

TITLE 10

UTILITIES

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CHAPTER 10.01

WATER AND WASTEWATER COMMISSION

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10.01.01 Water and Wastewater Commission. There is hereby established the City of Clinton Water and Wastewater Commission. (Ord. No. 2017-09, Sec. 1; A.C.A. §§ 14-234-301 et seq. and 14-234-116)

10.01.02 Commissioners. The Clinton Water and Wastewater Commission shall consist of five (5) members which shall be citizens who are qualified electors of the City of Clinton or the area serviced by the Water or Wastewater System of the City of Clinton. The initial Commissioners shall be appointed by the Mayor and confirmed by 2/3 votes of the elected City Council, with one Commissioner being appointed for a period of two (2) years, one for a period of four (4) years, one for a period of six (6) years, one for a period of seven (7) years, and the final Commissioner for a period of eight (8) years. After this initial appointment, successor

Commissioners shall be appointed by majority vote of the remaining Commissioners subject to approval of such appointment by a 2/3 vote of the City Council. Each successor shall be appointed for a term of eight (8) years. (Ord. No. 2017-09, Sec. 2; A.C.A. §§ 14-234-303)

10.01.03 Compensation. All Commissioners will serve on a volunteer basis, without pay, unless otherwise approved by a majority vote of the City Council of the City of Clinton. (Ord. No. 2017-09, Sec. 3)

10.01.04 Vacancy. If a vacancy occurs in any Commissioner position, it shall be filled by majority vote of the remaining Commission subject to approval of 2/3 vote of the City Council. (Ord. No. 2017-09, Sec. 4)

10.01.05 Removal. Appointed Commissioners may only be removed for cause upon 2/3 vote of the City Council. (Ord. No. 2017-09, Sec. 5)

10.01.06 Powers and Responsibilities. The Commission shall have all powers and responsibilities as set forth in A.C.A. 14-234-116 and A.C.A. 14-234-301, et seq. In accordance with A.C.A. 14-234-306, the Commission shall have the sole responsibility in running the water and wastewater system including, but not limited to, the management of all employees, salaries, infrastructures, etc. However, the Commission may not mortgage, sell or otherwise encumber the City of Clinton. (Ord. No. 2017-09, Sec. 6)

10.01.07 Reports and Budgets. The Commission shall present monthly reports and annual audits to the Mayor and City Council and shall be responsible for submitting its proposed budget to the Mayor on an annual basis.

CHAPTER 10.04
SEWER REGULATIONS

Sections:

10.04.01	Definitions
10.04.02	Use of public sewers required
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10.04.04	Building sewers and connections
10.04.05	Use of public sewers
10.04.06	Protection from damage
10.04.07	Powers and authority of Inspectors
10.04.08	Penalty for violation

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 (20⁰) 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; shall is mandatory.

Ph shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

Properly Shredded Garbage shall mean the waste from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public Sewer shall mean a common sewer controlled by a governmental agency or 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 item is “wastewater.”

Sewer shall mean a pipe or conduit for carrying wastewater.

Shall is mandatory; may is permissive.

Slug shall mean any discharge of water 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 flows 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 wastewater facilities of the city of Clinton, 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.

10.04.02 Use of public sewers required

S-1

- 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 Clinton 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 Clinton 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 to the proper public sewer in accordance with the provisions of this ordinance, and Table I, 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.

TABLE I

Age of Existing Septic System (years)	Mandatory Connector (years)
1 or newer	5
2	4
3	3
4	2
5 or older	1

(Ord. No. 98-260, Art II.)

10.04.03 Private wastewater disposal

- A. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private

wastewater disposal system complying with the provisions of this ordinance.

- 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 Twenty-Five Dollars (\$25.00) 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 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 this section, a direct connection from the building, or the septic tank, shall be made to the public sewer within the time allotted in Table I in compliance with this ordinance. the requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid Natural Pollution Discharge Elimination System permit.
- F. The owner 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 ordinance shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian. (Ord. No. 98-260, 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 Fifty Dollars (\$50.00) for residential service shall be paid to the city at the time application for service is made upon the condition that the application for a permit is filed with the city in the appropriate form within sixty (60) days of notice by publication in a local newspaper or personal notification that the sewer is available to the resident. In all other circumstances, a permit and inspection fee of One Hundred Fifty Dollars (\$150.00) for residential, and One Hundred Seventy-Five Dollars (\$175.00) for industrial or commercial permits shall be paid to the city at the time the application is filed. (Ord. No. 99-270, Sec. 1.)
- 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 front building sewer may be extended 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 A.S.T.M. and W.P.C.F. Manual of Practice No. 9 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, 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. All connection into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. 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; and
 - 3. maintain the equipment and facilities.Such control manhole, meters, and other monitoring appurtenances shall be lockable, and accessible by the city.
- M. If any landowner should object to the route of any sewer line that the city of Clinton proposes to install across the property owned by said landowner, the following procedure shall be followed prior to the commencement of any eminent domain proceedings by the city:

1. There should be informal meetings between landowners, engineers, contractors, city personnel, and any other representatives or persons necessary to determine whether an alternative route might be determined. All factors may be considered in these discussions including, but not limited to, costs, hardships to either party, engineering studies, availability of other routes, etc.
2. If there is no resolution reached at these meetings, a representative of the engineers or contractors shall make this situation known to the Clinton Water and Sewer Commission. Members of said commission shall promptly consider the matter and make a recommendation as to whether an alternate easement for the sewer line should be secured or whether eminent domain proceedings should commence to obtain the proposed easement.
3. Should the Commission determine eminent domain proceedings are appropriate, the Commission shall make that recommendation to the Mayor. The (Mayor) (City Council) shall then determine whether the city should obtain the proposed easement by eminent domain. If it chooses to do so, the City Attorney shall be so instructed. (Ord. No. 98-260, Art. IV)

10.04.05 Use of public sewers.

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, 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, oil, or gas;
 2. any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, which 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 quantities 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, gases, or oils, in excess of forty (40) 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 hp metric) 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 a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials;
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 for such materials;
7. any radioactive wastes or isotopes which exhibit a half-life or concentration that 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 dye, wastes and vegetable tanning solutions); and
 - c. unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
9. any 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 environment.
10. 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.
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 270 mg/1, suspended solids in excess of 270 mg/1 of oil and grease in excess of 40 mg/1 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 beings or animals, or the receiving stream shall be subject to review by the Superintendent. He may require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.
- G. If any waters or wastes contain the substances or possess the characteristics enumerated in Section 4 hereinabove and which, 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 to 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 Section 11 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. 98-260, Sec. V.)

10.04.06 Protection from damage

- A. No 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 render 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. 98-260, Art. VI.)

10.04.07 Power and authority of Inspectors

- A. The Superintendent and other duly authorized employees bearing proper credentials shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no

authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries 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 Article VII, 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 require in Article V.
- C. The Superintendent and other authorized employees bearing proper credentials shall be permitted to enter all private properties through which the city holds a negotiated easement for the purpose of, but not limited to, inspection, observation, 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. 98-260, Art. VII.)

10.04.08 Penalty for violation.

- A. Any person found to be violating any provision of this chapter except Article VI shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Section I of this Article and/or any person who shall be found to be violating the provisions of Article VI of this ordinance shall be deemed guilty and their water service and/or sewer service shall be revoked until such time the provisions have been met.
- C. Any person violating any of the provisions of this ordinance 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. 98-260, Art. VIII.)

CHAPTER 10.08

WATER AND SEWER RATES

Sections:

10.08.01	Water rates
10.08.02	Sewer rates
10.08.03	Payment procedures
10.08.04	Statement
10.08.05	Connections outside city

10.08.01 Water rates The following rates and charges which the City Council of the city of Clinton, Arkansas, hereby finds and declares are fair, reasonable and minimum rates to be charged for water services be, and they are hereby, fixed as rates to be rendered by the system.

A. The authorized monthly rates for water service from the Clinton Water and Sewer Department are hereby increased as follows:

- (a) Clinton Commercial Inside City Limits Customers with 3/4 inch meters will be charged: 1st one thousand (1000) gallons-\$18.00 Next four thousand (4000) gallons-per thousand \$2.70 per one thousand (1000) gallons thereafter-\$3.00
- (b) Clinton Residential Inside City Limits Customers with 3/4 inch meters will be charged: 1st one thousand (1000) gallons-\$15.00 next four thousand (4000) gallons-per thousand-\$2.50 per one thousand (1000) gallons thereafter-\$3.00
- (c) Clinton Commercial Outside City Limits Customers with 3/4 inch meters will be charged: 1st one thousand (1000) gallons-\$25.00 next four thousand (4000) gallons-per thousand-\$3.03 each one thousand (1000) gallons thereafter-\$3.75
- (d) Clinton Residential Outside City Limits Customers with 3/4 inch meters will be charged: 1st one thousand (1000) gallons-\$21.00 next four thousand (4000) gallons-per thousand-\$3.00 each one thousand (1000) gallons thereafter-\$3.50.

- (e) Clinton Customers with 1" meters will be charged: 1st: one thousand (1000) gallons-\$40.72 next four thousand (4000) gallons -per thousand-\$2.70 each thousand (1000) gallons thereafter-\$3.00
 - (f) Clinton Customers with 2" meters will be charged: 1st one thousand (1000) gallons-\$74.10 next four thousand (4000) gallons-per thousand-\$2.70 each thousand gallons (1000) thereafter-\$3.00
 - (g) Clinton Customers with 3" meters will be charged: 1st one thousand (1000) gallons-\$107.49 next four thousand (4000) gallons-per thousand-\$2.70 each thousand gallons (1000) thereafter-\$3.00
 - (h) Clinton Customers with 4" meters will be charged: 1st one thousand (1000) gallons-\$157.17 next four thousand (4000) gallons-per thousand-\$2.70 each thousand gallons (1000) thereafter-\$3.00
 - (i) Clinton Customers with 6" meters will be charged: 1st one thousand (1000) gallons-\$207.67 next four thousand (4000) gallons-per thousand-\$2.70 each thousand gallons (1000) thereafter-\$3.00
 - (j) Burnt Ridge Customers will be charged 1st one thousand (1000) gallons-\$21.00 next four thousand (4000) gallons-per thousand-\$3.50 each thousand gallons (1000) thereafter-\$3.75 (Ord. No. 2009-17, Sec. 1.)
- B. All other water rates shall remain the same as are being currently charged. The Clinton Outside Customers will consist of the previously designated Outside and New Line Customers. (Ord. No. 2009-17, Sec. 2.)
- C. Thirty percent (30%) of the increased revenues generated from this rate increase will be set aside and used solely for repairs, replacement and construction of infrastructure needs of the water system or deemed necessary by the City Council of the City of Clinton. Seventy percent (70%) of the increased revenues generated from this rate increase will be placed in the operating funds of the Water Department. (Ord. No. 2009-17, Sec. 4.)
- D. The base or minimum rate for water for those customers of the Clinton Water Department who are billed by the City of Clinton is hereby raised three dollars (\$3.00). This increase shall apply only to the base or minimum bill and shall not apply to amounts of water used in excess of said minimum. (Ord. No. 2016-13, Sec. 3.)

The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and minimum rates to be charged for water services by, and they are hereby, fixed as rates to be rendered by the system:

Bee Branch Water Association	\$2.05 per 1,000 gallons
Demard Water Association	\$2.54 per 1,000 gallons
Van Buren County Water Association	\$2.08 per 1,000 gallons
Burnt Ridge Water Association (Ord. No. 99-279, Sec. 1.)	\$2.05 per 1,000 gallons

- B. Monthly Wholesale Water Rates The monthly retail water rates for residential and commercial customers, both inside and outside the city limits, be increased by 4.5% (.045) commencing January 1, 2001. (Ord. No. 00-288, Sec. 1.)
- C. Retail and wholesale water rates Commencing January 1, 2001, retail water rates for all customers, including residential and commercial customers located inside and outside the city of Clinton as well as wholesale water rates for all rural water associations purchasing water from the city of Clinton shall be increased 4.5% (.045). (Ord. No. 00-288, Sec. 2.)
- D. Meter deposit Each customer who connects with the water facilities of the System shall pay a meter deposit in the amount
 - 1. Residential \$50.00 water \$25.00 sewer
 - 2. Commercial \$100.00 water \$50.00 sewer
- E. Tapping Fee. There shall be a tapping fee for each customer who hereafter connects with and uses the water facilities of the System. The fee for water taps shall be as follows based upon meter size:

Sewer Taps Inside the City

Residential	\$450.00
Commercial	\$475.00

Water Taps Inside the City Limits

3/4" Residential	\$325.00
1" Residential	375.00
3/4" Commercial	335.00
1" Commercial	385.00

Taps Outside the City Limits

3/4" Residential	\$750.00
1" Residential	800.00
3/4" Commercial	760.00
1" Commercial	810.00

Large Taps Inside the City Limits

2" (price does not include meter)	\$675.00
4" (price does not include meter)	975.00
6" (price does not include meter)	1075.00

Large Taps Outside the City Limits

2" (price does not include meter)	\$885.00
4" (price does not include meter)	1185.00
6" (price does not include meter)	1260.00

(Ord. No. 2010-04, Sec. 1)

Additional Fees In addition to all other charges, each meter which measures water usage for water processed and sold by the City of Clinton, regardless of the entity which provides and/or bills for such usage, directly or indirectly, shall be subject to a three dollar (\$3.00) charge. The proceeds from this water rate increase shall be used solely to retire the indebtedness related to the purchase and installation of the water clarifier. This charge shall be for each meter and is not related to any base rate or surplus rate water service. (Ord. No. 2016-12, Sec. 3.)

- E. Re-connection charge In the event any premises are disconnected from the water facilities of the System, the customer concerned, prior to re-connection, shall pay all delinquent charges, together with a re-connection charge for each reconnection of the premises to the System as follows: \$35.00 for customers outside the city limits; and \$20.00 for customers inside the city limits. All customers inside and outside the City shall pay a \$60.00 after hour's service charge. (Ord. No. 2010-04, Sec. 1.)

- F. That none of the facilities or services afforded by the water system shall be furnished without a charge being made therefor. (Ord. No. 2010-04, Sec. 1.)

- G. The operation of the water system shall be on a fully metered basis with a meter installed at each water connection, and there shall be one (1) user on a single meter. All bills for water services shall be rendered in the net amount due. If any water bill is not paid on or before the fifteenth (15th) day of the month after the bill shall be rendered, a ten percent (10%) penalty shall be added and if any bill is not paid by the twenty-fifth (25) day of the month after the bill shall be rendered, water service may be disconnected. There shall be no dual connection, that is, there shall be not more than one (1) user on a single meter. (Ord. No. 2010-04, Sec. 2.)
- H. The city shall provide an additional water meter to customers for irrigational purposes only. Those water customers who already have a service line and meter may request such an additional irrigation water meter from the city. Said meter shall be placed on a separate water line which shall be installed at the customer's expense and which will tap into the pre-existing service line.
- I. No sewer charge shall be levied or collected by the city in connection with water passing through the separate water meter used solely for irrigation purposes.
- J. The city shall charge certain costs for the installation of the irrigation water meter to the customer. These costs for the separate meter as described herein within the city of Clinton shall include a service charge of \$7.50, a tapping fee of \$150.00 and a deposit of \$15.00. These costs may be modified from time to time without amending the ordinance herein.
- K. Penalty If any water customer who has an additional water meter for irrigation purposes knowingly uses the water passing through said meter for any other purposes, he or she shall be guilty of a misdemeanor and if convicted, shall pay a fine of \$10.00. Each day of such unlawful use of water through the additional meter as described herein shall constitute a separate offense of this ordinance. (Ord. No. 160, Sec. 1-4.)

10.08.02 Sewer rates The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and necessary minimum rates be, and they are hereby, fixed as rates to be charged for sewer services to be rendered by the system.

Sewer Rates

For each residential customer
served by the System

First	1,000 gallons or less	\$6.00
Next	1,000 gallons	\$2.50 per 1,000 gallons or portion thereof

All over 2,000 gallons \$2.05 per 1,000 gallons

	For each commercial customer served by the System	
First	1,000 gallons or less	\$11.00
All over	1,000 gallons	\$2.05 per 1,000 gallons
All over	18,000,000	\$1.55 per 1,000 gallons

The rates established under Section 1 above shall be increased by four percent (4%) effective on July 1, 2006. (Section 2). The rates established under Section 2 above shall be increased by four percent (4%) effective on July 1, 2007. (Section 3). The rates established under Section 3 above shall be increased by four percent (4%) effective on July 1, 2008. (Section 4). The rates established under Section 4 above shall be increased by four percent (4%) effective on July 1, 2009. (Section 5). The rates established under Section 5 above shall be increased by four percent (4%) effective on July 1, 2010. (Ord. No. 2015-7, Sec. 1-6.)

Monthly billings for the sewer system shall be made with and as a part of the water system billings and payment of water service shall not be accepted without the payment for sewer system service.

For properties using the sewer system but not connected with the water system, the charges shall be as follows:

\$10.00 flat rate per house per month for single family houses
 \$10.00 per unit, or \$10.00 per 1,000 square feet of floor space, whichever is greater, for all other users. There shall be a tapping fee of One Hundred Dollars (\$100.00) or the cost of making the tap, whichever is greater, for each connection to the sewer system.

None of the facilities or services afforded by the sewer system shall be furnished without a charge being made therefor. The City Council does hereby declare that the sewer rates for properties connected to and using the water system shall be seventy-five percent (75%) of the billed water charges.

Sewer taps

Residential	\$150.00
Commercial	\$175.00

(Ord. No. 153, Sec. 1.)

10.08.03 Payment procedures Vacant unoccupied property not actually using the sewer system shall not be subject to a charge, but the burden of showing vacancy and non-use shall rest on the owner of the property. All bills for sewer services shall be rendered monthly in the net amount due. Under the provisions of Ark. Stat. Ann. Sec. 19-4113 (Repl. 1968), a lien is fixed upon the land for any unpaid charge, even though the use of the sewer system is by a tenant or lessee instead of the owner. If any sewer charge is not paid on or before the tenth (10th) day after the bill therefor shall be rendered, a ten percent (10%) penalty shall be added and if any

sewer charge is not paid on or before the twentieth (20th) day after the bill is rendered, suit shall be brought to enforce the lien and to collect the amount due, together with the expense of collection and a reasonable attorney's fee.

10.08.04 Statement A single statement will be submitted for monthly water and sewer charges. Collections shall be applied first to discharge of sewer charges.

10.08.05 Connections outside city

- A. It is the policy of the city of Clinton not to allow or authorize the extension of wastewater or sewer connections to property located outside the city limits of Clinton, Arkansas, except as provided in Section 2.
- B. Extensions of, and connections to, the Clinton Sewer System to property outside, but adjacent to the city limits of Clinton, may be made if, prior to such extension, the property owner of said extra-territorial property, enters into a written annexation agreement with the city of Clinton to voluntarily seek to annex such property into the city of Clinton at the time of the connection to the city's wastewater and sewer system.
- C. Any property owner of property outside the city limits of Clinton who seeks to connect to the city's wastewater and sewer system and provided in Section 2, shall prepay all costs of any extensions of lines to the property together with all connection and tie on fees as required by the Sewer Commission for connections within the city limits together with the costs of the annexation proceeding before the County Court or other courts of competent jurisdiction. Such costs may include surveys, maps, court costs and attorney's fees. (Ord. No. 01-10, Secs. 1-3.)

CHAPTER 10.12

ELECTRIC SERVICE

Sections:

- 10.12.01 Petit Jean Electric Cooperative Corporation - tax - street lighting
- 10.12.02 All past claims settled in full
- 10.12.03 Franchise granted to Petit Jean Electric Cooperative Corporation
- 10.12.04 Grantee agrees to provide adequate and reasonable electric service
- 10.12.05 Facilities of grantee shall not unreasonably obstruct public use and travel
- 10.12.06 Grantee given right to trim, cut or remove trees, etc.
- 10.12.07 Agreement to continue
- 10.12.08 Rates charged shall be those lawfully approved or prescribed
- 10.12.09 Grantee shall use reasonable and proper precaution
- 10.12.10 Grantee shall endeavor to keep facilities in reasonable state of repair
- 10.12.11 Franchise tax
- 10.12.12 Electric service - paid for in accordance with applicable rate schedules
- 10.12.13 Franchise not exclusive
- 10.12.14 Ordinance shall constitute a contract

10.12.01 Petit Jean Electric Cooperative corporation - tax - street lighting That as a consideration supporting Ordinance No. 24, which is the Franchise Ordinance, granting a Franchise to Petit Jean Electric Cooperative Corporation be required to operate a sufficient amount of lights or drops to adequately light the streets and alleys of the City of Clinton, Arkansas, that the amount and location of said lights at said designated places, not to exceed twelve lights and that the furnishing of said lights and current at said places be under the direction of the City Council, pay for the franchise granted said Cooperative. (Ord. No. 29, Sec. 1.)

10.12.02 All past claims settled in full That all past claims on the part of the Cooperative as against Clinton, Arkansas, be allowed and settled in full for the past Franchise use heretofore enjoyed by the Cooperative and that the imposition of furnishing lights as above set out begin and continue from this date, July 11, 1944, until and as long as said Franchise remains in force and effect.(Ord. No. 29, Sec. 2.)

10.12.03 Franchise granted to Petit Jean Electric Cooperative Corporation The city of Clinton, Arkansas, (hereafter called Grantor) hereby grants to the Petit Jean Electric Cooperative Corporation, its successors and assigns (hereafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Clinton, Arkansas, except for such area within the present corporate limits, which at the date of enactment hereof is served by another supplier of electric energy, and except for such other areas

which may be later annexed, where Grantee is not allowed by law to serve, (1) to sell, furnish, transmit, and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter, on under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits, and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities). (Ord. No. 89, Sec. 1.)

10.12.04 Grantee agrees to provide adequate and reasonable electric service Grantee shall, and does by acceptance hereof, agree to provide to the City and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section One in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section One from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy. (Ord. No. 89, Sec. 2.)

10.12.05 Facilities of grantee shall not unreasonably obstruct public use and travel All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities.(Ord. No. 89, Sec. 3.)

10.12.06 Grantee given right to trim, cut or remove trees, etc. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service, and, further, Grantee is hereby given the right, authority and permission to trim, cut or remove portions of trees, shrubbery, or growth growing on private property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 89, Sec. 4.)

10.12.07 Agreement to continue The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until terminated in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereafter amended. (Ord. No. 89, Sec. 5.)

10.12.08 Rates charged shall be those lawfully approved or prescribed The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 89, Sec. 6.)

10.12.09 Grantee shall use reasonable and proper precaution In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee, or its agents, servants or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 89, Sec. 7.)

10.12.10 Grantee shall endeavor to keep facilities in reasonable state of repair The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair, and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this State during the time this franchise shall remain in force. (Ord. No. 89, Sec. 8.)

10.12.11 Franchise tax Beginning in 1970, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each year, a franchise tax in an amount equal to: Four and one quarter per cent (4.25%) of the preceding calendar year's gross residential and commercial electric revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the City of Clinton. Payments shall be made by the Grantee to the Grantor in approximately equal quarterly installments beginning in March 1, 1970 Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy between the Grantee and Grantor as to the amount of gross revenues received by Grantee in the City of Clinton upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and tax payers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section Nine hereof, to pay the City the sum of Four and one-quarter per cent (4.25%) annually of the gross residential

and commercial electric revenues shall immediately terminate. (Ord. No. 89, Sec. 9.)

10.12.12 Electric service - paid for in accordance with applicable rate schedules Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor. (Ord. No. 89, Sec. 10.)

10.12.13 Franchise not exclusive Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distribution, or furnishing electric energy for his or its own use or the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 89, Sec. 11.)

10.12.14 Ordinance shall constitute a contract The failure of the Grantee to file objection within thirty (30) days from the passage of this Ordinance shall constitute a contract between the Grantor and Grantee, and its successors and assigns. (Ord. No. 89, Sec. 12.)

CHAPTER 10.16

NATURAL GAS SERVICE

Sections:

- 10.16.01 Arkansas Louisiana Gas Company granted franchise
- 10.16.02 System shall be installed and operated in workmanlike manner
- 10.16.03 Grantee - delivery of gas to customer
- 10.16.04 Rates - as provided by law
- 10.16.05 City will construct distribution system
- 10.16.06 Agreement - acceptance by grantee
- 10.16.07 Franchise tax
- 10.16.08 Tax - when paid
- 10.16.09 Existing franchise agreement not altered by Ord. No. 78
- 10.16.10 Definitions
- 10.16.11 Conformance required
- 10.16.12 Gas inspector - created, duties
- 10.16.13 Gas fittings - license and bond
- 10.16.14 Pressure tests
- 10.16.15 Specifications for conversion to natural gas

- 10.16.16 Specifications for material and rules governing installation of service lines
- 10.16.17 Ibid., house piping
- 10.16.18 Copper and plastic pipe
- 10.16.19 Corrosion prevention for underground gas plumbing
- 10.16.20 Specifications - installation of appliances
- 10.16.21 Unlawful to tamper - unlawful to steal gas - other acts
- 10.16.22 Penalty - 10.16.10 through 10.16.21
- 10.16.23 State law to prevail

10.16.01 Arkansas Louisiana Gas Company granted franchise The Arkansas Louisiana Gas Company, its successors and assigns, hereinafter called "Grantee", are hereby granted the right to construct, maintain and operate in this Municipality a system for the transportation, distribution and sale of natural gas and to use, and excavate in, the public streets, sidewalks, alleys and grounds for that purpose, the period provided by law. (Ord. No. 79.)

10.16.02 System shall be installed and operated in workmanlike manner The system shall be installed and operated in a workmanlike manner, and this Municipality shall be held harmless from any damages caused by the negligence of Grantee's employees in the course of their employment. Grantee shall tunnel beneath paved streets, sidewalks and alleys wherever practical in laying and replacing mains. Grantee shall refill its excavations and restore sidewalks and pavements promptly, and if this is not done within a reasonable time then it may be done by this Municipality at Grantee's expense. Grantee's lines shall be laid so as not to interfere with the present sewer system, and if a new sewer line crosses Grantee's pipeline at the same level, then this Municipality may, if Grantee has not done so after the reasonable notice, raise or lower Grantee's line at Grantee's expense but only under Grantee's supervision. This Municipality may inspect Grantee's construction work at any time, or have said work inspected by a qualified engineer. (Ord. No. 79.)

10.16.03 Grantee - delivery of gas to customer Grantee shall deliver gas to the consumer at the curb line, or within 10 feet of the property line where no curb line has been determined, and all service pipes and facilities necessary to receive and utilize the gas at that point shall be furnished and maintained by the consumer, except that Grantee shall furnish and connect the gas meter. Title to all equipment installed by Grantee shall remain in Grantee. Grantee shall extend its mains to serve new customers where reasonably assured of enough new customers and revenues therefrom to justify the capital expenditure necessary to establish the service. Grantee may promulgate and enforce reasonable rules, regulations and requirements governing the sale, deliver, receipt and use of gas furnished by Grantee and the commencement and discontinuance of gas service. (Ord. No. 79.)

10.16.04 Rates - as provided by law The applicable rates set forth in the attached schedules, which are made part hereof by this reference, shall be charged for gas service by Grantee until said rates are raised or lowered in the manner provided by law. (Ord. No. 79.)

10.16.05 City will construct distribution system It is contemplated that the city of Clinton will construct a natural gas distribution system and other facilities to make natural gas service available to the City and that the Grantee will take over the operation of the system under a 20-year lease with option to purchase. It is recognized that, considering various business factors including the present and anticipated circumstances with respect to Grantee's gas rates in the city of Clinton in relation to competing fuels in the area, the operation of the City's system by Grantee under said lease purchase agreement can only be justified from a business standpoint if there is some assurance that there will not be an increase in City Taxes over the presently existing taxes, if any, which Grantee will consider in reaching its decision whether to proceed with the project. Accordingly, to induce Grantee to enter into the lease purchase agreement, the city of Clinton is agreeable to releasing, and does hereby release and exempt for 20 years from the date of this franchise, Grantee, its successors and assigns, from payment of all municipal, occupation, license, franchise and excise taxes and any other character of municipal tax or fee whatsoever which during said period might otherwise be due by Grantee to the extent that same exceed the amount levied as of the date of this franchise. (Ord. No. 79.)

10.16.06 Agreement - acceptance by grantee This ordinance shall be not effective unless accepted by Grantee by written notice to the Mayor within ninety (90) days after either the date of its passage or the date all approvals necessary to enable Grantee to serve this Municipality have been granted by federal and state authorities with jurisdiction, whichever is later. (Ord. No. 79.)

10.16.07 Franchise tax The amount of Occupation (License, Franchise, or other special city) Tax to be paid by Arkansas Louisiana Gas Company during the year 1967 and the future years until changed by ordinance shall be determined as follows:

At the close of the calendar year 1966 and the close of each calendar year thereafter, the Gas Company shall determine the average number of domestic and commercial meters for the preceding year within the corporate limits of the city of Clinton, and shall inform the Mayor of the results of this calculation. The tax for each year shall be computed by multiplying the average number of meters of \$1.00 per meter.

10.16.08 Tax - when paid Said Tax during the year 1967 shall be paid by March 1, 1967, and the Tax similarly computed for succeeding years shall be paid by March 1st of each succeeding year.

10.16.09 Existing franchise agreement not altered by Ord. No. 78. Nothing herein shall be construed to alter or change the terms or conditions of the present franchise under which the Gas Company is operating.

10.16.10 Definitions The following terms shall have the following meanings when used in this Ordinance:

- A. "Municipality" refers to the incorporated municipality adopting this Ordinance.
- B. "Municipal Secretary" refers to the City Recorder of the Municipality.
- C. "Utility" refers to any gas utility serving the Municipality.
- D. "Utility supply" refers to the supply of gas made available by the utility to serve the Municipality and the distribution system installed and operated by the utility incidental to said service.
- E. "Consumer" refers to any user of gas in the Municipality.
- F. "Consumer premises" refers to any premises where gas is used in the Municipality.
- G. "Structure" refers to any particular building or installation where gas is used on a consumer premises.
- H. "Gas Inspector" refers to the person occupying the position of "Gas Inspector" for the Municipality, as hereinafter in Section 3 hereof more particularly described.
- I. "Service line" refers to the consumer's gas pipeline extending from the point of connection with utility supply to the service meter located on the consumer premises.
- J. "Housing piping" refers to the system of gas piping, either exposed or concealed, which conveys gas from the outlet of the service meter to outlets and appliances at various places on a consumer premises.
- K. "Service stub" refers to the gas piping from the utility's main to the point of connection with consumer's service line.
- L. "Appliance" refers to any appliance in which gas is consumed.
- M. "Automatically controlled appliances" refers to appliances to which the gas supply is automatically turned on and off in accordance with the demand for heat, but does not include appliances with devices or controls governing the supply of gas to the main burner or burners which cannot automatically reduce the gas supply below thirty per cent of the input rating. (Ord. No. 75.)

10.16.11 Conformance Required. All service lines, house piping, and appliances in this Municipality shall conform to and shall be installed and connected in accordance with the standards and specifications hereinafter fixed. (Ord. No. 75.)

10.16.12 Gas Inspector.

- A. Office Created. There is hereby created the office of "Gas Inspector" for this Municipality. The said Gas Inspector shall be appointed by this Council and shall perform the duties and functions hereinafter appearing.
- B. Inspection
 - 1. The Gas Inspector shall inspect all service lines, house piping, and appliances after the installation and connection thereof and before the gas supply has been turned on, in order to determine whether there has been conformance with the provisions of this Ordinance.

2. Where no natural gas has been used in a structure within the twelve months preceding the date upon which gas service is desired, the Gas Inspector shall inspect all service lines, house piping and appliances in and to such structure before the gas supply thereto may be turned on again.
3. The Gas Inspector shall have the right to make such other inspections from time to time as may be necessary to determine the conditions of facilities in use in any consumer premises, and if he has reason to believe that any service lines, house piping, or appliances in use in any consumer premises or structure are in a dangerous and unsafe condition, it shall be his duty to inspect same promptly. Whenever, in the Gas Inspector's judgment, any service line, house piping, or appliances in use in any consumer premises or structure are in a dangerous and unsafe condition, he shall immediately notify the responsible person, firm, business association, agency, or corporation of such fact, and shall shut off, or cause to be shut off, all gas service to the consumer premises or structure involved until the necessary repairs have been made; the Gas Inspector shall inspect all such facilities after the necessary repairs have been made; it shall be unlawful to use same after the aforesaid notice of their condition has been given by the Gas Inspector until after they have been thus repaired and inspected and a new Certificate of Approval issued in respect thereof.
4. The Gas Inspector shall have authority to enter any consumer premises and structure in this Municipality where gas is used, for the purposes of making the inspections herein contemplated.
5. Upon the completion of each construction, installation, or repair job in respect of which a Certificate of Approval from the Gas Inspector is necessary hereunder, the responsible gas fitter in charge of the work shall cap, or cause to be capped, all outlets and shall notify the Gas Inspector that the job is ready for inspection; the said gas fitter shall use due care to see that the work has been properly completed and is in fact ready for inspection before notifying the Gas Inspector, in order to avoid unnecessary inspection trips.

C. Certificate of Approval

1. Whenever the facility or facilities inspected by the Gas Inspector in accordance with the provisions of Subsection 3(B) above are found to comply with this Ordinance, it shall be the duty of the Gas Inspector, after the payment of the inspection fee as hereinafter provided, to issue an "Certificate of Approval" certifying to such fact.
2. A Certificate of Approval shall be issued in quadruplicate, and it shall be the duty of the Gas Inspector to deliver, or to cause to be delivered, one

copy thereof to the responsible gas fitter in charge of the work, one copy to the utility serving the consumer premises involved, and one copy to the responsible person, firm, business association agency or corporation applying for the gas service; the fourth copy shall be filed in the office of the Gas Inspector.

3. A Certificate of Approval shall be required before a utility serves gas to a particular consumer premises or structure, in the following instances:
 - a. For all service lines and house piping hereafter installed in this Municipality;
 - b. For all service lines and house piping in which no natural gas has been used within the last twelve months preceding the date upon which gas service is desired;
 - c. For appliances connected to any service lines and house piping for which a Certificate of Approval is required under the two preceding subparagraphs hereof;
 - d. For service lines, house piping, and appliances in respect of which the gas service has been discontinued consequent upon the Gas Inspector's finding a dangerous and unsafe condition existing, after the completion of the repairs necessitated by such finding.
4. Prior to the issuance of a Certificate of Approval hereunder, an inspection fee shall be paid to the Gas Inspector in accordance with the following:
 - a. 8 gas outlets, or less, two dollars (\$2.00)
9, 10, or 11 outlets, three dollars (\$3.00)
12, 13, or 14 outlets, four dollars (\$4.00)
15, 16, or 17 outlets, five dollars (\$5.00)
18, 19, or 20 outlets, six dollars (\$6.00)
 - b. If any service line, house piping or appliance does not in the judgment of the Gas Inspector upon the initial inspection, meet the standards and specifications herein set forth and, accordingly, an additional inspection trip or trips to the premises involved is necessary, an additional fee of fifty cents (0.50) for each such additional trip shall be collected.

10.16.13 Gas fittings - license and bond

- A. License. No individual shall engage in the occupation or business of installing and connecting service lines, house piping, and appliances (herein sometimes referred to as "gas fitting") in this Municipality unless there has been issued to such individual a valid and currently effective gas fitting license. This license shall be issued by the Municipal Secretary and only to applicants who satisfactorily establish their qualifications and ability. The Municipal Secretary shall be the sole judge of the applicant's qualifications and shall have the right to require such proofs and references as to an applicant's ability in this field as the Secretary may in the prudent exercise of this duty see fit to require. A gas fitting license issued under this Section shall authorize the licensee to perform the functions of a "gas fitter" in this Municipality for a period of one year from the date of its issuance, unless sooner revoked by the Municipal Secretary, and shall under no circumstances be transferable, it being the purpose of this paragraph to provide for the installation of gas facilities in this Municipality only by qualified gas fitters.
- B. Bond. No individual, firm, business association, or corporation shall engage in the business of gas fitting in this Municipality unless there has been deposited with the Municipal Secretary a good and sufficient bond in the amount of Five Hundred and No/100 (\$500.00) Dollars, having as surety thereon a corporate surety company duly authorized to do business in this State, or other responsible surety, acceptable to the Municipal Secretary, said bond to be conditioned that such individual, firm, business association, or corporation, and employees thereof in the course of such employment, shall faithfully comply with the provisions of this ordinance and all rules and regulations made in pursuance thereof, and shall indemnify and hold the Municipality, and any and all other persons and corporations interested, harmless against all costs, expenses, suits, claims, liabilities, damages, and injuries sustained by the Municipality, or other-person or corporation interested, either by reason of the failure of such individual, firm, business association or corporation, or any employee thereof in the course of such employment, to comply with this or any other pertinent ordinances of the Municipality, and any rules and regulations issued pursuant thereto, or because of any negligence of said individual, firm, business, association or corporation, or employee thereof in the course of such employment, in operating under this ordinance and any rules and regulations issued thereunder; provided that the provisions of this paragraph and of the preceding paragraph shall not apply to any gas utility serving consumers in this Municipality or to the employees of such utility in the course of their employment. (Ord. No. 75)

10.16.14 Pressure tests. Pressure tests shall be made by the Gas Inspector of the service line and the house piping separately. The service line shall be tested before the trench is backfilled. The service line and house piping shall be required to hold ten pounds (10#) or twenty inches (2011) mercury column of air pressure for a period of fifteen (15) consecutive minutes without a detectable drop in pressure. The pressure testing device used shall be a

sensitive spring type gauge or a sensitive mercury column; the testing apparatus shall be supplied the Gas Inspector by the responsible gas fitter on each job inspected. (Ord. No. 75.)

10.16.15 Specifications for conversion to natural gas

- A. A service line at least three-quarters inch (3/4") in size shall be installed in accordance with the specifications and construction standards elsewhere herein provided for the installation of service lines.
- B. Piping previously installed for distribution of liquefied petroleum gases may continue to be used, but only if gas service is adequate and reasonably efficient; if service is not adequate and reasonably efficient, then the structure shall be repiped to conform to specifications and construction standards elsewhere herein fixed.
- C. Before a gas supply is furnished by the utility, the orifices and burners of all liquefied petroleum gas appliances shall be changed or altered to the sizes and methods of use recommended by the manufacturer of the Appliance. Vent pipes, heater connections, or any other appurtenances to gas appliances in use prior to conversion from liquid gas to natural gas shall be altered or replaced in a manner that will conform to the specifications and construction standards hereinafter fixed. (Ord. No. 75.)

10.16.16 Specifications for material and rules governing installation of service lines

- A. All pipe shall be new, standard, full weight, wrought iron or steel, free from defects; copper pipe and plastic pipe may be used subject to the further provision of Section 9 of this Ordinance.
- B. All fittings shall be of best quality malleable iron. No cast iron fittings shall be used.
- C. No bushings, union globe valves, or all-brass stop cocks shall be used.
- D. The service line shall be at least three-quarters inch (3/4") in diameter if the utility's system to which it is connected is a pressure system requiring use of service regulator on service riser, and at least one and one-quarter inches (1 1/4) in diameter if the utility's system to which it is connected is a low pressure system not requiring use of service regulator on service riser. If the consumer's gas requirements will be greater than that of an ordinary domestic consumer, the utility's representative should be consulted before installation for the proper size of service lines.
- E. Wherever possible, the service line shall be laid at a right angle to utility main in a trench sloping from the meter loop to the street. It shall not contain any traps or unnecessary risers, tees, or elbows.

- F. Meter loops shall be installed according to the following standards:
1. When the consumer premises to be supplied requires an extraordinary amount of gas, the standard specifications of the utility supplying gas for the installation of the meter loop shall be used and complied with.
 2. When required for a residential structure, or a consumer premises using an equivalent amount of gas, the meter loop shall be installed in accordance with the following standards:
 - a. Meter loops shall be installed outside the structure to be supplied. When more than one meter is required for a structure, loops shall be constructed in manifold. When more than two meters are required, the header for loops shall be not less than two inches (2") in size. All meter loops shall be constructed with the outlet for meter to be located not less than two feet (2') above a permanent ground level surrounding the meter loop. The meter risers shall be located not more than six inches (6") from the outside of the wall of structure.
 - b. Meter riser shall be connected to service line at a point not less than twelve inches (12") below the permanent ground level. Meter riser shall be equipped with a standard lock wing lubricated stop cock installed six inches (6") above permanent ground level. Service regulators shall be furnished by the utility when required, and shall be installed on the outlet side of lock wing master stop on service riser. When manifold meter loops are constructed, a master stop cock shall be installed on both service riser and for each meter loop. Meter loops shall be installed according to specifications furnished by the utility. (Ord. No. 75.)

10.16.17 Ibid., house piping

- A. All pipe shall be standard, full weight, wrought iron or steel, free from defects; copper pipe may be used subject to the further provisions of Section 9 of this ordinance.
- B. All fittings shall be best quality malleable iron. No cast iron fittings shall be used.
- C. No bushings, gasket unions, globe valves, or all-brass stop cocks shall be used.
- D. No rubber hose and no non-metallic connections shall be used.
- E. No valves or unions shall be placed in any inaccessible place.
- F. The minimum pipe size to be installed from meter to appliance riser for supplying heating and cooking stoves, ranges, hot water heaters, gas logs, and other appliances of the ordinary and usual type and size shall be as follows:

1. For one appliance, one and one-quarter (1 1/4") inch for the first, and one inch (1") for the second.
 2. For three or four appliances, one and one-quarter (1 1/4") inch to the first and second; one (1") to third; and three quarters (3/4") inch to fourth
 3. For five or six appliances, one and one-quarter inch to first, second, and third; one (1") inch to fourth and fifth; and three-quarters (3/4") inch to sixth.
 4. For seven or eight appliances, one and one-quarter inch to first, second, third, and fourth; one (1") inch to fifth and sixth; and three-quarters (3/4") inch to seventh and eighth.
 5. If more than eight openings are required, or if furnaces, mall boilers, or other large or unusual appliances are to be installed, the utility shall be requested to furnish piping requirements specifications.
 6. Risers or ceiling drops to appliances or fixtures shall not be less than the gas manifold pipe size on the appliance, except that the riser to any appliance shall not be less than one-half (1/2") inch in size.
- G. All outlets or risers for connections of appliances must project beyond the surface of the wall, ceiling, floor, or baseboard at least two inches (2") and must be securely fastened. Where appliances are not connected, said outlets or risers shall be left securely capped.
- H. No house piping shall be installed in, or in the soil immediately under, concrete floors, or walls where it can be avoided. If it is unavoidable, the house piping shall be installed in a suitable casing, properly sealed, which will permit it to be readily removed for repairs in case leakage develops.
- I. All house piping shall be rigidly fastened to the building to prevent its being removed or broken.
- J. All pipe and pipe fittings must be made up tight with an approved pipe joint cement or white lead. (Ord. No. 76.)

10.16.18 Copper and plastic pipe.

- A. Service Lines. When a service line is constructed of copper pipe or plastic pipe, the material used shall be approved by the utility and the installation made in accordance with the utility's specifications.
- B. House Piping. When copper pipe is used for house piping, the material used shall be approved by the utility and the installation made in accordance with the utility's specifications. (Ord. No. 75.)

10.16.19 Corrosion prevention for underground gas plumbing. All consumer's underground metallic gas lines shall be protected against external corrosion attack as prescribed in the following paragraphs:

A. Coatings

1. Materials - The external surface of all buried metallic gas piping shall be coated with one of the following materials:
 - a. Extruded plastic.
 - b. Plastic applied as a dry resin.
 - c. Hot applied bituminous materials, either asphalt or coal tar.
 - d. Preformed plastic films with suitable backing and adhesives (pipeline tapes.)
 - e. Preformed bituminous films (tapes) with suitable reinforcement and/or backing either cold or hot applied.

2. Application.
 - a. Extruded Plastics. The coating shall be a minimum of 25 mils thick and have a bonding adhesive between the pipes and the plastic as produced by major steel and coating companies.

 - b. Plastics applied as dry resins. The plastic shall be applied to pipe cleaned as in (c)(1) or (2). The resin may be applied by spray or fluidized bed techniques to the heated pipe. The pipe shall be heated to fuse the plastic into a continuous holiday-free bonded coating having a film thickness of not less than 10 mils, as produced by major steel and coating companies.

 - c. Hot applied Bituminous enamels.
 - (1) Cleaning - Steel pipe shall be cleaned by sandblasting or shot blasting.
 - (2) Non-ferrous metal piping shall be cleaned by solvents and brushing to remove all foreign material.
 - (3) A primer shall be applied in an even coat immediately after cleaning. The primer shall be compatible to the particular coating to be later applied. Primer shall not be wet or dead when the hot enamel is applied.
 - (4) A flood coat of the hot enamel shall be applied to an

average thickness of 3/32 of an inch. Glass reinforcement shall be pulled into the molten enamel.

- (5) Spirally wrapped pipe line asbestos felt shall be applied to the hot enamel. The saturant in the felt shall be compatible with the enamel.
- (6) Electrical holiday inspection between 8,000 and 12,000 volts shall be made to insure that a pinhole (holiday) free coating is obtained.

d. Preformed plastic films (Tapes).

- (1) Cleaning shall be as specified in paragraph (c)(1) or (2).
- (2) The pipe shall be coated with a primer compatible with the adhesive mass on the plastic film. Drying time and thickness of the primer coat shall be in accordance with the recommendation of the manufacturer of the specific material involved. Primer may be omitted when coating copper pipe.
- (3) The plastic tape shall be spirally applied by a tape wrapping machine in such a manner as to give a minimum of 1/4 inch overlap with no wrinkles or voids in the material. Hand wrapping will be permitted on bands and joined pipe ends only.
- (4) Inspection of the wrapped pipe shall be as in (c)(6) except the voltage shall not exceed 5,000 volts.
- (5) In rocky areas pipeline asbestos felt shall be applied over the tape or the pipe should be padded with soil (for protection against mechanical damage).

e. Bituminous films (Tapes).

- (1) Cleaning shall be as specified in (c)(1) or (2).
- (2) Primer shall be compatible with the coating and applied in an even coat to a thickness recommended by the manufacturer.
- (3) Hot applied tapes shall be heated to a temperature that will allow the system to conform to the pipe in a continuous film free of wrinkles and sags. Excessive heating which will allow the reinforcing material to "pull through" the bituminous layer will be

cause for rejection. A minimum of 1/4 inch overlap of the spirally wrapped tape is required.

(4) Inspection shall be as in (c)(5) above.

3. Joints and Fittings.

- a. The coating system on all straight run pipe shall be cut back a maximum of 6 inches from the end. After joining, the uncoated pipe and fitting surfaces shall be cleaned free of all grease, oil, pipe dope, soap, moisture, dust, rust, loose mill scale or dirt. If a draft paper or other outer wrap has been used as a part of the pipe coating, it shall be stripped back to expose at least 2 inches of the base pipe coating materials. The Joints and fitting shall then be coated with a material that is compatible with the base coating as specified in (b), (c), or (d) below.
- b. A minimum thickness of 50 mils of a mastic protective coating, compatible with the system on the pipe shall be applied to the cleaned surface. Where the mastic was cured prior to burial, no overwrap is required. Where desired or where immediate burial is required, a compatible over-wrap shall be used. Application shall be as recommended by the manufacturer of the mastic.
- c. Hot or cold applied bituminous tapes shall be spirally applied over the primer in such a manner as to give a minimum 1/4 inch overlap with no wrinkles or voids in the material. The primer shall be that recommended by the manufacturer of the tape.
- d. Preformed plastic films (tapes) may be used to coat the joined ends of pipe and repair minor coating damage, but only on pipe which has been coated with preformed plastic films, extruded plastics, or plastics applied as dry resins. The plastic tape shall be spirally wrapped in such a manner as to give a minimum 1/4 inch overlap with no wrinkles or voids in the material.

4. General.

- a. All coating shall be done in strict accordance with the manufacturer's recommendations as to film thickness, drying time, etc.
- b. In transporting the coated pipe from the place of coating to where it is to be laid, precautions shall be taken to prevent the coating from damage due to bending, chain or rope cuts, dropping or other rough handling. If

minor damage should occur, repairs shall be made in accordance with Section (3) above.

- c. Pipe shall not be used when the coating has been damaged appreciably. If the coated pipe as laid appears to be damaged or poorly coated, the inspector shall cause its removal. Such pipe may be repaired and reused provided suitable and compatible coating materials are available and the technique of application is consistent with the original coating procedures.
- d. When coated pipe by any of the above specifications is placed in the ditch, care shall be taken that no rocks, debris from construction or any extraneous material shall be used in the backfill of the ditch.
- e. All wrappings and coatings shall extend 6 inches above finished grade level where pipe is extended above ground.

B. Insulation (Isolation).

1. Underground Gas Piping

- a. Insulation shall be installed at the meter loops or at the connection to the gas distribution line, whichever will electrically isolate the gas utility distribution system from the consumer's piping. An approved dielectric fitting shall be used.
- b. The steel gas service shall be isolated by an approved dielectric fitting above ground level where it enters the building or at the meter loop where the meter is located immediately adjacent to the structure being served. No gas piping shall be installed underneath a building in contact with, or under, the ground.
- c. If in any case, two different metals are used in the underground gas piping system a dielectric fitting shall be installed at the point(s) of interconnection of the dissimilar piping.

2. General.

- a. No piping system on the ground side of dielectric insulating fittings shall be allowed to contact electrically any other metallic structure, such as concrete reinforcing, drain lines, or electrical grounding system. No piping coming from underground shall be left exposed or uncoated below the dielectric fitting.

- b. Where piping goes through concrete walls or floors, it should be protected by a non-metallic sleeve.
- c. There shall be a minimum of 4 inches clearance between all underground pipe crossings or where pipe crosses another metallic structure. If 4 inches clearance cannot be secured, an electrically insulating spacer shall be placed between the pipe and the crossings. This spacer shall be made of a material which will not decay, such as reinforced plastic or rubber.

C. Cathodic Protection Requirements.

1. All of consumer's underground service and distribution gas piping shall be cathodically protected by maintaining a minimum voltage to a copper-copper sulfate reference electrode, as follows:
 - a. Steel piping - 0.85 volts Copper piping - 0.35 volts Galvanized pipe - 1.10 volts
 - b. Instruments for measurement of this potential shall be those normally used by experienced corrosion engineers.
2. Cathodic protection current sources should be magnesium or zinc sacrificial anodes packaged in suitable anode backfill manufactured for this specific service. Minimum size anode used shall be 5 pounds.
3. Clay soils and permanent moisture are desirable for anode locations. In any case, the anode must be buried deeper than the piping to be protected. The minimum spacing between the nearest point on the piping system and the anode shall be three feet.
4. Anode lead wires shall be attached to the piping at a suitable above ground location by one of the following methods:
 - a. Thermite welding - limited to a 15 gm. cartridge. Brazing by any other method is prohibited.
 - b. Soldering.
 - c. Conventional ground wire-to-pipe connections.
5. The plumbing inspector will check and assure that the cathodic protection as specified is adequate at the final plumbing inspection. Instruments used to check the adequacy of cathodic protection shall be those normally used by corrosion engineers.

D. Maintenance of Protection System

1. Property owner shall be notified in writing as to the type and amount of protection which has been installed and that future maintenance of the protection system will be the responsibility of the property owner.
2. Any dielectric fitting removed during repair or modification of the system shall be reinstalled in new condition.

10.16.20 Specifications - installation of appliances

- A. All appliances and all devices, attachments, and accessories for them shall be of standard make and manufacture and shall be installed in accordance with the manufacturer's specifications and approved by the utility.
- B. No device or attachment shall be installed on any appliance which may in any way impair the combustion of the gas.
- C. No devices employing or depending upon an electrical current shall be used to control or ignite a gas supply if of such a character that failure of the electrical current could result in the escape of unburned gas or in failure to reduce the supply of gas under conditions which would normally result in its reduction unless other means are provided to prevent the development of dangerous temperatures, pressures, or the escape of gas.
- D. Appliances shall be adequately supported and so connected to the piping as not to exert undue strain on the connection.
- E. No appliance shall be installed in a room in which the facilities for ventilation do not permit the proper combustion of gas under normal conditions of use.
- F. Water heaters shall not be installed in bathrooms and bedrooms. However, water heaters of the automatic storage type may be installed as a replacement in a bathroom, when specifically authorized by the Gas Inspector, providing they are properly vented and are supplied with adequate combustion air.
- G. A gas cock or shut-off shall be easily accessible and within convenient reaching distance when lighting the burner.
- H. When air or oxygen under pressure is used in connection with any gas supply, effective means shall be provided to prevent the air or oxygen from going back into the gas piping.

- I. Gas appliances shall be located so that they will be readily accessible for operation, repair, and adjustment.
- J. Appliances with closed bases in which no provision is made for the circulation of air below the burner boxes shall be properly insulated from any combustible material.
- K. No appliance shall be connected with flexible tubing except such which are necessarily portable or have to be moved from place to place or which require a vibration joint, in which cases, the installation shall conform to the latest accepted standards re-quired for safe operation.
- L. Ranges, water heaters, space heaters, clothes dryers, incinerators, wall heaters, etc., shall not be installed in rooms where the facilities for ventilation do not permit proper combustion of the gas under normal conditions of use. Appliances of this character shall be designed with a heat deflector or burner tray to prevent incandescent particles of dust, carbon, etc.1 from igniting combustible material.
- M. No water heating appliance shall be installed in a closed system of water piping, unless a pressure relief valve is provided.
- N. Installations of gas fired, single register, floor furnaces shall conform to the following specifications:
 - 1. A flue connection which shall conform to the accepted standards for safe operation shall be required.
 - 2. Where installations are in lowest floors of buildings without basement, ample clearance must be made, and neither the flue pipe nor furnace casing shall be in contact with earth or damp material, and the furnace must be protected from the possibilities of being flooded with water.
 - 3. No furnace shall be installed in the floor of any aisle or passageway of any auditorium, public assembly room, public hall, or egress from any such room or space.
 - 4. All furnaces shall be equipped with a gas pressure regulator, which shall be adjusted so the gas input does not exceed the approved input rating.
 - 5. If automatic operation of floor furnaces is desired, care must be taken that a model designed for use with an automatic pilot is employed. No automatic pilot shall be installed in the field on a floor furnace that has not been designed for such equipment. Automatic safety pilots are recommended for all floor furnaces.

- O. The installation of gas fixed boilers , furnaces, and conversion burners for house heating shall conform to the latest accepted standards required for safe operation.
- P. Flues and/or Vents are required as stated in the American Gas Association, Inc. latest approved Standard for installation of gas piping and gas appliances in buildings (Code Z 21-30) and shall be installed to conform with this Standard (Code Z 21.30)

10.16.21 Unlawful to tamper - unlawful to steal gas - other acts

- A. To tap, break, damage, molest, or tamper with any gas pipes, lines, meters, regulators, or appliances, or any appurtenances, attachments, or connections to or seals on any of same, owned by any utility serving this Municipality, or to interfere with the operation of such utility's gas system, and each day any violation of this clause continues shall be deemed a separate offense.
- B. To steal gas from any pipe or fixture employed in furnishing or making available to any consumer a supply of gas, whether or not such pipe or fixture is owned by the utility supplying or distributing such gas, or to install or cause to be installed any piping, tube, hose, or other device whatsoever, for the purpose of stealing gas or deflecting the flow of gas around a meter.
- C. To turn on valves, break seals on meter cocks, or do any other act the purpose of which is to cause or attempt to cause a resumption of the flow of gas which has been stopped or shut off by the utility supplying the same; and the existence of any by-pass pipe or other device on or about the pipes or equipment installed or legally used by the utility in furnishing or measuring gas to consumers, or evidence of damage to meters, valves, seals, or other appurtenances preventing or interfering with proper use of such equipment for measuring or controlling the flow of gas, shall constitute prima facie evidence of knowledge on the part of the responsible person, firm, business association, agency, or corporation having custody or control of these premises where such device or damage is located, of the existence thereof and of the effect thereof to unlawfully take or steal gas, and shall bring such person, firm, business association, agency, or corporation prima facie within the scope, meaning, and penalties of this ordinance. (Ord. No. 75)

10.16.22 Penalty - 10.16.10 through 10.16.21 Any person, firm, business association, agency, or corporation failing, refusing, or neglecting to comply with the requirements of, or otherwise violating the provisions of, this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be fined a sum not less than Five (\$5.00) Dollars nor more than Twenty-five (\$25.00) Dollars. (Ord. No. 75.)

10.16.23 State law to prevail. To the extent that any provisions hereof may conflict with the requirements of any valid laws, rules, and regulations of any other governmental or regulatory authority having jurisdiction, such other laws, rules, and regulations shall prevail.

CHAPTER 10.20

TELEPHONE SERVICE

Sections:

- 10.20.01 Franchise granted to Arkansas Telephone Co. and its successors
- 10.20.02 Grantee agrees to provide city and its inhabitants adequate and reasonable service
- 10.20.03 Grantee's facilities shall not obstruct public use and travel
- 10.20.04 Grantee given right to trim, cut and remove trees, etc.
- 10.20.05 Agreement shall continue
- 10.20.06 Rates shall be those lawfully approved and prescribed
- 10.20.07 Grantee shall use reasonable and proper precaution
- 10.20.08 Grantee shall endeavor to keep facilities in reasonable state of repair
- 10.20.09 Franchise fee
- 10.20.10 Grant not exclusive
- 10.20.11 Ordinance shall constitute a contract

10.20.01 Franchise granted to Arkansas Telephone Co. and its successors The city of Clinton, Arkansas, (hereinafter called Grantor) hereby grants to the Arkansas Telephone Company, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Clinton, Arkansas, except for such area within the present corporate limits, which at the date of enactment hereof is served by another supplier of telephone service, and except for such other areas which may be later annexed, where Grantee is not allowed by law to serve, (1) to sell, furnish, transmit and distribute telephone service to Grantor and to all inhabitants and users within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, relay stations, substations, cables, conduits, and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said telephone service (hereinafter called facilities.) (Ord. No. 90, Sec. 1.)

10.20.02 Grantee agrees to provide city and its inhabitants adequate and reasonable service Grantee shall, and does by acceptance hereof, agree to provide to the City and its inhabitants adequate and reasonable telephone service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the

City, consents to the construction of such facilities as defined in Section One in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise limited herein, the grants as rights and privileges to Grantee set forth in Section One from interference with, or duplication by, other person, firms, or corporations seeking to engage in the sale or distribution of telephone service. (Ord. No. 90, Sec. 2.)

10.20.03 Grantee's facilities shall not obstruct public use and travel All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the applicable National and State codes. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities. (Ord. No. 90, Sec. 3.)

10.20.04 Grantee given right to trim, cut and remove trees, etc. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of telephone service, and, further, Grantee is hereby given the right, authority and permission to trim, cut or remove portions of trees, shrubbery, or growth growing in private property by overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 90, Sec. 4.)

10.20.05 Agreement shall continue The right, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance and thereafter, until terminated in accordance with provisions of applicable Statutes of Acts of the State of Arkansas, as presently enacted or hereafter amended. (Ord. No. 90, Sec. 5)

10.20.06 Rates shall be those lawfully approved and prescribed The rates which are to be charged by Grantee for telephone service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 90, Sec. 6.)

10.20.07 Grantee shall use reasonable and proper precaution In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee, or its agents, servants or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 90, Sec. 7.)

10.20.08 Grantee shall endeavor to keep facilities in reasonable state of repair The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair, and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this State during the time this franchise shall remain in force. (Ord. No. 90, Sec. 8.)

10.20.09 Franchise fee Beginning in 1972, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each year, a franchise tax in an amount equal to: \$.50 per station for each of the average number of commercial and residential users, (exclusive of extensions), of the preceding year, located within the corporate limits of the city of Clinton. Payments shall be made by the Grantee to the Grantor in one annual installment, first installment due 15 January, 1972. Residential and commercial telephone users are those users so classified pursuant to Grantee's uniform classification standard. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the number of users from which said franchise tax is due. In the event of a controversy between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the city of Clinton upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood that Grantee will continue to maintain the city of Clinton Public Alarm System throughout the life of this franchise. For this service Grantee shall be entitled to an annual credit against the franchise tax herein above levied equal to the charge for one commercial station at the rate now authorized or as may hereafter be authorized. The aforesaid payment and service shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees charges, impositions or taxes of any kind (other automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and tax payers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or taxes are imposed by Grantor, the obligation of the Grantee set forth in Section None hereof, to pay the City the sum of \$.50 per station for each of the average number of commercial and residential users (exclusive of extensions) shall immediately terminate. (Ord. No. 90, Sec. 9.)

10.20.10 Grant not exclusive Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distribution or furnishing telephone service for his or its own use or the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 90, Sec. 10.)

10.20.11 Ordinance shall constitute a contract The failure of the Grantee to file objection within thirty (30) days from the passage of this Ordinance shall constitute a contract between the Grantor and Grantee, and its successors and assigns. (Ord. No. 90, Sec. 11.)

CHAPTER 10.24**CABLE TELEVISION SERVICE**Sections:

- 10.24.01 Mayor authorized and directed to execute agreement with Clinton Cablevision Services, Inc.
- 10.24.02 Operation agreement - provisions
- 10.24.03 Mayor authorized and directed to file two completed F.C.C. Forms 328
- 10.24.04 Completed copy of Form 328 to be mailed to local cable operator
- 10.24.05 City will follow F.C.C. rate regulations
- 10.24.06 City will ensure all parties a reasonable opportunity to be heard
- 10.24.07 Mayor authorized to execute certification forms or other instruments

10.24.01 Mayor authorized and directed to execute agreement with Clinton Cablevision Services, Inc.

- A. The Mayor is authorized and directed to execute an agreement with Clinton Cablevision Services, Inc. to provide for the continuing operation of a cable system for the residents of Clinton, Arkansas.
- B. Said agreement to be executed by and between the Mayor and Clinton Cablevision Services, Inc. shall be for a period of fifteen (15) years from and after the date of the passage of this ordinance (October 9, 2003) and shall be non-exclusive. The agreement shall be in the form provided within Ord. No. 166 with the exception that paragraph twenty (20) of said prior agreement shall be deleted as the city of Clinton no longer has authority to regulate rates pursuant to various acts passed by Congress. (Ord. No. 03-13, Secs. 1-2.)

10.24.02 Operation agreement - provisions Said agreement to be executed by the Mayor with Clinton Cablevision Services, Inc., shall be in the form as follows:

OPERATION AGREEMENT

This operating agreement made and entered into this 16th day of September, 1987, by and between the city of Clinton and Clinton Cablevision Services, Inc., Witnesseth:

- A. Definitions. For the purpose of this Agreement, the following terms phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory:
1. "City" is the city of Clinton, Arkansas.
 2. "Council" is the City Council of Clinton.
 3. "Clinton Cablevision Services, Inc." hereinafter referred to as "CATV System" or "System", means a system of coaxial cables or other electrical conductors and equipment used or to be used primarily, but not

exclusively, to receive television or radio signals directly or indirectly off-the-air and transmit them to subscribers for a fee.

4. "Person" is any person, firm, partnership, association, corporation or organization of any kind.
5. "Grantee" is Clinton Cablevision Services, Inc., or anyone who succeeds Clinton Cablevision Services, Inc., in accordance with the provisions of this permit.

B. Grant of Non-Exclusive Authority:

1. There is hereby granted by the City to the grantee the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof, and additional thereto, in the City, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the city of a CATV system for the interception, origination, sale and distribution of television, electronic and radio signals and related services.
2. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth.
3. This grant shall not require the grantee to serve all residents of the City, but only those that shall pay for the service and only to those areas of the City which are economically feasible (35 subscribers per highway mile) for the grantee to extend such service.

C. Compliance with Applicable Laws and Ordinances. The grantee shall, at all times during the life of this permit, be subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City shall hereafter provide.

D. Territorial Area Involved. This permit relates to the present territorial limits of the City and to any area henceforth annexed or added thereto during the term of this permit.

E. Liability and Indemnification.

1. The grantee shall pay, and by its acceptance of this permit, the grantee specifically agrees that it will pay, all damages and penalties which the City may legally be required to pay as a result of granting this permit. These damages or penalties shall include, but shall not be limited to, damages arising out of copyright infringements and all other damages arising out of the installation, operation, or maintenance of the CATV system authorized herein, whether or not

any act of omission complained of is authorized, allowed, or prohibited by this permit.

2. The grantee shall maintain, and by its acceptance of this permit specifically agrees that it will maintain throughout the term of this permit, liability insurance insuring the City and the grantee with regard to all damages mentioned in subparagraph (1) above in the minimum amounts as required by law.

F. Signal Quality Requirements. The grantee shall operate its system in accordance with all FCC regulations.

G. Operation and Maintenance of System.

1. The grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time practical. Such interruptions, insofar as practical, shall be preceded by notice and shall occur during periods of minimum use of the system.
2. The grantee shall maintain an office in the City, which shall be open during all usual business hours, have a listed telephone, and be so operated that complaints and requests for repairs or adjustments may be received at any time.

H. Emergency Use of Facilities. In the case of any emergency or disaster, the grantee shall, upon request of the City Council, make available its facilities to the City for emergency use during the emergency or disaster period.

I. Safety Requirements.

1. The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
2. The grantee shall install and maintain its wires, cables, fixtures, and other equipment in accordance with the requirements of the applicable ordinances and statutes of the city and state of Arkansas, and in such manner that they will not interfere with any installations of the City or of a public utility serving the City.
3. All structures and all lines, equipment and connections in, over, under, and upon the streets, sidewalks, alleys, and public ways or places of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good order.

J. New Developments. It shall be the policy of the City Liberally to amend this permit, upon application of the grantee, when necessary to enable the grantee to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently, or economically to serve its customers. Provided, however, that this Section shall not be constructed to require the City to make any amendment or to prohibit it from unilaterally changing its policy stated herein.

K. Conditions on Street Occupancy.

1. All transmissions and distributions structures, lines, and equipment erected by the grantee within the City shall be so located as to cause minimum interference with the rights and reasonable convenience of property owners who join any of said streets, alleys or other places of public ways.
2. In case of disturbance by the grantee of any street, sidewalk, alley, public way, or paved area, the grantee shall, at its own cost and expense and in a manner approved by the City Street or Engineering Department, replace and restore such street, sidewalk, alley public way, or paved area in as good condition as before the work involving such disturbance was done, and in compliance with existing ordinances.
3. Any poles or other fixtures placed in any public way by the licensee shall be placed in such manner as not to interfere with the usual travel on such public way.
4. The grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.
5. The grantee shall have the authority to trim trees upon the overhanging streets, alleys, sidewalks, and public ways and places of the city so as to prevent the branches of such trees from coming in contact with the wires or cables of the grantee, except that at the option of the City, such trimming may be done by it or under its supervision and direction at the expense of the grantee.
6. In all sections of the City where the cables, wires, or other like facilities or public utilities are placed underground, the grantee shall place its cables, wires or other like facilities underground to the maximum extent that existing technology

reasonably permits the grantee to do so.

- L. Preferential or Discriminatory Practices Prohibited. The grantee shall not, as to rates, charges, service, service facilities, rules, regulations or in any other respect, make or grant any undue preference or advantage to any person, and not to subject any person to prejudice or disadvantage.
- M. Removal of Facilities Upon Request. Upon termination of service to any subscriber, the grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request.
- N. Transfer of permit. The grantee shall not transfer this permit to another person without prior approval of the City by ordinance, but the City specifically acknowledges that approval of the transfer will be granted unless specific harms and reasons are set forth in writing and further that it will not unduly hinder such transfer in any manner.
- O. City Rights in Permit.
1. The right is hereby reserved to the City or the City Council to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power; provided that such regulations, by ordinances or otherwise, shall be reasonable and not in conflict with the rights herein granted.
 2. A duly authorized representative of the City shall have the right to inspect the books, records, maps, plans, and other like materials of the grantee at any time during normal business hours.
 3. The City shall have the right to supervise all construction or installation work performed subject to the provisions of this permit and make such inspections as it shall find necessary to insure compliance with the terms of this permit and other pertinent provisions of law.
 4. The term of this permit shall be fifteen (15) years from the date of this Ordinance and its acceptance. This Ordinance may be renewed for an additional fifteen (15) year period if, after a public proceeding, affording due process, the performance of the system operator and the adequacy of the provisions of this Ordinance are found to be satisfactory.
- P. Payment to the City. The grantee shall pay to the City as a permit and as compensation for the rights and privileges enjoyed hereunder, \$1.25 per subscriber annually for the number of subscribers existing at the end of each year. Such payment shall be made in January of each following year.

- Q. Subscriber Complaints. Any resident who believes that the grantee has failed adequately to resolve the resident's complaint within thirty (30) days of receipt of a written complaint by the grantee may refer the matter in the first instance to the mayor or his designated representative. In the event that said official is unable informally to resolve the matter to the satisfaction of all parties involved, the Council shall endeavor to resolve the matter after a suitable hearing in which all interested parties may participate. Each subscriber shall be given notice of the procedures for reporting and resolving complaints at the time of initial tap-in and connection.
- R. City's Right of Intervention. The grantee agrees not to oppose intervention by the City in any suit or proceeding to which the grantee is a party, except that this shall only apply to matters arising from the CATV service or operations.
- S. Duration and Acceptance of Permit
1. This permit and the rights, privileges, and authority hereby granted shall take effect and be in force from and after final passage hereof, as provided by law, and shall continue in force and effect for a term of fifteen (15) years from the date of this ordinance and its acceptance, provided that within five (5) days after the date of the passage of this ordinance the grantee shall file with the City Clerk its unconditional acceptance of this permit and promise to comply with and abide by all its provisions, terms and conditions. Such acceptance and promise shall be in writing duly executed and sworn to by or on behalf of the grantee before a notary public or other officer authorized by law to administer oaths.
 2. Should the grantee fail to comply with subsection (1) above, it shall acquire no rights, privileges, or authority under this permit whatever.
- T. Rates. The grantee's rates for the same type of services rendered in this operation will not exceed the state average based on a per city average rather than a per subscriber average for the same type of basic services rendered thereby.
- U. Publication Costs. The grantee shall assume the cost of publication of the permit as such publication is required by law and such is payable upon the grantee's filing of acceptance of this permit.
- V. Rules of Federal Communications Commission Section 76 of the rules of the Federal Communications Commission sets out certain recitations and provisions that must be contained in this franchise ordinance in order for the grantee to obtain a certificate of compliance from the Federal Communications Commission. It is the knowledge and belief of the grantee and the City that all of the present requirements of that rule are herein contained. Any changes in that rule shall be incorporated into this franchise ordinance within one year from the adoption of the change or at the time of the

franchise ordinance renewal, whichever occurs first. (Ord. No. 166, Sec. 2.)

10.24.03 Mayor authorized and directed to file two completed F.C.C. Forms 328 That the Mayor is hereby authorized and directed to file two completed F.C.C. Forms 328 by registered mail (not certified mail) with return receipt requested to:

Federal Communications Commission
Cable Franchising Authority Certification
P.O. Box 18539
Washington, D.C. 20036
(Ord. No. 93-212, Sec. 1.)

10.24.04 Completed copy of Form 328 to be mailed to local cable operator The Mayor is further directed to mail a completed copy of this form 328 to our local cable operator at the address listed on the form by certified mail, return receipt requested, on the same day copies are mailed to the F.C.C. (Ord. No. 93- 212, Sec. 2.)

10.24.05 City will follow F.C.C. rate regulations The city will follow the F.C.C. Rate Regulations in its regulation of the basic service rates and charges of the company and any other cable television system operating in the city, notwithstanding any different or inconsistent provisions in the Franchise; and,

10.24.06 City will ensure all parties a reasonable opportunity to be heard In connection with such regulation, the city will ensure a reasonable opportunity for consideration of the views of interested parties; and,

10.24.07 Mayor authorized to execute certification forms or other instruments The Mayor or his designee, is authorized to execute on behalf of the city and file with the F.C.C. such certification forms or other instruments as are now or may hereafter be required by the F.C.C. Rate Regulations in order to enable the city to regulate basic service rates and charges. (Ord. No. 94-221.)

CHAPTER 10.28

WATER AND SEWER DEPARTMENT

Sections:

- 10.28.01 Water and sewer department
- 10.28.02 Revenues and expenses

10.28.03 Indebtedness

10.28.01 Water and sewer department There is established the Water and Sewer Department within the city government of the City of Clinton. The manager of the Water and Sewer Department shall be a city employee and department head within the city government subject to being filled as are all other department heads. (Ord. No. 2007-01, Sec. 2.)

10.28.02 Revenues and expenses The annual revenues and expenses of the Water and Sewer Department shall be appropriated and maintained within the annual budget of the City of Clinton as are all other city departments. (Ord. No. 2007-01, Sec. 3.)

10.28.03 Indebtedness The City of Clinton acknowledges the existence of certain bonded indebtedness for the Water and Sewer Commission and the City recognizes its obligation to continue making all necessary payments on said bonds until the debt is retired. (Ord. No. 2007-01, Sec. 3.)

CHAPTER 10.32

WATER REGULATIONS – GENERALLY

Sections:

- 10.32.01 General policy - backflow containment
- 10.32.02 Definitions - backflow
- 10.32.03 Requirements - backflow
- 10.32.04 Meter tampering - prohibited
- 10.32.05 Tampering - general
- 10.32.06 Penalties

10.32.01 General policy - backflow containment

A. Purpose of Ordinance:

1. To protect the safe drinking water supply of the city of Clinton Arkansas from the possibility of contamination or pollution by requiring compliance with state and local plumbing codes, health regulations, OSHA and other applicable industry standards for water system safety within the consumer's internal distribution system(s) or private water system(s). Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water systems; and,
2. To promote reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by state and local plumbing codes, health regulations, OSHA and other applicable industry standards to assure water system safety; and,
3. To provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all water systems.

B. Responsibility:

1. The city of Clinton (Clinton Water and Sewer Departments) shall be responsible for the protection of the drinking water distribution system from foreseeable conditions leading to possible contamination or pollution

of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply,

2. Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing the city of Clinton (Clinton Water and Sewer Department), survey records shall indicate compliance with the aforementioned health and safety standards. All such records will be maintained by the city of Clinton (Clinton Water and Sewer Department).
3. The city of Clinton (Clinton Water and Sewer Department) shall notify, in writing, all consumers of the need for periodic system survey to insure compliance with existing applicable minimum health and safety standards.
4. Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey.

C. Consumer's Responsibility:

1. To comply with this ordinance as a term and condition of supply and consumer's acceptance of service is admittance of his/her awareness.
2. It shall be the responsibility of the consumer to purchase, install, test and maintain any backflow prevention device/assembly required to comply with this ordinance.
3. All cost incurred complying with the backflow-cross connection preventing regulations of the State of Arkansas or the city of Clinton are to be paid by the consumer.

D. Plumbing Official Responsibility:

1. The plumbing official's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the developed length of the consumer's water system.

2. Water vacating the drinking water supply must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the Local Plumbing Code and/or the Arkansas State Plumbing Code.

E. Certified Backflow Assembly Technicians, Surveyors or Repair Persons Responsibilities:

1. Whether employed by the consumer or a utility to survey, test, repair, or maintain backflow prevention assemblies the Certified Backflow Technicians, Surveyors, or Repair Person will have the following responsibilities:
 - a. Insuring acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.
 - b. Make reports of such testing and /or repair to the consumer and water purveyor on forms approved for such use by the city of Clinton (Clinton Water and Sewer Department) and within the time frames prescribed by the city of Clinton
 - c. The report shall include the list of materials or replacement parts used
 - d. Insuring replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
 - e. Not changing the design material or operational characteristics of the assembly during testing, repair or maintenance.
 - f. A Certified Technician shall perform all tests of the mechanical devices/assemblies and be responsible for the competence and accuracy of all tests and reports.
 - g. Insuring his license is current, the testing equipment being used is acceptable to the state, and is in proper operating condition.
 - h. Be equipped with and be competent to use all necessary tool, gauges and other equipment necessary to properly test, and maintain backflow prevention assemblies.
 - i. The Certified Technician conducting the test must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by whom. The technician's license number must also be on this tag.

- F. In case of a consumer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the consumer, water purveyor and the State Health Department of Arkansas. If such a commercially tested assemblies in need of repair, a licensed journeyman or tradesperson recognized by the authority having jurisdiction shall make the actual repair. (Ord. No. 95-226, Sec. 1.)

10.32.02 Definitions - backflow

- A. Water Purveyor: The person designated to be in charge of the Water Department of the city of Clinton is invested with the authority and responsibility for the implementation of an effective backflow prevention program and for the enforcement of the provisions of this ordinance.
- B. Approved Backflow Assembly: Accepted by the State Department Health, and the city of Clinton as meeting an applicable specification or as suitable for the proposed use.
- C. Auxiliary Water Supply: Any water supply on or available to the premises other than the purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute and unacceptable water source over which the water purveyor does not have authority for sanitary control. Auxiliary water supplies cannot be connected to the public potable water.
- D. Backflow: The reversal of the normal flow of water caused by either back-pressure or back-siphonage.
- E. Back-Pressure: The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system from any source (s) other than the intended source.
- F. Back-Siphonage: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.

- G. Backflow Prevention Assembly: An assembly of means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Arkansas State Plumbing Code and the Backflow Prevention Program approved by the State.
- H. Contamination: Means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials
- I. Cross Connection: Any physical connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary connections, such as swing connections, removable sections, four way plug valves, spools, dummy section of pipe, swivel or changeover devices or sliding multiplet tubes or other plumbing arrangement.
- J. Cross Connection-Controlled: A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
- K. Cross Connection-Containment: The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connection which cannot be effectively eliminated or controlled at the point of the cross connection (isolation). (Ord. No. 95-226, Sec. 2.)

10.32.03 Requirements – backflow

- A. Policy:
1. No water service connection to any premises shall be installed or maintained by the Public Water Purveyor unless the water supply is protected, as required by the State laws, regulations, codes and this ordinance. Service of water to a consumer found to be in violation of this ordinance shall be discontinued by the water purveyor after due process of written notification of violation and an appropriate time sequence for voluntary compliance, if:

- a. A backflow prevention assembly required by this ordinance for control of backflow and cross connection is not installed, tested and maintained, or
 - b. If it is found that a backflow prevention assembly has been removed or by-passed, or
 - c. If an unprotected cross connection exists on the premises, or
 - d. If the periodic system survey has not been conducted.
Service will not be restored until such conditions or defects are corrected.
2. The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of the required survey (Section I-B-2).
 3. Whenever the public water purveyor deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system at or near the property line, or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line
 4. The type of protective assembly required under subsection 3-A-3, shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.
 5. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 3-A-6, be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or, requires more than the minimum maintenance or, when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.

6. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections and operational tests made at least once per year at the consumer's expense. In those instances where the Public Water Purveyor deems the hazard to be great, he may require certified surveys/inspections and tests at a more frequent interval.

It shall be the duty of the Public Water Purveyor to see that these tests are made according to the standards set forth by the State Department of Health and the city of Clinton (Clinton Water and Sewer Department).

7. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
 8. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: installed over an electrical panel, steam pipes, boilers, pits or above ceiling level.
- B. If violations of this ordinance exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of deficiencies noted within the survey, then the public water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with the State and City Statutes relating to plumbing, safe drinking water supplies and the regulation adopted pursuant thereto.
 - C. If a threat to the potable water supply is determined to be existing or is imminent, the public water purveyor is herein granted the authority to discontinue service immediately to protect the health and well being of the public.
 - D. All backflow and cross connection inspections by the public water purveyor will be at no charge until a violation has been found. All inspection cost after a violation will be billed to the customer at an actual cost to be determined by the Clinton Water and Sewer Departments.
 - E. Backflow prevention assemblies MUST be installed by a licensed journeyman tradesperson, who is recognized by the authority having jurisdiction and inspected for compliance with the Arkansas State Plumbing Codes. Certified testing and maintenance are required to ensure proper function and maximum effectiveness of assemblies. These services must begin upon installation and be provided at intervals not to exceed one year and as system conditions warrant. (Ord. No. 95-226, Sec. 3.)

10.32.04 Meter tampering - prohibited Tampering shall mean and include all actions or attempts to readjust, damage, rearrange, reconnect, or open a water meter with the purpose of altering the water usage reading on said meter installed by the city of Clinton. Any other act or attempt to cause a deceptive and incorrect water meter reading shall also be considered as tampering.

10.32.05 Tampering - General Except for an employee or authorized representative of the Water Department of the city of Clinton, it shall be unlawful for any person to tamper in any manner with a water meter after it has been installed by the city of Clinton at a customer's dwelling or place of business.

10.32.06 Penalties Tampering with a city of Clinton water meter shall be considered a misdemeanor, and any person found guilty or convicted of such shall be subject to the following described penalties:

- A. For a first offense, the offender shall have water service disconnected from their home or place of business until a fine of \$100.00 is paid.
- B. For a second offense, the offender shall have water service disconnected from their home or place of business until a fine of \$200.00 is paid.
- C. For a third offense, the offender shall have water service permanently disconnected from their home or place of business. (Ord. No. 161, Sec. 1-3.)