

TITLE X
WATER AND SEWER

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CHAPTER 10.02

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Section 10.02.01 Commission Formed

There is hereby created a Sewer Commission for the City of Berryville, Arkansas.

Section 10.02.02 Members

- a. The commission shall be composed of five (5) members, no more than 1/5 of whom shall hold any other municipal office or appointment.
- b. The members of the commission shall be appointed by the Mayor, with the consent of a majority of the City Council.
- c. The members of the commission shall serve without compensation.
- d. Each member of the commission must be a resident of the City at the time of his appointment and throughout his term.

- e. Each member of the commission shall be appointed for a term of three (3) years, provided, that at the first meeting of the commission, the commissioners shall, by lot, determine that two (2) members shall serve for three (3) years, two (2) members shall serve for two (2) years and one (1) member shall serve for one (1) year. Thereafter, all appointments to the commission shall be for full terms of three (3) years, except for appointments to fill unexpired terms.
- f. Members may be removed from the commission by the Mayor with the consent of the City Council, upon a finding that such removal is in the best interest of the City or upon failure of a commissioner to attend a regularly scheduled commission meeting for three (3) consecutive meetings.

Section 10.02.03 Quorum

Three (3) members of the Commission shall constitute a quorum for the transaction of business, provided no action shall be taken which is binding upon the commission unless concurred in by not less than three (3) members of the commission.

Section 10.02.04 Powers and Duties

The Commission shall have all powers and duties of Sewer Commissions provided by state law and any other powers and duties granted to it by the City Council.

CROSS REFERENCE: Ordinance 491; Section 1; January 2, 1990

CHAPTER 10.04

SEWER USE REGULATIONS

SECTIONS:

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Section 10.04.01 Interchangeability Clause

Throughout this ordinance, the word “shall” is a mandatory directive, while the word “may” is permissive or discretionary. Use of the singular shall be construed to include the plural, and the plural shall include the singular as indicated by the context of its use.

CROSS REFERENCE: Ordinance 684; Section 3; September 16, 1997

Section 10.04.02 Definitions

1. “Accessible Public Sewer” shall mean an existing public sewer located so that it may be reached by a building sewer constructed at the minimum grade recommended by the Arkansas Department of Health, or reached by a combination of the extension of the existing public sewer and the construction of a building sewer, both of which are constructed at the minimum grade recommended by the Arkansas Department of Health.
2. “Act” of “The Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. Seq.
3. “BOD” or “Biochemical Oxygen Demand” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days of 20° C, expressed in milligrams per liter (mg/L).
4. “Building Drain” shall mean that part of the lowest horizontal piping of a

drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

5. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
6. "CFR" shall mean Code of Federal Regulations.
7. "City" shall mean the City of Berryville, Arkansas.
8. "City Council" or "Council" shall mean the duly elected or appointed governing body of the City of Berryville, Arkansas.
9. "COD" shall mean Chemical Oxygen Demand.
10. "Combined Sewer" shall mean a sewer receiving both surface run-off and sewage.
11. "Commission" shall mean the Berryville Sewer Commission.
12. "Control Manhole" shall mean a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.
13. "Control Point" shall mean a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.
14. "EPA" or "Environmental Protection Agency" shall mean the United States Environmental Protection Agency or, where appropriate, the term may also designate the Regional Water Management Division Director or other duly authorized official of the United States Environmental Protection Agency.
15. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
16. "gpd" shall mean Gallons Per Day.
17. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
18. "L" shall mean Liter.
19. "Mayor" shall mean the Mayor of the City of Berryville, Arkansas.
20. "mg" shall mean Milligrams.
21. "mg/L" or "Milligrams per Liter" shall mean the same as parts per million and is a weight-to-volume ratio; the milligrams-per-liter value multiplied by the

factor of 8.34 shall be equivalent to pounds per million gallons of water.

22. “National Categorical Pretreatment Standards” or “Categorical Standards” shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
23. “Natural Outlet” shall mean any outlet into a water course, pond, ditch, lake or other body of surface or ground water.
24. “NPDES” shall mean National Pollutant Discharge Elimination System.
25. “OSHA” shall mean Occupational Safety and Health Administration (Title 229, Chapter XVII CFR).
26. “O&M” shall mean Operation and Maintenance.
27. “Person” shall mean any individual, firm, company, association, society, corporation or group.
28. “pH” shall mean a measure of the acidity or alkalinity of a substance, expressed in standard units.
29. “POTW” or “Publicly Owned Treatment Works” shall mean a wastewater treatment facility (or “treatment works” as defined by Section 212 of the Act) which is owned by a “public entity” (as defined by Section 502(4) of the Act). This definition includes any devices or systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the publicly owned treatment plant. The term also means the Public Entity which has jurisdiction over the indirect discharges to and the discharges from such treatment plant.
30. “Pretreatment” shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the publicly owned treatment works. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means except by diluting the concentration of the pollutants.
31. “Pretreatment Requirements” shall mean any substantive or procedural rule related to pretreatment that is imposed on an industrial user, other than a pretreatment standard.
32. “Pretreatment Standards” or “Standards” shall mean prohibitive discharge standards, categorical pretreatment standards, or local limits.
33. “Properly Shredded Garbage” shall mean the wastes from the preparation,

cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.27 cm) in any direction.

34. “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
35. “Public Works Director” shall mean the duly appointed officer in charge of the Berryville water and sewer departments, or his/her duly authorized representative.
36. “RCRA” shall mean Resource Conservation Recovery Act.
37. “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
38. “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and ground waters as may be present.
39. “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
40. “Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.
41. “Sewer” shall mean a pipe or conduit for carrying sewage.
42. “SIC” shall mean Standard Industrial Classification.
43. “Significant Industrial User” shall mean an industrial user that is subject to categorical pretreatment standards or that is designated as significant by the Berryville Sewer Commission on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
44. “Slug Load” shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards, or any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge.

45. "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
46. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
47. "SWDA" shall mean Solid Waste Disposal Act.
48. "Toxic Pollutant" shall mean one of the 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of 40 CFR Part 122, Appendix D, Tables II and III, or any pollutant designated as "toxic" by the Berryville Sewer Commission on the basis that it injures or interferes with any wastewater treatment or sludge disposal process, constitutes a hazard to humans or animals, or creates a toxic effect in the receiving waters or in the POTW plant.
49. "TSS" shall mean Total Suspended Solids.
50. "Unusual BOD" is defined as BOD₅ in excess of 300 mg/L.
51. "Unusual Suspended Solids" is defined as total suspended solids in excess of 300 mg/L.
52. "USC" shall mean United States Code.
53. "Wastewater" shall mean liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
54. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

CROSS REFERENCE: Ordinance 214; Article I; April 5, 1966
Ordinance 684; Section 2-3; September 16, 1997

Section 10.04.03 Administration

- A. The City Council shall establish such fees for sewer service and connection as are necessary to properly maintain and operate the POTW. The City Council shall, in compliance with Acts of Arkansas No. 884 of the 1991 Legislature, authorize any judicial enforcement remedy taken by the Commission against any POTW user in violation of the Berryville Sewer Use Ordinance (Chapter 10.04 of the Berryville Municipal Code).
- B. Except as otherwise provided herein, the Berryville Public Works Director

shall administer, implement and enforce the provisions of this ordinance. Any powers granted by the Commission may be delegated by the Public Works Director to other department personnel.

CROSS REFERENCE: Ordinance 684; Section 4; September 16, 1997

Section 10.04.04 Use of Public Sewers

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the City of Berryville, Arkansas or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable wastes.
- B. It shall be unlawful to discharge to any natural outlet within the City of Berryville, Arkansas or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System (NPDES) permit authorizing such discharges into a natural outlet shall be considered as meeting all the requirements of this section.
- C. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of sewage.
- D. The owner of a building that is situated within the City and that is used for human occupancy, employment, recreation, etc. shall, at his or her own expense, install suitable toilet facilities therein and connect said facilities to the public sewer if the building is situated within 300 feet of the public sewer and if the sewage would not have to be pumped to a higher elevation to reach this available sewer line. The requirements of this section shall not apply to owners discharging sewage under the provisions of a valid National Pollutant Discharge Elimination System (NPDES) permit and shall not override any ordinance establishing or contract implementing a sewer improvement district located within the Berryville city limits.
- E. Other than building sewers and collector building sewers, all sewers constructed by owners to connect their building drains to an existing public sewer shall be located within public easements or rights-of-way and shall be constructed in accordance with the standards required for public sewers by the Commission. No sewer shall be constructed within any public easement or right-of-way nor connected to an existing public sewer without prior approval by the Public Works Director.

CROSS REFERENCE: Ordinance 684; Section 4; September 16, 1997

Section 10.04.05 Private Sewage Disposal

Private sewage disposal shall not be allowed within the City of Berryville unless the sewer is treated and discharged under the provisions of a valid NPDES permit.

CROSS REFERENCE: Ordinance 684; Section 4; September 16, 1997

Section 10.04.06 Building Sewers and Connections

- A. No unauthorized person shall uncover, make an opening into, make any connection with, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the Commission. No permit shall be issued for a sewer connection until the sewer tie-on fee, as prescribed by Berryville's current rate ordinance, has been paid.
- B. There shall be two (2) classes of building sewer permits:
 - 1. Permits for residential and commercial services; and
 - 2. Permits for service to establishments producing industrial wastewater and having been found to be a Significant Industrial User (SIU), as defined. (Industries that are not designated as SIU's are treated as commercial services for building sewer permit purposes.)

In either case, the owner or the owner's agent shall make application for this permit on a special form provided by the Public Works Director. The permit application shall be supplemented by any plans, specifications or other information considered pertinent by the Public Works Director.

- C. The permit and inspection fee, as prescribed by the City for a residential or commercial building sewer, shall be paid to the Commission at the time an application for that type of building sewer permit is filed. Fees for permits to discharge industrial wastewater into the Berryville sewer by industries having been found to be SIU's shall be determined by the Public Works Director on an individual basis. The fees for industrial wastewater discharge permits shall include all costs and expenses to the Commission incident to the evaluation of a permit application and the issuance of a permit.
- D. Owners or agents of existing establishments discharging industrial wastewater into the Berryville sewer shall apply for a permit for continued discharge of industrial wastewater within thirty (30) days after receipt of written notification from the Public Works Director stating that the existing establishment has been found to be an SIU and that a permit is required for continued discharge.
 - 1. In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information requested on the Industrial Wastewater Discharge Permit Application form provided by the Public Works Director. Supplemental

information may also be requested.

2. Permits for continued discharge of industrial wastewater by establishments discharging industrial wastewater into the Berryville sewer and having been found to be SIU's shall be issued by the Public Works Director within ninety (90) days of receipt of an acceptable application.
- E. Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations as determined by the Public Works Director. Permits may contain the following:
1. A statement that indicates the permit's duration, which shall not exceed five (5) years.
 2. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the Public Works Director.
 3. Effluent limits applicable to the user based on standards established by applicable federal, state or local law.
 4. Self monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, the sampling location, the sampling frequency and the sample type based on federal, state or local law.
 5. Statement of applicable civil, criminal and administrative penalties for violation of pretreatment standards or requirements and identification of any applicable compliance schedule. The compliance schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.
 6. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 7. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.
 8. Requirements for the installation of pretreatment technology pollution control or construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
 9. Development and implementation of spill control plans or other conditions including management practices necessary to adequately prevent accidental, unanticipated or routine discharges.
 10. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

11. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.
12. Requirements for installation and maintenance of inspection and sampling facilities equipment.
13. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
14. Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this Ordinance and with state and federal laws, rules and regulations.

CROSS REFERENCE: Ordinance 684; Section 4; September 16, 1997

Section 10.04.07 Restrictions

No person shall discharge or cause to be discharged any noncontact cooling water or unpolluted industrial process water to the public sanitary sewer except as specifically authorized by the Public Works Director in an Industrial Waste Discharge Permit.

Stormwater, noncontact cooling water and all other unpolluted drainage, not specifically permitted to be discharged to the Berryville public sanitary sewer by the Public Works Director in an Industrial Waste Discharge Permit, may be discharged to storm sewers or natural outlets as permitted by the Arkansas Department of Pollution Control and Ecology.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any Berryville public sanitary sewer:

- A. Pollutants which create a fire or explosive hazard in the Berryville sewer or POTW including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

- B. Any wastewater that has a pH less than 6.0 or more than 10.0, that will otherwise cause corrosive structural damage to the POTW or equipment, or that endangers the Commission's personnel.
- C. Solids greater than one half (1/2) inch (1.24 centimeters) in any dimension nor any solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.
- D. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW or with any wastewater treatment or sludge process or which will constitute a hazard to humans or animals.
- E. Wastewater which causes the temperature at the POTW to exceed 104 degrees F (40 degrees C), nor any wastewater having a temperature which will inhibit biological activity in the treatment plant, resulting in interference.
- F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
- G. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health or safety problems.
- H. Any trucked or hauled pollutants, except at discharge points designated by the Public Works Director. Persons holding valid licenses issued by the Arkansas Department of Health to clean septic tanks and chemical toilet holding tanks may discharge septage or chemical toilet wastes into the POTW at locations designated for this purpose by the Public Works Director. Persons applying to utilize this service shall furnish to the Public Works Director proof of their valid licenses, the sludge origin (i.e., the owner's name and address) and the content of the sludge (i.e., residential or commercial septic tank or chemical toilet holding tank wastes). Persons applying to dispose of septage or chemical toilet holding tank wastes shall pay to the Commission the costs of testing required by the Public Works Director and the disposal fees established by the City Council.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes, if it appears likely in the opinion of the Public Works Director such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Public Works Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewer, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
- B. Any water or wastes containing more than one hundred (100) parts per million (833 lbs. per million gallons) of fats, wax, grease or greases if such water or wastes are, in the opinion of the Public Works Director, sufficient to:
 - 1. Interfere with the biological processes of the sewage plant.
 - 2. Interfere with proper operation of the sewage works.
 - 3. Cause obstruction to flow in sewers.
 - 4. Cause pollution of any area or receiving stream.
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Public Works Director.
- D. Any waters or wastes containing strong acid pickling wastes, or concentrated plating solution whether neutralized or not.
- E. Any industrial wastes discharged to the Berryville public sanitary sewer containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment or sludge disposal process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters or in the POTW plant, to exceed technically based limitations specified as discharge limits in an Industrial Wastewater Discharge Permit that has been issued to a Significant Industrial User by the Public Works Director in accordance with the Berryville Sewer Use Ordinance, or in sufficient quantity to exceed limitations set forth in a pertinent National Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act.
- F. Any waters or wastes containing phenols or other taste-or-odor producing substances, in such concentration exceeding limits which may be established by the Public Works Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable state or federal regulations.
- H. Any waters or wastes having a pH in excess of 10.0.
- I. Materials which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - 4. Unusual volume of flow or concentration of wastes constituting "slug loads" as defined herein.
- J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Works Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

Where preliminary treatment of flow-equalizing facilities are providing for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

When required by the Public Works Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Public Works Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

All sampling, measurements, tests and analyses of the characteristics of waters and wastewaters to which reference is made in this ordinance shall be determined by appropriate methods and techniques prescribed by 40 CFR 136 which will produce results having Minimum Quantification Levels (MQL's) required by the Arkansas Department of Pollution Control and Ecology for analyses of priority pollutants. The

type of sample collected shall be appropriate for the analyses required (e.g., analyses for BOD, suspended solids and metals shall be performed on 24 hour composite samples; temperature, pH, cyanide, total phenols, volatile organics, sulfides, and oil and grease shall be performed on grab samples).

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

CROSS REFERENCE: Ordinance 214; Article III; April 5, 1966
Ordinance 684; Sections 5-10; Sept. 16, 1997

Section 10.04.08 Inspections

The Public Works Director or other duly authorized employees bearing proper identification and credentials shall be permitted to enter the facilities of any industrial user to ascertain whether the purposes of the Berryville Sewer Use Ordinance, or any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall provide the Public Works Director or his authorized representatives access to all parts of the premises for the purpose of inspecting, sampling, examining and copying records, maintaining any portion of the Berryville public sewage works, or performing any additional duties deemed necessary by the Public Works Director.

- A. Where an industrial user has security measures in force which requires proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards, so that, after presentation of suitable identification, personnel from the Commission, the State, or the EPA will be permitted to enter without delay for the purpose of performing their specific duties and responsibilities.
- B. The Commission, the State and the EPA shall have the right to set up on the industrial user's property, or require that the industrial user install such devices as are necessary to conduct sampling and/or metering of the user's operations. In addition to sampling and/or metering, the Commission, the State and the EPA shall have the right to require an industrial user to report the results of analyses of samples for reasonably appropriate pollutant parameters, as determined by the Public Works Director, the State or the EPA.

- C. The Public Works Director may require an industrial user to install permanent monitoring equipment as the Public Works Director determines is necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at the industrial user's own expense. All devices used to measure wastewater flow and quality shall be calibrated (regularly and periodically) to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Public Works Director and shall not be replaced. The cost of clearing such access shall be borne by the industrial user.
- E. Unreasonable delays in allowing authorized Commission personnel access to the industrial user's premises shall be a violation of this ordinance.

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring program or from the Public Works Director's inspection and sampling activities shall be available for public view without restriction unless the industrial user specifically requests nondisclosure and is able to demonstrate to the satisfaction of the Public Works Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable law. When requested and demonstrated by the industrial user that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request by governmental agencies for uses related to the NPDES program or pretreatment program and shall be made available immediately for enforcement proceedings involving the person furnishing the report. Wastewater constituents, characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available for public view without restriction.

The Public Works Director shall approve:

1. Type of material and size of pipe to be used in the construction of a building sewer.
2. Methods of installation of the pipe prior to and/or during construction of a building sewer.

CROSS REFERENCE: Ordinance 684; Section 11; September 16, 1997
Ordinance 214; Article V; April 5, 1966

Section 10.04.09 Administrative Remedies

If the Public Works Director finds that any user has violated or is violating this ordinance or an order or wastewater discharge permit issued hereunder, the following administrative remedies may be applied:

- A. Notice of Violation. For any violation of this ordinance or an order or wastewater discharge permit issued hereunder, the Public Works Director may serve upon the user a Notice of Violation, either verbally (with adequate documentation) or in writing. Within twenty (20) calendar days of receipt of this notice, the user shall submit to the Public Works Director an explanation of the reasons for the violation and a description of a plan for the satisfactory correction and prevention thereof. This response shall include specific actions that will be required to correct the violation. Submittal of this plan of correction in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Commission to take enforcement action, including emergency action, without first issuing a Notice of Violation.
- B. Consent Orders. The Commission is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user who is responsible for non-compliance. Such order by the Commission shall describe the specific corrective action to be taken by the user and the time period within which these steps must be completed.
- C. Show-Cause Hearings. The Commission may order any user who causes or contributes to noncompliance to appear before the Commission and show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user, specifying (1) the time and place of the show-cause hearing, (2) the proposed enforcement action, (3) the reasons for the enforcement action, and (4) a request that the user show cause why this enforcement action should not be taken. This notice shall be served at least ten (10) working days prior to the hearing in any manner permitted under Arkansas Law or under Arkansas Rules of Civil Procedure. Notice may be served on any authorized representative of the user. The show-cause hearing shall not be a prerequisite for taking any other action against the user.
- D. Cease and Desist Orders. When the Public Works Director finds that a user has violated or continues to violate this ordinance, any wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or finds that the user's past violations are likely to recur, the Commission may issue an order directing the user to cease and desist all such violations and directing the user to:
 - 1. immediately comply with all requirements.
 - 2. take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

- E. Emergency Discharge Termination. The Public Works Director may immediately suspend a user's discharge (after informal notice to the user) if such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to human health or welfare. The Public Works Director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.
1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Public Works Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize endangerment to any individuals, to the POTW, or to its receiving stream. The Public Works Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Commission that the period of endangerment has passed (unless the proceedings set forth in Section 10.04.09 (F) below, are initiated against the user).
 2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the Public Works Director a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. This statement must be submitted prior to the date of any show-cause or termination hearing under Section 10.04.09 (C) above or Section 10.04.09 (F) below.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

- F. Discharge Termination. In addition to those provisions in Section 10.04.09(E) above, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:
1. Violation of wastewater discharge permit conditions.
 2. Failure to accurately report the wastewater constituents and characteristics of its discharge.
 3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring and/or sampling.
5. Violation of the pretreatment standards in 10.04.07 above.

Such user will be notified by the Public Works Director of the proposed termination of its discharge and will be offered an opportunity to show cause [under Section 10.04.09(C) above] why the proposed action should not be taken.

- G. Severance of Water Service. When an industrial user continues to violate the provisions of this ordinance or continues to violate orders or permits issued hereunder, water service to the user may be severed. Such user will be notified by the Public Works Director of the proposed severance and will be offered an opportunity to show cause [under Section 10.04.09(C) above] why the proposed action should not be taken. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

CROSS REFERENCE: Ordinance 684; Section 12; September 16, 1997

Section 10.04.10 Civil Remedies

If the Public Works Director finds that any industrial user continues to violate this ordinance or continues to violate a wastewater discharge permit or order issued hereunder, the following remedies are available:

- A. Injunctive Relief. The Commission may petition a Court of competent jurisdiction, through the city attorney, for the issuance of a temporary or permanent injunction which restrains or compels specific performance of the wastewater discharge permit, order or other requirement imposed on activities of the industrial user by the Berryville Sewer Use Ordinance. Other action for legal and/or equitable relief, as appropriate, may also be sought by the Commission. A petition for injunctive relief need not be filed as a prerequisite to taking other action against an industrial user.

- B. Civil Penalties. The industrial user may also be liable to the Commission for a maximum civil penalty of One Thousand Dollars (\$1,000.00) per violation per day, as provided by Acts of Arkansas No. 884 of the 1991 Legislature. In the case of a violation of a monthly average or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
1. Civil penalties shall be recoverable in a Court of competent jurisdiction. This proceeding for penalties may be initiated only after the pursuit of this remedy is authorized by a majority vote of the Berryville City Council.
 2. The Commission may recover reasonable attorney's fees, court costs, actual damages, and expenses associated with sampling, monitoring or other enforcement activities related to the violation.
 3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective action taken by the user, the user's compliance history, and other factors as justice requires.
 4. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against an industrial user.

CROSS REFERENCE: Ordinance 684; Section 12; September 16, 1997

Section 10.04.11 Criminal Prosecution

- A. Any user that willfully or negligently violates any provision of this ordinance, any order or wastewater discharge permit issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day, as provided by Acts of Arkansas No. 884 of the 1991 Legislature. Each day of a continuing violation may be deemed a separate violation.
- B. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation that is filed or required to be maintained pursuant to this ordinance, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day, as provided by Acts of Arkansas No. 884 of the 1991 Legislature.
- C. As provided by Acts of Arkansas No. 884 of the 1991 Legislature, no criminal

prosecution under the foregoing sections may be initiated except upon a majority vote of the Berryville City Council resolving to pursue such criminal prosecution.

- D. The criminal penalties provided in the foregoing sections above, shall be in addition to any other cause of action for personal injury or property damage available under state law, and shall be in addition to civil penalties which may be assessed under Section 10.04.10 above.

CROSS REFERENCE: Ordinance 684; Section 12; September 16, 1997

CHAPTER 10.06

WATER AND SEWER HOOK-UP POLICIES

SECTIONS:

- 10.06.01 Out-of-City Water Hook-Up Policy Adopted**
- 10.06.02 New Out-of-City Water Hook-Ups Prohibited**
- 10.06.03 Sewer Service Policy Established**
- 10.06.04 Final Plumbing Inspection Approval**
- 10.06.05 Definition of New Water Service**
- 10.06.06 North Berryville Municipal Improvement District No. 1**

Section 10.06.01 Out-of-City Water Hook-Up Policy Adopted

A new out-of-city water hook-up policy is hereby adopted to protect water service to the City's current out-of-city water customers.

CROSS REFERENCE: Resolution 542; Section 1; March 17, 1992

Section 10.06.02 New Out-of-City Water Hook-Ups Prohibited

Under this new policy, the City of Berryville will make every financially feasible effort to continue service to its current out-of-city water customers, but that it will no longer provide new water service hook-ups (i.e. the installation of new service lines and meter taps) for out-of-city residents.

CROSS REFERENCE: Resolution 542; Section 2; March 17, 1992

Section 10.06.03 Sewer Service Policy Established

New water service shall not be provided by the Berryville Water Department unless the customer has connected to or has made provisions to connect to the Berryville wastewater collection system.

CROSS REFERENCE: Ordinance 656; Section 1; August 6, 1996

Section 10.06.04 Final Plumbing Inspection Approval

Final plumbing inspections for new water service will not be approved unless the sewer lines are connected to the Berryville wastewater collection system.

CROSS REFERENCE: Ordinance 656; Section 2; August 6, 1996

Section 10.06.05 Definition of New Water Service

For purposes of this ordinance, the term “new water service” shall be defined as connecting a new structure to the Berryville water distribution system and shall not include new water taps made for separate watering meters or the renewal of water service at an existing service location.

CROSS REFERENCE: Ordinance 656; Section 3; August 6, 1996

Section 10.06.06 North Berryville Municipal Improvement District No. 1

A. The City of Berryville establishes the NORTH BERRYVILLE MUNICIPAL IMPROVEMENT DISTRICT NO. 1 over and including the part of the City of Berryville described as follows:

Part of the E ½ of Section 19 and part of the W ½ of Section 20, Township 20 North, Range 24 West, Carroll County, Arkansas, more particularly described as follows: beginning at a point in the NE ¼ of the SW ¼ of said Section 20, which point is 300 feet North and 200 feet West of the intersection of Mountain Avenue and Saunders Heights Road in the City of Berryville; thence North approximately 1700 feet to the south boundary of the Standley Addition to the City of Berryville; thence East approximately 100 feet to the southeast corner of said Standley Addition; thence North 927.6 feet to the northeast corner of said Standley Addition; thence West along the north boundary of said Standley Addition approximately 2550 feet to the West line of the SE ¼ of the NE ¼ of said Section 19; thence South along said line approximately 2650 feet to a point due West of the point of beginning; thence East approximately 2450 feet to the point of beginning, containing 150 acres, more or less.

B. The purpose of this improvement district shall be to pay for a sewer line collection system to be designed, constructed and maintained by the City of Berryville to serve the area described in Section 10.06.06 (A) above.

C. The real property owners within the district shall be required to pay not more than the sum of \$1,575.00 in payments of \$17.50 per month for 90 months from the date of the service tap/connection on the sewer line for each such owner per tap/connection. No other tax assessment or levy shall be made on any of the real property within the district to pay for this improvement. The payments required shall be added to the regular water/sewer bill of the city and paid to the City of Berryville. Failure to make such payments shall empower the City of Berryville to terminate utility service following the same procedure for its regular customers. For each such tap/connection, the sum to be paid to the City of Berryville shall constitute a lien on the title to the real property of each tract served by the tap/connection, and therefore, upon sale of such real property to a third person, the entire unpaid balance shall become due and payable at once unless the buyer shall agree to assume the remaining payments owed to the City of Berryville.

D. The commissioners of the district are authorized to execute and deliver a certificate of indebtedness for up to \$350,000.00 to the City of Berryville, payable as above set forth, but the City of Berryville shall have no other remedy for collecting the moneys as set forth in such certificate.

E. The City of Berryville shall pay all attorney's fees, costs of easement acquisition, engineering, planning, construction, and maintenance of the sewer collection lines to be constructed by the district. In the event the actual cost of construction is less than \$350,000.00, then the actual cost shall be divided by the number 222 and the amount set forth in Section 10.06.06 (C) shall be reduced to the result and the monthly charge adjusted accordingly. In no event shall the cost to the improvement district exceed \$350,000.00.

F. In the event construction of the sewer collection system as mentioned in Section 10.06.06 (B) has not been commenced by the City of Berryville in a good faith manner by October 1, 1993, then the sum of \$100.00 shall be deducted from the sum of \$1,575.00 set forth in Section 10.06.06 (C) above. In the event construction of the sewer collection system mentioned in Section 10.06.06 (B) has not been completed by July 1, 1994, then an additional \$100.00 shall be deducted from the amount set forth in Section 10.06.06 (C). The dates established in this section shall be automatically extended in the event the City of Berryville is delayed by a court order from commencing or completing the sewer collection system contemplated by this ordinance. In the event of the occurrence of such a court order, the new dates shall be six months after the court order has been dissolved for the date of commencement, and to fifteen months after the court order has been dissolved for the date of completion.

G. This improvement district shall automatically dissolve 20 years after the publication of the enabling ordinance.

CROSS REFERENCE: Ordinance 567; Sections 1-7; September 7, 1993

CHAPTER 10.08

WATER AND SEWER DEPARTMENT RATES AND POLICIES

SECTIONS:

10.08.01 Water Rates

10.08.02 Sewer Rates

10.08.03 Water & Sewer Dept. Policies and Procedures

Section 10.08.01 Water Rates

A. Automatic Rate Adjustment: The water rate schedule for the Berryville Water Department is based, in part, on the current cost of purchasing water from the Carroll-Boone Water District; therefore, any increase in the rate structure of the Carroll-Boone Water District shall result in an automatic rate adjustment to the base water rate schedule. The base water rate schedule shall consist of the current rate structure charged by the Carroll-Boone Water District to the Berryville Water Department. The Monthly Rate Schedule in Section 10.08.01 (B) shall be amended, as necessary, to reflect the automatic rate adjustment.

B. Monthly Rate Schedule: The following monthly rate schedule shall be and is hereby fixed as the rate schedule for water furnished by the City of Berryville, Arkansas, effective immediately upon passage of this ordinance, and said rate schedule is found to be reasonable and necessary by the Berryville City Council.

MONTHLY WATER RATE SCHEDULE

Usage and Schedule of Rates: The water usage of each user shall be determined each month on a metered basis, and the amount to be paid by each user for all water consumed during the first billing cycle following the effective date of this ordinance shall be computed on the basis of the following schedule of rates. The base rate is subject to change according to the rate structure of the Carroll-Boone Water District. The following rates shown are cost per one thousand (1,000) gallons of consumption, except for the minimum charge:

INSIDE CITY LIMITS

First 2,000 gallons	(minimum charge)	\$8.00
Next 18,000 gallons	(total 20,000 gallons)	\$2.95 per 1,000 gallons
Next 80,000 gallons	(total 100,000 gallons)	\$2.80 per 1,000 gallons
Next 200,000 gallons	(total 300,000 gallons)	\$2.65 per 1,000 gallons
Over 300,000 gallons		\$2.55 per 1,000 gallons

OUTSIDE CITY LIMITS

First 2,000 gallons	(minimum charge)	\$10.00
Next 18,000 gallons	(total 20,000 gallons)	\$3.30 per 1,000 gallons
Next 80,000 gallons	(total 100,000 gallons)	\$3.15 per 1,000 gallons
Next 200,000 gallons	(total 300,000 gallons)	\$3.00 per 1,000 gallons
Over 300,000 gallons		\$2.90 per 1,000 gallons

B. Metering of System: The operation of the Berryville Water System shall be on a fully metered basis. Meters shall be installed at each water connection.

C. Non-Exclusion: Facilities serviced by the Berryville Water System shall not be provided water without charge.

CROSS REFERENCE: Ordinance 906; Section 1; May 18, 2010

Section 10.08.02 Sewer Rates

A. Monthly Rate Schedule: The following monthly rate schedule shall be and is hereby fixed as the rate schedule for sewer service by the City of Berryville, Arkansas, effective immediately upon passage of this ordinance, and said rate schedule is found to be reasonable and necessary by the Berryville City Council.

MONTHLY SEWER RATE SCHEDULE

Usage and Schedule of Rates: The sewer charge of each user shall be determined each month based upon the monthly water meter reading, and the amount to be paid by each user for all sewer service during the first billing cycle following the effective date of this ordinance shall be computed on the basis of the following schedule of rates. The following rates shown are cost per one thousand (1,000) gallons of discharge except for the minimum charge:

INSIDE CITY LIMITS

First 2,000 gallons	(minimum charge)	\$7.00
Next 8,000 gallons	(total 10,000 gallons)	\$2.25 per 1,000 gallons
Next 90,000 gallons	(total 100,000 gallons)	\$2.00 per 1,000 gallons
Over 100,000 gallons		\$1.75 per 1,000 gallons

B. Standby Charge and Combined Billing: A standby charge equal to the minimum billing shall be charged although the water is shut-off at the meter. This standby charge does not apply to a permanently vacated location. Statements for sewer services shall not be rendered more often than monthly, and may be rendered in conjunction with the statements for water service.

C. Non-Exclusion: Facilities serviced by the Berryville Sewer System shall not be provided sewer service without charge.

D. Abnormal Sewage Surcharge: Customers generating abnormal sewage may discharge such sewage into the sanitary sewer provided: (1) the waste will not cause damage to the collection system; (2) the waste will not impair the treatment processes, and; (3) the person discharging such waste pays a monthly surcharge to the City of Berryville Sewer Department in addition to the usual monthly sewer charges. Computation of such surcharges shall be based on the following formula:

$$S=8.34 V(c) [(B(c)-300) ($.036) + (TSS(c)-300) ($.088)]$$

where:

S= Monthly Surcharge in dollars.

V(c)= Monthly Volume of customer's sewage in million gallons.

8.34= pounds per gallons of water.

B(c)= Biochemical Oxygen Demand of customer's sewage in milligrams per liter (monthly average of at least four 24-hour composite samples).

TSS(c)= Total Suspended Solids of customer's sewage in milligrams per liter (monthly average of at least four 24-hour composite samples).

300= Normal strength of biochemical oxygen demand and total suspended solids in milligrams per liter.

\$.036= Unit charge for biochemical oxygen demand in dollars per pound.

\$.088= Unit charge for total suspended solids in dollars per pound.

If the strength of either BOD or TSS is less than the normal strength for that category, then there shall be no surcharge for that category, nor shall there be credit given to the total surcharge.

CROSS REFERENCE: Ordinance 906; Section 1; May 18, 2010
Ordinance 342; Section 2B; January 21, 1986

Section 10.08.03 Water & Sewer Department Policies and Procedures

The policies and procedures of the Berryville Water & Sewer Department shall be
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determined by resolution of the Berryville City Council, as necessary, in a manner that will comply with state law.

CROSS REFERENCE: Ordinance 906; Section 1; May 18, 2010

A. Water Meter Deposit Policies

- a. Meter Deposit Amount: Each customer who hereafter connects to the Berryville Water System shall pay a meter deposit in the amount of Seventy-Five Dollars (\$75.00) for each meter activated.
- b. Meter Deposit Refunds: Meter deposits on accounts of homeowners, who have not been past-due or disconnected for twelve (12) consecutive months, shall receive a deposit refund, upon their request. Commercial and rental accounts shall not qualify for a refund. However, for those accounts which have received a deposit refund and have been disconnected for non-payment or insufficient funds two (2) times within a twelve (12) consecutive month period, the current meter deposit amount shall be charged to said accounts.
- c. Waiver of Meter Deposit: Meter deposits on accounts of homeowners shall be eligible to be waived, if the customer can provide a “letter of credit” from a natural gas, electric or other water utility company.
- d. Additional Meter Deposit: Any service account which has been disconnected for non-payment or insufficient funds payment two (2) times within a twelve (12) consecutive month period, shall be billed a meter deposit increase equal to the amount of two (2) months of their average total bill. The additional deposit amount shall be due by the 15th of the following month after having received written notification.

B. Payment for Services

- a. Due Date: All bills for water and/or sewer service shall be rendered in the net amount due on or before the 15th day of each month.
- b. Payment with Insufficient Funds: In the event that a payment is made with insufficient funds, any returned check and/or insufficient bank draft accounts shall pay the amount due and a service charge of Twenty Dollars (\$20.00). If the amount of the check or draft and service charge are not paid within three (3) business days of being notified, water service shall be disconnected. A reconnect fee, as prescribed herein, shall then be applied to each account paid with the insufficient check or draft. In the event that a payment is made with insufficient funds on an account which was disconnected for non-payment, service shall be disconnected immediately, and all applicable charges and fees shall be paid in order to have water service re-established.

C. Past Due Policies

- a. Past Due Penalty: If any water bill is not paid on or before the 15th day of the month, it shall be past due, and a 20% penalty shall be added to the amount due.
- b. Shut-Off Date: The monthly due date and shut-off date will be printed on the original monthly bill, with this being the only notice sent each month. No past due notices will be sent. If the total amount due and the 20% penalty on a past due account are not paid on or before the 25th day of each month, water service shall be disconnected on the morning of the 26th.

D. Reconnection Policies

In the event that an account location is disconnected from the Berryville Water System for non-payment or insufficient funds, the customer concerned shall pay the gross amount due (including all applicable penalties and fees) and a Twenty-Five Dollar (\$25.00) reconnect fee in order to have water service re-established. Payment must be made at the Berryville Water & Sewer Office during normal office hours and shall not be made at the service location. After payment is received by the Water & Sewer Office, service will be reconnected during normal business hours.

E. Water Leak Policies

- a. Leaks that DO NOT discharge into the city sewer system:
 1. UNDER 10,100 GALLONS in usage: shall receive only a sewer adjustment according to the service account's average monthly sewer charge.
 2. OVER 10,100 GALLONS in usage: shall be charged for water usage at regular cost for the first 10,000 gallons, and the remainder at the City's cost charged by the Carroll-Boone Water District. The sewer shall also be adjusted according to the service account's average monthly sewer charge.

- b. Leaks that DO discharge into the city sewer system:
 - 1. UNDER 10,100 GALLONS in usage: shall receive no adjustment.
 - 2. OVER 10,100 GALLONS in usage: shall receive the same water adjustment for leaks that DO NOT discharge into the sewer system; however, will be charged the service account's average monthly sewer charge PLUS one-half ($\frac{1}{2}$) the cost above the monthly average.

F. Sewer Connection Charge

There shall be a connection fee of One Hundred and Fifty Dollars (\$150.00) for all customers who connect to the Berryville Sewer System. This connection fee shall only apply to the cost of performing the sewer tap. Any additional labor or material shall be billed at the City's actual cost.

G. Water Tapping Fee

There shall be a tapping fee equal to the City's actual costs of labor and material for all customers who connect to the Berryville Water System.

CROSS REFERENCE: Resolution 828; Section 1; March 2, 2004
Resolution 905; Section 1; April 20, 2010

CHAPTER 10.10

SEPTIC TANK CLEANER PERMIT

SECTIONS:

10.10.01 Permit Requirement

10.10.02 Permit Fee

10.10.03 Penalty for Violations

Section 10.10.01 Permit Requirement

A) Any person who is a licensed septic tank cleaner shall obtain a permit in order to discharge into the Berryville Wastewater Treatment Plant.

B) Permits may be obtained from the City Treasurer's Office, and applications for permits under this chapter must include a copy of the septic tank cleaner's license as required by Arkansas Code Annotated, Sections 17-38-101, et. seq.

Section 10.10.02 Permit Fee

A discharge permit as required by Section 10.10.01 shall only be issued after a fee of \$500.00 has been received by the City Treasurer and shall be good for one year from the date of issuance.

Section 10.10.03 Penalty for Violations

Any person who violates this chapter shall be guilty of a misdemeanor and shall be fined in any sum not less than \$100.00 nor more than \$250.00, plus the cost of obtaining the permit as provided in Section 10.10.02. Each day a violation of this chapter is committed may be considered a separate offense.