

ORDINANCE NO. 2003-12

AN ORDINANCE FOR THE TOWN OF ELM SPRINGS SEWERAGE SYSTEM REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEM, PROVIDING PENALTIES FOR VIOLATION THEREOF AND DECLARING AN EMERGENCY..

THE COUNCIL OF THE TOWN OF ELM SPRINGS, AR ORDAINS AS FOLLOWS:

SECTION 1. DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Sec. 1.001. APHA: American Public Health Association
- Sec. 1.002. ASTM: American Society for Testing and Materials
- Sec. 1.003. AWWA: American Water Workers Association
- Sec. 1.004. Board: The Sewer Committee of the Town of Elm Springs, AR
- Sec. 1.005. Building drain: that part of the lowest horizontal piping of a drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning immediately outside the building wall.
- Sec. 1.006. Connection fee: the fee charged for connection to the system including a proportionate share of the cost for constructing the System plus the average cost for materials and labor in making the actual connection and other costs as determined by the Board.
- Sec. 1.007. County: Washington County, Arkansas
- Sec. 1.008. EPA: Environmental Protection Agency
- Sec. 1.009. Easement: an acquired legal right for the specific use of land owned by others.
- Sec. 1.010. Electrical service: circuit used exclusively for the pumping facilities in the interceptor tank.
- Sec. 1.011. Final assessment order: that order entered by the Board pursuant to

establishment of sewer service and connection fees.

Sec. 1.012. Floatable oil: oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Sec. 1.013. Garbage: the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Sec. 1.014. Elm Springs Sewerage System: that pressure sewer system installed and subsequent extensions thereof by the Town of Elm Springs, AR pursuant to the order entitled "A Ordinance Amending the Building Code to Require Water Tight Septic Systems to be installed in all new installations and any replacements, adopting the emergency clause and for other purposes" and dated October 1, 2001.

Sec. 1.015. Industrial wastes: the wastewater from industrial processes, trade, or businesses as distinct from domestic or sanitary wastes.

Sec. 1.016. Interceptor tank: a septic tank-like structure which contains facilities for pumping effluent or a vault containing a grinder pump.

Sec. 1.017. May: is permissive.

Sec. 1.018. Natural outlet: any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 1.019. Owner: also includes purchaser under land sale contract.

Sec. 1.020. Person: any individual, firm, company, association, society, corporation, or group.

Sec. 1.021. pH: the logarithm of the reciprocal of the hydrogen—ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

Sec. 1.022. Practical route: that route determined by the Superintendent to be economically feasible.

Sec. 1.023. Properly shredded garbage: the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the building drain with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

Sec. 1.024. Public sewer: The Town of Elm Springs Sewerage System also referred to as System, including interceptor tanks, pumping facilities, service lines, system piping and control panels.

Sec. 1.025. Sanitary sewer: a sewer that carries liquid and water carried wastes from the residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Sec. 1.026. Service fees: the fees, normally monthly, levied for operation and maintenance of the System.

Sec. 1.027. Service lines: Piping installed on property to connect the interceptor tank serving the structures thereon to the system piping. Unlike a lateral of a main or a main, service lines are not designed or intended to receive effluent flow from structures other than those structures with wastewater plumbing existing on the property when the lines were installed.

Sec. 1.028. Sewage: the spent water of a community. The preferred term is "wastewater".

Sec. 1.029. Sewer: a pipe or conduit that carries wastewater or drainage water.

Sec. 1.030. Shall: is mandatory.

Sec. 1.031. Slug: any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow shall adversely affect the collection system or performance of the wastewater treatment works.

Sec. 1.032. Storm drain (or "storm sewer"): a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Sec. 1.033. Superintendent: The Town of Elm Springs, AR or it's authorized deputy, agent or representative.

Sec. 1.034. Suspended solids: total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater".

Sec. 1.035. System: See Sec. 1.014.

Sec. 1.036. System piping: the main transmission lines and its laterals which collect wastewater from service lines.

Sec. 1.037. Unpolluted: water of quality equal to or better than the effluent criteria in

effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Sec. 1.038. WEF: Water Environment Federation

Sec. 1.039. Wastewater: the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

Sec. 1.040. Wastewater facilities: the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent. Wastewater facilities include the interceptor tanks, pumping facilities, service lines, system piping and control panels.

Sec. 1.041. Wastewater treatment works: an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

Sec. 1.042. Water course: a natural or artificial channel for the passage of water either continuously or intermittently.

Sec. 1.043. Vacant property: property with no houses located upon it or property which has a building or structure upon it but such building or structure does not have plumbing.

SECTION 2. USE OF PUBLIC SEWERS REQUIRED

Sec. 2.001. It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, from any house, building or structure located within the City Limits of Elm Springs.

Sec. 2.002. Except as hereinafter provided, it shall be unlawful to construct or use any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Sec. 2.003. The City shall endeavor to provide access to the System at the property line of each residence or business generating wastewater. Structures existing at the time of adoption of this ordinance may connect at any time and shall connect upon failure or expansion of their existing system. The owners of all property within the boundaries of the Town of Elm Springs, AR are hereby required, in accordance with the provisions of this ordinance and within 60 days after date of official notice to do so, to connect the wastewater plumbing of any house, building, or structure subsequently

developed, to the System .

Sec. 2.004(a). Proceedings to extend system piping to an owner or owners of property within the boundaries of the Town of Elm Springs, AR who did not connect the wastewater plumbing of any house, building or other structure to the system because the system piping was not provided at the property line may be initiated by the Board by resolution or by a petition to the Board. Provided, however, that such owner or owners may request the superintendent for connection to the existing system by a service line or lines. If such request is granted the requesting owner shall pay the prevailing connection fee plus the actual costs of installing any piping beyond the system piping. If the superintendent determines, however, that extension by service lines is unfeasible or otherwise unwarranted because an extension of system piping is called for, he shall not grant the request and advise the requesting owner or owners to petition the Board for an extension of system piping.

Sec 2.004(b). The Board may extend system piping beyond the boundaries of the Town if, after hearing, it finds such extension conforms to any applicable comprehensive land use plan.

SECTION 3. PRIVATE WASTEWATER DISPOSAL

Sec. 3.001. Where a public sanitary sewer is not available under the provisions of Sec. 2.003, the building sewer shall be connected to a private wastewater disposal system complying with the subsurface sewage disposal provisions of the State of Arkansas and appropriate ordinances of the Town of Elm Springs, AR.

Sec. 3.002. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days after official notice to do so in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities not utilized in the connection to the public sewer shall be cleaned of sludge and filled with suitable material or removed or crushed.

SECTION 4. SEWER, CONNECTIONS AND DESIGN

Sec. 4.001. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

Sec. 4.002. There shall be three classes of written permits:

Sec. 4.002(a). Single family residential;

Sec. 4.002(b). Commercial, multi-family including mobile home parks or any other service which will use an interceptor tank utilized by more than one building, structure, or

mobile home or which will have a flow exceeding the equivalent flow of a single family residence;

Sec. 4.002(c). Establishments producing industrial wastes. The owner(s) or his agent shall make application on a special form furnished by the Sewer Committee. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent or as required in Sec. 4.015 and shall be accompanied by a properly executed easement approved by the superintendent which permits access by the Town to owner's property for the purpose of installing, constructing, maintaining, and inspecting service lines, interceptor tanks and control panels serving the owner's property.

Sec. 4.003. No permit shall be issued under Sec. 4.002 for vacant property until the final assessment order is made.

Sec. 4.004. All costs and expenses incidental to the installation and connection of the building sewer and electrical service shall be borne by the owner(s). Said connection shall normally be made at the property line or as outlined in Sec. 2.004(a). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4.005. A separate and independent 30 amp electrical service shall be provided by the owner at every interceptor tank.

Sec. 4.006. Existing building sewers may be used in connection with new buildings only when they meet all requirements of the applicable plumbing code.

Sec. 4.007. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the State of Arkansas. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM, EPA, AWWA and WEF Manuals shall apply.

Sec. 4.008. 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 interceptor tank, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 4.009. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the superintendent in writing for purposes of disposal of polluted surface drainage. Otherwise, no infiltration or inflow shall be permitted.

Sec. 4.010. The connection of the building sewer into the interceptor tank shall conform to the requirements of the applicable plumbing code. All such connections shall be made gas tight and water tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

Sec. 4.011. The applicant for the sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the interceptor tank. The connection and testing shall be made under the supervision of the superintendent or his representative.

Sec. 4.012. All excavations for 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 Town. Street crossings shall be made in accordance with the City Minimum Street Standards.

Sec. 4.013. Plumbing within newly constructed houses, buildings, or structures shall be so oriented unless otherwise approved by the Superintendent as to allow the building sewer to stem from the side closest to the system piping.

Sec. 4.014. Every building, residence, or structure located on a single parcel of property may have a common interceptor tank of adequate capacity. Upon sale of a subdivided or partitioned parcel with a house, building, or structure without an interceptor tank located on the parcel after division, an interceptor tank, control panel and proper piping shall be installed so that each parcel has independent sewerage facilities.

Sec. 4.015. With each application for a class 4.002(b) or 4.002(c) permit or for an application to provide sewers to a subdivision the applicant shall submit one set of plot plans showing the general layout of the proposed development at a scale no smaller than 1"=100' and showing the following:

- (i) Name of owner and applicant
- (ii) Name of person who prepared plans
- (iii) Scale used
- (iv) Property line and both existing and proposed layout.
- (v) Building sewers or sewer connections and their distance from system piping (See Sec. 4.013)
- (vi) Existing and proposed water lines and other underground utility lines
- (vii) Buildings
- (viii) Streets and easements
- (ix) Existing private sewage disposal systems.
- (x) Topographic information based on 2ft contours if requested
- (xi) Building setback lines.

SECTION 5. USE OF PUBLIC SEWERS

Sec. 5.001. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.

Sec. 5.002. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

Sec. 5.002(a). Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

Sec. 5.002(b). Any waters containing toxic or poisonous solids, liquids, or gases in sufficient concentration, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater facilities.

Sec. 5.002(c). Any waters or wastes having a pH lower than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities.

Sec. 5.002(d). Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, grease, diapers, cigarettes, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Sec. 5.002(e). Ceramic dusts or particles or other abrasive substances.

Sec. 5.002(f). Any water received through infiltration or inflow.

Sec. 5.003. The following described substances, materials, waters, or waste shall be limited in discharges to the System to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and

other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Sewer Committee are as follows:

Sec. 5.003(a). Wastewater having a temperature higher than 150°Fahrenheit (65°Celsius).

Sec. 5.003(b). Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

Sec. 5.003(c). Wastewater from industrial plants containing floatable oils, fat, or grease.

Sec. 5.003(d). Any garbage that has not been properly shredded (See Sec. 1.023).

Sec. 5.003(e). Garbage grinders are discouraged.

Sec. 5.003(f). Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Sewer Committee for such materials.

Sec. 5.003(g). Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Sewer Committee.

Sec. 5.003(h). Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Sewer Committee in compliance with applicable state or federal regulations.

Sec 5.003(i). Quantities of flow, concentrations, or both which constitute a "slug" as defined in Sec. 1.031.

Sec. 5.003(j). Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 5.003(k). Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Sec. 5.004. 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 Sec. 5.003, and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

Sec. 5.004(a). Reject the wastes;

Sec. 5.004(b). Require pretreatment to an acceptable condition for discharge to the public sewers;

Sec. 5.004(c). Require control over the quantities and rates of discharge;

Sec. 5.004(d). Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Sec. 5.009.

When considering the above alternatives, the superintendent shall give consideration to the economic impact of each alternative on the discharger. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent.

Sec. 5.005. 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 floatable grease in excessive amounts as specified in Sec. 5.003(c) or any flammable wastes, sand, or other harmful ingredients. 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. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms. Any cleanup that shall be necessarily cleaned by the City shall be done at the owner's expense.

Sec. 5.006. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

Sec. 5.007. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Sec. 5.008. The superintendent may require an applicant or holder of a class 4.002(b) or 4.002(c) permit to provide information needed to determine compliance with this ordinance. These requirements may include:

Sec. 5.008(a). Wastewaters discharge average and peak rate and volume over a specified time period.

Sec. 5.008(b). Chemical and biological analysis of wastewaters sampled at specified times, locations, durations and frequencies.

Sec. 5.008(c). Information on raw materials, processes, and products affecting wastewater volume and quality.

Sec. 5.008(d). Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

Sec. 5.008(e). A plot plan of sewers on the user's property showing sewer and pretreatment facility location.

Sec. 5.008(f). Details of wastewater pretreatment facilities.

Sec. 5.008(g). Details of system to prevent and control the losses of materials through spills to the public sewer.

Sec. 5.009. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the APHA. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the superintendent.

Sec. 5.010. No statement contained in Section 2 Use of Public Sewers Required shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment.

SECTION 6 PROHIBITIONS

Sec. 6.001. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities or drive a motor vehicle over any interceptor tank.

Sec. 6.002. No person shall excavate within any area subject to a recorded easement granting the Town access and installation rights for wastewater facilities without first obtaining a permit to do so from the superintendent.

SECTION 7 POWERS AND AUTHORITY OF INSPECTORS

Sec. 7.001. The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 7.002. The superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities 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.

SECTION 8 SERVICE AND CONNECTION FEES

Sec. 8.001. Service fees shall be established by the Board and shall be charged to owners or purchasers under land sale contracts of property having wastewater plumbing in houses, building or structures connected to the system. Service fees shall begin when wastewater flow from property is processed by treatment facilities and be due and payable to the Town on dates and in an amount determined by the Board.

Sec. 8.002. A connection fee shall be charged to owners or purchasers under land sale contracts for connection to the System. Connection fees for properties described in the final assessment order shall be those fees for which the property owners are assessed as set forth in such order. Connection fees for all connecting to the System or required to connect to the System shall be established by order of the Board and shall consist of an EDU fee based on the estimated flow from the house, building or structure being connected as expressed in terms of the flow of the equivalent of an average single family dwelling unit (EDU) or whole multiples thereof plus a hookup fee to cover average actual hookup costs for a labor and materials. Connection fees for houses, buildings or structures may also contain an additional charge for every foot the interceptor tank is located beyond the system piping.

Sec. 8.003. Individual connection fees described in Sec. 8.002 or service fees may be raised by order of the superintendent, after hearing, when the superintendent finds that the actual wastewater flow from the house, building or structure is substantially in excess of the flow specified in the permit required by Sec. 4 or when the final assessments were made. Before raising a fee the superintendent shall notify in writing the person responsible for the fee or assessment of the intended increase. This notice shall contain the reasons for and the amount of the increase and the time, date and place the

superintendent will hear the matter. In raising the connection fee or assessment the superintendent shall take into consideration the amount of the initial fee, the cost of a connection fee at the time of the hearing, and the cost of any non-salvageable facilities installed. Any increase in fees shall be added by Board order and be payable under the provisions of this Ordinance. Any increase in connection fees shall be immediately due and payable. In lieu of raising the fee or assessment the superintendent may allow the person responsible for such fee to have the choice of reducing the flow to correspond to the flow indicated on the final permit. In such case flow shall be reduced within 30 days of the superintendent's order. If flow is not reduced and remained reduced for a period of 9 months after the order, the fee or assessment may be raised without further hearing.

After the final fee order is made, any owner or contract purchaser of property within the boundaries of the system may purchase as many additional class 4.002(b) or 4.002(c) connections as he desires for present and anticipated needs. The cost of such additional connections shall be the prevailing cost of an EDU fee (see Sec. 8.002). Hookup fees shall be paid at the time the actual connection is made and the cost shall be the prevailing fee at the time such connection is made.

Sec. 8.004. Individual connection fees described in Sec. 8.002 or service fees may be reduced by order of the Sewer committee when the superintendent determines:

Sec. 8.004(a). That the actual wastewater from the house, building or structure is substantially below the flow specified on the permit required in Sec. 4 or on final fee order;

Sec. 8.004(b). Or that an owner or purchaser under land sale contract who requested in writing an assessment for vacant property and such property was assessed pursuant to the final fee order was unable to obtain a building permit because of restrictions imposed by statute, ordinance or other governmental regulation;

Sec. 8.004(c). Or that the use for which the fee or assessment was based upon is changed and such use will utilize a substantially lesser sewage flow;

Sec. 8.004(d). Or that the structure for which the assessment was made or fee was established has been destroyed or removed and will not be rebuilt or replaced.

In order to reduce an assessment or fee the owner or contract purchaser of the property affected shall request the superintendent in writing for such reduction and give reasons therefore. The Sewer Committee shall then either grant the request or hold a hearing concerning such request. If a reduction for a connection fee or assessment is to be granted the Sewer Committee shall take into consideration the amount of the initial fee, the cost of a connection fee at the time of the hearing, the cost of any non-salvageable and salvageable facilities that have been installed and the number of years the facilities have been used.

If the assessment or connection fee is reduced the superintendent shall refund the difference in cash or cause the Board to enter an order to reduce the assessment if such assessment has not yet been paid. In no case may a fee or assessment be reduced below

the cost or flow of one EDU unless such reduction is a result of Section 8.004(b) or 8.004(d).

Sec. 8.005. Unpaid service or connection fees shall become a lien upon the real property upon which the house, building or other structure is connected or is required to be connected to the System.

Sec. 8.006. Electricity necessary to operate the interceptor tank pump shall be paid by the owner or contract purchaser.

SECTION 9 APPEALS PROCEDURE

Sec. 9.001. Any person aggrieved by a ruling under or interpretation of the provisions of this ordinance may submit a written appeal to the superintendent. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is sought, the nature of the impact of the ruling on appellant's property or business together with any other reasons for the appeal.

Sec. 9.002. The superintendent shall submit such appeal together with his recommendations to the Sewer Committee which shall forthwith appoint a committee of three members of the Sewer Committee to study the matter, hear testimony if deemed necessary, and submit recommendations and the findings and reasons for such recommendations to the full Sewer Committee within thirty days.

Sec. 9.003. The Sewer Committee shall consider the matter and prepare a written decision summarizing the findings and the ruling of the Sewer Committee which shall be sent to the appellant.

Sec. 9.004. In the event that the appellant considers that his grievance has not been handled to his satisfaction by the appointed committee, he may apply within thirty days from the date of the written decision to the full Sewer Committee for an independent review of his case . A copy of such application shall be sent to the appointed committee which shall forward to the full Sewer Committee its entire file on the case for review and decision. The full Sewer Committee shall make an independent review of the case and shall, in not more than thirty days from receipt of the appeal prepare a written decision on the matter which shall be sent to the applicant and to the appointed committee.

Sec. 9.005. Decisions of the Sewer Committee shall be accessible for review by the public.

Sec. 9.006. Conformance with this order shall in no way be a substitute for or eliminate the necessity of conforming with any and all state and county laws, ordinances and rules and regulations which are now or may in the future be in effect relating to the public health.

SECTION 10 PENALTIES

Sec. 10.001. If any person shall construct a public sewer, private sewer or building sewer in violation of this ordinance, the superintendent may issue an order to such person to stop work in progress which is not then in compliance with this ordinance or the superintendent may issue an order to correct work which has been performed. Such person shall forthwith take such action as may be necessary to comply with such order and with this ordinance, all at the expense of such person.

Sec. 10.002. The superintendent may order the owner of any property from which discharges prohibited by Section 5 are entering any sewer to correct such condition. The superintendent shall first give written notice of such prohibited discharge to the person, and only if such person fails to correct such condition within thirty (30) days after receipt of such notice, may the superintendent enter upon such property and remove or close sewer connections as hereinafter provided.

Sec. 10.002(a). Any person discharging any material deemed to be dangerous, injurious to treatment process, hazardous to any person, structure or treatment unit may be subject to immediate discontinuance of sewer service without prior notice at the discretion of the superintendent. The superintendent shall have the right to enter upon the person's property to remove or close sewer connections as hereinafter provided.

Sec. 10.003. Service fees levied in accordance with this ordinance shall be a debt due to the Town. If this debt is not paid within thirty (30) days after it shall be due and payable, it shall be deemed delinquent and may be recovered with penalties by civil action in the name of the Town against the property owner, the person or both.

Sec. 10.004. In the event of failure to pay service fees after they become delinquent, failure to cease discharging to the sewer substances prohibited by this ordinance, the superintendent shall have the right to remove or close sewer connections, and enter upon the property for accomplishing such purposes.

The expense of such removal, or closing, any penalties as well as the expense of restoring service, shall likewise be a debt due to the Town and may be recovered by civil action in the name of the Town against the property owner, the person, or both.

Sec. 10.005. Sewer service shall not be restored until all charges, including the expense of removal, closing, penalties, and restoration, shall have been paid and the cause for discontinuance of service corrected.

Sec. 10.006. Change of ownership of occupancy of premises found delinquent shall not be cause for reducing or eliminating these expenses.

Sec. 10.007. Any person found to be violating any provision of this ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within

the period of time stated in such notice, permanently cease all violations.

Sec. 10.008. Any person who shall continue any violation beyond the time limit provided for in Section 10.002 or the time limit provided in the written notice required by this Section shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

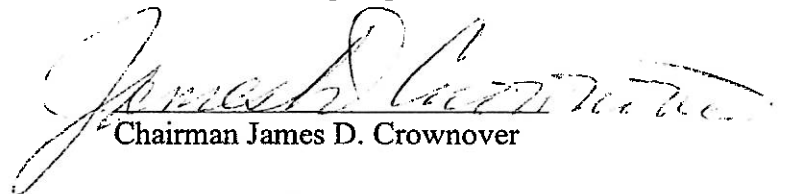
Sec. 10.009. Any person violating any of the provisions of this ordinance shall be liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

Sec. 10.010. The Town reserves the right to injunctive relief against violation of any of the provisions of this ordinance.

SECTION 11 EMERGENCY

Sec. 11.001. Whereas, it is necessary for this Ordinance to become effective for the immediate preservation and protection of the public peace, health, safety, and general welfare of Town of Elm Springs, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY the Sewer Committee of Elm Springs, Arkansas
on the 18 day of August 2007. 3


Chairman James D. Crowover

PASSED AND APPROVED BY the City Council of Elm Springs, Arkansas on
the 18 day of August 2007. 3


Mayor Ed Thiess

JANE WATERS, MAYOR

ATTEST:


Recorder/Treasurer

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Glenda Petrus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2003-12 (the "Sewer Ordinance") was, on the 20th day of August, 2003,³ duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 20th day of August, 2003.³

Jane Waters

Mayor

Glenda Petrus

City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 19th day of Aug, 2003.³

Linda L. McVittie

Notary Public

My Commission Expires:

8-24-08

