

## **TITLE 10**

### **WATER AND SEWER**

#### **Chapters:**

- 10.04 Sewer Regulations
- 10.08 Water and Sewer Commission and Department
- 10.12 Water Meters and Rates
- 10.16 Cross Connection Control Program
- 10.20 Construction on Holidays

#### **CHAPTER 10.04**

### **SEWER REGULATIONS**

#### **Sections:**

- 10.04.01 General provisions
- 10.04.02 Office of Sewer Inspector
- 10.04.03 Use of public sewers required
- 10.04.04 Private wastewater disposal
- 10.04.05 Building sewers and connections (general)
- 10.04.06 Installation, connection and abandonment
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- 10.04.08 Power and authority of control authority

#### **10.04.01 General provisions**

#### **Short Title:**

This Ordinance shall also be known as the Sewer Use Ordinance.

#### **Purpose and policy:**

- A. This ordinance sets forth the regulations governing the use of public and private sewers and drains, the discharge of wastes into the city of Pottsville wastewater collection system and to comply with all applicable federal, state and local laws and regulations.

## B. The objects of this Ordinance are:

1. To prevent the introduction of pollutants into the waters of the state.
2. To protect the health, welfare and safety of the citizens of the city of Pottsville from the improper disposal of sanitary wastes, garbage or other objectionable waste.
3. To provide regulations for the disposal of private sanitary waste, and to provide for the regulated use of the City of Pottsville's wastewater treatment and collection system.
4. To prevent the introduction of pollutants into the City's wastewater treatment and collection system which will interfere with the operation of the system or which will pass through the system inadequately treated.
5. To prevent any violation of the City's National Pollution Discharge Elimination System ("NPDES") Permit.
6. This Ordinance provides for the regulation of disposal and collection of domestic sewage through the issuance of permits, the enforcement of the proper disposal of domestic wastes and pollutants contained therein, and connection to and use of the City's wastewater collection system.
7. It is in the best interests of the City to clarify and update its existing Use Ordinance through the provisions of this Ordinance. It is further intended that this Ordinance shall take precedence over any term or condition of agreements or contracts of the City which are inconsistent with the provisions of this Ordinance, over any and all inconsistent terms and conditions of any previous Ordinance.

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

1. Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under laboratory conditions of five (5) days at 20 degrees centigrade and measured using approved analytical procedures. Expressed in mass loading or concentration.
2. Building Drain: That part of the lowest horizon piping of a drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

3. Building Sewer: The extension from the building drain to the collection system or other place of disposal, also called house connection.
4. City. The City of Pottsville or its City Council,
5. Control Authority: The operators of the City of Pottsville's water and wastewater treatment system.
6. Easement: An acquired legal right for the specific use of land owned by others.
7. Floatable Oil: Is oil, fat, or grease in a physical state that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.
8. Garbage: Animal and vegetable waste resulting from the handling, preparation, cooking as distinct from domestic or sanitary wastes.
9. Industrial Wastes: Wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
10. May is permissive; Shall is mandatory.
11. Natural Outlet: Any outlet, including storm sewers and combined sewer overflows, that discharges into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
12. Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
13. pH. A measure of the acidity of a liquid expressed as the negative logarithm (base 10) of the hydrogen ion concentration stated in Standard Units, "SU's."
14. 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 public sewers, with no particle greater than 2 inch in any dimension.
15. Publicly Owned Treatment Works ("POTW") A treatment works is defined as owned by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipe, sewers or other conveyances not connected to a facility providing treatment.

For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the City, users of the City's POTW.

16. POTW Treatment Plants: That portion of the POTW designed to provide treatment of wastewater.
17. Public Sewer: A common sewer controlled by the City.
18. Sanitary Sewer: A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not intentionally discharged.
19. Sewage: The spent water of a community. The preferred term is "wastewater."
20. Sewer: A pipe or conduct that carries wastewater.
21. Slug: Any discharge of waste or wastewater which in concentration of any given constituent or in quality of flow exceeds for fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.
22. Storm Drain: A drain or sewer (Sometimes termed "storm sewer") for conveying water, groundwater, subsurface water, or unpolluted water from any source.
23. Total Suspended Solids (TSS): The total concentration of matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, which is removable by laboratory filtering and measured using approved analytical procedures.
24. Unpolluted Water: 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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
25. Users: Any person who, directly or indirectly, contributes, causes or permits the contribution of wastewater into the City's POTW.
26. Wastewater: The liquid and water-carried industrial or domestic wastes from dwellings, commercial building, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
27. Wastewater Facilities: The structures, equipment, and process required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

28. 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" or POTW

29. Watercourse: A natural or artificial channel for the passage of water either continuously or intermittently. (Ord. No. 96-2, Sec. 1.)

10.04.02 Office of Sewer Inspector Creation, appointment and removal: The office of Sewer Inspector is hereby transferred to the direct control of the Control Authority. The office shall be filled by personnel appointed and under the direct control of the Control Authority.

It shall be the duty of the Sewer Inspector to inspect all connections made by any person of any sewer or drainage pipe with the public sewers of the city and to require all such connections to be made in accordance with the provisions of this article. It shall be his duty to inspect all such connections within a reasonable time after being called for such purpose by any person holding a permit for such connection. (Ord. No. 96-2, Sec. 2.)

#### 10.04.03 Use of public sewers required

##### General Prohibition:

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited on public or private property within the city or in any area under the jurisdiction or the city, any human excrement, garbage, or objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System Permit covering such discharges into a natural outlet shall be considered as meeting all requirements of this section.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required, at the owner's expense to install suitable toilet facilities therein, and to connect such facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of Ord. No. 96-2, within 180 days after the date of official notice to do so, provided that said public sewer is within 300 feet of the building.

Any person found to be violating any provisions of this ordinance shall be

served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided for in paragraph 2 shall be guilty of a misdemeanor and on conviction thereof, shall be fined in any amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this ordinance shall be come liable to the city for any expenses, loss, or damage occasioned the city by reason of such violation. (Ord. No. 00-2.)

- E. The Pottsville Water and Sewer Department shall begin billing all customers of the sanitary sewer system, connected or not to the sewer system, 30 days after the order to connect has been officially issued. (Ord. No. 96-2B.)

#### 10.04.04 Private wastewater disposal

- A. Where a public sanitary sewer is not available under the provisions of Section 3.1.d., the building sewer shall be connected to a private wastewater disposal system which meets the requirements of the Arkansas Department of Health and the Arkansas Department of Pollution Control and Ecology.
- B. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 3.1.d., a direct connection from the building shall be made to the public sewer within 30 days in compliance with this ordinance. The sludge will be removed from the existing tank and the tank then backfilled with gravel or soil.
- 3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City. (Ord. No. 96-2, Sec. 4.)

#### 10.04.05 Buildings sewers and connections (general)

- A. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Control Authority.
- B. There shall be two classes of building sewer permits; (a) for residential and commercial service, and (b) for services to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the Judgment of the Control Authority. A permit and inspection fee for residential or commercial permits and for industrial permits shall be paid to the Control Authority at the time the application is filed. No person shall



be eligible to obtain a permit for residential or commercial service unless he has a Master Plumber's License to do business under the laws of the State of Arkansas, or for a residence, the person is the owner residing at the residence and doing the construction himself. Fees shall be set forth in the City's Schedule of Charges and Fees.

C. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City and Control Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as a one building sewer.

E. Old building sewers may be used in connection with new buildings only when they are found, on examination, and tested at the owner's expense in a manner approved by the Control Authority, to meet all requirements of this Ordinance.

F. All new sewers and related construction work must be properly designed and constructed. For all collectors, interceptors, grease/grit trap and building sewers, the size, slope, alignment, material of construction, and the methods used for excavating, placing, jointing, testing, and backfilling, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, Control Authority and the State of Arkansas. The materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 (latest edition) shall apply.

G. Whenever possible, the building sewer shall be brought to the building at elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a pumping station, approved by the Control Authority, and discharged to the building sewer.

H. No person shall make or maintain connections of roof downspouts, foundation drains, area drains, or other sources of surface runoff, rainfall or groundwater to a building sewer or building drain which in turn is connected directly to the building sewer.

I. No person shall, without written approval of the Control Authority, construct a new building with the lowest floor elevation below the top of the nearest downstream manhole from the point of connection of the building's sewer system to the sewer main.

J. All connections into the public sewer shall conform to the requirements of the building and plumbing code or other applicable standard specification, rules and regulations of the City or Control Authority. In the absence of City or Control Authority rules and regulations, the specifications and procedures set forth in appropriate standard specifications of the ASTM and WEF Manual of Practice No. 9 (latest edition). All such connections shall be made gastight and watertight and shall be verified by proper testing.

K. All excavations for building sewer installation shall be adequately guarded with barricades and warning lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City and Control Authority.

L. The applicant for the building sewer permit shall notify the Control Authority when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Control Authority or its representative. (Ord. No. 96-2, Sec. 5.)

#### 10.04.06 Installation, connection and abandonment

##### Duties of Developer and Subdivider:

A. In the development of any addition to the City in which there is to be a sewer main constructed, the developer shall install on the sewer main a connection for house service at all lots or building sites in the addition or subdivision. The connection shall extend to the property line of each building site or lot and past any proposed hard surface street or, should no street be involved they shall extend from the sewer main to the property line of each building site or lot a distance of not less than four (4) feet from the sewer main.

B. In the event any lot or group of lots are subdivided to create an additional building site or sites, then the subdivider shall install a sewer tap on the building site or sites.

C. All house services shall be accurately located on the sewer construction plans and be delivered upon completion to the Control Authority in accordance with the Control Authority Standard Specifications.

##### Connection, Sewer Service - Specifications:

A. All connections with any public sewer shall be made with a sewer pipe of suitable size not less than four inches in diameter, inserted into a service stub connected to a "Y" or manhole. If there is no service stub in place, the individual making the connection



shall notify the Control Authority. The Control Authority shall install a service stub as required, for which the responsible developer or the individual shall be charged actual costs.

B. All house sewer service lines shall be of PVC gravity sewer pipe SDR-26, Schedule 40 PVC Pipe ASTM D 1785; or ductile iron gravity sewer pipe, ASTM 746; and when specified by an engineer, cast-iron soil pipe, ASTM A 74-75 or CISPI 301-72 cast-iron 301-72.

C. On all new house sewer service lines there shall be placed a sewer cleanout near the dwelling and should the house sewer service line extend more than ninety feet, a second cleanout plug shall be placed within ninety feet of the first cleanout plug. Further no line shall be constructed with a distance of more than ninety feet between cleanout plugs.

D. Should existing lines be cut for cleanout purposes at or near the property line, then a cleanout plug shall be installed at the place of the line cut.

E.

4. After the passage of this ordinance, all water line extensions shall be the same size as the line it is extending from unless said line is less than four (4) inches. If the water line that the extension is coming from is less than four (4) inches, then the extended line shall be at least four (4) inches.
5. Those property owners who feel they have a legitimate reason for not complying with this ordinance may request a variance with the Council. They may do this by placing their request on the agenda and presenting their case to the Council for their consideration. The Council, in turn, will determine whether they shall be required to comply with the ordinance by a majority vote. (Ord. No. 99-5, Secs. 1-2.)

#### Responsibility For Maintenance:

It shall be the property owner's responsibility to maintain the house sewer service line from the dwelling to the owner's property line. Also, the property owner shall be responsible for the cleanout of any stoppage of the sewer service line from the sewer main to the dwelling or other types of structures. The Control Authority shall be responsible for repairs of the sewer service line from sewer main to the property line. In the event of new construction where it is necessary to cross the street with the house service line, the property owner shall notify the Control Authority and the Control Authority shall give an estimate of cost to the property owner and upon the deposit of the estimate with the Control Authority. The Control Authority will proceed to extend the sewer service from main to customer's property line according to the Control Authority's specifications. Upon the completion of the line, should the estimate be too

high the balance will be refunded to the property owner, and should the estimate be too low the property owner shall reimburse the Control Authority for the balance.

Covering of excavation: Responsibility for Inspection:

A. It shall be unlawful for any person making a connection of any sewer or drain pipe to any of the public sewers to fill in or cover up the excavation made for such connection, until the connection from the sewer to the foundation of the structure connection has been inspected and approved by the sewer inspector, and approval endorsed by the inspector on the duplicate permit issued by the Control Authority.

B. The responsibility of having a sewer line ready for inspection and notifying the inspector shall rest upon the property owner and/or contractor.

Damages:

Any person who is engaged in making a connection of a sewer or drain pipe with any public sewer, who shall knowingly damage the main sewer pipe, by cracking, breaking or otherwise create an infiltration or inflow condition on the sewer system, shall be deemed guilty of a misdemeanor. If the person causing the damages, whether intentionally or otherwise, shall fail to repair or replace the damaged portion upon the request of the inspector, he shall be barred from making any other connections with any of the public sewers, and the Control Authority is hereby authorized to refuse him a permit and such person may be subject to criminal penalties or civil recovery as set forth herein.

Requirement of Permit: Requirement of Plumbers License:

It shall be unlawful for any person to make a connection of a sewer or drainage pipe with any public sewer without first having obtained a permit from the Control Authority. No person shall be eligible to obtain a permit unless the connection to the public sewer is performed by a plumber licensed under the laws of the State of Arkansas, except as noted in sub-section 5.2 of this Ordinance.

Permit Application, Contents of Permit, Reinspection:

A. When any person desires or is required to connect any building to the public sewers of the City, the person shall file an application for a permit with the Control Authority.

B. The permit application shall state:

1. When the connection is desired to be made;
2. The owner of the property to be connected;
3. The occupant of the property;
4. The person performing the construction;
5. The lot and property desired to be connected; and

C. Upon approval of the control Authority and the payment of an appropriate fee as set forth in the City's schedule of charges and fees, the Control Authority shall issue a permit to make the connection at the location stated in the application.

D. The permit will be substantially in the following form:

Permission is hereby granted to [person making the connection] to connect a sewer or drain pipe for [owner of property] with the public sewer at a point described in the application [location of connection, street address and lot, block, subdivision]. The connection shall be made in the manner required by the Arkansas State Health Department, and subject to the approval of the Control Authority.

E. After the connection is made, the pipe shall be bedded, tested according to the rules and regulations of the Control Authority, and the ditch left open. The plumber or person making the connection shall then call the Control Authority for an inspection. The inspector shall make every effort to make a prompt response. After the inspection is made, the inspector shall present a copy of the inspection tag to the person making the connection. In the event no one is there, the tag shall be left hanging in a conspicuous place.

F. In the event a second inspection is required of any connection due to the workmanship of the person making the connection, an additional fee will be paid as set forth in the City's schedule of charges and fees.

G. A duplicate of the permit shall, within five days after the connection has been made and approved, shall be filed with the Control Authority with the approval stated thereon. The Control Authority shall file and keep the permit. (Ord. No. 96-2, Sec. 6.)

#### 10.04.07 Use of Public Sewers - Prohibitions

##### Prohibited Discharges: (Ord. No. 2021-2, Exh. A)

A. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewers or to a natural outlet approved by the City.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create a hazard in the receiving waters of the wastewater treatment plant.
3. Any water or waste having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
4. Solids 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, oil, fat, grease, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ingrained garbage, whole blood, paunch, manure, hair and fleshings, entrails and paper dishes, cups, milk containers, egg shells, etc., either whole or ground by garbage grinders
5. Any substance which would preclude the selection of the most cost effective alternative for wastewater treatment and sludge disposal.
6. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Control Authority that such wastes can harm either the sewers, sewage treatment process, or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Control Authority will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:
  - a. Any liquid or vapor having a temperature higher than 150° F (65° C).
  - b. Any water or wastes containing fats, wax, greases, or oils, whether emulsified or not, in excess of 10 mg/l or containing substances which may solidify at temperatures between 32 and 150° F (0 to 65° C.)

c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Control Authority.

d. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Control Authority for such materials.

f. Any waters or wastes containing phenols or other tastes or odor producing substances, in such concentrations exceeding limits which may be established by the Control Authority as necessary, after treatment of the composite sewage to meet the requirements of the state, federal, or other public agencies of Jurisdiction for such discharge to the receiving waters.

g. Any radio-active wastes or isotopes of such half-life or concentration as may exceed limits established by the Control Authority in compliance with applicable state or federal regulations.

h. Any waters or wastes having a pH in excess of 9.5.

i. Materials which exert or cause; 1. Unusual concentrations of inert suspended solids (such as but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride, sodium sulfate). 2. Excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions). 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works. 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

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



D. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 7.1.C (6), and in which in the judgment of the Control Authority, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may: (a) reject the wastes, (b) require pretreatment to an acceptable condition for discharge to the public sewers, (c) require control over the quantities and rates of discharge, and/or (d) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges. If the Control Authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances and laws.

E. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Control Authority they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other handful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Control Authority and shall be located as to be readily and easily accessible for cleaning and inspection.

F. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

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

H. All measurements, test and analysis of the characteristics of waste and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

I. No statement contained in this section shall be construed as preventing any special agreement of arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment by the industrial concern. (Ord. No. 96-2, Sec. 7.)

10.04.08 Power and authority of Control Authority

A. The Control Authority and other duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter all properties for the purpose of inspection, observation, measurements, sampling, and testing in accordance with the provisions of this chapter.

B. While performing the necessary work on private properties referred to in Part One (1) above, the Control Authority or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to City employees except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 7 G.

C. The Control Authority and other duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 96-2, Sec. 8.)

**CHAPTER 10.08****WATER AND SEWER COMMISSION AND DEPARTMENT****Sections:**

- 10.08.01 Abolished
- 10.08.02 Department established
- 10.08.03 Department access to water lines and meters

10.08.01 Abolished. The Pottsville Water and Sewer Commission is hereby abolished and the Commissioners of said Commission shall forthwith relinquish all control and management over all properties, equipment, supplies, materials, monies, bank accounts, papers, documents, files and records over which said Commission has previously exercised control and management to the Pottsville City Council and shall cooperate in the transfer of all such items to the City of Pottsville, Arkansas. (Ord. No. 87-1, Sec. 1.)

10.08.02 Department established The Pottsville Water Department name is hereby modified and changed to: **POTTSVILLE WATER AND SEWER DEPARTMENT.** (Ord. No. 93-5, Sec. 1.)

10.08.03 Department access to water lines and meters

A. That the authorized agents of the Pottsville Water Department shall be given the right of access at all reasonable hours to the outside premises supplied with water for the purpose of reading meters, examining pipes and fixtures, observing manner of using water, and for any other purpose which is proper and necessary in the conduct of the Pottsville Water Department's business. Such agents for the Pottsville Water Department shall carry proper credentials evidencing their employment by the utility.

B. In the event private property owners have a locked gate where Pottsville Water Department employees need access as stated in Section 1, and wish to keep their gate locked, the Pottsville Water Department will provide the lock to any gate locking or barring the Pottsville Water Department from the pipes and/or meter. The Pottsville Water Department and the property owner and/or renter will share keys to the lock.

C. That the property owner will at all times furnish a clear access at the owner's/renter's expense for the authorized agent of the Pottsville Water Department to have access to the outside pipes and meter. (Ord. No. 97-8, Secs. 1-3.)

**CHAPTER 10.12****WATER METERS AND RATES****Sections:**

10.12.01	Illegal installations
10.12.02	Definition
10.12.03	Violations
10.12.04	Penalty
10.12.05	Water Rates
10.12.06	Connection fee, meter deposit
10.12.07	Sewer Rates
10.12.08	Pressure regulator and shut-off valve

**10.12.01 Illegal installations.** From and after the eleventh (11th) day of May, 2001, it shall be unlawful for any person, corporation, association, partnership or other legal entity who is currently hooked to and using the Pottsville water system outside the city limits of Pottsville to have installed or to allow to be installed on any property owned by any person, corporation, association, partnership or other legal entity a water meter with the intent to furnish water to more than one family residential unit, commercial business or industrial complex. (Ord. No. 01-04, Sec. 1.)

**10.12.02 Definition.** A family residential unit is defined as an enclosed structure consisting of living and sleeping quarters and separate kitchen facilities and restroom facilities. (Ord. No 01-04, Sec. 2)

**10.12.03 Violations.** A violation of this ordinance by users outside the city limits of Pottsville, but using the water and sewer services of Pottsville, will result in services being terminated. Before services are terminated the person, corporation, association, partnership or other legal entity will have their opportunity to address the Mayor and/or City Council to explain why they are in violation of this ordinance, if they have not already been afforded the opportunity. (Ord. No. 01-04, Sec. 3.)

**10.12.04 Penalty.** A violation of this ordinance shall be a misdemeanor and shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Each day that a violation of this ordinance exists shall be considered to be a separate offense. (Ord. No. 81-9, Sec. 4)

10.12.05 Water Rates The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable, and minimum rates to be charged for water services be and are hereby confirmed as rates to be charged for services rendered by the System.

The water usage of each customer shall be determined each month by meter measurement and the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

Inside City Limits

For the first 1,000 gallons of water consumption per month, or portion thereof	\$20.00 (minimum)
For the next 5,000 gallons of water consumption per month, or portion thereof	3.41 per 1,000 gallons
For the next 4,000 gallons of water consumption per month, or portion thereof	2.89 per 1,000 gallons
For all monthly water consumption in excess Of 10,000 gallons per month	2.36 per 1,000 gallons

Outside City Limits

For the first 1,000 gallons of water consumption per month, or portion thereof	\$24.00 (minimum)
For the next 5,000 gallons of water consumption per month, or portion thereof	4.20 per 1,000 gallons
For the next 4,000 gallons of water consumption per month, or portion thereof	3.68 per 1,000 gallons
For all monthly water consumption in excess Of 10,000 gallons per month	2.63 per 1,000 gallons

(Ord. No. 2021-5, Sec. 1.)

10.12.06 Connection fee; meter deposit Customers connecting with the System shall make a meter deposit with the City as follows:

- (i) \$75.00 for a homeowner and
- (ii) \$175.00 for a tenant. When service is disconnected any portion of the meter deposit remaining after current bills are paid will be returned to the customer. (Ord. No. 2021-5, Sec. 3.)

10.12.07 Sewer Rates The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable, and minimum rates to be charged for sewer services be and are hereby fixed and confirmed as rates to be charged for services rendered by the System.

All monthly sewer charges shall be based upon water consumption. The water usage of each customer shall be determined each month by meter measurement and the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

For the first 1,000 gallons of water consumption per month, or portion thereof	\$15.00 (minimum)
For the next 5,000 gallons of water consumption per month, or portion thereof	4.20 per 1,000 gallons
For the next 4,000 gallons of water consumption per month, or portion thereof	3.68 per 1,000 gallons
For all monthly water consumption in excess of 10,000 gallons per month	2.63 per 1,000 gallons

(Ord. No. 2021-5, Sec. 2.)

There shall be a tapping fee in an amount equal to \$700.00 for every customer located inside the City limits and outside the City Limits who connects with the System, except that the tapping fee for any connection over 5/8" shall be \$700.00 plus the cost of materials in excess of the \$700.00 tapping fee. The tapping fee and material expenses shall be nonrefundable. (Ord. No. 2021-5, Sec. 4)

None of the facilities or services afforded by the System shall be furnished without a charge being made therefor. (Ord. No. 2021-5, Sec. 5.)

If and in the event any water or sewer bill remains unpaid for a period of in excess of ten (10) days, the same shall be subject to disconnection, or locked by the City without notice to the customer. If and in the event any meter is disconnected or locked by the City, there will be a required re-connection fee of \$75.00 in addition to payment of any and all outstanding water and/or sewer bill that has accumulated, prior to said meter being re-connected or unlocked. Water and sewer bills are due on the 15th day of each month. Bills paid after the due date shall be subject to a late charge of \$10.00 applied to any outstanding unpaid water and/or sewer bill. (Ord. No. 2021-5, Sec. 6)

10.12.08 Pressure regulator and shut-off valve After passage of this ordinance all new Pottsville water customers will be responsible for the installation of a pressure regulator and shut-off valve located at the meter. The pressure regulator and shut-off valve shall be installed before any water service is turned on by the city or the meter is installed and the pressure regulator and shut-off valve shall comply with all Arkansas plumbing code guidelines and approved by the water and sewer department of the city of Pottsville. (Ord. No. 2001-3, Secs. 1-2.)



## Chapter 10.16

### CROSS CONNECTION CONTROL PROGRAM

#### Sections:

10.16.01	Authority
10.16.02	Definitions
10.16.03	General requirements
10.16.04	Approval and installation of devices
10.16.05	Maintenance requirements
10.16.06	Violations and penalties

#### 10.16.01 Authority.

1. **Responsibility of the director.** The director, Department of Pottsville Waterworks or his designated agent, shall inspect the plumbing in every building or premises that use the water system as frequently as in his judgment may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the city by the plumbing. The director shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises, to correct, within a reasonable time set by the director, any plumbing installed or existing contrary to or in violation of this ordinance, the state plumbing code, or that which in his judgment may, therefore, permit the pollution of the city water supply or otherwise adversely affect the public health.

2. **Inspection.** The director, or his designated agent, shall have the right of entry into any building during reasonable hours, for the purpose of making inspection of the plumbing systems installed in such building or premises provided that with respect to the inspection of any single family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof. (Ord. No. 94-5, Sec. 1)

10.16.02 Definitions.

1. **Agency.** The department of the municipal government invested with the authority and responsibility for the enactment and enforcement of this ordinance.
2. **Air gap.** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.
3. **Approved.** Accepted by the agency as meeting an applicable specification stated or cited in this ordinance, or as suitable for the proposed use.
4. **Auxiliary supply.** Any water source or system other than the potable water supply that may be available in the building or premises.
5. **Backflow.** The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Back siphonage is one type of backflow.
6. **Backflow preventer.** A device or means to prevent backflow.
7. **Back siphonage.** Backflow resulting from negative pressures in the distributing pipes of a potable water supply.
8. **Check valve.** A self-closing device that is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.
9. **Contamination.** See Pollution.
10. **Cross connection.** Any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any potable water supply outlet that is submerged or can be submerged in wastewater and/or any other source of contamination.
11. **Drain.** Any pipe that carries wastewater or waterborne waste in a building drainage system.
12. **Fixture, plumbing.** Installed receptacles, devices or appliances supplied with water or that receive or discharge liquids or liquid-borne waste.
13. **Flood level rim.** The edge of the receptacle from which water overflows.

14. **Hazard, health.** Any conditions, devices or practices in the water supply system and its operation that create, or, in the judgment of the director, may create a danger to the health and well-being of the water consumer.
15. **Hazard, plumbing.** Any arrangement of plumbing including piping and fixtures whereby a cross connection is created.
16. **Inlet.** The open end of the water supply pipe through which the water is discharged into the plumbing fixture.
17. **Plumbing system.** Includes the water supply and distribution pipes, plumbing fixtures, and traps, soil, water, and vent pipes, building drains and building sewers including their respective connections, devices and appurtenances within the property lines of the premises, and water-treating or water-using equipment.
18. **Pollution.** The presence of any foreign substance (organic, inorganic, radiological or biological) in the water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.
19. **Reduced-pressure-backflow-preventer.** An assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere designed to prevent backflow.
20. **Vacuum.** Any pressure less than that exerted by the atmosphere.
21. **Vacuum breaker, non-pressure type.** A vacuum breaker designed so as not to be subjected to static line pressure.
22. **Vacuum breaker, pressure type.** A vacuum breaker designed to operate under conditions of static line pressure.
23. **Water, potable.** Water free from impurities in amounts sufficient to cause disease or harmful physiological effects, its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the public health authority having jurisdiction.
24. **Water, non-potable.** Water that is not safe for human consumption or that is of questionable potability. (Ord. No. 94-5, Sec. 2)

#### 10.16.03 General requirements.

1. **General.** A potable water supply system shall be designed, installed and maintained in such manner as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross connections or any other piping connections to the system.

2. **Cross Connection Prohibited.** Cross connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where, as approved by the authority having jurisdiction, suitable protective devices such as the reduced-pressure-zone-backflow-preventer or equal are installed, tested and maintained to ensure proper operation on a continuing basis.

3. **Interconnection.** Interconnections between an individual water supply and a potable public supply shall be prohibited except when and where, as approved by the authority having jurisdiction, suitable protective devices are installed, tested and maintained to ensure proper operation on a continuing basis.

4. **Backflow.** The potable water system shall be protected from backflow. Every water outlet shall be protected from backflow, preferably by having the outlet end from which the water flows spaced a distance above the flood-level rim of the receptacle into which the water flows sufficient to provide a "minimum required air gap". Where it is not possible to provide a minimum air gap, the water outlet shall be equipped with an accessibly located, certified backflow preventer, installed on the discharge side of the manual control valve. (Ord. No. 94-5, Sec. 3)

#### 10.16.04 Approval and installation of devices.

1. **Approval.** Before any device for the prevention of backflow or Back siphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the State of Arkansas. Devices installed in a building's potable water supply distribution system for the protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

a. The following testing laboratory have been qualified by the State Administrative Authority to test backflow preventers subject to backpressure.

The Foundation For Cross-connection Control and Hydraulic Research  
University of Southern California  
University Park  
Los Angeles, California 90007

2. **Installation.** The installation of all backflow preventers, vacuum breakers, air gaps or any other approved devices shall be installed according to the State of Arkansas Plumbing Code, Chapter 10. (Ord. No. 94-5, Sec. 4)

#### 10.16.05 Maintenance requirements.

1. **General requirements.** It shall be the responsibility of the building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing any backflow device.

2. **Backflow Preventers.** Periodic testing and inspection schedules shall be established by the State Administrative Authority for all backflow preventers, and the interval between testing and inspection and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection and testing intervals shall not exceed one (1) year, and overhaul intervals shall not exceed five (5) years. These devices shall be inspected frequently after the initial installation to insure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. Certified testing and maintenance are required to insure proper function and maintain effectiveness of assemblies. These services must begin upon installation and be provided at intervals **NOT** to exceed one (1) year and as system conditions warrant.

3. **Test and Performance.** All test and test performance of backflow devices shall be done in accordance of the Arkansas State Plumbing Code, Chapter 10.6.2. (Ord. No. 94-5, Sec. 5)

#### 10.16.06 Violations and penalties.

1. **Notification of violation.** The director shall notify the owner, or authorized agent of the owner of the building or premises in which there is found a violation of this ordinance, of such violation. The director shall set a reasonable time for the owner to have the violation removed or corrected. On failure of the owner to have the defect corrected by the end of the specified time interval, the director may if in his judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated and/or recommend such additional fines or penalties to be invoked as herein may be provided.

2. **Fines.** The owner or authorized agent of the owner responsible for the maintenance of the plumbing systems in the building who knowingly permits a violation to remain uncorrected after the expiration of time set by the director shall, on conviction thereof by the court, be required to pay a fine of not more than One Hundred Dollars (\$100.00) for each violation. Each day of failure to comply with the requirements of the ordinance after the specified time provided under Section 10.16.06 (1) shall constitute a separate violation. (Ord. No. 94-5, Sec. 6)

## **CHAPTER 10.20**

### **CONSTRUCTION ON HOLIDAYS**

#### **Sections:**

10.20.01	Illegal
10.20.02	Exception
10.20.03	Penalty

**10.20.01 Illegal** After passage of this ordinance it shall be illegal for any individual, partnership, corporation, company or any other entity to bury, install, dig, construct or do any other activity that could cause the destruction or damage to any of the city's buried water or sewer lines on any of the following days: New Year's Day, Martin Luther King, Jr., holiday; President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve and Christmas Day. (Ord. No. 2012-2, Sec. 1.)

**10.20.02 Exception** The only exception to 10.20.01 is if permission is given, in writing, to the requesting party prior to the work being done. The Mayor or his agent may give the permission or if there is an emergency requiring the activity. (Ord. No. 2012-2, Sec. 2.)

**10.20.03 Penalty** If anyone violates 10.20.01 of this ordinance they may be fined not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) for the illegal activity. In addition, the violator must reimburse to the city of Pottsville any and all costs associated with the damage caused. Each separate occurrence is a separate offense and separate violation of this ordinance. (Ord. No. 2012-2, Sec. 3.)



**TITLE 10**

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