

TITLE 10

WATER AND SEWER

Chapters:

- 10.04 Water and Sewer Rates
- 10.08 Damaging Sewer or Water Facilities
- 10.12 Sewer Connection Charges
- 10.16 Building over Sewer Lines
- 10.20 Carroll-Boone Water District Water Supply Facilities
- 10.24 Additional Sewer and Water Lines

CHAPTER 10.04

WATER AND SEWER RATES

Sections:

- 10.04.01 Water rates
- 10.04.02 Sewer rates
- 10.04.03 Water and Sewer Department Policies and Procedure

10.04.01 Water rates

- A. Automatic Rate Adjustment: The water rate schedule for the Green Forest Water Department is based, in part, on the current cost of purchasing wholesale water from the Carroll-Boone Water District; therefore, any increase in the wholesale water rate structure of the Carroll-Boone Water District shall result in an automatic rate adjustment to the following Monthly Water Rate Schedule in the exact amount of the wholesale water rate increase. The Monthly Rate Schedule in Section 10.08.01 (B) Shall be amended, as necessary, to reflect the automatic rate adjustment.
- B. Monthly Rate Schedule: The following monthly rate schedule shall be and is hereby fixed as the rate schedule for water furnished by the City of Green Forest, Arkansas, effective January 1, 2018, and said rate schedule is found to be reasonable and necessary by the Green Forest City Council.

MONTHLY WATER RATE SCHEDULE

Usage and Schedule of Rates: The water usage of each user shall be determined each month on a metered basis, and the amount to be paid by each user for all water consumed during the first billing cycle following the effective date of this ordinance shall be computed on the basis of the following schedule of rates. The rate structure is subject to change according to the wholesale rate structure of the Carroll-Boone Water District.

The following rates shown are cost per one thousand (1 ,000) gallons of consumption except for the minimum charge:

AMOUNT	INSIDE CITY LIMITS	OUTSIDE CITY LIMITS
First 1,000 gallons	\$15.00 (minimum)	\$15.00 (minimum)
Next 29,000 gallons	\$3.21 per 1,000 gallons	\$3.80 per 1,000 gallons
Next 170,000 gallons	\$2.84 per 1,000 gallons	\$3.05 per 1,000 gallons
Over 200,000 gallons	\$2.36 per 1,000 gallons	\$2.77 per 1,000 gallons

Extension Area East Growth Area Phases I, II, and III

First 1000 gallons	\$17.31 (minimum charge)
Next 29,000 gallons	\$4.38 per 1000 gallons
Next 170,000 gallons	\$3.05 per 1000 gallons
All over 200,000 gallons	\$2.77 per 1000 gallons

TYSON AND UNIOUE LINEN WATER RATES

First 1000 gallons	\$15.00 (minimum charge)
Next 29,000 gallons	\$2.84 per 1000 gallons
All Over 200,000 gallons	\$2.36 per 1000 gallons

- C. Metering of System: The operation of the Green Forest Water System shall be on a frilly metered basis. Meters shall be installed at each water connection. Non exclusion: Facilities serviced by the Green Forest Water System shall not be provided water without charge. (Ord. No. 2017-660, Sec. 1.)

10.04.02 Sewer Rates

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

- E. Reconnection charge In the event any premises are disconnected from the Water System for delinquent bills or otherwise, the user at that location shall, prior to the water being reconnected, pay delinquent charges and penalties set forth in 10.04.01 (d) hereof, together with a reconnection charge of Fifty Dollars (\$50.00) for each reconnection at those premises to the Water System.(Ord.No.535, Sec. 1)
- F. **NORTH EXTENSION AREA AND
EAST GROWTH AREA (PHASES I, II, and III.)**

. Customers in the East Growth Area (being the area initially furnished water by the System as a result of the extension of water distribution lines by construction commencing in 1988, as shown on the System map on file in the office of the City Clerk) and the North Extension Area (being the area to be served by the System as shown on the engineer's report on file in the office of the City Clerk), pay a monthly amount for water usage computed on the basis of the following schedule of rates:

First 1,000	\$17.31 (minimum)
Next 29,000	\$4.33 per 1,000 gallons
Next 170,000	\$3.00 per 1,000 gallons
All over 200,000	\$2.72 per 1,000 gallons

(Ord. No. 651, Sec. 1.)

10.04.02 Wastewater system connections, use and rates

- A. Monthly wastewater (sewer) rates The following monthly rates are hereby fixed as the rates to be charged for sewer system usage furnished by the water system of the city, which rates are found and declared by the City Council to be reasonable and necessary minimum rates.

<u>WATER CONSUMPTION</u>	<u>CITY</u>	<u>TYSON'S & UNIQUE LINEN CITY</u>
First 2,000 gallons of water	\$8.30 (minimum)	\$8.30 (minimum)
Each 1,000 thereafter	\$2.80 per 1000	\$3.27 per 1000

(Ord. No. 651, Sec. 1.)

- B: Services to large customers A special schedule of rates will be fixed for each sewer customer using more than one hundred thousand (100,000) gallons of water per month through the system.

B. Services to large customers A special schedule of rates will be fixed for each sewer customer using more than five hundred thousand (500,000) gallons of water per month through the System. At present, the only such customer is Tyson's Foods, Inc., hereinafter called "Tyson". The City and Tyson have entered into a Sewer Use Agreement dated June 19, 1986, which requires Tyson to pay to the city:

1. As Tyson's pro rata share of the principal and interest payments on the City's Two Million Nine Hundred Thousand Dollar (\$2,900,000.00) Water and Sewer Revenue Bonds, dated April 24, 1987, hereinafter referred to as "1987 Revenue Bonds" to be issued by the City to finance sewer improvements by the City, the sum of Twelve Thousand and Two Hundred Dollars (\$12,200.00) per month, continuing until the 1987 Revenue Bonds are retired or Tyson has prepaid its pro rata portion thereof; and
2. A monthly sewer operation charge equal to One Dollars and Ten Cents (\$1.10) per one thousand (1,000) gallons of water consumption for the month, but not less than Two Thousand Five Hundred Dollars (\$2,500.00). The monthly Wastewater operation charge shall be subject to adjustment annually. The charges fixed by the Sewer Use Agreement are hereby ratified and confirmed. (Ord. No. 558, Sec. 1.)

C. Abnormal sewage discharge Customers generating either excessive Biochemical Oxygen Demand (BOD) or Total Suspended Solids (TSS) in amounts above normal strength for that category may discharge such sewage into the Wastewater System, provided:

1. The waste does not cause damage to the collection system;
2. The waste will not impair the treatment process; and
3. The user discharging such excessive waste shall pay a monthly surcharge to the city of Green Forest in addition to the usual monthly charges, computed by use of the following formula:

ABNORMAL SEWAGE SURCHARGE

$S = 8.34 V [(B - 300) (\$0.036) + (TSS - 300) (\$0.088)]$ where

S= Surcharge in dollars (monthly)

V= Volume of customer's sewage in million gallons (monthly)

8.34 = Pounds per gallon of water

B= Biochemical Oxygen Demand of customer's sewage in milligrams per liter (mg/l) (monthly average of at least four (4) 24-hour composite samples) (Ord. No. 558, Sec. 1.)

MONTHLY SEWER RATE SCHEDULE

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

INSIDE CITY LIMITS RESIDENTIAL

First 2,000 gallons \$8.30 (minimum charge) Over 2,000 gallons \$2.85 per 1,000 gallons

UNIQUE LINEN WATER INDUSTRIAL RATES

First 2,000 gallons \$8.30 (minimum charge)
Over 2,000 gallons \$3.37 per 1,000 gallons

TYSON WATER RATES INDUSTRIAL RATES

First 2,000 gallons \$8.30 (minimum charge) Over 2,000 gallons \$3.32 per 1,000 gallons

- B. Standby Charge and Combined Billing: A standby charge equal to the minimum billing shall be charged although the water is shut-off at the meter. This standby charge does not apply to a permanently vacated location. Statements for sewer services shall not be rendered more often than monthly, and may be rendered in conjunction with the statements for water service.
- C. Non exclusion: Facilities serviced by the Green Forest Sewer System shall not be provided sewer service without charge. (Ord. No. 2017-660, Sec. 1).

10.08.03 Water & Sewer Department Policies and Procedures The policies and procedures of the Green Forest Water & Sewer Department shall be determined by resolution of the Green Forest City Council, as necessary, in a manner that will comply with state law. (Ord. No. 2017-660, Sec. 1).

CHAPTER 10.08**DAMAGING SEWER OR WATER FACILITIES****Sections:**

- 10.08.01 Turning on water without permission
- 10.08.02 Using city water without meter
- 10.08.03 Turning on water meter without permission
- 10.08.04 Hooking onto fire plug
- 10.08.05 Damaging water meter or sewer line
- 10.08.06 Payment of damage to water line or sewer
- 10.08.07 Plugging abandoned sewer lines
- 10.08.08 Changing reading on meter
- 10.08.09 Charge for turning on water

10.08.01 Turning on water without permission Any person or corporation, who shall have had their water cut off for failure to pay their water bill, and who turns on the water without permission and consent of the City Water Department, shall be guilty of a misdemeanor.

10.08.02 Using city water without meter Any person using any device or system of piping, the purpose of which is to make use of city water, without the water being rooted through a water meter, shall be guilty of a misdemeanor.

10.08.03 Turning on water meter without permission Any person or corporation who shall turn on any water meter without the permission and consent of the Water Department, shall be guilty of a misdemeanor.

10.08.04 Hooking onto fire plug Any person or corporation who hooks onto, or ties into, any fire plug or fire line, for the purpose of obtaining water therefrom shall be guilty of a misdemeanor. Provided that the above does not apply to the Fire Department.

10.08.05 Damaging water meter or sewer line Any person or corporation who shall intentionally or negligently do any act, the direct and approximate result of which would be likely to damage any water meter or sewer line belonging to the city, is guilty of a misdemeanor; and in addition thereto, shall be liable for the cost of repair or replacement of the meter or water line.

10.08.06 Payment of damage to water line or sewer It shall be the duty of all persons, corporations, and contractors, who do damage to any water line, sewer, or fire plug belonging to the city, to pay for the same; and failure to do so, after notice by the City Water Department, shall render the person or corporation guilty of a misdemeanor.

10.08.07 Plugging abandoned sewer lines It shall be the duty of all property owners or those having charge of the property, to plug all abandoned sewer lines at, or near their property lines; and a failure to do so shall render them guilty of a misdemeanor. It shall be the duty of the aforementioned property owners to inform the Water Department that the sewer service has been abandoned and that they have plugged the sewer. Failure to give the aforementioned notice, will render the aforementioned owner, guilty of a misdemeanor.

10.08.08 Changing reading on meter It is a misdemeanor for any person or corporation to do anything which shall change the reading of any meter from a higher reading to a lower, in any manner whatsoever, or do anything, any manner, the result of which would be to falsify the reading of the meter, in favor of the person or corporation doing any of the aforementioned acts.

10.08.09 Charge for turning on water There will be a charge of Two and One-Half Dollars (\$2.50) for the turning on of water which has been previously cut off for failure to pay water bills.

CHAPTER 10.12

SEWER CONNECTION CHARGES

Sections:

- | | |
|----------|--|
| 10.12.01 | Permit |
| 10.12.02 | Wastewater connection charges |
| 10.12.03 | Penalty |
| 10.12.04 | Contract with Carroll-Boone Water District |

10.12.01 Permit It shall be unlawful for any person to connect with the sewer lines of the city without first obtaining a permit from the City Recorder and complying with such regulations as the City Council may promulgate from time to time.

10.12.02 Wastewater connection charges

- A. Sewer lines constructed and in service prior to January 1, 1996, excluding the existing wastewater collection system known as "Glenwood Wastewater Collection System". A fee shall be payable by each user who connects with and uses the Wastewater System in the amount of two hundred fifty dollars (\$250.00) per connection. Multiple connections necessary for multi-unit housing, business and/or industrial use will be determined from the approved plans and specifications of said construction.
- B. Sewer lines constructed and in service after January 1, 1996, including the existing wastewater collection system known as "Glenwood Wastewater Collection System". A fee shall be payable by each user who connects with and uses the

Wastewater System in the amount of Five Hundred Dollars (\$500.00) per connection. Multiple connections necessary for multi-unit housing, business and/or industrial use will be determined from the approved plans and specifications of said construction.

- C. Sewer lines installed and funded by a contractor for a housing subdivisions, business complex or industrial complex. A fee shall be payable by each user who connects with and uses the Wastewater System in the amount of One Hundred Fifty Dollars (\$150.00) per connection. Multiple connections necessary for multi-unit housing, business and/or industrial use will be determined from the approved plans and specifications of said construction. (Ord. No. 484, Sec. 2.)

10.12.03 Penalty Any person violating or causing to be violated the provisions of this chapter, shall upon conviction, be punished by a fine of double the applicable fee and such fine shall not relieve the convicted person from the obligation to obtain a permit. (Ord. No. 331, Sec. 1)

10.12.04 Contract with Carrol-Boone Water District There is hereby authorized an Amendment to Contract between Carroll-Boone Water District and the city in substantially the form and content attached hereto. (Ord. No. 469, Sec. 1.)

CHAPTER 10.16

BUILDING OVER SEWER LINES

Sections:

- | | |
|----------|----------|
| 10.16.01 | Unlawful |
| 10.16.02 | Penalty |

10.16.01 Unlawful. It shall be unlawful for anyone to construct or build or cause to be constructed or built any type of structure over any sewer line. The responsibility for determining the location of sewer lines will in all situations be on the party who is building.

10.16.02 Penalty. Any person violating or causing to be violated any provision of this chapter shall upon conviction be subject to a fine of Ten Dollars (\$10.00) and each day a violation continues shall be deemed a separate offense. (Ord. No. 328, Sec. 1)

CHAPTER 10.20**CARROLL-BOONE WATER DISTRICT WATER SUPPLY FACILITIES****Sections:****10.20.01 Agreement between Cities and the District**

10.20.01 Agreement between Cities and the District In consideration of the mutual benefits to be derived by the parties and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Cities and the District agree as follows:

- A. The District will operate, maintain and expand the system as required to meet the present and future water needs of the Cities. Each City hereby agrees to purchase from the District all water required to meet its water system demands above any amount which may be provided by its own treatment facility existing on the date of this Contract.
- B. The District will make a continuing study of the water needs and expected future requirements of the Cities (and other users, if any) and provide raw water supply storage, treatment plant, and transmission system expansion as required to meet those needs.
- C. The District will furnish water to the Cities through the pumping and transmission facilities of the District to the distribution systems of the Cities. The District will provide and maintain high quality metering equipment and meter all water delivered. The meters shall be checked and calibrated on a regular schedule.
- D. The distribution systems of the Cities are and shall remain the property and responsibility of the respective Cities. The Cities expressly agree to provide the necessary distribution system storage within their own system so that their respective daily amount of water required can be delivered over a 24-hour period.
- E. Each of the Cities will pay for all water purchased from the District at such rates as required to provide revenues sufficient, together with revenues from demand charges imposed pursuant to paragraph 8, to enable the District to pay all debt service, purchase water storage rights from the U.S. Army Corps of Engineers, pay actual operation and maintenance costs, maintain all covenants and reserves required by bonds issued by the District, and maintain other reserves as may be established by the District for equipment depreciation, emergencies and capital expansion (collectively, "Total System Costs"). Total System costs, revenues from demand charges, and the volume of water sales will be estimated from time

to time and the rates for water purchased by the Cities and any other users shall be based upon such estimates. At the end of each fiscal year, the revenues of the District from all water sales, the Total system Costs, and the total water sales shall be confirmed by a certified public accountant's audit. If the Total system Costs exceed the annual revenues of the District from all water sales, then all users of the District shall be charged with the difference between the annual revenues from all water sales and Total System Costs in proportion to actual amounts paid for water purchased. If revenues from the total water sales exceed the Total system Costs, then the Cities shall be credited with the difference in the form of a rebate in proportion to actual amounts paid for water purchased by each of the Cities.

- F. Until such time as the District sells new revenue bonds for the presently planned capital expansion, each City agrees to pay an additional \$0.25 per thousand gallons purchased from the District for the Capital Expansion fund for the planned expansion of the treatment, transmission, and storage facilities. This additional charge shall be assessed each City beginning on January 1, 1999. All funds collected during this period under this provision shall be used for the planned project, and as such will be used to reduce the size of the new bond issue.
- G. The District will keep all necessary fiscal records and will furnish to the Cities not less than once each year a full and complete report of activities and system costs, including a complete audit by a certified public accountant.
- H. The District has agreed to meet the total water needs of all the Cities, and must therefore maintain adequate treatment and transmission facilities to meet those needs. Any City that chooses to utilize its own water treatment facilities to provide any portion of its customers' water needs hereby agrees to pay a "demand charge" to the District. The demand charge will be applied to all water produced and delivered by the City to its customers in lieu of water produced and furnished to the City by the District. The demand charge will consist of the following costs based upon fiscal year 1997 costs and usages:

Debt Service	\$0.333/1000 gallons
COE Water Purchase Cost	<u>\$0.017/1000 gallons</u>
Total Demand Charge	\$0.35/1000 gallons

The debt service portion of the demand charge will be adjusted based upon the new debt service cost after the sale of the bonds for the presently planned expansion. The demand charge will be paid monthly as part of the City's total water bill based upon the volume of water produced and delivered from the City's

treatment plant as measured through the finished water flow meter at the City's plant. The unit cost for the debt service and COE water purchase cost will be established annually by the District utilizing results from the annual audit. All funds collected from this demand charge shall be placed into the capital expansion reserve fund and/or used for debt retirement.

- I. The Cities shall meter all water produced through their existing facilities with the same degree of accuracy as required of the District. Monthly reports of the quantities of water so produced shall be furnished to the District.
- J. The District will bond its employees to their limits of access to District funds through adequate corporate sureties. It will retain all accumulated funds in Government Obligations (defined as direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America) and/or deposits in banks or savings institution which are members of the Federal Deposit Insurance corporation. All surpluses shall from time to time be invested in Government Obligations with a maturity that is prudent and consistent with the planned use of the surplus funds, or deposited in banks or savings institutions which are members of the Federal Deposit Insurance Corporation. All deposits in excess of the amount insured by the Federal Deposit Insurance corporation shall be fully collateralized by Government Obligations.
- K. Each of the Cities will from time to time furnish to the District such information as is required to assist in evaluation of prospective future water requirements.
- L. Nothing in this agreement alters the right of any city to supply water to users within the limits of its jurisdiction.
- M. The District may furnish water through its facilities to rural water districts or other possible users when the Cities cannot or will not supply such areas through their distribution systems. Charges for water used by such other users furnished directly by the District shall be based upon at least the current rate per thousand gallons charged the Cities. In addition, the District may charge a connection fee, and/or a facilities surcharge in the form of higher rates, to such other users furnished water directly by the District. The purpose of the facilities surcharge is to help offset the cost of replacing the system capacity utilized by such additional users. Such right to furnish water to other users shall not extend to areas proposed to be served immediately adjacent to the city limits of the Cities without prior approval of the respective Cities. Further, all water systems of such users shall be constructed and maintained to standards at least equal to those of the Cities, with such additional controls and conditions as follows:

1. The limits of the areas to be served shall be clearly defined.
2. Component and legal operating agencies shall operate the system.
3. The transmission or distribution system shall be designed and constructed in accordance with Arkansas Department of Health standards.
4. All customers of such water systems shall be metered and charged for water used.
5. The water system shall make assurances as required by the District that the system shall be for maintained and operated in compliance with the Arkansas Department of Health requirements and in compliance with the Arkansas State Plumbing Code.
6. The cost for constructing transmission and/or distribution pipelines to connect such users to the District's facilities shall be borne completely by the user, and shall not be included in any water rates or other charges to the Cities.

The provisions of this section shall in no manner limits any of the Cities in serving through their systems, other smaller cities or other approved legally constituted water distribution agencies.

- N. The service area of the respective cities shall be as shown on the attached plat entitled "Exhibit A," which is hereby made a part hereof. Such service areas as shown are hereby designated as the service area of the respective Cities. The District shall not provide water service within this area without the respective Cities having the first right of refusal for providing water service to the area.
- O. The Cities shall in no way be either individually or collectively responsible or liable for any acts of negligence of the District in the District's operation of the water facilities, and to this end the District agrees to hold the Cities harmless therefrom. However, nothing herein shall be construed as a waiver by the Cities or the District of their immunity from tort suit under the laws of the State of Arkansas.
- P. The treated water furnished to the Cities and other users by the District shall comply with the Federal Safe Drinking Water Act as amended and the rules and regulations set forth by the Arkansas Department of Health for potable water. The District shall maintain and operate a bacteriological and chemical laboratory for the purpose of maintaining the necessary quality control checks to comply with

the above standards and ensure efficient operation of the treatment process. The District shall maintain and keep on file bacteriological and chemical records, reports, and analyses of sufficient detail and depth to permit an accurate evaluation of the daily, weekly, monthly and yearly operation of the water treatment plant. These records shall be available at any time for review by the user Cities, and the District shall furnish copies of these records to the user Cities upon written request. The District shall produce a treated water which will neither corrode nor scale the transmission line or distribution systems of the user Cities under the normal range of domestic operating conditions.

- Q. This agreement, which supersedes and replaces all previous agreements between the District and the Cities, is made in good faith for the well-being and betterment of the parties hereto and all of Carroll and Boone counties, Arkansas. This agreement may be amended by mutual agreement of the parties hereto.
- R. This agreement shall become effective on the date of the defeasance of the existing bonds. The new water rate as established by the District under the provisions of Section 5 shall take effect on the first day of the month following the effective date of the agreement. (Ord. No. 514.)

CHAPTER 10.24

ADDITIONAL SEWER AND WATER LINES

Sections:

- 10.24.01 Sewer lines
- 10.24.02 Water lines

10.24.01 Sewer lines

- A. Any existing home, structure or building located in the East Ridge Subdivision, or which is located on property adjacent to or abutting the newly constructed sewer line, is granted the right to one sewer line connection without imposition of the connection fee if such connection is made within one hundred and twenty days (120) from the date indicated herein below. (Ord. No. 568, Sec. 1.)

- B. Any existing home, structure of building located in the East Ridge Subdivision extension, or which is located on the property adjacent to or abutting the newly constructed sewer line, is granted the right to one sewer line connection without imposition of the connection fee if such connection is made within one hundred twenty days (120) from the completion of the project as certified by MCA and the city of Green Forest. (Ord. No. 572, Sec. 1.)

10.24.02 Water lines

- A. The proposed water extension lines will be accepted by the city of Green Forest when complete and properly inspected and certified which line shall be 2,240 linear feet in length and which shall initially service the homes of Charles and Linda Shook, Clint and Amanda Milburn and Emily Ragsdale and that the aforesaid parties shall not be charged a connection fee in return for the construction costs and dedicated utility easements but shall be assessed the applicable water service fees as other customers similarly situated and that all other persons desiring to connect to said line will be assessed the then applicable connection fees and monthly water rates. (Ord. No. 569, Sec. 1.)
- B. The proposed water extension line will be accepted by the city of Green Forest when complete and properly inspected and certified which line shall be 1,000 linear feet in length and which shall initially service the homes of Philip and Lana Green and Eric Greer that the aforesaid parties shall not be charged a water tap fee in return for the construction costs and dedicated utility easements but shall be assessed the non-refundable connection fee and monthly water rates as other customers similarly situated and that all other persons desiring to connect to said line will be assessed the water tap fee, non-refundable connection fee and monthly water rates. (Ord. No. 571, Sec. 1.)