

TITLE 10

WATER AND SEWER

Chapters:

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- 10.08 Sewer and Water Rates
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CHAPTER 10.04

SEWER REGULATIONS

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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.

Commercial customer where the sewer connection serves a business or any other non-residential establishment whose annual average water consumption is fifteen thousand (15,000) gallons per month or less. (Ord. No. 316, Sec. 1.)

Domestic customer where the connection serves residential customers only and where the water meter is in the name of the actual resident or the owner of the dwelling. (Ord. No. 316, Sec. 1.)

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 customer where the sewer connection serves a business or any other non-residential establishment whose annual average water consumption is more than fifteen thousand (15,000) gallons per month. (Ord. No. 316, Sec. 1.)

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

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

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 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.

Superintendent shall mean the manager of the Clarksville Light and Water Company of the city of Clarksville, Arkansas, or his authorized agent, deputy, or representative.

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.

City inspection shall mean the person or persons, or his authorized agent, deputy or representative, who have the express duties of enforcing the building and plumbing codes of the city of Clarksville, Arkansas.

10.04.02 Use of public sewers required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- B. Hereafter no sewage and/or toilet facilities shall be constructed or placed in, upon or about any real property situated within the city of Clarksville, Arkansas, or in any area under the jurisdiction of said city, unless such facilities shall be properly connected with a publicly owned or operated sewage disposal system or a privately owned or operated sewage disposal system which is connected with a public system, except as hereinafter provided in Article III. Any person, firm or corporation desiring to construct, place or install any sewage and/or toilet facilities upon any lands within the city of Clarksville shall, prior to commencing work thereon, submit proper application therefore to the City Inspector in the form and manner now or hereafter provided by ordinance of said city and shall pay the fees thereof. If the proposed facilities meet the specifications and requirements of the Plumbing Code then in existence in said city and any portion of the lands upon which such facilities are to be constructed and installed is within three hundred (300) feet of any public sewer system or any private sewer line which is connected with a public sewer system, said Inspector shall issue a permit therefore and the owner may then proceed to install the said facilities.
- 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 situated within the city and used for human occupancy, employment, recreation or other purposes, the property line of which is now or may in the future be within three hundred (300) feet of a public sanitary or combined sewer of the city, is hereby required at his sole expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so.

10.04.03 Private sewage disposal system

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 10.04.02, the building sewer shall be connected to a private sewage disposal system complying with the rules and regulations of this ordinance and/or the Arkansas State Board of Health, and/or the U.S. Corps of Engineers, and/or the Arkansas Pollution Control Commission whichever is the most stringent.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the City Inspector. The application for such permit shall be made on a form furnished by the Arkansas State Health Department, which the applicant shall supplement by any plans specifications, and other information as are deemed necessary by the city.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City Inspector.

10.04.04 Building sewers and connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereon without first obtaining a written permit from the city.
- B. No unauthorized person, firm, corporation or institutions shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance therefore, or construct, re-construct, lay, re-lay, enlarge, extend or repair or attempt so to do, any sewer line, main or drain which is to be tied into or connected with the sanitary sewer system of the city of Clarksville, Arkansas, whether such connection be made immediately upon completion of such work or at some future time, without having first submitted complete plans and specifications there to the Sewer Department of said city, and having obtained its approval thereof. Final approval of said plans and specifications shall be withheld until a correct

and complete copy thereof shall have been furnished to said Sewer Department for its permanent files. Provided, however, that in the discretion of said Sewer Department plans and specifications may be dispensed with when the sewer line to be constructed is for the purpose of servicing a single house. In no instance shall departure or deviation from the approved plans and specifications be permitted until such time as written request therefore, setting forth in detail such departure or deviation, shall have been submitted to and approved by the Sewer Department.

- C. 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.
- D. Each residence or business building shall have a separate and independent building sewer running to the sewer mains of the sewer system, except in instances where local conditions make it impracticable to run and separate service lateral. Before a new residence or business building shall be tied on to an existing building sewer or share a building sewer with another residence or business building, written permission to do so must be obtained from the City Sewer Department.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the City Inspector and Superintendent, jointly to meet all requirements of this ordinance.
- F. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. The Sewer Department of said city is hereby expressly empowered to inspect any and all work done or materials used in constructing, laying, extending or repairing such building sewers and may, in its discretion, have an inspector at the site of construction at any and all times. The construction, reconstruction or repair of any such sewer may be halted by the Sewer Department when in its opinion, or in the opinion of its duly authorized representative, the work is being done in such manner or under such conditions that the resulting sewer will be substandard or detrimental to the sewer system of the city. The Sewer Department, or its duly authorized representative, is hereby further empowered to order the removal of any connection made to the public sewer system when such connection was made in violation of any provision of this ordinance, or other ordinances of said city, or of any rule or regulation promulgated hereunder, or when in its opinion such construction or connection is detrimental to the municipal sewer system. In the event such order for the removal of a building sewer is not complied with forthwith the Sewer Department is hereby empowered to use its own forces to disconnect such building sewer and to collect from the property owner a reasonable fee therefore.

- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, nor shall any person make or cause to be made any opening into any sewer main or drain whereby surface water is permitted to enter the sanitary sewer system of the city, either directly or indirectly. Any such connections, existing at the time of passage of this ordinance shall be corrected as soon as possible. Where such conditions exist on private property, the property owner shall be notified in writing to correct these conditions, and bear full cost of such. Owner will have ninety (90) days to complete such work.
- I. The connection of the building sewer into the public sewer shall be made by the city, or by a licensed master plumber providing prior approval has been obtained from the city, and all cost thereof shall be paid by the property owner.
- 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, and all excavations in any streets, sidewalks, parkways and other public property shall be done in strict compliance with the ordinances of the city pertaining thereto.

10.04.05 Standard of construction for water and sewer The specifications for water and sewer lines adopted and approved by the Clarksville Light and Water Commission shall be the official specifications for the city of Clarksville, Arkansas. (Ord. No. 291, Sec. 1.)

10.04.05 Use of public sewers

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewer or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
 - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, oil, or gas;
 - 2. Any industrial wastes discharged to the Clarksville Public Sewer System containing toxic pollutants in sufficient quantity either singly or by interaction with other pollutants, to injury or interfere with any wastewater treatment or sludge disposal process, toxic effect in the receiving waters of the sewer treatment plant, or which will exceed Technically Based Local Limitation(s) or the limitations set forth in an applicable National Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Clean Water Act. (Ord. No. 326, Sec. 1.)
 - 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 pumping facilities, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, having an adverse effect on the receiving stream, or otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

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

*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 minimal flow, these allowable values may be increased tenfold, or to the maximum limits shown above.

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not;
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Arkansas State Health Department for such materials;
6. Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
8. Any waters or wastes having a pH in excess of 9.0;
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 Section 10.04.06 part 4, hereinabove and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may: (a) reject the wastes; (b) require pretreatment to an acceptable condition for discharge to the public sewers; (c) require control over the quantities and rates of discharge; and/or (d) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of part 10 of this section. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.
- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner.
- 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.

10.04.07 Pretreatment facilities Users shall provide wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in 10.04.06 of this ordinance within the time limitations specified by the EOA, the state or the Clarksville Light and Water, whichever is more stringent. Any facilities required to pre-treat wastewater to a level acceptable to the Clarksville Light and Water necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the General Manager for review and shall be acceptable to the Clarksville Light and Water before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Clarksville Light and Water POTW under the provisions of this ordinance.

- A. Additional pretreatment measures Whenever deemed necessary for proper operation of the POTW, the Control Authority may require users to restrict their discharge of wastewater during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the users compliance with the requirements of this ordinance.
- B. Whenever deemed necessary for proper operation of the POTW, the Control Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow over a twenty-four (24) hour period. The Control Authority may require that such flow equalization control facility be equipped with alarms and a rate of discharge controller, the regulation of which may be directed only by the General Manager. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil and sand interceptors shall be provided when in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, flammable wastes, sand, and other objectionable wastes, this includes but not limited to any oil-lube facility, food service entities, restaurants, cafeterias, schools, hospitals, nursing homes, grocery stores, bakeries and any other facility that discharges applicable wastewater as determined by the Control Authority, except that such interceptors shall not be required for private living quarters or dwelling units.
 - 1. With new construction, all interceptor units shall be of a type and capacity approved by the Control Authority; shall provide a minimum detention time of twelve (12) minutes; shall have a minimum capacity of five

hundred (500) gallons, and shall be located as to be easily accessible for cleaning and inspection.

2. For existing buildings, located in the downtown Historic District Area due to space limitations, all traps-interceptors shall be of a type and capacity to prevent oil, grease or debris from reducing or restricting the flow and prevent overflows of the sewer lines. Traps-interceptors shall also have a detention time that will allow the debris to settle and oil and grease to be removed or solidify. The building owners shall provide inspection access by the Clarksville Light and Water upon request at a mutually agreeable time. The downtown Historic District is bordered by Johnson Street, Sevier Street, Spadra Creek and Cherry Street. If the district borders change, so shall this regulation to accommodate existing buildings added in the altered district.
 3. All interceptor units shall be continuously maintained in satisfactory and effective operation by the owner at his expense. Storage, handling, transportation and disposal of all wastes generated from interceptor units shall be performed in accordance with all applicable federal, state, and local regulations that pertain to that type and/or class of waste.
- D. Users with the potential to discharge flammables substances may be required to install and maintain an approved combustible gas detection meter. (Ord. No. 2014-730, Sec. 1.)

10.04.08 Power and authority of Superintendent

- A. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in part A. above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required in Article V, Section B.
- C. The Superintendent and other duly authorized agents, employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

10.04.09 Injunctive relief Whenever a user has violated or continues to violate the provisions of this ordinance or its Wastewater Contribution Permit or orders issued thereunder, the Control Authority may request that the City Attorney immediately petition the court for the Issuance of a preliminary or permanent injunction, or both, as may be appropriate to restrain or compel the activities of the user.

Civil penalties

- A. Any user who is found to have violated or continues to violate an order of the city and/or the Control Authority or who negligently fails to comply with any provisions of this ordinance or the orders, rules, regulations and permits issued thereunder, may be fined not more than One Thousand Dollars (\$1,000.00) for each offense. Jurisdiction to determine such penalties shall be in the City District Court or other court of appropriate jurisdiction. Each day on which a violation shall occur or continue shall be considered as a separate and distinct offense.
- B. In addition to the civil penalties provided for herein, the city may recover from the user in violation any damages suffered, reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation in any action in law or equity against any person or other entity.
- C. The City Attorney shall petition the court to impose, assess and recover all civil penalties, legal fees and costs together with damages if appropriate. In determining the amount of the penalty, the Control Authority in its recommendation for civil penalties, the City Council and the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained by the user in allowing the violation, the timing and nature of any corrective actions taken by the user, the compliance history of the user and any other factors as justice requires. (Ord. No. 283, Sec. 1.)

10.04.10 Definitions Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as defined in 10.04.01 with the following additions:

Acts or the Act the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. et seq

Approval authority Administrator of the EPA in Region 6.

Authorized representative of industrial user an authorized representative of an industrial user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Categorical standards national categorical pretreatment standards or pretreatment standard.

City the city of Clarksville.

Cooling water the water discharged from any use such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Commission Clarksville Light and Water Commission.

Control Authority the term “Control Authority” shall refer to the “Approval Authority” defined hereinabove, or the manager of Clarksville Light and Water Company if the city has an approved pretreatment program under the provisions of 40 CFR. 403.11.

Direct discharge the discharge of treated or untreated wastewater directly to the waters of the state of Arkansas.

Environmental Protection Agency or EPA the U.S. Environmental protection Agency or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Grab sample a sample which is taken from a waste stream on an on-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Indirect discharge the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307 (b) or (c) of the Act, (33U.S.C. 1317), into the POTW including holding tank waste discharged into the system.

Industrial user a source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 403 of the Act, (33 U.S.C. 1342).

Interference the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city’s NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

National Categorical Pretreatment Standard or Pretreatment Standard any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (U.S.C. 1347) which applies to a specific category of industrial users.

National Prohibited Discharge Standard or Prohibitive Discharge Standard any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.

New source any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 © (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

National Pollution Discharge Elimination System or NPDES Permit a permit issued pursuant to Section 4032 of the Act (33 U.S.C. 1342).

Pollution the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pollutant any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pretreatment or treatment the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 CFR, Section 403.6(d).

Pretreatment requirements any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Publicly Owned Treatment Works (POTW) a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the city. This includes any sewers that convey wastewater to the POTW treatment plant. POTW shall also include any sewers that convey wastewater to the plant from persons outside the city who are by contract or agreement with the city users of the Clarksville POTW.

POTW Treatment Plant that portion of the POTW designed to provide treatment to wastewater.

Significant industrial user any industrial user of the city's wastewater disposal system who (1) has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day, or (2) has a flow greater than five percent (5%) of the flow in the city's wastewater treatment system, or (3) has within his wastes toxic pollutants as defined pursuant to Section 307 of the Waste and Sewer Commission or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

State state of Arkansas.

Standard Industrial Classification (SIC) a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Toxic pollutant any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a) or other Acts.

Waters of the state all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (Ord. No. 121, Art. I.)

10.04.11 General requirements Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this ordinance or other city ordinances, shall immediately supersede the limitations imposed under this ordinance. The manager shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

No user shall ever increase the use of process water, or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specified limitation developed by the city of state. (Ord. No. 121, Art. II.)

10.04.12 Protection against accidental discharge required Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the manager for review, and shall be approved by the manager before construction of the facility. All existing users shall complete such a plan by January 1, 1983, if required. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the manager. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

Written notice Within five (5) days following an accidental discharge, the user shall submit to the manager a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fine, civil penalties or other liability which may be imposed by this article or other applicable law. (Ord. No. 121, Art. III.)

10.04.13 Establishment of fees The City Light and Water Commission may adopt charges and fees which may include:

- A. Fees for reimbursement of costs of setting up and operating the city's Pretreatment Program;
- B. Fees for monitoring, inspections and surveillance procedures;
- C. Fees for reviewing accidental discharge procedures and construction;
- D. Fees for permit applications;
- E. Fees for filing appeals;
- F. Fees for consistent removal (by the city) of pollutants otherwise subject to Federal Pretreatment Standards;
- G. Other fees as the Commission may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the city. (Ord. No. 121, Art. IV.)

10.02.14 Permits required All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within three hundred sixty (360) days after the effective date of this ordinance.

Users required to obtain a Wastewater Contribution Permit shall complete and file with the Commission, an application in the form prescribed by the Commission, and accompanied by a fee of Fifty Dollars (\$50.00). Existing users shall apply for a Wastewater Contribution Permit within one hundred eighty (180) days after the effective date of this ordinance, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- A. Name, address and location (if different from the address);
- B. SIC number according to the Standard Industrial Classification Manual Bureau of the Budget, 1972, as amended;
- C. Wastewater constituents and characteristics including but not limited to those mentioned in Ord. No. 22 as amended, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 as amended;

- D. Time and duration of contribution;
- E. Average daily and three (3) minute peak wastewater flow rates, including, daily, monthly and seasonal variations if any;
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
- G. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- H. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operating and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- I. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major event leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction.)
 - 2. No increment referred to in paragraph (1) shall exceed nine (9) months.
 - 3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the manager.

- J. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- K. Any other information as may be deemed by the manager, to be necessary to evaluate the permit application. The manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the manager may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit, the user shall apply for a permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Contribution Permit shall submit to the manager within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraphs in 10.04.13.

Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations. User charges and fees established by the Commission. Permits may contain the following:

1. The unit charge or schedule of user charges and fess for the wastewater to be discharged to a community sewer;
2. Limits on the average and maximum wastewater constituents and characteristics;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports;

8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Commission, and affording commission access thereto;
9. Requirements for notification of the manager of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
10. Requirements for notification of slug discharges;
11. Other conditions as deemed appropriate by the Commission to ensure compliance with this ordinance.

Permits shall be issued for five (5) years. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Commission during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned to transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Commission. (Ord. No. 121, Art. V.)

10.04.15 Periodic reports required Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and if not, what additional steps are necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional engineer or chemist.

Any user subject to a Pretreatment Standard after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the manager during the months of June and December, unless required more frequently in the Pretreatment Standard or by the manager, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, his report shall include a record of all daily flows which

during the reporting period exceeded the average daily flow. At the discretion of the manager, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the manager may agree to alter the months during which the above reports are to be submitted.

The manager may impose mass limitation on uses which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by the above paragraph in this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the manager, or pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. (Ord. No. 121, Art. VI.)

10.04.16 Operation of pretreatment facilities User shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the manager shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the manager for review, and shall be acceptable to the manager before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the manager under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the manager prior to the user's initiation of the changes.

The commission shall annually publish in the Johnson County Graphic a list of the users which were significantly not in compliance with any Pretreatment Requirements or Standards at least once during the twelve (12) months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

A user determined to be discharging waste in violation of Ord. No. 22, Article 1 through 6, other than excessive BOD or suspended solids, shall compensate the utility for the cost of sampling and laboratory service expense required for monitoring the discharges until such time as the discharged waste is in compliance.

The manager may suspend the wastewater treatment services and/or a Wastewater Contribution Permit when such suspension is necessary in the opinion of the manager in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the manager to violate any condition of its NPDES Permit.

Any user who violates the following conditions of this ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of 10.04.16 of this ordinance:

- A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- B. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- D. Violation of conditions of the permit. (Ord. No. 121, Art. VII.)

10.04.17 Violation of ordinance Whenever the Commission finds that any user has violated or is violating this ordinance, Wastewater Contribution Permit or any prohibition, limitation or requirements contained herein, the Commission may serve upon such a person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Commission by the user.

The Commission may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Commission why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before Commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The Commission may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the (assigned department) to:

- A. Issue in the name of the Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- B. Take the evidence;
- C. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Commission for action thereon.

At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Commission has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this ordinance, federal or state Pretreatment Requirements, or any order of the city, the City Attorney may commence an action for appropriate legal and/or equitable relief in the District City Court of Clarksville. (Ord. No. 121, Art. VIII.)

10.04.18 Civil penalties Any user who is found to have violated an order of the Commission or who willfully or negligently failed to comply with any provision of this ordinance and the order, rules, regulations and permits issued hereunder, shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not less than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months or by both. (Ord. No. 121, Art. IX.)

CHAPTER 10.08

SEWER AND WATER RATES

Sections:

- 10.08.01 Monthly sewer rates
- 10.08.02 Bond payments
- 10.08.03 Sewer system connection fees
- 10.08.04 Base
- 10.08.05 Non-payment
- 10.08.06 Monthly water rates

10.08.01 Monthly sewer rates That the following monthly rates be and they are hereby fixed as rates to be charged for sewer services furnished by the system which rates the City Council finds and declares to be reasonable and necessary rates to be charged:

Inside the City

Effective with consumption beginning with March meter readings:

		2002	2003	2004
Monthly base rate:	Domestic	\$3.13	\$3.91	\$4.89
	Commercial	\$12.50	\$15.63	\$19.54
	Industrial	\$18.75	\$23.44	\$29.30
Per 1,000 gallons plus monthly base rate		\$2.88	\$3.60	\$4.50

Outside the City

Effective on the date of passage of this ordinance:

Monthly base rate:	Domestic	\$13.38
	Commercial	\$34.86
	Industrial	\$58.11
Rate: \$7.41 per 1,000 gallons plus monthly base rate. (Ord. No. 2002-446, Sec. 1.)		

Wastewater rates

Base/customer charge monthly bill A fixed fee shall be charged on a monthly basis regardless of consumption quantity based upon the customer class:

Residential (inside & outside):	\$7.50
Commercial:	\$10.00
Large commercial/industrial:	\$100.00

Per 1,000 gallons, plus monthly rate of \$4.50.

The schedule of charges as described in above sections shall be adjusted on meter readings starting on October 1, beginning 2015, and each subsequent year by the amount of increase in the South Urban Unadjusted Consumer Price Index (CPIU) as published by the Bureau of Labor Statistics. (<http://data.bls.gov/pdq/SurveyOutputServlet?seriesid=CUUR0300SA0,CUUS0300SA0>) by amount reported, but not to exceed three percent (3%) (whichever is less) for the preceding calendar year. If the CPIU declines during the previous calendar year, the rate adjustment will be zero percent (0%).* This adjustment only effects the consumption water rates for retail inside and outside customers, commercial, large commercial/industrial, and wholesale customers.

*Example: If CPIU for 2014 equals 2.0% for the calendar year (January to December), the rates will increase 2.0% in October of 2015. If CPIU equals 3.25% for the 2014 calendar year, the rates will increase a maximum of 3%. If CPIU for the calendar year of 2014 drops by 1%, the rates will remain unchanged.

A copy of the revised consumption for rates shall be posted on the Clarksville Light & Water website (www.clarksvillelightwater.com) . The Clarksville Light & Water Commission shall be authorized to regulate the percentage (%) adjustment on the annual basis at a percentage (%) below the published CPIU increase if the retained earnings of the utility remains at a reasonable and sustainable amount based upon its annual budgetary projections. (Ord. No. 2014-715, Sec. 1.)

10.08.02 Bond payments That the rates shall never be reduced below an amount sufficient to provide for the operation and maintenance of the system and for the prompt payment of the principal and interest on the Utility Refunding and Construction Revenue Bonds Series 1986 and shall, when necessary, be increased to provide for the operation and maintenance of the system and for the payment of the principal and interest on the bonds.

10.08.03 Sewer system connection fees The Clarksville Light and Water Commission shall charge and collect a fee from residential customers who desire to connect to the city sewer system equal to Three Hundred Dollars (\$300.00) per connection. The Clarksville Light and Water Commission shall charge and collect a fee equal to One Hundred Fifty Dollars (\$150.00) from customers when a replacement service connection is required, and no prior fee has been paid. This fee shall be in addition to any applicable fees and charges related to the necessary extension or expansion of service lines.

The Clarksville Light and Water Commission shall charge and collect a fee from each industrial and commercial customer who desires to connect to the city sewer system equal to the total installation costs of connection, including materials, labor, and equipment, but in no case shall the service connection be less than Three Hundred Dollars (\$300.00) per connection. This fee shall be in addition to any applicable fees and charges related to the necessary extension or expansion of service lines. (Ord. No. 22-882, Sec. 1)

10.08.04 Base That all monthly sewer charges shall be based upon water consumption. All customers shall be classified as either domestic, commercial or industrial.

- A. In the case of domestic customers the sewer bill will be calculated for actual water consumption for the four (4) months beginning November 15th and ending with March 15th. The average of these four (4) months will be used to calculate the sewer bill for the remaining eight (8) months. (Ord. No. 438.)
- B. In the case of commercial customers, the monthly sewer charge shall be determined by applying the above schedule to each monthly water bill throughout the year. However, in those cases which, in the opinion of the Clarksville Light And Water Commission, an appreciable portion of a commercial or industrial customer's water usage does not reach the sewer system, the Commission shall determine the percentage of that customer's water usage which does reach the sanitary sewer, and the above schedule of rates shall apply to that percentage only.
- C. In the case of industrial customers, the monthly sewer charge shall be determined by the greater of the rate established by the above schedule or a charge computed by the following formula: $ci = (co)(ci) \text{ plus } (bo)(bi) \text{ plus } (so)(si)$ where "ci" is equal to the charge to industrial customers, where "vo" is equal to the unit cost of transportation and treatment of industrial waste chargeable to volume, as shown in dollars per thousand gallons; where "vi" is equal to the volume of wastewater from industrial customers, expressed in thousand gallons per month, where "vo"

is equal to the unit cost of treatment chargeable to Biochemical Oxygen Demand (BOD) expressed in dollars per pound; where “vi” is equal to the amount of BOD from industrial customers expressed in pounds per month; where “so” is equal to the unit cost of treatment (including sludge treatment) chargeable to suspended solids, expressed in dollars per pound; and where “si” is equal to the amount of suspended solids from industrial customers expressed in pound per month. In the utilization of such formula, the costs associated with the transportation and treatment of industrial waste shall include the unamortized capital costs of existing facilities (as represented by the outstanding debt), new facility construction costs (exclusive of funds that do not have to be repair, (operation and maintenance costs (including repair and replacement costs) and any other costs borne by the city, including but not limited to site acquisition, easement costs and administrative costs.

- D. In the case of municipal customers, all water used by the city of Clarksville, Arkansas, shall be paid for at the rate of Thirty-Three Cents (\$.33) per one thousand (1,000) gallons of water actually calculated to enter the sewer system and there shall be no meter minimum. (Ord. No. 104, Sec. 4.)

10.08.05 Non-payment That all rates or charges, if not paid when due, shall constitute a lien upon the premises served by the sewer system and the charges will constitute a line upon the fee title to the land and permanent improvements. If any service charge so established is not paid within thirty (30) days after it is due, the water service to the delinquent premises shall be discontinued and the amount of such payment in arrears, together with a penalty of ten percent (10%) and a reasonable attorney’s fee may be recovered by the Clarksville Light and Water Commission in a suit filed in the Chancery Court of Johnson County in the name of the city in which suit the lien may be foreclosed against such lot, parcel of land or building. (Ord. No. 104, Sec. 5.)

10.08.06 Monthly water rates That the following rates be, and they are hereby found as rates to be charged for water to be furnished by the Clarksville Water System which rates the Council hereby finds and declares to be reasonable and necessary minimum rates to be charged:

Water Rates

- A. Base/customer charge monthly bill A fixed fee shall be charged on a monthly basis regardless of consumption quantity based upon the customer class:

Residential:	\$7.50
Commercial:	\$10.00
Large commercial/industrial:	\$100.00
Contract wholesale:	\$100.00

**Inside City Water Rate Schedule
(per thousand gallons)**

First	2,000 gallons	\$2.14
Next	5,500 gallons	\$3.58
Next	17,500 gallons	\$3.71
Next	75,000 gallons	\$2.97
Next	400,000 gallons	\$2.77
Next	500,000 gallons	\$2.53
All over	1,000,000 gallons	\$2.21

**Outside City Water Rate Schedule
(per thousand gallons)**

First	2,000 gallons	\$3.05
Next	23,000 gallons	\$5.32
Next	75,000 gallons	\$4.42
Next	400,000 gallons	\$4.16
Next	500,000 gallons	\$3.86
All over	1,000,000 gallons	\$3.46

**Contract/Wholesale Water Rate Schedule
(per thousand gallons)**

First	2,000 gallons	\$2.37
Next	23,000 gallons	\$2.62
Next	75,000 gallons	\$2.62
Next	400,000 gallons	\$2.62
Next	500,000 gallons	\$2.62
All over	1,000,000 gallons	\$2.31

The schedule of charges as described in above sections shall be adjusted on meter readings starting on October 1, beginning 2015, and each subsequent year by the amount of increase in the South Urban Unadjusted Consumer Price Index (CPIU) as published by the Bureau of Labor Statistics. (<http://data.bls.gov/pdq/SurveyOutputServlet?seriesid=CUUR0300SA0,CUUS0300SA0>) by amount reported, but not to exceed three percent (3%) (whichever is less) for the preceding calendar year. If the CPIU declines during the previous calendar year, the rate adjustment will be zero percent (0%).* This adjustment only effects the consumption water rates for retail inside and outside customers, commercial, large commercial/industrial, and wholesale customers.

*Example: If CPIU for 2014 equals 2.0% for the calendar year (January to December), the rates will increase 2.0% in October of 2015. If CPIU equals 3.25% for the 2014 calendar year, the rates will increase a maximum of 3%. If CPIU for the calendar year of 2014 drops by 1%, the rates will remain unchanged.

A copy of the revised consumption for rates shall be posted on the Clarksville Light & Water website (www.clarksvillelightwater.com) . The Clarksville Light & Water Commission shall be authorized to regulate the percentage (%) adjustment on the annual basis at a percentage (%) below the published CPIU increase if the retained earnings of the utility remains at a reasonable and sustainable amount based upon its annual budgetary projections. (Ord. No. 2014-714, Sec. 1.)

- B. The minimum monthly bill shall be determined by the size of the meter and shall be as follows:

<u>Meter size</u>	<u>Within the city Limits of Clarksville</u>	<u>Outside the city Limits & bulk water rate</u>
5/8" meter	\$3.70	\$4.63
3/4" meter	\$6.15	\$7.70
1' meter	\$8.60	\$10.75
1 1/2 " meter	\$12.30	\$15.35
2" meter	\$24.60	\$30.75
3" meter	\$36.90	\$46.10
4" meter	\$49.20	\$61.50
6" meter	\$123.00	\$153.75
8" meter	\$147.60	\$184.50

An amount of water at rates in effect will be allowed monthly for the monthly minimum bill.

The size of the meter shall be commensurate with the use of water and shall be determined by the Light and Water Company.

- C. Private fire connections for private premises shall pay the following fire service charges per year:

	<u>Within the city limits of Clarksville</u>	<u>Outside the city limits of Clarksville</u>
1. Automatic sprinkler system connections, one thousand (1,000) heads	\$50.00	\$62.50
For system containing more than one thousand (1,000) heads, the charge shall be for each head in excess of one thousand (1,000)	.05	.06

	<u>Within the city limits of Clarksville</u>	<u>Outside the city limits of Clarksville</u>
2. The minimum annual fire connection shall be	\$50.00	\$62.50
3. Private fire hydrants, each	\$50.00	\$62.50
4. The service connection charge for fire hose stand pipes shall be		
1 ¼ “ diameter openings, or smaller each	\$10.00	\$12.50
1 ½ “ diameter openings, each	\$15.00	\$18.75
2” diameter openings, each	\$25.00	\$31.25
2 ½ “ diameter openings, each	\$50.00	\$62.50
5. Bills shall be rendered on a semi-annual basis on the first days of January and July of each year for the succeeding six (6) month’s service.		

D. All water used by the city of Clarksville shall be paid for at the rate of Sixteen Cents (\$.16) per 1,000 gallons of water actually used except for fire protection, street cleaning and a reasonable amount for firefighter training and there shall be no meter minimum.

E. Meters shall be installed at each water connection at all buildings, both public and private. In the case of apartment houses or buildings, a separate meter shall be installed for each apartment or family unit, provided, however, that multi-family dwellings under one roof or motels and trailer courts having a minimum of six (6) units may have a master meter. The following size meters for multi-family dwellings shall be installed unless the Clarksville Light and Water Commission shall decide otherwise:

Buildings with less than six (6) units shall be metered separately:

6 – 11 units required	1” minimum meter size
12 – 25 units required	1 ½ “minimum meter size
26 – 50 units required	2” minimum meter size
51 – 75 units required	3” minimum meter size
76 – 150 units required	4” minimum meter size
151 and up units	Battery settings to be determined by Clarksville Light and Water Company

Bills for water service, with the exception of the private fire service connections referred to above, shall be rendered monthly and if not paid on or before the fifteenth (15th) day following the original date of billing, a ten percent (10%) penalty shall be added to the bill. If the bill is not paid on or before the thirtieth (30th) day, service may be discontinued and the premises shall be disconnected. A service charge of Five Dollars (\$5.00) in addition to all other charges that may be payable shall be paid for reconnection to the system. And in this regard, if any such charges are paid at the time the meter person goes out to disconnect the premises, a charge of Three Dollars (\$3.00) (instead of the Five Dollars (\$5.00) above specified in the event of a reconnection) shall be paid in addition to all other charges than payable.

- F. The Clarksville Light and Water Commission shall charge and collect a fee from each customer who desires to connect to the city water system. This fee shall be in addition to any applicable fees and charges related to the necessary extension or expansion of service lines

The service connection charge for any residential, commercial, industrial, or other purposes shall be as follows:

METER	COST
Three-quarters of an inch (3/4")	\$550.00
One inch (1")	\$750.00
One and one-half inches (1 1/2")	\$2,800.00
Two inches (2")	\$2,800.00
Larger than two inches (2")	ACTUAL ¹
Meter set only	\$50.00

Note:

1: Actual cost of material, labor, and equipment
(Ord. No. 22-882, Sec. 2)

- G. The residential, commercial and industrial service connection charge for non-residents shall be as above plus twenty-five percent (35%) surcharge. (Ord. No. 211, Sec. 1.)
- H. Electric rates for Clarksville Light and Water Company The following electric energy rates and terms and conditions of electric service are hereby fixed as rates to be charged for electric energy by the Clarksville Light and Water Company, which rates the City Council hereby finds and declares to be reasonable and necessary minimum rates to be charged beginning April 1, 2014.

Rate Schedule R-1 (Residential)

Availability At any point on the Company’s distributing system.

Application For residential service to single residence for individual family apartments supplied through one (1) meter, including incidental family use on the appurtenant premises.

The rate schedule is not applicable to commercial type use on the appurtenant premises such as chicken brooding. Where a portion of the residence premises, not separately metered, is used for non-residential purposes, the predominant use of the service, as determined by the Company, shall determine the rate schedule applicable to all service. Service is for the use of the customer and may not be shared and may not be resold to others. Not applicable to standby or supplementary service.

Character of service Service will normally be single-phase sixty (60) cycle, at approximately 120/240 volts. However, three-phase service may be furnished if approved by the Clarksville Light and Water Company.

Net monthly rate For consumption beginning with April billing cycle meter readings each year:

	04/01/2014
Base/customer charge	\$7.50
First 265Kwh	\$0.0608
All additional Kwh	\$0.0442

Base/customer charge monthly bill A base charge of Seven Dollars and Fifty Cents (\$7.50) will be charged on a monthly basis regardless of consumption quantity.

Fuel adjustment The above energy charges will be increased or decreased to reflect the charge in the cost of fuel and purchased power incurred by the Company for the supply of service hereunder, as prescribed in Fuel Adjustment Clause.

Taxes The net monthly bill is subject to the addition of all taxes levied on power bills.

Payment Payment shall be due fifteen (15) days from the billing date and if not paid on or before the fifteenth (15th) day following the billing date, a late charge of ten percent (10%) may be added to the bill.

Contract period Month to month except as otherwise required by a line extension agreement. (Ord. No. 2014-718, Sec. 1.)

Rate Schedule R-2 (Residential)

Availability At any point on the Company's distributing system.

Application For residential service to single residences or individual family apartments supplied through one (1) meter, including incidental family use on the appurtenant premises where such electric service is in the primary source for heating the entire residence or apartment dwelling unit (including the water heater). The rate schedule is not applicable to commercial type use on the appurtenant premises, such as chicken brooding. Where a portion of the residence premises, not separately metered, is used for non-residential purposes, the predominant use of the service, as determined by the Company, shall determine the rate schedule applicable to all service. Service is for the use of the customer and may not be shared and may not be resold to others. Not applicable to standby or supplementary service.

Character of service Service will normally be single-phase sixty (60) cycle, at approximately 120/240 volts. However, three-phase service may be furnished if approved by the Clarksville Light and Water Company.

Net monthly rate

1. For meter readings in the months of June, July, August, September and October:

04/01/2014

Base/customer charge	\$7.50
First 265Kwh	\$0.0608
All additional Kwh	\$0.0442

2. For meter readings in the months of November, December, January, February, March, April, and May:

04/01/2014

Base/customer charge	\$7.50
First 265Kwh	\$0.0608
All additional Kwh	\$0.0342

Base/customer charge monthly bill A base charge of Seven Dollars and Fifty Cents (\$7.50) will be charged on a monthly basis regardless of consumption quantity.

Fuel adjustment The above energy charges will be increased or decreased to reflect the charge in the cost of fuel and purchased power incurred by the Company for the supply of service hereunder, as prescribed in Fuel Adjustment Clause.

Taxes The net monthly bill is subject to the addition of all taxes levied on power bills.

Payment Payment shall be due fifteen (15) days from the billing date and if not paid on or before the fifteenth (15th) day following the billing date, a late charge of ten percent (10%) may be added to the bill.

Contract period Month to month except as otherwise required by a line extension agreement. (Ord. No. 2014-718, Sec. 1.)

CHAPTER 10.12**CONTROL OF BACKFLOW AND CROSS CONNECTIONS****Sections:**

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10.12.02	Definitions
10.12.03	Approving authority
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10.12.06	New construction
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10.12.01 Purpose The purpose of this chapter is as follows:

- A. To protect the public potable water supply of the city of Clarksville from the possibility of contamination or pollution from backflow into the public water system.
- B. To promote the elimination or control of existing cross connections, actual or potential, between the customer's potable water system(s) and non-potable water systems, plumbing fixtures, and industrial piping systems.
- C. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (Ord. No. 330, Sec. 1.)

10.12.02 Definitions When used in this chapter, the following terms shall have the stated meanings:

Approving authority – Clarksville Light and Water Commission or its designated representative.

Auxiliary water supply - any water supply on or available to the property other than the city's water supply.

Backflow - flow of water or other liquids, mixtures or substances under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

Backflow prevention assembly - a mechanical backflow prevention assembly assembled with shutoff valves and provided as a complete assembly by a single manufacturer and used to prevent the flow of contaminants or pollutants into the city's water system. The assembly must have the approval of the state of Arkansas Department of Health, and the city.

Backflow prevention device - a mechanical backflow preventor without the shutoff valves. It does not have shutoff valves on either side of the backflow prevention mechanism. Any backflow prevention assembly without the shutoff valves is called a device.

Bypass - any arrangement of pipes, plumbing or hoses designed to divert the flow around an installed device or assembly through which the flow normally passes.

Certified assembly testing technician (tester) - a person certified by the Arkansas Department of Health as an assembly testing technician.

Certified assembly repair technician - a person certified by the Arkansas Department of Health as an assembly repair technician.

City – the city of Clarksville, Arkansas.

Containment - a method of cross connection control requiring a backflow prevention assembly at point of service connection to the city's water system.

Contaminant - a substance that will impair the quality of the water to a degree that it creates a health hazard.

Cross connection - any actual or potential connection between the city's water system and a source of contamination or pollution.

Cross connection control - use of backflow prevention assemblies, methods and procedures to prevent contamination or pollution of a potable water supply through cross connections.

Degree of hazard - danger posed by a particular substance or set of circumstances.

Domestic - plumbing as defined by the state of Arkansas Plumbing Code and is not associated with designated fire protection water service lines and systems.

Double checkvalve assembly (DCVA) - a backflow prevention assembly consisting of two (2) independently operating checkvalves, four (4) test cocks, and two (2) shutoff valves. It is only appropriate for use against non-health hazards. DCVA can be subjected to backpressure.

Detector double checkvalve assembly (DDCVA) - a DCVA with an additional, smaller DCVA assembly with a flow detector meter in parallel used to detect system leaks and unauthorized use.

Detector reduced pressure zone assembly (DRPZA) - an RPZA with an additional, smaller RPZA assembly with a flow detector meter in parallel used to detect system leaks and unauthorized use.

Fire protection system - a system consisting of pipes, sprinklers, valves, fixtures, fittings, ponds, tanks, water storage vessels and fire hydrants that are intended and used exclusively for fire protection.

Inspector – person authorized by the Approving Authority to perform inspections of owner’s facilities for the purpose of determining compliance with the city of Clarksville Cross-connection Program.

Isolation - a method to confine a potential source of contamination to the non-potable system being served and to provide a backflow prevention mechanism at each actual or potential cross connection.

Multiple services - two (2) or more services. If two (2) or more water agencies are involved, the multiple service connections constitute an auxiliary source of water on the property.

New construction - construction of a new facility, alteration or addition to an existing facility, or modification or addition to existing plumbing and fire protection systems.

Owner - a person who possesses any interest in the structure or property to which such ownership relates.

Person - any individual, partnership, company, public or private corporation, political subdivision of the state or federal governments, or any other legal entity.

Pollutant - a foreign substance which will degrade the quality of the city's water system and constitute a hazard if allowed to enter into the system.

Program - the city of Clarksville Cross Connection Program.

Responsible Managing Employee (RME) – an individual or individuals who shall be designated by each company that plans, sells, installs, maintains, or services a fire protection sprinkler system on a full-time basis to assure that each fire protection sprinkler system as installed, maintained, or serviced meets the standards as provided by state law.

Reduced pressure zone assembly (RPZA) - a backflow prevention assembly consisting of four (4) test cocks, two (2) shutoff valves and two (2) independently operating spring-loaded checkvalves with a reduced pressure zone between the checks. The zone contains a relief port which will open at atmosphere if the pressure in the zone falls within two (2) psi of the supply pressure. The assembly provides protection against both backpressure and back-siphonage.

Retrofit - replacement of an existing device or backflow prevention assembly when the specifications or condition of the device or assembly are not adequate for the degree of hazard found on the property as defined by this program.

Shall – mandatory; **May** or **Will** is permissive.

Service connection - a piping connection between the city's water main and a property owner's system. (Ord. No. 330, Sec. II.)

10.12.03 Approving authority

The public water system (PWS) regulations and the state Plumbing Code are complementary in protecting the consumer from contamination introduced through cross connections. The PWS regulations basically are designed to protect the public water distribution system from contamination, and the Plumbing Code is designed to protect private potable water plumbing from backflows.

Installation of an approved, properly functioning backflow preventor on the owner's service line will be sufficient to protect the public water distribution system from backflow; however, this arrangement will not protect the users of the building's potable water plumbing where the cross connection occurs. Such a Cross Connection Control Program is called a containment system, since any potential damage from a cross connection is contained within the plumbing of the facility where it occurs.

To protect the users within the building itself, each device or plumbing fixture which contains a cross connection must be individually protected by an approved cross connection control device. The state Plumbing Code so requires, and such a program is referred to as an isolation program, since any contamination from a cross connection is isolated to the plumbing device where the cross connection occurs.

The approving authority shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants through the water service connection. The approving authority shall take action as necessary to meet the goals of the program.

- A. If in the judgment of the approving authority an approved backflow prevention assembly is required at the owner's water service connection for the safety of the public water system, the backflow compliance officer shall give notice in writing to the owner.
- B. On new installations, the backflow compliance officer shall provide inspection and review of plans in order to determine if a backflow prevention assembly shall be required.
- C. For property with backflow prevention assemblies existing prior to the adoption of this program, the Approving Authority will perform a review of plans or inspection of property and inform the owner in writing of any retrofit required, the method of achieving the retrofit and the time allowed for the retrofit to be made.
- D. The Approving Authority shall not allow any cross connection to remain unless it is protected by an approved backflow prevention assembly for which a permit has been issued and which shall be regularly tested to ensure satisfactory operation.
- E. The Approving Authority shall inform the owner in writing of any failure to comply. If the owner fails to comply with the necessary correction, the Approving Authority shall inform the owner in writing that the water service to the owner's property will be terminated. If the owner informs the Approving Authority of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the approving authority.
- F. If the Approving Authority determines at any time that a serious threat to the public health exists, any water service shall be terminated immediately.
- G. The Approving Authority shall allow only certified assembly testing technicians to test backflow prevention assemblies and only certified assembly repair technicians to maintain and to repair backflow prevention assemblies. Installation shall be accomplished by personnel licensed to do so by the State Department of Health.
- H. A program for routine inspections shall be administered by the Approving Authority for all water users. This program shall continually assess the hazards which water users may pose, and, when warranted, require that appropriate backflow prevention assemblies be installed. (Ord. No. 330, Sec. III.)

10.12.04 Owner responsibilities The owner shall adhere to the requirements of the Approving Authority in their efforts to execute the program. The owner shall:

- A. Eliminate all cross connections or install an approved backflow prevention assembly on the property.

- B. Retrofit unapproved existing backflow preventers should they be relocated, require more than minimal maintenance, or the operation or maintenance of the device/assembly constitutes a hazard to health.
- C. Correct any malfunction of the backflow prevention assembly.
- D. Inform the Approving Authority of proposed or modified cross connections and also existing cross connections which the owner is aware of but which the Approving Authority has not identified.
- E. Not install a bypass around any backflow prevention assembly unless there is a backflow prevention assembly of the same type in the bypass.
- F. The owner shall insure the type of backflow prevention assembly and the installation is approved by the Approving Authority.
- G. Obtain a permit from the Approving Authority for any private well or other private auxiliary water supply. The Approving Authority may require the owner to install a backflow prevention assembly installed if a private water source is maintained, even if it is not cross connected to the city's water system.
- H. Advise the Approving Authority of any plumbing installed to provide potable water for domestic purposes which is on the city's side of the backflow prevention assembly.
- I. Pay all fees for permits and testing.
- J. Where backflow prevention assemblies are installed, have certified inspections and operational tests made at least once (1) per year. In those instances where the Approving Authority deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the owner. Operational test shall be performed by a Certified Assembly Testing Technician.
- K. Install two (2) backflow prevention assemblies in parallel if uninterrupted water service is desired during testing or repairing.
- L. After having been notified by the Approving Authority of a requirement for a backflow prevention assembly, shall submit within the time specified by the Approving Authority, installation plans for approval and install an approved backflow prevention assembly at their expense; and, failure, refusal, or inability on the part of the customer to install, maintain, and have tested, any and all backflow prevention assemblies on their property shall constitute grounds for discontinuing owner's water service until such requirements have been satisfactorily met.

- M. Insure that only personnel licensed by the state as certified assembly repair technicians accomplish installations, repairs, and maintenance on domestic backflow prevention assemblies. Assemblies for fire protection lines tapped from domestic service lines shall meet the same criteria.
- N. Insure that only personnel licensed by the state to install backflow prevention assemblies, who are Certified Assembly Repairman Technicians accomplish repairs, maintenance and installation of designated fire protection service line backflow prevention assemblies. (Ord. No. 330, Sec. IV.)

10.12.05 Retrofit of backflow preventers on domestic and fire service lines

- A. Existing cross-connection control devices are not required to be replaced if they are not equipped with the necessary test cocks. If any such device is relocated, or requires more than minimal maintenance, the final backflow preventer shall meet current requirements. However, the Approving Authority may require replacement of the device if it determines that the operation or maintenance of existing device constitutes a hazard to health. Devices shall be removed when directed by the Approving Authority to facilitate the installation of a required backflow prevention assembly.
- B. All presently installed backflow prevention assemblies which do not meet the requirements of this program 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, be excluded from the requirements of these rules so long as the Approving Authority 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 Approving Authority finds that the operation or maintenance of this assembly constitutes a hazard to health, the assembly shall be replaced by an approved backflow prevention assembly.
- C. When installation of an approved backflow prevention assembly is required it shall be installed adjacent to the meter on the owner's side. Any devices existing at this location shall be removed to facilitate installation of the required backflow prevention assembly. (Ord. No. 330, Sec. V.)

10.12.06 New construction New construction plans shall be submitted to the Approving Authority prior to desired installation date. Plan submission shall include detailed information as required by the Approving Authority. No building permit shall be issued without Approving Authority's approval of plans. No water service will be provided without final inspection of plumbing system. (Ord. No. 330, Sec. VII.)

10.12.07 Approved backflow prevention assembly Any backflow prevention assembly required shall be a model and size approved by the Arkansas State Department of Health and the Approving Authority. (Ord. No. 330, Sec. VIII.)

10.12.08 Periodic testing

- A. RPZAs, DCVAs shall be tested and inspected at least once (1) annually. Periodic testing shall be performed by a Certified Assembly Testing Technician at the owner's expense.
- B. Any backflow prevention assembly which fails a performance test shall be repaired or replaced. Upon completion of the necessary repairs, the owner shall cause the backflow prevention assembly to be retested to insure correct operation. Water service may be discontinued if an RPZA fails a test and cannot be repaired immediately. Copies of all repair, maintenance, testing, and retesting reports shall be submitted to the Approving Authority.
- C. Backflow prevention assemblies will be tested more frequently than specified in Subsection (A) above, in cases where there a history of test failure and the Approving Authority determines that due to the degree of hazard involved, additional testing is warranted. Owner shall initiate testing and bear the cost of the additional tests. (Ord. No. 330, Sec. IX.)

10.12.09 Temporary use backflow prevention assemblies

- A. When using a public fire hydrant as a temporary water source, it shall be protected by a RPZA. The water user shall use a RPZA and a flow meter, which shall be obtained from the Approving Authority. The water user shall be charged a deposit for the RPZA and meter. In addition, water user shall pay for water usage. The Approving Authority shall install the RPZA and meter. The water user will notify the Approving Authority to disconnect the RPZA and meter and return it when no longer needed or at the end of one (1) year, whichever is sooner. If the RPZA and/or meter is lost or stolen the initial deposit shall be forfeited. RPZAs and meters shall only be used at the site for which initially intended.
- B. The connection of a newly-installed water distribution system to an existing city water main shall be through an approved backflow prevention assembly. The backflow prevention assembly shall be placed where it will have the least impact on traffic. The removal of the meter and assembly shall be allowed only after construction has been accepted by the Approving Authority. Any necessary taps may be made, however only one (1) tap shall be physically connected to the newly constructed water distribution system. All other new distribution water lines shall be terminated with a plug pending acceptance by the Approving Authority, at which time they may be connected to the city mains. (Ord. No. 330, Sec. X.)

10.12.10 Reporting requirements The owner shall be responsible for properly filing reports with the Approving Authority for each required backflow prevention assembly. DDCVAs and DRPZAs are composed of two (2) unique assemblies: each requires the submission of a report. In addition to administrative reports, any failure, removal, modification or replacement of an RPZA or suspected backflow shall be reported immediately by telephone to the Approving Authority. Repair, maintenance, replacement and performance test reports shall be filed within two (2) calendar days. (Ord. No. 330, Sec. XI.)

10.12.11 Records The owner shall maintain records for each assembly. Installation drawings, manufacturer, model, serial number, date installed, copy of current permit, schedule of preventive maintenance and technical data are the minimum record requirements. (Ord. No. 330, Sec. XII.)

10.12.12 Protection of backflow prevention assemblies No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the backflow prevention assembly. No person, without first obtaining written consent from the Approving Authority, shall cover a backflow prevention assembly vault with earth or pavement, or otherwise render it inaccessible. (Ord. No. 330, Sec. XIII.)

10.12.13 Power and authorities of inspectors The Approving Authority, representatives retained by the city 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 and testing to verify adherence to the provisions of this chapter. The Approving Authority or their designated 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 determination of the degree of hazard. Authorized personnel shall have authority to inspect and copy records pertaining to the threat of a hazard to the city water system.

An owner may request that specific information which must be submitted to the Approving Authority be kept confidential. A statement notifying the owner that the information submitted will be available to the public without restriction, shall be included on each questionnaire. The statement also notifies the owner that the Approving Authority will follow the requirements of 40 CFR 2, in its evaluation and approval or denial of each owner's request for confidentiality. (Ord. No. 330, Sec. XIV.)

10.12.14 Variance

- A. Request for deviation or relief from any of the provisions of this program shall be submitted in writing to the Approving Authority. The Approving Authority shall not deviate from the provisions of this chapter, but may grant a variance in areas not addressed by ordinance if not in conflict with the spirit and intent of the Cross-Connection Control Program. Request for use of other than approved backflow prevention assemblies shall be accompanied by technical data.
- B. No action shall be taken on the part of the owner to proceed with any construction or installation of which a request for deviation has been submitted, without the written permission of the Approving Authority. (Ord. No. 330, Sec. XV.)

10.12.15 Penalties

- A. Any owner determined to be guilty of a violation of any provision of this chapter shall be deemed guilty of a misdemeanor and shall be subject to the penalties and fines set forth in the city code.
- B. Any owner found in violation of any of the provisions of this chapter shall be served by the Approving Authority with written notice stating the nature of the violation, describing the penalty applicable to 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. The owner may deliver by certified mail to the Approving Authority, within five (5) days of receipt of such notice, a written request for a hearing before the Approving Authority at which hearing the owner shall be given an opportunity to show cause why the notice should be rescinded or modified.
- C. A notice issued pursuant to this subsection may provide one (1) or more of the following penalties:
 - 1. An administrative penalty of not more than One Thousand Dollars (\$1,000.00) for each violation of the chapter, and each day of a continuing violation may be deemed a separate violation; and,
 - 2. A compliance directive with time schedule mandating procedures which would bring the owner into compliance with this chapter within the designated time schedule, or termination of water service upon non-compliance with the compliance directive with schedule.

- D. The Approving Authority shall utilize this chapter and the Cross-Connection Program, which is adopted by the Clarksville City Council on the effective date of this chapter, and confirmed hereby, in (1) the initial issuance of penalties set forth in notices issued pursuant to this subsection, and (2) in the administrative adjustment or amendment to any such penalty as a result of a hearing requested by the owner pursuant to the provisions of this subsection. No action shall be final until the Approving Authority has given notice of and conducted the show cause hearing provided for the Enforcement Response Plan, unless it has been determined that to continue to provide water service would endanger the public health, due to possible contamination of the city water system. This situation would constitute grounds for immediate termination of applicable water service to the property.
- E. Any person violating the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.
- F. The listing of penalties in this section shall not preclude other appropriate judicial remedies available with reference to any violation of this chapter. In particular, the city may petition any equitable relief by reason of a violation. No judicial action against an owner to collect a civil penalty for violation shall be commenced without a majority vote of the City Council of the city of Clarksville. (Ord. No. 330, Sec. XVI.)