

ORDINANCE # 80-2010

AN ORDINANCE TO ESTABLISH POLICIES FOR THE OPERATION OF A MUNICIPAL WATER SYSTEM TN THE TOWN OF OAK GROVE, ARKANSAS, AND DECLARING AN EMERGENCY.

BE IT ORDINED BY THE TOWN OF OAK GROVE, ARKANSAS, THAT:

SECTION 1. DEFINITIONS.

The term Department as used herein shall mean any person that has been duly authorized by the Town Council to operate, manage or oversee the operation of the Town of Oak Grove Water System and Water Department.

SECTION 2. TURNING ON WATER OR WATER METER WITHOUT PERMISSION.

No person or entity who has water turned off for failure to pay a past due water bill shall re-connect and/or turn on the supply of water without the consent and approval of the Water Department.

No person or entity shall turn on a water meter and/or commence using water from the municipal system without the consent and approval of the Water Department.

SECTION 3. USING WATER WITHOUT A METER.

All water passing through the municipal water system shall be routed through or passed through a water meter that shall be placed between the municipal line and the connection with the user service line.

SECTION 4. HOOKING ONTO FIREPLUG.

Other than members of an authorized Fire Department or personnel of this Water Department, no person or entity shall hook or tie into any fireplug or fire line for the purpose of obtaining water from the municipal system without the consent and approval of the Water Department.

SECTION 5. DAMAGE TO WATER METER, WATER LINE OR FIREPLUG.

Any person or entity whose action or inaction intentionally or negligently causes any damage to a water meter, water line or fireplug owned by the Town shall be responsible for and liable for the cost of repair and/or replacement as determined by the Water Department, that the cost of repair and/or replacement shall be billed to any such person or entity and payment shall be made to the Water Department within 10 days from the date of the statement.

SECTION 6. CHANGING READING ON METER.

No person or entity shall tamper with or change the readings on any water meter. Tampering with meter may result in water service being disconnected.

SECTION 7. EXTENSION OF THE LINES.

Any line from the established main line will be deemed an extension and shall require the approval of the Town Council and Water Department before the line is constructed. All expenses of the above mentioned extension will be paid by the purposed customer. When an extension that is located in a public street or highway is completed, inspected, and accepted, the town will become owner of the line and said line will become a part of the town water distribution system. Any water line located on private property, up to the water meter connection, shall be owned by the property owner and shall be the obligation of the property owner to properly maintain.

SECTION 8. BORING UNDER HIGHWAY.

Whenever it is necessary to bore under the highway for the installation of water service, this expense shall be borne by the property owner desiring the service.

SECTION 9. EASEMENT.

The Town Council or the Water Department may require that the property owner who laid, at his own expense, any water line that is or will be connected to the town system to grant an easement to the Town of Oak Grove over the lands to which any line may pass as a condition preceding to the connection to the town system or being supplied water from the town system. If this requirement is made, then and in such event, the water line and easement shall become a part of the town system.

SECTION 10. NON-RESIDENT SERVICE.

The Town will not provide water service to any property which lies outside the town limits of the Town of Oak Grove, Arkansas unless one of the following conditions is met:

- a) the owner annexes said property to the Town, and then water service will only be provided upon acceptance by the town of the property owner's request that their property be annexed and provided water services; or
- b) the property which would receive Town water services is immediately adjacent to established water lines, and then service will only be provided upon acceptance by the Town of the property owner's request for water services.

SECTION 11. BILLING.

Meters are read on or about the 15th of each month, bill is due the 10th of each month; a 10% late charge is added after the due date. Meters will be pulled if payment is not made by the 20th of the month the bill is due, to be re-connected, all past due bills shall be paid, plus a \$25.00 re-connect fee will be charged. Deposit for water meter is \$50.00.

Rate schedule for water usage as follows:

| | |
|-------------------------|--------------------------|
| First 2,000 gallons | \$15.00 (minimum charge) |
| Next 3,000 gallons | 3.50 per 1,000 gallons |
| Next 5,000 gallons | 3.00 per 1,000 gallons |
| All over 10,000 gallons | 2.50 per 1,000 gallons |

SECTION 12. NEW SERVICE CONNECTIONS.

All requests of new service (non-commercial) connections to the water distribution system shall come before the Town Council for approval prior to the tap being made. An advance deposit of \$50.00 shall be paid for a water meter. The connection fee, cost to make said installation plus 10 percent, but in no case less than \$200.00. An amortization fee charge of \$600.00 shall be made.

Multiple use buildings or apartment buildings with more than one tenant will be served by the use of a master meter for the building. Each tenant will pay a monthly minimum usage charge for 2000 gallons of water per tenant. Any amount over this will be divided evenly among the tenants of said building.

New service lines shall be installed in accordance with the State of Arkansas rules, regulations, plumbing codes and/or policies of the Arkansas Department of Health.

SECTION 13. COMMERCIAL CONNECTIONS.

All requests for commercial connections to the water distribution system shall come before the Town Council for approval prior to the tap being made. An advance deposit of \$100.00 shall be paid for a water meter. The connection fee will be \$400.00 and an amortization fee of \$1,200.00.

A maximum of six poultry houses will be served by the Oak Grove Water Department.

SECTION 14. UN-LAWFUL USE OF WATER.

The water service supplied by the Town of Oak Grove, Arkansas shall be for the sole use of the household or business to whom supplied. The customer shall not extend or permit the extension of pipes or water hoses for the purpose of transferring water from one property to another, nor will he share, resell, or sub-meter water to any other consumer. Each meter service shall supply water to only one residence or business establishment located on land within the service area.

The Water Department shall terminate any illegal connection immediately upon gaining knowledge of such a connection.

SECTION 15. WATER SHORTAGE.

In the event of a water shortage, due to any cause, the Water Department shall have the right to limit or discontinue service to customers using water for any purpose not considered to be in the best interest of the public,.

SECTION 16. PENALTY FR VIOLATIONS AND CIVILPENALTIES ORDINANCE.

Penalty for violation of any portion of this Ordinance shall be deemed a misdemeanor and, upon conviction thereof tn the Town of Oak Grove, such person, firm or corporation shall be subject to a fine of not more than Five Hundred dollars(\$500.00) and provided that if any violation shall be of a continuing nature, the violator shall be subject to a fine not to exceed Two Hundred Fifty Dollars (250.00) for each day such violation shall continue to exist.

Any person violating the provisions of the Ordinance shall become liable to the Town for any

expense, loss, or damage occasioned the Town by reason of each violation.

The listing of procedures and penalties in this Ordinance shall not exclude other appropriate judicial remedies available with reference to any violation of this Ordinance. The Town may petition any court of pertinent jurisdiction to grant injunctive or other legal or equitable relief by reason of violation. No judicial action against an owner to collect a civil penalty for violation of this Ordinance shall be commenced without a majority vote of the Town Council of the town of Oak Grove, Arkansas.

SECTION 17. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any provision shall be held to be invalid or to be inapplicable to any persons or circumstances, such invalidity or inapplicability shall not affect the remainder of the provisions of this Ordinance.

SECTION 18. EMERGENCY.

It has been found, and is hereby declared, that the passage of this Ordinance is necessary for the preservation of the public health, safety and general welfare, and an emergency is hereby declared to exist and is so declared, whereby this Ordinance shall be in effect from and after its passage, approval and publication as provided by law.

Passed and approved this 2 day of Feb. 2010.

Approved:

Jean L. Morgan
Mayor

Patsy G. Carleton
Clerk/Recorder

First reading Alderman Gary High made a motion to accept, Alderman Sam Jones seconded the motion. All in favor? 4 Aye 0 Nay.

Second reading (Title only) ^{Council} Alderman Eugene Reynolds made a motion to accept, Councilman Gary High seconded the motion. All in favor? 4 Ayes, 0 Nays.

Third reading (Title only). Alderman Sam Jones made a motion to accept. Council ^{man} Josh Peden seconded the motion. All in favor? 4 Ayes, 0 Nays.