

## TITLE 10

### WATER AND SEWER

#### Chapters:

- 10.04 Sewer Regulations
- 10.08 Water and Sewer Rates
- 10.12 Control of Backflow by Containment Control and Cross Connection
- 10.16 Wholesale Sewer Service Agreement

#### 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 procedure in five (5) days at twenty degrees (20') C, expressed in milligrams per liter (mg/l) .

**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 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, also called "house connection".

**City** shall mean the city of Heber Springs, Arkansas.

**Connection** shall mean the Water and Sewer Commission of the city of Heber Springs, Arkansas.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

**Garbage** shall mean the animal, vegetable or other solid wastes resulting from the domestic or 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 processes, trade, or business as distinct from domestic or sanitary wastes.

**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 wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in dimension.

**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.

**Septage** shall mean the liquid waste and sludge removed from septic tanks.

**Septic tank** shall mean a facility for the on-site treatment of sewage by biological action.

**Sewage** shall mean a combination of the liquid and water carried wastes from residences, commercial buildings, institutions, and industries.

**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, or wastewater 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 and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**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.

**Superintendent** shall mean the superintendent or manager of the Sewer System of Heber Springs, Arkansas or his authorized agent, deputy, or representative.

**Suspended solids** shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater".

**Watercourses** shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 437, Art. I)

#### 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 insanitary 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 wastes.
- 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 provisions of this chapter.
- 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 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 chapter, within thirty (30) days after date of official notice to do so, provided that the said property is within three hundred (300) feet of an accessible sewer. (Ord. No. 437, Art. II)

10.04.03 Private sewage disposal.

- A. Where a public sanitary 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, alteration or repair of a private sewage disposal system, the owner shall first obtain a valid, written permit from the Division of Sanitation Services of the Arkansas Department of Health or its authorized agent, in accordance with the requirements of Arkansas law.
- C. The type, capacities, locations and layout of private sewage disposal systems shall comply with all requirements of the Arkansas Department of Health and the Arkansas Department of Pollution Control and Ecology.
- D. At such time as a public sewer becomes available to a property served by private sewage disposal system, as provided in 10.04.02 (4) a direct connection shall be made to the public sewer within thirty (30) days in compliance with this chapter, after issuance of an order by the City Council.

This requirement may be waived if, in the opinion of the Commission or its representative, the private sewage disposal system is fully and satisfactorily functioning in the manner intended, and there are no adverse effects to adjoining properties. In no case shall this requirement be waived where the private system is inadequate, malfunctioning, or otherwise hazardous to health. After connection is made to the public sewer in compliance with this ordinance, the private sewage disposal system shall be cleaned of septage and filled with gravel or dirt.

- E. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. Septage removal from private sewage disposal systems shall be performed only by qualified operators licensed by the city, and disposal of said septage shall be done in a manner and location as required by ordinance. (Ord. No. 437, Art. III)



10.04.04 Building sewers and connections Connections to the public sewer shall be made only by the Superintendent or his representative. Connection (also called "Tap") as used herein shall be defined as the physical connection to the sewer pipe and such service pipe stub-out as required to reach the property line or a maximum of twenty (20) feet from the public sewer, whichever is less.

- A. Connections or taps by unauthorized persons shall be a violation of 10.04.08.
- B. Persons desiring connections to the public sewer shall make application to the City Sewer Department and pay a tapping fee as established by the Commission. The tapping fee shall be not less than the actual cost to the city for all customers who connect with and use the sewer facilities as determined by the Commission or representative thereof.
- C. In addition, applicants for a sewer connection shall have a valid plumbing permit issued by the City Plumbing Inspector, and a Building Permit, as applicable, issued by the City Building Inspector. All fees and other costs related to these permits shall be paid by the applicant or his agent.
- D. All users of the Heber Springs Sewage Works are, considered to be of a single classification in regard to building sewers and connections. All costs and expenses incident to the installation and connection of the building sewer shall be borne 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.
- E. A separate and independent building sewer shall be provided for every building except as follows:
  - 1. Where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a collector building sewer provided that only one person is responsible for maintenance of the building sewer.
  - 2. Temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings are located on the same lot.
- F. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this ordinance, other rules and regulations of the city, and the Arkansas State Plumbing Code. All costs of inspection and testing, including

costs of excavation, testing, repair and backfill of the old building sewer, as determined by the Superintendent, shall be paid by the owner, whether or not the old building sewer is found acceptable.

- G. The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the rules and regulations of the Commission, the building and plumbing codes, or other applicable rules or 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.
- H. 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. No person shall make connection of roof downspouts, 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. The connection of the building sewer into the public sewer, or to the stub-out provided by the Superintendent, shall conform to the requirements of the Commission, the building and plumbing codes or other applicable rules and regulations of the city, and to the Arkansas State Plumbing Code. All such connections shall be made gas tight and water tight.
- I. The applicant for the building plumbing permit shall notify the City Plumbing Inspector when the building sewer is ready for inspection and connection. The connection and testing shall be made under the supervision of the Plumbing Inspector or his representative. All portions of the building sewer from the building foundation to the connection to the public sewer or stub-out shall be inspected and approved by the City Plumbing Inspector or his representative before backfilling.
- J. All excavations for building sewer installation shall be adequately guarded with barricades 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. 437, Art. IV)

10.04.05 Disconnecting sewers Before any dwelling or other building being served by a public sewer is moved or demolished, the building sewer serving said building shall be disconnected at the property line and the remaining building sewer sealed to prevent the entrance of stormwater and debris into the public sewer. Prior to moving or demolition of the building, application shall be made to the City Sewer Department for disconnect and seal of the building sewer. The applicant shall pay a fee as established by the



Commission to cover the cost of sealing the disconnected building sewer by Sewer Department forces. Before the building is moved or demolished, but after it is no longer occupied, the applicant shall notify the Sewer Department that the building sewer is ready for seal.

10.04.06 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 storm sewers or to a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged upon approval by the city to a storm sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
  - 1. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, 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, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - 3. Any waters 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, pauch 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 can



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 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 150 degrees F (65 degrees C).
2. Any water or wastes containing fats, wax, greases, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 to 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 solutions, whether neutralized or not.
5. Any water or wastes containing toxic materials or heavy metals in concentrations exceeding the following limits:

<u>Element</u>	<u>mg/l</u>
Arsenic	0.05
Barium	5.0
Boron	1.0
Cadmium	0.02
Chromium (total)	0.5
Copper	0.2
Zinc	0.5
Lead	0.1
Maganese	1.0
Mercury	0.005
Nickel	1.0
Selenium	0.02
Silver	0.1
Cyanide	0.05

In addition, water or wastes containing any measurable trace of the following:

Antimony	Pesticides
Beryllium	Uranyl ion
Bismuth	Rhenium
Cobalt	Strontium
Molybdenum	Tellurium
Tin	Herbicides

6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding the 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 of 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 excess of 9.5.
  9. Materials which exert or cause: 1. Unusual concentrations of inert suspended solids (such as but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate). 2. Excessive discoloration such as but not limited to dyes, wastes and vegetable tanning solutions. 3. BOD or chemical oxygen demand in excess of 300 mg/l suspended solids in excess of 300 mg/l, chlorine demands or oxygen requirements such as to cause an unusual load on the treatment works. 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
  10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes 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 or wastes contain the substances or possess the characteristics enumerated in 10.04.06, part 4, and in 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 shall select and carry out one or more of the following alternatives:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge, to the public sewers,
3. Require control over quantities, rates and times 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 use charges, under the provision of Section 10 of this Article.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger.

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

The maintenance of the interceptor and proper and timely removal and disposal of the captured material shall be the responsibility of the owner, subject to the inspection and approval of the Superintendent. Any removal and disposal of collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

- 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.



When directed to do so by the Superintendent, the owner of any property discharging industrial wastes shall, at his expense, obtain a representative sample of his wastewater and have the appropriate physical, chemical, and biological tests performed on this sample by a qualified testing laboratory acceptable to the Superintendent. The purpose of such tests shall be to determine the conformance of the wastewater characteristics to this ordinance. A report shall be made in writing to the Superintendent by the laboratory stating the results of the tests.

- 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 to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, 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 twenty-four (24) hour composites of all outfalls, whereas the pH's are determined from grab samples taken periodically.) (Ord. No. 437, Art. VI)

10.04.07 Additions to public sewers Persons constructing or proposing to construct additions or extensions to the public sewers, (hereinafter called "Proposer") for the purpose of serving subdivisions, housing projects, mobile home parks, industries, or any other use, where such extensions are to become part of the Heber Springs Sewer System, may do so only by following the procedures and meeting the requirements as set forth in this Article.

- A. Prior to beginning any work on the proposed extensions or the project to be served, the proposer shall submit to the Commission, in writing, a preliminary request outlining the proposed work, identifying the type, size, location and quantity of the proposed project to be served, and any other available information which is pertinent to the request. The identity of the proposer, owner, and developer of the proposed work shall be clearly identified in the request.
- B. After reviewing the preliminary request and submitted information, and after making, at its own expense, such other inquiries, surveys or studies as it deems necessary, the Commission shall make a determination of acceptability of the proposed work. This determination shall be based on the capabilities of the existing facilities as well as the nature of the proposed additions.

- C. If the project is determined to be acceptable the Commission shall issue a tentative approval of the proposed work. This tentative approval may carry any additional requirements or conditions as are necessary, in the opinion of the Commission, to safeguard the interests of the city and the integrity of the existing sewage works.
- D. If the proposed extensions are to connect to or use facilities which are encumbered by outstanding indebtedness, such as improvement district bonds, Federal or State Grant or loan conditions, or other conditions or requirements, these factors will be considered in the conditions of tentative approval. If the fee access to existing facilities would place an unfair burden upon the city, the residents of the improvement district, or other parties or classes of taxpayers or users, or is otherwise prohibited or restricted by Federal or State regulations, a fair and equitable connection fee, tax, or other supplemental payments to be paid by the proposer shall be negotiated and agreed to before the tentative approval is issued.
- E. Upon issuance of the tentative approval by the Commission, and before commencing work on the proposed extensions, the proposer shall have prepared and submit to the Commission the following:
1. Final plans and specifications, prepared by a professional engineer who is currently registered in the state of Arkansas. The plans and specifications must be approved by the Superintendent as being in accordance with the terms and conditions of the tentative approval of the Commission.
  2. A certificate of approval of the plans and specifications issued by the Arkansas Department of Health, and written approval of other state or federal agencies having jurisdiction.
  3. Signed easements satisfactory to the city for right-of-way in all locations where the proposed extensions are on private property, including property owned by the proposer.
  4. The name of the contractor who will be responsible for construction of the work. If the work is to be publicly advertised for competitive bids, the Commission shall be furnished with a copy of the advertisement for bids and other contract documents related to the work. The contractor who does the work must hold a current Arkansas Contractors License, and be experienced in the type of work to be performed. This requirement for a licensed contractor may be waived if the proposer shows evidence, satisfactory to the Commission, that he has the capability of performing the work, with his own forces, in full compliance with the plans and



specifications. This capability shall include equipment and personnel, including a competent supervisor, experienced operators and other skilled craftsmen as needed to handle a project of the size and type of the proposed work. The requirement may not be waived if doing so would cause a conflict with contractor licensing law or other laws of the State of Arkansas.

5. The name of the person who will be responsible for inspection during construction, if other than the designing engineer. Upon receipt of the items and information listed in this section, and upon determination that the project is within the intent and scope of the tentative approval and that other terms and conditions of the tentative approval have been met, the Commission shall promptly authorize the proposer to proceed with construction. During or after construction, regardless of inspection by the engineer or others, the Commission or the Superintendent shall have the right to inspect, at any time, the quality of the work, and to reject work not in compliance with the plans, specifications, or the terms of the tentative approval.

F. Upon completion of the work, including cleanup of the right-of-way, restoration of paving and other surfaces, and all other related work, and before the extensions or additions are accepted by the Commission, the proposer shall furnish to the Commission the following:

1. Certification in writing that the work is completed in substantial compliance with the plans, specifications and requirements of the Arkansas Department of Health, including all testing requirements.
2. This certification shall be signed by the engineer or inspector.
3. A written warranty, signed by the proposer, which guarantees the quality of workmanship and materials, for a period of one (1) year following the date of substantial completion as certified by the engineer or inspector. This warranty shall be in a form acceptable to the Commission and shall guarantee that if, during the warranty period, any portion of the work is found to be defective with respect to workmanship or materials, such defective work will be corrected or replaced at no cost to the city or the Commission. The warranty shall also state that if such defective work is not promptly corrected or replaced, the Commission may have such work corrected or replaced, and all direct and indirect costs of such correction and replacement, including compensation for additional professional services, will be paid by the proposer.



4. A complete, reproducible set of as-built plans showing all work as completed.
5. A written release from the proposer assigning all rights, control and ownership of the completed work, except as provided in (b) above, to the city.

Except as otherwise agreed in writing at the time of tentative approval, all costs including costs of construction, engineering, legal or other work required for the completed and finished additions or extensions to the public sewers shall be paid by the proposer. (Ord. No. 437, Sec. VII)

10.04.08 Protection from damage No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. No person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible. No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Superintendent. Any person violating the above sections of this Article shall be subject to immediate arrest and prosecution under charges of disorderly conduct. (Ord. No. 437, Sec. VIII)

10.04.09 Powers and authorities of inspector. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representative 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.

While performing the necessary work on a private property referred to in Section 10.04.09, above the Superintendent or duly authorized employees of the Sewer System shall observe all safety rules applicable to the premises established by the company and the city shall indemnify the company against loss or damage to its property by Sewer System employees growing out of the gauging and sampling operations except as such may be caused by negligence or failure of the company to maintain safe conditions as required by 10.04.06.

- A. The Superintendent or other duly authorized employee 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 purposes, but not limited to, inspection, observation, measurement, 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.

B. In addition to the provisions of this ordinance, the Sewer Commission of the city of Heber Springs is specifically authorized to make such other reasonable rules and regulations in regard to the construction, use, and operation of sanitary sewers to be connected to, or connection into, the mains of the Heber Springs Sewer System. Such rules and regulations so made and adopted at a regular meeting of the Sewer Commission shall become effective as follows:'

1. A public notice shall be placed in a local newspaper in the city of Heber Springs, Arkansas, one day for each of two (2) successive weeks with a brief summary of the proposed rules and regulations.
2. The proposed rules and regulations shall be available for inspection and reproduction at the office of the Superintendent of the Sewer System, for thirty (30) days following the first publication of the public notice.
3. A correct copy shall be filed for permanent record with the City Clerk of the city of Heber Springs together with any written objections to the proposed rules and regulations at the end of the thirty (30) days public review period.
4. Said rules and regulations shall become effective on the filing of said copy for permanent record with the City Clerk. (Ord. No. 437, Art. IX)

10.04.10 Penalties Any person or firm found to be violating any provision of this ordinance or regulations except Section 10.04.08 shall be served by the Superintendent 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.

Any person who shall continue any violation beyond the time limit provided for in 10.04.10, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) for each violation. Each day in which any such violation continues shall be deemed a separate offense. Any person violating any of the provisions of this ordinance shall become liable to the Commission for any expense, loss or damage occasioned the Sewer System by reason of such violation. (Ord. No. 437, Art X)

**CHAPTER 10.08****WATER AND SEWER RATES****Sections:**

10.08.01	Water rates
10.08.02	Sewer rates
10.08.03	Authority to set fees
10.08.04	Sewer expansion
10.08.05	Collection
10.08.06	Single statement
10.08.07	Noncompliance

**10.08.01 Water rates**

- A. That the monthly water rates and charges set forth in "Exhibit B", are hereby fixed as the rates to be charged for services to be rendered by the System, effective October 1, 2020 attached hereto and incorporated herein by reference. (Ord. No. 2019-06, Sec. 2.)

That the monthly water rates and charges set forth in "Exhibit C", are hereby fixed as the rates to be charged for services to be rendered by the System, effective October 1, 2021 attached hereto and incorporated herein by reference. (Ord. No. 2019-06, Sec. 3.)

- C. Minimum charges are hereby established for the newly annexed territory and which shall apply only in said newly annexed territory as more specifically described in Exhibit A attached hereto and incorporated herein by reference. The minimum monthly rates and charges for water consumption and usage within said newly annexed territory shall be as follows:

Upon the connection to the system by any customer in said newly annexed territory, the minimum monthly charge shall be paid each successive month regardless of actual consumption of water. (Ord. No. 92-19, Sec. 3 and Ord. No. 93-11, Sec. 3)



**EXHIBIT B****WATER RATES (Effective October 1, 2020)****Inside City Limits****Outside City Limits****Residential**

First 1,000 gal.	<u>Minimum for meter</u>	First 1,000 gal.	<u>Minimum for meter</u>
Next 15,000 gal.	\$2.89/1000 gal.	Next 15,000 gal.	\$3.92 /1000 gal.
Next 34,000 gal.	3.24/1,000 gal.	Next 34,000 gal.	4.60/1,000 gal
Over 50,000 gal.	3.64/1,000 gal.	Over 50,000 gal.	5.16/1,000 gal.

**Commercial**

First 1,000 gal.	<u>Minimum for meter</u>	First 1,000 gal.	<u>Minimum for meter</u>
Next 15,000 gal.	\$3.01/1000 gal.	Next 15,000 gal.	\$4.12 /1000 gal.
Over 16,000 gal.	2.78/1,000 gal.	Over 16,000 gal.	3.87/1,000 gal.

**Industrial**

First 1,000 gal.	<u>Minimum for meter</u>	First 1,000 gal.	<u>Minimum for meter</u>
Over 1,000 gal.	1.81/1,000 gal.	Over 1,000 gal.	2.39/1,000 gal.

**METER MINIMUMS (Effective October 1, 2020)****Inside city limits****Outside city limits**

¾" Meter	\$9.97	¾" Meter	\$13.75
1" meter	15.67	1" meter	22.26
1 ½ " meter	41.20	1 ½ " meter	60.55
2" meter	62.93	2" meter	93.23
3" meter	99.27	3" meter	147.66
4" meter	186.08	4" meter	292.86
6" meter	530.53	6" meter	794.54
(Ord. No. 2019-06.)			

**EXHIBIT C****WATER RATES (Effective October 1, 2021)****Inside City Limits****Outside City Limits****Residential**

First 1,000 gal.	<u>Minimum for meter</u>	First 1,000 gal.	<u>Minimum for meter</u>
Next 15,000 gal.	\$3.03/1000 gal.	Next 15,000 gal.	\$4.12 /1000 gal.
Next 34,000 gal.	3.40/1,000 gal.	Next 34,000 gal.	4.83/1,000 gal
Over 50,000 gal.	3.82/1,000 gal.	Over 50,000 gal.	5.42/1,000 gal.

**Commercial**

First 1,000 gal.	<u>Minimum for meter</u>	First 1,000 gal.	<u>Minimum for meter</u>
Next 15,000 gal.	\$3.16/1000 gal.	Next 15,000 gal.	\$4.33 /1000 gal.
Over 16,000 gal.	2.92/1,000 gal.	Over 16,000 gal.	4.06/1,000 gal.

**Industrial**

First 1,000 gal.	<u>Minimum for meter</u>	First 1,000 gal.	<u>Minimum for meter</u>
Over 1,000 gal. (Ord. No. 2019-06)	1.90/1,000 gal.	Over 1,000 gal.	2.51/1,000 gal.

**10.08.02 Sewer rates****SEWER RATES (Effective October 1, 2020)****RESIDENTIAL AND COMMERCIAL****Inside city limits**

First 2,000 gal. water (min.)	\$10.82
All water consumption in excess of 2,000 gal.	\$5.33/1000 gal.

**Outside city limits**

First 2,000 gal. water (min.)	\$16.21
All water consumption in Excess of 2,000 (Ord. No. 2019-06)	\$7.94/1,000 gal.

**INDUSTRIAL****Inside City Limits**

First 2,000 gal. water (min.)	\$10.82
All water consumption in Excess of 2,000 gal. (Ord. No. 2019-06)	\$5.33/1,000 gal.

**Outside City Limits**

First 2,000 gal. water (min.)	\$10.82
All water consumption in Excess of 2,000 gal. (Ord. No. 2019-06)	\$5.33/1,000 gal.

**SEWER RATES (Effective October 1, 2021)****RESIDENTIAL AND COMMERCIAL****Inside city limits**

First 2,000 gal. water (min.)	\$11.36
All water consumption in excess of 2,000 gal.	\$5.60/1000 gal.

**Outside city limits**

First 2,000 gal. water (min.)	\$17.02
All water consumption in Excess of 2,000 (Ord. No. 2019-06)	\$8.34/1,000 gal.

**INDUSTRIAL****Inside City Limits**

First 2,000 gal. water (min.)	\$11.36
All water consumption in Excess of 2,000 gal. (Ord. No. 2019-06)	\$5.60/1,000 gal.



**Commercial**

First 1,000 gal.	<u>Min. for meter</u>	First 1,000 gal.	<u>Min. for meter</u>
Next 15,000 gal.	\$2.50/1000 gal.	Next 15,000 gal.	\$3.83/1000 gal.
Over 16,000 gal.	\$2.32/1000 gal.	Over 16,000 gal.	\$3.22/1000 gal.

**Industrial**

First 1,000 gal.	<u>Min. for meter</u>	First 1,000 gal.	<u>Min. for meter</u>
Over 1,000 gal.	\$1.51/1000 gal.	Over 1,000 gal.	\$1.98/1000 gal.

(Ord. No. 2016-04)

**2017 WATER RATES (Effective for June 2017 Billing)****Inside City Limits****Residential**

First 1,000 gal.	<u>Min. for meter</u>
Next 15,000 gal.	\$2.55/1000 gal.
Next 34,000 gal.	\$2.86/1000 gal.
Over 50,000 gal.	\$3.21/1000 gal.

**Outside City Limits**

First 1,000 gal.	<u>Min. for meter</u>
Next 15,000 gal.	\$3.46/1000 gal.
Next 34,000 gal.	\$4.06/1000 gal.
Over 50,000 gal.	\$4.55/1000 gal.

**Commercial**

First 1,000 gal.	<u>Min. for meter</u>
Next 15,000 gal.	\$2.65/1000 gal.
Over 16,000 gal.	\$2.45/1000 gal.

First 1,000 gal.	<u>Min. for meter</u>
Next 15,000 gal.	\$3.64/1000 gal.
Over 16,000 gal.	\$3.41/1000 gal.

**Industrial**

First 1,000 gal.	<u>Min. for meter</u>
Over 1,000 gal.	\$1.60/1000 gal.

(Ord. No. 2016-04)

First 1,000 gal.	<u>Min. for meter</u>
Over 1,000 gal.	\$2.10/1000 gal.

**2016 SEWER RATES (Effective for June 2016 Billing)****Residential and Commercial****Inside city limits**

First 2,000 gal. water avg. (min.)	\$9.00
All water consumption in excess of 2,000 gals.	\$4.43/1000 gal.

**Outside city limits**

First 2,000 gal. water avg. (min.)	\$13.48
All water consumption in excess of 2,000 gals.	\$6.60/1000 gal.

**Industrial**

First 2,000 gal. water (min.)	\$9.00	All in excess of 2,000 gal.	\$4.43/1000 gal.
(Ord. No. 2016-04.)			

**2017 SEWER RATES (Effective for June 2017 Billing)****Residential and Commercial****Inside city limits**

First 2,000 gal. water avg. (min.)	\$9.54
All water consumption in excess of 2,000 gals.	\$4.70/1000 gal.

**Outside city limits**

First 2,000 gal. water avg. (min.)	\$14.29
All water consumption in excess of 2,000 gals.	\$7.00/1000 gal.

**Industrial**

First 2,000 gal. water (min.)	\$9.54	All in excess of 2,000 gal.	\$4.70/1000 gal.
(Ord. No. 2016-04.)			

**2016 METER MINIMUMS (Effective for June 2016 Billing)**

¾" meter inside city limits	\$8.29 (residential, industrial & commercial)
¾" meter outside city limits	\$11.43 (residential & industrial)
¾" meter outside city limits	\$10.35 (commercial)

**Inside city limits**

1" meter	\$13.03
1 ½ " meter	\$34.27
2" meter	\$55.48
3" meter	\$82.57
4" meter	\$163.09
6" meter	\$441.28
(Ord. No. 2016-04.)	

**Outside city limits**

1" meter	\$18.52
1 ½" meter	\$50.36
2" meter	\$82.20
3" meter	\$122.82
4" meter	\$243.59
6" meter	\$660.88

**2017 METER MINIMUMS(Effective for June 2017 Billing)**

¾" meter inside city limits	\$8.79 (residential, industrial & commercial)
¾" meter outside city limits	\$12.12(residential & industrial)
¾" meter outside city limits	\$10.79 (commercial)

**Inside city limits**

1" meter	\$13.81
1 ½ " meter	\$36.33
2" meter	\$58.81
3" meter	\$87.52
4" meter	\$172.88
6" meter	\$467.76
(Ord. No. 2016-04)	

**Outside city limits**

1" meter	\$19.63
1 ½" meter	\$53.38
2" meter	\$87.13
3" meter	\$130.19
4" meter	\$258.21
6" meter	\$700.53



### Outside City Limits

First 2,000 gal. water (min.)	\$11.36
All water consumption in Excess of 2,000 gal.	\$5.60/1,000 gal.
(Ord. No. 2019-06)	

### METER MINIMUMS (Effective October 1, 2021)

#### Inside city limits

¾" Meter	\$10.47
1" meter	16.45
1 ½ " meter	43.26
2" meter	70.05
3" meter	104.23
4" meter	205.88
6" meter	557.06
(Ord. No. 2019-06.)	

#### Outside city limits

¾" Meter	\$14.44
1" meter	23.37
1 ½" meter	63.58
2" meter	103.76
3" meter	155.04
4" meter	307.50
6" meter	834.27

10.08.03 Authority to set fees The Water and Sewer Commission of the city shall have the authority to set miscellaneous fees and charges, including, but not limited to, water and sewer connection fees, meter deposits and fees, late charges, and shut-off and reconnection fees. (Ord. No. 2009-5, Sec. 7.)

**SEWER CONNECT FEE**

Residential or Commercial \$150.00\*

\*Street crossing at cost

(Ord. No. 95-18, Exhibit A)

**METER DEPOSITS**

Residential \$50.00 Commercial or Industrial \$50.00\*\*

\*\*Commercial users such as Restaurants, Motels, Laundries, or any other business with large consumption, the sum of three (3) months water bill.

Reconnect Fee Shutoff - nonpayment - \$5.00

Turn on/off - \$10.00

Turn on/off other than regular working hours \$15.00

Reconnection Charge - scheduled disconnect \$20.00

(Ord. No. 93-1 1, Exhibit A)

10.08.04 Sewer expansion Further expansion of the sewer facilities of the city of Heber Springs shall not be permitted beyond the corporate limits of the city, except as specifically provided by ordinance or below.

Further expansion of the said sewer facilities shall be allowed only for the development of and facilities within industrial parks and/or municipal properties whether within or without the corporate limits of the city. (Ord. No. 2007-11, Secs. 1-2.)

10.08.05 Collection Vacant unoccupied property not actually using the sewer facilities shall not be subject to a charge, but the burden of showing vacancy and nonuse shall rest on the owner of the property. All bills for sewer services shall be rendered month in the net amount due. Under the provisions of A.C.A. 14-235-223, a lien is fixed upon the land for any unpaid charge, even though the use of the System is by a tenant or lessee instead of the owner. If any sewer charge is not paid on or before the tenth (10<sup>th</sup>) day after the bill therefore shall be rendered, a ten percent (10%) penalty shall be added and if any sewer

charge is not paid on or before the thirtieth (30th) day after the bill is rendered, notice by certified mail may be given that unless the bill is paid within ten (10) days that suit shall be brought and if the bill remains unpaid during that period, suit shall be brought to enforce the lien and to collect the amount due, together with the expenses of collection and a reasonable attorney's fee. (Ord. No. 418, Sec. 3)

10.08.06 Single statement That a single statement will be submitted for monthly water and sewer charges. Collections shall be applied first to discharge of sewer charges. (Ord. No. 418, Sec. 4)

10.08.07 Noncompliance Non-compliance with any of the provisions of this chapter may result in discontinuance of water service after twenty-four (24) hour written or verbal notice from the Heber Springs Water Department. (Ord. No. 467)

## CHAPTER 10.12

### CONTROL OF BACKFLOW BY CONTAINMENT CONTROL AND

### CROSS CONNECTION

#### Sections:

- |          |                |
|----------|----------------|
| 10.12.01 | General policy |
| 10.12.02 | Definitions    |
| 10.12.03 | Requirements   |

#### 10.12.01 General Policy

##### A. Purpose of Chapter

1. To protect the safe drinking water supply of the city of Heber Springs, Arkansas, from the possibility of contamination or pollution by requiring compliance with state and local plumbing codes, health regulations, OSHA and other applicable industry standards for water system safety within the consumer's internal distribution system(s) or private water system(s). Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water systems; and,



2. To promote reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by state and local plumbing codes, health regulations, OSHA and other applicable industry standards to assure water system safety; and,
3. To provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all water systems. (Ord. No. 93-14, Sec. 1(A))

B. Responsibility:

1. The city of Heber Springs (Heber Springs Water and Sewer Utility) shall be responsible for the protection of the drinking water distribution system from foreseeable conditions leading to possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.
2. Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing the city of Heber Springs (Heber Springs Water and Sewer Utility), survey records shall indicate compliance with the aforementioned health and safety standards. All such records will be maintained by the city of Heber Springs (Heber Springs Water and Sewer Utility).
3. The city of Heber Springs (Heber Springs Water and Sewer Utility) shall notify, in writing, all consumers of the need for periodic system survey to insure compliance with existing applicable minimum health and safety standards.
4. Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey. (Ord. No. 93-14, Sec. 1(B))

C. Consumer's Responsibility:

1. To comply with this chapter as a term and condition of supply and consumer's acceptance of service is admittance of his/her awareness.
2. It shall be the responsibility of the consumer to purchase, install, test, and maintain any backflow prevention device/assembly required to comply with this chapter.

3. All cost incurred complying with the backflow-cross connection preventing regulations of the state of Arkansas or the city of Heber Springs are to be paid by the consumer. (Ord. No. 93-14, Sec. I(C))

D. Plumbing Official Responsibility:

1. The plumbing officials responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the developed length of the consumer's water system.
2. Water vacating the drinking water supply must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the local Plumbing Code and/or the Arkansas State Plumbing Code. (Ord. No. 93-14, Sec. I(D))

E. Certified Backflow Assembly Technicians, Surveyors or Repair Persons Responsibilities:

1. Whether employed by the consumer or a utility to survey, test, repair, or maintain backflow prevention assemblies the Certified Backflow Technicians, Surveyors, or Repair Person will have the following responsibilities:
  - a. Insuring acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.
  - b. Making reports of such testing and/or repair to the consumer and water purveyor on forms approved for such use by the city of Heber Springs (Heber Springs Water and Sewer Utility) and within the time frames prescribed by the city of Heber Springs.
  - c. The report shall include the list of materials or replacement parts used.
  - d. Insuring replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
  - e. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.
  - f. A Certified Technician shall perform all tests of the mechanical devices/assemblies and be responsible for the competence and accuracy of all tests and reports.

- g. Insuring his license is current, the testing equipment being used is acceptable to the state, and is in proper operating condition.
  - h. Be equipped with, and be competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain backflow prevention assemblies.
  - i. The Certified Technician conducting the test must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by whom. The technician's license number must also be on this tag.
2. In case of a consumer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the consumer, water purveyor and the State Health Department of Arkansas. If such a commercially tested assembly is in need of repair, a licensed journeyman or trade person recognized by the authority having jurisdiction shall make the actual repair. (Ord. No. 93-14, Sec. 1(E))

#### 10.12.02 Definitions

**Water purveyor** The person designated to be in charge of the Water Department of the city of Heber Springs is invested with the authority and responsibility for the implementation of an effective backflow prevention program and for the enforcement of the provisions of this chapter.

**Approved backflow assembly** Accepted by the State Department of Health, and the city of Heber Springs as meeting an applicable specification or as suitable for the proposed use.

**Auxiliary water supply** Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control. Auxiliary water supplies cannot be connected to the public potable water.

**Backflow** The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

**Back-pressure** The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system from any source(s) other than the intended source.



**Back-siphonage** The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.

**Backflow Prevention Assembly** An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Arkansas State Plumbing Code and the Backflow Prevention Program approved by the state.

**Contamination** Means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials.

**Cross connection** Any physical connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy section of pipe, swivel or change-cover devices or sliding multi part tubes or other plumbing arrangement.

**Cross connection – controlled** A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

**Cross connection – containment** The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connection which cannot be effectively eliminated or controlled at the point of the cross connection (isolation). (Ord. No. 93-14, Sec. 2)

#### 10.12.03 Requirements

##### A. Policy:

1. No water service connection to any premises shall be installed or maintained by the Public Water Purveyor unless the water supply is protected as required by the state laws, regulations, codes and this chapter. Service of water to a consumer found to be in violation of this chapter shall be discontinued by the water purveyor after due process of written notification of violation and an appropriate time sequence for voluntary compliance, if:

- a. A backflow prevention assembly required by this chapter for control of backflow and cross connection is not installed, tested and maintained, or
- b. If it is found that a backflow prevention assembly has been removed or by-passed, or
- c. If an unprotected cross connection exists on the premises, or
- d. If the periodic system survey has not been conducted.

Service will not be restored until such conditions or defects are corrected.

- 2. The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other structural or sanitary hazards, including violation of this chapter exist and to audit the results of the required survey.
- 3. Whenever the public water purveyor deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line, or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
- 4. The type of protective assembly required under Section 10.12.03(A)(3), shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.
- 5. All presently installed backflow prevention assemblies which do not meet the requirements of this chapter but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under Section 10.12.03(A)(6), be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location, or requires more than the minimum maintenance, or when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.

6. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections, and operational test made at least once per year at the consumer's expense. In those instances where the Public Water Purveyor deems the hazard to be great, he may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the Public Water Purveyor to see that these tests are made according to the standards set forth by the State Department of Health and the city of Heber Springs (Heber Springs Water and Sewer Utility).
  7. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
  8. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, pits, or above ceiling level.
- B. If violations of this chapter exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of deficiencies noted within the survey,, then the public water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the conditions in conformance with the state and city status relating to plumbing, safe drinking water supplies and the regulation adopted pursuant thereto.
- C. If a threat to the potable water supply is determined to be existing or is imminent, the public water purveyor is herein granted the authority to discontinue service immediately to protect the health and well being of the public.
- D. All backflow and cross connection inspections by the public water purveyor will be at no charge until a violation has been found. All inspection cost after a violation will be billed to the customer at an actual cost to be determined by the Heber Springs Water and Sewer Utility.
- E. Backflow prevention assemblies MUST be installed by a licensed journeyman trades person, who is recognized by the authority having jurisdiction, and inspected for compliance with the Arkansas State Plumbing Codes. Certified testing and maintenance are required to ensure proper function and maximum effectiveness of assemblies. These services must begin upon installation and be provided at intervals not to exceed one (1) year and as system conditions warrant. (Ord. No. 93-14, Sec. 3)



**CHAPTER 10.16**

**WHOLESALE SEWER SERVICE AGREEMENT**

Sections:

10.16 Wholesale Sewer Service Agreement

10.16 Wholesale Sewer Service Agreement That the Agreement between the Commission and Eden Isle is hereby approved. (Ord. No. 2019-05, Sec. 2)