

ORDINANCE NO. 2025-09-1214

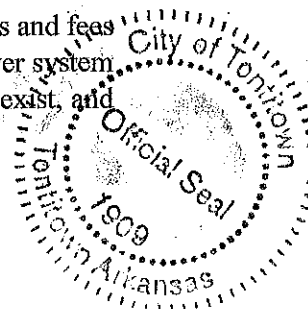
CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE TO AMEND SECTION 52.115(B): ESTABLISHMENT OF SEWER RATES OF THE TONTITOWN MUNICIPAL CODE IN ORDER TO PROVIDE NEW SEWER RATES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Tontitown is required to set its rates by ordinance to establish sewer rates and fees to pay all costs set forth in Ark. Code Ann. § 14-253-223; and **WHEREAS**, on August 19, 2025, the City Council introduced an ordinance to adjust city sewer rates and fees, and called for the publication of the proposed rates as well as the public hearing held on September 16, 2025, in accordance with Arkansas Law, a copy of the published notice setting forth the proposed rates and setting the date of the public hearing in attached hereto as Exhibit "A"; and **WHEREAS**, the Tontitown Water and Sewer Committee has carefully reviewed the rate study and recommended adoption of the sewer rates, as set forth in the attached Exhibit "B"; and **WHEREAS**, after holding a public hearing and hearing public input as well as the input of the Tontitown Water and Sewer Committee, the City Council has determined that it is necessary and in the best interest and benefit of the community to adjust the monthly sewer rates in order to adequately finance the sewer system in the City of Tontitown, as required by Arkansas Law.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Tontitown, Arkansas: **Section 1.** The City Council of Tontitown hereby amends Section 52.115(B): Establishment of Sewer Rates to reflect the sewer rates set forth in the attached Exhibit "B" to be charged for services rendered by the Tontitown Sewer System, effective upon passage of this Ordinance. **Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. **Section 3.** 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 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 4.** Declaration of Emergency. It is hereby found and determined that the sewer rates and fees for the City of Tontitown should be immediately amended in order to adequately finance the sewer system of the City of Tontitown, as required by Arkansas Law. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and





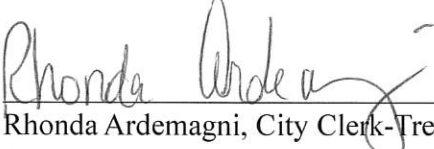
protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

PASSED AND APPROVED this 16 day of September 2025.

APPROVED:

  
Angela Russell, Mayor

ATTEST:

  
Rhonda Ardemagni, City Clerk-Treasurer  
(SEAL)





## PUBLIC HEARING NOTICE

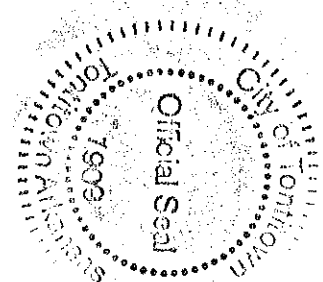
NOTICE IS HEREBY GIVEN by the City of Tontitown, Arkansas that the Tontitown City Council will hold a public hearing at the regular meeting of the City Council to be held at Tontitown City Hall located at 235 E. Henri de Tonti Blvd, Tontitown, AR 72762 on September 16, 2025, at 6:00 p.m.

The public hearing will be held for the purpose of hearing public comments about a proposed increase in the Tontitown Sewer Rates. All interested parties shall have an opportunity to be heard concerning the proposed new rates and fees. Copies of the Ordinance establishing new rates and fees for City of Tontitown sewer service are open to public examination in the utility office located at 201 E. Henri de Tonti Blvd in the City of Tontitown and the City Clerk's office at the Tontitown City Hall and shall remain there prior to the public hearing.

The proposed rates and fees that will be considered by the Tontitown City Council are:

<u>Sewer Service</u>	<u>Current Rates</u>	<u>Proposed Rates to begin on September 19, 2025</u>
RESIDENTIAL - <b>INSIDE CITY</b>	\$10.14 per 1,000 gals.	\$11.15
RESIDENTIAL - <b>OUTSIDE CITY</b>	\$13.70 per 1,000 gals.	\$15.07
COMMERCIAL - <b>INSIDE CITY</b>	\$10.14 per 1,000 gals.	\$12.17
COMMERCIAL - <b>OUTSIDE CITY</b>	\$13.70 per 1,000 gals.	\$15.76
INDUSTRIAL - <b>INSIDE CITY</b>	\$13.46 per 1,000 gals.	\$16.83
INDUSTRIAL - <b>OUTSIDE CITY</b>	\$17.76 per 1,000 gals.	\$22.20
	<b>Base Rates Per Month Current</b>	
RESIDENTIAL IN/OUTSIDE CITY BASED ON 5/8" METER	\$15.23/\$20.56	\$16.75/\$22.62
COMMERCIAL IN/OUTSIDE CITY BASED ON 5/8" METER	\$15.23/\$20.56	\$17.51/\$23.64
INDUSTRIAL IN/OUTSIDE CITY	\$15.23/\$20.56	\$1000.00/\$1000.00

\*\* If approved by City Council at the regular meeting on September 16, 2025, the new rates will take effect September 19, 2025. The billing period of September 19 through October 20, which will be due November 15, 2025, will include the new rate schedule\*\*





**§ 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 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 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) 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, for the following time period, after September 19, 2025:

**(a) Base Rates Per Month:**

<b><u>Sewer Service</u></b>	<b><u>Inside City</u></b>	<b><u>Outside City</u></b>
Residential (based on 5/8" meter)	\$16.75	\$22.62
Commercial (based on 5/8" meter)	\$17.51	\$23.64
Industrial*	\$1000.00	\$1000.00







(b) Rates for all water consumption per month or portion thereof, per 1,000 gallons:

<b>Sewer Service</b>	<b>Inside City</b>	<b>Outside City</b>
Residential	\$11.15 per 1,000 gals.	\$15.07 per 1,000 gals.
Commercial	\$12.17 per 1,000 gals.	\$15.76 per 1,000 gals.
Industrial*	\$16.83 per 1,000 gals.	\$22.20 per 1,000 gals.

*\* 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-inch service tap shall be \$500. For any tap larger than 4 inches, 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.

(1) For any user, when the BOD exceeds 250 mg/l, the suspended solids exceed 250 mg/l, the total phosphorus exceeds 15 mg/l, the total nitrogen exceeds 50 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

Be = 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.

(2) Surcharge fees for excessive strength wastewater shall be as follows:

	Surcharge limit (mg/l)	Fee per lb. over limit
BOD 5 (mg/l)	250	\$0.20
Total phosphorous (mg/l)	15	\$0.10
Total nitrogen (TKN+NOX)(mg/l)	50	\$0.50
Total suspended solids (mg/l)	250	\$0.20

(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; Am. Ord. 2019-02-829, passed 2-5-19; Am. Ord. 2024-08-1116, passed 8-20-24)



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(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 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 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, for the following time period, after ~~September 19, 2025~~ August 20, 2024:

- ~~—(a) Base charge: \$15.23.~~
- ~~—(b) All water consumption per month or portion thereof, per 1,000 gallons: \$10.14.~~
- ~~—(2) Outside city:~~
- ~~—(a) Base charge: \$20.56.~~
- ~~—(b) All water consumption per month, per 1,000 gallons: \$13.70.~~
- ~~—(3) Industrial user rate: \*~~
- ~~—(a) Base charge shall be the same amount as charged for all other customers inside or outside the city.~~

(a) Base Rates Per Month:

<u>Sewer Service</u>	<u>Inside City</u>	<u>Outside City</u>
<u>Residential</u> <u>(based on 5/8" meter)</u>	<u>\$16.75</u>	<u>\$22.62</u>



<u>Commercial</u> <u>(based on 5/8" meter)</u>	<u>\$17.51</u>	<u>\$23.64</u>
<u>Industrial*</u>	<u>\$1000.00</u>	<u>\$1000.00</u>

(b) Rates for all water consumption per month or portion thereof, per 1,000 gallons:

<u>Sewer Service</u>	<u>Inside City</u>	<u>Outside City</u>
<u>Residential</u>	<u>\$11.15 per 1,000 gals.</u>	<u>\$15.07 per 1,000 gals.</u>
<u>Commercial</u>	<u>\$12.17 per 1,000 gals.</u>	<u>\$15.76 per 1,000 gals.</u>
<u>Industrial*</u>	<u>\$16.83 per 1,000 gals.</u>	<u>\$22.20 per 1,000 gals.</u>

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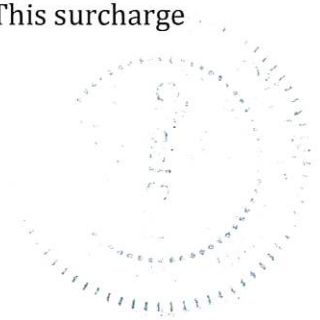
~~—(b) All sewer generated per month, per 1,000 gallons: \$13.46 inside city; \$17.76 outside the city.~~

(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-inch service tap shall be \$500. For any tap larger than 4 inches, 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.

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$C_s (B_c(B) + S_c(S) + P_c(P)) V_u$

Symbols and definitions:

$C_s$  = A surcharge for wastewaters of excessive strength

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

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

$S_c$  = O&M cost for treatment of a unit of suspended solids (SS)

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

$P_c$  = O&M cost for treatment of a unit of any pollutant

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

$V_u$  = volume contribution from a user per unit of time

\* Maximum limit for average domestic waste.

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WASHINGTON COUNTY, AR  
I CERTIFY THIS INSTRUMENT WAS FILED ON  
10/15/2025 11:16AM  
AND RECORDED IN REAL ESTATE  
FILE NUMBER 2025-28550  
KYLE SYLVESTER, CIRCUIT CLERK

*[Signature]*

