

TITLE 10

UTILITIES

Chapters:

- 10.04 Sewer Regulations
- 10.08 Sewer Commission
- 10.12 Sewer Rates
- 10.13 Wastewater Maintenance
- 10.16 Water Department
- 10.20 Water Rates and Fees
- 10.24 Wellhead Protection
- 10.28 Cross-Connection Control
- 10.32 Identity Theft Prevention Program
- 10.36 Amendments to Identity Theft Prevention Program

CHAPTER 10.04

SEWER REGULATIONS

Sections:

- 10.04.01 Definitions
- 10.04.02 Use of public sewers required
- 10.04.03 Private sewage disposal system
- 10.04.04 Building sewers and connections
- 10.04.05 Use of public sewers
- 10.04.06 Protection from damage
- 10.04.07 Power and authority of Superintendent
- 10.04.08 Penalty for violation
- 10.04.09 Joint sewer contract

10.04.01 Definitions Unless the context specifically indicates otherwise, the meaning of the terms used shall be as follows:

BOD (denoting 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.

Building shall mean residential and commercial structures, which enclose a source of wastewater.

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.

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

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

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

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

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

May is permissive.

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

pH shall mean the logarithm of the reciprocal of the weight of 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 of 10^{-7} .

Properly shredded garbage shall mean the wastes from the preparation, cooking, and dispensing of food that has 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 one-half inch in any dimension.

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

Sanitary sewer shall mean a sewer which 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 is the spent water of a community. The preferred term is wastewater.

Sewer shall mean a pipe or conduit that carries wastewater.

Shall is mandatory.

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.

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

Superintendent shall mean the superintendent of the wastewater facilities of the city of Cotter, or his authorized deputy, agent or representative.

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.

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.

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.

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 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.”

Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. No. 2001-3, Art. 1)

10.04.02 Use of public sewers required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city of Cotter or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

- B. It shall be unlawful to discharge to any natural outlet within the city of Cotter or in any area under the jurisdiction of the 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.
- C. Except as hereinafter provided, 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 wastewater.
- D. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, 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 with the proper public sewer in accordance with the provisions of this chapter, within thirty (30) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of the building. (Ord. No. 2001-3, Art. II.)

10.04.03 Private sewage disposal system

- A. Where a public sanitary sewer is not available under the provisions of 10.04.02, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.
- B. 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 Thirty-Five Dollars (\$35.00) shall be paid to the city at the time the application is filed.
- C. 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 forty-eight (48) hours of the receipt of notice by the Superintendent.

- D. 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.
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in 10.04.02, a direct connection from the building or the septic tank shall be made to the public sewer within thirty (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 National Pollution Discharge Elimination System permit.
- F. 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.
- G. No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian.
(Ord. No. 2001-3, Art. III.)

10.04.04 Building sewers and connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereon without first obtaining a written permit from the Superintendent.
- B. 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 Thirty-Five Dollars (\$35.00) for a residential or commercial permits and Seventy Dollars (\$70.00) for industrial building permits shall be paid to the city at the time the application is filed.
- C. 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.
- D. 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 driveway. The building sewer from the front

building may extend to the rear building and the whole considered as one building sewer.

- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent, to meet all requirements of this ordinance.
- F. 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 of 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 Civil Engineers (ASCE) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply.
- G. 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.
- H. No person(s) shall make connection of roof downspouts, exterior 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.
- I. The connection of the building sewer 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 ASCE and the WEF Manual of Practice No. FD-5. All such connections shall be made gas-tight and watertight and shall be verified by proper testing.
- J. 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.
- K. 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.

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

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

Such control manhole, meters, and other monitoring appurtenances shall be lockable, and accessible by the city. (Ord. No. 2001-3, Art. IV.)

10.04.05 Use of public sewers

A. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

B. 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.

C. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids, or gas;
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or 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.
3. Any water 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;
4. 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, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and

fleshings, entrails and paper dishes, cups, milk containers, egg shells, etc., either whole or ground by garbage grinders.

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

- D. 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, limb, 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:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (sixty-five (65) degrees C);
2. Any water or wastes 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 fifty (150) degrees F (0 to sixty-five 65 degrees C);
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.56 kw) or greater shall be subject to the review and approval of the city;
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not, which are capable of causing damage or corrosion in the sewers or the sewage treatment plant or interfering with the sewage treatment process;
5. Any waters or wastes exerting an excessive chlorine requirement, to such 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;

6. Any waters or wastes containing phenols or other taste or odor producing substances in such concentration 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 of jurisdiction for such discharge to the receiving waters;
 7. Any radioactive wastes or isotopes of which exhibit a half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;
 8. Materials which assert or cause:
 - a. Unusual concentration 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).
 - b. Excessive discoloration (such as but not limited to paint, dye, wastes and vegetable tanning solutions).
 - c. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein; and
 9. Waters or wastes containing concentrations 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.
 10. 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 water.
 11. 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.
- E. 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.

- F. 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 being 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.
- G. If any waters or wastes contain the substances or possess the characteristics enumerated in 10.04.04 of this article, and in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise 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:
1. reject the wastes;
 2. require pretreatment of an acceptable condition for discharge to the public sewers in accordance with an approved implementation schedule; and/or
 3. require control over the quantities and rates of discharge, if the city permits the pretreatment or equalization of waste flows, the design and 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
 4. 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.
- H. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- I. 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 expense.
- J. 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 tests. Required sampling and testing shall be performed in accordance with the provisions of 10.04.02 of this article.

- K. All measurements, tests, and analysis 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. (Ord. No. 2001-3, Art. V.)

10.04.06 Protection from damage

- A. No unauthorized person(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.
- B. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise renders it inaccessible.
- C. 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. (Ord. No. 2001-3, Art. VI.)

10.04.07 Power and authority of Superintendent

- A. The Superintendent and other duly authorized employees bearing proper credentials and identification, 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.
- B. While performing the necessary work on private properties referred to in part A. above, the Superintendent or duly 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 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 10.04.05.

- C. The Superintendent and authorized employees bearing proper credentials shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurements, 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. (Ord. No. 2001-3, Art. VII)

10.04.08 Penalty for violation

- A. Any person found to be violating any provision of this ordinance except Section 10.04.07 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.
- B. Any person who shall continue any violation beyond the time limit provided for in part A. of this article, and/or any person who shall be found to be violating the provisions of 10.04.06 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not more than One Hundred Dollars (\$100.00) for each violation or double that sum for each repetition of such offense or violation, and if the act is continuous in nature, in any sum not more than One Hundred Dollars (\$100.00) for each day that the same shall be unlawfully continued.
- C. Any person violating any of the provisions of this chapter shall become liable to the city for any expenses, loss or damage occasioned the city by reason of such violation.
- D. 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. (Ord. No. 2001-3, Art. VIII.)

10.04.09 Joint sewer contract

- A. Whenever easements are refused across any real property which are necessary for public use in the construction of said sewer system and in the public interest for said purpose, that the acquisition of the land necessary for such purpose by eminent domain is found and declared to be necessary for the public use and in the construction of said sewer system.
- B. The City Attorney of the city of Cotter, Arkansas, be, and she hereby is, authorized and directed to take all steps necessary for such acquisition whenever she cannot obtain the necessary easements for said sewer lines; and, further, that she be, and she hereby is, authorized and directed to act jointly with the City Attorney for the city of Gassville, Arkansas, in taking all steps necessary for such acquisition when such acquisition is for the construction of the joint sewer system and to take any and all steps necessary for such acquisition on behalf of the city of Cotter, Arkansas, when such acquisition is for the construction of sewer lines within the service area of the city of Cotter, Arkansas; and that all steps heretofore taken by the City Attorney in connection with eminent domain proceedings for easements be, and they hereby are, approved. (Ord. No. 76-5, Secs. 1-2.)

CHAPTER 10.08

SEWER COMMISSION

Sections:

10.08.01	Established
10.08.02	Authority
10.08.03	Rules and Regulations
10.08.04	Posting
10.08.05	Validity
10.08.06	Fine

10.08.01 Established The Board of Sewer Commissioners shall have charge of the operation of the Sewer Treatment Facility as set forth in Interlocal Cooperation Agreement between the cities dated February 19, 1975 and recorded in the office of the Circuit Clerk and ex-officio Recorder of Baxter County, Arkansas, on February 21, 1975, in Book S on page 55 thereof. (Ord. No. 77-3, Sec. 1.)

10.08.02 Authority In order to provide flexibility and easily changed or amended standard operating policies, procedures and schedules of charges for various services provided

by the Sewer Treatment Facility, there is herein created the authority for the Board of Sewer Commissioners to prepare written Rule and Regulations governing its operations, policies, procedures, and standard charges for various services other than the sewer charge which shall be established by the then current monthly sewer rate schedule of each individual city for itself. (Ord. No. 77-3, Sec. 2.)

10.08.03 Rules and Regulations These proposed Rules and Regulations shall be presented to the City Councils of both cities for their consideration, ratification and approval by resolution of each City Council. After said approval and adoption by both City Councils, these Rules and Regulations shall provide the guidelines and policies of the Board of Sewer Commissioners until such time as they may be amended, changed removed or expanded by further resolution approving subsequent Rules and Regulations as may thereafter be issued under the authority of the ordinance. (Ord. No. 77-3, Sec. 3.)

10.08.04 Posting Such Rules and Regulations as may be approved by both the City Councils as set out in 10.08.03 above shall have the full force, effect and legal status as this authorizing ordinance. The Rules and Regulations adopted shall be posted in each city at the City Hall and at such other public places as the City Council may determine. In addition copies thereof shall be furnished to every plumber, builder, developer or real estate office located in the cities or doing business in the cities. (Ord. No. 77-3, Sec. 4.)

10.08.05 Validity The provisions of this ordinance are separable and if any part hereof shall be held to be invalid, such determination shall not affect the validity of the remainder of this ordinance, it being the intention of this ordinance and the subsequent Rules and Regulations issued hereunder that they shall not be more permissive, nor less restrictive, than the conditions or policies contained in currently enacted bond ordinances, rate ordinances, or loan conditions passed by the cities. (Ord. No. 77-3, Sec. 5.)

10.08.06 Fine Any person, firm, group, or corporation held to be in violation of this ordinance or its authorized Rules and Regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount of not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00); and that each day that said violation continues shall be considered a separate offense. (Ord. No. 77-3, Sec. 6.)

CHAPTER 10.12

SEWER RATES

Sections:

- | | |
|----------|----------------------------|
| 10.12.01 | Sewer rates |
| 10.12.02 | Excessive strength charges |

10.12.03	Charges for extraneous flows
10.12.04	Toxic pollutants charges
10.12.05	Debt service
10.12.06	Administration costs
10.12.07	Total user charge per 1,000 gallons
10.12.08	Billing
10.12.09	Records
10.12.10	Review and revision
10.12.11	Notification
10.12.12	User request for review
10.12.13	Review of request

10.12.01 Sewer rates The City hereby establishes as rates, to be charged for sewer services furnished by the City's system, which the City Council finds and declares to be reasonable and necessary, to be charged to all users who contribute wastewater to the Cotter/Gassville Treatment works. The proceeds of such charges so derived will be used for the purpose of operation and maintaining, including replacement (OM&R), the public wastewater treatment works. (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.)

All users of the municipality owned wastewater treatment system shall be charged \$6.48 per 1000 gallons of metered consumption for the operation and maintenance including future replacement. In the case of users not on a metered basis, the utility superintendent shall establish water consumption based on a comparison of the non-metered users with a metered user of a similar class. Example: a non-metered family of four will be compared to a typical family of four with a water meter to establish water consumption.

All sewer users shall be classified by the city of Cotter as residential, commercial or industrial.

User Charge Methodology:

Total annual OM&R cost in 1000 gallons = \$6.48

Total User Charge – Per 1000 gallons and Beyond First 1000 = OM&R for 1000 gallons+ Debt + Reserves = \$6.48
(Ord. No. 2019-02, Sec. 1.)

10.12.02 Excessive strength charges For any user, when the BOD exceeds *250 mn/1, the suspended solids exceed 250 mg/1, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

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

C_s = a surcharge for wastewaters of excessive strength.

B_c = Operation and Maintenance (O&M) cost for treatment of a unit of BOD.

B = concentration of BOD from a user above a base level.

S_c = O&M cost for treatment of a unit of SS.

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

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

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

V_u = Volume contribution from a user per unit of time.

*Maximum limit for average domestic waste.

(Ord. No. 2001-4, Art. I, Sec. 2.)

10.12.03 Charges for extraneous flows The costs of O&M for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as O&M charges. (Ord. No. 2001-4, Art. I, Sec. 3.)

10.12.04 Toxic pollutants charges Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs. (Ord. No. 2001-4, Art. I, Sec. 4.)

10.12.05 Debt service -0-

Annual debt service to be fully funded by 1% sales tax. (Ord. No. 2001-4, Art. I, Sec. 5.)

10.12.06 Administrative costs

Admin costs / No. 1,000 sold = \$11,185 / 24,013 = \$.46

(Ord. No. 2001-4, Art. I, Sec. 6.)

10.12.07 Total user charge per 1,000 gallons

Minimum bill per user = OM&R for 1,000 gal. + Deb service + Admin. Charge

\$4.55 = \$4.09 + \$0 + \$.46

Total user charge – per 1,000 gallons, beyond first 1,000 = OM&R for 1,000 gal. + Debt service

\$4.09 = \$4.09 + \$0

(Ord. No. 2001-4, Art. I, Sec. 7.)

10.12.08 Billing Users of the system will be billed on a monthly basis with payment due ten (10) days after the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users of the wastewater system not on metered water service will be billed monthly on an individual notice for wastewater service at the rate established by the utility. Users with delinquent accounts of 11 days will be notified in writing by the utility where, during which hours of the day, and before whom disputed bills appropriately may be considered.

If the user waives the opportunity to be heard, the water and/or wastewater services will be discontinued until such bill is paid. (Ord. No. 2001-4, Art. I, Sec. 8.)

10.12.09 Records A financial management system shall be established and maintained by the city of Cotter to document compliance with federal regulations pertaining to the revolving load. The system will account for all revenues generated and expenditures for operation and maintenance and replacement. (Ord. No. 2001-4, Art. I, Sec. 9.)

10.12.10 Review and revision The Mayor of Cotter will review the user charges at least annually and recommend to the City Council the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation, maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement cost among users and user classes. (Ord. No. 2019-02, Sec. 2.1.)

10.12.11 Notification Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment. Cost shall be broken down to show the operation and maintenance cost attributable to that user. (Ord. No. 2019-02, Sec. 2.2.)

10.12.12 User request for review Any user who feels his user charge is unjust and inequitable may make written application to the Cotter Water Department requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. (Ord. No. 2001-4, Art. III, Sec. 1.)

10.12.13 Review of request Review of the request shall be made by the Mayor and Cotter Water Department and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period. (Ord. No. 2001-4, Art. III, Sec. 2.)

CHAPTER 10.13

WASTEWATER MAINTENENCE

Sections:

- 10.13.01 Property owner's responsibilities
- 10.13.02 Written notice
- 10.13.03 Notice contents
- 10.13.04 Completion time requirements

10.13.01 Property owner's responsibilities It is the property owner's responsibility to maintain the sewer line on their property, and this ordinance does not mitigate that responsibility but provides a convenient means for the property owner to cause repairs to be made to their sewer line. (Ord. No. 2015-04, Sec. 1.)

10.13.02 Written notice When the Cities' Sewer Line Crew locates a breach in the collection system, the Line Crew Foreman will issue a written notice to be submitted to the property owner or the property owner's legal agent. (Ord. No. 2015-04, Sec. 2.)

10.13.03 Notice contents The notice will describe the location and nature of the breach and will also provide an offer to the owner that the Cities' Sewer Line Crew will repair the condition described, and the notice will tell the cost of the parts to make such repairs. Further the notice will require the owner or their legal agent to authorize permission for the Line Crew to work on the property, and the owner will agree to pay within thirty (30) days of the repair the price of the parts used for the repair. There will be no labor charge made by the City to the property owner. (Ord. No. 2015-04, Sec. 3.)

10.13.04 Completion time requirements The notice shall also state that if a property owner or their legal agent declines the offer of repair by the Cities' Sewer Line Crew, the owner or their legal agent declines the offer of repair by the Cities' Sewer Line Crew, the owner or their legal agent must make the repairs within thirty (30) days' notice of the needed repairs given by the Cities' Sewer Line Crew. If repairs required exceed the scope of routine, manageable and relatively minor, the Line Crew Foreman shall notify the Mayor to prompt an additional notice (letter) to the property owner or their legal agent to take immediate action to make the necessary repairs. (Ord. No. 2015-04, Sec. 4.)

CHAPTER 10.16

WATER DEPARTMENT

Sections:

10.16.01	Established
10.16.02	Rules and Regulations
10.16.03	Guidelines
10.16.04	Posting
10.16.05	Fine
10.16.06	Amendments

10.16.01 Established The city owned and operated public water facilities shall hereafter be known as the City Water Department of the city of Cotter, Arkansas. (Ord. No. 1975-174, Sec. 1.)

10.16.02 Rules and Regulations In order to provide flexibility and easily changed or amended standard operating policies, procedures, and schedules of charges for various services provided by the Water Department, there is herein created the authority for the Water Department to prepare written Rules and Regulations governing its operations, policies, procedures, and standard charges for various services other than the sale of water which shall be established by the then current monthly water rate schedule. (Ord. No. 1975-174, Sec. 2.)

10.16.03 Guidelines These proposed Rules and Regulations shall be presented to the City Council of the city of Cotter for their consideration, ratification, and approved by resolution of said City Council. After said approval and adoption these Rules and Regulations shall provide the guidelines and policies of the Water Department until such time as they may be amended, changed, removed, or expanded by further resolution approving subsequent Rules and Regulations as may thereafter be issued under the authority of the ordinance. (Ord. No. 1975-174, Sec. 3.)

10.16.04 Posting Such Rules and Regulations as may be approved by both the City Councils as set out in 10.16.03 above shall have the full force, effect and legal status as this authorizing ordinance. The Rules and Regulations adopted shall be posted in each city at the City Hall and at such other public places as the City Council may determine. In addition copies thereof shall be furnished to every plumber, builder, developer or real estate office located in the cities or doing business in the cities. (Ord. No. 1975-174, Sec. 4.)

All accounts will receive a Thirty Dollar (\$30.00) charge for returned checks. (Ord. No. 2008-8, Sec. 1.)

10.16.05 Fine Any person, firm, group, or corporation held to be in violation of this ordinance or its authorized Rules and Regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount of not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00); and that each day that said violation continues shall be considered a separate offense. (Ord. No. 1975-174, Sec. 6.)

10.16.06 Amendments

Article 3, Section 7 A copy of the lease agreement between landlord and tenant or a letter stating that said tenant will be renting this property from the owner will be provided to the Water Department prior to service hook-up.

Article 3, Section 15

1. Water turn-on or turn-off fee is \$17.50 for each call out.
2. Disconnect service fee of \$35.00 for non-payment of account.
(Ord. No. 2010-2, Sec. 1.)

CHAPTER 10.20

WATER RATES AND FEES

Sections:

- 10.20.01 Monthly water rates
- 10.20.02 Federal Safe Drinking Water Act
- 10.20.03 Leaving unpaid bills
- 10.20.04 Tapping fee
- 10.20.05 Deposit fee

10.20.01 Monthly water rates The water usage of each water customer shall be determined each month by meter measurement and the amount charged each customer monthly shall be computed on the basis of the following scheduled rates immediately upon passage of this ordinance.

All Water Customers	
First 1,000 gallons of water consumption	\$18.84 first 1,000 gallons (minimum charge)
For all water consumed thereafter	\$14.08 for every 1,000 gallons thereafter

(Ord. No. 2023-01, Sec. 2)

To cover yearly cost of operational and maintenance increases, the stated amounts in Section 2 shall automatically increase by 4% on the first day of the year beginning in January 2024. (Ord. No. 2023-01, Sec. 3)

10.20.02 Federal Safe Drinking Water Act

- A. Under authority of Act 903 of 1993, there is hereby levied and shall be collected from each customer of the city of Cotter Water and Sewer System, both District 1 and District 2, the sum of \$0.25 per month as the prescribed fee for federal safe drinking water act compliance. Such fee shall be in the form of a rate increase and shall become effective September 1, 1993.
- B. Said \$0.25 per month fee shall be added to and included on each customer's bill as a separate line item. The Mayor and Recorder/Treasurer are hereby authorized and empowered to take such administrative action as may be necessary to implement the rate increase upon the books and records of the Cotter Water and Sewer Department. (Ord. No. 93-7, Secs. 1-2.)

10.20.03 Leaving unpaid bills

- A. When any person, which shall include any business, corporation, partnership or other entity, shall move from one city to the other and make application for water and sewer services, that city shall ascertain from the city from which such person has moved whether or not he has left behind any unpaid water and sewer bills.
- B. If there are such bills, then the city to which he has applied for such services, shall refuse such application until he has fully paid such water and sewer bills, together with delinquent fees, to the city to which such bills are owing.
- C. Upon the payment of such unpaid bills, the city to which same were owing shall issue a statement that all bills and delinquent fees have been paid in full and upon submission thereof to the city to which application has been made, such city shall then, and only then, consider the furnishing of water and sewer services under such application. (Ord. No. 81-1, Sec. 1.)

10.20.04 Tapping fee The City Council of Cotter, Arkansas hereby finds and declares that the following tapping fees and charges are fair, reasonable and necessary.

¾ inch tap	\$750.00
1 inch tap	\$900.00
2 inch tap	\$1850.00

If there is need to cut and repair pavement the additional cost will be that incurred for the cut and repair.

If there is need for 3 inch or 4 inch tap the cost will be materials, labor and equipment cost, plus Seventy Dollars (\$70.00). (Ord. No. 2009-7, Sec. 1.)

10.20.05 Deposit fee

- A. The city hereby establishes rates to be charged for renters and owners of properties serviced by the Cotter Water System.
- B. All owners of property on the water system shall be charged One Hundred Dollars (\$100.00) and all renters shall be charged Three Hundred Fifty Dollars (\$350.00) for said customer deposits. (Ord. No. 2009-8, Sec. 1.)

CHAPTER 10.24

WELLHEAD PROTECTION

Sections:

- 10.24.01 Title and purpose
- 10.24.02 Definitions
- 10.24.03 Protection zone
- 10.24.04 Permitted uses
- 10.24.05 Prohibited uses
- 10.24.06 Administration

10.24.01 Title and purpose

- A. This ordinance shall be known as the Wellhead Protection Ordinance.
- B. The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for the citizens of Cotter by the establishment of wellhead protection zones surrounding the wellheads for all wells which are supply sources for the city of Cotter water system, and by the designation and regulation of property uses and conditions which may be maintained within such zones.
(Ord. No. 97-5, Sec. 1.)

10.24.02 Definitions When used in this ordinance, the following words and phrases shall have the meanings given in this section:

Hazardous waste or material Any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- A. cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Sanitary landfill A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

Wellhead The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

Regulatory agency Any governmental agency with jurisdiction over hazardous waste as defined herein. (Ord. No. 97-5, Sec. 2.)

10.24.03 Protection zone There is hereby established a use district to be known as a Wellhead Protection Zone, identified and described as all the area within a circle the center of which is the center of any city water supply wellhead and the radius of which is 1320 feet or any part thereof which the city has jurisdiction. (Ord. No. 97-5, Sec. 3.)

10.24.04 Permitted uses The following uses shall be permitted within Wellhead Protection Zones:

- A. Any use permitted within existing agricultural, residential, or commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
- B. Any other open land use where any building located on the property is incidental and accessory to the primary open land use. (Ord. No. 97-5, Sec. 4.)

10.24.05 Prohibited uses The following uses or conditions shall be and are hereby prohibited within Wellhead Protection Zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under 10.24.04 of this ordinance unless such uses are approved or permitted by state and federal regulatory agencies:

- A. Surface use or storage of hazardous material, including commercial use of agricultural pesticides;
- B. Septic tanks or drain fields appurtenant thereto;
- C. Impervious surfaces other than roofs of buildings, and streets,

- D. Sanitary landfills;
- E. Hazardous waste disposal sites;
- F. Stormwater infiltration basins;
- G. Underground storage tanks;
- H. Sanitary sewer lines within 100 feet of a wellhead.
(Ord. No. 97-5, Sec. 5.)

10.24.06 Administration The policies and procedures for administration of any Wellhead Protection Zone established under this ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinances for the city of Cotter, as the same is presently enacted or may from time to time be amended. (Ord. No. 97-5, Sec. 6.)

CHAPTER 10.28

CROSS-CONNECTION CONTROL PROGRAM

Sections:

- 10.28.01 Intent
- 10.28.02 Purpose
- 10.28.03 Definitions
- 10.28.04 Operating criteria
- 10.28.05 Facilities requiring backflow protection
- 10.28.06 Approval of backflow prevention devices
- 10.28.07 Non-compliance
- 10.28.08 Ownership
- 10.28.09 Installation and costs
- 10.28.10 Testing and maintenance

10.28.01 Intent In compliance with the state of Arkansas *Rules and Regulations Pertaining to Public Water Systems*, Section VII.E, the Arkansas Department of Health finds it necessary for the health, safety and welfare of the people served by the water division of the city utilities department to adopt cross-connection control standards which establish the requirements for the design, construction and maintenance of connections to the public water supply. These standards are supplemental to and do not supersede or modify the Arkansas State Plumbing Code and its latest revisions under which the city operates. (Ord. No. 94-8, Sec. 1.1)

10.28.02 Purpose The purposes of this ordinance are:

- A. To provide for the protection of the public potable water supply.
- B. To isolate at the service connection any actual or potential pollution or contamination within the consumer's premises and
- C. To provide a continuous, systematic and effective program of cross-connection control. (Ord. No. 94-8, Sec. 1.2)

10.28.03 Definitions

Backflow shall mean the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable supply of water from any source other than its intended source.

Backflow preventer shall mean a device or means to prevent backflow.

Double-Check Valve Assembly (DC) means an assembly composed of two single, independently acting, approved check valves, including tightly closing shutoff valves located at each end of the assembly and suitable test cocks for testing the water-tightness of each check valve.

Reduced-Pressure Principle Backflow Prevention Assembly (RP) means a device containing a minimum of two (2) independently acting, approved check valves, together with an automatically operated pressure differential relief valve located between the check valves. The assembly will include two (2) cut-off valves and four (4) test cocks. (Ord. No. 94-8, Sec. 1.2)

10.28.04 Operating criteria It is the primary responsibility of the water purveyor and/or city of Cotter to evaluate the hazards inherent in supplying a consumer's water system, i.e., determine whether solid, liquid or gaseous pollutants or contaminants are, or may be, handled on the consumer's premise in such a manner as to possibly permit contamination of the public water system. When a hazard or potential hazard to the public water system is found on the consumer's premises, the consumer shall be required to install an approved backflow prevention assembly at each public water service connection to the premises in accordance with this ordinance's requirement. The type of device shall depend on the degree of hazard involved.

The type of protective device required shall depend on the degree of hazard as described in AWWA Manual M-14 or as described below. Where more than one type of protection is possible, the actual method utilized shall be at the discretion of the water purveyor and or city of Cotter after physical inspection of the hazard.

- A. In the case of any premises where there is an auxiliary water supply, there shall be no physical connection between said auxiliary water supply and the consumer's water system which is served by the public water supply system. Where such connections are found, disconnections shall be accomplished and the public water system shall be protected against the possibility of future reconnection by an

approved reduced-pressure-principal backflow prevention device at the service connection.

- B. In the case of any premises where this 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.
- C. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved reduced-pressure principal backflow prevention assembly.
- D. In case of any premises where this are “uncontrolled” cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure principle backflow prevention assembly at the service connection.
- E. In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure principal backflow prevention assembly at the service connection. (Ord. No. 94-8, Sec. 1.4)

10.28.05 Facilities requiring backflow protection The following is a partial list of facilities which may require reduced-pressure principal backflow prevention assemblies at the service connection. Requirements are based upon the degree of hazard afforded the public potable water system.

- 1. Automatic car washes
- 2. Auxiliary water systems
- 3. Exterminators
- 4. Facilities with commercial boilers or chilled water systems
- 5. Fire systems
- 6. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics
- 7. Irrigations systems
- 8. Laboratories (industrial, commercial, medical and school)
- 9. Laundries
- 10. Radiator shops
- 11. Restricted, classified or other facilities closed to inspection
- 12. Sand and gravel plants
- 13. Wastewater treatment plants, pump stations and storm water pumping facilities
- 14. Waterfront homes, facilities and industries

15. Swimming pools
16. Others as found high hazards

The following is a partial list of facilities which may require double check valve assemblies:

1. Apartments
2. Beauty parlors and barber shops
3. Doctors and dental offices
4. Greenhouses and nurseries
5. Hotels and motels
6. Laundry and cleaners
7. Restaurants and food handlers
8. Service stations
9. Others, as found with suspected low hazards
(Ord. No. 94-8, Sec. 1.6)

10.28.06 Approval of backflow prevention devices Any backflow prevention assembly required herein shall be a type in accordance with AWWA specifications C506-78 or its latest revision, the Arkansas Department of Health Regulation and the water purveyor and/or the city of Cotter. (Ord. No. 94-8, Sec. 1.7)

10.28.07 Non-compliance Service to be discontinued. Notice: Consent to enter.

- A. In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination the water service will be discontinued by the water purveyor and/or superintendent.
- B. No water service connection shall be installed on the premises of any consumer unless the public potable water system is protected as required by this ordinance.
- C. Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or the city of Cotter, if any protective device required by this article has not been installed, or is defective, or has been removed or bypassed. Discontinued water service shall not be resumed until conditions at the consumer's premise have been abated or corrected to the satisfaction of the water purveyor and/or superintendent.
- D. Upon discovery of a violation of this ordinance, written notice shall be given to the consumer. If violations are not corrected by date and time as stated on the notice, the water supply will be discontinued and the violation may be referred to the Water Commission for action.

- E. For the purpose of making any inspections or discharging the duties imposed by this article, the water purveyor and/or the city of Cotter, the State Health Department, and/or Plumbing Inspector shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premise of the water purveyor and/or superintendent the State Health Department and/or Plumbing Inspection for the purpose stated herein. (Ord. No. 94-8, Sec. 1.8)

10.28.08 Ownership The consumer shall purchase, own and maintain all backflow prevention devices installed at the point of delivery to the consumer's water systems. (Ord. No. 94-8, Sec. 1.9)

10.28.09 Installation and costs Customers of the city water division requiring backflow prevention devices shall pay all cost associated with installation of the appropriate size and type of device under private contract. New installations shall be completed prior to the "final" plumbing inspection so that the device can be included as part of the inspection. Devices shall be installed above ground in a location that is readily accessible for maintenance and testing and should be located not less than twelve inches, nor more than thirty inches above ground. (Ord. No. 94-8, Sec. 1.10)

10.28.10 Testing and maintenance The consumer will be responsible for the annual testing of the backflow prevention assembly by contract with a certified backflow assembly tester. The consumer will annually furnish water purveyor and/or the city with a certificate of such satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, the city and/or Plumbing Inspector deems the hazard to be great enough, testing may be required at more frequent intervals, costs of which would be borne by the consumer. Any maintenance fees required as a result of inspections or testing shall be paid by the consumer through private contract. Records of inspections, testing or repairs shall be kept by the water purveyor and/or the city and made available to the State Health Department.

All new construction within the city of Cotter shall be effective upon passage of this ordinance. All existing consumer premises shall be in compliance with this ordinance by January 1995. (Ord. No. 94-8, Sec. 1.11 – 1.12.)

CHAPTER 10.32

IDENTITY THEFT PREVENTION PROGRAM

Sections:

10.32.01	Title
10.32.02	Purpose
10.32.03	Definitions
10.32.04	Findings
10.32.05	Process of establishing a covered account
10.32.06	Access to covered account information
10.32.07	Credit card payments
10.32.08	Sources and types of red flags
10.32.09	Prevention and mitigation of identity theft
10.32.10	Updating the program
10.32.11	Program administration
10.32.12	Outside service providers

10.32.01 Title This article shall be known as the Identity Theft Prevention Program. (Ord. No. 2009-1, Sec. A-1.)

10.32.02 Purpose 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. 2009-1, Sec. A-2.)

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

City means the city of Cotter.

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. 2009-1, Sec. A-3.)

10.36.04 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.
- C. The city's previous experience with identity theft related to covered accounts is as follows: no findings recorded to date.
- D. 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.

- E. 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.
- F. The city determines that there is a moderate risk of identity theft occurring in the following ways (if any):
 - 1. Use by an applicant of another person's personal identifying information to establish a new covered account;
 - 2. 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;
 - 3. 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;
 - 4. 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. 2009-1, Sec. A-4.)

10.32.05 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, a valid government-issued identification card containing a photograph of the customer, or for customers who are not natural persons, a photograph of the customer's agent opening the account. Such applicant shall also provide any information necessary for the department providing the service for which the covered account is created to access the applicant's consumer credit report. 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. 2009-1, Sec. A-5.)

10.32.06 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 Director of the department providing the service for which the covered account is created 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 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 City Clerk and the City Attorney. (Ord. No. 2009-1, Sec. A-6.)

10.32.07 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 or 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. 2009-1, Sec. A-7.)

10.32.08 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 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. 2009-1, Sec. A-8.)

10.32.09 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 Mayor. 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 Mayor, who may in his or her discretion determine that no further action is necessary. If the Mayor, 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 Mayor:

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 Mayor. 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 Mayor who may, in his or her discretion, determine that no further action is necessary. If the Mayor, 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 Mayor:

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. 2009-1, Sec. A-9.)

10.32.10 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. 2009-1, Sec. A-10.)

10.32.11 Program administration The Office Administrator 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 City Clerk, 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 Office Administrator 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 City Clerk 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 City Clerk shall exercise his or her discretion in determining the amount and substance of training necessary. (Ord. No. 2009-1, Sec. A-11.)

10.32.12 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 City Clerk 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. (Ord. No. 2009-1, Sec. A-12.)

CHAPTER 10.36

AMENDMENTS TO IDENTITY THEFT PREVENTION PROGRAM

Sections:

- 10.36.01 Short title
- 10.36.02 Purpose
- 10.36.03 Definitions
- 10.36.04 Policy

- 10.36.05 Furnishing consumer's address to consumer reporting agency
- 10.36.06 Methods of confirming consumer addresses

10.36.01 Short title Treatment of address discrepancies. (Ord. No. 2009-1, B-1.)

10.36.02 Purpose Pursuant to 16 CFR 681.1, the purpose of this article 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. (Ord. No. 2009-1, B-2)

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

City means city of Cotter.

Notice of address discrepancy means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. 1681(c)(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. (Ord. No. 2009-1, B-3.)

10.36.04 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:

- A. Compare the information in the consumer report with:
 - 1. 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);
 - 2. Information the city maintains in its own records, such as application for service, change of address notices, other customer account records or tax records; or
 - 3. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
- B. Verify the information in the consumer report with the consumer.
(Ord. No. 2009-1, Sec. B4.)

10.36.05 Furnishing consumer's address to consumer reporting agency

- A. 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:
 - 1. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
 - 2. The city establishes a continuing relation with the consumer; and
 - 3. 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.
- B. 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.
(Ord. No. 2009-1, Sec. B-5.)

10.36.06 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:

- A. Verifying the address with the consumer;
- B. Reviewing the city's records to verify the consumer's address;
- C. Verifying the address through third party sources; or
- D. Using other reasonable processes.
(Ord. No. 2009-1, Sec. B-6.)