

## **TITLE 10**

### **UTILITIES**

#### **Chapters:**

- 10.04 Sewer Regulations
- 10.08 Water and Sewer Rates
- 10.12 Cross Connection Program
- 10.16 Identity Theft Prevention Program

#### **CHAPTER 10.04**

### **SEWER REGULATIONS**

#### **Sections:**

- 10.04.01 Definition of terms
- 10.04.02 Required and prohibited connections
- 10.04.03 Private sewage disposal
- 10.04.04 Required hookup for building sewers and connections
- 10.04.05 Disconnecting sewers and permits
- 10.04.06 Control of backflow prevention assembly and cross connection control
- 10.04.07 Industrial waste regulations
- 10.04.08 Enforcement and penalties
- 10.04.09 Industrial Park and Airport

#### **10.04.01 Definition of terms**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

**Act** or "**The Act**" shall mean the Federal Pollution Control Act, also known as The Clean Water Act, as amended, 33 U.S. C. 1251, et seq.

**Biochemical Oxygen Demand** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees C, expressed in milligrams per liter (mg/l).

**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 and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

**Building Sewer** shall mean the extension for the building drain to the public sewer or other place of disposal (also called "house connection").

**Categorical Pretreatment Standards** shall mean National Pretreatment Standards or regulations containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency (EPA) applying to industrial users of publicly owned treatment works.

**Combined Sewer** shall mean a sewer intended to receive both wastewater and storm or surface water.

**Compatible Pollutant** shall mean such pollutants as BOD, suspended solids, pH, fecal coliform bacteria, and other such pollutants as are now or may be in the future specified and controlled in this city's NPDES permit for its wastewater treatment works for which said works have been designed and used to remove such pollutants.

**Cooling Water** shall mean the water discharged from any use such as air conditioning, cooling or refrigeration during which the only pollutant added to the water is heat.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

**Floatable Oil** is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

**Garbage** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**Indirect Discharge** shall mean the discharge or introduction of non-domestic pollutants from a source, regulated under Section 307 (b) or (c) of the Act, into the POTW.

**Industrial Discharges** shall mean any non-residential user who discharges an effluent into the POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructive devices and appliances appurtenance thereto.

**Industrial Wastes** shall mean the wastewater from industrial processes, trade, or business processes or from the development, recovery, or processing of natural resources as distinct from domestic or sanitary waste.

**Interference** shall mean the inhibition or disruption of a POTW's sewer system, treatment processes, or operations which may contribute to a violation of any requirement of its NPDES permit.

**Jurisdiction** shall mean all areas within the operation and maintenance area of the Mountain Home Wastewater Treatment System, specifically including, but not limited to the Baxter County Industrial Park and connecting system.

**Licensed Master Plumber** shall mean any person skilled in the installation of plumbing and licensed as a master plumber by the Arkansas State Board of Health.

**Manager Engineer** shall mean the manager of the Mountain Home Wastewater Treatment System who shall be the authorized administrative representative of the city of Mountain Home.

**May** shall be permissive or discretionary.

**Natural Outlet** shall mean any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake, or other body of surface or ground water.

**NPDES** shall mean the National Pollutant Discharge Elimination System permits program as administered by the U.S. Environmental Protection Agency or by the State of Arkansas.

**O. and M.** shall mean operation and maintenance.

**Other Wastes** shall mean decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

**Person** shall mean any individual, firm, company, association, society, corporation, or group.

**pH** shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

**POTW** shall mean any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and/or operated by the city of Mountain Home.

**Pretreatment** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging.

**Private Disposal System** shall mean that facility owned, operated, and maintained by any person, individual, firm, company, association, society, corporation, or group for the purpose of collecting and disposing of sewage within the property owned by said person.

**Properly Shredded Garbage** shall mean the wastes from the preparation, handling, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any diameter.

**Public Sewer** shall mean a common sewer controlled by a governmental agency or public utility.

**Sanitary Sewer** shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**Sewage** shall mean the water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

**Sewage** is the spent water of a community. The preferred term is "**wastewater.**"

**Sewer** shall mean any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.

**Sewer System** shall mean the Mountain Home Wastewater System as operated by the city of Mountain Home, Arkansas.

**Shall** is mandatory.

**SIC** shall mean the classification code of uses based on the 1972 (or subsequent) edition of the Standard Industrial Classification Manual prepared by the Office of Management and Budget.

**Significant Industrial Discharges** shall mean, for the purpose of this chapter, any nonresidential user which normally discharges wastewater to the POTW in quantities of twenty-five thousand (25,000) gallons per day or greater or whose wastewater contains or has the potential to contain toxic pollutants, restricted pollutants, or non-compatible pollutants.

**Slug** shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration

longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

**Slugload** shall mean any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.

**Storm Drain** (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.

**Suspended Solids** shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" (14th Edition) and referred to as nonfilterable residue.

**Toxic Pollutant** shall mean any pollutant or combination of pollutants listed as being toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provisions of the Clean Water Act 306 (a) or other Acts.

**Unpolluted Water** is water of quality equal to or better than the effluent criteria in effect on water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

**Upset** shall mean an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth due to factors beyond the reasonable control of the discharger and excluding noncompliance caused by operational error, improperly designed treatment facilities, lack of preventive maintenance or careless or improper operation thereof.

**Wastewater** shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, together with any groundwater, surface water, and storm water that may be present.

**Wastewater Facilities** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

**Wastewater Treatment Plant** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater pollution control plant."

**Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 92-016, Secs. 1 - 49)

10.04.02 Required and prohibited connections

- A. It shall be unlawful for any person to place, depositor permit to be deposited in any unsanitary manner on public or private property within the city of Mountain Home, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the jurisdiction of the city of Mountain Home Wastewater Treatment System any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as hereinafter provided under Section 10.04.03, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the system jurisdiction is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety (90) days after the date of official notice to connect, provided that said property is within three hundred (300) feet of an accessible sewer.
- E. In any building in which the building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage from such buildings shall be lifted by an approved means and discharged to the building sewer or public sanitary sewer.
- F. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sanitary sewer or building drain which in turn is connected directly or indirectly to the public sanitary sewer, and all such connections existing at the date of passage of this chapter shall be removed immediately.
- G. The connection of the building sewer into a public sanitary sewer shall conform to the requirements of the City Plumbing Codes or other applicable rules and regulations of the wastewater system. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Mountain Home Wastewater Treatment Utility.
- H. The owner of any building or buildings which is (are) connected to the public sanitary sewer shall be required to operate and properly maintain the building drains and building sanitary sewer in accordance with all provisions of these regulations at no expense to the Wastewater Utility.

- I. Any person outside of the city limits of the city of Mountain Home Arkansas, whose property abuts the industrial park sewer main or any extension of said Industrial Park sewer main shall have the opportunity, at the owner's expense, to connect to said sewer main, provided that the owner meets the requirements of this ordinance and provided that the property shall be annexed to the city when the city becomes contiguous to said property.
- J. With the approval of the city, industries whose properties do not abut the Industrial park Sewer Line may at the owner's expense connect to the Industrial park Sewer Line provided the industry meets the following requirements:
  - 1. Existing industries must have 20 or more employees.
  - 2. New industries who create 20 or more jobs within 1 year from the date connected to the Industrial park Sewer Line
  - 3. Property shall be annexed to the city of Mountain Home when the city becomes contiguous to said property.  
( Ord. No. 97-037, Art II.)

#### 10.04.03 Private sewage disposal

- A. Where a public sanitary sewer is not available under the provisions of Section 10.04.02(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain written permission from the office of the Mountain Home Wastewater Utility which the applicant shall supplement by any plans, specifications, test results, and other information as are deemed necessary. A permit and inspection fee of Twenty-Five Dollars (\$25.00) shall be paid to the Mountain Home Wastewater Utility at the time the application is filed.
- C. Permission for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Mountain Home Wastewater Treatment Utility when the work is ready for final inspection and before any underground portions are covered.
- D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Arkansas State Department of Health and the Arkansas Department of Pollution Control and Ecology. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the property is less than 12,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet without specific written approval which shall become a part of the permit.

- E. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 10.04.02(D), a direct connection shall be made by the owner to the public sewer in compliance with these regulations and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Mountain Home Wastewater Utility.
- G. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the State Health Department, Department of Pollution Control & Ecology, or other authority. (Ord. No. 92-016, Art III, Secs. 1 - 7)

#### 10.04.04 Required hook-up for building sewers and connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof without first obtaining a written permit from the Mountain Home Wastewater Utility.
- B.
  - 1. The owner or his agent shall make application to the Water and Sewer Department. The hook-up application shall be supplemented by any plans, specification, or other information considered pertinent to the judgment of the water and sewer manager. A hook-up fee based on the size of water meter serving property shall be paid to the Water and Sewer Department. When the application is complete, and all fees associated with the hook-up have been paid, the City Plumbing Inspector may issue permission to hook-up. Hook-up fees are set as following in Subsection 2 below: (Ord. No. 95-045, Sec. 1)
  - 2.
 

5/8" x 3/4" water meter	\$400.00
1" water meter	\$500.00
2" water meter	\$600.00
Above 2" to 4"	\$600.00
Above 4" to 6"	\$600.00
Above 6" to 8"	\$600.00

 (Ord. No. 95-045, Sec. 2)
  - 3.
    - a. Additional Charges - The charges set forth hereinabove in Subsection 2 procuring the requisite permit and payment of fees as required by Section 9.08.04 of the Mountain Home Mun. Code.



- b. Sewer - There shall be no connection to the City's sanitary sewer system that is not physically located within the corporate limits of the City, except as permitted in Section 10.04.02, paragraph I of the Mountain Home Municipal Code. (Ord. No. 95-045, Sec. 3)
- 4. Segregation of Fees. The fees collected under the terms of this section shall be placed in a separate account designated as the "sewer expansion account", and the funds deposited therein shall be used solely and exclusively to expand the City's sewer system. (Ord. No. 95-045, Sec. 4)
- C. Each application for a building sewer shall be signed by the licensed master plumber responsible for the work to be performed as shown on the application. The work done under the hook-up shall be supervised by the licensed master plumber.
- D. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city for any loss or damage that may directly be occasioned by the installation of the building sewer.
- E. A separate and independent building sewer shall be provided for every building except as follows:
  - 1. Where multiple buildings are constructed in an apartment complex or condominium or a single lot or tract of land which cannot be subsequently subdivided and sold in parcels, the individual buildings may be connected to a collector building sewer provided that only one person is responsible for maintenance of the building sewer.
  - 2. Temporary buildings, mobile homes, or similar portable structures may be connected to a building sewer installed to serve a previously constructed permanent building provided that both the permanent and temporary buildings are located on the same lot.
- F. The size, slope alignment, and materials of construction of a building sanitary sewer and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the rules and regulations of the Wastewater Utility, the Building and Plumbing Codes, or other applicable rules or regulations of the city. In the absence of code provisions or amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- G. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the Wastewater Inspector, to

meet all requirements of this chapter and other rules and regulations of the Wastewater Utility.

- H. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- I. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- J. The applicant for the building sewer connection permit shall notify the Manager-Engineer when the building is ready for inspection and connection to the public sanitary sewer. The connection shall be made under the supervision of the Manager-Engineer or his representative. No work shall be covered until the inspection and tests have been made and written approval given.
- K. Test tees and plugs shall be installed where the building sewer connects to a wye stub from the public sanitary sewer in order that a hydrostatic test may be performed by the licensed master plumber or his representative in the presence of the Manager-Engineer or his representative. In the event connection is made to a manhole, no test tee need be installed.
- L. Building sewers shall be connected to a public sanitary sewer not smaller than six (6) inches and only through wye-shaped connections.
- M. In the event the building sewer is connected to a manhole, it shall be inserted through the wall not more than two (2) feet above the bottom or a satisfactory drop shall be installed. The connection shall be thoroughly patched inside and out with Portland cement mortar to make a tight connection. Written permission shall be obtained from the Water and Wastewater Director in the event the building sewer must connect to a manhole. (Ord. No. 2008-3, Sec. 1.)
- N. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city of Mountain Home Street Superintendent. (Ord. No. 92-016, Art. IV, Secs. 1 - 14)

10.04.05 Disconnecting sewers and permits

- A. Before any dwelling or other building having a connection to the Mountain Home Sanitary Sewer System is moved or demolished, the building sanitary sewer shall

be disconnected at the adjacent property line. The remaining portion of the building sanitary sewer leading into the public sanitary sewer shall be sealed and made water tight.

- B. Prior to the disconnection of any such building sanitary sewer, a permit shall be obtained from the office of the Building Inspection Department. A permit and inspection fee of Fifteen Dollars (\$15.00) shall be paid at the time the application is filed.
- C. After the disconnection seal is made and before the work is covered, the Manager-Engineer shall be notified. No work shall be covered until the inspection has been made and the work approved. Written notice of approval will be given. (Ord. No. 92-016, Art. V, Secs. 1 and 2)

#### 10.04.06 Control of backflow prevention assembly and cross connection control

- A. **Responsibility.** The Water and Sewer Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgement of the Water and Sewer Superintendent, an approved backflow prevention assembly is required (at the customer's water service connection; or, within the customer's private water system) for the safety of the water system, the Water and Sewer Superintendent or his/her designated agent shall give notice in writing to said customer to install such an approved backflow prevention assembly(s) at specified location(s) on his/her premises. The customer shall immediately install such approved assembly(s) at his/her own expense; and failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. (Ord. No. 94-033, Sec. 1.2)
- B. **Definitions.**

**Water and Sewer Superintendent or Health Official:** The Superintendent in charge of the Water and Sewer Department of the city of Mountain Home, County of Baxter, state of Arkansas, is invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this section. (Ord. No. 94-033, Sec. 2.1)

**Approved:** Accepted by the authority responsible as meeting an applicable specification stated or cited in this section or as suitable for the proposed use. (Ord. No. 94-033, Sec. 2.2)

**Auxiliary Water Supply:** Any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary waters may include water from

another purveyor's public potable water supply or any nature source(s), such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control. (Ord. No. 94-033, Sec. 2.3)

**Backflow:** The undesirable reversal of flow in a potable water distribution system as a result of a cross connection. (Ord. No. 94-033, Sec. 2.4)

**Backpressure:** A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow. (Ord. No. 94-033, Sec. 2.5)

**Backsiphonage:** Backflow caused by negative or reduced pressure in the supply piping. (Ord. No. 94-033, Sec. 2.6)

**Backflow Preventer:** An assembly or means designed to prevent backflow. (Ord. No. 94-033, Sec. 2.7)

**Air gap:** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one (1) inch (25mm). (Ord. No. 94-033, Sec. 2.7.1)

**Reduced-pressure backflow prevention assembly:** The approved reduced-pressure principle backflow prevention assembly consists of two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks. (Ord. No. 94-033, Sec. 2.7.2)

**Double check valve assembly:** The approved double check valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two (2) tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard (that is, a pollutant). (Ord. No. 94-033, Sec. 2.7.3)

**Contamination:** An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard. (Ord. No. 94-033, Sec. 2.8)

**Cross Connection:** A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any

circumstances, would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter that may change the color or add odor to the water. (Ord. No. 94-033, Sec. 2.9)

**Cross Connections - Controlled:** A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard. (Ord. No. 94-033, Sec. 2.10)

**Cross Connection Control by Containment:** The installation of an approved backflow prevention assembly at the water service connection to any customer's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection. (Ord. No. 94-033, Sec. 2.11)

**Degree of Hazard:** The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system. (Ord. No. 94-033, Sec. 2.12)

**Hazard - Health:** A cross connection or potential cross connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease, or have a high probability of causing such effects. (Ord. No. 94-033, Sec. 2.12.1)

**Hazard - Plumbing:** A plumbing-type cross connection in a consumer's potable water system that has not been properly protected by an approved air gap or an approved backflow prevention assembly. (Ord. No. 94-033, Sec. 2.12.2)

**Hazard - Non-health:** A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply. (Ord. No. 94-033, Sec. 2.12.3)

**Hazard - System:** An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system. (Ord. No. 94-033, Sec. 2.12.4)

**Industrial Fluids System:** Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in an a form or concentration,

such as would constitute a health, system, pollution or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to:

- A. polluted or contaminated waters;
- B. all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality;
- C. chemicals in fluid form;
- D. plating acids and alkalies;
- E. circulating cooling waters connected to an open cooling tower, and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances;
- F. contaminated natural waters, such as wells, springs, streams, river, bays, harbors, seas, irrigation canals or systems, and so forth; and
- G. oils, gases, glycerine, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial, fire-fighting purposes or other purposes. (Ord. No. 94-033, Sec. 2.13)

**Pollution:** The presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water. (Ord. No. 94-033, Sec. 2.14)

**Water - Potable:** Water that is safe for human consumption as described by the public health authority having jurisdiction. (Ord. No. 94-033, Sec. 2.15)

**Water - Non-potable:** Water that is not safe for human consumption or that is of questionable quality. (Ord. No. 94-033, Sec. 2.16)

**Service Connection:** The terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system. (Ord. No. 94-033, Sec. 2.17)

**Water - Used:** Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of deliver and is no longer under the sanitary control of the water purveyor. (Ord. No. 94-033, Sec. 2.18)

C. Requirements of the Water System.

1. The water system shall be considered as made of two parts:

- a. the utility system; and
  - b. the customer system. (Ord. No. 94-033, Sec. 3.1.1)
2. The utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins. (Ord. No. 94-033, Sec. 3.1.2)
3. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system. (Ord. No. 94-033, Sec. 3.1.3)
4. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system. (Ord. No. 94-033, Sec. 3.1.4)
5. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use. (Ord. No. 94-033, Sec. 3.1.5)

D. Policy.

1. No service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulations and this section. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by this section is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected. (Ord. No. 94-033, Sec. 3.2.1)
2. The customer's system should be open for inspection at all reasonable times to authorized representatives of the city of Mountain Home Water and Sewer Department to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Water and Sewer Superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto. (Ord. No. 94-033, Sec. 3.2.2)



3. An approved backflow prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:
  - a. The case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Water and Sewer Commissioner, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriated to the degree of hazard. (Ord. No. 94-003, Sec. 3.2.3a)
  - b. In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality. (Ord. No. 94-033, Sec. 3.2.3b)
  - c. In the case of premises having 1) internal cross connections that cannot be permanently corrected and controlled, or (2) intricate plumbing piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line. (Ord. No. 94-033, Sec. 3.2.3c)
4. The type of protective assembly required under subsections 3(a), (b), and (c) shall depend upon the degree of hazard that exists as follows:
  - a. In the case of any premises where there is an auxiliary water supply as stated in subsection 3(a) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly. (Ord. No. 94-033, Sec. 3.2.4a)

- b. In the case of any premises 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. (Ord. No. 94-033, Sec. 3.2.4b)
  - c. In the case of any premises where there is any material dangerous to health that 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 air gap separation or an approved reduced-pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants. (Ord. No. 94-033, Sec. 3.2.4c)
  - d. In the case of any premises where there are “uncontrolled” cross connections, either actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly at the service connection. (Ord. No. 94-033, Sec. 3.2.4d)
  - e. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap separation or an approved reduced-pressure principle backflow prevention assembly on each service to the premises. (Ord. No. 94-033, Sec. 3.2.4e)
  - f. In the case of any premises where, in the opinion of the Water and Sewer Superintendent, an undue health threat is posed because of the presence of extremely toxic substances, the Water and Sewer Superintendent may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Water and Sewer Superintendent and is dependent on the degree of hazard. (Ord. No. 94-033, Sec. 3.2.4f)
5. Any backflow prevention assembly required herein shall be a model and size approved by the Water and Sewer Superintendent. The term approved backflow prevention assembly shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled:

- a. A C501-89 - Standard for Double Check Valve Backflow Prevention Assembly, and AWWA C511-89 - Standard for Reduced-Pressure Principle Backflow Prevention Assembly, and have met completely the laboratory and filed performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California established by "Specifications of Backflow Prevention Assemblies" - Sec. 10 of the most current issue of the Manual of Cross Connection Control. (Ord. No. 94-033, Sec. 3.2.5)
- b. Said AWWA and FCCHR standards and specifications have been adopted by the Water and Sewer Superintendent. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCHR specifications.
- c. The following testing laboratory has been qualified by the Water and Sewer Superintendent to test and certify backflow preventers:

Foundation for Cross Connection Control and Hydraulic Research  
University of Southern California  
University Park  
Los Angeles, CA 90089

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the Water and Sewer Superintendent. (Ord. No. 94-033, Sec. 3.2.5)

- d. Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies may be used without further testing or qualification. (Ord. No. 94-033, Sec. 3.2.5)
6. It shall be the duty of the customer-user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the Water and Sewer Superintendent deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative,

wastewater department personnel, or by a certified tester approved by the Water and Sewer Superintendent. It shall be the duty of the Water and Sewer Superintendent to see that these tests are made in a timely manner. The customer-user shall notify the Water and Sewer Superintendent in advance when the tests are to be undertaken so that the customer-user may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs, and overhauls shall be kept and made available to the Water and Sewer Superintendent. Should said inspections and operational tests be performed by the city of Mountain Home Wastewater Department personnel, a fee of Fifty Dollars (\$50.00) per test is hereby assessed against the customer-user with said assessment being paid to the city of Mountain Home at the time the test is performed. (Ord. No. 94-033, Sec. 3.2.6 as amended by Ord. No. 2000-20, Sec. 1.)

7. All presently installed backflow prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements under subsection D(6), be excluded from the requirements of these rules so long as the Water and Sewer Superintendent is assured they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance or when the Water and Sewer Superintendent finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section. (Ord. No. 94-033, Sec. 3.2.7)

- E. Penalty. Any customer-user who is found to be in violations of the terms and conditions of this section shall be subject to a fine of not less than Fifty (\$50.00) Dollars per day nor more than One Hundred Dollars (\$100.00) per day, with each day of violation being deemed a separate offense. (Ord. No. 94-033, Sec. 4)

#### 10.04.07 Industrial waste regulations

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any public sanitary sewer without written permission from the Manager or Engineer. (Amended by Ord. No. 95-030, Sec. 1)

- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Manager-Engineer. Industrial cooling water or unpolluted process waters may be discharged upon the approval of the Manager-Engineer to a storm sewer or natural outlet.
- C. No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater treatment system or otherwise to the facilities:
1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW.
  2. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
  3. Any wastewater having a pH less than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.
  4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals or to exceed the limitation set forth in Categorical Pretreatment Standards or limitations of other standards promulgated by the Administrator of the U.S. Environmental Protection Agency.
  5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
  6. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state standards applicable to the sludge management method being used.

7. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.
8. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
9. Any liquid, wastewater, or vapor at a temperature higher than 65 degrees C (150 degrees F) and/or which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C (104 degrees F).
10. Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW.
11. Any unpolluted water including, but not limited to non-contact cooling water.
12. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as to exceed limits established by the utility in compliance with applicable state or federal regulations.
13. Any wastewater which causes a hazard to human life or creates a public nuisance.
14. Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures between 0 degrees C (32 degrees F) and 65 degrees C (150 degrees F).
15. Any water or waste containing garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower ( $\frac{3}{4}$  H.P.) or greater shall be subject to the review and approval of the city of Mountain Home.
16. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
17. Specific toxic materials and heavy metals which constitute an immediate or cumulative hazard to humans, animals and a quality life. Dilution of

such materials in lieu of treatment (removal) is not an acceptable policy. (Ord. No. 95-043, Article VI, Section 3 (Q)).

18. Any materials which exert or cause the following:
    - a. 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.
    - b. Excessive discoloration such as, but not limited to, dyes, wastes and vegetable tanning solutions.
    - c. Excessive biochemical oxygen demand, chemical oxygen demand, and/or chlorine demand such as to cause an unusual load on the treatment plant and which interferes with the functioning of the treatment processes.
    - d. Unusual volume of low or concentration of wastes constituting a slug as defined herein.
  19. Any substance which would preclude the selection of the most cost effective alternative For wastewater treatment and sludge disposal. (Ord. No. 95-043, Article VI, Section 3(S))
  20. Any discharged materials which exert or cause BOD in excess of two hundred fifty milligrams per liter (250 mg/l), suspended solids in excess of two hundred fifty milligrams per liter (250 mg/l) or oil and grease in excess of fifty milligrams per liter (50 mg/l) without prior approval of the superintendent and without paying a surcharge for the additional strength of the wastes. (Ord. No. 95-043, Article VI, Sec. 3(T))
- D. National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency pursuant to the Act shall be met by all dischargers of the regulated industrial categories. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the Regional Administrator by the Mountain Home Wastewater Utility, when the Utility's wastewater treatment system achieves consistent removal of the pollutants as defined in 40 CFR 403.7. All National Categorical Pretreatment Standards adopted after the promulgation of this chapter shall be adopted by the city of Mountain Home as a part of this chapter.
- E. The following special discharge conditions shall be appropriate for this chapter.

1. State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable chapter.
  2. No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge or a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.
- F. Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where deemed to be necessary by the city of Mountain Home Wastewater Treatment Utility, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans prepared by a registered professional engineer showing facilities and operating procedures to provide this protection shall be submitted to the city of Mountain Home Wastewater Treatment Utility for review and approval before construction of the facility. Each existing discharger shall complete its plan and submit same to the Wastewater Treatment Utility by 180 days following the enactment of this chapter. No new discharger who proposes to discharge to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the Mountain Home Wastewater Treatment Utility. Review and approval of such plans and operating procedures by the Utility shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.
- G. Discharger shall notify the Mountain Home Wastewater Treatment Utility immediately upon the occurrence of a "slugload", or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or demand to the POTW, in addition to the amount of any fines imposed by the city of Mountain Home on account thereof under state or federal law.
- H. Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure. Emergency notification contacts and procedures shall be specified within the discharger's written permission.



- I. If wastewaters containing any substance described in Section 10.04.07(C) of this chapter are discharged or proposed to be discharged into the sewer systems of the Mountain Home Wastewater Treatment Utility, the city of Mountain Home through the Manager-Engineer may take any action necessary to:
  - 1. Prohibit the discharge of such wastewater.
  - 2. Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so hat the discharge will not violate the provisions of this chapter.
  - 3. Require the person(s) making, causing, or allowing the discharge to pay any additional cost or expense incurred by the city of Mountain Home for handling and treating excess loads imposed on the treatment system and to reimburse the city of Mountain Home, Arkansas, for all cost or expenses due to damages caused to the system by the discharge.
  - 4. Take other such remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.
- J. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow control facilities shall first be submitted to the Manager-Engineer for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Manager-Engineer.
- K. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.
- L. Whenever it shall be necessary for the purposes of this chapter, the Manager-Engineer or his designated representative, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:
  - 1. Copying any records required to be kept under the provisions of this chapter;
  - 2. Inspection of any monitoring equipment or method; and

3. Sampling any discharge of wastewater to the treatment works.
- M. The Manager-Engineer or his designated representative, representatives of the Arkansas State Department of Pollution Control and Ecology, and/or representatives of the United States Environmental Protection Agency, upon presentation of credentials, may enter upon the property or premises of a discharger at reasonable times for the purpose of installing, supervising, and recovering monitoring equipment for wastewater discharges to the POTW.
  - N. The Manager-Engineer or his designated representative may enter upon the property at any hour under emergency conditions. The condition of what constitutes an emergency condition shall be at the discretion of the Manager-Engineer.
  - O. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.
  - P. If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitation in this chapter, the facility responsible for such discharges shall immediately notify the Manager-Engineer so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the Manager-Engineer detailing the date, time, and cause of the accidental discharges, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the non-complying discharge.
  - Q.
    1. Discharge Reports
      - a. Every significant industrial user shall file a periodic discharge report at such intervals as are designated by the Manager-Engineer. The Manager-Engineer may require any other industrial users discharging or proposing to discharge into the treatment system to file such periodic reports.

- b. The discharge report shall include, but, at the discretion of the Manager-Engineer, shall not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants, or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to discharge reports, the Manager-Engineer may require information in the form of self-monitoring reports.

2. Records and Monitoring.

- a. All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this chapter and any applicable state or federal pretreatment standards or requirements.
- b. Such records shall be made available upon request by the Manager-Engineer. All such records relating to the compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency upon demand. A summary of such data indicating the industrial user's compliance with this chapter shall be prepared quarterly and submitted to the Manager-Engineer.
- c. The owner or operator of any premises or facility discharging industrial wastes into the system shall install at his own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- d. The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the Manager may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles.

- e. When more than one user can discharge into a common sewer, the Manager-Engineer may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Manager-Engineer may require that separate monitoring facilities be installed for each separate discharge.
  - f. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Manager-Engineer's requirements and all applicable construction standards and specifications.
3. Inspection, Sampling, and Analysis.
- a. Compliance determinations with respect to Section 10.04.07(C), prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24 hour period or over a longer or shorter time span, as determined necessary by the Manager-Engineer to meet the needs of specific circumstances.
  - b. Sampling and laboratory analysis of industrial wastewater samples shall be performed in accordance with the approved amendments. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures established and/or approved by Arkansas Department of Pollution Control and Ecology.
  - c. Sampling of industrial wastewater for the purpose of compliance determination with respect to Section 10.04.07(C), prohibitions and limitations will be done at such intervals as the Manager-Engineer may designate. However, it is the intention of the Manager-Engineer to conduct compliance sampling or to cause such sampling to be conducted for all major contributing industries at least once in every 1-year period. Sampling and analysis of all categorical industries shall be conducted at time intervals no greater than monthly. Such monitoring of categorical industries may be through required self-monitoring by the industry, by scheduled monitoring by the utility, or both.

R.

1. All significant industrial users proposing to connect to or discharge into any part of the wastewater treatment system must first obtain written permission from the Manager-Engineer of the Mountain Home Wastewater Treatment System.
2. Users seeking permission to discharge wastewater shall complete and file with the Manager-Engineer, an application on the form prescribed by the Manager-Engineer and accompanied by any applicable fee. In support of this application, the user shall submit the following information:
  - a. Name, address, and SIC number of applicant;
  - b. Volume of wastewater to be discharged;
  - c. Wastewater constituents and characteristics including, but not limited to, those set forth in Section 10.04.07(C), of this chapter as determined by a reliable analytical laboratory;
  - d. Time and duration of discharge;
  - e. Average and minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
  - f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation.
  - g. Description of activities, facilities, and plant processes on the premises including all materials and types of materials which are, or could be, discharged;
  - h. Each product produced by type, amount, and rate of production;
  - i. Number and type of employees, and hours of work; and
  - j. Any other information as may be deemed by the Manager-Engineer to be necessary to evaluate the permit application.
3. The Manager-Engineer will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager-Engineer may issue written permission to discharge wastewater subject to terms and conditions provided herein.

4. Permission to discharge wastewater shall be expressly subject to all provisions of this chapter and all other regulations, user charges, and fees established by the Mountain Home Wastewater Treatment Utility. The conditions of permission to discharge wastewater shall be uniformly enforced in accordance with this chapter, and applicable state and federal regulations. Conditions will include the following:
  - a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;
  - b. The average and maximum wastewater constituents and characteristics;
  - c. Limits on rate and time of discharge or requirements for flow regulations and equalization;
  - d. Requirements for installation of inspection and sampling facilities, and specification for monitoring programs;
  - e. Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges;
  - f. Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;
  - g. Compliance schedules; and
  - h. Other conditions to ensure compliance with this chapter.
5. Duration of Permission to Discharge Wastewater.
  - a. Permission shall be granted for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one year, or may be stated to expire on a specific date. If the user is not notified by the Manager-Engineer thirty (30) days prior to the expiration of permission, permission shall automatically be extended for twelve (12) months. The terms and conditions of permission to discharge wastewater may be subject to modification and change by the Manager-Engineer during the life of the permission, as limitations or requirements as identified in Section 10.04.07(C), are modified and changed. The

user shall be informed of any proposed changes in his conditions at least thirty (30) days prior to the effective date of change. Any changes or new conditions of permission to discharge wastewater shall include a reasonable time schedule for compliance.

- b. The Mountain Home Wastewater Treatment Utility reserves the right to amend any permission to discharge wastewater issued hereunder in order to assure compliance by the Wastewater Utility with applicable laws and regulations. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, each discharger shall be subject to such standard. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for permission to discharge wastewater, the discharger shall apply for permission to discharge wastewater from the Mountain Home Wastewater Treatment Utility within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. Environmental Protection Agency. In addition, the discharger with an existing permission to discharge wastewater shall submit to the city of Mountain Home, Arkansas, within one hundred eighty (180) days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by Section 10.04.07(R), of this chapter. The discharger shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- 6. Permission to discharge wastewater is issued to a specific user for a specific operation. Permission shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- 7. Any user who violates the following conditions of his permit or of this chapter or of applicable state and federal regulations, is subject to having his permission to discharge wastewater revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:
  - a. Failure of a user to accurately report the wastewater constituents and characteristics of his discharge
  - b. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,

d. Violation of conditions of the permit.

8. Information and data furnished to the Mountain Home Wastewater Treatment Utility with respect to the nature and frequency of discharge shall be available to the public or to other governmental agencies without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the city of Mountain Home that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When so requested by a discharger furnishing a report, the portions of the report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to government agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; provided however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information specifically designated as and accepted by the city of Mountain Home, Arkansas, as being confidential shall not be transmitted to any governmental agency by the city of Mountain Home until and unless a ten (10) day written notification is given to the discharger.

#### 10.04.08 Enforcement and penalties

- A. Enforcement Procedures. Whenever the Manager-Engineer finds that any person has violated or is violating this chapter, or any prohibition, limitation or requirement contained herein, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.
- B. Public Notification. The city of Mountain Home shall cause to be published annually in the largest daily newspaper published in Baxter County, Arkansas, notification of industrial users which, during the previous 12 months, were significantly violating the provisions of this chapter and/or other applicable pretreatment requirements or standards. For the purpose of this provision, a significant violation is a violation which remains uncorrected forty-five (45) days after notification of non-compliance, which is part of a pattern of non-compliance over a twelve (12) month period; which involves a failure to accurately report



non-compliance; or which resulted in the city of Mountain Home exercising its emergency authority to require the submittal of notices and self-monitoring reports from an industrial user to assess and assure compliance with pretreatment standards and requirements.

C. Show Cause Hearing.

1. If the violation is not corrected by timely compliance, the Manager-Engineer may order any person who causes or allows an unauthorized discharge to show cause before the city of Mountain Home why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the city of Mountain Home regarding the violation, and directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
2. A legal quorum of the City Council of the city of Mountain Home shall conduct the hearing and take the evidence. The City Council may designate any of its members or any employee of the Mountain Home Wastewater System to:
  - a. Issue in the name of the city of Mountain Home notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.
  - b. Transmit a report of the evidence and hearing, including transcripts and other evidence together with recommendations and/or findings of the city to any court.
3. At any public hearing, testimony taken before the City Council must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the cost of production.
4. After the City Council of the city of Mountain Home, Arkansas, has reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices, or other resulted appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

5. A discharge in violation of the provisions of this chapter shall be considered a public nuisance. In addition to the procedures outlined in Section 10.04.08, nothing herein shall be deemed to prevent the Mountain Home Wastewater System from seeking appropriate legal and/or equitable relief in the Courts of Arkansas in the event of a discharge in violation of the provisions of this chapter.
- D. Emergency Suspension of Service. The city of Mountain Home may for good cause shown suspend the receipt of wastewater discharge to the POTW and revoke the permission to discharge wastewater of a discharger when it appears to the Manager-Engineer that an actual or threatened discharge presents or threatens an imminent and substantial danger to the health or welfare of persons, substantial danger to the environment, interferes with the operation of the POTW, or violates any pretreatment limits of this chapter. Any discharger notified of the suspension of service and/or discharge permit shall, within a reasonable period of time as determined by the city of Mountain Home or its representative, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the time specified, the city of Mountain Home shall take all lawful actions necessary to immediately suspend the access of the user to the POTW. The city shall reinstate the service and/or Discharge Permit upon proof by the discharger of the elimination of the non-complying discharges or conditions creating the threat of imminent or substantial danger as set forth above. The discharger shall be charged with reimbursing the city of Mountain Home all costs incurred in the suspension of service before the service will be reinstated.
- E. Penalty; Costs. Any person who is found to have violated an order of the City Council of the city of Mountain Home, Arkansas, or who willfully or negligently failed to comply with any provision of this chapter and the orders, rules and regulations issued hereunder shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation from the person or entity found to have violated this chapter or the orders, rules, and regulations issued hereunder. Also, in accordance with Section 10.04.07 G(3), any discharger which makes, causes, or allows a prohibited discharge which causes additional expense or costs to handle and treat such discharge or to correct damages caused by such discharge shall be required to reimburse the Mountain Home Wastewater Utility for such cost or expense.
- F. Severability. If any provision, paragraph, word, section or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect. (Ord. No. 92-016, Article VII, Section 6)

10.04.09 Industrial Park and Airport Commercial enterprises, located within the legal boundaries of the Baxter County Industrial Park, as well as those located within the legal boundaries of the Baxter County Regional Airport, at the time of passage of this chapter, shall be permitted to connect to and use the city of Mountain Home Sanitary Sewer System provided all city, state and federal guidelines and laws are strictly complied with. (Ord. No. 91-029, Sec. 1)

## **CHAPTER 10.08**

### **WATER AND SEWER RATES**

**Sections:**

10.08.01	Title of chapter
10.08.02	Water rates
10.08.03	Sewer rates
10.08.04	Special water service application
10.08.05	Payment penalties and re-connection charges
10.08.06	Availability
10.08.07	Special sewer service application
10.08.08	Wholesale charges and reservation
10.08.09	Custodian of revenues
10.08.10	Application of revenues
10.08.11	Definitions
10.08.12	Water and Sewer Fund
10.08.13	New sewer rates
10.08.14	Fees for building sewers

10.08.01 Title of chapter This chapter shall be known as the Water and Sewer Rate Chapter. (Ord. No. 599, Sec. 1)

10.08.02 Water rates That Ordinance No. 2022-20 and any other Ordinance concerning rates charged for water service by the City of Mountain Home, Arkansas shall specifically be amended by the rates set forth in this Ordinance. All provisions of said previous Ordinances shall remain in full force unless specifically changed by the terms of this Ordinance. (Ord. No. 2023-10, Sec. 1)

**A. Availability**

1. No more than one (1) residential unit or one (1) business house shall be served through one (1) meter except where this condition now exists where special conditions make it more practical to serve through one (1) meter.

2. Where more than one (1) residential unit (such as a residence, apartment, mobile home, housekeeping or other unit) or business establishment is served through one (1) meter, the minimum will be based upon a three-quarter inch (3/4") meter for each class of service and will be increased in proportion to the number of units served through one (1) meter.

**B. Monthly rate**

Monthly rates for **customers inside the City of Mountain Home** shall be as follows:

First 2,000 gallons used per month is the minimum charge.

Excess over 2,000 gallons per month is \$3.07 per 1,000 gallons.

<b>MINIMUM CHARGE</b>				
	Combined	Mtr. Min.	Demand	ADH Fee
Residential ¾"	\$ 16.84	\$ 8.59	\$ 7.85	.40
Commercial ¾"	\$ 30.39	\$ 17.21	\$ 12.78	.40
Commercial 1"	\$ 54.39	\$ 29.47	\$ 24.52	.40
Commercial 1 ¼"	\$ 80.42	\$ 44.17	\$ 35.85	.40
Commercial 1 ½"	\$ 111.57	\$ 60.13	\$ 51.04	.40
Commercial 2"	\$ 213.19	\$ 121.49	\$ 91.30	.40
Commercial 3"	\$ 450.22	\$ 244.18	\$ 205.64	.40
Commercial 4"	\$ 735.41	\$ 366.90	\$ 368.11	.40
Commercial 6"	\$ 1,534.28	\$ 719.04	\$ 814.84	.40
Commercial 8"	\$ 2,950.21	\$ 1,492.08	\$ 1,457.73	.40

(Ord. No. 2023-10, Sec. 2)

Monthly rates for customers **outside the City of Mountain Home** shall be as follows:

First 2,000 gallons per month is the minimum charge.

Excess over 2,000 gallons used per month is \$6.10 per 1,000 gallons.

<b>MINIMUM CHARGE</b>				
	Combined	Mtr. Min.	Demand	ADH Fee
Residential ¾"	\$ 33.35	\$ 17.21	\$ 15.74	.40
Commercial ¾"	\$ 60.30	\$ 34.37	\$ 25.53	.40
Commercial 1"	\$ 108.40	\$ 58.90	\$ 49.10	.40
Commercial 1 ¼"	\$ 160.41	\$ 88.36	\$ 71.65	.40
Commercial 1 ½"	\$ 222.75	\$ 120.25	\$ 102.10	.40
Commercial 2"	\$ 425.96	\$ 242.98	\$ 182.58	.40
Commercial 3"	\$ 900.06	\$ 488.38	\$ 411.28	.40
Commercial 4"	\$ 1,470.44	\$ 733.79	\$ 736.25	.40
Commercial 6"	\$ 3,077.82	\$ 1,438.08	\$ 1,639.34	.40
Commercial 8"	\$ 5,862.25	\$ 2,946.37	\$ 2,915.48	.40

(Ord. No. 2023-10, Sec. 2)

The schedule of charges as described above in section 2 shall be indexed at the first part of February of each year by the amount of increase in the (CPI) Consumer Price index for the preceding annual year January – December and will affect water used after February 15<sup>th</sup> of each year. The CPI percentage rate that will be used each year will be at the Arkansas Rate (The South Region) for water/sewer. The CPI rate adjustment will be accepted, declined, or modified as determined by the Council before it is applied each year. A copy of the revised rates will be available at all times at the water/sewer department office.

That it shall be the duty of the Mayor and City Council of the City of Mountain Home to authorize and conduct a review of rates charged by the City of Mountain Home on an annual basis. (Ord. No. 2023-10, Sec. 3)

This ordinance shall be in full force and effect 30 days after passage. (Ord. No. 2023-10, Sec. 4)

**D. Wholesale water customer**

1. Midway Volunteer Fire Department The Midway Volunteer Fire Department shall pay monthly the following rates for water to the city: A sum which is equal to the rate paid by the Lakeview Midway Water Association. (Ord. No. 92-25, Sec. 1)
2. That the water furnished by the city of Mountain Home, Arkansas, at the above referenced rate shall be furnished to the Midway Volunteer Fire Department for the sole purpose of fire fighting. Obtaining water from the city of Mountain Home by Midway Volunteer Fire Department for any other purpose shall be deemed to be in violation of this subsection and shall cause the city of Mountain Home, Arkansas, to furnish water to the Midway Volunteer Fire Department at the rates charged to commercial enterprises that are furnished water by the city of Mountain Home, Arkansas. (Ord. No. 92-25, Sec. 2)

3. Wholesale customers charge from the water plant is \$4.82 per 1,000 gallons. (Ord. No. 2023-31, Sec. 1-A)
4. Wholesale customers charge from the 960-elevation system is \$5.30 per 1,000 gallons. (Ord. No. 2023-31, Sec. 1-B)
5. Wholesale customers charge from the 1,080-elevation system is \$5.51 per 1,000 gallons. (Ord. No. 2023-31, Sec. 1-C)

**Wholesale Reservation** The City of Mountain Home does notwithstanding the provisions of this chapter, reserve the right and responsibility to determine wholesale water rates for water supplied for resale to and used by large consumers, including but not limited to governmental units, water associations and improvement districts. Such wholesale rates shall be set and established from time to time as necessary by agreement and contract with any such entity and by Ordinance of the City of Mountain Home, Arkansas. (Ord. 599 Sec. 8) (Ord. No. 2023-31, Sec. 2)

This Ordinance shall be in effect for all water metered after September 15<sup>th</sup>, 2023. (Ord. No. 2023-31, Sec. 3)

**E. Deposit** Every person furnished water by the City shall pay the following deposits corresponding to the class of service received by such person as set forth in this schedule: (Ord. No. 2014-18, Sec. 1)

- |                            |                           |          |
|----------------------------|---------------------------|----------|
| (a)                        | Residential               | \$95.00  |
| (b)                        | Commercial and Industrial | \$189.00 |
| (Ord. No. 2007-35, Sec. 1) |                           |          |

**F. Meter size** The size of meter to be installed shall be determined by the city. (Ord. No. 2014-18, Sec. 2)

**G. Connection and installation charges**

- (a) **Residential, commercial and industrial service** Every consumer shall pay a connection fee for connection to the city's water facilities which shall include the normal installation of a water meter. Fees are as follows:

5/8" x 3/4" water meter	\$1,139.00
1" water meter	1,328.00
1 1/2" water meter	2,130.00
2" water meter	2,467.00
3" water meter	3,416.00
In excess of 3" meter	569.00 plus actual cost of meter and installation charges.

- (b) **Additional charges** The charges set forth hereinabove in subsection (a) procuring the requisite permit and payment of fees as required by Ord. No. 88-22 to cut a street. (Ord. No. 2014-18, Sec. 3.)

#### H. **Sprinkler Meter and Accessories Charges -**

Sprinkler meter, Radio Read & Meter Spuds (are required to be purchased from the city) the Meter box & Risers (can be purchased anywhere the customer chooses but can also be purchased from the city). Customers can purchase items individually or can purchase all together as package.

Charges are set as follows: Items will be sold at cost + 10%. (Ord. No. 2014-18, Sec. 4)

<b>Meter size</b>	<b>Meter cost</b>
¾" meter	\$150.00
1" meter	225.50
1 ½ " meter	1,080.00
2" meter	1,400.00
(Ord. No. 2007-35, Sec. 4.)	

- I. **Turn-on fee** A fee of Thirty Dollars (\$30.00) will be charged for each water meter turned on. (Ord. No. 2014-18, Sec. 5)
- J. **Disconnection & Reconnection Fees for Non-Payment** In addition to the bill and applicable penalties thereon, every person shall pay the additional sum:
- Disconnection Fee \$30.00 / Reconnection Fee \$30.00
- a) Said sums shall be paid at any time that the City has disconnected and / or reconnected service.
- b) Said sums shall be paid at any time that the City has disconnected / reconnected service due to non-payment of the customer's water and/or sewer bill.  
(Ord. No. 2015-5, Sec. 1.)
- K. **Pulled meter charge** In the event the city shall pull the water meter from any person's residential unit or commercial or industrial establishment, such person shall pay a charge of \$53.00. (Ord. No. 2014-18, Sec. 7.)
- L. **Payment** The fees and charges as hereinabove set out are due and payable as follows:



- (a) Meter installation charge - due and payable prior to installation and setting of meter.
  - (b) Deposits - due and payable prior to turning water on.
  - (c) In addition to the various charges and fees applicable, every person shall pay the applicable state and local sales taxes thereon, if any. (Ord. No. 2014-18, Sec. 8)
- M. **Refund of deposit** The City shall refund to any person, the deposit paid by such person upon the termination of water service, less such persons outstanding bill for water and/or sewer services, penalties, reconnection fees and taxes if applicable, if any, thereon. (Ord. No. 2014-18, Sec. 9)
- N. **Segregation of fees** The sum of \$250.00 out of each such fee collected under this ordinance shall be placed in a special account designated as the "Water Expansion Account", and the funds deposited therein shall be used solely and exclusively to expand the city's water system. (Ord. No. 2014-18, Sec. 10)
- O. **Definitions** The following terms, words and phrases, as used in this ordinance, shall have the following meaning, unless the context hereof clearly requires otherwise, and the singular shall include the plural and vice-versa, and the masculine shall include the feminine and vice-versa.
 

**City** shall mean the city of Mountain Home, Arkansas.

**Person** shall mean a person, firm, partnership, association, corporation or venture. (Ord. No. 2014-15, Sec. 11.)
- P. **Effective date** The charges and fees set hereinabove shall be in full force and effect on and after January 1, 2008. (Ord. No. 2007-35, Sec. 12.)
- Q. **Lock tamper fee/charge**
  - 1. A lock tamper fee/charge of \$200.00, plus the actual cost of replacement of lock, meter lid, meter, valve, setter or etc. shall be imposed if damaged and/or removed for, not limited to, the following reasons:
    - a. In the event that a water meter has been locked to disconnect water service for any reason.
    - b. In the event that a customer unlocks a meter to restore service that has been disconnected for any reason.
    - c. In the event that a new customer, not on the system, unlocks a meter to gain water service for any reason.

2. All fees and charges incurred will be due and payable by the customer prior to service being restored. (Ord. No. 2008-9, Sec. 1.)

**10.08.03 Sewer rates** That Ordinance No. 2022-19 and any other ordinance concerning rates charged for sewer service by the City of Mountain Home, Arkansas shall specifically be amended by the rates set forth in this ordinance. All provisions of said previous ordinances shall remain in full force unless specifically changed by the terms of this ordinance.

- (a) That the City hereby established the rates to be charged for services furnished by the Sewer System; which the City Council finds and declares to be fair, reasonable and necessary, to be charged to all users who contribute wastewater to the Sewer System. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the Sewer System, including replacement (“OM&R”). (Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed). (Ord. No. 2023-11, Sec. 1)

**Minimum User Charges** – The minimum monthly charge for 2,000 gallons per **residential user** of the Sewer System is comprised of and includes OM&R, Debt Service and an Administration Charge. The minimum monthly charge is as follows:

<b><u>Meter Size</u></b>	<b><u>Minimum Bill</u></b>
¾”	\$ 22.11
1”	\$ 31.04

(Ord. No. 2023-11, Sec. 2)

- (b) All **residential users** of the Sewer System shall be charged monthly \$4.12 per 1,000 gallons of metered water consumption. (Ord. No. 2023-11, Sec. 2)
- (c) The minimum monthly charge for 2,000 gallons per **commercial and industrial users** of the Sewer System is comprised of and includes OM&R, Debt Service and an Administration Charge. The minimum monthly charge is as follows:

<b><u>Meter Size</u></b>	<b><u>Minimum Bill</u></b>
¾”	\$ 32.93
1”	\$ 48.25
1 ½”	\$ 82.68
2”	\$ 134.94
3”	\$ 282.86
4”	\$ 494.52
6”	\$ 1,081.08
8”	\$ 1,909.90

(Ord. No. 2023-11, Sec. 2)

**All commercial and industrial users** of the Sewer System shall be charged monthly \$4.12 per 1,000 gallons of metered water consumption.

- (d) The minimum monthly charge for 2,000 gallons per **Baxter County Industrial Park user** of the Sewer System is comprised of and includes OM&R, Debt Service and an Administration Charge. The minimum monthly charge is as follows:

<b><u>Meter Size</u></b>	<b><u>Minimum Bill</u></b>
¾"	\$ 47.20
1"	\$ 62.51
1 ½"	\$ 96.91
2"	\$ 149.20

(Ord. No. 2023-11, Sec. 2)

**All Baxter County Industrial Park users** of the Sewer System shall be charged monthly \$5.97 per 1,000 gallons. (Ord. No. 2023-11, Sec. 2)

- (e) **Tapping Fee** That there shall be a tapping fee in an amount established by the City for every customer who connects to the Sewer System. (Ord. No. 2023-11, Sec. 2)
- (f) None of the facilities or services afforded by the Sewer System shall be furnished without a charge being made therefore. (Ord. No. 2023-11, Sec. 2)

### **Special Application**

- (a) **Sewer** – There shall be no connection to the City's sanitary sewer system that is not physically located within the corporate limits of the City. (Ord. No. 2023-11, Sec. 3)

That a financial management system shall be established and maintained by the City to document compliance with federal regulations pertaining to the bonds. Such system will account for all revenues generated and expenditures for OM&R. (Ord. No. 2023-11, Sec. 4)

The schedule of charges as described above in section 2 shall be indexed at the first part of February of each year by the amount of increase in the (CPI) Consumer Price index for the preceding annual year January – December and will affect sewer used after February 15<sup>th</sup> of each year. The CPI percentage rate that will be used each year will be at the Arkansas Rate (The South Region) for water/sewer. The CPI rate adjustment will be accepted, declined, or modified as determined by the Council before it is applied each year. A copy of the revised rates will be available at all times at the water/sewer department office.

- (a) The City will continuously monitor the revenues of the Sewer System, including specifically the adequacy of its rates and delinquent billings, and will take appropriate steps to remedy any delinquent billings or inadequacy of rates. The City will make a full review annually of the rates and charges of the Sewer System.
- (b) The City shall at all times fix, charge and collect rates and charges for services furnished by the Sewer System, including increasing rates and charges as necessary, which shall provide revenues sufficient to at least: (1) pay the City's annual costs of OM&R; (2) pay annual debt service, and (3) provide the necessary bond coverage. (Ord. No. 2023-11, Sec. 5)

That the user charge system for the Sewer System shall take precedence over any terms or conditions of agreements or contracts between the City and any of the users which are inconsistent with applicable federal regulations regarding such user charge systems. (Ord. No. 2023-11, Sec. 6)

That all Ordinances and Resolutions and parts thereof in conflict hereby repealed to the extent of such conflict. (Ord. No. 2023-11, Sec. 8)

### **Effective Date**

This ordinance shall be in full force and effect 30 days after passage. (Ord. No. 2023-11, Sec. 9)

10.08.14 Fees for building sewers

- A. The owner or his/her agent shall make application to the Water and Sewer Department. The hook-up application shall be supplemented by any plans, specification, or other information considered pertinent in the judgment of the Director of Water and Wastewater Services. A hook-up fee based on the size of water meter serving property shall be paid to the Water and Sewer Department. When the application is complete, and all fees associated with the hook-up have been paid, the City Plumbing Inspector may issue permission to hook-up. Hook-up fees are set as follows:
- B. Fees
- |                          |          |
|--------------------------|----------|
| 5/8 " x 3/4" water meter | \$600.00 |
| 1" water meter           | \$750.00 |
| 2" water meter           | \$900.00 |
| above 2" to 4"           | \$900.00 |
| above 4" to 6"           | \$900.00 |
| above 6" to 8"           | \$900.00 |
- (Ord. No. 2007-36, Sec. 2.)
- C.
1. Additional charges – the charges set forth hereinabove in (B) procuring the requisite permit and payment of fees as required by Ord. No. 90-31.
  2. Sewer – There shall be no connection to the city's sanitary sewer system that is not physically located within the corporate limits of the city, except as permitted in Ord. No. 92-16. (Ord. No. 2007-36, Sec. 3.)
- D. The fees collected under the terms of this ordinance shall be placed in a separate account designated as the "Sewer Expansion Account," and the funds deposited therein shall be used solely and exclusively to expand the city's sewer system. (Ord. No. 2007-36, Sec. 4.)
- E. The charges and fees set hereinabove shall be in full force and effect on and after January 1, 2008. (Ord. No. 2007-36, Sec. 5.)

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## **CHAPTER 10.12**

### **CROSS CONNECTION PROGRAM**

#### **Sections:**

10.12.01	General policy
10.12.02	Responsibility
10.12.03	Definitions
10.12.04	Requirements
10.12.05	Penalties

#### **10.12.01 General policy**

- A. To promote the elimination or control of existing cross-connections, actual or potential, between the customers in-plant potable water system(s) and non-potable water systems, plumbing fixtures, and industrial piping systems.
- B. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems. (Ord. No. 06-7, Sec. 1.)

**10.12.02 Responsibility** The Director of Water and Wastewater Services shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of said Water and Wastewater Director, an approved backflow-prevention assembly is required (at the customer's water service connection, or within the customer's private water system) for the safety of the water system, the Water and Wastewater Director or his/her designated agent shall give notice in writing to said customer to install such an approved backflow-prevention assembly(s) at specific location(s) on his/her premises. The customer shall immediately install such approved assembly(s) at his/her own expense; and failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. (Ord. No. 06-7, Sec. 2.)

#### **10.12.03 Definitions**

**Approved** Accepted by the authority responsible as meeting an applicable specification stated or cited in this ordinance or as suitable for the proposed use.

**Auxiliary water supply** Any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

**Backflow** The undesirable reversal of flow in a potable water distribution system as a result of a cross connection.

**Backpressure** A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

**Backsiphonage** Backflow caused by negative or reduced pressure in the supply piping.

**Backflow preventer** An assembly or means designed to prevent backflow.

**Air gap** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one (1) inch (25mm).

**Reduced-pressure backflow prevention assembly** The approved reduced-pressure principal backflow-prevention assembly consists of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.

**Double check valve assembly** The approved double check valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard (that is, a pollutant)

**Contamination** An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

**Cross-connection** A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any



circumstances would allow such substances to enter the potable water system. Other substances may be gasses, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter that may change the color or add odor to the water.

**Cross-connection – controlled** A connection between a potable water system and a non-potable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

**Cross-connection control by containment** The installation of an approved backflow-prevention assembly at the water service connection to any customers premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customers water system, or it shall mean the installation of an approved backflow-prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections that cannot be effectively eliminated or controlled at the point of the cross-connection.

**Director of Water and Wastewater Services or Health Official** The Director of Water and Wastewater Services, in charge of the Water And Wastewater Department of the city of Mountain Home, county of Baxter, state of Arkansas, is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

**Hazard, degree of** The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

**Hazard, health** A cross-connection or potential cross connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease, or have a high probability of causing such effects.

**Hazard, plumbing** A plumbing-type cross-connection in a consumer's potable water system that has not been properly protected by an approved air gap or an approved backflow-prevention assembly.

**Hazard, non-health** A cross-connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply.

**Hazard, system** An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

**Industrial fluids system** Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers bays, harbors, seas, irrigation canals or systems, and so forth; oils, gasses, glycerin, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial, fire-fighting purposes or other purposes.

**Pollution** The presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

**Service connection** The terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customers water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow-prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

**Water, potable** Water that is safe for human consumption as described by the public health authority having jurisdiction.

**Water, non-potable** Water that is not safe for human consumption or that is of questionable quality.

**Water, used** Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor. (Ord. No. 06-7, Sec. 3.)

#### 10.12.04 Requirements

##### **Water system**

- A. The water system shall be considered as made of two parts: the utility system and the customer system.
- B. Utility system shall consist of the source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.
- C. The source shall include all components of the facilities and utilized in the production, treatment, storage, and delivery of water to the distribution system.
- D. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.
- E. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

##### **Policy**

- A. No service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulations and this ordinance. Service of water to any premises shall be discontinued by the water purveyor if a backflow-prevention assembly required by this ordinance is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- B. The customer's system should be open for inspection at all reasonable times to authorized representatives of the city of Mountain Home Water and Wastewater Department to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the Director of Water and Wastewater Services shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

- C. An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line wherever the following conditions exist:
1. The case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Water and Sewer Commissioner, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriated to the degree of hazard.
  2. In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.
  3. In the case of premises having one (1) internal cross-connection that cannot be permanently corrected and controlled, or two (2) intricate plumbing piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.
- D. The type of protective assembly required under subsection C (1), (2) and (3) shall depend upon the degree of hazard that exists as follows:
1. In the case of any premises where there is an auxiliary water supply as stated in C(1) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure or approved reduced-pressure principal backflow-prevention assembly.
  2. In the case of any premises where there is water or 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.

3. In the case of any premises where there is any material dangerous to health that 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 air gap separation or an approved reduced-pressure principal backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.
  4. In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced-pressure principal backflow-prevention assembly at the service connection.
  5. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap separation or an approved reduced-pressure principal backflow-prevention assembly on each service to the premises.
  6. In the care of any premises where, in the opinion of the Director of Water and Wastewater Services, an undue health threat is posed because of the presence of extremely toxic substances, the Director of Water and Wastewater Services may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Director of Water and Wastewater Services and is dependent on the degree of hazard.
- E. Any backflow-prevention assembly required herein shall be a model and size approved by the Director of Water and Wastewater Services. The term approved backflow-prevention assembly shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association, titled:

AC501-89 – Standard for Double Check Valve Backflow Prevention Assembly, and AWWAC511-89 – Standard for Reduced-Pressure Principal Backflow Prevention Assembly, and have met completely the laboratory and filed performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by "Specifications of Backflow-Prevention Assemblies" – Sec. 10 of the most current issue of the Manual of Cross-Connection Control.

The Director of Water and Wastewater Service has adopted said AWWA and FCCHR Standards and Specifications. A "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA Standards and Specifications shall evidence final approval.

The Director of Water and Wastewater Services to test and certify backflow preventers has qualified the following testing laboratory:

Foundation for Cross-Connection Control and Hydraulic Research  
University of Southern California  
University Park  
Los Angeles CA 90089

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the Director of Water and Wastewater.

Backflow-preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies may be used without further testing or qualification.

- F. It shall be the duty of the customer-user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the Director of Water and Wastewater Services deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturers representative, Wastewater Department personnel, or by a certified tester approved by the Director of Water and Wastewater Services. It shall be the duty of the Director of Water and Wastewater Services. It shall be the duty of the Director of Water and Wastewater Services to see that these tests are made in a timely manner. The customer-user shall notify the Director of Water and Wastewater in advance when the tests are to be undertaken so that the customer-user may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Director of Water and Wastewater Services. Should the customer-user request that said inspections and operational tests be performed by the city of Mountain Home Wastewater Department personnel, a fee of Fifty Dollars (\$50.00) per test is hereby assessed against the customer-user with said assessment being paid to the city of Mountain Home at the time the test is performed.

- G. As a courtesy to the customer, notification will be sent with regard to the required inspection. Should the customer fail to comply within the 30-day period, the city of Mountain Home shall deem it necessary to test backflow-prevention assemblies with test cocks (reduced pressure principal, double check valves, and pressure vacuum breaker assemblies) for the purpose of assuring the potable water supply is protected. The test shall be performed at a cost of Fifty Dollars (\$50.00) and added to the customer's monthly water bill.
- H. All presently installed backflow-prevention assemblies that do not meet the requirements of this section, but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained shall, except for the inspection and maintenance requirements under subsection (F), be excluded from the requirements of these rules so long as the Director of Water and Wastewater Services I assured they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the Director of Water and Wastewater Services finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section. (Ord. No. 2006-7, Sec. 4.)

10.12.05 Penalties Any customer-user who is found to be in violation of the terms and conditions of this ordinance shall be subject to a fine of not less than Fifty Dollars (\$50.00) per day nor more than One Hundred Dollars (\$100.00) per day, with each day of violation being deemed a separate offense. (Ord. No. 2006-7, Sec. 5)

## **CHAPTER 10.16**

### **IDENTITY THEFT PREVENTION PROGRAM**

Sections:

10.16.01	Title
10.16.02	Definitions
10.16.03	Findings
10.16.04	Process of establishing a covered account
10.16.05	Access to covered account information
10.16.06	Credit card payments
10.16.07	Sources and types of red flags
10.16.08	Prevention and mitigation of identity theft

- 10.16.09 Updating the program
- 10.16.10 Program administration
- 10.16.11 Outside service providers

10.16.01 Title This article shall be known as the Identity Theft Prevention Program.

The purpose of this article is to comply with 16 CFR 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft. (Ord. No. 2009-8, Sec. 2.)

10.16.02 Definitions For purposes of this article, the following definitions apply:

**City** means the city of Mountain Home, Arkansas.

**Covered account** means

- A. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
- B. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

**Credit** means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

**Creditor** means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

**Customer** means a person that has a covered account with a creditor.

**Identity theft** means a fraud committed or attempted using identifying information of another person without authority.

**Person** means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.



**Personal Identifying Information** means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

**Red flag** means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

**Service provider** means a person that provides a service directly to the city.  
(Ord. No. 2009-8, Sec. 2.)

#### 10.16.03 Findings

- A. The city is a creditor pursuant to 16 CFR 681.2 due to its provision of maintenance of covered accounts for which payment is made in arrears.
- B. Covered accounts offered to customers for the provision of city services include water and sewer accounts, Police Department accounts and other city services falling within the definition of a covered account as defined by this ordinance.
- C. The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts have been identified as potential processes in which identity theft could occur.
- D. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
- E. The city determines that there is a moderate risk of identity theft occurring in the following ways:
  - a. Use by an applicant of another person's personal identifying information to establish a new covered account;
  - b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
  - c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;

- d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment. (Ord. No. 2009-8, Sec. 3.)

10.16.04 Process of establishing a covered account

- A. As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer which shall consist of a valid photo identification recognized by the state of Arkansas. Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.
- B. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs. (Ord. No. 2009-8, Sec. 4.)

10.16.05 Access to covered account information

- A. Access to customer accounts shall be password-protected and shall be limited to authorized city personnel.
- B. Such password(s) shall be changed by the Department Director on a regular basis, shall be at least eight (8) characters in length and shall contain letters, numbers and symbols.
- C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Mayor or Department Director, depending upon which is responsible, and the password changed immediately.
- D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Mayor and the Department Director, depending upon who is responsible. (Ord. No. 2009-8, Sec. 5.)

10.16.06 Credit card payments

- A. In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

- B. All credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.
- C. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account. (Ord. No. 2009-8, Sec. 6.)

10.16.07 Sources and types of red flags All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- A. Alerts from consumer reporting agencies, fraud detection agencies or service providers Examples of alerts include, but are not limited to:
  - 1. A fraud or active duty alert that is included with a consumer report;
  - 2. A notice of credit freeze in response to a request for a consumer report;
  - 3. A notice of address discrepancy provided by a consumer reporting agency;
  - 4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
    - a. A recent and significant increase in the volume of inquiries;
    - b. An unusual number of recently established credit relationships;
    - c. A material change in the use of credit, especially with respect to recently established credit relationships; or
    - d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
- B. Suspicious documents Examples of suspicious documents include:
  - 1. Documents provided for identification that appear to be altered or forged;
  - 2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;

3. Identification on which the information is inconsistent with information provided by the applicant or customer;
4. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
5. An application that appears to have been altered or forged or appears to have been destroyed and reassembled.

C. Suspicious personal identification, such as suspicious address change Examples of suspicious identifying information include:

1. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
  - a. The address does not match any address in the consumer report; or
  - b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
3. Personal identifying information or a phone number, or address, is associated with known fraudulent applications or activities, as indicated by internal or third-party sources used by the financial institution or creditor.
4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
5. The SSN provided is the same as that submitted by other applicants or customers.
6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

7. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
8. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

D. Unusual use of or suspicious activity relating to a covered account Examples of suspicious activity include:

1. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example: The customer fails to make the first payment or makes an initial payment but no subsequent payments.
3. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
  - a. Non-payment when there is no history of late or missed payments;
  - b. A material change in purchasing or spending patterns.
4. An account that has been inactive for a long period of time is not used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
6. The city is notified that the customer is not receiving paper account statements.
7. The city is notified of unauthorized charges or transactions in connection with a customer's account.

8. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

- E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts (Ord. No. 2009-8, Sec. 7.)

#### 10.16.08 Prevention and mitigation of identity theft

- A. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft of attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Department Director. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Department Director, who may in his or her discretion determine that no further action is necessary. If the Department Director, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Department Director:
  1. Contact the customer;
  2. Make the following changes to the account if after contacting the customer it is apparent that someone other than the customer has accessed the customer's covered account:
    - a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
    - b. Close the account.
  3. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;

4. Notify a debt collector within twenty-four (24) hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
  5. Notify law enforcement in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
  6. Take other appropriate action to prevent or mitigate identity theft.
- B. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Department Director. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Department Director who may, in his or her discretion, determine that no further action is necessary. If the Department Director, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Department Director:
1. Request additional identifying information from the applicant;
  2. Deny the application for the new account;
  3. Notify law enforcement of possible identity theft; or
  4. Take other appropriate action to prevent or mitigate identity theft.  
(Ord. No. 2009-8, Sec. 8.)

10.16.09 Updating the program The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:

- A. The city's experiences with identity theft;
- B. Updates in methods of identity theft;
- C. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- D. Updates in the types of accounts that the city offers or maintains; and
- E. Updates in service provider arrangements.  
(Ord. No. 2009-8, Sec. 09.)

10.16.10 Program administration The director of each department is responsible for oversight of the program and for program implementation. The Mayor is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration by the Council.

- A. The Department Director will report to the Mayor at least annually on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issued such as:
  - 1. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
  - 2. Service provider arrangements;
  - 3. Significant incidents involving identity theft and management's response; and
  - 4. Recommendations for material changes to the program.
- B. The Department Director is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Department Director shall exercise his or her discretion in determining the amount and substance of training necessary. (Ord. No. 2009-8, Sec. 10.)

10.16.11 Outside service providers In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the Department Director



shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

- A. Pursuant to 16 CFR 681.1, the purpose of this ordinance is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.

- B. Definitions For purposes of this article, the following definitions apply:

**Notice of address discrepancy** means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. 1681©(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

**City** means city of Mountain Home, Arkansas.

- C. Policy In the event that the city receives a notice of address discrepancy the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

1. Compare the information in the consumer report with:
  - a. Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. 5318(1);
  - b. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
  - c. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
2. Verify the information in the consumer report with the consumer.

D. Furnishing consumer's address to Consumer Reporting Agency

1. In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
  - a. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
  - b. The city establishes a continuing relation with the consumer; and
  - c. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
2. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.

E. Methods of confirming consumer addresses The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

1. Verifying the address with the consumer;
2. Reviewing the city's records to verify the consumer's address;
3. Verifying the address through third party sources; or
4. Using other reasonable processes.  
(Ord. No. 2009-8, Sec. 11.)