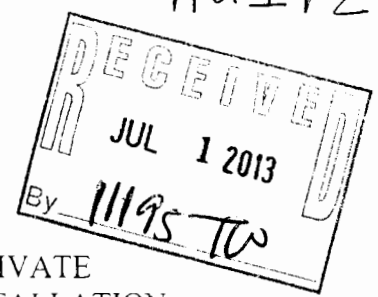


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ORDINANCE NO.
706



AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL. THE INSTALLATION AND CONNECTION OF BUILDING SEWERS. AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; REPEALING ALL ORDINANCES AND PROVISIONS THEREOF IN CONFLICT THEREWITH INCLUDING SEWER USE ORDINANCE 384 AND FOR OTHER PURPOSES. ALL PERTAINING TO THE SEWER LINES AND SYSTEM THE JURISDICTION OF THE CITY OF WYNNE COUNTY OF CROSS STATE OF ARKANSAS.

WHEREAS, Ordinance No. 384 passed on December 9 of 1970 currently regulates the use of public and private sewers and specifically contains general provisions regarding the use, disposal, connection, protection, inspections, and penalties in connection with the use of public sewers and these provisions should be repealed , and revised and expanded provisions in a new Ordinance should be adopted to enable the City of Wynne Water Utilities effectively operate the sewer system of the City of Wynne, and,

WHEREAS, the provisions as hereinafter set forth contain the revisions and additions necessary to enable the Utility to more effectively and efficiently operate the sewer system in the City of Wynne by inclusion in this Ordinance the following provisions, the titles to which are hereinafter set forth in the provisions in the Ordinance.

Be it ordained and enacted by the Council of the City of Wynne State of Arkansas as follows:

TABLE OF CONTENTS OF THIS ORDINANCE

SECTION 1 GENERAL PROVISIONS..... 3

- 1.1 Title, Purpose and Policy
- 1.2 Definitions

SECTION 2 USE OF PUBLIC SEWERS REQUIRED.....6

- 2.1 Unsanitary Conditions
- 2.2 Storm water Discharge
- 2.3 Discharges to Natural Outlets
- 2.4 Septic Tanks, Privies, Cesspools
- 2.5 Connection to Public Sewer Required
- 2.6 Dischargers Outside City
- 2.7 Limitations for Discharge into the Public Sewer

SECTION 3 PRIVATE SEWAGE DISPOSAL.....	11
3.1 Private Sewage Disposal Systems Allowed	
3.2 Permits Required	
3.3 Compliance with Regulations	
3.4 Connection to the Public Sewer Required	
3.5 Owner Responsibilities	
3.6 Additional Requirements Govern	
SECTION 4 BUILDING SEWERS AND CONNECTIONS.....	12
4.1 Authorizations Required	
4.2 Building Sewer Permits/Fees Required	
4.3 Costs, Expenses, and Indemnification	
4.4 Separate Building Sewers Required	
4.5 Use of Old Building Sewers	
4.6 Construction Requirements/Specifications	
4.7 Building Sewer Elevations/Lift Stations	
4.8 Prohibited Connections	
4.9 Conformance to Rules and Regulations	
4.10 Notification-Inspection and Connection	
4.11 Protection of the Public	
4.12 Operation and Maintenance Requirements and Restoration of Public Property	
SECTION 5 PROTECTION FROM DAMAGE.....	15
5.1 Damage, Destruction, and Tampering	
5.2 Unauthorized Covering	
5.3 Applicable Penalties	
SECTION 6 DISCONNECTION SEWERS.....	16
6.1 Disconnection and Sealing Required	
6.2 Application and Fee Required	
6.3 Notification Requirements	
SECTION 7 POWER AND AUTHORITY OF INSPECTORS.....	16
7.1 Right of Entry	
7.2 Adoption of Rules and Regulations Pertaining to Sewers	
SECTION 8 ADMINISTRATIVE ENFORCEMENT REMEDIES.....	17
8.1 Enforcement Procedure	
8.2 Show Cause Hearing	
8.3 Emergency Suspension of Service	

SECTION 9 JUDICIAL ENFORCEMENT REMEDIES.....	19
9.1 Injunctive Relief	
9.2 Civil Penalties	
9.3 Criminal Prosecution	
9.4 Remedies Nonexclusive	
9.5 Initiation of Criminal or Civil Action	
SECTION 10 SUPPLEMENTAL ENFORCEMENT ACTIONS.....	21
10.1 Performance Bonds	
10.2 Liability Insurance	
10.3 Public Nuisance	
SECTION 11 SEVERABILITY.....	22
11.1 Repeal of Prior Ordinances	
SECTION 12 EFFECTIVE DATE, AND DECLARING AN EMERGENCY.....	23

WHEREAS, it is essential that the Water and Sewer Commission should have the authority to perform all acts as provided in the ordinance in order to effectively regulate the use and operation of the public sewer system of the City of Wynne and the provisions of this ordinance are necessary for the immediate protection of the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYNNE, ARKANSAS:

SECTION 1 GENERAL PROVISION

1.1 TITLE, PURPOSE AND POLICY

This Ordinance shall be known as the “General Sewer Use Ordinance” and sets forth uniform general requirements regulating the use of the public sewers for the City of Wynne, Arkansas. The objectives of this Ordinance are:

- A To regulate the general use of both public and private sewers within the jurisdiction of the City of Wynne, Arkansas;
- B To regulate private sewage disposal within the jurisdiction of the City of Wynne, Arkansas;
- C To regulate the installation, construction, maintenance, connection, and protection of building sewers within the jurisdiction of the City of Wynne, Arkansas;

D To regulate the disconnection and sealing of building sewers within the jurisdiction of the City of Wynne, Arkansas;

E To repeal all existing Ordinances in conflict therewith.

F To adopt all current regulations of the Arkansas Department of Health Plumbing Code, Public Health Engineering, Sanitary Services and Codes for general sanitation.

1.2 Definitions

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

A "BOD" (DENOTING Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

B "And/Or" shall mean one item or the other or a combination of both or all.

C "Building Drain" shall mean the extension from the building drain to the public sewer or other place of disposal. The beginning as described in the State Plumbing Code to be thirty (30) inches from the outside of the foundation wall of the building and continuing to a point of connection to an existing sewer main.

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

E "City" shall mean the City of Wynne, Arkansas.

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

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

H "Human Occupancy" shall mean buildings used by anyone for the purpose of maintaining or creating a residence or business through the maintenance, use or sale of those items contained within. Excluded from this will be storage buildings constructed for public storage use only.

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

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

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

L "POTW" shall mean Publically Owned Treatment Works

M "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

N "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in dimension.

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

P "Private Sewage Disposal" or "Pumping System" shall mean that facility owned, operated, and maintained by any person for the purpose of collecting and disposing of sewage within the property of said person or pumped to a city owned sewer main.

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

R "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.

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

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

U "Sewer" shall mean a pipe or conduit for carrying sewage.

V "Shall" is mandatory; "May" is permissive.

W "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 the normal operation.

X "Storm Drain" (sometimes referred to as "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.

Y "General Manager" or "Manager" shall mean the Manager of Sewage Works of the City of Wynne or his authorized deputy, agent, or representative.

Z "Objectionable Waste" shall mean any wastes that can harm either the sewers, sewer treatment processes or equipment, have an adverse effect on the receiving stream or otherwise endanger life, health, or property, or constitutes a nuisance.

AA "Suspended Solids" shall mean solids that float on the water sewage, or other liquids, and which are removable by laboratory filtering.

BB "W.E.F." is the Water Environment Federation.

CC "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

DD "Sewer Committee" shall mean the Water and Sewer Commission of the City of Wynne hereafter called the "Commission".

EE "Utility" shall mean the City of Wynne Water and Sewer Commission and/or Wynne Water Utilities.

FF "User" shall mean a source of indirect discharge.

GG "Wastewater" shall mean the spent water of a community, including the combination of the liquid and water carried wastes from residences, commercial establishments, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

SECTION 2 – USE OF PUBLIC SEWERS REQUIRED

2.1 Unsanitary Conditions

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 of Wynne or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

2.2 Storm water Discharge

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, non-contact cooling water or other such waters into any sanitary sewer.

2.3 Discharge to Natural Outlets

It shall be unlawful to discharge to any natural outlet within the City of Wynne or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

2.4 Septic Tanks, Privies, Cesspools

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, or privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. Existing septic tanks must be operated efficiently and meet all public safety requirements or they will be required to be removed or filled within 30 days of public notice. Failure to meet a compliance schedule shall result in the termination of water service until such time compliance is met.

2.5 Connection to Public Sanitary Sewer Required

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 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 within 60 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

2.6 Dischargers Outside City

All dischargers to the City of Wynne POTW, who are outside the jurisdiction and are not part of another incorporated city, shall be required to agree by written contract to abide

by the conditions set forth in this ordinance, subsequent revisions and amendments to this ordinance, and any rules and/or regulations promulgated by the Water and Sewer Commission. All incorporated Cities or communities who request discharge to the City of Wynne shall connect only upon the approval of the City Council.

2.7 Limitations for Discharge into the Public Sewer

SEC 1 No person shall discharge or cause to be discharged any of the following to any public sewers:

- (a) Any pollutant(s), which cause Pass Through or Interference. Pass Through means a discharge which exits the sewage treatment plant in quantities or concentrations which, alone or in junction with a discharge or discharges from other sources, is a cause of violation of any requirement of the sewage treatment plant's NPDES permit; Interference means a discharge which, alone or in conjunction with a discharge from other wastewater sources; both:
 - (a) Inhibits or disrupts the sewage treatment plant, its treatment processes or operations: and therefore is a cause of a violation of any requirement of the sewage treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation).
 - (b) Pollutants which create a fire or explosion hazard in the sewage works including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (F) or 60 degrees Celsius(C) using the test methods specified in 40 CFR Part 261.21.
 - (c) Pollutants which will cause corrosive structural damage to the sewage works, but in no case discharges with a pH lower than 6.0.
 - (d) Solid or viscous pollutants in amounts, which will cause obstruction to the flow in the sewage works resulting in interference.
 - (e) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the sewage treatment plant.
 - (f) 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 degrees C (104 degrees F).
 - (g) Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause Interference or Pass Through.
 - (h) Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewerage works in a quantity that may cause acute worker health and safety problems.
 - (i) Any trucked or hauled pollutants.
 - (j) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Manager.
 - (k) Any waters or wastes containing strong acid pickling wastes, or concentrated plating solutions whether neutralized or not.

- (l) Any waters or waste 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 Manager for such materials.
- (m) Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the Manager as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other agencies of jurisdiction for such discharge to the receiving waters.
- (n) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Manager in compliance with applicable State or Federal regulations.
- (o) Any waters or wastes having a pH in excess of 9.0.
- (p) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solution.)
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (q) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes 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.

SEC. 2 No person shall discharge or cause to be discharged substances, materials, waters, or wastes if it appears likely in the opinion of the Manager that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Manager 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 waste in the sewage treatment plant, and other pertinent factors. If toxicity tests fail as a result of any discharge for either private, commercial, or industrial discharge the cost of retesting shall be the responsibility of the discharging party.

SEC. 3 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or process the characteristic enumerated in Section 1 or 2 of this Article and which in the judgment of the Manager, 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 Manager may:

- (a) Reject the wastes
- (b) Require pre-treatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge, and/or;
Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges
- (d) If the Manager permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager, and subject to the requirements of all applicable codes, ordinances, and laws.

SEC. 4 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, 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 Manager and shall be located as to be readily and easily accessible for cleaning and inspection. Within ninety (90) days of approval of this Code, the Utility will develop Standard Specifications for the type and capacity of grease trap required by this Code and shall duly notify any affected User. In the event, the following provisions shall apply:

- (a) Existing grease traps that do not meet Utility requirements will not be required to be upgraded to meet Utility requirements, unless in the opinion of the Manager and/or the Health Department the existing grease trap will not function to a level adequate to prevent sewer line blockage and/or a public health hazard. In lieu of replacing an existing trap, the Manager may allow use of a grease trap treatment such as bacteria or require more frequent cleaning of the trap;
- (b) All grease traps must be continuously maintained and operated by User at User's expense. User will insure that all residues from the grease trap are disposed of in a manner consistent with applicable local, state, and federal laws;
- (c) Manager may require that a grease trap be cleaned by User at a frequency determined by Manager and Manager may require User to maintain records of said cleaning;
- (d) The Utility may recover from User the cost associated with excessive line cleaning due to the absence and/or malfunction of a grease trap (i.e. improper or inadequate maintenance and operation of the grease trap). For purposes of this provision, excessive line cleaning is defined as any cleaning of the sewer line that would not be expected if the trap as functioning normally would prevent the need for said extra cleaning; and/or,
- (e) Manager may waive the requirement for the installation of a grease trap when conditions make installation impractical. A grease trap waiver will not relieve User from any line cleaning charges that may occur as a result of the waiver.

SEC. 5 Sand and oil interceptors shall be provided when, in the opinion of Manager, they are necessary for proper handling of liquid waste containing sand, oil, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by Utility and shall be readily and easily accessible for regular cleaning and inspection. Within ninety (90) days of approval of this Code, Utility will develop Standard Specifications for the

type and capacity of sand and oil interceptors required by this Code and shall duly notify any affected User. In the event, the following provisions shall apply:

- (a) Existing sand and oil interceptors which do not meet Utility requirements will not have to be upgraded to meet Utility requirements unless, in the opinion of the Manager, the existing interceptor will not function to a level adequate to prevent the discharge of excessive sand and oil into the sanitary sewer system;
- (b) All sand and oil interceptors must be continuously maintained and operated by User at User's expense. User will insure that all residues from the sand and oil interceptor are disposed of in a manner consistent with applicable local, state, and federal laws; and/or,
- (c) Manager may require User to clean the sand and oil trap at a frequency determined by Manager, and Manager may require that User maintain a record of said cleaning.

SEC. 6 Where preliminary treatment for 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.

SEC. 7 When required by the Manager 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 Manager. 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.

SEC. 8 All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association or other approved methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, or property.

The Utility shall at all times have the right to establish by ordinance or in wastewater discharge permits more stringent standards or requirements on discharges to the POTW than may be specified in this Ordinance and develop charges and fees to recoup direct expenses due to violation of this ordinance.

SECTION 3 – PRIVATE SEWAGE DISPOSAL

3.1 Private Sewage Disposal Systems Allowed

Where a public sanitary sewer is not available under the provisions of Section 2, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

3.2 Permits Required

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Manager and approval if required by the Arkansas Department of Health and Department of Environmental Quality (formerly the Department of Ecology and Pollution Control). The application for such permit shall be made on a form furnished by Wynne Water Utilities, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Manager or the Arkansas Department of Health. A permit and inspection and inspection fee shall be required prior to acceptance by Wynne Water Utilities.

3.3 Compliance with Regulations

A permit for a private sewage disposal system shall not become effective until the design and installation is completed to the satisfaction of the Manager. The Manager shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Manager when the work is ready for final inspection, and before any underground portions are covered. The permit shall outline the notification requirements for inspections. A 24 hour notice is required for all inspections.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations, if requested, of the Department of Public Health Engineering, Sanitary Services, and Plumbing Division of the State of Arkansas and the Department of Environmental Quality. 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 7500 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

3.4 Connection to Public Sewer Required

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2, 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 approved by the Manager. When directed, the building sewer shall be connected to said sewer within sixty (60) days and the private disposal system shall be removed as approved by the Manager.

3.5 Owner Responsibilities

The owner shall operate and maintain the private sewage facilities in a sanitary manner at all times, at no expense to the city.

3.6 Additional Requirements Govern

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Arkansas Department of Health Division of Sanitary Services.

SECTION 4 – BUILDING SEWERS AND CONNECTIONS

4.1 Authorizations Required

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

4.2 Building Sewer Permits/Fees Required

There shall be three (3) classes of building sewer permits: (a) for residential and commercial service, (b) for service to establishments producing industrial wastes, and (c) for work required inside the right of way of the Department of Transportation of the State of Arkansas. In all cases, the owner or his agent shall make application on a special form furnished by Wynne Water Utilities. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Manager. A permit and inspection will be required for all work involving the connection to a city main, the connection of an existing tap fitting, the connection of a sewer service line, the replacement of a sewer service line, and/or the rehabilitation of the service line. All permits shall be approved prior to any work on the service lines. The procedure for filling permits with the Arkansas Highway and Transportation Department shall be outlined within the permit application.

4.3 Costs, Expenses, and Indemnification

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify Wynne Water Utilities for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4.4 Separate Building Sewers Required

A separate and independent building sewer shall be provided for every building except as follows:

- A. Where multiple buildings are constructed in an apartment complex or condominium on a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a collector building sewer provided that only one person is responsible for maintenance of the building sewer.
- B. Temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings are located on the same lot.
- C. 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 easement, alley, courtyard, driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Maintenance agreements shall be required for individual ownership if the buildings are owned by more than one individual.

4.5 Use of Old Building Sewers

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Manager, to meet all requirements of this ordinance.

4.6 Construction Requirements and Specifications

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 and/or other applicable rules and regulations of the City and Wynne Water Utilities. 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. (American Society of Testing Materials) and W.E.F. Manual of Practice No. 9 shall apply.

4.7 Building Sewer Elevations/Lift Stations

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. All building

slabs shall be higher in elevation than the overflow elevation of closest manhole that they discharge to.

4.8 Prohibited Connections

No person shall make connection of roof downspout, 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. If such a connection is found to exist, the Owner shall be notified and given (30) days to disconnect the prohibited cross connection. If disconnection is not made sewer service and water service shall be disconnected until such time the Owner corrects the problem. All property owners shall be responsible for the integrity of the sewer service lines serving their property to the city main. If it is discovered by smoke testing or other visual means that the line is leaking, the owner shall follow the compliance procedures for correction.

4.9 Conformance to Rules and Regulations

The connection of the building sewer into the public sewer shall conform to the requirements of the city 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 current versions of the W.E.F. Manual of Practice No. 9 and the Arkansas Plumbing Code. All such connections shall be made gastight and watertight. A permit shall be required for the installation or work on new sewer service lines. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.

4.10 Notification-Inspection and Connection

The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Manager or his designated representative. A minimum of a 24 hour notification is required prior to inspection. All permits and fees shall be current prior to inspection. All portions of the building sewer beginning within thirty (30) inches from the building to the connection to the public sewer or stub out provided during the initial construction phase of the development shall be inspected and approved by the Manager before backfilling.

All residences requiring connection to the city sewer main shall be done in a manner approved by the Manager. An inspection fee shall be charged for all inspections. When sewers and laterals are constructed initially and connected to building stub outs they shall be done according to the construction specifications approved by the Wynne Water Utility.

4.11 Protection of the Public

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

4.12 Operation and Maintenance Requirements and Restoration of Public Property

Owners of land shall be required to maintain their building drains and sewers in their entirety, including the point of connection to the public sewer, in a water tight condition so as to eliminate introduction of surface or ground water to the sewer system. If it is determined by the Manager that a building drain or sewer has not been maintained in a watertight condition, the owner shall be notified by certified mail, return receipt requested, that at the owner's expense, repairs must be made at a reasonable time (not to exceed 90 days) in order to restore the building drain or sewer to a watertight condition. If satisfactory repairs are not made by the owner and inspected by duly authorized Wynne Water Utilities personnel within the specified time, the water service to the property shall be terminated. The Water Commission shall develop and maintain standard construction specifications for all sewer construction. Water Commission and standards shall not serve as a substitute normally supplied by consultant engineers for specific projects. All disturbed public property shall be restored to near original condition.

SECTION 5 PROTECTION FROM DAMAGE

5.1 Damage, Destruction, and Tampering

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works.

5.2 Unauthorized Covering

No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.

5.3 Applicable Penalties

Violation of any provision of this Section is a Class C misdemeanor.

SECTION 6 DISCONNECTING SEWERS

6.1 Disconnection and Sealing Required

Before any dwelling or other being served by the public sewer is moved or demolished, the building sewer serving said building shall be disconnected from the public sewer at the property line and the remaining building sewer sealed to prevent the entrance of storm water, groundwater, and debris into the public sewer. The Manager shall inspect all disconnect and seals.

6.2 Application and Fee Required

Prior to the demolition or moving of any building served by a public sewer, application shall be made to the office of Wynne Water Utilities for disconnect and seal of the building sewer by the Utility and the sewer seal fee, as set by the Water and Sewer Commission, shall be paid to the Utility at that time.

6.3 Notification Requirements

At least three (3) days before the building is moved or demolished, but after it is no longer occupied, the party making application outlined in Section 6.2, above, shall notify the Utility that the building sewer is ready for inspection of disconnection and sealing.

SECTION 7 POWERS AND AUTHORITY OF INSPECTORS

7.1 Right of Entry

The Manager and other duly authorized employees of Wynne Water Utilities bearing proper credentials and identification shall be permitted to enter all properties for the purposes of, but not limited to inspection, observation, measurement, sampling, testing, maintenance, repair, and replacement in accordance with the provisions of this ordinance. The Manager 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 or facilities for waste treatment. 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 other private property involved.

7.2 Adoption of Rules and Regulations Pertaining to Services

In addition to the provisions of the Ordinance, the Wynne Water Commission (Wynne Water and Sewer Commission) is specifically authorized to make such other reasonable rules and regulations in regard to the construction, use, and operation of sanitary sewers to be connected to, or connecting into, the mains of the City of Wynne sewer system.

Such rules and regulations so made and adopted at a regular meeting of the Commission shall become effective as follows:

- (a) A public notice of intent to enact and intention of proposed rules and regulations shall be placed in a newspaper in the City of Wynne, Arkansas one (1) day of each week for a period of four (4) weeks with a brief summary of the proposed rules and regulations.
- (b) The proposed rules and regulations shall be available for inspections and reproduction at the office of the Manager at 121 E Merriman for the thirty(30) days following the last publication.
- (c) A correct copy of those rules and regulations shall be filed for permanent record with the City Clerk of the City of Wynne together with any objections to the proposed rules and regulations at the end of the (30) day public review period.
- (d) Said rules and regulations shall become effective on the filing of said copy for permanent record with the City Clerk.
- (e) Said rules and regulations that are imperative to the operation and maintenance of the city owned utility system.

SECTION 8 – ADMINISTRATIVE ENFORCEMENT REMEDIES

8.1 Enforcement Procedure

Whenever the Manager finds that any person has violated or is violating any provision of this Ordinance, or any prohibition, limitation, or requirement contained herein, he shall serve upon such person a written notice via certified mail or personal service stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.

8.2 Show Cause Hearing

(a) If the violation is not corrected by timely compliance, the Manager shall order any person who violates any provision of this Ordinance or causes or allows an unauthorized discharge to show cause before the Manager why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Manager regarding the violation, and directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

- (b) The Manager shall conduct the hearing, take the evidence, and the Manager is further authorized to do any and all of the following:
- 1. Issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings and conducts such hearing for the purpose of making a determination of

the existence of violations and recommendation to the Water and Sewer Commission for appropriate action.

2. Upon appeal of the Manager's decision or decisions he may transmit a report of the evidence and hearing, including transcripts and other evidence together with the recommendations and/or findings of the Manager to the Water and Sewer Commission for final action by the Water and Sewer Commission subject to any further information which the Water and Sewer Commission may request or any party to the action may desire to submit for further consideration.

(c) After the Water and Sewer Commission has reviewed the evidence, and the Manager's recommendation it may issue an order to the party responsible for the discharge or violation directing that, following a specified time period, the sewer and or water service be discontinued unless adequate treatment facilities, devices, or related appurtenances shall have been installed or existing treatment facilities, devices, or other related appurtenances are properly operated or the violation is corrected, and such further orders and directives as are necessary and appropriate. Such order shall be subject to review by appeal to the Circuit Court of Cross County, Arkansas, in accordance with the law of Arkansas.

(d) A discharge in violation of the provisions of this Ordinance shall be considered a public nuisance. In addition to the procedures outlined in this Ordinance, nothing herein shall be deemed to prevent the Water and Sewer Commission and/or the Utility from seeking appropriate legal and/or equitable relief in the Courts of Arkansas in the event of a violation or discharge in violation of the provisions of this Ordinance.

8.3 Emergency Suspension of Service

The Water and Sewer Commission may for good cause shown, after notice, suspend the receipt of wastewater discharge to the POTW, subject to a hearing within five (5) days, and thereafter, revoke the Wastewater Discharge Permit of a discharger when it appears to the Sewer Committee that an actual or threatened discharge presents or threatens an imminent and substantial danger to the health or welfare of persons, substantial danger to the environment, interferes with the operation of the POTW, or violates any of the provisions of this Ordinance. Any discharger notified of the suspension of service and/or discharge permit, shall within a reasonable period of time, as determined by the Water and Sewer Commission or its representative, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the time specified, the Water and Sewer Commission shall take all lawful actions necessary to immediately suspend the access of the User to the POTW. The Water and Sewer Commission shall reinstate the service and/or Discharge permit upon proof by the discharger of the elimination of the non-complying discharges or conditions creating the threat of imminent or substantial danger as set forth above. The discharger shall be charged with reimbursing the Water and Sewer Commission all costs incurred in the suspension of service before the service will be reinstated.

SECTION 9 – JUDICIAL ENFORCEMENT REMEDIES

9.1 Injunctive Relief

Whenever a User has violated any provision of this Ordinance or continues to violate any provision of this Ordinance, wastewater discharge permits or orders issued hereunder, the Water and Sewer Commission may commence action for appropriate legal and/or equitable relief in any court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels compliance, performance of a Water and Sewer Commission order, or other requirement imposed by this Ordinance on activities of the User. A petition for injunctive relief need not to be filed as a prerequisite to taking any other action against a User.

9.2 Civil Penalties

(a) Any person or other entity found to be violating any provision of this Ordinance or regulations promulgated by the Water and Sewer Commission shall be subject to a fine in an amount of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$ 500.00) for any one (1) specified offense or violation of such ordinance, and not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$ 1,000.00) for each repetition of such offense or violation. If a thing prohibited or rendered is unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof shall not exceed two hundred and fifty dollars (\$250.00) per day for each continuing offense or violation.

(b) Any person or other entity who knowingly makes any false statements, representations or certification of any record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, regulations, or laws referred to herein, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, regulations or laws referred to herein, shall be subject to a fine in an amount not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$ 500.00) for any one (1) specified offense or violation of such ordinance, and not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$ 1,000.00) for each repetition of such offense or violation. If a thing prohibited or rendered is unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof shall not exceed two hundred and fifty dollars (\$250.00) per day for each continuing offense or violation.

(c) Any person or other entity violating any of the provisions of this Ordinance shall become liable to the Utility for any expense, loss, or damage occasioned the Utility by reason of such violation.

(d) In addition to the civil penalties provided for herein, the Water and Sewer Commission may recover, on behalf of the Utility, from a person or other entity (ies) determined to be in violation of the provisions of this Ordinance any damages suffered,

costs, and other expenses of litigation in an action at law or equity which may be permitted by the laws of Arkansas.

(e) The Water and Sewer Commission shall petition a Court of competent jurisdiction to impose, assess and recover all civil penalties, legal fees, and costs together with damages if appropriate. In determining the amount of the penalty, the Water and Sewer Commission in its recommendation for civil penalties, the City Council and the Court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained by the User in allowing the violation, the timing and nature of any corrective actions taken by the User, the compliance history of the User, and any other facts as justice requires.

(f) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a User.

9.3 Criminal Prosecution

The Water and Sewer Commission may criminally prosecute in a court of competent jurisdiction any User who knowingly or negligently violates any provision of this Ordinance, its Wastewater Discharge Permit or any orders issued hereunder. If so prosecuted the User shall, upon conviction, be guilty of a misdemeanor, and be punished by a fine not to exceed five hundred dollars (\$500.00) per violation or imprisonment for such term as allowed by law.

(b) The Water and Sewer Commission may criminally prosecute in a court of competent jurisdiction any User who knowingly or negligently makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance or its Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly or negligently renders inaccurate any monitoring of sampling device, wastewater sample or other methods required by this Ordinance. If so prosecuted, the User shall, upon conviction, be guilty of a misdemeanor, and be punished by a fine of not more than five hundred dollars (\$500.00) per violation or by imprisonment for such term as allowed by law.

(c) Each day on which a violation shall occur or continue shall be a separate and distinct offense. In the case of monthly or other long-term average discharge limits, penalties shall accrue for each resident/business and/or operation day during the period of violation.

9.4 Remedies Nonexclusive

The provisions in Sections 7 through 9 are not exclusive remedies. The Utility reserves the right to take any, all, or any combination of these actions against a noncompliant User. The Utility shall be authorized to take other action against any User when the circumstances warrant. Further, the Utility is empowered to take more than one

(1) enforcement action against any noncompliant User. These actions may be taken concurrently.

9.5 Initiation of Criminal or Civil Action

Any criminal or civil action for violation of this Ordinance may be initiated only after a majority vote of the Water and Sewer Commission resolves to pursue such action.

(a) For Users with properties located within the corporate limits of the City of Wynne, no suit to collect civil or criminal penalties or fines may be initiated until after such time that a resolution authorizing the suit is duly adopted by the Water and Sewer Commission as the governing body.

(b) For Users with properties located outside the corporate limits of the City of Wynne, the City Council of the City of Wynne hereby delegates authority to the Sewer Committee to be the governing body to authorize, by resolution, legal actions to collect civil or criminal penalties or fines.

SECTION 10 – SUPPLEMENTAL ENFORCEMENT ACTION

10.1 Performance Bonds

The Manager may decline to issue a wastewater discharge permit to any User who has failed to comply with the provisions of this Ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such User first files a satisfactory bond or acceptable letter of credit on an approved bank payable to the Utility, in a sum not to exceed a value determined by the Manager to be necessary to achieve compliance.

10.2 Liability Insurance

The Manager may decline to issue a wastewater discharge permit to any User who has failed to comply with the provisions of this Ordinance, or violated any order, or a previous wastewater discharge permit issued hereunder, unless that User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

10.3 Public Nuisances

Any violation of this Ordinance, wastewater discharge permit, or orders issued hereunder, is declared a public nuisance and shall be corrected or abated as directed by the Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of this Ordinance including reimbursing the Utility for any costs incurred in removing, abating, or remedying said nuisance. Any discharger which makes, causes,

or allows a prohibited discharge which causes additional expense or costs to handle and treat such discharge or to correct damages caused by such discharge shall be required to reimburse the Utility for such cost or expense.

SECTION 11 – SEVERABILITY

The provisions of this Ordinance are severable, and if any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction it shall not affect the remainder of this Ordinance and the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

11.1 Repeal of Prior Ordinances

All Ordinances and parts of Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict, including but not limited to Ordinance 384 passed on December 1, 1970.

**SECTION 12 – AUTHORITY OF THE CITY OF WYNNE CITY COUNCIL,
EFFECTIVE DATE, AND DECLARING AN EMERGENCY.**

The City Council of the City of Wynne has determined that it is essential that the Water and Sewer Commission should have the authority to regulate the use of public and private sewers in accordance with the provisions contained in this Ordinance in order to accomplish the purposes thereof. Therefore, an emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect immediately after its passage and approval.

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Passed and adopted by the Council of the City of Wynne, State of Arkansas on the 9th day of September, 2008.

Approved this 9th day of September, 2008.


SIGNED MAYOR OF WYNNE


CITY CLERK OF WYNNE