM Specification D3034, latest revision, for SDR 35. Provisions shall be made for contraction and expansion at each joint with a push-on type joint with rubber gasket.
4. Manholes and other appurtenances shall be in accordance with the standards as published by the Waterworks and Sewer Commission.
5. All sanitary sewer lines shall be bedded in crushed limestone from a point 4 inches below the barrel to the centerline of the pipe barrel. Pipe laid in very rocky conditions shall be covered with material free of large rocks to at least 12 inches above the top of the pipe.

#### 10.16.04 Contractors qualifications

Contractors constructing water and/or sanitary sewer lines to be accepted for perpetual operation and maintenance by the Waterworks and Sewer Commission must show that they possess adequate experience, equipment and personnel needed to construct the project.

#### 10.16.05 Amending the policy

The City Council is empowered to amend the policy from time to time, as may be recommended by the Waterworks and Sewer Commission, and deemed appropriate by the City Council upon ordinance duly adopted and any such amendment shall apply only to those water and/or sewer lines which construction began the day following the adoption of said amendment.

10.16.06 Application for extension outside city of Centerton

Any property owner(s) with property lying outside the city limits of Centerton and desiring the extension of water and/or sewer service to his property shall make application for said service to the Waterworks and Sewer Commission. Applications may be obtained from the Centerton Waterworks and Sewer Commission Office. All applicants shall submit a processing fee along with the application. Said application shall include the following:

- A. Name, address, and telephone number of all persons that are owners of record of the property to receive services;
- B. The legal description, Benton County Assessor's parcel identification number and street address of the property to receive services;
- C. A map showing the location of the property to receive services in proximity to the city of Centerton;
- D. Name, address, and telephone number of the owner(s), as well as the Benton County Assessor's parcel identification number for any land located between the property to receive services and in the case of water service the nearest water line with available capacity or in the case of sewer the city limits of Centerton;
- E. A list of structures that will receive services;
- F. A statement that the applicant(s) are willing to enter into a contract with the Waterworks and Sewer Commission concerning the provision of water and/or sewer service to the property;
- G. A statement that the applicant(s) are willing to pay any and all costs that may be associated with the processing of their application which is above and beyond the processing fee provided for previously in this section. Additional fees will normally only arise in those situations where there are numerous parcels of land whose ownership must be confirmed. In such instances the Waterworks and Sewer Commission will submit an estimate of the expected cost to the applicant(s);
- H. The application shall be signed by all of the property owner(s) of the property to receive services;
- I. The application shall be accompanied by an application fee, of \$ \_\_\_\_\_.

#### 10.16.07 Processing of application

Upon submission of the application and supporting documents to the Waterworks and Sewer Commission, they shall be reviewed to ensure that the application has been fully and correctly completed and that the application fee has been paid. After the application has been reviewed and it has been determined that all requirements have been met, the application and supporting documents shall be submitted to the Waterworks and Sewer Commission for consideration in a public meeting. The Waterworks and Sewer Commission shall review the application and supporting documents and then shall decide whether to accept or reject said application. In the event the Waterworks and Sewer Commission votes to reject said application, the property owner(s) shall not re-apply for services to the subject property until all reasons for the rejection have been corrected.

#### 10.16.08 Contract

Before any water or sewer service is extended to any property located outside the city limits of Centerton, Arkansas from the lines of the city of Centerton, all persons that are owners of record of the property to receive services shall enter into a contract with the Waterworks and Sewer Commission. Said contract shall contain the following:

- A. The legal description of the land to receive services. This legal description shall be the same legal description as set forth in the property owner's application as provided for in 10.16.06 above;
- B. The property owner(s) of the property to receive services shall obtain and, if necessary, pay for all easements required in order to lay the requested lines across the land of adjoining property owners. All easements must be in the name of the city of Centerton, in a form acceptable to the Waterworks and Sewer Commission and shall be a minimum of fifteen (15) feet in width;
- C. All lines must be constructed in accordance with the ordinances, rules, regulations and guidelines of the Waterworks and Sewer Commission, as well as the Arkansas Department of Health;
- D. All costs of construction shall be borne by the property owner(s);
- E. Upon completion of construction, inspection and acceptance by the Waterworks and Sewer Commission, the requested water line from its connection to the existing main line to the property owner's meter shall be dedicated to the city of Centerton and thereafter the Waterworks and Sewer Commission shall assume responsibility for repairs and maintenance;
- F. For Sewer Service, a covenant that the property owner(s) will place said property under the civil jurisdiction of the ordinances of the city of Centerton, Arkansas, concerning planning, land use (zoning), development (subdivisions) and construction, including payment of fees as required by said ordinances;

G. Provide for penalties for failure to abide by any provision set forth in the contract. Said penalties shall include the increase of water rates by an additional twenty-five percent (25%) of the rate then being charged to persons outside the city limits for a period of 90 days. If, after said 90 day, the person is still not in compliance with the contract, then the rate shall increase by fifty percent (50%) of the rate then being charged to persons outside the city limits for a period of 90 days. If, after said 90 days, the person is still not in compliance with the contract, the rate shall increase by seventy-five percent (75%) of the rate then being charged to persons outside the city limit for a period of 90 days. If, after 90 days, the person is still not in compliance with the contract, the Waterworks and Sewer Commission shall notify the property owner(s) that service will be terminated in 30 days. Said notice shall be given via first class mail to the address where the water bill is being mailed. This provision shall not be construed so as to limit the Waterworks and Sewer Commission's ability to discontinue water service for failure to pay monthly charges;

H. The contract shall be filed of record with the Benton County Circuit Clerk and Recorder.

#### 10.16.10 Penalty

Failure to comply with any portion of any section of this chapter shall result in the Waterworks and Sewer Commission refusing to extend water or sewer service to the property requesting such services. (Ord. No. 2015-4, Sec. 1)

## **CHAPTER 10.18**

### **Cross-Connection Control**

#### Sections:

- 10.18.01 Purpose, Responsibilities and Applicability
- 10.18.02 Definitions
- 10.18.03 Right of Entry Authority
- 10.18.04 Unprotected Cross-Connection Prohibited and Elimination of Cross-connections
- 10.18.05 Installation and Testing of Backflow Prevention Assembly
- 10.18.06 Testing and Repair of Backflow Prevention Assemblies
- 10.18.07 Severe Hazard Facilities and Minimum Method of Correction
- 10.18.08 Moderate Hazard
- 10.18.09 Imminent Hazard
- 10.18.10 Lawn Irrigation Systems
- 10.18.11 Fire Sprinkler Systems
- 10.18.12 Notice of Contamination or Pollution
- 10.18.13 Violations

### 10.18.01 Purpose, Responsibilities and Applicability

A. Purpose: The purpose of this cross-connection control ordinance is:

1. To protect the public water supply of the city of Centerton from the possibility of contamination or pollution, due to back siphonage or backpressure, by isolation within the customer's private water system such contaminants or pollutants, which could backflow into the public water system.
2. To define the authority of the city of Centerton as the water purveyor entitled to eliminating all cross-connections, new or existing, within its public water system.
3. To provide a continuing inspection program of cross-connections, both currently installed and those to be installed in the future.
4. This ordinance will comply with the Federal Safe Drinking Water Act, the Arkansas Department of Health's Rules and Regulations Pertaining to Public Water Systems (RRPWS), and the Arkansas State Plumbing Codes as they pertain to cross-connections with the public water supply.

B. Responsibility of the city of Centerton

1. The city of Centerton will be primarily responsible for preventing any contamination or pollution of the public water system. This responsibility begins at the point of origin of the public water supply, includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the customer's water system. The Cross-Connection Control Administrator shall exercise vigilance to ensure that the customer has taken the proper steps to protect the public water system.
2. When it has been determined that a backflow prevention assembly is required for the prevention of contamination of the public water system, the Cross- Connection Control Administrator shall notify the owner, in writing, of any such building or premises, to correct within a time set by this ordinance, any plumbing installed or existing that is in violation of this ordinance.
3. After surveying the private water system the Cross-Connection Control Administrator will select an approved backflow prevention assembly required for containment control to be installed at service entrance.

C. Responsibility of the Customer

1. The customer has the responsibility of preventing contaminants and pollutants from entering the customer's private water system or the public water system operated by the city of Centerton. The customer, at his own expense, shall install, operate, and maintain all backflow prevention assemblies specified within this ordinance.



2. 2. If a tenant customer does not maintain the private water system and has no authority to bring the system into compliance with the provisions of this ordinance the city of Centerton may assert any available action against the tenant to assure the private water system is brought into compliance with this ordinance.

#### D. Applicability

This ordinance is applicable to any customer of the Centerton Water System regardless of the water service location. Specifically, this ordinance is also applicable to all customers of the Centerton Water System located outside the city limits of Centerton.

#### 10.18.02 Definitions

**Air Gap Separation:** An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water from any source to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. An approved air gap separation shall be at least double the diameter of the supply pipe. In no case shall the air gap separation be less than one inch. An approved, air gap separation is an effective method to prevent backflow and shall be considered as a backflow prevention assembly.

**Atmospheric Vacuum Breaker:** A device used to prevent back-siphonage which is designed so as not to be subject to static line pressure.

**Auxiliary Intake:** Any piping connection or other device whereby water may be secured from a source other than that normally used.

**Back Pressure:** Any elevation of pressure in the downstream piping system caused by pumps, elevation of piping, or steam and/or air pressure above the supply pressure at the point of consideration, which would cause a reversal of the normal direction of flow.

**Back Siphonage:** A reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

**Backflow Prevention Assembly – Approved:** An assembly that has been investigated and approved by the city of Centerton Inspection Division and has been approved to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Assoc. (AWWA).

**Backflow:** Any reverse flow of water, gas or any other liquid substance or combination into the public water system from any source due to an unprotected cross-connection.

**Centerton Water System:** The water system which furnishes water to the citizens of the city of Centerton, Arkansas and other areas, for general use. The Centerton water system is recognized

as a public water system by the Arkansas Department of Health. The Centerton water system is operated by the Centerton Water and Sewer Department.

**Certified Tester:** Any individual person who has proven his/her competency to test, repair and overhaul backflow prevention assemblies. This person must hold a certificate of completion from a certified training program in the testing and repair of backflow prevention assemblies and cross connection control and be registered with the Arkansas Department of Health.

**Customer:** Any individual, firm, or corporation using or receiving water from the Centerton water system.

**Containment:** The prevention of backflow from a private water system by an approved, properly functioning backflow prevention assembly which is installed, operated and maintained in accordance with the provisions of this ordinance.

**Contamination:** An impairment of the quality of the water to a degree, which creates an actual hazard to the public health through poisoning or through the spread of disease.

**Cross-Connection:** Any actual or potential connection or piping arrangement between a public water system or a private water system or any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluids, gas or substance which could be harmful or hazardous to the public water system.

**Cross-Connection Control Administrator (CCCA):** The Public Utilities Director for the Centerton Waterworks and Sewer Commission or an employee designated by the director to administer and enforce the provisions of this ordinance.

**Double Check Valve Assembly (DCVA):** An assembly composed of two single, independently acting, approved check valves, including tightly closing shut-off valves located at each end of the device and suitable connections for testing the water tightness of each check valve.

**Double Check-Detector Valve Assembly (DCDA):** An assembly composed of an approved double check valve assembly with a bypass water meter and a meter-sized approved double check valve device. The meter shall register accurately for very low flow rates and shall register all flow rates.

**Hazard-Degree:** The evaluation of a hazard within a private water system as moderate or severe.

**Hazard-Severe:** An actual or potential threat of contamination to the public water system or to a private water system that could cause serious illness or death.

**Hazard-Imminent:** An actual threat of contamination to the public water system that could cause serious illness or death.

**Hazard-Moderate:** One that presents foreseeable and significant potential for pollution, nuisance, aesthetically objectionable or other undesirable alterations of the public water supply.

**Health Hazard:** The term "health hazard" shall mean an actual or potential threat of contamination of a physical, chemical, biological, pathogenic or toxic nature to the public or customer's water system to such a degree or intensity that there would be a danger to health.

1. Examples of waterborne health hazards include but are not limited to:
  - a. Physical -radioisotopes/radionuclides;
  - b. Chemical -lead, mercury and other heavy metals, organic compounds, other toxins and hazardous substances;
  - c. Biological -microorganisms and pathogens like cryptosporidium, typhoid, cholera and E. Coli.

**Inter-Connection:** Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of causing contamination to the public water system.

**Pollution:** An impairment of the quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.

**Potable Water:** Water from any source which has been approved for human consumption by the appropriate agency of the State of Arkansas Health Department.

**Pressure Vacuum Breaker:** An assembly suitable for continuous pressure, to be used to provide protection against back siphonage.

**Private Water System:** Any water system located on the customer's premise, whether supplied by public water or an auxiliary water supply. The system or systems may be either a water system or an industrial piping system.

**Public Water System:** The potable water system owned and operated by the city of Centerton. This system includes all distribution mains, lines, pipes, connections, storage tanks, and other facilities conveying potable water to the service connections of each customer.

**Reduced Pressure Principle Backflow Prevention Assembly:** An approved, properly functioning assembly containing two, independently acting check valves with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly must include properly located test cocks and tightly closing shut-off valves at each end of the assembly. This assembly is designed to protect against a severe hazard.

**Residential Dual Check Valve (RDC):** An assembly, without test cocks or ports, containing two independently operating spring loaded, poppet type check valves, in series, which can be easily removed and replaced. This assembly is suitable for installation in a water meter vault or pit, below ground.

**Service Connection:** The terminal end of a service connection from the public water system, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the private water system.

**Used Water:** Any water supplied by a water purveyor from a public water system to a private water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

**Water Purveyor:** Owner or operator of a public water system providing an approved water supply to the public.

**Water Supply-Auxiliary:** Any water supply on or available to the customer's premises other than the purveyor's approved public water supply. The auxiliary water may include water from any natural source such as a well, spring, river, stream, etc.

**Water Supply-Unapproved:** Any water supply, which has not been approved for human consumption by the Arkansas Department of Health.

#### 10.18.03 Right of Entry Authority

- A. Upon presentation of proper credentials and identification any authorized representative from the city of Centerton shall have the right to enter any building, structure or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed upon him/her by this ordinance. Those duties may include sampling and testing of water, or inspection and observation of all piping systems connected to the public water supply. Refusal to allow these representatives to enter for these purposes will result in the disconnection of water service.
- B. On request, the customer shall furnish to the water purveyor any pertinent information regarding the water supply system on such property where cross-connection and backflow are deemed possible.

#### 10.18.04 Unprotected Cross-Connection Prohibited and Elimination of Cross-connections

- A. No water service connection to any private water system shall be installed or maintained by the city of Centerton unless the water supply is protected as required by this ordinance and other applicable laws. Service of water to any premises shall be discontinued by the city of Centerton if a backflow prevention assembly, required by this ordinance, is not installed, tested, and maintained or if it has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will be restored after all such conditions

or defects are corrected.

- B. No customer shall allow an unprotected cross-connection to be made or to remain involving the customer's private water system.
- C. No connection shall be made to an unapproved auxiliary water supply unless the public water system is protected against backflow by an approved, appropriate to the degree of hazard.
- D. No customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the customer's private water system and is required by this ordinance.
- E. No customer shall fail to submit to the city of Centerton any record, which is required by this ordinance.

#### 10.18.05 Installation and Testing of Backflow Prevention Assembly

- A. The purpose of this section is to protect the public water system from locations requiring backflow prevention. All water flowing from the public water system must flow through an approved backflow prevention assembly and each backflow prevention assembly shall be properly located, installed, maintained and tested so that the backflow prevention assembly is effective in protecting the public water system from any possible contamination or pollution.
- B. The installation or replacement of a backflow prevention assembly:
  - 1. For domestic water use shall only be performed by a licensed plumber or the actual resident homeowner (Per Arkansas State Plumbing Codes).
  - 2. On a dedicated fire sprinkler service shall be performed by a licensed fire sprinkler contractor or utility contractor.
  - 3. Repairs to a backflow prevention assembly on a dedicated fire sprinkler system may only be performed by a fire sprinkler contractor.
  - 4. All backflow prevention assemblies shall be tested by a certified backflow technician authorized by the Arkansas Department of Health.
- C. All new construction plans and specifications which will directly affect the city of Centerton water system, and/or required by the city Planning Commission or County Planning Board, shall be made available to the city of Centerton Cross-Connection Control Administrator for review, approval and to determine the degree of hazard.
- D. All existing facilities zoned commercial or industrial that have existing water services with the city of Centerton water system and requesting Certificate of Occupancy from the city

Planning Commission or County Planning Board, shall be inspected for compliance of backflow and cross-connection control prevention. Any facility not having backflow prevention or in the process of changing the degree of hazard shall be brought into compliance before the Cross-Connection Control Administrator may release Certificate of Occupancy.

- E. All backflow prevention assemblies must be installed and maintained on the customer's premises as part of the customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the water purveyor.
- F. If it has been determined that a backflow prevention assembly cannot be installed at the meter service or other outside location, the Cross-Connection Control Administrator may allow the assembly to be installed just inside the building.
- G. Any branch of plumbing installed on a private water system that may be of a greater hazard than the supply line, (example: chemical induced irrigation or fire systems, pump systems, etc.) shall be protected with a reduced pressure principle backflow prevention assembly.
- H. All backflow prevention assemblies shall be installed in accordance with the backflow and cross-connection specifications furnished by the city of Centerton and/or the manufacturer's instructions, whichever is most restrictive.
- I. All double check valve assemblies, 2 inch or larger, must be installed in a watertight drainable pit wherever below ground installation is necessary in accordance with the backflow and cross-connection specifications furnished by the Arkansas Department of Health or plumbing code, whichever is greater. If a drain cannot be provided, the assembly must be installed above ground.
- J. Double check valve assemblies may be installed in a vertical position with prior approval from the Cross-Connection Control Administrator provided the flow of water is in an upward direction.
- K. Reduced pressure principle backflow prevention assembly must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit installations are prohibited).
- L. Any customer installing a reduced pressure principle backflow prevention assembly (RPZ), pressure vacuum breaker (PVB), double check-detector valve assembly (DCDA) or double check valve assembly (DCVA) shall provide the following information within ten (10) days of installation: service address, owner, date of installation, type of assembly, manufacturer, model, and serial number.
- M. No service shall be completed until the Cross-Connection Control Administrator has been provided information or has surveyed the private water system to determine the degree of

hazard and make a determination of a backflow prevention assembly to be installed to protect the public water supply.

- N. All discovered unapproved backflow prevention assemblies must be replaced within a time set by the cross-connection control administrator, with an approved backflow assembly.
- O. If it has been determined that a customer must install a backflow prevention assembly, the Cross-Connection Control Administrator will provide the customer with a letter of notification. The following time periods shall be set forth for the installation of the specified assemblies:
  - 1. Health Hazard - 30 days
  - 2. Non-Health Hazard - 60 days
- P. If an imminent hazard or unreasonable threat of contamination or pollution to the public water system is detected, the Cross-Connection Control Administrator may require the installation of the required backflow prevention assembly immediately or within a shorter time period than specified in Section 10.18.13.

#### 10.18.06 Testing and Repair of Backflow Prevention Assemblies

- A. Testing and repair of backflow prevention assemblies shall be made by a certified backflow prevention technician approved by the Arkansas Department of Health. Such tests are to be conducted annually or at a frequency established by the Cross-Connection Control Administrator. A certified backflow prevention technician shall perform any testing and the test results shall be submitted to the Cross-Connection Control Administrator on an approved form within thirty (30) business days after the completion of any testing. If a repair is found necessary on an assembly it must be re-tested. A complete duplicate copy of any repair shall be sent to the Cross-Connection Control Administrator within thirty (30) days of completion of the repair. Each customer must maintain a complete copy of any tests or repair documentation for at least three years or until after the next backflow prevention certification test.
- B. Each backflow prevention assembly must function properly at time of installation. The customer will be required to test each assembly within ten (30) days following installation at his expense. A certified backflow prevention technician shall conduct the test and the results shall be submitted to the Cross-Connection Control Administrator on an approved form.
- C. Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing, or routine inspection by the customer or by the Cross-Connection Control Administrator, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:
  - 1. Health Hazard Facilities -7 days

## 2. Non-Health Hazard Facilities -21 days

- D. All backflow prevention assemblies with test cocks are required to be tested annually or at a frequency established by the Cross-Connection Control Administrator.
- E. All certified backflow prevention technicians must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the State of Arkansas. All test equipment shall be registered with the Arkansas Department of Health and shall be checked for accuracy annually (at a minimum), calibrated if necessary, and certified as to such accuracy/calibration, employing a calibration method acceptable to the Arkansas Department of Health.
- F. It shall be unlawful for any customer or certified backflow prevention assembly tester to submit any record to the Cross-Connection Control Administrator which is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to the Cross-Connection Control Administrator any record which is required by this ordinance. Such violations may result in any of the enforcement actions outlined in Section 10.18.13.
- G. All rubber components of backflow prevention assemblies must be replaced every five (5) years or upon the detection of any deterioration by visual inspection.
- H. If a customer does not wish for water service to be interrupted when a backflow prevention assembly is tested, repaired, or replaced, a parallel installation must be made, at the customer's expense, using an approved assembly of the same degree of hazard. The parallel line may be of the same size or smaller.
- I. No service shall be completed until the Cross-Connection Control Administrator has been provided information or has surveyed the private water system to determine the degree of hazard and make a determination of a backflow prevention assembly to be installed to protect the public water supply.
- J. Any customer making any modification to the private water system's configuration or use of, which may change the degree of hazard, shall notify the Cross-Connection Control Administrator before any modification is made. If the Cross-Connection Control Administrator determines that such modification requires a different backflow prevention assembly, that assembly must be installed before the modification is made.

### 10.18.07 Severe Hazard Facilities and Minimum Method of Correction

- A. All severe hazard facilities must have an approved reduced pressure principle backflow prevention assembly as a minimum containment device.

Severe hazard facilities include, but are not limited to: any private water system used or designed pump or which may become pressurized for use with a booster for any reason to the extent that back pressure may occur; any private water system which contains water



which has been or is being re-circulated; a building with five or more stories above ground level; brewery; car wash with recycling system; bottling plant; chemical plant; dentist's office; dry cleaning plant; fertilizer plant; film laboratory; fire sprinkler or standpipe system with chemical additives; hospital, clinic, medical building; irrigation system with chemical additives; laboratory; commercial laundry (except self-service laundry); metal processing plant; morgue mortuary or crematorium; nursing home; pharmaceutical plant; power plant; swimming pool; sewage treatment plant; tire manufacturer; veterinary hospital or clinic; restaurants; battery manufacturers; exterminators and lawn care companies; dairies; canneries; dye works; recycling facilities.

- B. If the Cross-Connection Control Administrator does not have sufficient access to every portion of a private water system to permit the complete evaluation of the degree of hazard associated with such private water system, an approved reduced pressure principle backflow prevention assembly must be installed.
- C. All assemblies and installations shall be subject to inspection and approval by the Cross-Connection Control Administrator.
- D. Filling of tanks/tankers or any other container from a city of Centerton owned fire hydrant is strictly prohibited unless it has been equipped with the proper meter and backflow prevention. Any unauthorized connection to a fire hydrant is considered an illegal cross-connection to the public water system, theft of services and will be subject to fines.

#### 10.18.08 Moderate Hazard

- A. All moderate hazard facilities must have a double check valve backflow prevention assembly as a minimum containment device.
  - 1. Moderate hazard facilities include, but are not limited to: fire sprinkler systems without booster pump facilities or chemical additives; connections to tanks, lines and vessels that handle non-toxic substances; all industrial and most commercial facilities not identified as high hazard facilities.
  - 2. All single family residential homes will be considered a moderate hazard and shall have at a minimum of a residential dual check valve device installed on all freeze proof hydrants. Faucets installed through the wall must have at a minimum an atmospheric vacuum breaker.

#### 10.18.09 Imminent Hazard

If it has been determined a customer's private water system has an imminent hazard such customer must install a backflow prevention assembly specified by the Cross-Connection Control Administrator and this ordinance. This assembly must be installed within twenty-four (24) hours of notification from the Cross-Connection Control Administrator. If the customer fails to install the specified assembly within the allowed time limit, water service to the customer's private water system will be terminated. In the event the Cross-Connection Control Administrator is unable to

notify the customer in twenty-four (24) hours of determining an imminent hazard exist, the Cross-Connection Control Administrator may terminate water service until the specified assembly is installed. These actions may be carried out under the Safe Drinking Water Act (Title XIV Section 1431) and the Arkansas State Plumbing Code.

#### 10.18.10 Lawn Irrigation Systems

- A. All proposed lawn irrigation systems will be served through a separate meter and must have a reduced pressure principle backflow prevention assembly.
- B. All irrigation assemblies must be tested annually and test results delivered to the Cross-Connection Control Administrator.

#### 10.18.11 Fire Sprinkler Systems

- A. All unmetered fire sprinkler systems without booster facilities or chemical additives must have a double check-detector check valve assembly as a minimum containment device.
- B. All unmetered fire sprinkler systems with a booster facility or chemical additives must have a reduced pressure principle backflow prevention assembly as a minimum containment device.

#### 10.18.12 Notice of Contamination or Pollution

- A. In the event the customer's private water system becomes contaminated or polluted the customer shall notify the city of Centerton immediately.
- B. In the event a customer has reason to believe that a backflow incident has occurred between the customer's private water system and the public water system the customer must notify the city of Centerton immediately in order that appropriate measures may be taken to isolate and remove the contamination of pollution.

#### 10.18.13 Violations

- A. The Cross-Connection Control Administrator or his designee shall be responsible for the administration and enforcement of this ordinance.
- B. Notification of Violation:
  - 1. A written notice must be presented to any customer who has been found to be in violation of any part of this ordinance.
  - 2. Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed thirty (30) days after receiving notice unless otherwise specified. If the violation has been determined by the Cross-Connection Control Administrator to be an imminent hazard the customer shall be required to correct the violation immediately.

3. If the Cross-Connection Control Administrator finds that the customer is in violation of this ordinance and the customer fails to correct the violation in a timely manner, or fails to pay any civil penalty or expense assessed under this section, water service to the premises containing the violation will be terminated.

C. Violation of this ordinance may result in the assessment and levy of a civil penalty as follows:

1. A violation involving a private water system which constitutes an imminent hazard – One Thousand Dollars (\$1,000.00). If the violation is continuous in nature, each day shall constitute a separate violation and the penalty shall be Five Hundred Dollars (\$500.00) for each day that the violation is allowed to continue. Further, water service shall immediately be terminated.
2. A violation involving a private water system which constitutes a moderate or severe hazard – Fifty Dollars (\$50.00). If the violation is continuous in nature, each day shall constitute a separate violation and the penalty shall be Twenty-Five Dollars (\$25.00) for each day that the violation is allowed to continue. Further, possible termination of water service dependent upon the degree of hazard.
3. Submitting false records required by this ordinance – One Hundred Dollars (\$100.00), and termination of service.
4. Failure to test or maintain backflow prevention assemblies or submit records required by this ordinance – termination of service.
5. All civil penalties authorized in this section shall be assessed and levied by the Cross-Connection Control Administrator. If, after assessment, the penalties have not been paid within the time prescribed by the Cross-Connection Control Administrator in the notice of assessment and levy, which shall not be less than thirty (30) days nor more than one hundred twenty (120) days, all such penalties may be recovered by the city in a civil action filed in district court.

D. Reduction of Penalty:

1. The Cross-Connection Control Administrator may reduce or dismiss any civil penalty imposed under this section if the Cross-Connection Control Administrator has determined that the person charged with the violation has no past history of violation in a timely manner as set by the Cross-Connection Control Administrator.
2. No civil penalty shall be reduced if it has been determined the violation was intentional.
3. Any person violating any part of this ordinance must reimburse the city of Centerton for any expenses in repairing damage to the public water system caused by any violation and any expenses incurred for investigating a violation. (Ord. No. 2014-36,

Sec. 1)