

**TITLE 10**

**UTILITIES**

Chapters:

- 10.04 Sewer and Water Commission
- 10.08 Sewer Regulations
- 10.12 Water and Sewer Rates
- 10.16 Fire Protection
- 10.20 Water Contracts
- 10.24 Cross-Connection Program
- 10.28 Revenue Construction Bond

**CHAPTER 10.04**

**SEWER AND WATER COMMISSION**

Sections:

- 10.04.01 Members

10.04.01 Members The Pocahontas Sewer and Water Commission pursuant to Act No. 840 of the Acts of the General Assembly of 1981, is increased from three (3) members to five (5) members. (Ord. No. 363, Sec. 1.)

**CHAPTER 10.08**

**SEWER REGULATIONS**

Sections:

- 10.08.01 Definitions
- 10.08.02 Use of public sewers required
- 10.08.03 Private sewage disposal
- 10.08.04 Building sewers and connection
- 10.08.05 Use of the public sewers

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

**"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.

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

**"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.

**"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 of flow 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 City Engineer or his authorized agent, deputy, 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.

**"Watercourses"** shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 279, Art I)

10.08.02 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 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 chapter, within thirty (30) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of the property line. (Ord. No. 279, Art II)

10.08.03 Private sewage disposal system.

- A. Where a public sanitary or combined sewer is not available under the provisions of Article II, 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 Superintendent. 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 Superintendent. A permit and inspection fee of shall be paid to the city at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. 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 Superintendent when the work is ready for final inspection, and before any underground portions are covered. This inspection shall be made within \_\_\_\_\_ hours of the receipt of notice by the superintendent.
- 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 \_\_\_\_\_ 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 Article III, Section 4, 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 material.
- 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 article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- H. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean hand-run gravel or dirt. (Ord. No. 279, Art III)

#### 10.08.04 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.
- 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. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$50.00 for a residential or commercial building sewer permit and \$100.00 plus \$50.00 \_\_\_\_\_ for an industrial building sewer permit shall be paid to the city at the time the application is filed.
- C. All costs and expenses incident to the installation and connection of the building sewer shall be born by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an

adjoining alley, courtyard, or driveway. The building sewer from the front building may extend to the rear building and the whole considered as one building sewer.

- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. 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. 279, Art IV)

10.08.05 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 combined sewer or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.
- C. 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, oil, or gas;
  - 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either simply or by interaction with other wastes, to injure or interfere with any sewage treatment process, or any part of the sewer treatment facilities or sanitary sewage works, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as SN in the wastes as discharged to the public sewer;
  - 3. Any water or wastes having a Ph lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
  - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or pumping facilities, 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.
- D. 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) degrees F. (sixty-five (65) degrees 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) and one hundred fifty (150) degrees F (0 to sixty-five 65 degrees 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 waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
8. Any waters or wastes having a Ph in excess of 9.0;
9. 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.
- E. 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 4 of this Article, 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. require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of part 10 of this section.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

- F. 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.
- G. 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.
- H. 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 accessible 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.
- I. All measurements, tests, and analysis 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.
- J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern.(Ord. No. 279, Art V)

10.08.06 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. 279, Art VI)

10.08.07 Power and authority of Superintendent

- A. The Superintendent and other duly authorized employees of the city of Pocahontas, 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 chapter. 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 except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.
- 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. 279, Art VII)

10.08.08 Penalty for violation

- A. Any person found to be violating any provision of this chapter except Article VI 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 Twenty-Five (\$25.00) 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. 279, Art VIII)

10.08.09 Damaged sewer lines Sewer lines located on private property within the city limits of the city of Pocahontas will be kept in repair at all times so as to perform the function for which they are intended. (Ord. No. 405, Sec. 1.)

10.08.10 Storm drains Building guttering and storm drains will be constructed so as to prevent water from emptying into the city sewer system from said guttering and drains. (Ord. No. 405, Sec. 2.)

10.08.11 Notice The building inspector or employees of the city Water and Sewer Department shall give notice to land owners of any damaged sewer lines or any guttering or storm drains emptying into the city sanitary sewer system by certified mail. Said notice shall read substantially as follows and it shall be to the owner or occupant of the real property involved:

You are hereby notified that (the sewer lines located on your property at the above address is damaged) or (your drain or storm guttering at the above address is entering into the city sewer system). You shall have ten (10) days in which to make the necessary repairs by either repairing the sewer line or correcting the storm drainage system so as to prevent the surface water on your property from entering into the city sewer system. If corrective action has not been taken by the expiration of the ten-day period, then the water and sewer service to your property may be disconnected. (Ord. No. 405, Sec. 3.)

10.08.12 Repairs It is unlawful for any person, firm or corporation to fail to repair the sewer system on their private property, and it is also unlawful for any person, firm or corporation to divert surface water from storm drains or building guttering into the sanitary sewer system.

The Pocahontas Water and Sewer Department is hereby authorized after reasonable notice to disconnect the water service of any person found to be in violation of any provision of this ordinance. (Ord. No. 405, Sec. 4.)

10.08.13 Fine Any person, firm or corporation violating any provision of this ordinance shall be declared guilty of a misdemeanor and shall be fined any sum not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) in addition to the disconnection of water service for failure to comply with the foregoing provisions of this ordinance. (Ord. No. 405, Sec. 4.)

10.08.14 Required connection

- A. Pursuant to A.C.A. 14-235-301 et seq., any owner of real property shall, upon being ordered so to do by the City Council or any agency designated by the City Council for such purpose as a Board of Health of the city, construct upon the property of such owner an appropriate line or lines, within a reasonable period of

time and in accordance with plans approved by the city, connecting such property or building on such property to the system, provided that:

1. the distance from such property to the connection with the system does not exceed 300 feet, and
  2. the City Council or the designated agency shall have determined, in its discretion, that the public health will be promoted by the construction of such line or lines.
- B. If the owners of the property described in (A) above shall fail, neglect, or refuse to connect to the system as mandated by order of the City Council, the city shall employ the remedies set forth in A.C.A. 14-235-303. (Ord. No. 2008-5, Secs. 1-2.)
- C. The City Council hereby designates the Pocahontas Water Works Commission and its agents as the agency, pursuant to A.C.A. 14-235-301 et seq., with the authority to enforce Ord. No. 2008-5. (Ord. No. 2009-2, Sec. 1.)

**CHAPTER 10.12**

**WATER AND SEWER RATES**

Sections:

- 10.12.01 Water rates
- 10.12.02 Vacant property
- 10.12.03 Mosquito control
- 10.12.04 Violation
- 10.12.05 Water turned on for service
- 10.12.06 Plumbing must comply
- 10.12.07 Permit
- 10.12.08 Application must be made
- 10.12.09 Tampering with water meters
- 10.12.10 Violation
- 10.12.11 Sewer rates
- 10.12.12 Minimum Rate
- 10.12.13 Current billing rate
- 10.12.14 Exclusions

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

**WATER**

First 1,000 gallons or less (Minimum)	\$10.70 per thousand gallons
1,000 to 5,000 gallons	\$ 4.55 per thousand gallons
5,001 to 10,000 gallons	\$ 4.00 per thousand gallons
10,001 to 15,000 gallons	\$ 3.45 per thousand gallons
15,001 to 25,000 gallons	\$ 2.90 per thousand gallons
25,001 to 100,000 gallons	\$ 2.50 per thousand gallons
All over 100,000 gallons	\$ 2.35 per thousand gallons

**MINIMUM BY METER SIZE**

3/4" meter	1,000 gallons minimum	\$10.70
1" meter	2,000 gallons minimum	\$15.25
1 1/2" meter	5,000 gallons minimum	\$28.90
2" meter	10,000 gallons minimum	\$48.90
3" meter	20,000 gallons minimum	\$80.65
4" meter	30,000 gallons minimum	\$107.65

### **RATES OUTSIDE CITY LIMITS**

Customers outside the city limits are charged an additional 10% surcharge.

### **MULTIPLE SERVICES ON ONE METER**

Multiple services on one meter are charged the applicable minimum by meter size plus \$8.10 for each additional service. (Additional charge is approximately 75% of the water minimum.)

### **LAWRENCE COUNTY WATER RATES (Includes 10% surcharge for outside city limits)**

#### **Hwy 90 (3" Meter)**

First 20,000 gallons (Minimum)	\$88.71
20,000 to 25,000 gallons	\$ 3.19 per thousand gallons
25,000 to 100,000 gallons	\$ 2.75 per thousand gallons
All over 100,000 gallons	\$ 2.58 per thousand gallons

#### **Hwy 115 (3" Meter)**

First 100,000 gallons (Minimum)	\$310.91
All over 100,000 gallons	\$ 2.58 per thousand gallons

### **SEWER**

Sewer charges are based on an average of three-winter months water usage using December, January, and February for this average. If there is no wintertime average, sewer usage is determined by the actual water usage.

Sewer rates will be 70% of water rates.

Sewer charge where there is no water charge is the sewer minimum plus \$5.70 for each additional person. (Additional charge is approximately 75% of the sewer minimum.)

### **SHANNON SEWER RATES**

First 1,000 gallons or less	\$18.50 Minimum
Next 4,000 gallons	\$ 3.20 per 1,000 gallons
Next 5,000 gallons	\$ 2.81 per 1,000 gallons
Next 5,000 gallons	\$ 2.43 per 1,000 gallons
Next 10,000 gallons	\$ 2.04 per 1,000 gallons
Next 75,000 gallons	\$ 1.74 per 1,000 gallons
Next 100,000 gallons	\$ 1.66 per 1,000 gallons

That the provisions of this Ordinance are separable and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the Ordinance. (Ord. No. 2019-10, Sec. 2)

**CHAPTER 10.16**

**FIRE PROTECTION**

Sections:

10.16.01 Fees

10.16.01 Fees The following fees are hereby levied for fire protection in the City of Pocahontas, to be billed and paid along with monthly water and sewer charges:

<b>RESIDENTIAL WATER METERS</b>	\$5.50 per month
<b>Retail</b>	
0 – 800 sq. ft.	\$8.50 per month (To include Home Occupations)
800 – 3000 sq. ft.	\$12.50 per month
3000 – 10,000 sq. ft.	\$16.50 per month
10,000 – 18,000 sq. ft.	\$20.50 per month
18,000 – 30,000 sq. ft.	\$24.50 per month
30,000 sq. ft. & above	\$40.50 per month
<b>Industrial</b>	
Per meter	\$40.50 per month
<b>Offices</b>	
0 – 800 sq. ft.	\$8.50 per month
800 – 2000 sq. ft.	\$12.50 per month
2000 sq. ft. & above	\$16.50 per month
<b>Churches</b>	\$8.50 per month
<b>Schools</b>	\$5.50 per month



<b>Restaurants</b>	
0 – 2000 sq. ft.	\$12.50 per month
2000 sq. ft. & above	\$16.50 per month
<b>Groceries &amp; Gas</b>	\$12.50 per month
<b>Convenience &amp; Gas</b>	\$16.50 per month
<b>Service Stations</b>	\$20.50 per month
<b>Small High Risk (Misc.)</b>	\$12.50 per month
(Body shops, Garages, etc.)	
<b>Large High Risk (Misc.)</b>	\$20.50 per month
(Bulk plants, Body shops, Garages, etc.)	
(Ord. No. 2003-15, Sec. 1.)	

Any persons, firm or corporation failing and refusing to pay the monthly fire protection fee and residential garbage collection fee will be subject to having their water service disconnected for non-payment of fee. (Ord. No. 2003-15, Sec. 2)

## CHAPTER 10.20

### WATER CONTRACTS

#### Sections:

10.20.01	Lawrence County Regional Water District
10.20.02	Shannon Water Users Association
10.02.03	Water Contracts
10.20.04	Penalties
10.20.05	Application
10.20.06	Water or sewer to others
10.20.07	Emergency

10.20.01 Lawrence County Regional Water District There is hereby authorized and directed the sale of water to the Lawrence County Regional Water District according to the prices and terms set forth in the Water Purchase Contract. (Ord. No. 377, Sec. 1.)

10.20.02 Shannon Water Users Association There is hereby authorized and directed the sale of water to the Shannon Water Users Association, according to the prices and terms set forth in the Water Purchase contract. (Ord. No. 343, Sec. 1.)

10.02.03 Water Contracts Unless specifically prohibited by another provision contained in this article, the city shall have the right to enter into contracts to sell water services and sewer services to consumers outside the limits of the city as may be authorized by statute and by a water/sewer service agreement contract, upon which contract shall include the following terms and conditions:

- A. The limits of the area to be served shall be clearly defined.
- B. The area to be served shall be governed and administrated by the Pocahontas Water Works (“Water Works” or “Water Department”) or an otherwise competent and legally formed entity.
- C. The distribution system to be served shall be designed, constructed and maintained in accordance with city ordinances, city specifications, and city plumbing standards, State Department of Health standards, and. In accordance and compliance with the State Plumbing Code.
- D. The owner shall agree to pay all costs of design, engineering and construction of the extension, which shall be accomplished to city standards and conform to plans approved by the water department and the city inspector. Costs of plan review and construction inspection shall also be paid by the owner.
- E. The cost for construction to effect connection shall be borne completely by the user and shall not be included in the city’s water rates.
- F. Any such contract shall be for a fixed term.
- G. That all water/sewer service agreement contracts with users to be served directly through the city’s system shall be charged a rate provided by this code.
- H. That the user shall furnish, operate and maintain at the user’s own expense a pumping station, if determined necessary by the city, and master meter which at all times shall be properly calibrated to ensure proper reading and billing. All required pumping stations, meters, and equipment furnished by the user for the municipal water system shall meet the configurations and specifications currently used by the municipal water system and shall be subject to the approval of the Pocahontas Water Works or the City of Pocahontas.

- I. That any such contract shall be approved by proper resolution of the city and by proper resolution of the City Council; except if the user shall be another city or an improvement district properly created under authority of statute, the contract shall be approved and authorized by proper ordinance of each party.
- J. The agreement shall be executed by the owner of the property, who shall also warrant that he/she is authorized to enter into such agreement.
- K. The owner shall secure and obtain, at the owner's sole cost and expense, all permits, easements and licenses necessary to construct the extension.
- L. The agreement shall be recorded against the property with the Randolph County Circuit Court Clerk and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property.
- M. In addition to all other remedies available to the city for the owner's noncompliance with the terms of the agreement, the city shall have the authority to disconnect the utility, and for that purpose may at any time enter upon any public street or road or upon said property. (Ord. No. 2015-07, Sec. 1)
- N. In addition to other terms set forth in the water/sewer service agreement, the property owner shall agree, upon written request from the City, to avail themselves of the procedure of annexation by the City of Pocahontas as provided by Arkansas law. No terms in the agreement shall mandate the City to make this request. (Ord. No. 2015-07, Sec. 1)

10.20.04. Penalties. The city shall terminate illegal connections immediately upon gaining knowledge of such connections. Any connections to the municipal water system made by a person to structures or facilities located outside the corporate limits of the city which were not approved by the city shall be considered illegal connections and a violation of this article. Any person or entity convicted for a violation of any provision of this article shall be subject to the penalties enumerated in Chapter 10.12.10. (Ord. No. 2015-07, Sec. 1)

10.20.05. Application. Applications for water service, sewer service, or both, shall be made at the office of the Pocahontas Water Works or Water Department by the owner of the premises, his authorized agent or the person in possession of the premises. Persons making application for water/sewer service shall pay to the city the applicable meter deposit fee and tapping fee, when applicable, and shall be charged the applicable service charge for turning the water on. Upon making application for water/sewer service, the applicant shall submit to the office of the water department a drawing to scale or scaled design of the proposed extension of water/sewer service. (Ord. No. 2015-07, Sec. 1)

10.20.06. Water or sewer to others. Customers shall not be allowed to furnish other persons with water without a service permit from the Pocahontas Water Works or Water Department. Any consumer violating this section shall have his water service disconnected except in cases of emergency. Each home or business must have separate sewer connection; in no case will a customer be allowed to furnish sewer facilities for another home or business. Any consumer violating this section shall have his water service disconnected except in cases of emergency. (Ord. No. 2015-07, Sec. 1)

10.20.07. Emergency. In the event of a water shortage, due to any cause, the Water Department shall have the right to discontinue service to customers using water for irrigation purposes or for any other purpose not considered to be the best interest of the general public. (Ord. No. 2015-07, Sec. 1)

## **CHAPTER 10.24**

### **CROSS CONNECTION PROGRAM**

Sections:

10.24.01	Purposes
10.24.02	Definitions
10.24.03	Operational criteria
10.24.04	Facilities requiring backflow protection
10.24.05	Approval of backflow – prevention devices
10.24.06	Noncompliance
10.24.07	Ownership
10.24.08	Installation and costs
10.24.09	Testing and maintenance

10.24.01 Purposes The purposes of this article are:

- A. To provide for the protection of the public water supply;
- B. To isolate at the service connection any actual or potential pollution or contamination within the consumers' premises; and
- C. To provide a continuous, systematic, and effective program of cross-connection control. (Ord. No. 498, Sec. 1.2)

10.24.02      Definitions

- A. Backflow shall mean the flow of water or other liquids, mixtures of substances into the distribution pipes of a potable supply of water from any source other than its intended source.
- B. Backflow preventer shall mean a device or means to prevent backflow.
- C. “Double-check valve assembly” means an assembly composed of two single, independently acting, approved check valves, including tightly closing shutoff valves located at each end of the assembly and suitable test cocks for testing the water-tightness of each check valve.
- D. “Reduces-pressure-principal backflow prevention assembly” means a device containing a minimum of two (2) independently acting, approved check valves, together with an automatically operated pressure differential relief valve located between the check valves. The assembly will include two (2) cut-off valves and four (4) test cocks. (Ord. No. 498, Sec. 1.3.)

10.24.03 Operational criteria It is the primary responsibility of the water purveyor and/or the city of Pocahontas to evaluate the hazards inherent in supplying a consumer’s water system, i.e. determine whether solid, liquid or gaseous pollutants or contaminants are, or may be, handled on the consumer’s premises in such a manner as to possibly permit contamination of the public water system. When a hazard or potential hazard to the public water system is found on the consumer’s premises, the consumer shall be required to install an approved backflow prevention device at each public water service connection to the premises in accordance with this article’s requirements. The type of device shall depend on the degree of hazard involved.

The type of protective device required shall depend on the degree of hazard as described in AWWA Manual M-14 or as described below.

- A. In the case of any premises where there is an auxiliary water supply, there shall be no physical connection between said auxiliary water supply and the consumer’s water system which is served by the public water supply system. Where such connections are found, disconnections shall be accomplished and the public water system shall be protected against the possibility of future reconnection by an approved reduced pressure-principal backflow prevention device at the service connection.
- B. In the case of any premises there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double-check valve assembly.

- C. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved reduced-pressure-principle backflow prevention assembly.
- D. In case of any premises where there are “uncontrolled” cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure-principal backflow prevention assembly at the service connection.
- E. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure-principle backflow prevention assembly at the service connection. (Ord. No. 498, Sec. 1.4)

10.24.03      Facilities requiring backflow protection.

A. The following is a partial list of facilities which may require reduced-pressure-principal backflow preventors at the service connection. Requirements are based upon the degree of hazard afforded the public potable water system.

1. Automatic car washes
2. Auxiliary water systems
3. Exterminators
4. Facilities with commercial boilers or chilled water systems
5. Fire systems
6. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics
7. Irrigation systems
8. Laboratories (industrial, commercial, medical and school)
9. Laundries
10. Radiator shops
11. Restricted, classified or other closed facilities
12. Sand and gravel plants
13. Wastewater treatment plants, pump stations and storm water pumping facilities
14. Waterfront homes, facilities, and industries
15. Swimming pools
16. Others, as found with high hazards

B. The following is a partial list of facilities which may require double-check valve assemblies:

1. Apartments
2. Beauty parlors and barber shops
3. Doctors and dental offices
4. Greenhouses and nurseries
5. Hotels and motels
6. Laundry and cleaners
7. Restaurants and food handlers
8. Service stations
9. Others, as found with suspected low hazards  
(Ord. No. 498, Sec. 1.5)

10.24.05 Approval of backflow-prevention devices Any backflow-prevention device required herein shall be a type in accordance with AWWA specifications C506-78 or its latest revision, the Arkansas Department of Health Regulation and the water purveyor and/or the city of Pocahontas. (Ord. No. 498, Sec. 1.6)

10.24.06 Noncompliance

- A. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination water service will be discontinued by the water purveyor and/or superintendent.
- B. No water service connection shall be installed on the premises of any consumer unless the public potable water system is protected as required by this article.
- C. Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or the city of Pocahontas if any protective device required by this article has not been installed, or is defective, or has been removed or bypassed. Discontinued water service shall not be resumed until conditions at the consumer's premises have been abated or corrected to the satisfaction of the water purveyor and/or superintendent.
- D. Upon discovery of a violation of this Code, written notice shall be given to the consumer. If violations are not corrected by date and time as stated on notice, water supply will be discontinued and the violation will be referred to the Water Commission for further action.

- E. For the purpose of making any inspections or discharging the duties imposed by this article, water purveyor and/or the city of Pocahontas, the Health Department, and/or plumbing inspector shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premises of the water purveyor and/or superintendent, the health department, and/or plumbing inspector for the purpose stated herein. (Ord. No. 498, Sec. 1.7.)

10.24.07 Ownership The consumer shall purchase, own and maintain all backflow-prevention devices installed at the point of delivery to the consumer's water system. (Ord. No. 498, Sec. 1.8.)

10.24.08 Installation and costs Customers of the city water division requiring backflow-prevention devices will pay all costs associated with installation of the appropriate size and type of device under private contract. New installations shall be completed prior to the "final" plumbing inspection so that device can be included as part of inspection. Devices shall be installed above ground in a location that is readily accessible for maintenance and testing and should be located not less than 12" above ground, or more than 30". (Ord. No. 498, Sec. 1.9.)

10.24.09 Testing and maintenance The consumer will be responsible for the annual testing of the backflow-prevention assembly by contract with a certified backflow assembly tester. The consumer will annually furnish water purveyor and/or city of Pocahontas with a certificate of such satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, city of Pocahontas, and/or the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals, costs of which would be borne by consumer. Any maintenance fees required as a result of inspections or testing shall be paid by consumer through private contract. Records of inspections, testing or repairs shall be kept by the water purveyor and/or city of Pocahontas and made available to the Health Department. (Ord. No. 498, Sec. 1.10)



## CHAPTER 10.28

### REVENUE CONSTRUCTION BOND

Sections:

10.28.01	Issued
10.28.02	Completing the Indenture
10.28.03	Completing the Placement Agreement
10.28.04	Tax Compliance Agreement
10.28.05	Term Sheet
10.28.06	Actions taken
10.28.07	Tax-exempt bonds
10.28.08	Execution and delivery

10.28.01 Issued Under the authority of the Constitution and laws of the state, including particularly Amendment 65 and the authorizing legislation, there is hereby authorized the issuance of revenue bonds of the City to be designated “City of Pocahontas, Arkansas Water and Sewer System Revenue Construction Bonds, Series 2005” in the principal amount of not to exceed \$5,000,000 (the “Series 2005 Bonds”). The Series 2005 Bonds shall be special obligations of the City, and the principal of and the interest on and any redemption premium on the Series 2005 Bonds shall be secured by a pledge of revenues of the City’s water and sewer system. The Series 2005 Bonds shall bear interest at the rates specified in the Indenture hereinafter authorized, not to exceed 4.600% per annum at any time, and shall mature no later than 2030. The Mayor is hereby authorized and directed to approve the form of the Series 2005 Bonds with terms, conditions and provisions that are usual and customary and further approved by Jack, Lyon & Jones, P.A. (“Bond Counsel”). The Mayor is hereby authorized to execute and deliver the Series 2005 Bonds, and the City Recorder is hereby authorized and directed to execute and deliver the Series 2005 Bonds and to affix the seal of the City thereto, and the Mayor and the City Recorder are hereby authorized and directed to cause the Series 2005 Bonds to be authenticated by the trustee named in the Indenture (the “Trustee”). (Ord. No. 05-5, Sec. 1.)

10.28.02 Completing the Indenture To prescribe the terms and conditions upon which the Series 2005 Bonds are to be secured, executed, authenticated, issued, accepted and held, the Mayor and the City Recorder are hereby authorized and directed to execute, acknowledge and deliver the Indenture, and the Mayor and the City Recorder are hereby authorized and directed to cause the Indenture to be accepted, executed, and acknowledged by the Trustee. The Mayor is hereby authorized to confer with the Trustee, the Placement Agent and Bond Counsel in order to complete the Indenture with terms, conditions and provisions which are usual and customary as approved by the Mayor and Bond Counsel. (Ord. No. 05-5, Sec. 2.)

10.28.03 Completing the Placement Agreement To prescribe the terms and conditions upon which the Series 2005 Bonds are to be placed by the Placement Agent, the Mayor is hereby authorized and directed to execute the Placement Agreement by and between the City and the Placement Agent. The Mayor is hereby authorized to confer with the Placement Agent and Bond Counsel in order to complete the Placement Agreement with terms, conditions and provisions that are usual and customary as approved by the Mayor and Bond Counsel. (Ord. No. 05-5, Sec. 3.)

10.28.04 Tax Compliance Agreement In order to ensure the continuing exemption of interest on the Series 2005 Bonds from the income of the holders thereof, the Mayor is hereby authorized and directed to execute a Tax Compliance Agreement (the "Tax Compliance Agreement"), by and between the City and the Trustee. The Mayor is hereby authorized to confer with the Trustee and Bond Counsel in order to complete the Tax Compliance Agreement with terms, conditions and provisions which are usual and customary as approved by the Mayor and Bond Counsel. (Ord. No. 05-5, Sec. 4.)

10.28.05 Term Sheet In connection with the placement of the Series 2005 Bonds by the Placement Agent, the City hereby authorizes the Placement Agent to prepare and distribute a Term Sheet (the "Term Sheet") to potential purchasers of the Bonds setting forth certain terms, conditions, and risks associated with the purchase of the Bonds. (Ord. No. 05-5, Sec. 5.)

10.28.06 Actions taken All actions heretofore taken by the City and its officers and staff in connection with the offer and sale of the Series 2005 Bonds are hereby in all respects ratified and approved. (Ord. No. 05-5, Sec. 6.)

10.28.07 Tax exempt bonds The City hereby represents that it reasonably expects that it and all subordinate entities thereof will not issue more than \$10,000,000 or tax-exempt obligations (not counting private-activity bonds except for qualified 501©(3) bonds as defined in the Code) during the calendar year 2005. The City hereby designates each of the Series 2005 Bonds as a "qualified tax-exempt obligation" for the purposes of the Code. (Ord. No. 05-5, Sec. 7.)

10.28.08 Execution and delivery The Mayor and City Recorder, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Series 2005 Bonds, the Indenture, the Placement Agreement, the Tax Compliance Agreement, and the performance of all other acts of whatever nature necessary to effect and carry out the authority conferred by this ordinance. The Mayor and the City Recorder are hereby authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof. (Ord. No. 05-5, Sec. 8.)