CITY OF MULBERRY
SEWER USE ORDINANCE

ORDINANCE NO. 2016-02

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF MULBERRY, COUNTY OF CRAWFORD, STATE OF ARKANSAS AS FOLLOWS:

ARTICLE 1

Definitions

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

Section 1. Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at 20°C, expressed in milligrams per liter.

Section 2. "Building" shall mean residential, commercial, industrial, and institutional structures which enclose a source of wastewater.

Section 3. "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 (1.5 meters) outside the inner face of the building wall.

Section 4. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Section 5. "Easement" shall mean an acquired legal right for the specific use of land owned by others.

Section 6. "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 treated and the wastewater does not interfere otherwise with the collection system.

Section 7. "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Section 8. "Industrial Wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Section 9. "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows that discharge into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Section 10. "May" is permissive (see "shall," Section 17).

Section 11. "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. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of10^{-7}.

Section 12. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, and dispersion of food 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 (1.27 centimeters) in any direction.

Section 13. "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.

Section 14. "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.

Section 15. "Sewage" is the spent water of a community. The preferred term is "wastewater," see Section 23.

Section 16. "Sewer" shall mean a pipe or conduit that carries wastewater.

Section 17. "Shall" is mandatory (see "May" Section 10).

Section 18. "Slug" shall mean any discharge of waste or wastewater which in concentration of any given constituent or in quantity of flow exceeds for fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

Section 19. "Storm Drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Section 20. "Superintendent" shall mean the Superintendent of wastewater facilities of the City of Mulberry, or his authorized deputy, agent or representative. "Superintendent" may also be interchanged with "Director of Public Works"

Section 21. "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" and referred to as non-filterable residue.

Section 22. "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 23. "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, commercial buildings, industrial plants and institutions.

Section 24. "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.

Section 25. "Wastewater Treatment Works" 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 treatment plant" or "water pollution control plant."

Section 26. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II

Use of Public Sewers Required

Section 1. It shall be unlawful for any person to place, deposit or permit to be deposited on public or private property with the city of Mulberry or in any area under the jurisdiction of said City, any human or animal excrement, garbage or objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within the City of Mulberry or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit

covering such discharges into a natural outlet shall be considered as meeting all requirements of this section.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool or other facility intended or used for disposal of wastewater.

Section 4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City is hereby required at the expense of the owner(s) to install suitable toilet facilities therein, and to connect such facilities either through a septic tank or directly to the proper public sewer in accordance with the provisions of this ordinance, within 30 days after date of official notice to do so, provided that said public sewer in within 300 feet of the building.

ARTICLE III

Private Wastewater Disposal

Section 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

Section 2. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and construction permits approved by the Arkansas Department of Health. The minimum lot area for a single-family residence shall be in accordance with current Arkansas Department of Health regulations. A permit and inspection fee of $30.00 dollars shall be paid to the City at the time the application is filed.

Section 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

Section 4. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations approved by the Arkansas

Department of Health. No septic tank shall be permitted to discharge to any natural outlet.

Section 5. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article II, Section 4, a direct connection from the building, or the septic tank, shall be made to the public sewer within 30 days in compliance with this ordinance. The requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid Natural Pollution Discharge Elimination System permit.

Section 6. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

Section 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian/Health Officer.

ARTICLE IV

Building Sewers and Connections

Section 1. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Section 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of $30.00 dollars for residential and commercial permits and $50.00 dollars for industrial permits shall be paid to the City at the time the application is filed.

Section 3. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveways. The front

building sewer may be extended to the rear building and the whole considered as a one building sewer.

Section 5. Old building sewers may be used in connection with new building only when they are found, on examination, and tested by the Superintendent, to meet all requirements of this ordinance.

Section 6. All new sewers and related construction work must be properly designed and constructed. For all collectors, interceptors, building sewers and septic tanks the size, slope, alignment, material of construction and the methods used for excavating, placing, jointing, testing and backfilling, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations for the City and the State of Arkansas. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. 9 shall apply.

Section 7. 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.

Section 8. No person(s) shall make connection of roof downspouts, foundation drains, area 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.

Section 9. All connection into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and shall be verified by proper testing.

Section 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer (and septic tank if applicable) is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

Section 11. All excavations for building sewer installation shall be adequately guarded with barricades and warning 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.

Section 12. Any person responsible for discharges through a building sewer carrying industrial wastes shall, at its own expense:

a) Install a control manhole in a safe and accessible location;
b) Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste;
c) Maintain the equipment and facilities.

Such control manhole, meters and other monitoring appurtenances shall be lockable and accessible by the City.

ARTICLE V

Use of the Public Sewers

Section 1. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, or subsurface drainage to any sanitary sewer.

Section 2. Stormwater 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 City.

Section 3. No persons(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a) Any gasoline, benzene, naphtha fuel oil, or other flammable or explosive liquid, solid or gas.
b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, which injure, interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
c) Any waters or wastes having a pH lower than 6.0 or in excess of 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, plant stems, hulls, leaves, ashes, wax, paraffin, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, asphalt residues, wood, ungrounded garbage, cloth or paper towels, sanitary napkins, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, egg shells, etc., either whole or ground by garbage grinders.

e) No substance will be added which would preclude the selection of the most cost effective alternative for wastewater treatment and sludge disposal.

Section 4. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limbs, public property, or constitute a nuisance.

The Superintendent may set limitations more stringent than the limitations established in the regulations below if in his opinion such limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The following limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewer which shall not be exceeded without prior approval of the Superintendent:

a) Any liquids or vapor having a temperature higher than one hundred four (104) degrees F (40°C);
b) Any water or waste containing fats, wax, grease or oils, in excess of fifty(50) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two(32) and one hundred four(104) degrees F (00 a° 40°C);
c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.56 KW) or greater, shall be subject to the review and approval of the City.
d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not, which are capable of causing damage or corrosion in the sewers or the sewage treatment plant or interfering with the sewer treatment process.
e) Any waters or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.
f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies or jurisdictions for such discharge to the receiving waters.

g) Any radioactive wastes or isotopes of which exhibit a half-life or concentration that may exceed limits established by the City in compliance with applicable State or Federal regulations.

h) Materials which exert or cause:
   (1) Unusual concentrations of inert suspended solids (such as, but not limited to, diatomaceous earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
   (2) Excessive discoloration (such as, but not limited to ; paint, dye wastes and vegetable tanning solutions); and
   (3) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

i) Any waters or wastes containing concentration of materials, elements and/or compounds, soluble or insoluble, that may be harmful to the wastewater treatment facilities, the receiving stream and/or the environment.

j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

k) Specific toxic materials and heavy metals which constitute an immediate or cumulative hazard to humans, animals and aquatic life. Dilution of such materials in lieu of treatment (removal) is not an acceptable policy.

Section 5. No person shall discharge or cause to be discharged materials which exert or cause BOD in excess of 250 mg/l, suspended solids in excess of 250 mg/l or oil and grease in excess of 50 mg/l without prior approval of the Superintendent and without paying a surcharge for the additional strength of the wastes.

Section 6. The storage of any material in areas draining into the city sewer which may create a hazard to the sewage works or treatment processes, or constitute a hazard to human beings or animals, or the receiving stream, shall be subject to review by the Superintendent. He may require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.

Section 7. If any water or wastes contain the substances or possess the characteristics enumerated in Section 4 of this Article, and in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, receiving water, or otherwise may create a hazard to life or constitute a public nuisance are discharged, or are proposed to be discharged to the public sewers, the City may;

a) Reject the wastes;
b) Require pretreatment to an acceptable condition for discharge to the public sewers in accordance with an approved implementation schedule; and/or
c) Require control over the quantities and rates of discharge. If the City permits the pretreatment or equalization of waste flows, the design installation of the plants and equipment shall be subject to requirements of all applicable codes ordinances and laws, and U.S. Environmental Protection Agency guidelines for pretreatment; and/or
d) Require that a wastewater effluent retention basin be provided of adequate volume to insure that slugs of concentrated pollutants are not discharged into the public sewer. If the City requires the retention of wastewater effluent, the design and installation of the retention basin shall be subject to the review and approval of the City.

Section 8. Grease, oil and said interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any flammable wastes, sand, mud, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be readily and easily accessible for cleaning and inspection.

Section 9. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.

Section 10. When directed to do so by the City, the owner of any property discharging industrial wastes shall have a qualified testing laboratory collect a representative sample of the industrial wastewater and have the appropriate physical, chemical, and biological tests performed on this sample. Qualified testing laboratories selected by the owner shall be acceptable to the City. The purpose of such tests shall be to determine the conformance of the wastewater characteristics to this ordinance. A report shall be made in writing to the City by the laboratory stating the results of the test. Required sampling and testing shall be performed in accordance with the provisions of Section 11 of this Article.

Section 11. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. The sample shall be taken at the control manhole, and sampling shall be carried out by customarily accepted methods to

reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

ARTICLE V

Protection from Damage

Section 1. No peron(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities.

Section 2. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.

Section 3. No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Superintendent.

ARTICLE VII

Powers and Authority of Inspectors

Section 1. The Superintendent and authorized employees bearing proper credentials shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industrial processes beyond that point having a direct bearing on the kind and source of discharge.

Section 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or authorized employees shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the City employees. The City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 10.

Section 3. The Superintendent and authorized employees bearing proper credentials shall be permitted to enter all private properties through which the City holds a negotiated easement for the purpose of, but not limited to;

inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII

Penalties

Section 1. Any person found to be violating any provision of this Ordinance except Article VI, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article, and/or any person who shall be found to be violating the provisions of Article VI of this Ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not more than $500.00 for each violation, or double that sum for each repetition of such offense or violation, and if the act is continuous in nature, any sum not more than $100.00 for each day that the same shall be unlawfully continued.

Section 3. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

Section 4. In cases of repeated violations, the City may revoke the permission for discharge of wastes into the sewer system and effect the discontinuation of water service, sewer service, or both.

ARTICLE IX

Validity

Section 1. All Ordinance and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 2. Should any portion of this Ordinance be unconstitutional or invalid and so declared by a court of competent jurisdiction, then the remainder of this Ordinance, and any remaining applications of this Ordinance, shall not be affected by such partial unconstitutionality or invalidity.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY, 2016

APPROVED:

Gary D. Baxter, Mayor

ATTEST:

Jerry Dickerson, City Recorder/Treasurer