

ORDINANCE NO. 2016-04

CITY OF ELM SPRINGS, ARKANSAS

**AN ORDINANCE TO AMEND THE RULES AND REGULATIONS  
FOR CONNECTING TO SEWER IN ELM SPRINGS, ARKANSAS,  
AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council has determined that the onset of growth and development has made it necessary to amend the sewer connection rules and regulations; and,

**WHEREAS**, after much study, discussion and consideration of the current situation with the Elm Springs sewer plant, and in consideration of anticipated residential growth, the Sewer Committee has recommended that the City Council amend the rules and regulations which mandate connection to the sewer system upon failure or repair of an existing residential septic tank system within city limits; and,

**WHEREAS**, the City Council has been advised that the remaining capacity of the sewer system should be preserved to address anticipated development of residential lots which have been platted too small to accommodate septic systems, and therefore will have to be connected to the sewer system; and,

**WHEREAS**, in order to preserve the ability to accommodate residential development which is reasonably foreseeable and to most efficiently and effectively manage and allocate the limited resources currently available for sewer treatment in Elm Springs, the City Council agrees that the current mandate should be altered.

**THEREFORE, BE IT ORDAINED:**

Section 1. The requirement that structures which currently utilize septic systems connect to the Elm Springs sewer system is suspended. Structures in Elm Springs which currently utilize septic systems may continue to do so, until the Elm Springs City Council reinstates the sewer connection requirement. All structures which utilize septic systems must comply with all applicable laws, rules and regulations of the State of Arkansas, including, but not limited to Arkansas Department of Health Regulations.

Section 2. If an existing septic system in Elm Springs requires repair or replacement, the owner of the structure may connect to the Elm Springs sewer system, or, the owner may repair or replace the existing septic system, provided that, if a septic tank replacement is required, a tank compliant with the Elm Springs sewer system, as provided for in Elm Springs ordinances and as determined by the Elm Springs utility or sewer director, must be installed, so that future connection to the Elm Springs sewer system can be made. This determination shall be made by the Elm Springs utility or sewer director, in consultation with the Elm Springs Sewer Committee.

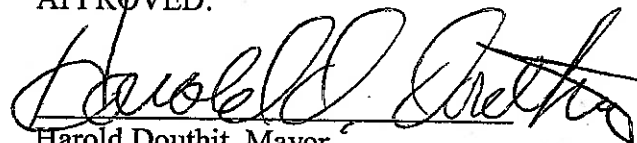
Section 3. If at any time a determination is made by the Arkansas Department of Health and the Elm Springs utility or sewer department that a septic system is not permissible to serve a structure in the City of Elm Springs, then that structure shall be required to connect to the Elm Springs sewer system.

Section 4. This ordinance is intended to alter the current sewer Elm Springs sewer system hookup requirement, and all previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

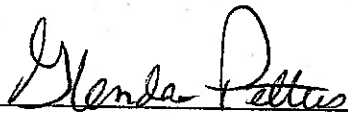
Section 5: The need to address the sewer situation in the City of Elm Springs is acute, and in order to protect the environment, health, safety and welfare of the citizens of Elm Springs, an emergency is declared, and this ordinance shall go into full force and effect immediately upon its passage.

PASSED THIS 21 DAY OF April, 2016

APPROVED:

  
Harold Douthit, Mayor

ATTEST:

  
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Harold Denton 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. 2016-04 (the "Amend Regulation Hooking to Sewer Ordinance") was, on the 22 day of April, 2016, 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 22 day of April, 2016.

Harold Denton  
Mayor

Glenda Petrus  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 22<sup>nd</sup> Day of April, 2016.

Miranda Taylor  
Notary Public

My Commission Expires:  
May 6, 2023

MIRANDA TAYLOR  
BENTON COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires May 06, 2023  
Commission No. 12394323