

ORDINANCE NO. 20,590 Fees \$30.00

AN ORDINANCE TO ESTABLISH SEWER CHARGES FOR LITTLE ROCK WASTEWATER, TO AMEND ORDINANCE NO. 19,647 DATED NOVEMBER 28, 2006, SECTION 14 OF ORDINANCE NO. 19,895 DATED DECEMBER 21, 2007, AND ORDINANCE NO. 20,311 DATED SEPTEMBER 7, 2010; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the authority to operate and maintain Little Rock Wastewater ("LRW") is vested in the Little Rock Sanitary Sewer Committee (the "Sewer Committee"), but the authority to establish sewer rates and charges is vested in the Board of Directors of the City of Little Rock, and the Sewer Committee has determined and recommended to the City Board of Directors that the charges herein set forth should be duly adopted by ordinance pursuant to law because of the state of the existing sanitary sewer system; and,

WHEREAS, the City Board finds that sewer backups during heavy rainstorms are caused primarily by storm water entering and overloading the sanitary sewer system; and,

WHEREAS, there are many ways in which rainwater enters the sanitary sewer system, including: directly – by connections from sump pumps, downspouts, and area drains (inflow) and indirectly – by cracks and failures of the sewer pipes (infiltration); and,

WHEREAS, to help identify the sources of rainwater inflow and infiltration, LRW utilizes an investigation program using smoke testing of the sanitary sewer system; and,

WHEREAS, a mixture of nontoxic smoke (which creates no fire hazard, leaves no residue, dissipates quickly, and is harmless) and air are forced into the sewer lines to locate problem areas; and,

WHEREAS, as a result of the comprehensive rate analysis conducted by Raftelis Financial Consultants, Inc., and the updated System Evaluation Capacity Assurance Plan ("SECAP") prepared by RJN Group, Inc., the need for an adjustment of rates and charges was determined, and the Sewer Committee has requested the adoption of charges reflected herein and has stated that the adjustments are necessary to cover the cost of the foregoing items herein, all as more particularly set forth as stated below; and

WHEREAS, all charges collected as a result of this ordinance shall be deposited into a special interest-bearing account to be used solely for the purpose of reimbursing eligible domestic customers for



1 the costs incurred from the replacement of defective private sewer service lines after January 1, 2013, not
2 to exceed the maximum reimbursement defined below;

3 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**
4 **OF LITTLE ROCK:**

5 **Section 1.** If smoke is released from a domestic customer's private sewer service line during the
6 administration of smoke testing of the sanitary sewer system by LRW to locate problem areas as a part of
7 its investigation program, the customer shall be required to repair or replace the service line within ninety
8 (90) days, unless authorized otherwise in writing by LRW. The following monthly charge is hereby
9 established as the charge to be paid by domestic customers (defined as single family residences which
10 utilize meters of ¾-inch or less) for the future replacement of defective private sewer service lines
11 connected to the public sanitary sewerage system, which charge the City Board of Directors hereby finds
12 and declares to be a reasonable and minimum charge under the provisions of Ark. Code Ann. § 14-235-
13 223:

14 (b) All domestic customers shall pay an additional monthly charge of \$1.00, which shall be
15 used by the Sewer Committee to fund and maintain the Sewer Service Line Replacement
16 Program ("The Program"). The Program will reimburse eligible domestic customers
17 from invoices for the costs, including all existing LRW fees as listed in the most current
18 Consolidated Fee Schedule, associated with and necessary to administer and carry out the
19 replacement of defective private sewer service lines after January 1, 2013, up to a
20 maximum reimbursement of \$2,500.00, as long as funds are available in the account.

21
22 (c) The funds collected by the Sewer Committee pursuant to this Section shall be deposited
23 into a special interest-bearing account to be used solely for the purpose of reimbursing
24 eligible domestic customers for the costs incurred from the replacement of defective
25 private sewer service lines after January 1, 2013, not to exceed the maximum
26 reimbursement defined above. The Program shall reimburse eligible domestic customers
27 up to the maximum of \$2,500.00, as long as funds are available in the account. The
28 Sewer Committee shall monitor the account by tracking all receipts and expenditures of
29 funds.

30
31 (d) To participate in the Program, a domestic customer is required to totally and completely
32 replace his or her defective private sewer service line from the house to the connection
33 point on the public sewer main after January 1, 2013. Service call charges, point repairs
34 or maintenance shall not qualify for participation; rather, only the replacement of

1 defective sewer service lines shall qualify for participation in the Program. The
2 replacement of defective sewer service lines, for the purposes of Program participation,
3 shall follow the existing laws and regulations governing the replacement of sewer service
4 lines, including the responsibility for obtaining a LRW permit and inspection. A
5 domestic customer seeking to participate in the Program shall be required to follow the
6 procedures, which shall be developed by LRW for the Program, including the submittal
7 of proof of applicable invoices from a licensed plumber or for materials and equipment
8 used for the replacement.
9

10 (e) Payment of reimbursements authorized under the Program shall commence on January 2,
11 2013, and shall apply to those replacements found to be defective during the
12 administration of smoke testing previously performed and those defective private sewer
13 service lines identified in any manner, including smoke testing, after January 2, 2013.
14 The reimbursements, including all existing LRW fees as listed in the most current
15 Consolidated Fee Schedule, shall only apply to the replacement work performed after
16 January 1, 2013. Such replacement may be reimbursable under the Program, up to a
17 maximum reimbursement of \$2,500.00, as long as funds are available in the account.
18

19 (f) The above-mentioned monthly replacement charge shall be effective immediately
20 upon the adoption of this ordinance and shall be applied to each domestic
21 customer.
22

23 **Section 2.** "Private sewer service line" as used herein is defined as the extension of the drainage
24 system outside the building to the public sewer. Private sewer service line does not include the building
25 drain and any other piping inside the walls of a building, for which the building owner remains financially
26 responsible for any repairs or replacement.

27 **Section 3.** All bills for sewer service shall be rendered monthly. Under the provision of Ark. Code
28 Ann § 14-235-223, if any sewer charge is not paid within thirty (30) days after same is due, there shall be
29 a 10% penalty on the amount due, for which suit may be brought to collect all sums due, together with a
30 reasonable attorney's fee.

31 **Section 4.** Each user of the sewer system shall be notified, at least annually by publication having
32 circulation in Pulaski County, Arkansas, in conjunction with a regular bill, of the rate and the portion of
33 the user charges which are attributable to waste water treatment services, in compliance with 40 C.F.R. §
35.929-2(f).

1 **Section 5.** In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this
2 Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall
3 not affect the remaining portions of this Ordinance, which remain in full force and effect as if the portion
4 so declared or adjudged invalid or unconstitutional were not a part of this Ordinance.

5 **Section 6.** All resolutions and ordinances and parts thereof, including City of Little Rock Ordinance
6 No. 19,647 (approved November 28, 2006), Section 14 of City of Little Rock Ordinance No. 19,895
7 (approved December 21, 2007), and Ordinance No. 20,311 approved September 7, 2010, are amended at
8 the effective date of this ordinance, as provided in Section 9 herein.

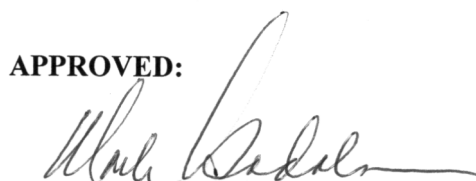
9 **Section 7.** The Board of Directors of the City of Little Rock has determined that inadequate sewer
10 rates and charges will endanger the proper operation, maintenance, and continued improvement of the
11 wastewater collection and treatment facilities of the City which are necessary in order to prevent a hazard
12 to the public health, safety, and welfare of the inhabitants of the City; and, therefore, an emergency is
13 declared to exist, and this ordinance shall take effect immediately upon adoption; and, until that date,
14 Ordinance No. 19,647 approved November 28, 2006, Section 14 of Ordinance No. 19,895 approved
15 December 21, 2007, and Ordinance No. 20,311 approved September 7, 2010, shall remain in full force
16 and effect.

17 **PASSED: June 5, 2012**

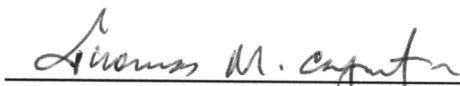
18 **ATTEST:**

APPROVED:

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21 Toya Robinson, Assistant City Clerk


Mark Stodola, Mayor

22 **APPROVED AS TO LEGAL FORM:**

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25 Thomas M. Carpenter, City Attorney

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