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City of Conway, Arkansas
Ordinance No. O-10-117

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING IN THE CITY OF CONWAY, ARKANSAS: PROVIDING PENALTIES FOR VIOLATIONS THEREOF: DECLARING AN EMERGENCY: AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CONWAY, ARKANSAS:

ARTICLE I

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

SECTION 1. "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° c, expressed in milligrams per liter.

SECTION 2. "Building" shall mean residential and commercial structures which enclose a source of wastewater.

SECTION 3. "Floatable Oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly treated and the wastewater does not interfere otherwise with the collection system.

SECTION 4. "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.

SECTION 5. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business, including sanitary wastewater therefrom.

SECTION 6. "Natural Outlet" shall mean any outlet into a watercourse, including storm sewers, pond, ditch, lake, or other body of surface or ground water.

SECTION 7. "Person" shall mean any individual, firm, company, association, society, corporation or group.

SECTION 8. "pH" shall mean the logarithm of the reciprocal of hydrogen ions in grams per liter of solution.

SECTION 9. "Properly Shredded Garbage: shall mean the wastes from the preparation, cooking, and disposing 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 any dimension.

SECTION 10. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SECTION 11. "Sanitary Sewer" shall mean a sewer which carries wastewater and to which storm, surface, and groundwaters are not intentionally admitted.

SECTION 11.1 "Environmental Specialist" shall mean a health officer appointed by the Arkansas Department of Health. The terms Health Officer and Environmental Specialist shall have the same meaning in this Ordinance.

SECTION 12. "Sewage" is the spent water of a community. "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

SECTION 13. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SECTION 14. "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

SECTION 15. "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. The term is sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

SECTION 16. "Sewer" shall mean a pipe or conduit that carries wastewater.

SECTION 17. "Shall" is mandatory; "May" is permissive.

SECTION 18. "Slug" shall mean any discharge of water, wastewater, or industrial waste whose concentration of any given constituent or quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

SECTION 19. "Storm-Drain" (Sometimes termed "Storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

SECTION 20. "Manager of Water Systems" shall mean the manager of Conway Corporation of the City of Conway or his authorized agent, deputy or representative.

SECTION 21. "Water Systems Department" shall mean the agency which operates and maintains the sanitary sewer system for the City of Conway.

SECTION 22. "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater".

SECTION 23. "Settleable Solids" shall mean suspended solids which will subside in quiescent water, wastewater, or other liquids in a reasonable period of time, such time being commonly accepted as two hours.

SECTION 24. "Unpolluted Water" is quality of water equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by the discharge to the sanitary sewers and wastewater treatment facilities provided.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

SECTION 1. 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 corporate limits of the City of Conway, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit covering such discharges into a natural outlet shall be considered as meeting all requirements of this section.

SECTION 2. Hereafter no wastewater and/or toilet facilities shall be constructed or placed in, upon or about any real property situated within the City of Conway, Arkansas, or in any area

under the jurisdiction of said City, unless such facilities shall be properly connected with a publicly owned or operated wastewater disposal system or a privately owned or operated wastewater disposal system which is connected with a public system. Any person, firm or corporation desiring to construct, place or install any wastewater and/or toilet facilities within any structure to be constructed upon any lands within the City of Conway shall, prior to commencing work thereon, submit proper application therefore to the City Inspector in the form and manner now or hereafter provided by ordinances of said City, and shall pay the fees therefore. If the proposed facilities meet the specifications and requirements of the Plumbing Code then in existence in said City, and any portion of the lands upon which such facilities are to be constructed and installed is within 300 feet of any public sewer system or any private sewer line which is connected with a public sewer system, said Inspector shall issue a permit therefore and the owner may then proceed to install the said facilities.

SECTION 3. 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 wastewater.

SECTION 4. The owner of all houses, buildings, or properties situated within the City and used for human occupancy, employment, recreation, or other purposes, the property line of which is now or may in the future be within 300 feet of a public sanitary sewer of the City, is hereby required at his sole expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provision of this ordinance, within thirty (30) days after date of official notice to do so.

ARTICLE III

PRIVATE WASTEWATER DISPOSAL

SECTION 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

SECTION 2. Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Environmental Specialist. The application for such permit shall be made on a form furnished by the Arkansas Department of Health, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City. The minimum lot area for a single-family residence shall be in accordance with current Arkansas Department of Health regulations.

SECTION 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Environmental Specialist. 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 Environmental Specialist when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Environmental Specialist.

SECTION 4. In the event no portion of the lands owned by the person, firm or corporation installing or desiring to install private sewer facilities thereon shall be situated within 300 feet of a public sewer system or a privately owned sewer system which is connected with and discharges into a public sewer system, then the owner of such lands may install a private wastewater disposal system in strict compliance with the specifications of the Arkansas Department of Health. If, the property being more than 300 feet from any such sewer line, the owner thereof does not desire to connect with any such sewer system, such owner shall nevertheless file his application for sewer permit and a building permit in accordance with the ordinances of the City, but upon receiving such application said Inspector shall refuse to issue a building permit or a plumbing permit therefore and it is expressly provided, however, that said private wastewater disposal system shall be constructed in strict compliance with the specifications of the

Arkansas Department of Health. The construction and installation of the septic tank and field lines of the same shall be inspected and approved by the Environmental Specialist at the times and in the manner set forth by the Rules and Regulations of the Arkansas Department of Health and approved by the Manager of Water Systems. Immediately upon completion of the construction and installation of such private system, in the approved manner, the Environmental Specialist shall notify the City Inspector of his approval thereof in writing.

ARTICLE IV

BUILDING SEWERS AND CONNECTIONS

SECTION 1. 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 of Water Systems.

SECTION 2. No unauthorized person, firm, corporation or institution shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance, or construct, reconstruct, lay, relay, enlarge, extend or repair or attempt so to do, any sewer line, main, or drain which is tied into or connected with the sanitary sewer system of the City of Conway, Arkansas, whether such connection be made immediately upon completion of such work or at some future time, without having first submitted complete plans and specifications therefore to the Manager of Water Systems, and having obtained its approval thereof. Final approval of plans and specifications shall be withheld until a correct and complete copy thereof shall have been furnished to the Manager of Water Systems for the permanent files. Provided, however, that at the discretion of the Manager of Water Systems, plans and specifications may be dispensed with when the sewer line to be constructed is for the purpose of serving a single family residential structure.

In no instance shall departure or deviation from the approved plans and specifications be permitted until such time as written request therefore, setting forth in detail such departure or deviation, shall have been submitted to and approved by the Manager of Water Systems.

SECTION 3. Each residence or business building shall front on a City sewer main and shall have a separate and independent building sewer running to said City sewer main. If, in the discretion of the Manager of Water Systems, based on City Subdivision and Zoning Regulations, there is a possible building site between the building to be served and the City sewer main, then a sewer main shall be constructed past the possible building site to the building to be served. Before a new residence or business building shall be tied onto an existing building sewer, written permission to do so must be obtained from the Manager of Water Systems.

SECTION 4. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Owner and approval of the Manager of Water Systems, to meet all requirements of this ordinance.

SECTION 5. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth by the Manager of Water Systems shall apply. The Water Systems Department of said City is hereby expressly empowered to inspect any and all work done and all materials used in constructing, laying, extending or repairing such building sewers and may, at its discretion, have an inspector at the site of construction at any and all times. The construction, reconstruction or repair of any such sewer may be halted by the Manager of Water Systems when in his discretion, or in the discretion of his duly authorized representative, the work is being done in such manner or under such conditions that the resulting sewer will be substandard or detrimental to the sewer system of the City. Prior to contacting the Water Systems Department for an inspection of a new building sewer or the repair of an existing building sewer, the sewer pipe shall have been laid and backfilled up to the center line of the pipe. The Manager of Water Systems, or his duly authorized representative, is hereby further empowered to order the removal of any connection made to the public sewer system when such connection has been

made in violation of any provision of this ordinance, or other ordinances of said City, or of any rule or regulation promulgated hereunder, or when, in his discretion, such construction or connection is detrimental to the municipal sewer system. In the event such order for the removal of a building sewer is not complied with forthwith, the Water Systems Department is hereby empowered to use its own forces to disconnect such building sewer and to collect from the property owner a reasonable fee therefore.

SECTION 6. 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 City sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

SECTION 7. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, unmetered water source, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, nor shall any person make or cause to be made, any opening into a sewer main or drain whereby surface water is permitted to enter the sanitary sewer system of the City, either directly or indirectly.

SECTION 8. The connection of the building sewer into the public sewer shall be made by the Water Systems Department, and all costs thereof shall be paid by the property owner. The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 9. All connections into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations and the procedures set forth in appropriate specifications (latest revision thereof). All such connections shall be made gastight and watertight and shall be verified by proper testing. All materials and methods of construction shall conform to Conway Corporation standard specifications.

SECTION 10. All excavations for building sewer installation shall be adequately guarded with barricades and warning lights so as to protect the public from hazard, all in accordance with applicable standards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

SECTION 11. All repairs or replacement of building sewers, regardless of length, shall be subject to the same inspection and material requirements as new installations. Where the repair or replacement of the building sewer requires a new point of connection to the City sewer main, the abandoned building sewer shall be sealed to prevent entrance of surface water or debris into the City sewer main by the Water Systems Department and all costs thereof shall be paid by the property owner. A double cleanout shall be installed in building sewer lines, where holes are needed for rodding the line. The repaired building sewer shall be inspected and approved by the Manager of Water Systems.

ARTICLE V

STANDARD OF CONSTRUCTION

SECTION 1. In order that proper quality may be achieved and maintained in materials and workmanship in all sewers, mains and drains, both public and private, the Manager of Water Systems is hereby authorized and empowered to prepare plans and specifications for the construction of any and all sewers, mains and drains, both public and private, within the City of Conway, Arkansas, and no deviation from such plans and specification shall be permitted except at the discretion of the Manager of Water Systems. All materials and methods of construction shall conform to the Conway Corporation standard specifications.

SECTION 2. In the event of the destruction, removal or alteration of any building to the extent that any part of the sewer service line serving the building is rendered inactive or in disrepair it shall be the duty of the property owner to advise the Manager of Water Systems so they may make an

inspection of the line and if necessary plug up the line so as to prevent the entrance of surface or ground water into the sanitary sewer. All costs thereof shall be paid by the property owner.

SECTION 3. It is specifically ordained that the terms of this ordinance shall apply to any changes in building wastewater lines, mains or drains in existence at the time of passage and approval of this ordinance.

SECTION 9. In addition to the specific provisions of this ordinance the Manager of Water Systems is hereby authorized to promulgate such other reasonable rules and regulations as are necessary to secure the proper construction of wastewater lines which are to be tied onto and become a part of the Wastewater System. Rules and regulations so made shall have the effect of law and become effective upon the filing of a correct copy for permanent record with the City Clerk.

ARTICLE VI

USE OF THE PUBLIC SEWERS

SECTION 1. 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 waters to any sanitary sewer.

SECTION 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on written approval of the City, to a storm sewer, or natural outlet.

SECTION 3. No person shall discharge or cause to be discharged any of the items as described in the City of Conway Pretreatment Ordinance to any public sewers.

SECTION 4. If any waters or wastes are discharged, which waters contain the substances or posses the characteristics enumerated herein, and in the City of Conway Pretreatment Ordinance, and which in the judgment of the Manager of Water Systems, may have a deleterious effect upon the wastewater works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or property or constitute a public nuisance, the Manager of Water Systems may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not

covered by existing taxes or sewer charges under the provisions herein.

If the Manager of Water Systems 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 Manager of Water Systems, and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 5. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation as determined by the Manager of Water Systems by the owner at his expense.

SECTION 6. When required by the Manager of Water Systems, 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 lockable, accessible and safely located, and shall be constructed in accordance with plans approved by the Manager of Water Systems. The manhole shall be accessible to the Water Systems Department at all times.

SECTION 7. All measurements, tests, and analyses 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, shall be determined at the control manhole provided, or upon suitable samples

taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by industry accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb, and property.

ARTICLE VII

PROTECTION FROM DAMAGE

SECTION 1. 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 wastewater works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or causing damage to or destruction of property.

SECTION 2. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.

SECTION 3. No unauthorized person shall remove the earth cover from a public sewer so that less than three (3) feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Manager of Water Systems.

ARTICLE VIII

POWERS AND AUTHORITY OF INSPECTORS

SECTION 1. The Manager of Water Systems and other duly authorized agents, employees and representatives of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Manager of Water Systems 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.

SECTION 2. While performing the necessary work on private properties referred to in Article VIII, Section 1, above, the Manager of Water Systems or duly authorized agents, employees and representatives 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 the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required herein.

SECTION 3. The Manager of Water Systems and other duly authorized agents, employees and representatives of the City bearing proper credentials and identifications shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater 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.

ARTICLE IX

PENALTIES

SECTION 1. Any person found to be violating any provision of this ordinance except Article VII 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.

SECTION 2. Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any

amount not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expenses, loss, or damage occasioned the City by reason of such violation.

SECTION 4. Any person or entity found violating this ordinance as correlated to the Pretreatment Ordinance shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding the amount as specified in the Pretreatment Ordinance for each violation. . Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 5 A user, who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation file, as required to be maintained, pursuant to this Ordinance, Wastewater Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

REGULATION OF SEWER USE

ARTICLE X

VALIDITY

SECTION I. Ordinances 0-89-14 and 0-02-177 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed upon the effective date of this ordinance.

SECTION 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect without such invalid part or parts.

ARTICLE XI

ORDINANCE IN FORCE

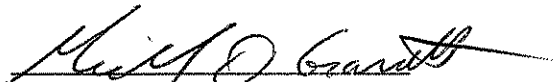
SECTION I. This ordinance being necessary for the protection of the public health and welfare, shall be in full force and effect on December 1, 2010.

Approved:



Mayor Tab Townsell

Attest:


Michael O. Garrett
City Clerk/Treasurer