

ORDINANCE NO. 2006-09-271

**AN ORDINANCE REPEALING ORDINANCE No. 187 (adopted October 5, 2004),
ESTABLISHING THE RATES FOR SERVICES
TO BE FURNISHED BY THE SEWER SYSTEM OF THE
CITY OF TONTITOWN, ARKANSAS, AND FOR OTHER PURPOSES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN,
ARKANSAS:**

ARTICLE I

Section 1: The City hereby establishes as rates, to be charged for sewer services furnished by the City's system, which the City Council finds and declares to be reasonable and necessary, to be charged to all users who contribute wastewater to the Tontitown Water and Sewer Commission treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining improving or expanding, including replacement, the public wastewater collection and treatment works (the sewer system). (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed.)

All sewer users shall be classified by the Tontitown Water and Sewer Commission as residential or commercial/ industrial.

Section 2: Sewage rates. All users of the sewer system shall be charged as follows based upon monthly metered water usage: \$15.00 minimum for the first 2,000 gallons of metered water used and \$4.50 per thousand gallons of metered water used over 2,000 gallons.

Section 3: Access Fees. All users of the sewer system shall pay the following access fee prior to accessing the sewer system.

A. Consumer. All users who are not commercial/industrial users shall be considered consumer users. All consumer users shall be categorized as an existing customer or new customer. An existing customer shall be defined as one who has been receiving water service from the city for at least ninety (90) days prior to sewer service being made available to the customer. A new customer shall be defined as any customer who is not an existing customer. Access fees for consumers shall be one thousand dollars (\$1,000) for existing customers and two thousand five hundred dollars (\$2,500) for new customers.

B. Commercial/Industrial. Commercial/Industrial users shall be defined as any business, commercial or industrial enterprise which currently possesses, or under applicable law or regulation is required to possess, a business license. Access fees for commercial/industrial users shall be based upon the size of the water meter, as follows:

(1) 5/8"	\$2,500
(2) 1"	\$3,500
(3) 2"	\$6,000

Section 4: Tapping Fees. All users of the sewer system shall be required to pay tapping fees in the amount of three hundred dollars (\$300) prior to accessing the sewer system. The customer shall be responsible for all expenses related to exposing the sewer line at the location of the tap, and exposure of the line for tapping purposes shall be performed by a licensed plumber. The customer shall also be responsible for all expenses related to covering the pipe, after the tap is completed and inspected (if required), and repairing the surface to any specification required by the City.

Section 5: Excessive Strength Charges

For any user, when the BOD exceeds 250 mg/l, the suspended solids exceed 250 mg/l, or when 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:

$$Cs (Bc(B) + Sc(S) + Pc(P) Vu$$

Symbols and Definitions:

Cs = A surcharge for wastewaters of excessive strength

Bc = O&M cost for treatment of a unit of biochemical oxygen demand (BOD)

B = Concentration of BOD from a user above a base level

Sc = O&M Cost for treatment of a unit of suspended solids (SS)

S = Concentration of SS from a user above a base level

Pc = O&M 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.

Section 6: Charges for Extraneous Flows

The costs of operation and maintenance for all flows not directly attributable to users (such as Infiltration/Inflow) shall be distributed among users on the same basis as operation and maintenance charges.

Section 7: 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 treatment works shall pay for such increased costs.

Section 8: Billing

Users will be billed on the same notice as water charges. Bills will be due at the same time and under the same terms as the water bill. Failure to timely pay the sewer bill shall be addressed under the same procedure as past due water bills.

If the user waives the opportunity to be heard, the water and/or wastewater services will be discontinued until such bill is paid.

Section 9: Records

A financial management system shall be established and maintained by the Tontitown Water and Sewer Commission. The system will account for all revenues generated and expenditures for operation and maintenance and replacement.

ARTICLE II

Review and Revision.

The Tontitown Water and Sewer Commission will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

ARTICLE III

Section 1: Any user who feels his user charge is unjust and inequitable may make written application to the Tontitown Water and Sewer Commission requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Section 2: Review of the request shall be made by the Tontitown Water and Sewer Commission and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

ARTICLE IV

Section 1: Ordinance No. 187 (adopted October 5, 2004), is hereby repealed.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 3: The user charge system shall take precedence over any terms or conditions of agreements or contracts between the City of Tontitown and any of the users which are inconsistent with applicable Federal regulations regarding user charge systems.

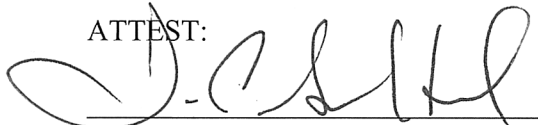
Passed and adopted by the City Council of the City of Tontitown, State of Arkansas, on the 5th day of September, 2006.

APPROVED:



Mayor

ATTEST:



Recorder/Treasurer

Sponsor:

Council

ROLL CALL

SHALL THE ORDINANCE PASS:

	Yea	Nay	
Alderman Andrew Penzo	<u>✓</u>	—	(Ward 2, Position 2)
Alderman Arthur Penzo	<u>✓</u>	—	(Ward 2, Position 1)
Alderman Henry Piazza	<u>✓</u>	—	(Ward 1, Position 2)
Alderman Bradley Marveggio	—	—	(Ward 1, Position 1)
Ken Robertson	<u>✓</u>	—	(Ward 3, Position 2)
_____	—	—	(Ward 3, Position 1)
Mayor	—	—	

TOTALS: YEAHS 4 NAYS 0

ROLL CALL

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

	Yea	Nay	
Alderman Andrew Penzo	<u>✓</u>	—	(Ward 2, Position 2)
Alderman Arthur Penzo	<u>✓</u>	—	(Ward 2, Position 1)
Alderman Henry Piazza	<u>✓</u>	—	(Ward 1, Position 2)
Alderman Bradley Marveggio	—	—	(Ward 1, Position 1)
Ken Robertson	<u>✓</u>	—	(Ward 3, Position 2)
_____	—	—	(Ward 3, Position 1)
Mayor	—	—	

TOTALS: YEAHS 4 NAYS 0