

ORDINANCE NO. 2019-02-_____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 52.115 ESTABLISHMENT OF RATES OF CHAPTER 52: SEWER REGULATIONS OF THE TONTITOWN MUNICIPAL CODE IN ITS ENTIRETY OF THE CITY OF TONTITOWN AND DECLARING AN EMERGENCY

WHEREAS, on or about September 5, 2006, the City Council of Tontitown adopted Ordinance No. 2006-09-271 to provide for establishment of sewer rates within the city and said Ordinance No. 2006-09-271, as it has been amended from time to time and as was thereafter codified within Section 52.115 ESTABLISHMENT OF RATES of Chapter 52: SEWER REGULATIONS in the Tontitown Municipal Code; and

WHEREAS, the Tontitown Committee of the Whole has reviewed revisions of Section 52.115 ESTABLISHMENT OF RATES of Chapter 52: SEWER REGULATIONS and recommends to the City Council that certain revisions be approved; and

WHEREAS, a public hearing was held on January 15, 2019 following the newspaper publication of the schedule of proposed rates as required by law; and

WHEREAS, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Section 52.115 ESTABLISHMENT OF RATES of Chapter 52: SEWER REGULATIONS of the Tontitown Municipal Code in order to reflect increases in sewer rates and other costs of the operation of the city's sewer system; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 52.115 ESTABLISHMENT OF RATES of Chapter 52: SEWER REGULATIONS, of the Tontitown Municipal Code should be revised and restated in its entirety as incorporated herein below.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the City Council of the City of Tontitown, as follows:

Section 1. Section 52.115 ESTABLISHMENT OF RATES of Chapter 52: SEWER REGULATIONS, of the Tontitown Municipal Code is hereby revised, in its entirety, and as attached hereto as Exhibit "A".

Section 2. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 3. Declaration of Emergency. It is hereby found and determined that Section 52.115 ESTABLISHMENT OF RATES of Chapter 52: SEWER REGULATIONS, of the Tontitown Municipal Code should be immediately amended in its entirety in order to provide regulations for establishment of sewer rates within the City of Tontitown. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this 5th day of February, 2019.

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Recorder-Treasurer
(SEAL)

§ 52.115 ESTABLISHMENT OF SEWER RATES.

(A) *Establishment.*

(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 City of Tontitown 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 City of Tontitown as residential, commercial or industrial.

(B) *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.

(1) *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 base 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 base 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 February 5, 2019:

(a) Base charge: \$13.20

(b) All water consumption per month or portion thereof, per 1,000 gallons: \$8.79

(2) *Outside city:*

(a) Base charge: \$17.82

(b) All water consumption per month, per 1,000 gallons: \$11.87

(3) *Industrial user rate: **

(a) Base charge shall be the same amount as charged for all other customers inside or outside the city.

(b) All sewer generated per month, per 1,000 gallons: \$11.66 inside city, \$15.39 outside the city.

* Industrial user is defined by metered sewer usage in excess of 250,000 gallons per month.

(C) *Tapping fees.* All users of the sewer system shall be required to pay tapping fees prior to accessing the sewer system. The cost for a 4" service tap shall be \$500. For any tap larger than 4", the tapping fee shall be \$1,000.

(D) *Septic tank non-compliance fees.* Commencing 30 business days after receiving written notice of a noncomplying individual sewage disposal system, the landowner shall be subject to a

fine of not less than \$5 nor more than \$15 for each calendar day beyond said 30 business days that the system is in violation of the code.

(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.

(Ord. 2006-09-271, passed 9-5-06; Am. Ord. 2011-03-374, passed 3-1-11; Am. Ord. 2013-03-415, passed 3-5-13; Am. Ord. 2015-10-547, passed 10-6-15; Am. Ord. 2015-12-561, passed 12-1-15; Am. Ord. 2016-08-594, passed 8-3-16)