

TITLE XI

BUILDINGS AND CONSTRUCTION

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CHAPTER 11.02

BUILDING INSPECTION CODE

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Section 11.02.01 Name

This chapter shall be known as the Building Inspection Code of the City of Berryville, Arkansas.

CROSS REFERENCE: Ordinance 170; Section 1; December 4, 1951

Section 11.02.02 Building Inspector Position Established

The Mayor of the City of Berryville, Arkansas, with the approval of the City Council, is hereby authorized and empowered to employ a Building Inspector, whose duties shall be as hereinafter set out. The said Building Inspector shall file a bond in the sum of one thousand dollars (\$1,000) with the City Council, conditioned that he will faithfully perform the duties as herein set out.

CROSS REFERENCE: Ordinance 170; Section 2; December 4, 1951

Section 11.02.03 Inspection Duties

When applications for permits for buildings and/or constructions have been approved by the Building Inspector, he shall have access to the office copy of the permit issued and the application. It shall be the duty of the owner of such building or construction to notify the Building Inspector of the completion of the building or structure immediately upon completion and it shall be the duty of the Building Inspector to inspect the building or structure within two (2) days from the date of receiving the notice of completion, to determine if the building or structure has been constructed in accordance with the application, permit and the City Building Code, and if the building or structure is not completed in accordance with the application, permit and the City Building Code, the Building Inspector shall immediately notify the owner of the things necessary to be done to complete same in accordance with the application, permit and said code. It shall further be the duty of the Building Inspector, from time to time and at such times as he may deem necessary or at such times as may be directed by the Mayor or City Council, to inspect the building or structure during the process of its construction to determine if same is being constructed in accordance with the application, permit or said code, and if not, he shall immediately notify the owner and the Mayor or City Council of the difference, and shall have the power to and it shall be his duty to condemn such building and construction unless and until the owner meets the compliance with the application, permit and said Code.

Upon completion of the building or structure in accordance with the application, permit and said Code, the Building Inspector shall issue to the owner a release for occupancy in accordance with the usage stated in the application. Should the building or structure in the progress of construction or after reported to the Building Inspector as completed not conform to the materials, specifications and requirements of the application, permit and said Code, the Building Inspector shall have the power to and it shall be his duty to condemn such building and/or structure and immediately notify the Mayor and City Council and the owner of the condemnation.

CROSS REFERENCE: Ordinance 170; Section 3; December 4, 1951

Section 11.02.04 Other Duties

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including

prefabricated and mobile homes) must: (1) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (2) use construction materials and practices that will minimize flood damage; and

The Building Inspector shall review subdivision proposals and other proposed new developments to assure that: (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize flood damage, and (3) adequate drainage is provided so as to reduce exposure to flood hazards; and

The Building Inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

CROSS REFERENCE: Ordinance 280A; Sections 1-3; Sept. 6, 1976

Section 11.02.05 Unlawful Construction

It shall be unlawful for any owner or contractor, or servant or employee of the owner to construct any building or structure not in accordance with the application, permit and said Code.

CROSS REFERENCE: Ordinance 170; Section 5; December 4, 1951

Section 11.02.06 Unlawful Occupation

It shall be unlawful for any person, persons, firm or corporation, being the owner of any building or structure to occupy same for any purpose without having first had approval from the Building Inspector, and it shall be unlawful for the owner of any such building or structure to occupy same by lessee with or without first having secured from the Building Inspector certificate of completion of said building or structure, and that same is completed in accordance with the application, permit and said Code.

CROSS REFERENCE: Ordinance 170; Section 6; December 4, 1951

Section 11.02.07 Penalties for Violation

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be fined in any sum not less than Fifty Dollars (\$50.00) and not more than One Thousand Dollars (\$1,000.00). Each day the building or structure is occupied or used without receiving the Inspector's certificate of completion shall be a separate offense.

CROSS REFERENCE: Ordinance 170; Section 7; December 4, 1951

CHAPTER 11.04

BUILDING CODE

SECTIONS:

- 11.04.01 Adoption of Building Code**
- 11.04.02 Approved Amendments to Building Code**
- 11.04.03 Enforcement**
- 11.04.04 ADA Minimum Accessibility Requirements**

Section 11.04.01 Adoption of Building Code

There is hereby adopted by the City Council of the City of Berryville, Arkansas, by reference, the 2002 Arkansas Fire Prevention Code Volumes II and III, in their entirety, and subject to modifications made by this ordinance and through amending ordinances hereafter passed by the Berryville City Council. No structure or building shall be constructed, altered, renovated, removed, demolished or occupied, and no activity shall be undertaken within the corporate limits of the City of Berryville, Arkansas, except in full compliance with the 2002 Arkansas Fire Prevention Code. Whenever the said code shall appear to be in conflict with any provision of the Berryville Municipal Code the more restrictive regulation shall govern.

The City of Berryville, Arkansas, shall automatically adopt amended and/or updated versions of the Arkansas Fire Prevention Code as deemed necessary by the Arkansas State Fire Marshall's Office.

Not less than three (3) copies of the 2002 Arkansas Fire Prevention Code, Volumes I-III shall be filed in the office of the Berryville Building Official for inspection and reference by all interested persons.

CROSS REFERENCE: Ordinance 809; Sections 1,5,6; August 19, 2003

Section 11.04.02 Approved Amendments to Building Code

Section 105.1 of the Arkansas Fire Prevention Code, Volumes I & II, shall be amended to read as follows: Any owner or authorized agent who intends to construct, enlarge, alter, renovate, repair, remove, demolish, change the occupancy of a building, or convert and/or replace any installation of which is regulated by this code, or cause any such work to be done, shall first make application to the Berryville Building Official and obtain the required permit.

Section 105.2 of the Arkansas Fire Prevention Code, Volumes I & II, is hereby deleted in its entirety.

Section 105.3.1.1 of the Arkansas Fire Prevention Code, Volumes I & II, is hereby deleted in its entirety.

Section 108.4 of the Arkansas Fire Prevention Code, Volumes I & II, is hereby amended to read as follows: Any person, firm or corporation who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 100% of the permit fee in addition to the required permit fee.

CROSS REFERENCE: Ordinance 809; Section 2; August 19, 2003

Section 11.04.03 Enforcement

The 2002 Arkansas Fire Prevention Code, Volumes II and III, and modifications made by the Berryville City Council, shall be enforced by the Berryville Building Official.

CROSS REFERENCE: Ordinance 809; Section 1; August 19, 2003

Section 11.04.04 ADA Minimum Accessibility Requirements

For the new construction of commercial facilities and places of public accommodation within the corporate limits of the City of Berryville, Arkansas, the minimum accessibility requirements established under the federal Americans with Disabilities Act are hereby adopted and incorporated as if set out at length herein, save and except such portions as are hereinafter deleted, modified or amended.

Three (3) copies of the Americans with Disabilities Act's public accommodation provisions, as enacted and hereafter amended by the federal legislature and as incorporated into and made a part of the Berryville Building Code, shall be kept on file for public view in the office of the City Clerk of the City of Berryville, Arkansas.

CROSS REFERENCE: Ordinance 534; Section 1; January 21, 1992

CHAPTER 11.06

RESIDENTIAL BUILDING CONTRACTOR'S LICENSE

SECTIONS:

- 11.06.01 License Requirement**
- 11.06.02 Waiver Clause for Property Owners**
- 11.06.03 Penalty for Violations**

Section 11.06.01 License Requirement

All applications submitted to the Building Inspector for the issuance of a permit under Berryville Municipal Code Chapters 11.02 and 11.26 for the construction or remodeling of a dwelling consisting of one (1) but not more than four (4) units for residential occupancy, when the cost of the project is \$20,000 or more, shall include a copy of such applicant's Residential Building Contractor's License issued by the Residential Building Contractor's Committee of Arkansas pursuant to Act 950 of 1999, (AR Code Ann. Section 17-25-501 et seq., as may be amended from time to time), and a statement by such applicant that such license is in full force and effect.

The requirements set forth herein shall be deemed independent of the requirements of any other ordinances or regulations regarding the issuance of permits for residential construction or remodeling.

CROSS REFERENCE: Ordinance 773; Sections 1&3; July 17, 2001

Section 11.06.02 Waiver Clause for Property Owners

A property owner who acts as a residential building contractor for the purpose of constructing or remodeling his own residence is not required to submit said license, unless the person constructs or remodels more than one (1) residential dwelling per calendar year.

CROSS REFERENCE: Ordinance 773; Section 2; July 17, 2001

Section 11.06.03 Penalty for Violations

Any person, firm or corporation which violates any provision of these regulations, or amendments thereto, shall be guilty of a misdemeanor, and upon conviction, shall be fined up to \$500.00. Each day that any violation of these regulations is in effect shall constitute a separate offense.

CROSS REFERENCE: Ordinance 773; Section 4; July 17, 2001

CHAPTER 11.08

CONDEMNED STRUCTURES

SECTIONS:

- 11.08.01 Unlawful to Maintain a Nuisance**
- 11.08.02 Condemnation Required**
- 11.08.03 Requirements of City Council Resolution**
- 11.08.04 Notice Procedures**
- 11.08.05 Removal Authorization**
- 11.08.06 Duties of Building Inspector**
- 11.08.07 Proceeds of Sale**
- 11.08.08 Enforcement of Lien**
- 11.08.09 Penalty for Violations**
- 11.08.10 Judicial Condemnation**

Section 11.08.01 Unlawful to Maintain a Nuisance

That it shall be and it is hereby declared to be unlawful for any person or persons, partnership, corporation or association to own, keep or maintain any house, building and/or structure within the corporate limits of the City of Berryville, Arkansas, which constitutes a nuisance and which is found and declared to be a nuisance by resolution of the City Council.

CROSS REFERENCE: Ordinance 245; Section 1; March 7, 1972

Section 11.08.02 Condemnation Required

That any such house, building and/or structure which is found and declared to be a nuisance by resolution of the City Council will be condemned to insure the removal thereof as herein provided.

CROSS REFERENCE: Ordinance 245; Section 2; March 7, 1972

Section 11.08.03 Requirements of City Council Resolution

That the resolution of the City Council condemning any house, building and/or structure, which constitutes a nuisance will include in said resolution an adequate description of the house, building and/or structure, the name or names, if known, of the owner or owners thereof, and shall set forth the reason or reasons said house, building and/or structure is or has been condemned as a nuisance.

CROSS REFERENCE: Ordinance 245; Section 3; March 7, 1972

Section 11.08.04 Notice Procedures

After a house, building and/or structure has been found and declared to be a nuisance and condemned by resolution as herein provided, a true or certified copy of said resolution will be mailed to the owner or owners thereof, if the whereabouts of the said owner or owners thereof be known or their last known address be known, and a copy thereof shall be posted in a conspicuous place on said house, building and/or structure. Provided, that if the owner or owners of said, building and/or structure be unknown or if his or their whereabouts or last known address be unknown, the posting of the copy of said resolution as hereinabove provided will suffice as notice.

CROSS REFERENCE: Ordinance 245; Section 4; March 7, 1972

Section 11.08.05 Removal Authorization

If the house, building and/or structure constituting a nuisance has not been torn down and removed, or said nuisance otherwise abated, within thirty (30) days after posting the true copy of the resolution at a conspicuous place on said house, building and/or structure constituting the nuisance will be torn and/or removed by the Building Inspector or his duly designated representative.

CROSS REFERENCE: Ordinance 245; Section 5; March 7, 1972

Section 11.08.06 Duties of Building Inspector

The Building Inspector or any other person or persons designated by him to tear down and remove any such house, building and/or structure constituting a nuisance will insure the removal thereof and dispose of the same in such a manner as deemed appropriate in the circumstances and to that end may, if the same has a substantial value, sell said house, building and/or structure, or any saleable material thereof, by public sale to the highest bidder for cash, ten (10) days notice thereof being first given by one publication in some newspaper having a general circulation in the City to insure its removal and the abatement of the nuisance.

CROSS REFERENCE: Ordinance 245; Section 6; March 7, 1972

Section 11.08.07 Proceeds of Sale

All the proceeds of the sale of any such house, building and/or structure, or the proceeds of the sale of saleable materials therefrom and all fines collected from the provisions of this chapter shall be paid by the person or persons collecting the same to the City Clerk. If any such house, building and/or structure, or the saleable materials thereof, be sold for an amount which exceeds all costs incidental to the abatement of the nuisance, including the cleaning up of the premises by the City, plus any fine or fines imposed, the balance thereof will be returned by the City Clerk to the former owner or owners of such house, building and or structure constituting the nuisance.

CROSS REFERENCE: Ordinance 245; Section 7; March 7, 1972

Section 11.08.08 Enforcement of Lien

If the City has any net costs in removal of any house, building or structure, the City shall have a lien on the property as provided by A.C.A. 16-93-702. The lien may be enforced in either one of the following manners:

- a. The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in the Circuit Court, or
- b. The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days' written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks, the determination of said governing body being subject to appeal by the property owner in the Circuit Court, and the amount so determined at said hearing, plus ten percent (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein

municipality is located, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent (3%) thereof, when so collected shall be paid to the municipality by the county tax collector.

Section 11.08.09 Penalty for Violations

A fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each said separate and distinct offense, provided the notice as herein provided in Section 11.28.04 hereof has been given within ten (10) days after said house, building and/or structure has been by resolution found and declared to be a nuisance.

CROSS REFERENCE: Ordinance 245; Section 8; March 7, 1972

Section 11.08.10 Judicial Condemnation

In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicially declared to be a nuisance by a court having jurisdiction of such matters, the City Attorney is hereby authorized to bring such an action for said purpose in the name of the City, and the only notice to be given to the owner or owners of any such house, building and/or structure sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Circuit Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a court of competent jurisdiction, a fine of Fifty Dollars (\$50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offense punishable by a fine of Fifty Dollars (\$50.00) for each separate and distinct offense. In the event the owner or owners of any such house, building and/or structure judicially found to be a nuisance fails or refuses to abide by the orders of the court, the Building Inspector or other person or persons referred to in Section 11.16.05 of this chapter will take such action as provided in Section 11.16.06 hereof, and Section 11.16.07 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentences apply independently of any action that may be taken by the court judicially declaring the nuisance.

CROSS REFERENCE: Ordinance 245; Section 9; March 7, 1972

CHAPTER 11.10

PLUMBING CODE

SECTIONS:

11.10.01 Definitions

- 11.10.02 Adoption of State Code**
- 11.10.03 Administration and Enforcement**
- 11.10.04 Permit Issuance Procedures**
- 11.10.05 Bond Requirement**
- 11.10.06 Street Openings**
- 11.10.07 Hazardous Conditions**
- 11.10.08 Penalty for Violations**

Section 11.10.01 Definitions

Plumbing for the purposes of this chapter is hereby defined as the definitions of A.C.A. 17-31-201 and the Arkansas State Plumbing Code.

CROSS REFERENCE: Ordinance 280; Section 1; December 9, 1976

Section 11.10.02 Adoption of State Code

The provisions and regulations of the Arkansas State Plumbing Code, and amendments thereto, adopted by the State Board of Health of Arkansas are made a part of this chapter by reference, three (3) certified copies of which shall be on file in the office of the City Clerk and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the City wherever water and/or sewer systems are furnished.

CROSS REFERENCE: Ordinance 280; Section 2; December 9, 1976

Section 11.10.03 Administration and Enforcement

- a. There is hereby created the position of Plumbing Inspector who shall be employed by the City of Berryville, Arkansas.
- b. The Plumbing Inspector shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.

- c. The Plumbing Inspector shall not be directly connected in any way with any person, firm or corporation either directly or indirectly engaged in the business of plumbing or plumbing supplies.
- d. The Inspector shall receive as full compensation for his services, a salary designated by the City of Berryville, Arkansas.
- e. It shall be the duty of the Plumbing Inspector to enforce all provisions of this ordinance, and such Inspector is hereby granted the authority to enter all buildings, within or without the corporate limits of the City of Berryville, Arkansas, when such buildings are connected or to be connected to the Municipal Water and/or Sewage System.
- f. The Plumbing Inspector shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.
- g. It shall be the duty of the Plumbing Inspector to inspect and test all plumbing work for compliance with this ordinance and its adopted plumbing code; and to enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by State law.

CROSS REFERENCE: Ordinance 280; Section 3; December 9, 1976

Section 11.10.04 Permit Issuance Procedures

a. Before beginning any work in the City, the person installing or altering same, shall apply to the Plumbing Inspector or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a homeowner to install or alter plumbing in a single family residence, providing the homeowner does the work himself and that such work shall meet the code requirements. All applications for permits shall be made on suitable forms provided. The application shall be accompanied by fees in accordance with the permit fee schedule contained in Berryville Municipal Code Chapter 11.26.

CROSS REFERENCE: Ordinance 280; Section 4; December 9, 1976

Section 11.10.05 Bond Requirement

Every master plumber doing business in the City shall execute and deliver to the City plumbing official a bond with a surety bonding company in the sum of One Thousand Dollars (\$1,000.00) to indemnify the City or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this chapter. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the City and is in full force and effect.

CROSS REFERENCE: Ordinance 280; Section 5; December 9, 1976

Section 11.10.06 Street Openings

- a. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.
- b. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and materials must be removed at once, leaving the street or sidewalks clean and in perfect repair.
- c. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

CROSS REFERENCE: Ordinance 280; Section 6; December 9, 1976

Section 11.10.07 Hazardous Conditions

- a. The water department and the Plumbing Inspector are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the City water supply, by reason of the requirements of the Arkansas State Plumbing Code and the City Plumbing Code, and the regulations of the Arkansas State Board of Health.
- b. The water department and the Plumbing Inspector are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the City water supply which exist. Upon determining said potential hazards, it shall be the duty of said department and said Inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the

requirements of the Arkansas State Plumbing Code, and the regulations of the Arkansas State Board of Health.

CROSS REFERENCE: Ordinance 280; Section 7; December 9, 1976

Section 11.10.08 Penalty for Violations

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), together with the costs of such prosecution. Each day during which a violation continues shall be a separate offense.

CROSS REFERENCE: Ordinance 280; Section 8; December 9, 1976

CHAPTER 11.12

BACKFLOW AND CROSS-CONNECTIONS CONTROL CODE

SECTIONS:

- 11.12.01 Intent**
- 11.12.02 Purpose**
- 11.12.03 Definitions**
- 11.12.04 Operating Criteria**
- 11.12.05 Facilities Requiring Backflow Protection**
- 11.12.06 Approval of Backflow Prevention Devices**
- 11.12.07 Penalties for Non-Compliance**
- 11.12.08 Ownership of Backflow Prevention Devices**
- 11.12.09 Installation of Backflow Prevention Devices**
- 11.12.10 Testing and Maintenance**
- 11.12.11 Effective Dates**

Section 11.12.01 Intent

The Berryville City Council finds it necessary for the health, safety and welfare of the people served by the Berryville Water Department to adopt the following requirements for the design, construction and maintenance of connections to the public water supply. These standards are supplemental to and do not supersede or modify the Arkansas State Plumbing Code. Single family, residential dwelling units are exempt from these requirements except where they fall under the purview of the Arkansas State Plumbing Code.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996
Arkansas State Plumbing Code

Section 11.12.02 Purpose

The purposes of this Ordinance are:

- a. To provide for the protection of the public potable water supply.
- b. To isolate at the service connection any actual or potential pollution or contamination within the consumer's premises; and
- c. To provide a continuous, systematic and effective program of cross-connection control.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996

Section 11.12.03 Definitions

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- a. 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.
- b. Backflow Prevention: shall mean a device or means to prevent backflow.
- c. Certified Backflow Assembly Tester: shall mean anyone who has been licensed by the Arkansas Department of Health to test backflow prevention devices.
- d. Double-Check Valve Assembly (DC): 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.
- e. Reduced-Pressure Principle Backflow Prevention Assembly (RP): 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.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996

Section 11.12.04 Operating Criteria

- a. The Berryville plumbing inspector is authorized to adopt a handbook of policies and procedures necessary to the performance of his or her responsibilities under this ordinance. At least three (3) copies of this cross-connection control handbook of policies and procedures shall be kept in the office of the City plumbing inspector for public view.
- b. It is the primary responsibility of the Berryville plumbing inspector 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 premise in such a manner as to possibly permit contamination of the public water system.

- c. When a hazard or potential hazard to the public water system is found on the consumer's premise, the consumer shall be required to install an approved backflow prevention assembly at each public water service connection to the premise in accordance with this ordinance's requirements.
- d. 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 plumbing inspector after physical inspection of the hazard.
 - 1. In the case of any premise where 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.
 - 2. In the case of any premise where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double-check valve assembly (DC).
 - 3. In the case of any premise 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 (RP).
 - 4. In case of any premise 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 (RP) at the service connection.
 - 5. In the case of any premise 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 (RP) at the service connection.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996

Section 11.12.05 Facilities Requiring Backflow Protection

- a. The following is a partial list of new and existing facilities which may require reduced-pressure principal backflow prevention assemblies (RP) at the service connection for suspected high hazard to the public water system. 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 boilers or chilled water systems.
5. Fire protection 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, photography, medical 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.
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. Other facilities with suspected high hazards.

- b. The following is a partial list of new and existing facilities which may require double check valve assemblies for protection from medium hazard to the public water system:

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 (three stories or taller).
6. Fire protection systems (without chemicals).
7. Other facilities with suspected medium hazards.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996

Section 11.12.06 Approval of Backflow Prevention Devices

Any backflow prevention assembly required herein shall be a type in compliance

with applicable AWWA Standards and the Arkansas State Plumbing Code.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996

Section 11.12.07 Penalties for Non-Compliance

- a. New Service. No water service connection shall be installed on the premises of any consumer unless the public potable water system is protected as required by this ordinance.
- b. Discontinuation of Service. Delivery of water to the premises of any consumer may be discontinued by the City of Berryville 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 premise have been abated or corrected to the satisfaction of the plumbing inspector.
- c. Notice Requirement. Upon discovery of a violation of this ordinance, written notice from the Berryville plumbing inspector shall be given to the consumer. If the violation is not corrected by the date and time stated on the notice, the water supply will be discontinued.
- d. Emergencies. In an emergency situation, when the public potable water supply is being contaminated or is in immediate danger of contamination, water service may be discontinued without prior notice. Written notice of the problem and the required corrective action must be delivered to the consumer as soon as possible.
- e. Consent to Enter. For the purpose of making any inspections or discharging the duties imposed by this ordinance, the Arkansas state plumbing inspector and/or the Berryville 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 entry upon his premise by the State Health Department or the Berryville plumbing inspector for the purpose stated herein.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996

Section 11.12.08 Ownership of Backflow Prevention Devices

The consumer shall purchase, own and maintain all backflow prevention assemblies installed at the point of delivery to the consumer's water system.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996

Section 11.12.09 Installation of Backflow Prevention Devices

- a. Location. Backflow prevention assemblies shall be installed above ground in a location that is readily accessible for maintenance and testing and should be located not less than 12 inches nor more than 30 inches above ground.
- b. Permit Required. All backflow prevention devices must be installed by a licensed master plumber. A city plumbing permit must be obtained prior to the installation.
- c. Cost. Customers of the Berryville Water Department who are required to install backflow prevention devices shall pay all cost associated with installation of the appropriate size and type of device under private contract.
- d. New Structures. Installation of a backflow prevention device for water service to a new structure shall be completed prior to the final plumbing inspection so that the device can be included in the final inspection.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996

Section 11.12.10 Testing and Maintenance

- a. Testing. The consumer will be responsible for the annual testing of the backflow prevention assembly by contract with a certified backflow assembly tester. Annual tests should be performed just prior to the anniversary of the assembly's installation. In instances where the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals, the costs of which shall be borne by the consumer. Any maintenance costs required as a result of testing or inspection shall also be paid by the consumer through private contract.

- b. Records. The consumer shall furnish the Berryville plumbing inspector with a certificate of testing provided by the certified backflow assembly tester. The certificate should be submitted to the inspector by the anniversary date of the installation or by any other deadlines required by the plumbing inspector. Records of inspections, testing and repairs shall be kept by the plumbing inspector and made available to the State Health Department.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996

Section 11.12.11 Effective Dates

- a. All new construction must comply with the above backflow prevention requirements as of the effective date of this ordinance.
- b. Existing structures that have high or medium risk hazards, as determined by the Berryville plumbing inspector, must be brought into compliance within 90 days of the effective date of this ordinance.

CROSS REFERENCE: Ordinance 663; Section 1; December 17, 1996

CHAPTER 11.14

GAS PLUMBING CODE

SECTIONS:

- 11.14.01 Appointment of Gas Plumbing Inspector**
- 11.14.02 Adoption of Gas Plumbing Code**
- 11.14.03 Permit Requirement**
- 11.14.04 Inspections and Tests**
- 11.14.05 Administration of Gas Plumbing Code**
- 11.14.06 Penalty for Violations**

Section 11.14.01 Appointment of Gas Plumbing Inspector

The Mayor of the City of Berryville, Arkansas is hereby authorized and empowered to employ a Gas Plumbing Inspector whose duties shall be as hereinafter set out. The said Gas Plumbing Inspector shall file a bond in the sum of one thousand dollars (\$1,000) conditioned that he will faithfully perform his duties as herein set out.

CROSS REFERENCE: Ordinance 157; Section 2; July 10, 1947

Section 11.14.02 Adoption of Gas Plumbing Code

The said Gas Plumbing Inspector and his assistants are hereby authorized, empowered and directed to supervise all gas piping, installation of appliances or fixtures placed in, or in any manner connected in any building or structure, and to see that all such piping complies in accordance with the Arkansas Gas Plumbing Code, which rules and regulations are hereby adopted and made a part of this ordinance under which all gas piping must be done.

Section 11.14.03 Permit Requirement

The Gas Plumbing Inspector shall not issue any permit for individual jobs to be done except upon written application by the licensed applicant, which shall describe the character, number and locations of gas openings, and be signed by the party applying therefore, and upon such application the Gas Plumbing Inspector shall issue a permit accordingly, the original to be handed to the party applying therefore and a duplicate, together with such application, shall be kept as a permanent record in said Gas Plumbing Inspector's office. No person, firm or corporation shall do any gas work of any character or install or connect any gas appliance or fixture, or repair any gas work, or make any extension or alteration to gas lines, or change the location of any gas appliance, except as hereinafter provided, until he has first made written application to the City Gas Inspector and received a permit to do such work from said Inspector. Before any street, alley,

sidewalk, road, park, highway or any other public way of the City of Berryville is opened or excavated for the purpose of laying gas pipe or gas service or for any repairs to either of same, a permit shall be obtained from the City Engineer, in writing, authorizing said cut to be made.

CROSS REFERENCE: Ordinance 157; Section 5; July 10, 1947

Section 11.14.04 Inspections and Tests

It shall be the duty of the Licensed Plumber to notify the Gas Plumbing Inspector between the hours of 8:00 a.m. and 5:00 p.m., not less than eight (8) working hours before the work is to be inspected or tested, and it shall be the duty of the Licensed Plumber to make sure that the work will stand the test prescribed before giving the above mentioned notice. If and when the work passes the inspection tests as prescribed in this chapter, the Gas Plumbing Inspector shall issue a Certificate of Inspection, with a copy thereof furnished to the Gas Company, which shall authorize the Gas Company to install a gas meter and establish service at the premises or structure.

CROSS REFERENCE: Ordinance 157; Section 6; July 10, 1947

Section 11.14.05 Administration of Gas Plumbing Code

The Gas Plumbing Inspector and the Fire Marshal shall each have the power to condemn any work hereinafter or heretofore installed when, in their opinion, such work is dangerous to the safety of the community in which any of said work may exist. They shall shut off or cause to be shut off all gas service to any residence or business where, in their judgment, the piping or appliances are unsafe. The gas will remain shut off until such time as the unsafe conditions are corrected by the property owner or the Licensed Plumber installing same, and a Certificate of Inspection issued by the Gas Plumbing Inspector and a copy thereof furnished to the Gas Company, after which the Gas Company may restore the service.

The gas meter is the property of the Gas Company and must not be disconnected for any cause by anyone other than those specifically authorized to do so; if change is desired, notify the Gas Company. The Gas Company may not install a meter or turn on the gas in any building until a Certificate of Inspection has been issued by the City Gas Inspector. After a meter has been set and additional work is done, the Licensed Plumber shall report such change or extension to the City Gas Inspector.

CROSS REFERENCE: Ordinance 157; Sections 7 & 12; July 10, 1947

Section 11.14.06 Penalty for Violations

Any person, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine

of not less than five dollars (\$5.00) and not more than one hundred dollars (\$100.00).

CROSS REFERENCE: Ordinance 157; Section 13; July 10, 1947

CHAPTER 11.18

ELECTRICAL CODE

SECTIONS:

- 11.18.01 Adoption of Electrical Code**
- 11.18.02 Appointment of Code Enforcement Officer**
- 11.18.03 Duties of Code Enforcement Officer**
- 11.18.04 Permit Required**
- 11.18.05 Inspection Duties**
- 11.18.06 Standards of Materials and Equipment**
- 11.18.07 Arkansas State License Required**
- 11.18.08 Bond Requirement**
- 11.18.09 Qualifications**
- 11.18.10 Failure to Comply**
- 11.18.11 License to Individual**

Section 11.18.01 Adoption of Electrical Code

There is hereby adopted for the City for the purpose of establishing rules and regulations for the construction, alteration, removal, and maintenance of electrical wiring and apparatus, including permits and penalties, that certain electric code known as the National Electrical Code of the National Fire Protection Association, of which not less than three (3) copies have been and now are filed in the office of the City Treasurer of the City and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date this chapter takes effect, the provisions shall be controlling in the construction, alteration, maintenance or removal of all electric wiring and apparatus within the corporate limits of the City.

Section 11.18.02 Appointment of Code Enforcement Officer

The Code Enforcement Officer responsible for administering this code shall be appointed by the Mayor and approved by a majority of the Council.

Section 11.18.03 Duties of Code Enforcement Officer

He shall have the duty and is hereby authorized, empowered, and directed to regulate and determine the placing of electrical wires and other appliances for electric lights, heat or power in the City and to cause all such wires, appliances, or apparatus to be placed, constructed, and guarded as not to cause fires or accidents, endangering life or property, and to be constructed so as to keep to a minimum the loss or waste of electric current.

It shall be his duty to enforce all provisions of this chapter and he is hereby granted the authority to enter all buildings in the City in the performance of this duties at any reasonable hour.

It shall be his duty to inspect and/or test all electrical work and equipment or apparatus for compliance with the code whenever electric wiring, appliances or apparatus shall be defective or hazardous through improper manufacture of improper or insufficient insulation or for any other reason, he shall at once cause the removal of such defect or defects, at the expense of the owners of such wiring, appliance or apparatus.

Section 11.18.04 Permit Required

No installation, alteration, or removal shall be made in or of the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus, or heating devices, nor alterations made thereto, without a written permit therefore being first obtained from the Code Enforcement Officer by the person, firm or corporation having direct charge of such installation, alteration or removal.

Section 11.18.05 Inspection Duties

Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance or apparatus it shall be the duty of the person, firm or corporation having direct charge of such to notify the Code Enforcement Officer, who shall, as early as possible, inspect such wiring, installation, appliance and apparatus, and if installed, altered and constructed in compliance with the requirements of this chapter, he shall execute a certificate of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such certificate shall be issued unless such electric wiring, motors, heating devices, appliances and apparatus be in strict accord with the rules and requirements and the spirit of this chapter, nor shall current be turned on to such installation, equipment, appliance, motors, heating devices and apparatus until said certificate be issued. The amount of fee or charge to be made for such inspections and certificates is to be fixed and determined by the City Council.

Section 11.18.06 Standards of Materials and Equipment

All electrical construction, all materials, appliances, motors, heating devices, and apparatus used in connection with electrical work and the operation of all electrical apparatus within the City shall conform to the rules and requirements of the National Electrical Code (current edition) when work is performed or equipment and apparatus installed; however, the necessity, good service and said results often require larger sizes of wire, more branch circuits and better types of equipment than the minimum which is specified in the National Electrical Code. Therefore, the Code Enforcement Officer supervising the enforcement of this code will have the responsibility and authority for making interpretations of these rules, for deciding upon the approval of equipment, materials, construction, and for granting the special permission contemplated in a number of the rules and he, where necessary, shall follow the code procedure for securing official interpretations of the code.

Section 11.18.07 Arkansas State License Required

- a. Effective January 1, 1997, Berryville permits for commercial or residential electrical construction or repair, including the installation of wiring or apparatus for any electrical system (e.g., electrical lights, appliances, heating or air conditioning units, power source, etc.), will not be issued unless the applicant holds an Arkansas State Master Electrician License.
- b. An exception to the January 1st effective date shall be granted to anyone who holds a Berryville electrician's license that expires after January 1, 1997. All Berryville electrician's licenses will be permitted to expire. After a city license expires under this exception, the electrician must hold an Arkansas State Master Electrician License in order to obtain a new Berryville electrical permit for commercial or residential work within the city limits.
- c. Berryville Municipal Code Section 11.12.11 "License to An Individual" shall remain in effect for any individual desiring to perform electrical construction or repair for their own home or other owned property.

CROSS REFERENCE: Ordinance 651; Section 1; July 16, 1996

Section 11.18.08 Bond Requirement

Every person, firm or corporation doing electrical business in the City shall execute and deliver to the City a bond with a surety bonding company in the sum of One Thousand Dollars (\$1,000.00) to indemnify the City or any citizen for any damage caused by the failure of such person, firm or corporation doing the electrical work to comply strictly with the provisions of this chapter.

Section 11.18.09 Qualifications

No license shall be issued until the party applying for same has given satisfactory evidence to the Code Enforcement Officer of his or their ability to do said electrical work in a safe and satisfactory manner. No permit for installation or alteration of any wiring, heating devices, motors, appliances and apparatus shall be issued until the license and bond herein required have been obtained.

Section 11.18.10 Failure to Comply

Any person, firm or corporation who shall fail to correct any defect or defects in his or her work or to meet the required standards after having been given notice of the unfit condition by the Code Enforcement Officer within a reasonable time, shall be refused any other permit until such defect or defects have been corrected and shall be subject to revocation of license for continual defective work or upon conviction for violation of the provisions of this chapter. Upon failure to comply with this chapter, the Code Enforcement Officer shall have authority, after due notice, to cut out electric current in the locality concerned.

Section 11.18.11 License to Individual

Any individual desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit for that particular job. Such work done by an individual must be done by him personally on his own particular job and not be a way of performing a service to the public generally.

CHAPTER 11.20

MECHANICAL CODE

SECTIONS:

- 11.20.01 Adoption of Mechanical Code**
- 11.20.02 Enforcement of Code**
- 11.20.03 Penalties for Violations**

Section 11.20.01 Adoption of Mechanical Code

The Arkansas Mechanical Code, current edition, hereinafter referred to as the “Code”, is hereby adopted by reference and in its entirety, subject to modifications and adaptations thereof made by this ordinance and through amending ordinances and parts of ordinances hereafter passed by the Berryville City Council. Adoption of the “Code”, as modified and adapted hereinafter, is for the purpose of regulating within the City of Berryville, Arkansas, the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.

Not less than three copies of the “Code” have been filed in the office of the Building Inspector for the City of Berryville, Arkansas, for inspection and reference by all interested persons.

CROSS REFERENCE: Ordinance 605; Section 2; January 17, 1995
Ordinance 644; Section 1; April 2, 1996

Section 11.20.02 Enforcement of Code

The Arkansas Mechanical Code, current edition, hereby adopted, shall be enforced by the Berryville Building Inspector.

CROSS REFERENCE: Ordinance 605; Section 3; January 17, 1995
Ordinance 644; Section 1; April 2, 1996

Section 11.20.03 Penalties for Violations

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) together with costs of such prosecution. Each day during which a violation continues shall be a separate offense.

CROSS REFERENCE: Ordinance 605; Section 6; January 17, 1995

CHAPTER 11.22

FIRE CODE

SECTIONS:

- 11.22.01 Adoption of Fire Code**
- 11.22.02 Enforcement of Code**
- 11.22.03 Penalties for Violations**

Section 11.22.01 Adoption of Fire Code

The Arkansas Fire Prevention Code, Volume I, is hereby adopted in its entirety, subject to modifications made by ordinance and through amending ordinances hereafter passed by the Berryville City Council.

CROSS REFERENCE: Ordinance 809; Section 3; August 19, 2003

Section 11.22.02 Enforcement of Code

The Arkansas Fire Prevention Code, Volume I, and modifications made by the Berryville City Council shall be enforced by the Berryville Fire Department and the Berryville Building Official.

CROSS REFERENCE: Ordinance 809; Section 3; August 19, 2003

Section 11.22.03 Penalties for Violations

Any person, firm or corporation found guilty of violating any provision of this chapter shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), plus court costs. Each day that the violation occurs shall be considered a separate offense.

CROSS REFERENCE: Ordinance 809; Section 3; August 19, 2003

CHAPTER 11.24

STREET / BUILDING IDENTIFICATION SYSTEM

SECTIONS:

- 11.24.01 Formation of Committee**
- 11.24.02 Powers of Committee**
- 11.24.03 Numbering Requests/Alterations**
- 11.24.04 Authority of City Council**
- 11.24.05 Penalties for Violations**

Section 11.24.01 Formation of Committee

The Mayor is hereby authorized to form a Committee to be known as the Street Numbering Committee. The Committee shall consist of not more than three voting members, which shall include the Berryville Building Inspector, a member of the Berryville City Council, and a member of the Berryville Planning & Zoning Commission. In addition to these voting members, the Mayor shall appoint a member of the Chamber of Commerce to serve in a non-voting capacity.

CROSS REFERENCE: Ordinance 543; Section 1; April 21, 1992

Section 11.24.02 Powers of Committee

The Street Numbering Committee shall have the power to establish the rules and regulations under which it functions. The Committee shall also have the following responsibilities, and is hereby given the authority to carry them out:

- A. To assign or approve the name of presently unnamed streets, to assign or approve the name of any new street, to assign or approve the name of any new street brought into the City of Berryville by annexation, and to change or approve the name of any existing street to prevent duplication or confusion caused by similarity.
- B. To numerically designate each block of each street.
- C. To assign to each building or combination of buildings, if applicable, a number that is in keeping with the continuity of other numbers assigned to that street.
- D. To determine that all buildings addressed within the city limits have reflecting-type address numbers which are 3 inches tall and 2 inches wide. The numbers must be visible from the street they are addressed for. Mailbox numbers are optional. Mailbox numbers need to be of reflecting-type and visible from both sides or on top of the mailbox. Numbers have to be at least 2

inches tall and 1 inch wide.

- E. To determine that numbers are visible from directly in front of the building for at least 100 feet.

CROSS REFERENCE: Ordinance 543; Section 2; April 21, 1992
Ordinance 706; Section 1; February 3, 1998

Section 11.24.03 Numbering Requests/Alterations

- A. The owner of a new building at a location that did not have a designated number must request of the Committee, and the Committee must provide, a number by which that location can be identified.
- B. Unless otherwise changed by the Committee, a previously authorized number will remain in effect notwithstanding a transfer of title.

CROSS REFERENCE: Ordinance 543; Sections 3-4; April 21, 1992

Section 11.24.04 Authority of City Council

The Committee may seek the City Council's direction with respect to defining the Committee's responsibilities or approving its actions. The City Council has the final authority in all matters arising under this ordinance.

CROSS REFERENCE: Ordinance 543; Section 5; April 21, 1992

Section 11.24.05 Penalties for Violations

Failure of a property owner, or his estate, to comply with the instructions, orders or rulings of this Committee will result in a fine of \$8.00 per week for each week of non-compliance, beginning on the 8th day following the date of notification from the Committee.

CROSS REFERENCE: Ordinance 543; Section 6; April 21, 1992

CHAPTER 11.26

PERMIT FEE SCHEDULE

SECTIONS:

- 11.26.01 Definition of Terms**
- 11.26.02 Permit Fee Schedule**
- 11.26.03 Waiver of Permit Fee Policy**
- 11.26.04 Permit Renewal Policy**
- 11.26.05 Penalty for Violations**

Section 11.26.01 Definition of Terms

- A. **COMMERCIAL STRUCTURE:** any structure that is occupied for business related purposes, or is otherwise considered a non-residential building, or is regulated by applicable building codes as a commercial structure.
- B. **FENCE:** any barrier or partition including, but not limited to, chain link fences, privacy fences, wire fences, stone walls, brick walls, etc.
- C. **FINAL INSPECTION:** the inspection which determines if the construction work has been fully and satisfactorily completed according to the information included on the permit application and applicable building codes.
- D. **NON-HEATED SPACE:** any structural space which is used mainly for storage or other non-occupancy purposes, such as, carports, garages, storage buildings, decks, porches, etc. This shall be limited to residential structures only.
- E. **REAL ESTATE INSPECTION:** a complete building, plumbing, electrical, mechanical and fire inspection, performed on an existing structure, to determine if it is safe for occupancy and the operational effectiveness of its various components.
- F. **REMODEL / ALTERATION:** any construction work that substantially changes or alters the physical attributes of an existing structure. This shall include changes to the interior of a structure if it involves adding, deleting or reconfiguring load-bearing walls.
- G. **REPAIR INSPECTION:** an inspection which determines if repair or replacement work has been satisfactorily completed according to the information included on the permit application and applicable building codes.
- H. **RESIDENTIAL STRUCTURE:** any structure that is used exclusively for home-occupancy purposes and is regulated by applicable building codes as a

residential structure.

- I. **ROUGH-IN INSPECTION:** a preliminary inspection to determine the approval status of partially completed construction work before it is enclosed or covered.
- J. **STRUCTURE RELOCATION:** the process of removing an existing structure from its foundation and relocating it, as a whole or in significant sections, to another location.

CROSS REFERENCE: Ordinance 856; Section 1;

Section 11.26.02 Permit Fee Schedule

Before beginning any construction, installation, alteration, repair or replacement work regulated by applicable building codes, an applicant shall apply with the Building Inspector for a permit. Upon approval of the permit application, and prior to issuance of the required permit, the Building Inspector shall collect fees in accordance with the following schedule:

Building Permits

<u>Type of Permit</u>	<u>Permit Fee</u>
A. <u>New Construction:</u>	
1. Residential	\$250.00 minimum (1,600 sq. ft. or less), plus ten cents per each additional sq. ft.
2. Commercial	\$350.00 minimum (2,000 sq. ft. or less), plus sixteen cents per each additional sq. ft.
B. <u>Remodel/Alteration:</u>	
1. Residential	\$25.00 minimum (200 sq. ft. or less), plus ten cents per each additional sq. ft.
2. Commercial	\$50.00 minimum (200 sq. ft. or less), plus sixteen cents per each additional sq. ft.
C. <u>Non-Heated Space:</u>	
Residential only	\$25.00 minimum (200 sq. ft. or less), plus ten cents per each additional sq. ft.
D. <u>Structure Relocation:</u>	
1. Residential	\$50.00 per occurrence (unlimited size)
2. Commercial	\$100.00 per occurrence (unlimited size)
E. <u>Structure Demolition:</u>	

Residential or Commercial	\$50.00 per occurrence (unlimited size)
F. <u>Fence Construction:</u>	
Residential or Commercial	\$15.00 minimum (200 linear ft or less), plus ten cents per each additional linear ft.
G. <u>Real Estate Inspection</u>	
Residential or Commercial	\$25.00 per occurrence for complete inspection, or \$5.00 for an individual component inspection.

Plumbing Permits

<u>Type of Permit</u>	<u>Permit Fee (Residential)</u>	<u>Permit Fee (Commercial)</u>
a. Water Closets	\$1.50 each	\$2.00 each
b. Urinals	\$1.50 each	\$2.00 each
c. Lavatories	\$1.50 each	\$2.00 each
d. Tub/Shower Combos	\$1.50 each	\$2.00 each
e. Stand-alone Showers	\$1.50 each	\$2.00 each
f. Stand-alone Bath Tubs	\$1.50 each	\$2.00 each
g. Sinks	\$1.50 each	\$2.00 each
h. Floor Drains	\$1.50 each	\$2.00 each
i. Misc. Water Connections (i.e. washing machines, dishwashers, water fountains, ice makers, etc.)	\$1.50 each	\$2.00 each
j. Misc. Gas Connections (i.e. clothes dryers, furnaces, ranges/ovens, fireplaces, etc.)	\$1.50 each	\$2.00 each
k. Hose Bibs	\$1.50 each	\$2.00 each
l. Water Heaters	\$5.00 each	\$10.00 each
m. Backflow Devices	\$5.00 each	\$10.00 each
n. Grease Traps	\$5.00 each	\$10.00 each
o. Septic Tanks	\$5.00 each	\$10.00 each
p. Water Service Lines	\$5.00 each	\$10.00 each

q. Sewer Service Lines	\$5.00 each	\$10.00 each
r. Gas Service Lines	\$10.00 each	\$15.00 each
s. Lawn Sprinkler Systems	\$20.00 each	\$50.00 each
t. Fire Sprinkler Systems	\$20.00 each	\$50.00 each
u. Rough-In Inspection	\$10.00 each	\$20.00 each
v. Final Inspections	\$5.00 each	\$10.00 each

Electrical Permits

<u>Type of Permit</u>	<u>Permit Fee (Residential)</u>	<u>Permit Fee (Commercial)</u>
a. Electrical Boxes	\$0.35 each	\$0.50 each
b. Central HVAC Connections	\$1.00 each	\$2.00 each
c. Vent Hood Connections	\$1.00 each	\$2.00 each
d. Misc. 220V Outlets/Hookups (i.e. wall heaters, ranges/ovens, water heaters, clothes dryers, etc.)	\$1.00 each	\$2.00 each
e. Meter Loops	\$6.00 each	\$10.00 each
f. Panel Boxes	\$10.00 each	\$10.00 each
g. Rough-In Inspections	\$10.00 each	\$20.00 each
h. Final Inspections	\$5.00 each	\$10.00 each

HVACR Permits

<u>Type of Permit</u>	<u>Permit Fee (Residential)</u>	<u>Permit Fee (Commercial)</u>
a. Unit Installations (up to 2 units)	\$15.00	\$25.00
b. Additional Units	\$10.00 each	\$15.00 each
c. Repair Inspections	\$5.00 each	\$10.00 each
d. Rough-In Inspections	\$10.00 each	\$15.00 each
e. Final Inspections	\$10.00 each	\$15.00 each

CROSS REFERENCE: Ordinance 856; Section 1;
Ordinance 652; Section 1; August 6, 1996

Section 11.26.03 Waiver of Permit Fee Policy

The replacement of existing structural components, equipment/apparatus, fences, fittings, fixtures, wiring, plumbing, etc., which does not substantially change or alter the size, functionality or design of the original, shall not require a permit fee for the particular replacement item(s), but shall be subject to any applicable inspection fees upon completion.

CROSS REFERENCE: Ordinance 856; Section 1;

Section 11.26.04 Permit Renewal Policy

All building, plumbing, electrical or HVACR permits and applicable fees shall be effective for six (6) months from the date of issuance and shall remain in effect once work commences for a period of one (1) year if continuous progress is shown, as determined by the Berryville Building Inspector. A permit renewal for a six (6) month extension period may be purchased for ½ the cost of the original permit fee if work does not commence within the original six (6) month effective period.

CROSS REFERENCE: Ordinance 856; Section 1;

Section 11.26.05 Penalty for Violations

Any person, firm or corporation found guilty of commencing any building, plumbing, gas plumbing, electrical, HVACR or other construction work without obtaining the applicable permits shall be subject to a penalty of twice the cost of each applicable permit fee. Subsequent violations shall result in a penalty of the applicable permit fee multiplied by three (3).

CROSS REFERENCE: Ordinance 856; Section 1; , 2006

CHAPTER 11.28

GREASE TRAP CODE

SECTIONS:

- 11.28.01 Adoption of Code**
- 11.28.02 Purpose & Policy**
- 11.28.03 Definitions**
- 11.28.04 Administration**
- 11.28.05 General Requirements**
- 11.28.06 Protective Measures**
- 11.28.07 Applicability**
- 11.28.08 Facility Requirements**
- 11.28.09 Specifications**
- 11.28.10 Operation & Maintenance**

Section 11.28.01 Adoption of Code

The Berryville Municipal Code shall be amended by adding the entitled Chapter 11.28 “Grease Trap Code”, by reference and attached hereto, and including the penalties for noncompliance contained therein. Three (3) copies of the Grease Trap Code are now and shall be kept on file in the office of the City Clerk, and shall be made available to all persons desiring to examine the same prior to the final passage of this ordinance by the Berryville City Council.

CROSS REFERENCE: Ordinance 842; Sections 1-2; June 21, 2005

Section 11.28.02 Purpose & Policy

- A. Reasons for Establishment: Because of the abundance of food service and other establishments which serve the City of Berryville, it is essential that the sanitary sewer system and eventually the downstream receiving waters be protected from grease, oil and other harmful substances. This ordinance is established to require Users to provide a device to intercept and treat these wastes, to set forth uniform guidelines for the installation and maintenance of grease traps, interceptors and separators.
- B. Objectives: The objectives of this Ordinance are:
 - a. To prevent the introduction of wastewaters containing oil and grease in amounts which may cause stoppages or obstruction of flow, or in any other way prevent or inhibit operation of the Publicly Owned Treatment Works (POTW), including the sanitary sewer collection system and the treatment facility;

- b. To prevent the introduction of pollutants into the POTW which may be incompatible with the POTW;
 - c. To protect the water quality of streams, creeks and other waterways traversing the City;
 - d. To enable the City of Berryville, Arkansas to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge disposal conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and
 - e. To protect the environment and the health, safety and welfare of the public and the POTW workers by regulating the pretreatment and the disposal of liquid wastes.
- C. City-Operated Facilities Not Required: Nothing herein shall compel the city to provide any facility where sand, oil, grease or other wastes other than sanitary sewer may be treated or disposed.

CROSS REFERENCE: Ordinance 842; Referenced Attachment; June 21, 2005

Section 11.28.03 Definitions

- A. Incorporation of Definitions by Reference: Unless a provision explicitly states otherwise, terms and phrases as defined in the Berryville, Arkansas Municipal Code shall apply.
- B. Specialized Definitions:
 - a. "Catch basin" shall mean a chamber or trench drain, which admits drainage from a surface into a sewer drain.
 - b. "Grease trap" or "trap" shall mean a receptacle designed to collect and retain grease and fatty substances normally found in kitchen and similar wastes. A grease trap is installed in the drainage system between the kitchen or other point of production of the waste and the building sewer.
 - c. "Hazardous waste" shall mean a hazardous waste in accordance with Title 40 of the Code of Federal Regulations, Part 261.3.

- d. "Holding tank" shall mean a receptacle, not connected to the sanitary sewer, designed to hold objectionable waste that is prohibited from being discharged into the sanitary sewer, the contents of which must be hauled to a disposal site.
- e. "Incompatible wastes" shall mean wastes, which have different processing, storage or disposal requirements.
- f. "Interceptor" shall mean a receptacle designed and constructed to intercept, separate and prevent passage of sand, grit or other objectionable solids into the drainage system to which it is connected. An interceptor may be integrated with a separator for vehicle wash bays or repair areas.
- g. "Representative sample" shall mean a twenty-four-hour composite sample consisting of at least twelve (12) parts where the discharge is continuous. Where the discharge is not continuous, the sample shall be representative of all discharges occurring in a twenty-four hour period. Grab samples shall be collected for pH, cyanide, total phenols, sulfides, oil and grease, total petroleum hydrocarbons and volatile organics analyses.
- h. "Sampling port" shall mean a manhole or other approved device installed in the building sewer specifically designed to facilitate sampling of the wastewater discharge.
- i. "Separator" or "oil separator" shall mean a receptacle designed to remove oils and grease from wastewater by separation, usually by simple flotation. For the purpose of the Ordinance, the term shall apply to oil separation units employed for vehicle wash facilities.
- j. "Separator truck" shall mean a truck equipped with a tank or other liquid-holding container designed to separate the grease portion from the waste removed from a grease trap and to return the other liquid portion to the trap (no portion of the contents of a grease trap shall be returned to a trap).
- k. "Septic tank waste" shall mean waste from vessels such as septic tanks, chemical toilets, campers and recreational vehicle dump stations that are not connected to the sanitary sewer, but contain wastes which may be treated at a municipal wastewater treatment facility.

CROSS REFERENCE: Ordinance 842; Referenced Attachment; June 21,

2005

Section 11.28.04 Administration

Except as otherwise provided herein, the Control Authority shall administer, implement, and enforce the provisions of this Ordinance. The term Control Authority, as defined in Article II, means the mayor or the mayor's designated representative.

CROSS REFERENCE: Ordinance 842; Referenced Attachment; June 21, 2005

Section 11.28.05 General Requirements

A. Applicability:

- a. Unless otherwise stated herein, this Ordinance shall apply to all Users of the City's POTW whether the User discharges to the POTW through a sanitary sewer collection system or transports the waste or has the waste transported to the POTW Treatment Facility for transfer or disposal and whether such User has been issued a Wastewater Discharge Permit.
- b. This Ordinance shall apply to the operation of all vehicles for collection and transport of non-hazardous liquid wastes within the City of Berryville. This Ordinance is not intended to regulate the collection and transport of wastes, which are hazardous in nature.
- c. The following types of establishments may be exempted from the requirements of this Ordinance:
 1. Private living quarters
 2. Bars and clubs serving drinks only and where no food is prepared;
 3. Snow cone and shaved ice stands, provided no other type of food is prepared;
 4. Grocery or convenience stores without food preparation, meat cutting or packaging;
 5. Day care centers who primarily serve micro-waved dishes using single service items;
 6. Coffee shops and Confectionery stores which sell exclusively, pre-packaged sweets, confections, nuts, ice cream, yogurt and variety food items;
 7. Produce markets; and

8. Mobile food establishments in a vehicle or trailer designed to be easily movable and not discharging to the sanitary sewer. When it becomes necessary to empty the wastewater from these types of establishments they shall discharge into a grease trap.

B. Prohibited Discharges

- a. In addition to the prohibitions outlined in the Municipal Code of the City of Berryville, Arkansas the following prohibitions shall apply:
 1. A User shall not discharge or cause to be discharged plastics, paper, non-biodegradable oils or other non-biodegradable materials to a grease trap.
 2. A User shall not discharge or cause to be discharged any waste oil or grease to any drains or grease trap, separator or interceptor. Such waste shall be placed in a container specifically designed to hold such waste and either utilized by industry or disposed of at suitable locations.
 3. No person shall discharge or cause to be discharged the POTW any wastewater (transported waste) having a pH less than 6.0 S.U. nor greater than 9.0 S.U.

C. Pretreatment of Wastes

- a. Grease traps, interceptors, oil separators or holding tanks shall be provided for the proper handling of wastes containing grease, flammable wastes, sand and other pollutants which may be harmful to the building drainage system, the public sewer or the POTW treatment facility.
- b. Any establishment not specifically exempted by this or other Ordinance, which prepares food for on-site or off-site consumption, shall be equipped with an adequately sized grease trap.
 1. Such pretreatment facilities shall be protected from rainwater and runoff. Drainage from areas exposed to rainwater or runoff shall not be connected to the sanitary sewer.
 2. Sand interceptors shall be provided for the pretreatment of wastewater from carpet cleaning and water extraction operations.

- I. Facilities operating vehicles specifically designed for carpet cleaning and extraction operations shall maintain a sand interceptor at the place of business and shall discharge wastewater from the operation through the interceptor at a rate that will assure efficient removal of the non-biodegradable sand and grit.
 - II. Such pretreatment facilities shall be protected from rainwater and runoff. Drainage from areas exposed to rainwater runoff shall not be connected to the sanitary sewer.
 - III. Such wastewaters shall not be discharged onto public or private property, into any street or gutter or storm drain, into any natural or manmade waterway or into the sanitary sewer at any residence. Such wastewaters shall not be discharged to any sanitary sewer without pretreatment.
- c. Vehicle wash facilities, including but not limited to automatic and hand wash facilities, detail shops, hand wash bays in service stations and other facilities and similar installations shall be equipped with sand interceptors and oil separators and shall discharge to the sanitary sewer except where an appropriate direct discharge permit has been issued by the appropriate regulatory agency or agencies.
1. Such pretreatment facilities shall be protected from rainwater and runoff. Drainage from areas exposed to rainwater or runoff shall not be connected to the sanitary sewer.
- d. Work areas of machine shops or of any facility or part of a facility which manufactures, rebuilds, repairs, overhauls or maintains motors, transmissions, hydraulic systems or similar machinery and areas where fluids are changed shall not have floor drains or other devices draining into the sanitary sewer.
1. Areas such as described above shall be physically separated, either by berm, separate building or other suitable method, from any area having drains connected to the sanitary sewer.
 2. Drainage from areas such as described above shall be discharged into a holding tank or shall be absorbed with suitable absorbent and shall be properly disposed.
 3. Floor cleaning wash water from areas such as described above shall be excluded from the sanitary sewer except where pretreated to within the specifications of this or other applicable Ordinance.

- e. Steam cleaning and chemical cleaning facilities shall not discharge to the sanitary sewer unless a facility or process is provided that will consistently produce an effluent that is in compliance with this or other applicable Ordinance, particularly in regard to grease, oils, organics and other chemicals.
- f. Where pretreatment or flow equalization facilities are provided for any waters or wastes, these facilities shall be maintained in satisfactory and effective operation by the owner or operator at his/her expense.

D. Sampling Ports

- a. The control Authority may require any non-domestic (non-residential) User to install a suitable sampling port in the building sewer to facilitate observation, sampling and measurement of the wastes and flows. Sampling ports shall be readily accessible to the Control Authority at all times.
 - 1. Sampling ports shall be easily accessible and safely located and shall be constructed in accordance with plans approved by the Control Authority. Sampling ports shall be subject to inspection by the Control Authority prior to use.
 - 2. An appropriate sampling port shall be installed in the building sewer immediately downstream of the grease trap, interceptor, or separator.
 - I. The sampling port shall be equipped with an access cover not less than eight (8) inches in diameter with a flow channel not less than four (4) inches in width (4) inches in length.
 - II. Sampling ports shall be installed and maintained by the owner or operator at his/her expense.
- b. The control Authority may require the installation of a sampling port in the tank of any vehicle used to deliver transported waste to the Berryville POTW. Such sampling port shall be easily accessible and shall facilitate sampling of the tank contents without causing the discharge of any of the contents of the tank.

E. Monitoring Requirements

- a. Where required by any Permit or Order or otherwise ordered by the Control Authority, the non-domestic User shall obtain representative samples of a wastewater discharge or proposed discharge for analysis. Specified analyses shall be conducted no less frequently than as outlined in the Permit or Order or other document issued by the Control Authority.

1. Specific pollutants for which to analyze shall be determined by the Control Authority.
 2. A qualified testing laboratory that adequately demonstrates acceptable quality control/quality assurance shall be employed to conduct analyses. This may be demonstrated through a state, professional or federal program or association.
 3. Analyses may be conducted by qualified persons on-site only with prior written approval of the Control Authority. On-site laboratories conducting monitoring for compliance with this Ordinance shall be subject to the same requirements as commercial or contract laboratories.
 4. All costs of monitoring shall be borne by the User.
- b. The Control Authority may conduct sampling and analyses of the discharge of any non-domestic User where deemed necessary to assure compliance with this or other applicable Ordinance. The Control Authority may randomly sample and analyze the discharge from any non-domestic User and conduct surveillance activities in order to identify, independent of information supplied by the User, occasional and continuing compliance or noncompliance with the provisions of this or other applicable Ordinance.
 - c. All costs of analyses, including shipping charges, if any, of samples collected by the control Authority shall be billed to the User.
 - d. All sampling and analyses shall be conducted in accordance with procedures outlined in 40 CFR 136 and amendments thereto, except where a particular method for analysis is prescribed in 40 CFR for a Federal Category or Subcategory or where specified in a Permit or other document issued by the Control Authority. For analysis of pollutants not listed in the Code of Federal Regulations the method shall be determined by the Control Authority.

F. Record Keeping Requirements

- a. Any User subject to record keeping requirements established in this Ordinance shall retain records of all information resulting from activities required by this or other applicable Ordinance or regulation for a period of not less than five (5) year.
 1. The User shall, upon request, make available for inspection and copying by the Control Authority, the Arkansas Department of Environmental Protection Agency, all records of information obtained pursuant to any activities required by this Ordinance and any records of information obtained pursuant to activities undertaken by the User independent of such requirements.
 2. Periods of retention shall be automatically extended for the duration of any litigation concerning the User or the City or where the User has been

specifically notified of a longer retention time by the Control Authority, the Arkansas Department of Environmental Quality or the United States Environmental Protection Agency.

- b. The non-domestic User shall maintain records of inspection, pumping and cleaning and other maintenance activities of grease traps, interceptors, catch basins, holding tanks, including waste oil receptacles and separators for a minimum of five (5) years. Additionally, the User shall include in their records a copy of the contract they have with a properly licensed tank maintenance company. These records shall be made available to the Control Authority upon request for inspection and copying.
 - 1. Inspection records shall minimally contain the date the facility was inspected, who inspected the facility, the specific condition of the piping and other structures of the facility, and a description of any repairs recommended by the inspector and subsequently made to the facility.
 - 2. Pumping, cleaning and disposal records shall minimally include the date the facility was cleaned, who cleaned the facility, the type and amount of material removed, who disposed the removed materials, the disposal site for the removed materials, an approved completed waste manifests which includes generation, transport and disposal information and any other information as required by Federal, State, or Local regulations governing such operations.
 - 3. Repair and maintenance records shall include a description of the maintenance or repair, the date of the maintenance or repair and who performed the maintenance or repair. All repairs shall be made by a licensed plumber.
 - 4. Holding tank disposal records shall minimally contain the date the facility was serviced, the specific type of waste disposed, the amount of waste removed, the name of the person or firm who serviced the facility and the method of final disposal.
- c. The User shall maintain records of the cleaning of building sewer lines made necessary by excessive grease buildup. These records shall minimally contain the date and by whom the lines were cleaned, the known or suspected cause of the buildup and actions taken to prevent recurrence.

CROSS REFERENCE: Ordinance 842; Referenced Attachment; June 21,

2005

Section 11.28.06 Protective Measures

- A. Discharge into the collection System
- a. Discharge of waste shall be made into the POTW only at places designated for discharge.
 - b. No person shall discharge or cause to be discharged any substance into a manhole, sewer cleanout or other opening which is part of the POTW unless specifically authorized by the Control Authority.
 1. Such authorization shall be made on a case-specific basis.
 2. Such authorization shall be in writing in the form of a temporary Wastewater Discharge Permit. A fee of fifty dollars (\$50.00) shall be charged for each temporary Permit.
 3. Such discharge shall occur at the time and place designated by the Control Authority.
 4. Such discharge shall be metered using a meter approved by the Control Authority. The User shall pay a treatment fee of \$0.05 per gallon, which shall become due upon the completion of discharge.
 5. Such discharge shall not occur without use of the appropriate device as approved by the Control Authority
- B. Discharge of Imported Wastewater
- a. No person shall discharge or cause to be discharged any waste into the sanitary sewer which has been transported from another site onto a residential, commercial or industrial site except as outlined in Section 1 (d) (3) (Pretreatment of Waste) of this Ordinance.
 - b. No person shall discharge or cause to be discharged any wastes from non-domestic sources into the sanitary sewer facilities at a residential or other domestic wastewater source.

CROSS REFERENCE: Ordinance 842; Referenced Attachment; June 21,
2005

Section 11.28.07 Applicability

Removal of Pollutants: This section shall apply to all facilities whose waste discharge contains or may contain grease, oil sand or other harmful pollutants originating from process including but not limited to vehicle and equipment washing, food preparation and serving and carpet cleaning.

CROSS REFERENCE: Ordinance 842; Referenced Attachment; June 21, 2005

Section 11.28.08 Facility Requirements

- A. Users Required to Maintain Pretreatment Devices:
- a. Grease traps, interceptors, separators or holding tanks shall be provided for the proper handling of wastes containing grease, oil, sand and other harmful pollutants which may interfere with the operation and maintenance of the POTW and shall be constructed and maintained in accordance with the provisions outlined in the Berryville Municipal Code.
 - b. All restaurants, institutions, cafeterias or other establishments preparing or serving food, except those specifically exempted in this Ordinance, shall be required to install and maintain a grease trap for the efficient removal of oil and grease from the waste stream. The design and installation of such devices shall be subject to review and approval by the Control Authority.
 - c. All vehicle wash areas shall be equipped with interceptors and oil separators for the removal of oils, grease, sand and other solids. The design and installation of such devices shall be subject to review and approval by the Control Authority.
 - d. It shall be the responsibility of the User to furnish, operate and maintain such pretreatment devices as necessary to produce an effluent in compliance with this or other applicable Ordinance.
 - e. Holding tanks shall be provided for waste oils and other objectionable waste that is prohibited from being discharged into the sanitary sewer. Such holding tanks shall be constructed to prevent leakage and splashing and shall be equipped with secondary containment to prevent spills during operation and cleaning. User shall have in their files a contract with a licensed company prior to removal of contents. Such tanks shall be maintained to preclude odor and other nuisances, and shall not be connected to the sanitary sewer or in any other way be allowed to discharge to the sanitary sewer.

B. Existing Facilities:

- a. Existing facilities required by this or other applicable Ordinance to maintain a grease trap, interceptor or separator not equipped with an adequately-sized treatment unit shall, within twelve (12) months of the effective date of this Ordinance, install an adequately-sized grease trap, interceptor or separator in accordance with the specifications of this Ordinance.
- b. Existing facilities required by this or other applicable Ordinance to maintain a grease trap, interceptor or separator not currently equipped with any pretreatment device shall, within six (6) months of the effective date of this Ordinance, install an adequately-sized grease trap, interceptor or separator in accordance with the specifications of this Ordinance.
- c. In any circumstance where, in the opinion of the Control Authority, the existing grease trap, separator or interceptor or the absence of a grease trap, separator or interceptor poses a serious threat or an ongoing problem to the sanitary sewer, is a public nuisance or poses a threat to the public health or environment, the Control Authority may require the grease trap, interceptor or separator be installed or replaced on a more stringent compliance schedule.

C. New Facilities and New Businesses:

- a. New facilities and new businesses which will occupy an existing facility required by this or other Ordinance to maintain a grease trap, interceptor or separator shall install such unit prior to commencement of discharge to the sanitary sewer.
- b. For the purpose of this Ordinance a new business shall include new ownership of an existing business.

CROSS REFERENCE: Ordinance 842; Referenced Attachment; June 21, 2005

Section 11.28.09 Specifications

A. General Specifications

- a. Specifications outlined in this Section shall be considered minimum requirements only. It shall be the responsibility of each User to have a grease trap, interceptor or separator designed, installed and maintained that will produce an effluent in compliance with the requirements of this or other applicable Ordinance.

1. Grease traps, interceptors and separators shall meet or exceed the more stringent of specifications and requirements set forth in this Ordinance and other applicable local, State or Federal requirements.
 2. An existing grease trap, interceptor or separator which is upgraded or replaced shall meet or exceed the specifications set forth in this Ordinance and other applicable local, State or Federal requirements.
 3. Where a non-domestic User, required under this Ordinance, to have a grease trap, interceptor or separator will occupy an existing building, the grease trap, interceptor or separator shall meet or exceed the requirements in this Ordinance and other applicable local, State or Federal requirements.
- b. Grease traps, interceptors and separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and capable of withstanding the traffic load where installed.
 - c. Grease traps, interceptors and separators shall be installed outside of the building.
 - d. Grease traps, interceptors and separators shall be located so as to be readily and easily accessible for cleaning and inspection of the pretreatment device and shall be equipped with easily removable covers.
 1. Access covers, not less than twelve (12) inches in diameter, shall be installed in the lid of each compartment to facilitate easy access for cleaning and inspection. The covers shall be placed so that all internal piping is accessible for maintenance and inspection. The cover shall be at or near, but not below, the finished grade.
 2. Where an existing interceptor or separator is located inside a vehicle wash bay the first chamber shall be preceded by a grated catch basin with openings not greater than one-half ($\frac{1}{2}$) inch in diameter or shall be equipped with a grated cover with openings not greater than one-half ($\frac{1}{2}$) inch in diameter so that no solid material greater than one-half ($\frac{1}{2}$) inch may enter the chamber. The cover on the secondary chamber shall be watertight. Where the interceptor or separator is preceded by a grated catch basin all covers on the separator shall be watertight.
 - e. Grease traps shall have a total liquid capacity of not less than five hundred (500) gallons. Interceptors shall have a total liquid capacity of not less than five hundred (500) gallons. Separators shall have a total liquid capacity of not less than five hundred (500) gallons. Grease traps and separators shall be constructed with a minimum of two compartments.
 1. The primary compartment shall have a detention time at peak flow of not less than five (5) minutes.
 2. The secondary compartment shall have a detention time at peak flow of not

less than three (3) minutes.

- f. Plans for new grease traps, interceptors and separators or modifications to existing grease traps, interceptors and separators shall be submitted to the Control Authority and Plumbing Inspector for review.
 - 1. A description of plumbing fixtures draining to the trap, the number of fixture units as determined by the Plumbing Inspector and the calculations used to determine the proposed capacity shall be included in the submittal.
 - 2. The Control Authority and the Plumbing Inspector shall be in agreement for approval of the final plans prior to the issuance of any required plumbing or construction permits and subsequent construction.
- g. When required, grease traps, interceptors and separators shall be equipped with an approved sampling port immediately downstream of the grease trap, interceptor or separator.
 - 1. Sampling ports shall be easily accessible and safely located and shall be constructed in accordance with plans approved by the Control Authority. Sampling ports shall be inspected by the Control Authority prior to use.
 - 2. Sampling ports shall be installed by the owner at his/her expense and shall be maintained by the owner so as to be safe and accessible at all times.
 - 3. Sampling ports shall be constructed to exclude the entry of storm-water and ground water and exit of wastewater (prevention of infiltration/inflow, exfiltration/exflow).
- h. Grease traps, interceptors, separators and sampling ports shall be installed by a licensed plumber. Completed grease traps, interceptors and separators shall be subject to inspection by the Control Authority and the Plumbing Inspector prior to connection to the sanitary sewer.

B. Grease Trap Specifications

- a. All liquid waste lines in food preparation and dishwashing areas, except lines from rest room facilities, cooling unit condensate, ice maker and soft drink dispenser drain lines, shall discharge through the grease trap.
- b. The minimum size of grease traps shall be determined according to the number of fixture units draining through the trap but shall, in no case, have a total liquid capacity of less than five hundred (500) gallons.

1. The sum of the total number of fixture units multiplied by 7.5 (GPM), divided by 2.5 (=gal./min.) multiplied by 12 (min. detention time) shall determine the minimum total liquid capacity of the trap.
 2. The primary chamber shall occupy three-fourths ($\frac{3}{4}$) of the total liquid capacity of the trap.
 3. The dividing wall between each chamber shall completely divide the chambers (shall extend top to bottom) except where the specific design of the separator provides for underflow, in which case the wall shall not be greater than twelve (12) inches from the bottom between the chambers, rather than the flow traveling through a pipe.
 4. Fixture units shall be defined in accordance with the applicable plumbing code as adopted in Chapter seven (7).
- c. Grease traps shall be equipped with double cleanouts on the outside of the trap in both the influent (prior to the trap) and effluent (after the trap) pipes.
- d. The influent shall enter each chamber below the static water level in accordance with the specifications outlined in this paragraph. The effluent shall discharge from below the static water level of the chamber in accordance with the specifications outlined in this paragraph.
1. The influent line into all chambers shall terminate no greater than eighteen (18) inches from the bottom of the chamber.
 2. The effluent from all chambers shall discharge from the lower twelve (12) inches of the chamber.
 3. There shall be no openings in any influent or effluent pipe that will allow liquid to enter or exit the chamber at any point other than the intake or discharge point of the pipe.
 4. The static water level shall be maintained throughout the entire trap.

C. Interceptor and Separator Specifications:

- a. Automatic car or truck washes and coin-operated wash bays, drive-in or drive-through wash bays, hand wash bays and other areas where vehicles are washed shall be equipped with an interceptor and a two-stage separator. The interceptor and the separator shall function as separate units.
 1. An adequately sized interceptor shall be provided for the removal of sand, grit and other objectionable solids from the waste stream.

2. An adequately sized two-stage separator shall be provided for the removal of oil and grease from the waste stream.
 3. Interceptors and separators shall be minimally sized in accordance with the specifications outlined in this Section. Minimum sizing for any interceptor or separator may be increased at the discretion of the Control Authority.
- b. Interceptors shall have a minimum detention time of not less than five (5) minutes. The minimum size shall be in accordance with the specifications outlined in this Section.
1. Interceptors may be located inside the wash bay and may be equipped with a grated cover provided the openings in the cover are not greater than one-half ($\frac{1}{2}$) inch. When located inside the wash bay the Control Authority may require a larger capacity interceptor be installed to facilitate efficient sand and grit removal. Covers shall be easily removable for cleaning and inspection. Interceptors shall be cleaned a minimum of one time annually.
 2. Where located outside the wash bay the interceptor shall be equipped with solid watertight covers on each chamber and shall be preceded by a catch basin, located inside the bay, equipped with a grated cover with openings not greater than one-half ($\frac{1}{2}$) inch. Covers shall be easily removable for cleaning and inspection.
 3. The inlet and outlet lines shall be designed and installed to provide uniform flow and stilling in the interceptor and to preclude sand from passing through the interceptor.
 - I. Where a down pipe is provided at the inlet the pipe shall extend into the interceptor a distance not less than one-third ($\frac{1}{3}$) from the static water level to the bottom.
 - II. The discharge pipe shall extend into the interceptor a distance not less than one-third ($\frac{1}{3}$) from the static water level to the bottom.
- c. Separators shall be located outside the wash bay and shall be equipped with solid watertight covers on all chambers. Covers shall be easily removable for cleaning and inspection. The influent (incoming) shall enter each chamber below the static water level in accordance with the specifications outlined in this paragraph. The effluent (outgoing) shall discharge from below the static water level of the chamber in accordance with the specifications outlined in this paragraph.
1. The influent line into all chambers shall terminate no greater than eighteen (18) inches from the bottom of the chamber.

2. The effluent from all chambers shall discharge from the lower twelve (12) inches of the chamber.
 3. There shall be no openings in any influent or effluent pipe that will allow liquid to enter or exit the chamber at any point other than the intake or discharge point of the pipe.
 4. The static water level shall be maintained throughout the entire trap.
- d. Minimum sizing for interceptors shall be fifty (50) gallons per fixture unit (F.U.) draining into the interceptor, but not less than the minimum sizes outlined below.

Interceptors	Minimum Size
Manual hand wash bay or portable washer	50 gal. / F.U., but not less than 500 gal. / bay
Coin operated self service wash bays	50 gal. / F.U., but not less than 500 gal. / bay
Automatic (drive-in and drive-thru)	50 gal. / F.U., but not less than 500 gal. / bay

- e. Minimum sizing for separators shall be five hundred (500) gallons per fixture unit (F.U.) draining into the separator, but not less than the minimum sizes outlined below.

Separators	Minimum Size
Portable Washer	Greater of 500 gal. -or- 150 gal. / F.U.
Single coin-operated wash bay	Greater of 500 gal. -or- 150 gal. / F.U.
Manual hand wash, single bay only	Greater of 500 gal. -or- 150 gal. / F.U.
2-4 coin-operated or manual hand wash bays	Greater of 1,000 gal. -or- 150 gal. / F.U.
>4 coin-operated or manual hand wash bays	Greater of 1,000 gal. + 200 gal. / bay >4 -or- 150 gal. / F.U.
Drive-thru wash bay	Greater of 500 gal. / bay -or- 150 gal. / F.U.

1. The primary chamber of the separator shall occupy three-fourths ($\frac{3}{4}$) of the total liquid capacity of the separator.
2. The dividing wall between each chamber shall completely divide the chambers, and shall extend top to bottom, except where the specific design of the separator provides for underflow not greater than twelve (12) inches between the chambers rather than the flow traveling through a pipe.

D. Holding Tank Specifications:

- a. Holding tanks shall be constructed and maintained to prevent discharge of

waste cooking oils, motor oils and other oils and fluids that are prohibited from being discharged to the sanitary sewer. The User shall include in their records a copy of their contract with a properly licensed tank maintenance company.

- b. Holding tanks shall not be connected to the sanitary sewer or in any other way be allowed to discharge to the sanitary sewer.
- c. Holding tanks shall be provided with secondary containment and such containment shall be capable of containing not less than one hundred and ten percent (110%) of the capacity of the holding tank or the capacity of the largest tank plus water from a maximum 24-hour/10 year rainfall event if exposed to rainwater, whichever is greater.
 - 1. Secondary containment shall be constructed so as to control spills or splashes during operation, maintenance and leaks.
 - 2. Secondary containment shall not be connected to any sanitary sewer drain or storm drain and shall not be allowed to drain onto public or private property or to the waters of the United States.

CROSS REFERENCE: Ordinance 842; Referenced Attachment; June 21, 2005

Section 11.28.10 Operation & Maintenance

A. Responsibilities:

- a. Grease traps, interceptors, separators and holding tanks shall be operated in a safe and secure manner at all times.
- b. Areas surrounding grease traps, interceptors, separators and holding tanks shall be maintained to facilitate immediate access to the unit for cleaning and for inspection by the Control Authority at all times.
- c. Grease traps, interceptors and separators shall be maintained in continuously efficient operation by the owner or operator at his/her expense and shall produce an effluent in compliance with this or other applicable Ordinance.
- d. A User shall not remove any down pipes or otherwise alter a grease trap, interceptor or separator in any way that may allow oil, grease, sand or other objectionable materials to pass through the device into the sanitary sewer.
- e. Where the Utilities must clean associated public sewers caused by inappropriate operation or maintenance, inadequate design or installation, or inappropriate alteration of a grease trap, interceptor or separator, costs of such cleaning shall be billed to the User.

1. In a case where several Users are discharging to the same sewer line, all of the Users shall be equally liable except where the User provides written proof his/her discharge could not have been a contributing factor.
 2. Proof shall consist of demonstration of adequate sizing and installation, appropriate cleaning (as documented by manifests and inspection documentation) and valid analysis of a sample of the discharge collected within one (1) week of the sewer cleaning activities. Analysis of samples collected after sewer line cleaning will be accepted only where the grease trap, interceptor or separator has been properly maintained and was not cleaned within thirty (30) days of the sewer cleaning activities.
- f. A User shall not increase the use of water or in any other way attempt to dilute the waste stream in lieu of adequate treatment.
 - g. The addition of hot water or the use of emulsifiers, chemicals or other agents or devices that may cause oil, grease or sand to pass through a treatment facility or into the sanitary sewer collection system is strictly prohibited.
 - h. Areas surrounding a grease trap, interceptor, separator or holding tank shall be kept clean and free of grease and odors and other materials at all times.
 1. Materials shall not be splashed, spilled, allowed to overflow or otherwise placed on the area surrounding a grease trap, interceptor or separator.
 2. In the event materials are spilled, splashed, overflowed or otherwise placed on the surrounding area, the generator or owner shall assure the materials are cleaned from the area and properly disposed.
 - i. Grease traps, interceptors, separators and holding tanks shall be fully evacuated of all contents during cleaning. If the capacity of the trap, interceptor, separator or holding tank is greater than the capacity of the transport vehicle where full evacuation is not possible in a single load, then the transporter and the generator shall assure the contents are fully evacuated within twenty-four (24) hours.
 1. No liquid waste shall be returned to the trap, interceptor, separator or holding tank after or during cleaning either from the same or other trap, interceptor, separator or holding tank.
 2. During cleaning, grease residue shall be removed from piping and walls and the piping and walls shall be inspected to assure the integrity of the device is maintained.
 - j. Materials removed from traps, interceptors, separators and holding tanks shall be utilized by industry, recycled or disposed at a facility designated by or acceptable to the generator where the owner or operator agrees to receive the wastes and the disposal facility has documentation showing the facility meets all requirements of the State. All waste shall be disposed in a suitable manner in accordance with applicable Federal, State and Local laws.

- k. Users required to maintain grease traps, interceptors, separators or holding tanks shall establish a system of training designed to provide employees with appropriate instruction on the proper use of such facilities.
 - 1. Such training system shall provide employees at all levels of responsibility with a complete understanding of the operation and maintenance of the pretreatment device and the relation between appropriate waste disposal and efficient operation of the pretreatment device. Such system should include:
 - I. The importance and methods of good housekeeping practices;
 - II. Acceptable waste disposal practices including proper disposal of different types of wastes;
 - III. Procedures for preventing prohibited discharges and ;
 - IV. The proper responses and notifications in case of spills or other accidental discharges.
 - 2. Periodic training sessions shall be conducted to assure the employee understands the essential elements of the system. New employees shall be trained immediately upon employment.
- B. Inspection and Cleaning Schedules
- a. Inspection, cleaning and other necessary maintenance of such facilities shall be conducted as often as needed to assure the discharge is in compliance with the provisions of this or other applicable Ordinance but less than once per ninety (90) days.
 - 1. The trap, interceptor or separator shall be cleaned as often as necessary up to and including daily to assure compliance with this or other applicable Ordinance.
 - 2. In no case shall the accumulated grease, oil or sand be allowed to occupy more than twenty-five percent (25%) of the capacity of the first stage.
 - b. The physical condition of the trap, interceptor or separator (plus piping, internal walls, sidewalls, etc.) shall be inspected by the User each time the facility is cleaned. Repairs, if needed, shall be made prior to use.

1. Repairs or modifications shall be approved by the plumbing inspector and shall not be made without the appropriate city permits.
 2. Inspection shall be conducted by the plumbing inspector after repair and prior to refilling or use. A copy of the Inspection Tag issued by the plumbing inspector shall be maintained on-site by the User and a copy shall be sent to the Control Authority.
 3. Documentation of repairs shall be submitted to the Control Authority within thirty (30) days of the date of repair or earlier if specified in a Notice of Deficiency or other Control Authority-issued document.
- c. Grease traps, interceptors and separators shall produce an effluent in compliance with this Ordinance at the User's pumping schedule. Schedules inadequate to produce such effluent shall be upgraded as often as necessary, up to and including daily or the trap, separators or interceptors shall meet all requirements set forth in this or other applicable Ordinance.
- d. A User shall have any trap, interceptor or separator cleaned when ordered to do so by the Control Authority. Failure to comply within forty-eight (48) hours after the request shall be cause for the Control Authority to precipitate the cleaning and the expense for which shall be the responsibility of the User.

C. Cleaning Schedule Extensions

- a. The User may apply to the Control Authority for an extension of the required cleaning frequency set forth in this Ordinance. A User who wishes to apply for a cleaning schedule extension shall notify the Control Authority, in writing, of the intent to apply for an extension.
- b. The Control Authority may grant an extension on a required cleaning frequency on a case-by-case basis where the User has demonstrated, with defensible analytical results, the specific trap will produce an effluent in consistent compliance with this Ordinance if such an extension is granted.
- c. The notification of intent to apply for an extension shall include:
 1. Facility Information:
 - I. The name and address of the facility;
 - II. Name and telephone number of the facility contact
 - III. Normal business hours; and
 - IV. The type of business;
 2. Treatment unit information:

- I. The type of treatment unit and the capacity in gallons;
 - II. A brief description of the treatment unit;
 - III. The time(s) of day the greatest hydraulic and organic loadings to the treatment unit normally occur;
 - IV. The date of the most recent cleaning and inspection of the unit;
 - V. A statement of the physical condition of the unit;
3. A proposed sampling schedule including:
- I. The date(s) the User proposes to collect the samples;
 - II. The times each sample will be collected;
 - III. The name and telephone number of the person who will collect the samples, including qualifications, and
 - IV. The name and telephone number of the laboratory that will analyze the samples;
4. Other information as may be requested by the Control Authority.
- d. The User shall obtain approval of the proposed sampling schedule prior to initiation of the sampling and analyses. The User shall certify the sampling schedule will be carried out as submitted or as approved. The Control Authority shall reserve the right to modify a sampling schedule as deemed necessary.
- e. The User shall be required to provide analytical results for not less than four (4) oil and grease analyses for samples collected during peak flow periods through the unit during the normal working hours of a twenty-four-hour period.
1. Samples shall be collected at an approved sampling port and shall be collected by a qualified person properly trained in the collection and handling of wastewater samples.
 2. Samples shall be collected 7-15 days after the most recent cleaning.
 3. Samples shall be analyzed separately by a reputable laboratory using Approved Analytical Procedures.
 4. The User shall submit a written request for cleaning schedule extension including:
 - I. A copy of the cleaning and maintenance records for the treatment unit for the previous twelve months;
 - II. A copy of the laboratory analytical reports including quality control

data and appropriate chains of custody; and

III. A signed certification statement as outlined in Section 6 (Record-keeping requirements), (b), (1), of this Ordinance.

5. Incomplete or unverifiable results shall not be considered.
- f. The Control Authority may grant extensions to the cleaning schedule as follows:
1. A thirty (30) day extension may be granted where the average oil and grease concentration of the analyses is less than 70% of the concentration limit and no single concentration exceeded 80% of the concentration limit (100mg/l)
 2. A sixty (60) day extension may be granted where the average oil and grease concentration of the analyses is less than 55% of the concentration limit and no single concentration exceeded 65% of the concentration limit.
 3. A ninety (90) day extension may be granted where the average oil and grease concentration of the analyses is less than 40% of the concentration limit and no single concentration exceeded 50% of the concentration limit.
 4. In no case shall an extension greater than ninety (90) days be granted.
- g. Extensions granted shall begin on the date the samples for which results were submitted were collected as documented on the chain of custody.
- h. Where an extension has been granted the unit shall consistently produce an effluent in compliance with the terms of this or other applicable Ordinance. The Control Authority shall reserve the right to collect and analyze samples of any User's discharge and may revoke, without notice, any extension where the Control Authority believes it is in the best interest of the proper operation of the POTW.

1. Where an extension has been granted and any sample analysis indicates and exceedance of the oil and grease limitation by twenty-five (25%) percent or more, the User shall immediately clean and inspect the trap and shall return the original cleaning schedule. Where the User has been required to return to an original cleaning frequency the User shall be required to submit a new request for an extension if desired.
2. Where an extension has been granted and any sample analysis indicates an exceedance of the oil and grease limitation by a magnitude no less than 25% the User shall immediately clean and inspect the trap and shall increase the established cleaning frequency by at least thirty (30) days.
3. Where an extension has been granted and the Utilities must clean associated public sewer lines and the stoppage is traceable to or known or suspected to be caused by the User's facility, the User shall immediately clean and inspect the trap and shall return to the original cleaning schedule. The User will be required to submit a new request for an extension if desired.

CROSS REFERENCE: Ordinance 842; Referenced Attachment; June 21,
2005