

ORDINANCE NO. 2021-07

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 WASTE INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE TOWN OF PLEASANT PLAINS, ARKANSAS AND DECLARING AN EMERGENCY

WHEREAS, the Town of Pleasant Plains is about to complete the construction of a sewage collection system, by which the Town of Pleasant Plains will collect sewage from its residents and users, and treat the same, and

WHEREAS, it is necessary for the Town of Pleasant Plains to regulate sewer usage within the Town in order to maintain its sewage collection system and prolong its life.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PLEASANT PLAINS, ARKANSAS:

ARTICLE I

DEFINITIONS

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

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

Section 2. "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 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 4. "Combined Sewer" shall mean a sewer receiving surface run off and sewage.

Section 5. "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Section 6. "Grinder Pump" shall mean a mechanical pump; make model and type, as approved by the Town of Pleasant Plains, which is placed in service between the building drain and the public sewer system to facilitate the removal of the wastewater from this location. Grinder pumps must be utilized, wherever they are required by the Town for the sewage to enter the collection system.

Section 7. "Industrial Wastes" shall mean the liquid waste from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Section 8. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Section 9. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Section 10. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 11. "Properly Shredded Garbage" shall mean the waste 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 (1.27 centimeters) in any dimension.

Section 12. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Section 13. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Section 14. "Sewage" shall mean a combination of the water carried wastes from residences, business building, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Section 15. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 16. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Section 17. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 18. "Shall" is mandatory; "May" is permissive.

Section 19. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hours concentration or flows during normal operation.

Section 20. "Storm Drain" (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 21. "Superintendent" shall mean the Superintendent of the sewer system or other person designated by the Town Council or his authorized agent, deputy, or representative.

Section 22. "Suspended Solids" shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Section 23. "Watercourses" shall mean a channel in which a flow of water occurs, 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 in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within the Town or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Section 3. 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 sewage.

Section 4. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town 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 or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of the property line.

Section 5. The grinder pump shall be an approved pump, purchased from the Town of Pleasant Plains. The owners shall be responsible for the electrical usage for the operation of this pump. The Town of Pleasant Plains will assume all maintenance and costs, other than electrical, of all maintenance, stocking necessary repair parts, and providing services needed for this grinder pump.

ARTICLE III

PRIVATE WASTEWATER DISPOSAL

Section 1. Where a public, sanitary, or combined sewer is not available under the provisions of Article 2, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

Section 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of Fifty Dollars (\$50.00) shall be paid to the Town at the time the application is filed.

Section 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He 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. With respect to such inspections it may be necessary to have the inspections performed by the Arkansas Department of Health.

Section 4. The type, capacities, location and layout of a private sewage disposal system shall comply with the recommendations of the Department of Public Health of the State of Arkansas. 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 sewage disposal system, as provided in Article 2, Section 4, a direct connection from the building shall be made to the public sewer within ninety (90) days in compliance with the Ordinance for any property located within 300 feet of the public sewer service. Any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials. If a grinder pump is required by the Town to be installed, it will have a minimum capacity of fifteen (15) gallons per minute.

Section 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

Section 7. No statement contained in this Ordinance shall be construed to interfere with any additional requirements that the health officer may impose.

ARTICLE IV

BUILDING SEWERS AND CONNECTIONS

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

Section 2. There shall be two 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 or his agent shall make application on a special form furnished by the Town. 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 Fifty Dollars (\$50.00) for a residential or commercial building sewer permit and Fifty (\$50.00) for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

Section 3. All cost and expenses incident to the installation and connection of the building sewer shall be borne by the owner, including but not limited to the cost of inspection required by this Ordinance, as well as the saddle or connecting

device used to tap the public sewer. The owner shall indemnify the Town from loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Upon initial construction of the public sewer system, the connection fee or tap fee and the cost for installation of the grinder pump or service wyes shall be waived except the owner must pay all costs associated with running the building sewer to the connection point of the grinder pump and/or service wyes and for running the electrical service from the grinder pump control box to the building electrical service panel where a grinder pump is utilized.

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, court, yard, or driveway. The building sewer from the front building may extend to the rear building and the whole considered as one building sewer.

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

Section 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code, rules and regulations of the Arkansas Department of Health or other applicable rules and regulations of the Town. In particular, the building sewer shall be constructed of material equal to or exceeding Schedule 40 PVC pipe.

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 shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or water drain which in turn is connected directly or indirectly to a public sanitary sewer. Properly fitted caps shall be maintained on all sewer clean out openings at all times.

Section 9. 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 Town. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Section 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative. The Superintendent shall have up to 24 hours in which to make inspection.

Section 11. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 12. Any person responsible for discharge through a building sewer carrying industrial waste shall at his expense: (a) install an accessible and safely located control manhole, (b) install meters and other appurtenances to facilitate observation, sampling, and measurement of the waste, and (c) maintain the equipment and facilities. Such control manhole, meters, and other monitoring appurtenances shall be lockable and accessible by the Town.

ARTICLE V

USE OF THE PUBLIC SEWERS

Section 1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

Section 3. No person 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 liquids, oil, or gas.
- (b) 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 sewage treatment facilities or sanitary sewerage works, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 6.0 or having any other corrosive property, capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or pumping facilities, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, 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, etc., either whole or ground by garbage grinders.

Section 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewer, sewage treatment process, or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
- (b) Any water or wastes containing fats, wax, greases, or oils, whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F (0 to 65 degrees C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; 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 Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentration exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.0.
- (i) Materials which exert or cause:
 - 1. Unusual concentration of inert suspended solids (such as but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride, sodium sulfate).

2. Excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions).
 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works.
 4. Unusual volume of flow or concentration of waste constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process 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.

Section 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Article V, Section 4, and in the judgment of the Superintendent, may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may: (a) reject the wastes, (b) require pretreatment to an acceptable condition for discharge to the public sewers, (c) require control over the quantities and rates of discharge, and/or (d) require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

Section 6. 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 so as to be readily and easily accessible for cleaning and inspection.

Section 7. 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.

Section 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 9. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Article 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, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sewer is connected. Sampling shall be carried out by the 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.

Section 10. No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern.

ARTICLE VI

PROTECTION FROM DAMAGE

Section 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewer works. Any person violating this provision shall be deemed guilty of a misdemeanor.

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 feet of earth cover remains over the pipe bells. Approval to remove subsequent cover shall require written consent from the Superintendent.

ARTICLE VII

POWER AND AUTHORITY OF SUPERINTENDENT

Section 1. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurements, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste water treatment.

Section 2. While performing the necessary work on private properties referred to in Section 1 above, the Superintendent or duly authorized employee of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to Town employees except as such may be caused by negligence or failure of the company to maintain safe conditions.

Section 3. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly 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

PENALTY FOR VIOLATIONS

Section 1. Any person found to be violating any provision of this Ordinance shall be served by the Town 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 such notice shall be guilty of a misdemeanor, and on conviction thereof, shall be fined. Each day in which such violation shall continue shall be deemed a separate offense. Any person convicted for a violation of any provision of this Ordinance shall be subject to a fine of not less than \$25.00 nor more than \$250.00 for each violation.

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

ARTICLE IX

VALIDITY

Section 1. All ordinances 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 application 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.

ARTICLE X


EMERGENCY

The Town of Pleasant Plains is about to commence construction of a sanitary system and the protection and maintenance of ssid system is primary to the health, safety, and welfare of the citizens of the town and therefore an emergency is

declared to exist and this ordinance shall be in full force and effect from and after its passage and adoption.

PASSED AND APPROVED THIS 16th DAY OF September,
2021.

APPROVED:


MAYOR

ATTEST:


Town Recorder

(Seal)