

## TITLE 10

### UTILITIES

#### Chapters:

- 10.04 Sewer Regulations
- 10.08 Water and Sewer Rates
- 10.12 Maintaining Facilities
- 10.16 Water and Sewer Lines Outside City
- 10.24 Cross-Connection
- 10.28 Identity Theft Prevention Program
- 10.29 Treatment of Address Discrepancies
- 10.33 Water and Sewer Impact Fees

### CHAPTER 10.04

#### SEWER REGULATIONS

#### Sections:

- 10.04.01 Definitions
- 10.04.02 Use of public sewers required
- 10.04.03 Private sewage disposal system
- 10.04.04 Building sewers and connections
- 10.04.05 Use of public sewers
- 10.04.06 Protection from damage
- 10.04.07 Power and authority of Inspectors
- 10.04.08 Penalty for violation

10.04.01 Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used shall be as follows:

**Act** or **the Act** shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

**BOD** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20E) degrees C, expressed in milligrams per liter.

**Building Drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**Building Sewer** shall mean the extension from the building drain to the public sewer or other place of disposal.

**Chief City Building Inspector** shall mean that person or his delegated authority employed by the city, whose responsibility is to enforce compliance within the city's planning area of all building codes.

**Combined Sewer** shall mean a sewer receiving both surface run off and sewage.

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

**Garbage** shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

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

**National Categorical Pretreatment Standard** or **Pretreatment Standard** shall mean any regulation containing pollutant discharge limits promulgated by the EOA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

**National Pollution Discharge Elimination System** or **NPDES** Permit shall mean a permit issued pursuant to Section 402 of the Act (33 U.S. C. 1342).

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

**Person** shall mean any individual, firm, company, association, society, corporation or group.

**Ph** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**Properly Shredded Garbage** shall mean the waste from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

**Public Sewer** shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

**Sanitary Sewer** shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**Sewage** shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

**Sewage Treatment Plant** shall mean any arrangement of devices and structures used for treating sewage.

**Sewage Works** shall mean all facilities for collecting, pumping, treating and disposing of sewage.

**Sewer** shall mean a pipe or conduit for carrying sewage.

**Shall** is mandatory; "may" is permissive.

**Slug** shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

**Storm-Drain** (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**Superintendent** shall mean the Superintendent of Sewage Works of the city of Pea Ridge, Arkansas, or his authorized deputy, agent, or representative.

**Suspended Solids** shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

**Watercourses** shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 116, Sec. 1.)

10.04.02 Use of public sewers required.

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the city of Pea Ridge or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties 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 or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of said building.
- E. It shall be unlawful to convey, sell or transfer to others any lots within a subdivision void of municipal sewer facilities, provided municipal sewer facilities are within three hundred (300) feet of said subdivision. (Ord. No. 116, Sec. 2.)

10.04.03 Private sewage disposal system.

- A. Where a public sanitary sewer is not available under the provisions of Section 10.04.02, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Building Inspector. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City Building Inspector. A permit and inspection fee shall be paid to the city at the time the application is filed as provided for under the City Plumbing Code.

- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Building Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Building Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the City Building Inspector.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the state of Arkansas. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 7,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in this section, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- G. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- H. The building sewer shall be connected to said sewer within sixty (60) days after official notice to do so and the private sewage disposal system shall be cleaned of sludge and filled with clean back-run gravel or dirt. Sludge shall be disposed of by burial or burning in a suitable location and manner, or by other methods approved by the Division of Sanitarian Services of the Arkansas Department of Health. (Ord. No. 116, Sec. 3.)

#### 10.04.04 Building sewers and connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereon without first obtaining a written permit from the Superintendent. At least 72 hours prior notice shall be given to the Superintendent before any new, approved connection or repair to a connection is made.

- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes.
- C. Owners or agents of commercial or industrial establishments proposing to connect to or contribute to a sanitary sewer shall submit an application for a Wastewater Discharge Permit before connecting to or contributing to the sewer. Owners or agents of existing establishments discharging wastewaters into the Pea Ridge sewage works shall submit an application for a Wastewater Discharge Permit for continued existing operation within thirty (30) days after receipt of notification in writing by the Superintendent that such a permit is required for continued operation.
- D. Application for a Wastewater Discharge Permit shall be in a form prescribed by the city, and shall contain the following information:
  - 1. Name, address, and location of the discharger;
  - 2. Standard Industrial Classification;
  - 3. Wastewater constituents and characteristics;
  - 4. Average and peak wastewater flow rates;
  - 5. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are to be met on a consistent basis;
  - 6. Where additional pretreatment and/or operation and maintenance will be required to meet any pretreatment standards, a compliance schedule shall be provided, subject to approval by the Superintendent, giving dates for the commencement and completion of major events leading to the construction and operation of facilities required for the compliance with applicable pretreatment standards; and
  - 7. Any other information as may be deemed by the Superintendent to evaluate the permit application.
- E. Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than the city's limitations for sources in that subcategory, shall apply. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR Part 403.12.
- F. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of establishments subject to such standards shall be revised to require treatment no less than that necessary for compliance with such standard within the time frame prescribed by such standard. An establishment subject to a National Categorical Pretreatment

Standard which has not previously submitted an application for a Wastewater Discharge Permit shall do so within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard.

- G. Wastewater Discharge Permits may be issued by the city of Pea Ridge within ninety (90) days of receipt of an acceptable application, and shall be valid for a period of five (5) years, and may be renewed upon submission and acceptance of an application for renewal.
- H. Owners or agents of establishments subject to any pretreatment standard shall, within thirty (30) days of notification by the Superintendent, submit a report indicating the nature and concentration of pollutants in the effluent which are limited to such pretreatment standard.
- I. Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges, and fees established by the city. Permits may contain the following:
  - 1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
  - 2. Limits on the average and maximum wastewater constituents and characteristics;
  - 3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
  - 4. Requirements for installation and maintenance of inspection and sampling facilities;
  - 5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - 6. Compliance schedules;
  - 7. Requirements for submission of technical reports or discharge reports;
  - 8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

9. Requirements for notification of the city or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
  10. Requirements for notification of slug discharges; and
  11. Other conditions as deemed appropriate by the city to ensure compliance with this ordinance.
- J. All costs and expenses incident to the evaluation of a permit application and the issuance of a permit, and connection of the building sewer, shall be borne by the person applying for the permit, and such person shall indemnify the city from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.
- K. 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, courtyard, or driveway. The building sewer from the front building may extend to the rear building and the whole considered as one building sewer.
- L. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- M. The size, slope, alignment, materials or 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 city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- N. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- O. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.



- P. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- Q. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- R. All excavations for building sewer installation shall be adequately guarded with barriers and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. No. 116, Sec. 4.)

10.04.05 Use of public sewers.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers.
- C. It shall be unlawful to discharge to any natural outlet within the city of Pea ridge, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided and where a valid National Pollutant Discharge Elimination System permit has been issued for such discharge.
- D. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
  - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid or gas;
  - 2. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment or sludge disposal process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or the sewage treatment plant, or to exceed the limitation set forth in a National

Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act. In no case shall any industrial wastes discharged to the public sewers cause the following concentrations of toxic substances to be exceeded in the influent to the sewage treatment plant:

<u>Element</u>	<u>Maximum Concentration (mg/l)</u>
Cadmium	0.02
Mercury	0.002
Cyanide	0.05
PCB'S	Detection Limit

3. Any water or wastes having a Ph lower than 5.5 or higher than 9.5 units, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Heat in amounts which will inhibit biological activity in the sewage treatment plant resulting in interference, but in no case heat in such quantities that the temperature at the sewage treatment plant exceeds 40<sup>0</sup> C. (104<sup>0</sup> F.).

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

1. Any liquid or vapor having a temperature higher than one hundred fifty (150<sup>0</sup> ) degrees F. (65<sup>0</sup> C);

2. Any water or wastes containing fats, wax, gases, or oils, whether emulsified or not, in excess of one hundred (100) mg/l; or containing substances which may solidify or become viscous at temperatures between thirty- two (32<sup>0</sup>) and one hundred fifty (150<sup>0</sup>) F (0 to 65<sup>0</sup> C);
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not;
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials;
6. Any industrial waters or wastes discharged in municipal sewer containing elements, substances, compounds or matter that causes taste and odors that cannot be removed by the normal treatment process, or that creates pernicious problems in the receiving stream.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits of maximum safety for discharge into receiving waters as established by the U.S. Public Health Service, Arkansas State Board of Health, Atomic Energy Commission and the Pea Ridge Sewer Department. (Half-life for any one radioactive element, the number of atomic charges per unit of time is proportioned to the quantity of the element present. The time necessary for the quantity of a given element to decrease to one-half that initially present.)
8. Materials which assert or cause:
  - a. Unusual concentration of inert suspended solids (such as but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions).

- c. Unusual BOD (biochemical oxygen demand) or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein; and
- 10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- F. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 10.04.05 part 4 hereinabove and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
  - 1. Reject the wastes;
  - 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
  - 3. Require control over the quantities and rates of discharge; and/or
  - 4. In case of noncompliance by the industry, the Director shall have the authority to discontinue the municipal water service until requirements have been met.
- G. The owner or agent of establishments discharging industrial wastes shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance.
  - 1. Detailed plans and specifications showing facilities and operating procedure shall be submitted to the city for review within one hundred eighty (180) days following written notification by the Superintendent requiring such plans and specifications.
  - 2. Within five (5) days following an accidental discharge, the owner or agent of the establishment shall submit to the Manager a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the

user of any expense, loss, damage, or other liability which may be incurred as a result or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

- H. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- I. If the Director permits the pretreatment or equalization of waste flows, the design and installation shall meet permit requirements. 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.
- J. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. 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.
- K. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (Ord. No. 116, Sec. 5.)

10.04.06 Protection from damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewer works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 116, Sec. 6.)

#### 10.04.07 Power and authority of Inspectors

- A. The Superintendent and other duly authorized employees of the city of Pea Ridge, Arkansas, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in part A. above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article 5, Sec. 10.
- C. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.(Ord. No. 116, Sec. 7.)

#### 10.04.08 Penalty for violation.

- A. Any person found to be violating any provision of this chapter except Section 10.04.07 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.
- B. Any person who shall continue any violation beyond the time limit provided for in part A. of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding Two Hundred and Fifty (\$250.00) Dollars for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this chapter shall become liable to the city for any expenses, loss or damage occasioned the city by reason of such violation. (Ord. No. 116, Sec. 8.)

**CHAPTER 10.08**

**WATER AND SEWER RATES**

Sections:

- 10.08.01 Water rates; special assessment
- 10.08.02 Deposits
- 10.08.03 Bills
- 10.08.04 Re-connection fee
- 10.08.05 Tampering
- 10.08.06 Violation
- 10.08.07 Water Meters Required, Meter Fees, and Tap Fees
- 10.08.07.01 Temporary Meters
- 10.08.08 Sewer rates
- 10.08.09 Deposits
- 10.08.10 No free service
- 10.08.11 Bills
- 10.08.12 Pump maintenance charges
- 10.08.13 Abuse/misuse
- 10.08.14 Dedicated pump equipment specifications
- 10.08.15 Sewer tap fees
- 10.08.16 Plan of reimbursement
- 10.08.17 Suspension of water service disconnection during COVID-19 Emergency Period

10.08.01 Water rates; special assessment The following schedule of rates are hereby fixed as the rates to be charged for water service furnished by the Pea Ridge Waterworks System to consumers:

**MONTHLY RATES**

**Inside city limits**

Current Rates (effective until December 31, 2023)

1 – 1,000 gallons	\$18.60	Minimum
1,001 – 2,000 gallons	\$18.60	+ \$0.585/100 gallons in excess of 1,000 gallons
2,001 – 20,000 gallons	\$24.45	+\$0.685/100 gallons in excess of 2,000 gallons
All over 20,000 gallons	\$147.75	+\$0.785/100 gallons in excess of 20,000 gallons

2024 Rate Increase (beginning January 1, 2024)

1 – 1,000 gallons	\$19.00	Minimum
1,001 – 2,000 gallons	\$19.00	+\$0.625/100 gallons in excess of 1,000 gallons
2,001 – 20,000 gallons	\$25.25	+\$0.725/100 gallons in excess of 2,000 gallons
All over 20,000 gallons	\$155.75	+\$0.825/100 gallons in excess of 20,000 gallons

**Outside city limits**

Current Rates (effective until December 31, 2023)

1 – 1,000 gallons	\$22.80	Minimum
1,001 – 2,000 gallons	\$22.80	+ \$0.650/100 gallons in excess of 1,000 gallons
2,001 – 20,000 gallons	\$29.30	+ \$0.770/100 gallons in excess of 2,000 gallons
All over 20,000 gallons	\$167.90	+ \$0.770/100 gallons in excess of 20,000 gallons

2024 Rate Increase (beginning January 1, 2024)

1 – 1,000 gallons	\$23.20	Minimum
1,001 – 2,000 gallons	\$23.20	+ \$0.690/100 gallons in excess of 1,000 gallons
2,001 – 20,000 gallons	\$30.10	+ \$0.790/100 gallons in excess of 2,000 gallons
All over 20,000 gallons	\$172.30	+ \$0.890/100 gallons in excess of 20,000 gallons

(Ord. No. 459, Sec. 1; Ord. No. 583, Sec. 1; Ord. No. 587, Sec. 1; Ord. No. 737, Sec. 1; Ord. No. 828, Sec. 1)

The rates set for the first 1,000 gallons in each classification shall be the minimum rate. (Ord. No. 459, Sec. 1; Ord. No. 737, Sec. 1; Ord. No. 828, Sec. 1)

All other portions of Pea Ridge Municipal Code § 10.08.01 not reprinted in Section 1, supra, are repealed. (Ord. No. 828, Sec. 2)

10.08.02 Deposits

A. Deposits The following schedule of deposits is hereby fixed for water service furnished by the Pea Ridge Waterworks System to consumers:

- 1. Residential consumers
  - a. Property owner \$50.00
  - b. Property tenant \$100.00
- 2. Commercial consumers \$150.00

Deposits shall bear no interest.



- B. Application of deposits Deposits may be used and applied by the Waterworks System when necessary in payment of delinquent service charges.
- C. Refund of deposits If not used in payment of delinquent service charges, the deposit or any unused portion shall be returned to the consumer as follows:
1. Upon termination of the consumer's water service; or
  2. At the completion of a period of twenty-four (24) consecutive months during which the consumer's water service account has not been delinquent more than six (6) occasions.
- D. Reinstatement of deposit If, following refund of the consumer's deposit, the consumer's water service is disconnected for non-payment, then, upon notification by the Waterworks System, consumer shall again make the required deposit.
- E. Waiver of deposit A consumer may request waiver of the deposit. Such request shall be accompanied by written verification issued by the consumer's most recent prior utility provider, evidencing timely payment of at least nine (9) of the last twelve (12) service charges on the consumer's service account. Such verification shall be in the form acceptable to the Waterworks System. (Ord. No. 554, Sec. 1.)

10.08.03 Bills Bills for service shall be calculated on a monthly basis and shall be due on the first day of each month. If said bill is not paid on or before the 10th day of that month, a penalty of ten percent (10%) of the total amount due on such bill shall be charged to and become a part of such bill; further, if such bill remains delinquent and unpaid by the 11th day of the month, a final notice will be sent; if the total amount due, including all penalties, is not paid on or before the 25<sup>th</sup> day of the month, a disconnect order will be issued and service may be terminated. When service has been disconnected as a result of an unpaid bill herein provided, service shall not be reinstated until such time as all delinquent charges and penalties have been paid in full and the service fee, as herein provided, has been paid. (Ord. No. 419, Sec. 1.)

10.08.04 Re-connection fee When an order to disconnect has been issued, a service fee of Thirty-Five Dollars (\$35.00) shall apply. For all services performed after normal business hours, a Seventy Dollars (\$70.00) service fee shall apply. (Ord. No. 419, Sec. 2.)

10.08.05 Tampering Any evidence of destruction, damage or alteration to a consumer's water meter or any of the attachments thereto will result in the assessment of a charge to be calculated by adding the cost of parts, labor, materials and any other expense associated with restoring the equipment to the condition as it existed before the destruction, damage or alteration occurred. The calculation and determination of said charge shall be the responsibility of the

Water Utilities Manager for the city of Pea Ridge. This charge shall be paid by the consumer receiving service, and shall become a part of the consumer's bill. Continued destruction, damage or alteration of the equipment may, at the discretion of the department, result in discontinuance of water service. (Ord. No. 306, Sec. 7.)

10.08.06 Violation Any person or persons violating 10.08.04 of this ordinance by damaging, destroying, or altering any water meter or attachment thereto, without authorization, shall, upon conviction, be deemed guilty of a misdemeanor and fined in any sum not to exceed Five Hundred Dollars (\$500.00) for the first occurrence. (Ord. No. 306, Sec. 8.)

10.08.07 Water Meters Required, Meter Fees, and Tap Fees All premises and consumers using and receiving service must be equipped with an adequate water meter furnished by the city. Fees are as follows:

A. Water Meter Fees (Required for initial installation of all new services)

1.	5/8 inch	\$ 270.00
2.	1 inch	\$ 385.00
3.	2 inch	\$ 937.00

The water meter fee(s) shall be paid by the Applicant at the time that the Applicant requests the initial establishment of water service from the PRWD. For purposes of this paragraph, Applicant is defined as set forth in Ord. No. 776, § 3, codified at PR Code § 10.33.03.

B. Water Meter Replacement Fee (required on all meters regardless of size) A water meter replacement fee of \$2.00 per metered customer per month for all PRWD water service customers shall be collected, effective January 1, 2024. The purpose of this fee is to provide new meters for the waterworks system when current meters need replacement.

C. Tap Fees (Required for initial installation of water tap by the city)

1.	5/8 x 3/4 inch service (1" dual setter)	\$ 1,655.00
2.	1 inch service	\$ 1,275.00
3.	2 inch service	\$ 4,700.00

D. Meter only installation (that is not the initial installation of a new service) and lock-up fees shall be \$35.00, if performed during normal working hours, and \$70.00 if performed after normal working hours.

(Ord. No. 586, Sec. 1; Ord. No. 823, Sec. 2)

The remainder of Pea Ridge Municipal Code Chapter 10.08 is not modified by this ordinance and remains in full force and effect. (Ord. No. 823, Sec. 3)

Special assessment There is hereby levied a special assessment of \$1.50 per metered customer per month for all water service customers of the system. The special assessment herein levied shall be effective for the billing period commencing January, 2012, through December, 2012, after which time it shall automatically expire. (Ord. No. 523, Secs. 1-2.)

10.08.07.01 Temporary Meters (beginning March 1, 2023)

- A. Rental Fee \$7.00 per day beginning on the sixty-first (61<sup>st</sup>) day of possessing the temporary meter; successive applications by the same applicant to the same address will be treated as one application for purposes of calculating the rental fee.
- B. Deposit \$500.00. Deposit shall bear no interest.
- C. Meter Set Fee and Meter Relocation Fee \$40.00.
- D. Rates Water used through the temporary meter will be billed at the city's bulk water rate.
- E. Application of deposits Deposits may be used and applied by Pea Ridge Water Utilities in payment of delinquent charges and for damage to city equipment. The determination of damage to city equipment shall be in the sole discretion of the city.
- F. Refund of deposits If not used in payment of delinquent service charges, or for damage to rented city equipment, the deposit, or any unused portion, shall be returned to the consumer upon termination of the service and the inspection of the returned equipment. (Ord. No. 781, Sec. 1)

All other portions of Pea Ridge Municipal Code § 10.08.07 remain unchanged. (Ord. No. 781, Sec. 2)

All temporary meters currently being used by consumers under other terms and conditions shall become subject to the requirements, terms, conditions, and charges outlined in Section 1, supra, for Temporary Meters, beginning April 1, 2023. (Ord. No. 781, Sec. 3)

10.08.08 Sewer rates All sewer charges shall be based on water consumption as shown by water meter reading and the amount to be paid by each customer shall be computed on the basis of the following schedule or rates:

**MONTHLY RATES****Inside city limits**Water consumption (effective September 20, 2019)

1 – 1,000 gallons	\$16.00	Minimum
All over 1,000 gallons	\$16.00	+ \$5.25/1,000 gallons in excess of 1,000 gallons

**Outside city limits**Water consumption (effective September 20, 2019)

1 – 1,000 gallons	\$22.50	Minimum
All over 1,000 gallons	\$22.50	+ \$7.03/1,000 gallons in excess of 1,000 gallons

(Ord. No. 617, Sec. 1.)

In all cases in which users of said sewer system are not supplied with water from the waterworks system, the charge for sewer services shall be at least the minimum monthly rate herein established. If the Utility Manager so elects, he may estimate the water usage based on meter readings, from other similar (residential or commercial) units within the city and determine the sewer service bill on that basis. If the customer should disagree with the amount of the bill determined on that basis, the city, at the request of the customer, will install a water meter on the water supply line at the expense of the customer to determine the amount of water used. In the case of multi-unit buildings, residences, businesses or both, each resident or business unit in such building shall be billed as a separate consuming unit.

The schedule of rates fixed in 10.08.08 shall be effective with the monthly billing cycle commencing 20<sup>th</sup> day of April 2017. (Ord. No. 599, Secs. 1-2.)

10.08.09 Deposits Each consumer receiving service from the Pea Ridge Sewer System shall make and maintain a deposit as follows:

Residential	\$25.00
Commercial	\$25.00

Said deposit shall be used and applied by the city when necessary in payment of delinquent service charges. If not used in payment of delinquent service charges, said deposit shall be returned to the consumer upon closure of consumer's account without interest. Any unused portions after payment of delinquent service charges, shall also be returned to consumer. (Ord. No. 304, Sec. 5.)

10.08.10 No free service No sewer services shall be supplied by the system without a charge being made therefore in accordance with the foregoing schedule of rates. (Ord. No. 304, Sec. 6.)

10.08.11 Bills A billing statement for sewer services will be made on or about the first day of each month for the preceding month and shall be due on the 10<sup>th</sup> day of the month. If any statement is not paid by the 10<sup>th</sup> day of the following month, it will be considered delinquent and a penalty equal to ten percent (10%) of the outstanding balance will be added to the customer's account. If the account is still not paid by the end of the month, service may be disconnected. (Ord. No. 304, Sec. 7.)

10.08.12 Pump maintenance charges Each consumer requiring dedicated sewer pumping equipment in order to use sewer services shall by acceptance of sewer service authorize the city to maintain such equipment. Monthly charges for such maintenance are as follows:

Residential	\$20.00
Commercial	\$40.00

(Ord. No. 304, Sec. 8; Ord. No. 700, Sec. 1)

Section 8 of Ord. no. 304 is hereby repealed. (Ord. No. 700, Sec. 3)

10.08.13 Abuse/misuse Any evidence of abuse or misuse of individual or dedicated sewer pump equipment by a consumer after having been warned of any such abuse or misuse by the city's Waterworks and Sewer Department will result in the assessment of a charge to be calculated by adding the cost of parts, labor, materials and any other expense associated with restoring the equipment to the condition as it existed before the abuse or misuse occurred. The calculation and determination of said charge shall be the responsibility of the Water Utilities Manager for the city of Pea Ridge. This charge shall be paid by the consumer receiving service and shall become a part of the consumer's bill. Continued abuse or misuse of the equipment may, at the discretion of the department, result in discontinuance of water service. (Ord. No. 304, Sec. 9.)

10.08.14 Dedicated pump equipment specifications Consumers requiring dedicated sewer pumping equipment in order to use sewer services shall be required to install equipment meeting certain specifications as determined and adopted by the Waterworks and Sewer Department of the city of Pea Ridge. (Ord. No. 304, Sec. 10.)

10.08.15 Sewer tap fees Fees for standard sewer taps shall be charged as follows\*:

1. Standard 4 inch gravity sewer line  
with 6 inch saddle (materials and labor  
furnished by city) \$800.00 (Ord. No. 586, Sec. 2).
2. Backhoe service is an additional \$50.00 per hour.

\*Additional charges may be assessed if extraordinary labor and/or  
equipment is required. (Ord. No. 354, Sec. 2.)

### 10.08.16 Plan of reimbursement

#### Plan of reimbursement

- A. Upon completion of the improvements in accordance with the Sewer Development, Dedication, and Reimbursement Agreement to be entered into by the City and the Developer (the “Agreement”) and dedication of the improvements to the City, Developer shall be eligible to receive reimbursements under this plan.
- B Reimbursements under this plan shall not exceed one hundred percent (100%) of the sewer improvement costs as defined in the Agreement and as certified by Developer in its itemized statement to be made pursuant to the Agreement.
- C This plan shall extend for a period of fifteen (15) years from the date of acceptance of the improvements by the City or until Developer has received full reimbursement pursuant to the plan, whichever first occurs.
- D Disbursements shall be made to Developer semiannually beginning on the 10<sup>th</sup> day of the sixth month following acceptance of the sewer improvements and shall be accompanied by a summary detailing fees collected and listing parties paying such fees.
- E The City shall deduct an administration charge equal to five percent (5%) of fees collected pursuant to Section 2 to disbursement.

#### Fees

- A.
  - 1. In order to fund this reimbursement plan the following fees shall be charged to all improvements, whether new or existing, which connect directly or indirectly to the improvements subsequent to acceptance of the improvements by the City (except the Member Controlled Tracts as defined in the Agreement, The Oaks Subdivision, Standing Oaks Subdivision and the First Baptist Church, Pea Ridge, Arkansas – not included in this exception are the permissible additional lots in the Member Controlled Tracts as described in Exhibit A to the Agreement created as a result of zoning reclassification of said described tracts initiated by the owners thereof subsequent to execution of the Agreement), which fees shall be in addition to the connection and tap fees fixed in 10.08.15 and 10.08.16, respectively, of the Pea Ridge Municipal Code and any other applicable fees. (Ord. No. 470, Sec. 1.)



2 Fees are fixed as follows:

a.	Single family dwelling (new)	\$600.00
	Single family dwelling (existing)	\$200.00
b.	Residential subdivisions (per lot/unit)	\$600.00
c.	Multi-family dwelling (per unit) (new)	\$600.00
	Multi-family dwelling (per unit) (existing)	\$200.00
d.	Industrial (new)	\$1,500.00
	Industrial (existing)	\$600.00
e.	Commercial – single occupant (new)	\$600.00
	Commercial – single occupant (existing)	\$200.00
f.	Commercial – multiple occupants (per lot/unit) (new)	\$600.00
	Commercial – multiple occupants (per lot/unit) (existing)	\$200.00
g.	Commercial subdivision (per lot/unit) (new)	\$600.00
	Commercial subdivision (per lot/unit) (existing)	\$200.00

- B. Fees assessed pursuant to Sub Section 2(a)(2)(b) and (g) shall be payable at time of preliminary plat approval. All other fees shall be payable at the time of payment of connection and tap fees.
- C. The fees fixed in Section 2(a)(2) shall be cancelled and no longer applicable upon the expiration of this plan. (Ord. No. 425, Sec. 1-2.)

10.08.17 Suspension of water service disconnection during COVID-19 emergency period The city council of the City of Pea Ridge, Arkansas, has determined that an emergency is found to exist in order to protect the public from unnecessary health and safety risks associated with COVID-19, and this ordinance, being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from the date of its passage. (Ord. No. 665, Sec. 2)

**CHAPTER 10.12**

**MAINTAINING FACILITIES**

Sections:

- 10.12.01 Facilities Manual
- 10.12.02 Amendments
- 10.12.03 Cost
- 10.12.04 Repair of sewer lagoons
- 10.12.05 Letter of agreement
- 10.12.06 Competitive bids waived
- 10.12.07 Contract with Midwest Tank Co., Inc.
- 10.12.08 Cost
- 10.12.09 Competitive bidding waived
- 10.12.10 Purchase of sewer main

10.12.01 Facilities Manual The design, materials, construction specifications and procedures for construction of water and sewer facilities for the city of Pea Ridge, Arkansas, as presented in final form on this date, be and the same are hereby adopted and shall be designated as the Pea Ridge Water Utilities Facilities Manual. (Ord. No. 564, Sec. 1.)

10.12.02 Amendments The City Council is empowered to amend said specifications contained in said Manual from time to time as deemed appropriate by the City Council upon the recommendation of the Water and Sewer Department, by resolution duly adopted, and any such amendment shall apply to all new facilities which have not year received final approval from the Pea Ridge Water and Sewer Department and the Arkansas Department of Health at the time of the adoption of such amendment. (Ord. No. 234, Sec. 2.)

10.12.03 Cost That said Design, Materials and Construction Specification of Water and Sewer Facilities Manual shall be available for purchase from the city of Pea Ridge, Arkansas, at a cost of \$30.00. (Ord. No. 234, Sec. 3.)

10.12.04 Repair of sewer lagoon The Mayor and City Recorder be and they hereby are authorized to execute a contract for the repair of the leakage in the city’s sewer lagoons, said contract to be in substantially the form as submitted to the Council. They are further authorized and directed to take all action necessary to consummate funding for said repair work and all other actions deemed necessary to complete the work. (Ord. No. 130, Sec. 1.)

10.12.05 Letter of agreement The Mayor and City Recorder be and they hereby are authorized to enter into a “letter of agreement” with the consulting engineers for engineering services related to the sewer lagoon repair work. (Ord. No. 130, Sec. 2.)

10.12.06 Competitive bids waived The requirement of competitive bids is found to be inappropriate because of the exceptional situation presented by the nature of the repair required to the sewer lagoons and the immediacy of said needed repair; and, therefore, the requirement of competitive bidding is hereby waived. (Ord. No. 130, Sec. 3.)

10.12.07 Contract with Midwest Tank Co., Inc. The Mayor and City Recorder be and they hereby are authorized to execute a contract with Midwest Tank Company, Inc., of Pittsburgh, Kansas, for the cleaning, inspection, coating and maintenance of the city's water storage tank on substantially the terms and conditions set out in the contract presented to the City Council. (Ord. No. 176, Sec. 1.)

10.12.08 Cost The cost of the work to be performed under said contract shall be paid from the funds of the Water and Sewer Department. (Ord. No. 176, Sec. 2.)

10.12.09 Competitive bidding waived The City Council hereby finds that the requirements of competitive bidding are impractical and are hereby waived. (Ord. No. 176, Sec. 3.)

10.12.10 Purchase of sewer main

- A. The purchase of the twelve inch (12") diameter sewer main as proposed and described in the purchase agreement attached hereto is hereby approved upon the terms and conditions as set forth in said purchase agreement.
- B. The Mayor and City Recorder be and hereby are authorized and directed to execute the purchase agreement on behalf of the city of Pea Ridge and are further authorized to execute any and all documents required by the agreement, and to effectuate the purposes of this ordinance. (Ord. No. 389, Secs. 1-2.)

## CHAPTER 10.16

### WATER AND SEWER LINES OUTSIDE CITY

Sections:

10.16.01	Application
10.16.02	[Reserved]
10.16.03	Contract
10.16.04	Delegation of authority
10.16.05	Penalty
10.16.06	Otter Creek, Phase I, II & III Subdivision
10.16.07	Summit Area Water Line Extension Project

10.16.01 Application. Any property owner(s) with property lying outside the city limits of Pea Ridge and desiring the extension of water and/or sewer service to his property shall make application for said service to Pea Ridge Water Utilities. (Ord. No. 656, Sec. 1).

10.16.02 [Reserved]

10.16.03 Contract. Before any water and/or sewer service is extended to any property located outside the city limits of Pea Ridge, the property owners shall enter into a contract with the city. Said contract shall contain the following:

- A. A covenant from the property owner(s) agreeing to future annexation of the property receiving the utility services upon the proposal of the city or another property owner;
- B. A waiver from the property owner(s) waiving any and all rights to protest or object to annexation into the City; and,
- C. An agreement to dedicate any necessary meters, easements, utility mains and appurtenances. (Ord. No. 652, Sec. 3).

**Annexation Boundary**

Commencing at the SW corner of the NW ¼ of the NW ¼ of Section 27, Township 21 North, Range 30 West, said corner being the True Point of Beginning. Thence, south to the NW corner of Section 3, Township 20 North, Range 30 West. Thence, east to the NE corner of the NW ¼ of said Section 3. Thence south to the SE corner of the NW 1/ of said Section 3. Thence east to the SE corner of the NE ¼ of said Section 3. Thence south to the SE corner of said Section 3. Thence east to the NW corner of Section 12, Township 20 North, Range 30 West. Thence south to the SW corner of the NW ¼ of said Section 12. (Ord. No. 464, Sec. 1.)

10.16.04 Delegation of authority. The city of Pea Ridge Water and Sewer Department is hereby authorized to promulgate such rules, regulations and guidelines as may be necessary to ensure that water and sewer lines installed pursuant to this policy are adequate and properly seized, taking into consideration the length of the line, the future land use map, the projected growth of the city, Fire Department needs, and other appropriate considerations. (Ord. No. 243, Sec. 4.)

10.16.05 Penalty Failure to comply with any section or provision of this ordinance shall result in the city refusing to extend water and/or sewer service to the property requesting such services. (Ord. No. 243, Sec. 5.)

10.16.06 Otter Creek, Phase I, II & III Subdivision The water line of Otter Creek, Phase I, II & III Subdivision addition to Benton County , Arkansas, as well as the dedication of the easements therein should be and the same is hereby accepted and approved for all purposes. (Ord. No. 155, Sec. 1.)

10.16.07 Summit Area Water Line Extension Project

**Defined** The Summit Area Water Line Extension Project is hereby defined as that project which is identified and defined by the Arkansas Soil and Water Conservation Commission in its financing documents prepared and issued for said Project.

**Description** The Summit Area is located in Sections 2 through 11, 15 through 17, and 21 through 22, Township 20 North, Range 30 West; Section 12, Township 20 North, Range 31 West; and Section 13 through 16, 22 through 24, 26 through 28, and 33 through 36, Township 21 North, range 30 West, all in Benton County, Arkansas. The Summit Area consists of the area in which the Project will be constructed. A detailed map of the Summit Area is attached hereto and incorporated herein as if set out in its entirety. (Ord. No. 260, Sec.12.)

**CHAPTER 10.24**

**CROSS-CONNECTION**

**Sections:**

- 10.24.01 Definitions
- 10.24.02 Compliance with plumbing code
- 10.24.03 Prohibited acts
- 10.24.04 Statement
- 10.24.05 Inspection
- 10.24.06 Time for compliance
- 10.24.07 Backflow protection
- 10.24.08 Potable water source warnings
- 10.24.09 Applicability
- 10.24.10 Regulations
- 10.24.11 Penalty

10.24.01 Definitions. The following definitions shall apply in the interpretation of this ordinance:

**Auxiliary Intake:** Any piping connection or other device whereby water may be secured from a source other than that normally used.

**By-Pass:** Any system of piping or other arrangement whereby water may be diverted around any part or portion of a water purification plant.

**Cross-Connection:** Any physical arrangement whereby a public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of causing contamination to the public water system as a result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices, through which, or because of which, backflow could occur are considered to be cross-connections.

**Inter-Connection:** Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of causing contamination to the public water system.



**Pea Ridge Water System:** The water system which furnishes water to the citizens of the city of Pea Ridge, Arkansas, and to all other supplied areas, for general use and which is recognized as a public water system by the State Department of Health.

**Person:** Any individual, corporation, limited liability company, company, association, partnership, state, municipality, utility district, water cooperative or federal agency.  
(Ord. No. 218, Sec. 1.)

10.24.02 Compliance with plumbing code. The city of Pea Ridge will comply with Sections 10.5 through 10.6.12 of the Arkansas State Plumbing Code, legally adopted in accordance with this ordinance which pertains to cross-connections, auxiliary intakes, by-passes and inter-connections, and will establish an effective ongoing program to control these undesirable water uses. (Ord. No. 218, Sec. 2.)

10.24.03 Prohibited Acts. It shall be unlawful for any person to cause a cross connection to be made, or to allow one to exist for any purpose whatsoever unless the construction and operation thereof has been approved in writing by the State Department of Health, and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the Backflow Official of the city of Pea Ridge.(Ord. No. 218, Sec. 3.)

10.24.04 Statement. Any person whose premises are supplied with water from the public water supply, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the Pea Ridge Water Department a statement

of the non-existence of unapproved or unauthorized cross-connections, auxiliary intakes, by-passes or inter-connections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, by-pass or inter-connection will be permitted upon the premises. (Ord. No. 218, Sec. 4.)

10.24.05 Inspection. It shall be the duty of the Backflow Official of the city of Pea Ridge to cause inspections to be made of all properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved, shall be established by the Backflow Official of the city of Pea Ridge, and as approved by the State Department of Health. The Backflow Official or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Pea Ridge Water System, for the purposes of inspecting the piping systems therein for cross-connections, auxiliary intakes, bypasses or inter-connections. Upon request, the owner, lessee or occupant of the property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections. (Ord. No. 218, Sec. 5.)

10.24.06 Time for Compliance. After the effective date of this ordinance, any person who has cross-connections, auxiliary intakes, by-passes or inter-connections in violation of this ordinance shall be allowed a reasonable time within which to comply with the provisions of this ordinance. After a thorough investigation of existing conditions and an appraisal of time required to complete the work, the amount of time shall be designated by the Backflow Official of the city of Pea Ridge, based on the severity of the problem. The failure to correct conditions threatening the safety of the Pea Ridge Water System as prohibited by this Ordinance and the Arkansas State Plumbing Code within a reasonable time, and within the time limits set by the Backflow Official of the city of Pea Ridge shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the Pea Ridge Water Department shall give the consumer legal notification that water services it to be discontinued, and physically separate the public water system from the customer's on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized person. When cross-connections, inter-connections, auxiliary intakes or by-passes are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the management of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the onsite piping system unless the imminent hazard is corrected immediately.(Ord. No. 218, Sec. 6.)

10.24.07 Backflow Protection. Where the nature of use of the water supplied a premises by the Pea Ridge Water System is such that it is deemed:

- A. Impractical to provide an effective air-gap separation;

- B. That the owner and/or occupant of the premises cannot, or is not willing to demonstrate to the official in charge of the water system, or his designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water;
- C. That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or
- D. That there is a likelihood that protective measures may be subverted, altered or disconnected;

then the Backflow Official of the city of Pea Ridge, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the State Department of Health as to manufacture, model and size. The method of installation of backflow protective devices shall be approved by the Pea Ridge Water Department, prior to installation, and shall comply with the criteria set forth by the Arkansas Health Department and the Arkansas State Plumbing Code. The installation shall be at the expense of the owner or occupant of the premises. Personnel of the Pea Ridge Water Department shall have the right to require inspection and testing of the device or devices on an annual basis or whenever deemed necessary by the Backflow Official, or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises. Where the use of water is critical to the continuance of normal operations or protection of life, property or equipment, parallel units shall be provided to avoid the necessity of discontinuing water services to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the Backflow Official of the city of Pea Ridge shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel, approved by the Backflow Official of the city of Pea Ridge. The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Further, the removal, bypassing or altering the protective device (s), or the installation thereof so as to render the device(s) ineffective, shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Backflow Official of the city of Pea Ridge. (Ord. No. 218, Sec. 7.)

10.24.08 Potable Water Source Warnings. The potable water system made available to premises served by the public water system should be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING. The minimum acceptable sign shall have black letters at least one inch high located on a red background. (Ord. No. 218, Sec. 8.)

10.24.09 Applicability. This ordinance shall apply to all premises served by the Pea Ridge Water System, whether located inside or outside the corporate limits, and are hereby made a part of the conditions required to be met for the city to provide water services to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, whether inside or outside the Pea Ridge corporate limits. (Ord. No. 218, Sec. 9.)

10.24.10 Regulations. The City Council of Pea Ridge hereby establishes the following regulations relating to plumbing inspections on premises served by the Pea Ridge Water System, but located outside the Pea Ridge corporate limits:

- A. That the person(s) performing plumbing work will be properly licensed through the Arkansas Department of Health, unless it is the homeowner doing the work. A homeowner may perform plumbing work in his own residence, provided all local permits and licenses are obtained, the plumbing is installed to Arkansas State Plumbing Code standards, and is inspected by a licensed plumbing inspector.
- B. Before a water tap can be made for new construction in areas not served by the city sewer system or a community sewage collection facility, the customer must show proof that he has received approval from the local health department to construct an on-site disposal system, or that such approval is not required.
- C. New construction facilities are subject to plumbing inspection in three phases:
  - 1. Rough-in, before being covered;
  - 2. Stack-out, before walls are put up; and
  - 3. Final, after all fixtures are set.
- D. Before water service can be provided to an existing structure that has been connected to a private water source, an inspection must be made to assure that the private water source has been physically disconnected from any piping that will be connected to the city water system. In addition, an inspection of the existing sewage disposal system must be made to determine that there is not an apparent problem. (Ord. No. 218, Sec. 10.)

10.24.11 Penalty Any person who fails or refuses to comply with any part of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined a sum of not less than \$25.00 and not more than \$500.00, for each day such non-compliance exists. (Ord. No. 218, Sec. 11.)

**CHAPTER 10.28****IDENTITY THEFT PREVENTION PROGRAM**Sections:

10.28.01	Title
10.28.02	Purpose
10.28.03	Definitions
10.28.04	Findings
10.28.05	Process of establishing a covered account
10.28.06	Access to covered account information
10.28.07	Credit card payments
10.28.08	Sources and types of red flags
10.28.09	Prevention and mitigation of identity theft
10.28.10	Updating the program
10.28.11	Program administration
10.28.12	Outside service providers

10.28.01 Title This chapter shall be known as the Identity Theft Prevention Program. (Ord. No. 475, Sec. 1.)

10.28.02 Purpose The purpose of this article is to comply with 16 CFR 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft. (Ord. No. 475, Sec. 2.)

10.28.03 Definitions For purposes of this article the following definitions apply:

**City** means the city of Pea Ridge, Arkansas.

**Cover account** means

- A. an account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
- B. any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

**Credit** means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

**Creditor** means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

**Customer** means a person that has a covered account with a creditor.

**Identity theft** means a fraud committed or attempted using identifying information of another person without authority.

**Person** means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

**Personal identifying information** means a person's credit card account information, debit card information, bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

**Red flag** means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

**Service provider** means a person that provides a service directly to the city.  
(Ord. No. 475, Sec. 3.)

#### 10.28.04 Findings

- A. The city is a creditor pursuant to 16 CFR 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
- B. Covered accounts offered to customers for the provision of city services include water and sewer.
- C. The city's previous experience with identity theft related to covered accounts is as follows: None.
- D. The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and collecting past due accounts have been identified as potential processes in which identity theft could occur.

- E. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
- F. The city determines that there is a low risk of identity theft occurring in the following ways (if any):
  - 1. Use by an applicant of another person's personal identifying information to establish a new covered account;
  - 2. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
  - 3. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
  - 4. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment. (Ord. No. 475, Sec. 4.)

10.28.05 Process of establishing a covered account

- A. As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer consisting of driver's license and date of birth. Such information shall be entered directly into the city's computer system and a hard copy in a backup file maintained by the city.
- B. Each account shall be assigned an account number which shall be unique to that account. The city may utilize computer software to randomly generate assigned account numbers and to encrypt account numbers. (Ord. No. 475, Sec. 5.)

10.28.06 Access to covered account information

- A. Access to customer accounts shall be password protected and shall be limited to authorized city personnel.



- B. Such password(s) shall be changed by the superintendent of the water and sewer department (hereafter “the Utilities Manager”) on a regular basis, shall be at least eight (8) characters in length and shall contain letters, numbers and symbols.
- C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Utilities Manager and the password changed immediately.
- D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Utilities Manager and the City Attorney. (Ord. No. 475, Sec. 6.)

10.28.07 Credit card payments

- A. In the event that credit card payments that are made over the internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
- B. All credit card payments made over the telephone or the city’s website shall be entered directly into the customer’s account information in the computer data base.
- C. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account. (Ord. No. 475, Sec. 7.)

10.28.08 Sources and types of red flags All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- A. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
  - 1. A fraud of active duty alert that is included with a consumer report;
  - 2. A notice of credit freeze in response to a request for a consumer report;
  - 3. A notice of address discrepancy provided by a consumer reporting agency;
  - 4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- a. A recent and significant increase in the volume of inquiries;
- b. An unusual number of recently established credit relationships;
- c. A material change in the use of credit, especially with respect to recently established credit relationships; or
- d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

B. Suspicious documents Examples of suspicious documents include:

- 1. Documents provided for identification that appear to be altered or forged;
- 2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
- 3. Identification on which the information is inconsistent with information provided by the applicant or customer;
- 4. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
- 5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

C. Suspicious personal identification, such as suspicious address change Examples of suspicious identifying information include:

- 1. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
  - a. The address does not match any address in the consumer report; or
  - b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
- 2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.

3. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
5. The SSN provided is the same as that submitted by other applicants or customers.
6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
7. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
8. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

D. Unusual use of or suspicious activity relating to a covered account Examples of suspicious activity include:

1. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example: the customer fails to make the first payment or makes an initial payment but no subsequent payments.
3. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- a. Non-payment when there is no history of late or missed payments;
  - b. A material change in purchasing or spending patterns.
4. An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
  5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
  6. The city is notified that the customer is not receiving paper account statements.
  7. The city is notified of unauthorized charges or transactions in connection with a customer's account.
  8. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts. (Ord. No. 475, Sec. 8.)

10.28.09 Prevention and mitigation of identity theft

- A. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Utilities Manager. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Utilities Manger, who may in his or her discretion determine that no further action is necessary. If the Utilities Manager in his or her discretion determines that further action is necessary a city employee shall perform one or more of the following responses, as determined to be appropriate by the Utilities Manager:

1. Contact the customer;
  2. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
    - a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
    - b. Close the account.
  3. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
  4. Notify a debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
  5. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
  6. Take other appropriate action to prevent or mitigate identity theft.
- B. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Utilities Manager. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Utilities Manager, who may in his or her discretion determine that no further action is necessary. If the Utilities Manger in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Utilities Manager:

1. Request additional identifying information from the applicant;
2. Deny the application for the new account;
3. Notify law enforcement of possible identity theft; or
4. Take other appropriate action to prevent or mitigate identity theft.  
(Ord. No. 475, Sec. 9.)

10.28.10 Updating the program The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:

- A. The city's experiences with identity theft;
- B. Updates in methods of identity theft;
- C. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- D. Updates in the types of accounts that the city offers or maintains; and
- E. Updates in service provider arrangements.  
(Ord. No. 475, Sec. 10.)

10.28.11 Program administration The Utilities Manager is responsible for oversight of the program and for program implementation. The Mayor is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration by the Council.

- A. The Utilities Manager will report to the Mayor at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
  1. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

- 2. Service provider arrangement;
  - 3. Significant incidents involving identity theft and management’s response;  
and
  - 4. Recommendations for material changes to the Program.
- B. The Utilities Manager is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Utilities Manager shall exercise his or her discretion in determining the amount and substance of training necessary. (Ord. No. 475, Sec. 11.)

10.28.12 Outside service providers In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the Utilities Manager shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider’s activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider’s activities and take appropriate steps to prevent or mitigate identity theft. (Ord. No. 475, Sec. 12.)

**CHAPTER 10.29**

**TREATMENT OF ADDRESS DISCREPANCIES**

Sections:

- 10.29.01 Title
- 10.29.02 Purpose
- 10.29.03 Definitions
- 10.29.04 Policy
- 10.29.05 Furnishing consumer’s address to consumer reporting agency
- 10.29.06 Methods of confirming consumer addresses

10.29.01 Title This chapter shall be known as the Treatment of Address Discrepancies. (Ord. No. 475, Sec. 1.)

10.29.02 Purpose Pursuant to 16 CFR 681.1, the purpose of this chapter is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy. (Ord. No. 475, Sec. 2.)

10.29.03 Definitions For purposes of this article, the following definitions apply:

**City** means city of Pea Ridge, Arkansas.

**Notice of address discrepancy** means a notice sent to a user by a consumer reporting agency pursuant to 15 USC 1681(C)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer. (Ord. No. 475, Sec. 3.)

10.29.04 Policy In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

- A. Compare the information in the consumer report with:
  - 1. Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 USC 5318(1);
  - 2. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
  - 3. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
- B. Verify the information in the consumer report with the consumer. (Ord. No. 475, Sec. 4.)

10.29.05 Furnishing consumer's address to consumer reporting agency

- A. In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:



1. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
  2. The city establishes a continuing relation with the consumer; and
  3. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
- B. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer. (Ord. No. 475, Sec. 5.)

10.29.06 Methods of confirming consumer addresses The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- A. Verifying the address with the consumer;
- B. Reviewing the city's records to verify the consumer's address;
- C. Verifying the address through third party sources; or
- D. Using other reasonable processes.  
(Ord. No. 475, Sec. 6.)

## CHAPTER 10.33

### WATER AND SEWER IMPACT FEES

Sections:

10.33.01	Reference
10.33.02	Capital Plan and Level of Service Standards
10.33.03	Definitions
10.33.04	Assessment of Impact Fees
10.33.05	Time of Collection
10.33.06	Determination of Impact Fees
10.33.07	Use of Impact Fees
10.33.08	Refunds
10.33.09	Credits
10.33.10	Miscellaneous Provisions
10.33.11	Repeal of Current Water and Sewer Connection Fees

10.33.01 Reference The recitals set forth above, and the Tischler Bise Water and Sewer Impact fee Study for the City of Pea Ridge, dated November 2, 2022, 24 pages, attached, are incorporated into this Ordinance by reference. (Ord. No. 776, Sec. 1)

10.33.02 Capital Plan and Level of Service Standards The capital plan and level of service standards describing the new public water and sewer facilities and capital improvements to existing water and sewer public facilities that are to be financed with water and sewer impact fees, attached to this ordinance as Exhibit A, are hereby adopted. (Ord. No. 776, Sec. 2)

10.33.03 Definitions The following definitions shall apply in the reading and application of this ordinance:

**Applicant:** The person seeking the establishment of water services, sewer services, or a certificate of occupancy from the city.

**City:** Pea Ridge, Arkansas.

**Development:** Any single family or multi-family residential improvement, commercial improvement, or industrial improvement to lands within the City's service area.

**Impact Fees:** The water and sewer fees imposed on new development pursuant to this ordinance.

**Impact Fee Administrator:** The Pea Ridge Water and Sewer Utilities Director or his or her designee.

**Person:** An individual, association, business trust, corporation, estate, governmental agency or body, limited liability company, partnership, or trust, two or more persons having a joint interest, or any other entity.

**Residential/Commercial/Industrial Unit:** Each contiguous space designed for occupancy by: (1) a single family whether constructed as a stand-alone unit or a unit of a multi-family complex, (2) a business, or (3) a manufacturing facility.

**Service Area:** The PRWD water and sewer system service area territory that is on file with the Arkansas Natural Resource Commission. (Ord. No. 776, Sec. 3)

10.33.04 Assessment of Impact Fees The following water and sewer impact fees are assessed on each new Residential/Commercial/Industrial unit developed within the service area of the City. The service area is divided into separate basins to reflect the capital expenditures related to each area.

<b>Impact Fees per Meter – Lift Station 1 Basin</b>			
<b>Meter Size and Type</b>	<b>Water</b>	<b>Sewer</b>	<b>Impact Fees</b>
0.75 Displacement	\$451	\$2,270	\$2,721
1.00 Displacement	\$753	\$3,792	\$4,545
1.50 Displacement	\$1,501	\$7,560	\$9,061
2.00 Displacement	\$2,403	\$12,101	\$14,504
3.00 Singlejet	\$4,810	\$24,225	\$29,035
3.00 Compound	\$4,810	\$24,225	\$29,035
3.00 Turbine	\$5,261	\$26,496	\$31,757
4.00 Singlejet	\$7,515	\$37,848	\$45,363
4.00 Compound	\$7,515	\$37,848	\$45,363
4.00 Turbine	\$9,467	\$47,679	\$57,146
6.00 Singlejet	\$15,025	\$75,673	\$90,698
6.00 Compound	\$15,025	\$75,673	\$90,698
6.00 Turbine	\$19,533	\$98,377	\$117,910

<b>Impact Fees per Meter – Lift Station 2 Basin</b>			
Meter Size and Type	Water	Sewer	Impact Fees
0.75 Displacement	\$451	\$1,759	\$2,210
1.00 Displacement	\$753	\$2,938	\$3,691
1.50 Displacement	\$1,501	\$5,858	\$7,359
2.00 Displacement	\$2,403	\$9,377	\$11,780
3.00 Singlejet	\$4,810	\$18,771	\$23,581
3.00 Compound	\$4,810	\$18,771	\$23,581
3.00 Turbine	\$5,261	\$20,530	\$25,791
4.00 Singlejet	\$7,515	\$29,327	\$36,842
4.00 Compound	\$7,515	\$29,327	\$36,842
4.00 Turbine	\$9,467	\$36,944	\$46,411
6.00 Singlejet	\$15,025	\$58,635	\$73,660
6.00 Compound	\$15,025	\$58,635	\$73,660
6.00 Turbine	\$19,533	\$76,228	\$95,761

<b>Impact Fees per Meter – Easterling Basin</b>			
Meter Size and Type	Water	Sewer	Impact Fees
0.75 Displacement	\$451	\$885	\$1,336
1.00 Displacement	\$753	\$1,477	\$2,230
1.50 Displacement	\$1,501	\$2,945	\$4,446
2.00 Displacement	\$2,403	\$4,714	\$7,117
3.00 Singlejet	\$4,810	\$9,438	\$14,248
3.00 Compound	\$4,810	\$9,438	\$14,248
3.00 Turbine	\$5,261	\$10,322	\$15,583
4.00 Singlejet	\$7,515	\$14,745	\$22,260
4.00 Compound	\$7,515	\$14,745	\$22,260
4.00 Turbine	\$9,467	\$18,575	\$28,042
6.00 Singlejet	\$15,025	\$29,480	\$44,505
6.00 Compound	\$15,025	\$29,480	\$44,505
6.00 Turbine	\$19,533	\$38,325	\$57,858

<b>Impact Fees per Meter – Otter Creek Basin</b>			
Meter Size and Type	Water	Sewer	Impact Fees
0.75 Displacement	\$451	\$1,058	\$1,509
1.00 Displacement	\$753	\$1,766	\$2,519
1.50 Displacement	\$1,501	\$3,522	\$5,023
2.00 Displacement	\$2,403	\$5,638	\$8,041
3.00 Singlejet	\$4,810	\$11,286	\$16,096
3.00 Compound	\$4,810	\$11,286	\$16,096
3.00 Turbine	\$5,261	\$12,344	\$17,605
4.00 Singlejet	\$7,515	\$17,633	\$25,148
4.00 Compound	\$7,515	\$17,633	\$25,148
4.00 Turbine	\$9,467	\$22,213	\$31,680
6.00 Singlejet	\$15,025	\$35,254	\$50,279
6.00 Compound	\$15,025	\$35,254	\$50,279
6.00 Turbine	\$19,533	\$45,832	\$65,365

<b>Impact Fees per Meter – All Remaining Basins</b>			
Meter Size and Type	Water	Sewer	Impact Fees
0.75 Displacement	\$451	\$503	\$954
1.00 Displacement	\$753	\$839	\$1,592
1.50 Displacement	\$1,501	\$1,674	\$3,175
2.00 Displacement	\$2,403	\$2,679	\$5,082
3.00 Singlejet	\$4,810	\$5,363	\$10,173
3.00 Compound	\$4,810	\$5,363	\$10,173
3.00 Turbine	\$5,261	\$5,866	\$11,127
4.00 Singlejet	\$7,515	\$8,379	\$15,894
4.00 Compound	\$7,515	\$8,379	\$15,894
4.00 Turbine	\$9,467	\$10,555	\$20,022
6.00 Singlejet	\$15,025	\$16,753	\$31,778
6.00 Compound	\$15,025	\$16,753	\$31,778
6.00 Turbine	\$19,533	\$21,779	\$41,312

Additional charges may be assessed if extraordinary labor or equipment is required from the city.

The term “Meter” in the above chart refers to the water meter servicing a consumer’s property. The size of a water consumer’s meter affects the applicable impact fee for water and sewer service.

Any agreements to waive fees consummated prior to the enactment of this ordinance shall be in full force and effect. (Ord. No. 776, Sec. 4)

10.33.05 Time of Collection The water and sewer impact fees shall be paid by the Applicant at the time that the applicant requests the establishment of water and/or sewer services from the PRWD. (Ord. No. 776, Sec. 5)

10.33.06 Determination of Impact Fees The water and sewer impact fees, as established in Section 4, supra, were calculated by Tischler Bise in the November 2, 2022, study commissioned by the city. The city adopts the entire Tischler Bise study into this section by reference as if fully set forth herein for the purpose of determining impact fees. (Ord. No. 776, Sec. 6)

10.33.07 Use of Impact Fees

- A. Establishment of Accounts Impact fee funds for water and sewer are hereby created and the impact fees received will be deposited in the following interest bearing accounts of the water and sewer impact fee funds:
- 1) water impact fee account,
  - 2) sewer – All Remaining Basins impact fee account,
  - 3) sewer – Otter Creek Basin impact fee account,
  - 4) sewer – Easterling Basin impact fee account,
  - 5) sewer – Lift Station 1 Basin impact fee account,
  - 6) sewer – Lift Station 2 Basin impact fee account.
- B. Deposits into Accounts The impact fee accounts established in Subparagraphs 1 through 6 in Subsection A of this section shall contain only those impact fees collected pursuant to this ordinance, plus any interest which may accrue from time-to-time on such accounts.
- C. Expenditure of Impact Fees Monies in each impact fee account shall be considered to be spent in the order collected, on a first-in/first-out basis.
- D. Use of Impact Fees The monies in each impact fee account shall be used only for the following:
- 1) To acquire land for and/or acquire or construct new facilities or capital improvement of the types reflected in the title of the account and as described in the capital plan and level of service standards;
  - 2) To pay debt service on any portion of any lawful loan, general obligation bond, or revenue, provided said payments are in compliance with all applicable laws on impact fees, to pay for

current facilities, or to construct the new facilities or capital improvement to existing facilities as described and specified in the capital plan and level of service standards; and

- 3) As described in Section 8, Refunds. (Ord. No. 776, Sec. 7)

10.33.08 Refunds Any monies in the impact fee fund that have not been spent within seven (7) years from the date on which such fee was paid shall be refunded to the then owner of the property for which the fee was paid, with accrued interest.

- A. Notice Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property within thirty (30) days of the date the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.
- B. Proration Refund shall be made on a pro rata basis and shall be paid in full within ninety (90) days after the date certain upon which the refund becomes due. (Ord. No. 776, Sec. 8)

10.33.09 Credits

- A. Land for PRWD use and/or capital improvement facilities for PRWD use<sup>3</sup> may be offered by the Applicant as total or partial payment of the required impact fee. The offer must request or provide for a water and sewer impact fee credit. If the PRWD Utilities Director desires to accept such an offer, the credit shall be determined and provided in the following manner:
- 1) Credit for the deduction of land shall be valued at (i) 115% of the most recent assessed value by the Benton County Property Appraiser, or (ii) by fair market value established by private appraisers acceptable to the City. Credit for the dedication of public land shall be provided when the property has been conveyed at no charge to, and accepted by, the City Council.

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<sup>3</sup> For purposes of this paragraph, “land for PRWD use and/or capital improvement facilities for PRWD use” is defined as the projects listed on the Capital Plan attached to this ordinance as Exhibit A, subject to future amendment by the city council. This section is not intended to change or govern how PRWD currently handles upgrade payments on infrastructure not listed on Exhibit A.

- 2) Applicants for credit for construction of PRWD improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the PRWD Utilities Director. A city engineer shall determine the credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates. The PRWD Utilities Director shall provide the applicant with a letter or certificate setting forth the dollar amount of the proposed credit, the PRWD water or sewer impact fee component(s) to which the credit will apply, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a letter or certificate indicating his agreement to the terms and return such signed document to the PRWD Utilities Director for presentation to the City Council for acceptance. The failure of the applicant to present a signed and dated letter or certificate within 60 days of receipt of the letter from the PRWD Utilities Director shall nullify the credit.
  - 3) Except as provided in subparagraph 4, *infra*, credit against water and sewer impact fees otherwise due will not be provided until:
    - i. The construction is completed and accepted by the City.
    - ii. A suitable maintenance and warranty bond is received and approved by the City Clerk.
  - 4) Credit may be provided before completion of specified PRWD improvements if adequate assurances are given by the applicant that the standards set out in subparagraph Section 9.A.3 will be met and if the Applicant posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or agreement shall be posted with and approved by the City Clerk in an amount determined by the PRWD Utilities Director. If the PRWD construction project will not be constructed within one (1) year of the acceptance of the offer by the City Council, the amount of the security shall be increased by ten percent (10%) compounded, for each year of the life of the security.
- B. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.
- C. Credits shall not be transferable from one project or development to another without the approval of the City Council.
- D. Credits shall not be transferable from one component of the water and sewer impact fee to another component of the fee. (Ord. No. 776, Sec. 9)



### 10.33.10 Miscellaneous Provisions

- A. Additional Fees Except for the water and sewer connection fees identified for purposes of repeal in Section 11, infra, the impact fees assessed and to be collected pursuant to this Ordinance shall be separate from and in addition to any other charges to the development otherwise imposed by ordinances, statutes, or regulations of the City or the State of Arkansas.
- B. Administration The impact fee administrator shall maintain accurate records of the impact fees collected, including the name of the person paying such fees, the development for which the fees were paid, the date of payment of each fee, and such other matters as the City deems appropriate or necessary to the accurate account of such fees.

10.33.11 Repeal of Current Water and Sewer Connection Fees Current initial water and sewer connection fees are assessed to all developments connecting to the water and/or sewer systems pursuant to Ordinance 353, Sec. 3 and Ordinance 354, Sec. 1 (collectively referred to as “the Current Fees”). The water and sewer development impact fees adopted pursuant to this Ordinance, 776, are intended to replace the Current Fees. Any applicant who has paid the Current (connection) Fees will not be required to pay the impact fees on the same property and vice versa. Effective immediately, Pea Ridge Municipal Code 10.08.07.C (Ordinance 353, Sec. 3), authorizing the current connection fees for water, and Pea Ridge Municipal Code 10.08.15 (Ordinance 354, Sec. 1), authorizing the current connection fees for sewer, are repealed, null, and void. (Ord. No. 776, Sec. 11)

Pea Ridge Municipal Code 10.08.07, sections A and B, remain in full force and effect. (Ord. No. 776)

**EXHIBIT A  
CITY OF PEA RIDGE  
WATER and SEWER  
UTILITIES  
CAPITAL PLAN AND  
LEVEL OF SERVICE  
STANDARDS  
November 2, 2022**

**WATER**

**Level of Service Standard:**

Timely provide potable water that meets and exceeds all health and industry standards to service: (1) all current customers (avg. of 615,972 gal/day), and (2) the projected future customer demand (avg. increase of 595,057 gal/day in 10 years based on 3,644 new accounts) as calculated and set forth in the TischlerBise November 2, 2022, study for the city, which is adopted and incorporated herein by reference.

**Capital Plan:**

**Water Storage**

Description	Cost
Storage Tower 1 (existing)	\$274,500
Storage Tower 2 (existing)	\$1,182,000
Storage Expansion (planned)	\$4,748,650
<b>Total Water Storage Cost</b>	<b>\$6,205,150</b>
÷ Existing and Planned Capacity (gallons)	2,000,000
<b>Cost per Gallon</b>	<b>\$3.10</b>
Cost – Growth Share	\$4,290,487
Capacity – Growth Share	1,384,028

**Water Line**

Description	Cost
18-Inch Water Line (existing)	\$2,005,800
÷ Existing Capacity (gallons)	2,000,000
<b>Cost per Gallon</b>	<b>\$1.00</b>
Cost – Growth Share	\$1,384,028
Capacity – Growth Share	1,384,028

**SEWER**

**Level of Service Standard:**

Timely provide sewer services that meet and exceed all regulatory and industry standards to service: **(1)** all current customers (avg. of 332,4409 gal/day), and **(2)** the projected future sewer demand (avg. increase of 451,875 gal/day in 10 years based on 3,644 new accounts) as calculated and set forth in the TischlerBise November 2, 2022, study for the city, which is adopted and incorporated herein by reference.

**Capital Plan:**

**Treatment Plant – All Remaining Basins**

Description	Cost
Treatment Plant Investment (existing)	\$8,070,000
÷ Treatment Plant Capacity (gallons)	1,000,000
Cost per Gallon	\$8.07
Cost – Growth Share	\$5,387,459
Capacity – Growth Share	667,591

**Sewer Line – Lift Station 1 Basin and Lift Station 2 Basin**

Description	Cost
Conveyance Line Improvements (existing)	\$1,642,200
÷ Total Capacity (gallons)	366,000
Cost per Gallon	\$4.49
Cost – Growth Share	\$1,225,770
Capacity – Growth Share	273,000

**Sewer Line – Otter Creek Basin**

Description	Cost
Otter Creek Sewer Extension (planned)	\$1,000,000
÷ Total Capacity (gallons)	219,600
Cost per Gallon	\$4.55
Cost – Growth Share	\$1,000,000
Capacity – Growth Share	219,600

**Lift Station – Easterling Basin**

Description	Cost
Easterling Lift Station Upgrade (planned)	\$1,000,000
÷ Total Capacity (gallons)	320,000
Cost per Gallon	\$3.13
Cost – Growth Share	\$594,700
Capacity – Growth Share	190,000

**Lift Station – Lift Station 1 Basin**

Description	Cost
Lift Station 1 Replacement (planned)	\$1,000,000
÷ Total Capacity (gallons)	100,000
Cost per Gallon	\$10.00
Cost – Growth Share	\$350,000
Capacity – Growth Share	35,000

**Lift Station – Lift Station 2 Basin**

Description	Cost
Lift Station 2 Replacement (planned)	\$1,000,000
÷ Total Capacity (gallons)	172,000
Cost per Gallon	\$5.81
Cost – Growth Share	\$458,990
Capacity – Growth Share	79,000