CHAPTER 10.04

SEWER REGULATIONS

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10.04.01 Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as follows:

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

BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C) expressed in milligrams per liter (mg/l).
**Building Drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

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

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

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

**Superintendent** shall mean the Superintendent of Sewage Works of the City of Lincoln, Arkansas, or his authorized deputy, agent or representative.

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

**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.

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

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

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

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

**Person** shall mean any individual, firm, company, association, society, corporation or group.
pH shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

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

Public Sewer shall mean a sewer in which all owners of abutting properties have equal is 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 flows during normal operation.

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

Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
Toxic Pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 1989-10, Art. I)

10.04.02 Use of public sewers required.

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

It shall be unlawful to discharge to any natural outlet within the City of Lincoln, Arkansas, 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; and except where a valid NPDES permit has been issued for such discharge.

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.

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 in accordance with the provision of this ordinance within thirty (30) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of said subdivision.

It shall be unlawful to convey, sell or transfer to others any lots within a subdivision void of municipal sewer facilities, provided municipal sewer facilities are within three hundred (300) feet of said subdivision. (Ord. No. 1989-10, Art. II)
10.04.03 Private sewage disposal

Where a public sanitary sewer is not available under the provision of Article 11, paragraph 4, the building sewer shall be connected to a private sewage system complying with the provisions of this article.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Building Inspector. The application for such permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the City Building Inspector. A permit and inspection fee shall be paid to the city at the time the application is filed as provided for under the City Plumbing Code.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Building Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Building Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the City Building Inspector.

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 seven thousand (7,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Article III, paragraph 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.

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.
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 bank-run gravel or dirt. (Ord. No. 1989-10, Art. 111)

10.04.04 Building sewers and connections.

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 Superintendent. At least seventy-two (72) hours prior notice shall be given to the Superintendent before any new, approved connection or repair to a connection is made.

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.

Owners or agents of commercial or industrial establishments proposing to connect to or contribute to a sanitary sewer shall submit an application for a Wastewater Discharge Permit before connecting to or contributing to the sewer. Owners or agents of existing establishments discharging wastewaters into the Lincoln Sewage Works shall submit an application for a Wastewater Discharge Permit for continued existing operation within thirty (30) days after receipt of notification in writing by the Superintendent that such a permit is required for continued operation.

Applications for a Wastewater Discharge Permit shall be in a form prescribed by the city and shall contain the following information:

1. Name, address and location of the discharger;
2. Standard Industrial Classification;
3. Wastewater constituents and characteristics;
4. Average and peak wastewater flow rates;

Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or Federal Pretreatment Standards and a statement regarding whether or not the pretreatment standards are to be met on a consistent basis;
Where additional pretreatment and/or operation and maintenance will be required to meet any pretreatment standards, a compliance schedule shall be provided, subject to approval by the Superintendent, giving dates for the commencement and completion of major events leading to the construction and operation of facilities required for the compliance with applicable pretreatment standards; and

Any other information as may be deemed by the Superintendent to evaluate the permit application.

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than the City’s limitations for sources in that subcategory, shall apply. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Part 403.12.

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of establishments subject to such standards shall be revised to require treatment no less than that necessary for compliance with such standard within the time frame prescribed by such standard. An establishment subject to a National Categorical Pretreatment Standard which has not previously submitted an application for a Wastewater Discharge Permit shall do so within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard.

Wastewater Discharge Permits may be issued by the City of Lincoln within ninety (90) days of receipt of an acceptable application and shall be valid for a period of five (5) years and may be renewed upon submission and acceptance of an application for renewal.

II. Owners or agents of establishments subject to any pretreatment standard shall, within thirty (30) days of notification by the Superintendent, submit a report indicating the nature and concentration of pollutants in the effluent which are limited to such pretreatment standard.

Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges, and fees established by the city. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
2. Limits on the average and maximum wastewater constituents and characteristics;

3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

4. Requirements for installation and maintenance of inspection and sampling facilities;

   Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

   **Compliance** schedules;

   **Requirements for** submission of technical reports or discharge reports;

   Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

   Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

IO Requirements for notification of slug discharges; and

11. Other conditions as deemed appropriate by the city to ensure compliance with this ordinance.

   All costs and expenses incident to the evaluation of a permit application and the issuance of a permit and connection of the building sewer, shall be borne by the person applying for the permit and such person shall indemnify the city from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

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

   L. Old building sewers may be used in connection with new building when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
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 Arkansas State Plumbing Code and W.P.C.F. Manual of Practice No. 9 shall apply.

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.

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.

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 Arkansas State Plumbing Code and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

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.

MI 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. (Ord. No. 1989-10, Art. IV)

10.04.05 Use of the public sewer

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage to any sanitary sewer.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers.
It shall be unlawful to discharge to any natural outlet within the City of Lincoln or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided and where a valid National Pollutant Discharge Elimination System permit has been issued for such discharge.

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

Any gasoline, benzene, naptha, fuel oil or other inflammable or explosive liquid, solid or gas.

Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment or sludge disposal process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or the sewage treatment plant or to exceed the limitation set forth in a National Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act. In no case shall any industrial wastes discharged to the public sewers cause the following concentrations of toxic substances to be exceeded in the influent to the sewage treatment plant:

<table>
<thead>
<tr>
<th>Element</th>
<th>Concentration (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadmium</td>
<td>0.02</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.002</td>
</tr>
<tr>
<td>Cyanide</td>
<td>0.05</td>
</tr>
<tr>
<td>PCB's</td>
<td>Detection Limit</td>
</tr>
</tbody>
</table>

Any waters or wastes having pH lower than 6.0 or higher than 10.0 units or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings,
entrails, paper dishes, cups, milk containers, etc., either whole or
ground by garbage grinders.

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).

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, 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 Superintendent will give 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:

Any liquid or vapor having a temperature higher than one hundred
fifty degrees (150) F. (65 degrees C).

Any water or waste containing fats, wax, grease or oils, whether
emulsified or not, in excess of one hundred milligrams per liter (100
mg/l) or containing substances which may solidify or become viscous
at temperatures between thirty-two degrees (32) and one hundred fifty
degrees (150) F. (0 and 65 degrees C.)

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 Superintendent.

Any waters or wastes containing strong acid iron pickling wastes or
concentrated plating solutions whether neutralized or not.

Any waters or wastes containing iron, chromium, copper, lead, zinc,
nickel, manganese, magnesium, chlorides, sulfates, cyanides or any other
objectionable or toxic substances to such a degree that any such material
received in the composite sewage at the wastewater treatment works
exceeds the limits established by the Superintendent for such materials.
Any industrial waters or wastes discharged in municipal sewer containing elements, substances, compounds or matter that causes taste and odors that cannot be removed by the normal treatment process, or that creates pernicious problems in the receiving stream.

Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits of maximum safety for discharge into receiving waters as established by the U.S. Public Health Service, Arkansas State Board of Health, Atomic Energy Commission and the Lincoln Sewer Department. (Half-life for any one radioactive element, the number of atomic charges per unit of time as proportioned to the quantity of the element present. The time necessary for the quantity of a given element to decrease to one-half that initially present.)

Materials which exert or cause:

- unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
- excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solution);
- unusual BUD, chemical oxygen demand, ammonia or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and
- unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein. See Section 10.04.01, definition 24.

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.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 10.04.05 of this Article, 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:

141.1
Reject the wastes;

Require pretreatment to an acceptable condition for discharge to public sewers;

Require control over the quantities and rates of discharge, or;

In case of noncompliance by the industry, the Superintendent shall have the authority to discontinue the municipal water service until requirements have been met.

The owner or agent of establishments discharging industrial wastes shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance.

Detailed plans and specifications showing pretreatment facilities and operating procedure shall be submitted to the city for review within one hundred eighty (180) days following written notification by the Superintendent requiring such plans and specifications.

Within five (5) days following an accidental discharge, the owner or agent of the establishment shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result or any other damage to person or property nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Article or other applicable law.

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 grease 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.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation shall meet permit requirements. Where preliminary treatment or flow equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole and/or sampling building 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 and/or sampling building 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.

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 and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazard to life, limb and property. (Ord. No. 1989-10, Art. V)

10.04.06 Protection from damage No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 1989-10, Art. VI)

10.04.07 Powers and authority of inspectors

The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

While performing the necessary work on private properties referred to in Section 10.04.07, paragraph 1 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 the city.
employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 10.04.05, paragraph 10.

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, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 1989-10, Art. VII)

10.04.08 Penalties

Any person found to be violating any provision of this ordinance except Section 10.04.06 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided for in Section 10.04.08, paragraph 1, shall be guilty of a misdemeanor and on conviction thereof, shall be fined in the amount not exceeding Two Hundred and Fifty Dollars ($250.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

Where industrial waste contains Biochemical Oxygen Demand (BOD) and Total Suspended Solids in excess of permitted amounts which are discharged into the wastewater system, the city, acting through its Superintendent, may impose and assess an abnormal sewage surcharge which shall be computed according to the following formula:
\[ S = 8.34 \frac{V}{C}(BC - 300)(0.1) + \frac{TSS - 300}{C}(0.1) \]

Formula symbols shall have the following meanings:

- **S** = Surcharge in dollars (monthly)
- **V** = Volume of customer's sewage in million gallons (monthly)
- **C** = Pounds per gallon of water
  - Biochemical Oxygen Demand of customer's sewage in milligrams per liter (monthly average of at least four 24-hour composite samples)
- **TSS** = Total Suspended Solids of customer's sewage in milligrams per liter (monthly average of at least four 24-hour composite samples)
- **300** = Normal strength of Biochemical Oxygen Demand and Total Suspended Solids in milligrams per liter
$0.1 == Unit charge for Biochemical Oxygen Demand in dollars per pound

$0.1 = Unit charge for Total Suspended Solids in dollars per pound (Ord. No. 1989-10, Art. VIII)

10.04.09 Non-resident useacre It shall be unlawful for any person, firm or corporation to make or cause to be made a sewer tap or connection which would have the effect of serving a wastewater user, the generation point of which wastewater is situate outside the corporate limits of the city of Lincoln, Arkansas. (Ord. No. 214, Sec. 1)

10.04.10 Unlawful to violate policy It shall be unlawful for any person to make or allow to be made a connection to the wastewater collection system contrary to the policy expressed in the preceding section. (Ord. No. 214, Sec. 2)

CHAPTER 10.08

WATER AND SEWER RATES

Sections:

10.08.01 Water service rates, schedule adopted
10.08.02 Definitions
10.08.0 Private water systems prohibited
10.08.04 Single metering for multi-family units
10.08.05 Sewer connection fee
10.08.06 Health Department rules and regulations adopted
10.08.07 Promulgation of rules
10.08.08 Penalty clause
10.08.09 Sewer rates
10.08.10 Water connection fees
10.08.11 Security deposits refunded

10.08.01 Water service rates, schedule adopted From and after January 1, 2015, the following necessary, fair and reasonable rate schedule shall be and is hereby adopted:
### City Rate (per thousand gallons)

<table>
<thead>
<tr>
<th>Gallons Range</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum rate/up to 1,000</td>
<td>$18.15</td>
</tr>
<tr>
<td>1,001 - 10,000 gallons</td>
<td>$9.29</td>
</tr>
<tr>
<td>10,001 - 30,000 gallons</td>
<td>$8.54</td>
</tr>
<tr>
<td>30,001 - 100,000 gallons</td>
<td>$7.44</td>
</tr>
<tr>
<td>100,001 - 200,000 gallons</td>
<td>$6.73</td>
</tr>
<tr>
<td>Over 2000,000 gallons</td>
<td>$5.78</td>
</tr>
</tbody>
</table>

### Country Water. Rate (per thousand gallons)

<table>
<thead>
<tr>
<th>Gallons Range</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum rate/up to 1,000</td>
<td>$29.79</td>
</tr>
<tr>
<td>1,001 - 10,000 gallons</td>
<td>$10.17</td>
</tr>
<tr>
<td>10,001 - 30,000 gallons</td>
<td>$9.70</td>
</tr>
<tr>
<td>30,001 - 100,000 gallons</td>
<td>$8.13</td>
</tr>
<tr>
<td>100,001 - 200,000 gallons</td>
<td>$7.27</td>
</tr>
<tr>
<td>Over 2000,000 gallons</td>
<td>$6.75</td>
</tr>
</tbody>
</table>

### Rural West & SE Loop Water Rate (per thousand gallons)

<table>
<thead>
<tr>
<th>Gallons Range</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum rate/up to 1,000</td>
<td>$40.77</td>
</tr>
<tr>
<td>1,001 - 10,000 gallons</td>
<td>$10.17</td>
</tr>
<tr>
<td>10,001 - 30,000 gallons</td>
<td>$9.70</td>
</tr>
<tr>
<td>30,001 - 100,000 gallons</td>
<td>$8.13</td>
</tr>
<tr>
<td>100,001 - 200,000 gallons</td>
<td>$7.27</td>
</tr>
<tr>
<td>Over 2000,000 gallons</td>
<td>$6.75</td>
</tr>
</tbody>
</table>

**Large User/Agricultural (average monthly use of 100,000 gallons or more)**

<table>
<thead>
<tr>
<th>Gallons Range</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum rate/up to 1,000</td>
<td>$40.77</td>
</tr>
<tr>
<td>10,001 - 200,000 gallons</td>
<td>$5.32</td>
</tr>
<tr>
<td>Over 200,000 gallons</td>
<td>$3.96</td>
</tr>
</tbody>
</table>

(Ord. No. 2014-6, Sec. 1.)
Meter deposit required From and after the effective date hereof, every new connection to the water system shall require payment of a $150.00 minimum security deposit. (Ord. Nov 2007-12, Sec. 1.)

Reconnection fees From and after the effective date hereof, the Water and Sewer Department shall assess a reconnection fee when water service has been terminated due to nonpayment or for other reasons. The reconnection fee during the regular work week shall be $75.00, and the reconnection fee outside the regular work week shall be $150.00. (Ord. No. 2007-12, Sec. 3.)

Convenience fee All persons paying their water and/or sewer bills through the internet or by credit card shall be assessed a convenience fee of 4% of the amount of the bill in addition to all other charges, fees and taxes to cover the costs of the payment processing center. All persons paying their water and/or sewer bills through automatic bank draft shall be assessed a convenience fee of $0.25 per month, in addition to all other charges, fees and taxes, to cover the costs of automated bank draft processing. This ordinance shall become effective October 1, 2012. (Ord. No. 2012-7, Sec. 2.)

Temporary BWRPWA fee There is hereby assessed to every water customer a fee of $1.50 per month, to be separately shown on the customer's water bill, to be paid to the Benton/Washington Regional Public Water Authority. This fee shall be collected starting with bills mailed in September 2010 and ending with bills mailed in November 2011. (Ord. No. 2010-6, Sec. 2.)

10.08.02 Definitions

City Service shall be deemed to apply to water service delivered to consumers at a metered location within the corporate limits of the city.

Regular work week shall be Monday through Friday from 8:00 a.m. to 5:00 p.m. except for holidays. (Ord. No. 2007-12, Sec. 4.)

Rural Service shall be deemed to apply to water service delivered to consumers at a metered location outside the corporate limits of the city.

Multi-family dwelling unit shall be deemed to apply to buildings which provide dwelling or business space for more than one family and a mobile home park shall be considered a multi-family dwelling unit.
Person shall be deemed to apply to any individual corporation or other legal entity. (Ord. No. 1988-5, Sec. 2)

10.08.03 Private water system prohibited. From and after the date of passage hereof, it shall be unlawful for any person to operate a private water system inside the corporate limits of the city. (Ord. No. 1988-5, Sec. 3)

10.08.04 Single metering for multi-family units. From and after the date of passage hereof, water service may be metered through a single meter to multiple consumers of a multifamily dwelling unit as defined herein, if:

The Water and Sewer Superintendent certifies that the practice will not be detrimental to the city; and

The consumer in whose name the water meter is placed posts a sufficient deposit to assure the financial stability of the account.

If the consumer offers a deposit equal to the product of the individual deposit times the number of families in the multi-family dwelling unit, it shall be presumed to be sufficient. (Ord. No. 1988-5, Sec. 4)

10.08.05 Sewer connection fee. The fee for consumers who connect or reconnect to the sewer system shall hereafter be Two Hundred Fifty Dollars ($250.00). (Ord. No. 97-9, Sec. 1)

10.08.06 Health Department rules and regulations adopted. Rules and regulations of the Arkansas Health Department, as they may from time to time be published, are hereby adopted and incorporated herein by reference and the Recorder/Treasurer is directed to maintain three (3) copies thereof in the city office at all times hereafter. (Ord. No. 1988-5, Sec. 6)

10.08.07 Promulgation of rules. The Mayor and Sewer Superintendent is hereby authorized to promulgate written rules and regulations which shall constitute a policy for application in the extension of water and sewer service both within and without the City when it has been approved by resolution of the City Council. (Ord. No. 1988-5, Sec. 7)

10.08.08 Penalty clause. Any person found to be in violation of any provision of Lincoln Municipal Code, Chapter 10.08 shall be deemed guilty of a misdemeanor and may be fined such amount as is allowed by law. (Ord. No. 1988-5, Sec. 8)
That the city hereby establishes as rates, which the City Council finds and declares to be fair, reasonable and necessary, to be charged to all users who contribute wastewater to the System, the rates set forth below. The proceeds of such charges will be used for the purposes, among others, of operating and maintaining the System, including replacement ("OM&R") and paying and securing payment of debt service on the bonds and any other bonds secured by System revenues ("Debt Services"). (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the System necessary to maintain the capacity and performance for which they were designed and constructed. (Ord. No. 95-20, Sec. 1)

All users of the System shall be charged monthly for each one thousand (1,000) gallons or portion thereof of metered water consumption for OM&R as follows: Two Dollars and Forty-Four Cents ($2.44) for service from January 1, 1996 to and including December 31, 1997; and Two Dollars and Fifty-Three Cents ($2.53) for service on and after January 1, 1998.

User Charge Methodology

<table>
<thead>
<tr>
<th>Total annual OM&amp;R cost in $/1,000 gal.</th>
<th>No. of 1,000 gal. sold annually</th>
</tr>
</thead>
</table>

(Ord. No. 95-20, Sec. )

Excessive Strength Charges. For any user, for which biochemical oxygen demand ("BOD") exceeds two hundred fifty milligrams per liter (250 mg/l), the suspended solids ("SS") exceed two hundred fifty milligrams per liter (250 mg/l), Total Kjeldahl Nitrogen exceeds fifty milligrams per liter (50 mg/l), oil and grease exceeds one hundred milligrams per liter (100 mg/l), or other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

\[ CS = (BC \times (B \times S \div (S) + PC \times (P) \times VU) \]

Symbols and Definitions:

CS A surcharge for wastewaters of excessive strength

BS OM&R cost for treatment of a unit of BOD
B  Concentration of BOD from a user above a base level

SC  OM&R cost for treatment of a unit of SS

S  Concentration of SS from a user above a base level

PC  OM&R cost for treatment of a unit of any pollutant

P  Concentration of any pollutant from a user above a base level

VU  Volume contribution from a user per unit of time

*Maximum limit for average domestic waste. (Ord. No. 95-20, Sec. 1)

Charges for Extraneous Flows. The costs of OM&R for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as OM&R charges. (Ord. No. 95-20, Sec. 1)

Toxic Pollutants Charges. Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the System's treatment works shall pay for such increased costs. (Ord. No. 95-20, Sec. 1)

Debt Service. for sewer service from January 1, 1996 to and including December 31, 1997, all active users of the System shall be charged a flat monthly fee of Three Dollars and Fifty Cents ($3.50) plus a charge equal to Thirty-Two Cents ($.32) per one thousand (1,000) gallons or portion thereof of metered water consumption. For sewer service on and after January 1, 1998, all active users of the System shall be charged a flat monthly fee of Three Dollars and Eighty-Two Cents ($3.82) plus a charge equal to Forty-Eight Cents ($.48) per one thousand (1,000) gallons or portion thereof of metered water consumption. These charges represent the debt retirement for the City's indebtedness payable from System revenues. ("Debt Service). (Ord. No. 95-20, Sec. 1)

Total Minimum User Charge. The minimum bill per user of the System for the first one thousand (1,000) gallons or portion thereof of metered water consumption per month shall be as follows: for sewer service from January 1, 1996 to and including December 31, 1997 - OM&R (Two Dollars and Forty-Four Cents ($2.44) + Debt Service (Three Dollars and Eighty-Two Cents ($3.82) = Six Dollars and Twenty-Six Cents ($6.26); and for sewer service on and after January 1, 1998 - OM&R (Two Dollars and Fifty-Three Cents ($2.53) + Debt Service (Four Dollars and Thirty Cents ($4.30) = Six Dollars and Eighty-Three Cents ($6.83). (Ord. No. 95-20, Sec. 1)

142.4
In the case of customers obtaining water exclusively from the waterworks system serving the city, the computation records of the waterworks system shall apply.

In the case of customers obtaining water on a metered basis from sources other than the waterworks system serving the city, there shall be determined the amount of water obtained by such customers from other sources and the amount so determined shall be used (together with the amount reflected by the waterworks system records if such customer also obtains water from the waterworks system of the city) in making sure computation.

In the case of customers obtaining water not on a metered basis the city shall establish water consumption based on a comparison of the non-metered user with a metered user of similar class. Example: a non-metered family of four (4) will be compared to a typical family of four (4) with a water meter to establish water consumption. (Ord. No. 95-20, Sec. 1)

All sewer users shall be classified by the city as residential, commercial or industrial.

A "residential user" is defined as a user whose wastewater is from residential property.

A "commercial user" is defined as a user whose liquid wastewater results from commercial operations, trade, or business.

An "industrial user" is defined as a user whose liquid wastewater results from industrial operations, manufacturing, or processing. (Ord. No. 95-20, Sec. 1)

That users of the System will be billed on a monthly basis with payment due thirty (30) days after the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users not on metered water service will be billed monthly on an individual notice for service based upon the water consumption established by the city.

Users with delinquent accounts of thirty (30) days will be notified in writing by the city where, during which hours of the day, and before whom disputed bills appropriately may be considered. If the user waives the opportunity to be heard and the bill is not paid within thirty (30) days after the date of billing, the water service will be disconnected until such bill is paid. (Ord. No. 95-20, Sec. 2)
That a financial management system shall be established and maintained by the city to document compliance with federal regulations pertaining to the bonds. Such system will account for all revenues generated and expenditures for OM&R. (Ord. No. 95-20, Sec. 3)

That the City Council will review the user charges at least annually and review the rates as necessary to ensure that adequate revenues are generated to pay the costs of OM&R and Debt Service and that the System continues to provide for the proportional distribution of OM&R costs among users and user classes. (Ord. No. 95-20, Sec. 4)

That each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment. Costs shall be broken down to show the OM&R costs attributable to that user. (Ord. No. 95-20, Sec. 5)

That any user who feels his user charge is unjust and inequitable may make written application to the Executive Director of the System requesting a review of his user charge. Written request shall, where necessary, show the actual or estimated average flow and strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Review of the request shall be made by the Executive Director and, if substantiated, the user charges for that user shall be recomputed based on the revised flow or strength data and the new charges shall be applicable to the next billing period. (Ord. No. 95-20, Sec. 6)

That the user charge system for the System shall take precedence over any terms or conditions of agreements or contracts between the city and any of the users which are inconsistent with applicable federal regulations regarding such user charge systems. (Ord. No. 95-20, Sec. 7)

10.08.10 Water connection fees. The following schedule is found to be fair and reasonable and is hereby fixed as the fee for making a water connection:

A. Inside the corporate limits of the city of Lincoln Four Hundred Fifty Dollars ($450.00) (Ord. No. 97-9, Sec. 2.)

Outside the corporate limits of the city of Lincoln Five Hundred Dollars ($500.00) (Ord. No. 97-9, Sec. 2.)
C. In the event a water customer desires the installation of a second meter at the time of the making of a water connection, the customer shall be charged One Hundred Dollars ($100.00) for such additional meter made simultaneously with the first, whether or not the water consumer intends at the time of the making of the connection to immediately begin to utilize water through both meters. (Ord. No. 1993-4, Sec. 1)

10.08.12 Security deposits refunded

A. From and after the effective date hereof, the Public Works Director may refund Water and Sewer security deposits when a water customer has been a customer in good standing for twelve consecutive months.

B. A customer in good standing shall be a customer who pays the city's monthly utility charge on or before the due date on the billing notice.

C. The Public Works Director may, at his or her discretion, require a customer to pay a new security deposit if the customer fails to maintain the status of a customer in good standing. (Ord. No. 04-6, Sec. 1-3.)

CHAPTER 10.12

(Repealed)

(Ord. No. 2016-01, Sec. 2.)
Chapter 10.16
INTERLOCAL WATER AGREEMENT

Sections:

10.16.01 Grant application
10.16.02 Interlocal cooperation required
10.16.03 Approved and authorized
10.16.04 Interlocal agreement providing for
delivery of water service and
management of water system for
Cane Hill, Arkansas, between
Washington County and the City
of Lincoln, Arkansas

10.16.01 Grant application. Washington County, Arkansas, has
applied for a grant from the Arkansas Industrial Development
Commission to construct a water project in the Cane Hill area.
(Ord. No. 92-9, Sec. 1)

10.16.02 Interlocal cooperation required. The project
requires that Washington County, Arkansas and the City of
Lincoln enter into an interlocal agreement for the delivery of
water service to the Cane Hill area. (Ord No. 92-9, Sec. 2)

10.16.03 Approved and authorized. That the interlocal
agreement between Washington County, Arkansas and the City of
Lincoln, Arkansas, a copy of which is attached hereto, and
incorporated herein as if set out word for word, is hereby
approved and the Mayor and Recorder/Treasurer are authorized
to execute such. (Ord. No. 92-9, Sec. 3)

10.16.04 Interlocal agreement providing for delivery of water
service and management of water system for Cane Hill, Arkansas,
between Washington County and the City of Lincoln, Arkansas.

1. Obligation of County. County shall take all reasonable
steps to insure that the above-referred-to grant is awarded, and
shall enter into all contracts necessary to construct the water
system. (Ord. No. 92-9)

2. Obligation of City. The City shall take all necessary
and reasonable steps to complete application to the Arkansas
Industrial Development Commission for any such grant which the
parties agree is necessary, and to adopt such rules and
regulations as shall be necessary to effectuate the performance
of this contract and the grant. (Ord. No. 92-9)

3. Obligations, Rights of City. The City does hereby agree
to provide water and operate and manage said water system serving
the project area as a part of its own water system, its rights and
obligations to include but not be limited to:

(a) Review and approve all plans and specifications
before bids are solicited for the construction of the
system;
(b) Inspect and approve the construction the system and all appurtenances to it;

(c) Accept delivery of the water system into its municipal water system upon completion of construction and final approval by all necessary agencies and entities, including itself;

(d) Acquire and take in its own name all easements necessary and incident to the completion of the project;

(e) Incorporate the improvement provided by the project into its municipal water system and maintain the same in the like manner that it maintains its existing system. (Ord. No. 92-9)

4. Duty to Establish Rates. Rates to be established herein shall be set by the City based upon the rate structure generally established by the City for water services throughout its system. The rates for water consumed, meter service, water connections, tapping fees and meter deposit charges shall be set by the City for water and other services provided. Said rates to be set in a manner consistent with the laws of the State of Arkansas and the United States of America. (Ord. No. 92-9)

Water Quality. Water to be furnished hereunder is to be supplied from water produced by the City. The water supply shall be drawn from the City's reservoir and filtered, shall meet the minimum EPA and Arkansas State Health Department standards, and shall maintain the same standard of purity as furnished to the residents of the City. The County recognizes and agrees that the water system is primarily for domestic purposes. The City at its own discretion may regulate or limit at any time and for whatever period the use of water for nondomestic purposes, including but not limited to, irrigation, commercial watering, and/or chicken house purposes. (Ord. No. 92-9)

6. Repairs. The City shall repair any accidents, leaks, or breaks to any part of the system in the same manner as it repairs such in its system existing at the time of the execution hereof. Such repair shall be made with due diligence and dispatch and without unnecessary delay. (Ord. No. 92-9)

7. Laws of the State of Arkansas. This contract is made and accepted by the City and County subject to the provisions of the laws of the State of Arkansas. (Ord. No. 92-9)

8. City to Own System. The parties agree that upon completion of the project it shall be owned in fee by the City and all easements required in connection with the installation of the project shall be vested into the City. (Ord. No. 92-9)
9. County's Duty of Delivery. The County agrees, upon completion of construction of the system, to deliver the same to the City, such delivery to be manifested by letter from the County Judge to the Mayor of Lincoln. (Ord. No. 92-9)

Additional Duties of County. In consideration for the City's agreement herein to assume control of said water system and to furnish water to the project area, the County hereby agrees with execution of this contract to the City's rules, regulations and policies pertaining to management of rural water systems. (Ord. No. 92-9)

11. Water Shortage. The City, at its sole discretion, reserves the right, in the event of an acute shortage of water, to limit, ration, or temporarily discontinue water sales and service to the project area. Any reduction, limitation, rationing or temporary discontinuance of water sales and service for this time shall not render the City liable for damages of any kind. It is understood between the parties hereto that the City's primary obligation is to provide water and water service to the citizens of the City of Lincoln, Arkansas. It is mutually agreed that essential usage of residential consumers located in the project area will not be restricted unless, or until, it has previously become necessary to eliminate non-essential usage in the entire Lincoln water system. (Non-essential usage shall mean water used for lawn sprinkling, car washing, swimming pools, air conditioning systems, which are not needed for health purposes, industrial processes, or food preservation, and other uses as defined by the City of Lincoln as non-essential). (Ord. No. 92-9)

12. Plumbing Codes. The parties agree that all plumbing connected to the system must meet the City of Lincoln Plumbing Code provisions. (Ord. No. 92-9)

13. Charges and Requirements for Water Service Connection. Water service connections (water taps) shall be made only by the Water Department of the City of Lincoln or its authorized agents. (Ord. No. 92-9)

14. Maintenance. The City shall maintain and service all water mains, laterals, valves, and fire hydrants in the system and those that may be constructed in the future. (Ord. No. 92-9)

15. Balling, Collecting, and Payment. The City shall read all meters, issue billing, collect all bills and initiate service to customers in accordance with the ordinances of the City of Lincoln and the rules and regulations of the Water Department of the City, now or hereafter adopted, and if any consumer fails or refuses to pay said billing, the City shall discontinue water service to such consumer in accordance with said ordinances, rules and regulations. (Ord. No. 92-9)
16. Construction of New Water Mains. Consumers in the project area shall abide by all rules, regulations and policies of the City in regard to the extension of any mains beyond the present territorial limits of Lincoln Municipal Water System. (Ord. No. 92-9)

17. Compliance With Rules and Regulations. Water consumers shall comply at all times with the ordinances, rules and regulations of the City of Lincoln and the City of Lincoln Water Department, governing water operations and usage, which may now or hereafter be promulgated. Failure or refusal of any consumer to comply with such ordinances, rules and regulations will subject the consumer to immediate discontinuance of water service, and the City shall in no way be liable for any damages or expenses which may result from such discontinuance.

Each water consumer shall install all plumbing in accordance with the ordinances, rules and regulations of the City of Lincoln, in effect at the time such plumbing is installed. All plumbing shall be inspected by the City of Lincoln Plumbing Inspector or his authorized agent. Fees and charges for such inspections must be paid by the consumer or prospective consumer, and the amount of such fees and charges shall be as prescribed by the City of Lincoln, from time to time for outside city inspections,. (Ord. No. 92-9)

18. Termination of Contract. This contract shall be terminated upon final approval of the project and the delivery of water service to consumers in the project area and certification by the Arkansas Department of Health of the eliminations of the imminent health threat zone. (Ord. No. 92-9)

19. Notices. The written notices provided for herein shall be sufficient if sent by certified mail, return receipt requested, postage prepaid, to the respective chief executives of the parties hereto. (Ord. No. 92-9)

20. Liability. The City shall not be responsible for any damages resulting from water main breaks, acts of God, acts of war, unauthorized person, firms, corporations, or acts of negligence or tort by the City, its agents or employees, or during periods of water reduction or discontinuance by reason of firefighting or other emergency situation. (Ord. No. 92-9)

21. Financing. In the event all of the financing necessary to complete the project herein is not obtained, then this Agreement shall be null and void. (Ord. No. 92-9)
22. **Ongoing Management.** It is understood by the parties that as a practical matter, the City will manage the system in perpetuity. City acknowledges County’s responsibility pursuant to special condition “B” of the grant agreement and will make a good faith effort to assist the County in complying with such by use of the attached application for connection, a copy of which is attached hereto and will forward a copy of said application to County upon its execution. It is agreed and understood between the parties that the County has the legal standing to seek judicial or administrative redress as to any future connections to the system that causes the County to be in violation of the above reference to Special Condition B. (Ord. No. 92-9)

**CHAPTER 10.20**

**CROSS CONNECTION CONTROL PROGRAM**

**Sections:**

10.20.01 Intent and purpose
10.20.02 Definitions
10.20.03 Operating criteria
10.20.04 Facilities requiring backflow protection
10.20.05 Approval of backflow prevention
10.20.06 Non-compliance
10.20.07 Ownership

**10.20.01 Intent and purpose** In compliance with *Arkansas Rules and Regulations Pertaining to Public Water Systems*, Section VII. E, the Lincoln City Council finds it necessary for the health, safety and welfare of the people served by the water department of the city's utility department to adopt cross-connection control standards which establish the requirements for the design, construction and maintenance of connections to the public water supply. These standards are supplemental, but do not supersede or modify the State Plumbing Code and its latest revisions under which the city operates. This ordinance pertains to commercial and industrial establishments only. Single-family, residential swelling units, unless involved in commercial operations, are exempt from the requirements of this ordinance except where they fall under the purview of the Arkansas State Plumbing Code.

The purpose of this article is:

(1) To provide for the protection of the public potable water supply:
(2) To isolate at the service connection any actual or potential pollution or contamination within the consumers' premises; and
(3) To provide a continuous, systematic and affective program of cross-connection control. (Ord. No. 97-13, Sec. 1.)
10.20.02 Definitions

Backflow shall mean a hydraulic condition, caused by a difference in pressures, in which non-potable water or other fluids flow into a potable water system.

Backflow preventer shall mean a device or means to prevent backflow.

Double-check valve assembly means a complete assembly meeting applicable AWWA Standards and the requirements of the Arkansas State Plumbing Code consisting of two internally loaded, independently operating check valves between two tightly closing resilient-seated shutoff valves, with four (4) properly placed resilient seated test cocks.

Reduced-pressure-principal backflow prevention assembly means a complete assembly meeting applicable AWWA Standards and the requirements of the Arkansas State Plumbing Code consisting of a hydraulically operating, mechanically independent differential relief valve located between two independently operating, internally loaded check valves that are located between two tightly closing resilient seated shutoff valves with four properly placed resilient-seated test cocks. (Ord. No. 97-13, Sec. 2.)

10.20.03 Operational criteria

The city water department's Cross-Connection Control Program Handbook of Policies and Procedures is hereby incorporated into this ordinance by reference. It is the primary responsibility of the water purveyor and/or the city of Lincoln 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 ordinance's requirements. The type of device shall depend on the degree of hazard involved. The degree of hazard shall be as described in AWWA Manual M-14 or as described below. Where more than one type of protection is possible, the actual method utilized shall be at the discretion of the water purveyor and/or the city of Lincoln after physical inspection of the hazard.

In the case of any premises where there is an auxiliary water supply, the public water system shall be protected against the possibility of vackflow by a reduced-pressure principle backflow prevention assembly (RP) at the service connection. -148.1-
In the case of any premises there is an auxiliary water supply, the public water system shall be protected from the possibility of backflow by a reduced-pressure principle backflow prevention assembly (RP) at the service connection.

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.

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-principle backflow prevention assembly at the service connection.

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 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. 9743, Sec. 3)

10.20.04 Facilities requiring backflow protection.

The following is a partial list of facilities which may require reduced-pressure-principle backflow prevention assemblies (RP) 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 containing chemicals
6. Hospitals, medical clinics, dental clinics, health clinics, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes
7. Irrigation systems and lawn sprinkler systems
8. Laboratories (industrial, commercial, medical, photography, and school)
9. Commercial laundries
10. Radiator and battery shops
11. Restricted, classified or other facilities closed to inspection
12. Sand, gravel, and concrete plants

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13. Wastewater treatment plants, pump stations and storm water pumping facilities
14. Marinas and dockside facilities
15. Commercial swimming pools
16. Commercial poultry farms and commercial farms using pesticides and herbicides
17. Establishments holding livestock for sale or slaughter
18. Others (with suspected high hazards)

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

1. Apartment buildings
2. Beauty parlors and barber shops
3. Hotels and motels
4. Restaurants, cafeterias, fast-food marts and other food handling facilities.
5. Tall buildings
6. Fire sprinkler systems (without chemicals)
7. Others (with suspected medium hazards.) (Ord. No. 97-13, Sec. 4)

10.20.05 Approval of backflow-prevention devices Any backflow-prevention assembly required herein shall be a type in accordance with AWWA Standards and the Arkansas State Plumbing Code. (Ord. No. 97-13, Sec. 5)

10.20.06 Noncompliance

In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination the water service will be discontinued by the water superintendent.

No water service connection shall be installed on the premises of any consumer unless the public potable water superintendent.

Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or the city of Lincoln Water Department 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.
Upon discovery of a violation of this ordinance, 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 city council for further action.

For the purpose of making any inspections or discharging the duties imposed by this article, the Lincoln Water Department, the State 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 state health department, and/or plumbing inspector for the purpose stated herein. (Ord. No. 97-13, Sec.6.)

10.20.07 Ownership The consumer shall purchase, own and maintain all backflow-prevention assemblies installed at the point of delivery to the consumer's water system. (Ord. No. 97-13, Sec. 7.)