

**ORDINANCE NO. 2011-03-374**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF TONTITOWN, ARKANSAS, REGARDING THE RATES FOR SERVICES TO BE FURNISHED BY THE CITY OF TONTITOWN, ARKANSAS, AND FOR OTHER PURPOSES**

WHEREAS, Arkansas Code Annotated § 14-235-223(f)(2)(B) provides that cities of the second class may provide by ordinance for the making readjustments to sewer rates on a pro rata basis as to all classes of services; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Tontitown, Arkansas, to amend Section 52.115 and 52.118 of the Code of Ordinances for the City of Tontitown, Arkansas, by repealing the current section and adopting a revised Section 52.115 and 52.118.

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

SECTION 1. Ordinances NO. 2006-09-271 codified at Section 52.115 of the Code of Ordinances for the City of Tontitown, Arkansas is hereby amended.

SECTION 2. Section 52.115 of the Code of Ordinances for the City of Tontitown, Arkansas, is hereby amended and shall provide as follows:

**§ 52.115 ESTABLISHMENT OF RATES.**

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 Sewer Committee 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.)

(2) All sewer users shall be classified by the Tontitown Sewer Commission as residential or commercial/industrial.

a)

*Schedule of sewer rates.* The following schedule of sewer rates to be applied to the water consumption of users as set forth in the article:

## Sewer Rate Schedule

### *Inside the city:*

The charges to each customer for sewage collection and treatment shall be determined each month and shall be the sum of a service and a usage charge based on the customer's metered water usage determined as set forth in this division and computed using the following schedule of rates. In addition to the monthly service charge, each customer will be billed for sewage treatment works usage based on the customer's water usage as set forth in this division, and the user charge shall be computed using the following schedule of rates for the following time period:

After March 30, 2011:

- (1) Service charge: \$13.20
- (2) All water consumption per month or portion thereof, per 1,000 gallons: \$8.53

### *Outside City of Tontitown:*

After March 30, 2011

- (1) Service charge: \$17.82
- (2) All water consumption per month, per 1,000 gallons: \$11.52

(C) *Access fees.* All users of the sewer system shall pay the following access fee prior to accessing the sewer system.

(1) *Consumer.* All users who are not commercial/industrial users shall be considered consumer users. Access fees for consumers shall be \$2,500.

(2) *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:

<i>Meter Size</i>	<i>Access Fee</i>
5/8 inches	\$2,500
1 inches	\$3,500

2 inches	\$15,000
3 inches	\$30,000
4 inches	\$45,000
6 inches	\$90,000

(D) *Tapping fees.* All users of the sewer system shall be required to pay tapping fees in the amount of \$450 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.

(E) *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.

(F) *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.

(G) *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.


**52.118 REVIEW AND REVISION; NOTIFICATION**

The City Counsel will review the user charges at least annually and revise the rates as necessary to ensure that the adequate revenues are generated to pay the cost 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 user and user classes.

SECTION 3: EMERGENCY CLAUSE: The City Council hereby determines that an emergency exists in that the ability to service the debt necessary to provide water and sewer services is essential to the functioning of the City. The current ordinances are inadequate to allow for the service of said debt for the public health, welfare and safety. Thus, being necessary for the protection of public health, safety, peace and welfare, this ordinance shall be in force and effect immediately upon its passage and approval.

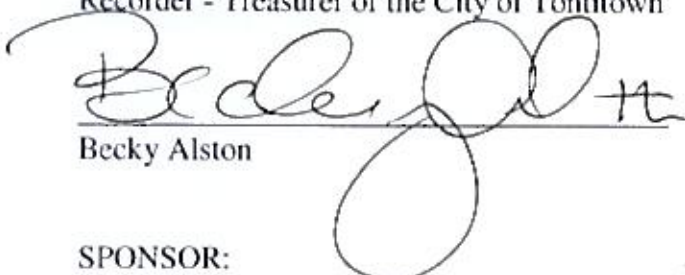
PASSED AND APPROVED THIS 1<sup>st</sup> DAY OF March 2011.

Mayor of the City of Tontitown

  
Tommy Granata

ATTEST:

Recorder - Treasurer of the City of Tontitown

  
Becky Alston

SPONSOR:

Water & Sewer Commission