

ORDINANCE NO. 2024-DB-1116

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND SECTION 52.115: ESTABLISHMENT OF SEWER RATES OF THE TONTITOWN MUNICIPAL CODE IN ORDER TO PROVIDE NEW SEWER RATES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City of Tontitown is required to set its rates by ordinance to establish sewer rates and fees to pay all costs set forth in Ark. Code Ann. § 14-253-223; and

WHEREAS, on July 16, 2024, the City Council introduced an ordinance to adjust city sewer rates and fees, and called for the publication of the proposed rates as well as the public hearing held on August 20, 2024, in accordance with Arkansas Law, a copy of the published notice setting forth the proposed rates and setting the date of the public hearing in attached hereto as Exhibit "A"; and

WHEREAS, the Tontitown Water and Sewer Committee has carefully reviewed the rate study and recommended adoption of the sewer rates, as set forth in the attached Exhibit "B"; and

WHEREAS, after holding a public hearing and hearing public input as well as the input of the Tontitown Water and Sewer Committee, the City Council has determined that it is necessary and in the best interest and benefit of the community to adjust the monthly sewer rates in order to adequately finance the sewer system in the City of Tontitown, as required by Arkansas Law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tontitown, Arkansas:

Section 1. The City Council of Tontitown hereby amends Section 52.115: Establishment of Sewer Rates to reflect the sewer rates set forth in the attached Exhibit "B" to be charged for services rendered by the Tontitown Sewer System, effective August 21, 2024.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable, or unconstitutional provision or provisions had never been contained herein.

Section 4. Declaration of Emergency. It is hereby found and determined that the sewer rates and fees for the City of Tontitown should be immediately amended in order to adequately finance the sewer system of the City of Tontitown, as required by Arkansas Law. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and

protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

PASSED AND APPROVED this 20 day of Aug 2024.

APPROVED:

Angela Russell
Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni
Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)



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Exhibit "A"

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN by the City of Tontitown, Arkansas that the Tontitown City Council will hold a public hearing at the regular meeting of the City Council to be held at Tontitown City Hall located at 235 E. Henri de Tonti Blvd, Tontitown, AR 72762 on August 20, 2024, at 6:00 p.m.

The public hearing will be held for the purpose of hearing public comments about a proposed increase in the Tontitown Sewer Rates. A proposed Ordinance to set the new rates was introduced at the Tontitown City Council Meeting on July 16, 2024. All interested parties shall have an opportunity to be heard concerning the proposed new rates and fees. Copies of the Ordinance establishing new rates and fees for City of Tontitown sewer service are open to public examination in the utility office located at 201 E. Henri de Tonti Blvd in the City of Tontitown and the City Clerk's office at the Tontitown City Hall and shall remain there prior to the public hearing.

The proposed rates and fees that will be considered by the Tontitown City Council are:

Sewer Service	Current Rates	Proposed Rates to begin on August 21, 2024
RESIDENTIAL/COMMERCIAL INSIDE CITY	\$8.79 per thousand gal.	\$10.14 per thousand gal.
INDUSTRIAL – INSIDE CITY	\$11.66 per thousand gal.	\$13.46 per thousand gal.
RESIDENTIAL/COMMERCIAL OUTSIDE CITY	\$11.87 per thousand gal.	\$13.70 per thousand gal.
INDUSTRIAL – OUTSIDE CITY	\$15.39 per thousand gal.	\$17.76 per thousand gal.
	Base Rates	
INSIDE CITY	\$13.20 per month	\$15.23 per month
OUTSIDE CITY	\$17.82 per month	\$20.56 per month

Surcharge fees for excessive strength wastewater shall be as follows:

	Surcharge Limit (MG/L)	Fee per lb. over limit
BOD 5 (mg/l)	250	\$0.20
Total Phosphorus (mg/l)	15	\$0.10
Total Nitrogen (TKN+Nox)(mg/l)	50	\$0.50
Total Suspended Solids (mg/l)	250	\$0.20

Exhibit "B"

§ 52.115 ESTABLISHMENT OF SEWER RATES.

(A) *Establishment.*

(1) 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 city treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, improving or expanding, including replacement, the public wastewater collection and treatment works (the sewer system). (**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.)

(2) All sewer users shall be classified by the city as residential, commercial or industrial.

(B) *Schedule of sewer rates.* The following schedule of sewer rates to be applied to the water consumption of users as set forth in the article, Sewer Rate Schedule.

(1) *Inside the city:* the charges to each customer for sewage collection and treatment shall be determined each month and shall be the sum of a base charge and a usage charge based on the customer's metered water usage determined as set forth in this division and computed using the following schedule of rates, ~~In addition to the monthly base charge, each customer will be billed for sewage treatment works usage based on the customer's water usage as set forth in this division, and the user charge shall be computed using the following schedule of rates for the following time period, After February 5, 2019:~~ **August 20, 2024**

(a) Base charge: ~~\$13.20.~~ **\$15.23**

(b) All water consumption per month or portion thereof, per 1,000 gallons: ~~\$8.79.~~ **\$10.14**

(2) *Outside city:*

(a) Base charge: ~~\$17.82.~~ **\$20.56**

(b) All water consumption per month, per 1,000 gallons: ~~\$11.87.~~ **\$13.70**

(3) *Industrial user rate:* *

(a) Base charge shall be the same amount as charged for all other customers inside or outside the city.

* *Industrial user is defined by metered sewer usage in excess of 250,000 gallons per month.*

(b) All sewer generated per month, per 1,000 gallons: ~~\$11.66~~ **\$13.46** inside city; ~~\$15.39~~ **\$17.76** outside the city.

(C) *Tapping fees.* All users of the sewer system shall be required to pay tapping fees prior to accessing the sewer system. The cost for a 4-inch service tap shall be \$500. For any tap larger than 4 inches, the tapping fee shall be \$1,000.

(D) *Septic tank non-compliance fees.* Commencing 30 business days after receiving written notice of a noncomplying individual sewage disposal system, the landowner shall be subject to a fine of not less than \$5 nor more than \$15 for each calendar day beyond said 30 business days that the system is in violation of the code.

(E) *Excessive strength charges.* For any user, when the BOD exceeds 250 mg/l, the suspended solids exceed 250 mg/l, **the total phosphorus exceeds 15 mg/l, the total nitrogen exceeds 50 mg/l** 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:

$$Cs (Bc(B) + Sc(S) + Pc(P)) Vu$$

Symbols and definitions:

Cs = A surcharge for wastewaters of excessive strength

Bc = O&M cost for treatment of a unit of biochemical oxygen demand (BOD)

B = Concentration of BOD from a user above a base level

Sc = O&M cost for treatment of a unit of suspended solids (SS)

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

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

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

Vu = volume contribution from a user per unit of time

* Maximum limit for average domestic waste.

Surcharge fees for excessive strength wastewater shall be as follows:

	Surcharge Limit (MG/L)	Fee per lb. over limit
BOD 5 (mg/l)	250	\$0.20
Total Phosphorus (mg/l)	15	\$0.10
Total Nitrogen (TKN+Nox)(mg/l)	50	\$0.50
Total Suspended Solids (mg/l)	250	\$0.20

(F) *Charges for extraneous flows.* The costs of operation and maintenance for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as operation and maintenance charges.

(G) *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.