

1 SECTION 7 POWER AND AUTHORITY OF INSPECTORS
2 SECTION 8 ENFORCEMENT PROCEDURES
3 SECTION 9 SUPPLEMENTAL ENVIRONMENT PROJECTS
4 SECTION 10 FINANCIAL ASSURANCE
5 SECTION 11 SEVERABILITY
6 SECTION 12 REPEAL OF PRIOR ORDINANCES
7 SECTION 13 AUTHORITY OF LITTLE ROCK WATER RECLAMATION
8 COMMISSION, EFFECTIVE DATE, AND DECLARING AN
9 EMERGENCY

10 **WHEREAS**, it is essential that the Little Rock Water Reclamation Commission should have the
11 authority to perform all acts as provided in this ordinance in order to effectively regulate the use and
12 operation of the Public Sewer System of the City of Little Rock and the provisions of this ordinance are
13 necessary for the immediate protection of the public health, safety and welfare.

14 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**
15 **OF LITTLE ROCK, ARKANSAS:**

16 **Section 1. General Provisions**

17 **1.1 Title, Purpose and Policy.**

18 This ordinance shall be known as the “General Sewer Use Ordinance” and sets forth uniform
19 general requirements regulating the use of the public sewer system for the City of Little Rock,
20 Arkansas. The objectives of this ordinance are:

- 21 A. To regulate the general use of both Public and Private Sewers within the jurisdiction of
22 the City of Little Rock, Arkansas; and,
- 23 B. To regulate private sewage disposal within the jurisdiction of the City of Little Rock,
24 Arkansas; and,
- 25 C. To regulate the installation, construction, maintenance, connection and protection of
26 building sewers within the jurisdiction of the City of Little Rock, Arkansas; and,
- 27 D. To regulate the disconnection and sealing of building sewers within the jurisdiction of the
28 City of Little Rock, Arkansas; and,
- 29 E. To repeal all existing ordinances in conflict therewith.

30 **1.2 Definitions.**

31 Unless a provision explicitly states otherwise, the following terms and phrases, as used in this
32 ordinance, shall have the meanings hereinafter designated.

- 33 A. *Building Drain* shall mean that part of the lowest horizontal piping of a drainage system
34 which receives the discharge from all drains which carry waste or water-carried waste

1 inside the walls of a building and conveys it to the building sewer, beginning five (5) feet
2 outside the inner face of the building.

3 B. *Building Sewer* shall mean the extension from the building drain to the Public Sewer
4 System or other place of disposal.

5 C. *CEO* shall mean the Chief Executive Officer of the Little Rock Water Reclamation
6 Authority, or a duly authorized representative.

7 D. *Collection System* shall mean the infrastructure built to convey sewage and wastes to the
8 water reclamation facilities, including but not limited to, pipes and other conduits,
9 manholes, and pump stations.

10 E. *Commission* shall mean the Little Rock Water Reclamation Commission.

11 F. *Discharger* shall mean any person that causes any liquid or solid substance to enter the
12 Public Sewer System.

13 G. *Industrial User* shall mean a source of indirect discharge; additional requirements
14 pertaining to Industrial Users are found in the City of Little Rock Pretreatment
15 Ordinance.

16 H. *Natural Outlet* shall mean any outlet, including storm sewers and combined sewer
17 overflows, into a water course, ditch, lake, or other body of surface water or groundwater.

18 I. *Objectionable Waste* shall mean any wastes that can harm either the sewers, sewer
19 treatment processes or equipment, have an adverse effect on the receiving stream or
20 otherwise endanger life, health, or property, or constitutes a nuisance.

21 J. *Person* shall mean any individual, public or private corporation, political subdivision,
22 Federal, State, or local agency or entity, association, trust, estate, or any other legal entity
23 whatsoever.

24 K. *Private Sewage Disposal System* shall mean that facility owned, operated, and maintained
25 by any person for the purpose of collecting and disposing of sewage within the property
26 of said person.

27 L. *Public Sewer System* shall mean a common sewer in which all owners of abutting
28 properties have equal rights and is controlled and operated by the Little Rock Water
29 Reclamation Commission, through the Little Rock Water Reclamation Authority. The
30 Public Sewer System is comprised of the collection system and water reclamation
31 facilities owned and operated by the City of Little Rock, Arkansas.

32 M. *Sanitary Sewer* shall mean a sewer in which sewage is carried, and to which stormwater,
33 surface waters, or groundwater are not intentionally admitted.

34 N. *Sewage* shall mean a combination of the water-carried wastes from residences, business
35 buildings, institutions, commercial establishments and industries.

- 1 O. *Sewer* shall mean a pipe or conduit for carrying sewage.
- 2 P. *Shall* is mandatory; *May* is permissive.
- 3 Q. *Storm Drain* shall mean a drain or sewer for conveying surface water, groundwater,
4 subsurface drainage or unpolluted water from any source.
- 5 R. *Wastewater* shall mean the spent water of a community, including the combination of the
6 liquid and water-carried wastes from the residences, commercial establishments,
7 industrial plants, and institutions, together with any groundwater, surface water and storm
8 water that may be present.
- 9 S. *Water Course* shall mean a channel in which the flow of water occurs, either
10 continuously or intermittently.
- 11 T. *Water Reclamation Facilities* shall mean the infrastructure built to treat the sewage and
12 wastes discharged to the Public Sewer System, including but not limited to buildings,
13 tanks, pumps, laboratory and sampling equipment and other treatment equipment.

14 **Section 2. Use of Public Sewer System Required.**

15 **2.1 Unsanitary Conditions.**

16 It shall be unlawful for any person to place, deposit, or permit to be deposited, any human or
17 animal excrement, or other waste, in any unsanitary manner on public or private property within
18 the City of Little Rock, Arkansas, or any area under the jurisdiction of the City of Little Rock,
19 Arkansas.

20 **2.2 Stormwater Discharge.**

21 No person shall discharge or cause to be discharged any stormwater, surface water,
22 groundwater, roof runoff, subsurface drainage, non-contact cooling water or other such waters
23 into the public sewer system.

24 **2.3 Discharge to Natural Outlets.**

25 It shall be unlawful to discharge to any natural outlet within the City of Little Rock, Arkansas
26 or in any area under the jurisdiction of the City of Little Rock, Arkansas, any sewage or other
27 polluted waters, except where suitable treatment has been provided as required by law.

28 **2.4 Septic Tanks, Privys, Cesspools.**

29 Except as provided by this ordinance, it shall be unlawful for any person to construct or
30 maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the
31 disposal of sewage.

32 **2.5 Connection to Public Sewer System Required.**

33 The owner of all houses, buildings, or properties used for human occupancy, employment,
34 recreation, or other purposes, situated within the City of Little Rock and abutting any street, alley,
35 or right-of-way in which there is now located or may in the future be located a portion of the

1 public sewer system, is hereby required, at the owner's expense, to install suitable toilet facilities
2 therein, and to connect such facilities directly to the public sewer system in accordance with the
3 provisions of this ordinance, within thirty (30) days after date of official notice of the Little Rock
4 Water Reclamation Authority, provided that said property is within 300 feet of any accessible
5 portion of the Public Sewer System.

6 **2.6 Discharges Outside City.**

7 All dischargers to the Public Sewer System, who are outside the jurisdiction of the City of
8 Little Rock, Arkansas, and are not part of another incorporated city, shall be required to agree by
9 written contract to abide by all conditions set by the City of Little Rock in the contract, all
10 requirements of this ordinance, including subsequent revisions and amendments to this ordinance,
11 and any rules promulgated by the Little Rock Water Reclamation Commission in accordance with
12 this ordinance. All incorporated cities which discharge to the Public Sewer System shall agree by
13 written contract to adopt an ordinance which meets the general Pretreatment Regulations found in
14 40 C.F.R. Part 403 and at least as stringent as the conditions set forth in this ordinance. This
15 agreement must also contain a provision that allows for the adoption of any and all rules
16 promulgated by Little Rock Water Reclamation Commission in accordance with this ordinance
17 and shall delegate to the City of Little Rock the power to enforce all the provisions of this
18 ordinance.

19 **Section 3. Private Sewage Disposal.**

20 **3.1 Private Sewage Disposal Systems Allowed.**

21 Where a connection to the public sewer system is not available, the building sewer shall be
22 connected to a Private Sewage Disposal System complying with the provisions of this ordinance
23 and all applicable Local, State and Federal Laws.

24 **3.2 Other Permits Required.**

25 Before commencement of construction of a Private Sewage Disposal System, the owner shall
26 first obtain any required authorizations or permits from the Arkansas Department of Health or the
27 Arkansas Department of Energy and Environment, Division of Environmental Quality.

28 **3.3 Compliance with Arkansas State Law.**

29 The application for authorization of or permits for Private Sewage Disposal Systems shall be
30 submitted as set forth in Arkansas State Law and applicable State Rules. The type, capacities,
31 locations, and layout of said systems shall comply with all requirements and recommendations of
32 the Arkansas Department of Health or the Arkansas Department of Energy and Environment,
33 Division of Environmental Quality. No statement contained in this ordinance shall be construed
34 to supersede any additional requirements that may be imposed by the Arkansas Department of
35 Health or the Arkansas Department of Energy and Environment, Division of Environmental

1 Quality, and in the event of any conflict between this ordinance and any such additional
2 requirements, Arkansas State Law shall govern.

3 **3.4 Connection to Public Sewer Required.**

4 When a connection to the Public Sewer System becomes available, the building sewer shall
5 be connected to the public sewer system within thirty (30) days after the date of official notice
6 issued by the Little Rock Water Reclamation Authority, and the Private Sewage Disposal System
7 shall be cleaned of all sludge and solids, and filled with suitable materials.

8 **3.5 Owner Responsibilities.**

9 The owner of a Private Sewage Disposal System shall operate and maintain the Private
10 Sewage Disposal System in a sanitary manner at all times, at no expense to the Little Rock Water
11 Reclamation Authority.

12 **Section 4. Building Sewers and Connections.**

13 **4.1 Authorizations Required.**

14 No unauthorized person shall uncover, make any connection with or opening into, use, alter,
15 or disturb, any portion of the Public Sewer System or any appurtenance thereof without first
16 obtaining a written permit from the CEO of the Little Rock Water Reclamation Authority.

17 **4.2 Building Sewer Permits.**

18 A Building Sewer Permit shall be required for all residential, commercial and industrial
19 connections to the Public Sewer System. The owner or agent shall make application on a special
20 form provided by the Little Rock Water Reclamation Authority. The permit application shall be
21 supplemented by any plans, specifications, or other information considered pertinent in the
22 judgment of the CEO.

23 **4.3 Building Sewer Connection Fees.**

24 At the time a permit application is filed, all Permit, Inspection and Connection Fees shall be
25 paid to the Little Rock Water Reclamation Authority. The Connection Fee shall be in proportion
26 to the sewage treatment capacity required by the connected facility. All fees shall be assessed in
27 accordance with a schedule adopted by the Little Rock Water Reclamation Commission.

28 **4.4 Costs, Expenses, and Indemnification.**

29 All costs and expenses for the installation and connection of the building sewer shall be paid
30 by the owner. The owner shall indemnify the Little Rock Water Reclamation Authority or the
31 City of Little Rock for any loss or damage that may directly result from the installation of the
32 building sewer.

33 **4.5 Separate Building Sewers Required.**

34 A separate and independent building sewer shall be provided for every building except as
35 follows:

1 A. Where multiple buildings are constructed in an apartment complex or condominium on a
2 single lot or tract of land which cannot be subsequently subdivided and sold in parcels,
3 the individual buildings may be connected to a collector building sewer provided that
4 only one (1) person is responsible for maintenance of the building sewer.

5 B. Temporary buildings, mobile homes, or similar portable structures may be connected to a
6 building sewer installed to serve a previously-constructed permanent building provided
7 that both the permanent and temporary buildings are on the same lot.

8 **4.6 Use of Old Building Sewers.**

9 Old building sewers may be used in connection with new buildings only when they are found,
10 upon examination and testing by the CEO, to meet all requirements of this Ordinance and other
11 rules of the Little Rock Water Reclamation Commission.

12 **4.7 Building Sewer Construction Requirements and Specifications.**

13 The size, slope, alignment, and materials of construction of a building sewer and the methods
14 to be used in excavating, placing of pipe, joining, testing, and backfilling the trench, shall
15 conform to the standards and specifications of the Little Rock Water Reclamation Authority, all
16 applicable Building and Plumbing Codes, and other applicable ordinances of the City of Little
17 Rock, Arkansas. In the absence of code provisions, or in amplification thereof, the standards and
18 specifications set forth in the most recent publication from American Standard Testing Material
19 (A.S.T.M.) or the Water Environment Federation Manual (W.E.F.) Manual of Practice shall
20 apply. All connections to the public sewer system shall be made gas tight and watertight. Any
21 deviation from the prescribed procedures and materials must be approved by the CEO before
22 installation.

23 **4.8 Building Sewer Elevations/Lift Stations.**

24 Whenever possible, the building sewer shall be brought to the building at an elevation below
25 the basement floor. In all buildings in which any building drain is too low to permit gravity flow
26 to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means
27 approved by the CEO and discharged to the building sewer.

28 **4.9 Prohibited Connections to Building Sewers.**

29 No person shall make, permit to be made, own, use or be in possession of a connection of
30 roof drains, downspouts, exterior foundation drains, areaway drains, pools, spas, fountains, or
31 other sources of surface runoff or groundwater to a building sewer or building drain which is
32 directly or indirectly connected to the public sewer system. If such connection is found to exist,
33 the Owner shall be notified by the Little Rock Water Reclamation Authority and given thirty (30)
34 days to disconnect the prohibited cross connection. If disconnection is not made, sewer service
35 will be discontinued until such repair is made.

1 **4.10 Building Sewer Inspection and Connection.**

2 The applicant for the Building Sewer Permit shall notify the CEO of Little Rock Water
3 Reclamation Authority when the building sewer is ready for inspection and connection to the
4 Public Sewer System. The building sewer connection shall be inspected and approved by the
5 CEO before backfilling.

6 **4.11 Protection of the Public.**

7 All excavations for building sewer installation shall be adequately guarded with barricades
8 and lights so as to protect the public from hazard.

9 **4.12 Restoration of Public Property.**

10 Streets, sidewalks, parkways, and other public property disturbed in the course of the work
11 shall be restored in a manner satisfactory to the City of Little Rock Public Works Department.

12 **4.13 Operation and Maintenance Requirements.**

13 The owner of any building connected to the Public Sewer System shall operate and properly
14 maintain the building drains and building sewer in accordance with this ordinance at no expense
15 to Little Rock Water Reclamation Authority.

16 **Section 5. Protection from Damage.**

17 **5.1 Damage, Destruction, and Tampering.**

18 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover,
19 deface, or tamper with any structure, appurtenance, or equipment which is part of the Public
20 Sewer System.

21 **5.2 Unauthorized Covering.**

22 Unauthorized covering with landscaping or permanent structures of any points of entry or
23 access to the public sewer, such as manholes, is prohibited. Landscaping or permanent structures
24 include, but are not limited to earth, shrubs, trees, buildings, walls, fences or mailbox
25 kiosks/shelters. The property owner shall be fully responsible for the cost of and physical
26 removal of any such landscaping or structures installed in violation of this section.

27 **5.3 Removal of Cover.**

28 No unauthorized person shall remove the earth cover from a public sewer so that less than
29 two (2) feet of earth cover remains over the pipe bells.

30 **5.4 Applicable Penalties.**

31 Violation of any provision of this Section is a Class C Misdemeanor.

32 **Section 6. Disconnecting Sewers.**

33 **6.1 Disconnection and Sealing Required.**

34 Before any dwelling or other building being served by the public sewer is moved or
35 demolished, the building sewer serving said building shall be disconnected from the Public Sewer

1 System at the property line and the remaining building sewer sealed to prevent the entrance of
2 stormwater, groundwater and debris into the Public Sewer System. The CEO shall inspect and
3 approve all disconnect and seals

4 **6.2 Application and Fee Required.**

5 Prior to the demolition or moving of any building served by a public sewer, application shall
6 be made to Little Rock Water Reclamation Authority to disconnect and seal the building sewer by
7 Little Rock Water Reclamation Authority. The sewer seal fee, as set by Little Rock Water
8 Reclamation Commission, shall be paid to Little Rock Water Reclamation Authority at that time.

9 **6.3 Notification Requirements.**

10 At least three (3) days before a building is moved or demolished, but after it is no longer
11 occupied, the party making the application for disconnection and sealing of the building sewer
12 shall notify Little Rock Water Reclamation Authority that the building sewer is ready for
13 inspection or disconnection and sealing.

14 **Section 7. Power and Authority of Inspectors.**

15 **7.1 Right of Entry.**

16 The CEO and other duly authorized employees of Little Rock Water Reclamation Authority,
17 bearing proper credentials and identification, shall be permitted to enter all properties connected
18 to the Public Sewer System for the purposes of, but not limited to, inspection, observation,
19 measurement, sampling and testing in accordance with the provisions of this ordinance. The
20 CEO or other duly authorized employee of Little Rock Water Reclamation Authority, bearing
21 proper credentials and identification, shall be permitted to enter all private properties through
22 which the City of Little Rock, Arkansas, holds an easement for the purposes of, but not limited to,
23 inspection, observation, measurement, sampling, repair, and maintenance of any portion of the
24 public sewer system within said easement. Any entry into or subsequent work on any such
25 easement performed by the Little Rock Water Reclamation Authority shall be done in full
26 accordance with the terms of the easement.

27 **7.2 Adoption of Rules Pertaining to Services.**

28 In addition to the provisions of this ordinance, the Little Rock Water Reclamation
29 Commission is specifically authorized to make such other reasonable rules in regard to the
30 construction, use, and operation of building sewers connected to the Public Sewer System. Such
31 rules shall be adopted at a regular meeting of the Little Rock Water Reclamation Commission in
32 accordance with the following procedure:

- 33 A. The Little Rock Water Reclamation Commission shall vote their intent to adopt proposed
34 rules.

- 1 B. A public notice of the intent to adopt proposed rules shall be placed in a daily newspaper
2 in the City of Little Rock, Arkansas, one (1)-day for each of two (2) successive weeks
3 with a brief summary of the proposed rules.
- 4 C. The proposed rules shall be available for inspection and reproduction at the central
5 administrative office of the Little Rock Water Reclamation Authority for thirty (30) days
6 following the first publication of the public notice.
- 7 D. After the close of the thirty (30)-day public review period, the Little Rock Water
8 Reclamation Commission shall review any written objections to the proposed rule and
9 shall adopt final rules by vote at a regular meeting of the Commission. The Commission
10 may also consider public comments on the proposed rules at the meeting.
- 11 E. A correct copy of the final rules shall be filed with the City Clerk of the City of Little
12 Rock together with any written objections to the proposed rules.
- 13 F. Said rules shall become effective on the filing of said copy with the City Clerk.

14 **Section 8. *Enforcement Procedures.***

15 **8.1 Noncompliance Incident**

16 Whenever the CEO finds that any person has violated or is violating this ordinance, the CEO
17 may notify the person of noncompliance. This notification may be oral or written. Within thirty
18 (30) days of the receipt of the notice of noncompliance incident, or within a timeframe specified
19 by the CEO, the person must notify Little Rock Water Reclamation Authority of the reason for
20 the noncompliance and the steps taken to prevent any recurrence. Submission of this information
21 in no way relieves the person of liability for any violation occurring before or after receipt of the
22 notice of the noncompliance incident. Nothing in this section shall limit the authority of Little
23 Rock Water Reclamation Authority to take any action, including emergency actions or any other
24 enforcement action, without first issuing a notice of a noncompliance incident.

25 **8.2 Notice of Violation.**

26 When the CEO finds that a person has violated, or continues to violate, any provision of this
27 ordinance, the CEO shall serve upon the person a written Notice of Violation. Within thirty (30)
28 days of the receipt of this notice, or within a timeframe specified by the CEO in the Notice of
29 Violation, the person shall submit to the CEO an explanation of the violation and a plan for the
30 satisfactory correction and prevention thereof, including, but not limited to, specific required
31 actions and milestone schedules. Submission of this plan in no way relieves the person of liability
32 for any violations occurring before or after receipt of the Notice of Violation. Nothing in this
33 section shall limit the authority of the CEO to take any action, including emergency actions or
34 any other enforcement action, without first issuing a Notice of Violation.

1 **8.3 Consent Orders.**

2 The CEO is authorized to enter into consent orders, assurances of voluntary compliance, or
3 other similar documents establishing an agreement with any person responsible for
4 noncompliance. Such orders, assurances, or other similar documents will include specific action
5 to be taken by the person to correct the noncompliance within a time period specified by the
6 document. Such orders, assurances, or other similar documents shall be judicially enforceable.

7 **8.4 Compliance Orders and Schedules.**

8 When the CEO finds that person has violated, or continues to violate, any provision of this
9 ordinance, the CEO may issue an order or schedule to the person responsible for the violation
10 directing that the person come into compliance within a specified time. If the person does not
11 come into compliance within the time provided, sewer service may be discontinued, subject to
12 notice and right to a hearing as provided herein. Issuance of a compliance order shall not be a bar
13 against, or a prerequisite for, taking any other action against the person in violation.

14 **8.5 Cease and Desist Orders.**

15 When the CEO finds that a person has violated, or continues to violate, any provision of this
16 ordinance, or that the violations are likely to recur, the CEO may issue an order to the person in
17 violation with directions to cease and desist all such violations and directing immediate
18 compliance with all requirements and take such appropriate remedial or preventive action as may
19 be needed to properly address a continuing or threatened violation, including halting operations
20 and/or terminating the discharge. Issuance of a Cease and Desist Order shall not be a bar against,
21 or a prerequisite for, taking any other action against the person in violation.

22 **8.6 Administrative Fines.**

- 23 A. When the CEO finds that a person has violated, or continues to violate, any provision of
24 this ordinance, the CEO may fine the person in violation in an amount not to exceed One
25 Thousand Dollars (\$1,000.00).
- 26 B. The CEO may add the costs of preparing administrative enforcement actions, such as
27 notices and orders, to a fine.
- 28 C. When a person desires to dispute such fines, the Industrial User must file a written
29 request for the CEO to reconsider the fine along with full payment of the fine amount
30 within ten (10) days of being notified of the fine. Where a request has merit, the CEO
31 may convene a hearing on the matter. In the event the request is granted, the payment,
32 together with any interest accruing thereto, shall be returned to the User.
- 33 D. Issuance or pursuit of an administrative fine shall not be a bar against, or a prerequisite
34 for, taking any other action against a person in violation. In no event, shall legal
35 proceedings be initiated to collect said fine or penalty without a resolution of the Little

1 Rock Water Reclamation Commission authorizing such action. If authorized, legal
2 proceedings to collect fines or penalties must be brought in a court of competent
3 jurisdiction.

4 **8.7 Show Cause Hearing.**

5 A. The CEO may order any person in violation which causes or contributes to violation(s) of
6 this ordinance, to appear before the Little Rock Water Reclamation Commission and
7 show cause why a proposed enforcement action should not be taken. Notice shall be
8 served on the person in violation specifying the time and place for the hearing, the
9 proposed enforcement action, the reasons for such action, and a request that the person in
10 violation show cause why this proposed enforcement action should not be taken. The
11 notice of the meeting shall be served personally or by certified mail, return receipt
12 requested, at least ten (10) days prior to the hearing. Whether or not the person in
13 violation appears as ordered, immediate enforcement action may be pursued following
14 the hearing date. A Show Cause Hearing shall not be a prerequisite for taking any other
15 enforcement action.

16 B. The Little Rock Water Reclamation Commission may itself conduct the Show Cause
17 Hearing and take the evidence, or may designate the CEO to serve as the hearing officer
18 to:

19 (1) Issue in the name of the Little Rock Water Reclamation Commission notices of
20 hearings requiring attendance, testimony of witnesses and the production of
21 evidence relevant to any matter involved in such hearings; and,

22 (2) Take the evidence; and,

23 (3) Transmit a report of the evidence and hearing, including transcripts and other
24 evidence together with recommendations to the Little Rock Water Reclamation
25 Commission for action thereon.

26 C. At any hearing held pursuant to this ordinance, any testimony taken must be under oath
27 and be electronically recorded. Any party desiring stenographic recording may provide
28 the same at its own expense. Any decision made as a consequence of any hearing held
29 pursuant to this ordinance shall be subject to review by appeal to the Circuit Court of
30 Pulaski County, in accordance with the law of Arkansas.

31 D. Following the show cause hearing, the Hearing Officer, if other than the Little Rock
32 Water Reclamation Commission, shall within ten (10) days after the hearing submit
33 findings and recommendations to the members of the Little Rock Water Reclamation
34 Commission. Following receipt of the recommendations, the Little Rock Water
35 Reclamation Commission shall consider the findings and recommendations at its next

1 regularly scheduled meeting or at any special meeting called for that purpose, at which
2 meeting the Little Rock Water Reclamation Commission shall take such action as it
3 deems necessary. Within fifteen (15) days after consideration of the matter, the Little
4 Rock Water Reclamation Commission shall have served on all parties its decision
5 regarding the findings and recommendations. If the Commission finds that legal action
6 should be initiated, the Little Rock Water Reclamation Commission may file such action
7 in a court of competent jurisdiction seeking all appropriate relief. No suit to collect civil
8 or criminal penalties may be initiated until after such time that a resolution authorizing
9 such suit is duly adopted by the Little Rock Water Reclamation Commission.

10 **8.8 Emergency Suspension of Discharge.**

11 The CEO may immediately suspend a discharge to the Public Sewer System, whenever such
12 suspension is necessary to stop an actual or threatened discharge which reasonably appears to
13 present or cause an imminent or substantial endangerment to the health or welfare of persons, that
14 threatens to interfere with the operation of the public sewer system, or which presents, or may
15 present, an endangerment to the environment.

16 A. The CEO must provide notice of the suspension to discharger. Any discharger notified of
17 a suspension of its discharge shall immediately stop or eliminate its discharge. In the
18 event of a discharger's failure to immediately comply voluntarily with the suspension
19 order, the CEO may take such steps as deemed necessary, including immediate severance
20 of the sewer connection, to prevent or minimize damage to the Public Sewer System, its
21 receiving stream, or endangerment to any individuals.

22 B. If requested by the discharger, the CEO must provide a hearing regarding the immediate
23 suspension within five (5) days of the Notice of Suspension.

24 C. Any person responsible, in whole or in part, for any discharge presenting imminent
25 endangerment shall submit a detailed written statement, describing the causes of the
26 harmful discharge and the measures taken to prevent any future occurrence, to the CEO
27 prior to the date of any hearing held pursuant to this ordinance.

28 Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency
29 suspension under this Section.

30 **8.9 Termination of Service.**

31 In addition, the CEO may issue to any person in violation, notice that following a specified
32 period of time, sewer service will be discontinued unless the person in violation comes into full
33 compliance with the requirements of this ordinance or orders issued pursuant to a provision of
34 this ordinance. Other orders and directives as necessary and appropriate may be issued. An order

1 directing the cessation of sewer service shall not preclude legal action as the Little Rock Water
2 Reclamation Commission may deem appropriate under the circumstances.

3 **8.10 Injunctive Relief.**

4 When the CEO finds that any person has violated, or continues to violate, any provision of
5 this ordinance or order issued hereunder, the Little Rock Water Reclamation Commission may
6 commence proceedings for the issuance of a temporary or permanent injunction, as appropriate,
7 which restrains or compels the specific performance of a Little Rock Water Reclamation
8 Commission order, or other requirement imposed by this ordinance. A complaint for injunctive
9 relief shall not be a bar against, or a prerequisite for, taking any other action as the Little Rock
10 Water Reclamation deems appropriate.

11 **8.11 Civil Penalties.**

12 A. Any person who has violated, or continues to violate, any provision of this ordinance, or
13 order issued hereunder, shall be liable to Little Rock Water Reclamation Authority for the
14 maximum civil penalty allowed under applicable Arkansas State Law.

15 B. The CEO may recover all costs and other expenses associated with enforcement
16 activities, including sampling and monitoring expenses, the cost of any actual damages
17 incurred by Little Rock Water Reclamation Authority, and all other costs recoverable
18 under Arkansas State Law.

19 C. In determining the amount of civil liability, a court of competent jurisdiction may take
20 into account all relevant circumstances, including, but not limited to, the extent of harm
21 caused by the violation, the magnitude and duration of the violation, any economic
22 benefit gained through the violation, corrective actions by the person in violation, the
23 compliance history of the person in violation, and any other factor as justice requires.

24 D. Filing a suit for civil or criminal penalties shall not be a bar against, or a prerequisite for,
25 taking any other action against any person in violation, provided that no such suit to
26 collect civil or criminal penalties shall be commenced without a resolution of the Little
27 Rock Water Reclamation Commission authorizing such court action.

28 **8.12 Criminal Prosecution.**

29 A. Any person who willfully or negligently violates any provision of this ordinance, or order
30 issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine
31 of not more than One Thousand Dollars (\$1,000.00) per violation or imprisonment for
32 such term as allowed by law or both; provided that no criminal prosecution may be
33 commenced without a prior resolution of the Commission authorizing such prosecution.

34 B. Any person who willfully or negligently introduces any substance into the public sewer
35 system which causes personal injury or property damage shall, upon conviction, be guilty

1 of a misdemeanor and be subject to a penalty of at least One Hundred Dollars (\$100.00),
2 but not more than Five Hundred Dollars (\$500.00), for any one (1) specified offense or
3 violation thereof, and not less than One Hundred Dollars (\$100.00), but not more than
4 One Thousand Dollars (\$1,000.00), for each repetition of such event or violation, or be
5 subject to imprisonment for such term as allowed by law, or both. This penalty shall be
6 in addition to any other cause of action for personal injury or property damage available
7 under Arkansas State Law.

- 8 C. Any person who knowingly makes any false statements, representations, or certifications
9 in any application, record, report, plan, or other documentation filed, or required to be
10 maintained, pursuant to this ordinance, or order issued hereunder, shall, upon conviction,
11 be punished by a fine of at least One Hundred Dollars (\$100.00), but not more than Five
12 Hundred Dollars (\$500.00), for any one (1) specified offense or violation thereof, and not
13 less than One Hundred Dollars (\$100.00), but not more than One Thousand Dollars
14 (\$1,000.00), for each repetition of such event or violation, or be subject to imprisonment
15 for such term as allowed by law, or both. This penalty shall be in addition to any other
16 cause of action for personal injury or property damage available under State law.

17 **8.13 Remedies Nonexclusive.**

18 The remedies provided for in this ordinance are not exclusive. The CEO may take any, all, or
19 any combination of these actions against any person in violation with this ordinance or orders
20 issued hereunder. Further, the CEO is empowered to take more than one enforcement action
21 against any person in violation.

22 **8.14 Public Nuisances.**

23 A violation of any provision of this ordinance, or order issued hereunder, or any wastewater
24 discharge permit is hereby declared a public nuisance and shall be corrected or abated as directed
25 by the CEO. Any person creating a public nuisance shall be subject to the provisions of the City
26 Code for the City of Little Rock governing such nuisances, including reimbursing the City of
27 Little Rock or the Little Rock Water Reclamation Commission for any costs incurred in
28 removing, abating, or remedying said nuisance.

29 **Section 9. Supplemental Environmental Projects.** In lieu of administrative or civil penalties, the
30 CEO may accept the performance of a Supplemental Environmental Project by any person in
31 violation. The Supplement Environmental Project shall provide a general benefit to the public sewer
32 system and the City of Little Rock and shall not be to the sole benefit of the person in violation.
33 Activities undertaken to comply with this ordinance, or any other local, state, or federal law, shall not
34 qualify as a Supplemental Environmental Project. The acceptance of a Supplemental Environmental
35 Project is at the sole discretion of the CEO.

1 **Section 10. *Financial Assurance.*** The CEO may decline to issue or reissue any permits to any
2 person who has failed to comply with any provision of this ordinance, or order issued hereunder, or any
3 wastewater discharge permit, or any Pretreatment Standard, unless the person first submits proof of
4 financial assurances sufficient to restore or repair damage to the public sewer system caused by the person
5 in violation, or as necessary to achieve consistent compliance. Acceptable forms of financial assurance
6 may include, but are not limited to, liability insurance or performance bonds payable to the Little Rock
7 Water Reclamation Commission. The request for and acceptance of financial assurances is within the
8 sole discretion of the CEO.

9 **Section 11. *Severability.*** The provisions of this ordinance are severable, and if any provision,
10 paragraph, word, section, or article of this ordinance is invalidated by any court of competent jurisdiction
11 it shall not affect the remainder of this ordinance and the remaining provisions, paragraphs, words,
12 sections, and articles shall not be affected and shall continue in full force and effect.

13 **Section 12. *Repealer.*** All ordinances and parts of ordinances inconsistent or conflicting with any
14 part of this ordinance are hereby repealed to the extent of such inconsistency or conflict, including by not
15 limited to Ordinance No. 17,695, passed March 16, 1999.

16 **Section 13. *Emergency Clause.*** The Board of Directors of the City of Little Rock has determined
17 that it is essential that the Little Rock Water Reclamation Commission should have the authority to
18 regulate the use of public and private sewers in accordance with the provisions contained in this ordinance
19 in order to accomplish the purposes thereof. Therefore, an emergency is hereby declared to exist, and this
20 ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be
21 in full force and effect immediately after its passage and approval.

22 **PASSED: November 1, 2022**

23 **ATTEST:**

APPROVED:

24
25 _____
26 **Susan Langley, City Clerk**

_____ **Frank Scott, Jr., Mayor**

27 **APPROVED AS TO LEGAL FORM:**

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29 _____
30 **Thomas M. Carpenter, City Attorney**

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