

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 who 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	Meters, 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:

		<b>2002</b>	<b>2003</b>	<b>2004</b>
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](http://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 Meters, fees That the facilities or services afforded by the system shall be furnished to the customer through a meter of all buildings, both public and private. In the case of apartment houses, multi-family dwelling, motels or trailer courts that are master metered, the sewer charge shall not be less than the minimum charge per unit multiplied by the number of units served by such master meter.

The Clarksville Light and Water Commission is empowered to establish a service connection charge for residential customers. The service charge shall not be less than Seventy-Five Dollars (\$75.00) nor more than One Hundred Fifty Dollars (\$150.00) per connection within the city limits of the city of Clarksville, Arkansas, and shall not be less than One Hundred Fifty Dollars (\$150.00) nor more than Three Hundred Dollars (\$300.00) per connection outside the city limits of the city of Clarksville, Arkansas, as established by a majority vote of the Clarksville Light and Water Commission.

The service connection charge for each industrial and commercial consumer shall equal installation costs of connection, but in no case shall the service connection be less than One Hundred Fifty Dollars (\$150.00) per connection inside the city limits of the city of Clarksville, Arkansas, and Three Hundred Dollars (\$300.00) per connection outside the city limits of the city of Clarksville, Arkansas. (Ord. No. 307, 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 15<sup>th</sup> and ending with March 15<sup>th</sup>. 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:  $ci = (co)(ci) + (bo)(bi) + (so)(si)$  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 &amp; 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

	<b><u>Within the city limits of Clarksville</u></b>	<b><u>Outside the city limits of Clarksville</u></b>
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 (15<sup>th</sup>) 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 (30<sup>th</sup>) 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 is empowered to establish a service connection charge for residential consumers. The service charge shall not be less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) per connection for a ¾ “ meter as established by a majority vote of the Light and Water Commission.

The service connection charge for larger meters whether for residential, commercial or industrial shall be as follows:

One (1”) inch	\$205.00
One and one-half (1 ½ “) inch	\$500.00
Two (2?) inch	\$525.00

The service connection charge for each industrial and commercial consumer shall equal the actual installation cost of connection but in no case shall the service connection be less than One Hundred Dollars (\$100.00) for a ¾ “ meter.

- 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 (15<sup>th</sup>) 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 (15<sup>th</sup>) 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:

10.12.01	Purpose
10.12.02	Definitions
10.12.03	Approving authority
10.12.04	Owner responsibilities
10.12.05	Retrofit of backflow preventers on domestic and fire service lines
10.12.06	New construction
10.12.07	Approved backflow prevention assembly
10.12.08	Periodic testing
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10.12.10	Reporting requirements
10.12.11	Records
10.12.12	Protection of backflow prevention assemblies
10.12.13	Powers and authorities of inspectors
10.12.14	Variance
10.12.15	Penalties

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.)