

TITLE 10

UTILITIES

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CHAPTER 10.04

WATER RATES

Sections:

- 10.04.01 Definitions
- 10.04.02 Water rates
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- 10.04.04 Prohibition against tampering and bypassing
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10.04.01 Definitions

Residential customers – all customers residing in each residential house, including mobile homes, apartments, and houses per unit and rooming houses per unit.

Commercial customers – non-residential customer, including industries, schools, churches, lodges, etc., excluding wholesale customers. (Ord. No. 0-2014-07, Sec. 1.)

10.04.02 Water rates

(a) The following water rates be, and are hereby fixed as rates to be charged for water to be furnished and services to be rendered by the water works system of the city of Ward, Arkansas, to wit:

MONTHLY WATER RATES

The water usage of each customer shall be determined each month by measurement.

The amount to be paid by each residential, commercial, and wholesale customer shall be computed on the basis of the following schedule of rates¹:

RESIDENTIAL INSIDE CITY LIMITS

First 1,000 gallons	5/8" of 3/4 " meter	\$24.13
	1" meter	\$24.13
	1 1/2 " meter	\$24.13
	2" meter	\$38.62
	3" meter	\$49.15
	4" meter	\$60.91
	6" meter	\$83.29
Remaining gallons		\$5.46 per 1000 gallons

RESIDENTIAL OUTSIDE CITY LIMITS

First 1,000 gallons	5/8" of 3/4 " meter	\$24.13
	1" meter	\$24.13
	1 1/2 " meter	\$24.13
	2" meter	\$38.62
	3" meter	\$49.15
	4" meter	\$60.91
	6" meter	\$83.29
Remaining gallons		\$7.11 per 1000 gallons

COMMERCIAL RATES

First 1,000 gallons	5/8" of 3/4 " meter	\$24.13
	1" meter	\$24.13
	1 1/2 " meter	\$24.13
	2" meter	\$38.62
	3" meter	\$49.15
	4" meter	\$60.91

¹ With this Ordinance, Rates on the first 1,000 gallons are reduced by \$40 to off-set the \$.40 fee increase outlines in Section 2c.

	6" meter	\$83.29
Remaining gallons		\$7.11 per 1000 gallons

SPRINKLER OR GARDEN METER

First 1,000 gallons	5/8" of 3/4 " meter	\$24.13
	1" meter	\$24.13
	1 1/2 " meter	\$24.13
	2" meter	\$38.62
	3" meter	\$49.15
	4" meter	\$60.91
	6" meter	\$83.29
Remaining gallons		\$7.11 per 1000 gallons

- (b) Hydrant fees The connection fee will be \$35.00 per hydrant connection. Consumption rate will be \$5.00 per 1000 gallons.
- (c) Fee for federal Safe Drinking Water Act: a fee of \$.40 shall be charged to each water bill issued.
- (d) None of the facilities or services afforded by the System shall be furnished without a charge being made therefore.
- (e) Annual Rate Adjustment by Index Effective and commencing on January 1, 2020 and for each annual anniversary thereafter, there shall be an automatic water rate adjustment based upon and equal to the then-current percentage increase of the cost-of-living adjustment (COLA) as determined by the Social Security Administration. In the event that the COLA adjustment exceeds three percent (3%), the proposed increase in water rates shall be presented to the City Council for approval. The automatic rate adjustment provided herein shall not preclude the City Council from increasing or decreasing the water rates as deemed necessary or appropriate at any time. (Ord. No. O-2019-09, Sec. 2.)

10.04.03 New water service The following rates be, and are hereby fixed as rates to be charged for normal water system services to be rendered as requested by customers on the system, or by prospective customers for new water services:

- A. There shall be a meter installment fee (hard set - which includes setting a meter box, meter loop, tapping into the main water line, and installation of meter or soft set – which includes setting of the meter only) computed on the basis of the following schedule rates:
- | | |
|--|-----------|
| 5/8" x 3/4" single meter loop (hard set) | \$600.00 |
| 5/8" x 3/4" single meter loop (soft set) | \$200.00 |
| 5/8 x 3/4" double meter loop (hard set) | \$1000.00 |
| Road crossing – if sleeved | \$400.00 |
| Road crossing – cut and repair | \$550.00 |
- Bore under all roads shall be at customer's expense.
All other size meters to be set at cost plus 40%.
- B. Tapping fee There shall be a \$75.00 charge per meter tapping fee for each subdivision tying onto the Ward water system, to be paid by the developer before each tap shall be made into the system.
- C. Connection fees A connection fee of \$100.00 shall be charged for each water service on the system where a water meter is presently installed.
- D. Reconnection fees In the event any premise(s) is disconnected from the system, the customer concerned, prior to reconnection, shall pay all delinquent and current charges, together with a reconnection charge as set forth below for each reconnection of the premise(s) to the system.
1. If said reconnection shall be made during regular water works business hours (8:00 a.m. to 4:30 p.m. Monday through Friday), the fee shall be \$50.00 for reconnect of each premise(s).
 2. If said reconnection shall be made after regular water works business hours (8:00 a.m. to 4:30 p.m. Monday through Friday), weekends or holidays, the fee shall be \$100.00 for reconnect of each premise(s).
 3. To reconnect a meter to the system that has been shut off for vacation, the customer shall pay a fee of \$20.00.
- E. Whenever any water personnel is called out to check for an accurate meter reading, and the reading is found to be correct, or if any water personnel is called out to check a meter to see if there is a leak, and the leak is found to be the customer's responsibility, there shall be a \$25.00 charge for a service call to the customer making the request.
- F. When a water customer request his/her meter to be removed and checked for accuracy and upon so doing the meter is found to be in good working order, the customer shall be charged \$50.00 for the meter check. If the customer requests

that a meter in good working order be replaced, the cost for replacing the meter will be the cost of the meter plus 40%. If the meter checks bad, a new meter will be installed and there will be no charge to the customer. (O-2014-07, Sec. 3.)

G.

1. The City Council finds and determines that the foregoing recitals are true and correct and incorporates the recitals herein.
2. The City Council hereby authorizes the imposition of meter fees upon its water customers as a result of the LWPWA pass-through. The LWPWA fee will be displayed as a separate line item on the regular billing statements, and will apply to all residential and commercial accounts.
3. Effective 12-1-2011, the LWPWA pass-through is established and imposed at the rate of Five Dollars (\$5.00) per meter per month, and said fee shall be assessed on the regular billing statements of the city's water customers. (Ord. No. 2011-9, Secs. 1-3.)

10.04.04 Prohibition against tampering and bypassing

- A. No person shall install or cause to be installed any Jumper for the purpose of accessing water from the City of Ward Water Supply that results in access to the City water without passing thru an operating Proper Metering Device.
- B. No person shall, without authority from the City of Ward Water Department, turn on or off any portion of the City's Water System, destroy any part of the System (to include individual meters, meter loops or meter locks), or otherwise change or damage the System.
- C. Upon discovery of a Jumper or any form of tampering with the Water System, the City of Ward Police Department or the Lenoke County Sheriff's Department may be notified and shall have the ability to issue a citation for violation of the Ordinance to the person or entity who has caused such violation and to the owner of the property where the violation occurred.
- D. The owner of the property where the violation of the Ordinance occurred shall be responsible for any and all fines, penalties and/or damages resulting from the violation.
- E. This Ordinance shall apply to the entire City of Ward Water System both inside and outside of the corporate limits of the City.
- F. Any person who violates this Ordinance may be fined not less than \$100.00 or more than \$300.00 for the first offense. For the second and all subsequent offenses, the fine shall be not less than \$250.00 or more than \$1,000.00 for each offense. A separate offense shall be committed for each parcel of real estate owned by the owner on which a violation occurs.
- G. In addition to the penalty provided for in paragraph (f) above, any person violating this Ordinance may also be required to pay all damages to the City Water Department as a result of said violation and for the value of the water used as a result of such violation. (Ord. No. 2014-07, Sec. 4.)

10.04.05 Bill payment The operation of the System shall be on a fully metered basis, with a meter installed at each water connection and there shall be only one user on a single meter. All bills for water service shall be rendered in the net amount due. If any water bill is not paid on or before the of each month after billing is rendered, a 10% penalty shall be added, and if any bill is not paid within thirty (30) days after the bill shall be rendered, water service shall be disconnected. (Ord. No. 2014-07, Sec. 5.)

CHAPTER 10.08

SEWER RATES

Sections:

10.08.01	Sewer rates
10.08.02	Billing
10.08.03	Financial management system
10.08.04	Review of charges
10.08.05	Notification
10.08.06	Application to Committee
10.08.07	User charge system
10.08.08	Other sewer fees

10.08.01 Sewer rates

- A. The city hereby establishes as rates to be charged for services furnished by the system, which the City Council finds and declares to be fair, reasonable and necessary to be charged to all users who contribute wastewater to the system. The proceeds of such charges so derived will be used for the purpose of operating and maintaining, including replacement (OM&R), the system's wastewater treatment works.

Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which they were designed and constructed.

- B. The following monthly sewer rates be, and they are hereby fixed as rates to be charged for sewer based upon the metered water consumption thereof. In the case of users not on a metered basis, the Ward Water and Sewer Committee (the "Committee") shall establish water consumption based on a comparison of the non-metered user with a metered user of similar class. Example: a non-metered family of four will be compared to a typical family of four with a water meter to establish water consumption. (Ord. No. 2016-06, Sec. 2.)

Monthly Sewer Rates

The sewer usage of each customer shall be determined each month by measurement of water consumption.

The amount to be paid by each residential and commercial customer shall be computed on the basis of the following schedule of rates:

1-1,000 gallons	\$14.25 per 1,000 gallons and any portion thereof
1,001-2,000 gallons	\$5.25 per 1,000 gallons
2,001-3,000 gallons	\$5.25 per 1,000 gallons
3,001-4,000 gallons	\$5.75 per 1,000 gallons
4,001-5,000 gallons	\$6.50 per 1,000 gallons
5,001-6,000 gallons	\$6.75 per 1,000 gallons
6,000 + gallons	\$7.00 per 1,000 gallons

(Ord. No. 2016-06, Sec. 2.)

User Charge Methodology:

$$\#1.51/1,000 \text{ gal.} = \frac{\$55,000}{\$47,786 \times 1,000 \text{ gal. sold annually}}$$

(Ord. No. 91A-7, Sec. 1.)

- C. Excessive Strength Charges For any user, when the BOD exceeds *200 mg/1, the suspended solids exceed 200 mg/1, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

$$C_s = (B_c (B) + S_c (S) + P_c (P)) V_u$$

C_s = a surcharge for wastewaters of excessive strength.

B_c = Operation and Maintenance (O&M) cost for treatment of a unit of BOD.

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

S_c = O&M cost for treatment of a unit of SS.

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

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

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

V_u = Volume contribution from a user per unit of time.

*Maximum limit for average domestic waste.

- D. Charges for Extraneous Flows The costs of O&M for all flows not directly attributable to users (such as infiltration/inflow) shall be distributed among users on the same basis as O&M charges.

- E. Toxic Pollutants Charges Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the system's treatment works shall pay for such increased costs.
- F. Total Minimum User Charge The minimum monthly bill per user of the system shall be \$14.25. (Ord. No. 2016-06, Sec. 3.)
- G. Tapping Fee There shall be a tapping fee in an amount equal to the actual cost to the city for every customer who connects to the system.
- H. None of the sewer facilities or services afforded by the system shall be furnished without a charge being made therefore. (Ord. No. WWS-7-91, Sec. 1.)

10.08.02 Billing Users of the system will be billed on a monthly basis with payment due ten (10) days after the date of billing. Users on metered water service will be billed on the same notice as water charges and will be designated as a separate entry. Users not on metered water service will be billed monthly on an individual notice for service based upon the water consumption established by the system.

Users with delinquent account of twenty (20) days will be notified in writing by the city where, during which hours of the day, and before whom disputed bills appropriately may be considered. If the user waives the opportunity to be heard, the services will be discontinued until such bill is paid. (Ord. No. WWS-7-91, Sec. 2.)

10.08.03 Financial management system A financial management system shall be established and maintained by the city to document compliance with federal regulations pertaining to the bonds. Such system will account for all revenues generated and expenditures of OM&R. (Ord. No. WWS-7-91, Sec. 3.)

10.08.04 Review of charges The City will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of OM&R and that the city's system continues to provide for the proportional distribution of OM&R costs among users and user classes. (Ord. No. WWS-7-91A, Sec. 4.)

10.08.05 Notification Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which are attributable to wastewater treatment. Costs shall be broken down to show the OM&R costs attributable to that user. (Ord. No. WWS-7-91, Sec. 5.)

10.08.06 Application to Committee

- A. Any user who feels his user charge is unjust and inequitable may make written application to the Committee requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or

strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

- B. Review of the request shall be made by the Committee and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period. (Ord. No. WWS-7-91, Sec. 6.)

10.08.07 User charge system The user charge system for the system shall take precedence over any terms of conditions of agreements or contracts between the city and any of the users which are inconsistent with applicable federal regulations regarding such user charge systems. (Ord. No. 2016-06, Sec. 4.)

10.08.08 Other sewer fees

- A. The Ward Water and Sewer System shall charge the following fees for installation, inspection, and connection of new building sewers to the Ward Sewer System:

Installation to city main sewer line	\$450.00
Connection to city main sewer line	100.00
(This fee is in addition to any applicable installation fee)	
Inspection fee on sewer connection	25.00
(An inspection is required for all sewer connections)	
Re-inspecting fee	25.00
(Re-inspection is required upon all failed initial inspections)	
Road crossing fee	1,050.00

- B. This ordinance shall be amended at such time as costs become more than the aforementioned rate, in order to stay within the terms of Ord. No. WWS-6-91, Article IV, Section 3, which states that "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 for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer." (Ord. No. 0-0296, Secs. 1-2.)

CHAPTER 10.12

CROSS CONNECTION PROGRAM

Sections:

10.12.01	Intent
10.12.02	Purpose
10.12.03	Definitions
10.12.04	Operating criteria
10.12.05	Protective device required
10.12.06	Facilities requiring backflow protection
10.12.07	Approval of backflow prevention devices
10.12.08	Non-compliance
10.12.09	Ownership
10.12.10	Installation and costs
10.12.11	Testing and maintenance
10.12.12	New and Existing Construction
10.12.13	Implementation

10.12.01 Intent In compliance with the State of Arkansas Rules and Regulations Pertaining to Public Water Systems, Section VII.E, the City of Ward finds it necessary for the health, safety and welfare of the people served by the water division of the city utilities department to adopt cross-connection control standards which establish the requirements for the design, construction and maintenance of connections to the public water supply. These standards are supplemental to and do not supersede or modify the Arkansas State Plumbing Code (ASPC) and its latest revisions under which the city operates. This ordinance pertains to commercial and industrial establishments only. Single-family, residential dwelling units, unless involved in commercial operations, are exempt from the requirements of this ordinance except where they fall under the purview of the Arkansas State Plumbing Code (ASPC). [Cross-reference - ASPC adopted April 4, 1968.] (Ord. No. O-2019-06, Sec. 1.1)

10.12.02 Purpose The purposes of this ordinance are:

- A. To provide for the protection of the public potable water supply.
- B. To isolate at the service connection any actual or potential pollution or contamination within the consumer's premises and
- C. To provide a continuous, systematic and effective program of cross-connection control. (Ord. No. O-2019-06, Sec. 1.2)

10.12.03 Definitions (as used in this article)

1. **Backflow** Backflow shall mean a hydraulic condition, caused by a difference in pressures, in which non-potable water or other fluids flow into a potable water system.

2. **Backflow preventer** shall mean a testable assembly to prevent backflow.
3. **Double-Check Valve Assembly (DC)** means a complete assembly AWWA Standard C510 and the requirements of the Arkansas State Plumbing Code consisting of two internally loaded, independently operating check valves between two tightly closing resilient-seated shutoff valves, with four (4) properly placed resilient seated test cocks.
4. **Reduced-Pressure Principle Backflow Prevention Assembly** means a complete assembly meeting AWWA Standard C511 and the requirements of the Arkansas State Plumbing Code consisting of a hydraulically operating, mechanically independent differential relief valve located between two independently operating, internally loaded check valves that are located between two tightly dosing resilient seated shutoff valves with four properly placed resilient-seated test cocks.
5. **Air Gap (AG)** means a physical separation between two piping systems. (Ord. No. O-2019-06, Sec. 1.3.)

10.12.04 Operating criteria It is the primary responsibility of the water purveyor and/or the City of Ward to evaluate the hazards inherent in supplying a consumer's water system; i.e., determine whether solid, liquid or gaseous pollutants or contaminants are, or may be, handled on the consumer's premise in such a manner as to possibly contaminate the public water system. When a hazard or potential hazard to the public water system is found on the consumer's premise, the consumer shall be required to install an approved backflow prevention assembly (BFP), or an air gap, at each public water service connection to the premise in accordance with this ordinance's requirements. The type of BFP shall depend on the degree of hazard involved. The degree of hazard shall be as described in AWWA M-14 manual or as described below.

- 1) In the case of any premise where there is an auxiliary water supply, connected to the plumbing system, the public water system shall be protected from the possibility of backflow by a reduced-pressure principle backflow prevention assembly (RP) at the service connection.
 - 2) In the case of any premise where substances are handled that are objectionable, but not hazardous to human health, and the likelihood exists of it being introduced into the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or an approved double check valve assembly (DC).
 - 3) In the case of any premise where there is any material, hazardous to human health, which is handled in such a fashion as to create an actual or potential threat to the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or an approved reduced-pressure principle backflow prevention assembly (RP).
- Page four • In case of any premise where there are unprotected cross-connections, either

actual or potential, the public water system shall be protected by an approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection.

- 4) In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection. (Ord. No. O-2019-06, Sec. 1.4)

10.12.05 Facilities Requiring Backflow Protection The following is a partial list of facilities which ordinarily will require a reduced-pressure principal backflow prevention assembly (RP) or an air gap in accordance with the ASPC. Requirements are based upon the degree of hazard afforded the public potable water system.

- 1) Automatic car washes.
 - 2) Auxiliary water systems (interconnected with the public water system).
 - 3) Exterminators and veterinary clinics.
 - 4) Facilities with boilers, condenser water or chilled water systems.
 - 5) Fire systems containing chemical additives.
 - 6) Hospitals, medical clinics, dental clinics, health clinics, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes.
 - 7) Irrigation systems and lawn sprinkler systems.
 - 8) Laboratories (industrial, commercial, photography, medical and school.)
 - 9) Commercial laundries.
 - 10) Radiator and battery shops.
 - 11) Restricted, classified or other facilities closed to inspection.
 - 12) Sand, gravel and concrete plants. (13) Wastewater treatment plants, pump stations and storm water pumping facilities.
 - 13) Marinas and dockside facilities.
 - 14) Commercial swimming pools.
 - 15) Commercial farms using pesticides and herbicides.
 - 16) Establishments holding livestock for sale or slaughter including cattle, horses, hogs, poultry, emus, ostriches, llamas, rabbits, etc.
 - 17) Others (with suspected high hazards).
- The following is a partial list of facilities which ordinarily will require a minimum of a double check valve assembly (DC) or an air gap in accordance with the ASPC:
 - 1) Tall buildings (over four stories) or any buildings with water booster pumps.
 - 2) Beauty parlors and barber shops.
 - 3) Hotels and motels.

- 4) Restaurants, cafeterias, fast-food marts and other food handling facilities.
 - 5) Fire sprinkler systems (without chemicals).
 - 6) Others (with suspected medium hazards).
- (Ord. No. O-2019-06, Sec. 1.5)

10.12.06 Approval of backflow prevention devices Any backflow prevention assembly required herein shall be an approved type which is in compliance with requirements of the Arkansas State Plumbing Code. (Ord. No. 2019-06, Sec. 1.6)

10.12.08 Non-compliance Service to be discontinued. Notice: Consent to enter.

- 1) In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination the water service shall be discontinued by the water purveyor.
- 2) No water service connection shall be installed on the premises of any consumer unless the public potable water system is protected as required by this ordinance.
- 3) Delivery of water to premises of any consumer may be discontinued by the water purveyor and/or the City of Ward if any protective device required by this article has not been installed, or is defective, or has been removed or bypassed. Discontinued water service shall not be resumed until conditions at the consumer's premise have been abated or corrected to the satisfaction of the water purveyor.
- 4) Upon discovery of a violation of this ordinance, written notice shall be given to the consumer. If violations are not corrected by date and time as stated on the notice, the water supply will be discontinued and the violation may be referred to the administrative authority for action.
- 5) For the purpose of making any inspections or discharging the duties imposed by this article, the water purveyor and/or the City of Ward, the State Health Department, and/or plumbing inspector shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premise of the water purveyor and/or superintendent, the State Health Department, and/or plumbing inspector for the purpose stated herein. (Ord. No. 2019-06, Sec. 1.7)

10.12.09 Ownership Backflow prevention assemblies installed downstream of the water meter are owned by and are the responsibility of the customer of the water utility.(Ord. No. 2019-06, Sec. 1.8)

10.12.10 Installation and costs Customers of the city water utility requiring backflow prevention assemblies shall pay all costs associated with installation and testing of the appropriate size and type of backflow preventer under private contract. For newly constructed

facilities, backflow preventers shall be installed prior to the final plumbing inspection so that the device can be included as part of the inspection. Backflow prevention assemblies shall be installed in accordance with the requirements of the Arkansas State Plumbing Code. (Ord. No. 2019-06, Sec. 1.9)

10.12.11 Testing and maintenance The consumer will be responsible for the testing of the backflow prevention assembly by contract with a certified Assembly Test Technician within 10 days of installation and annually thereafter. The consumer shall furnish the water purveyor and/or city with a certificate of satisfactory testing by the anniversary date of the installation of the assembly. In instances where the water purveyor, city and/or the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals. All costs of testing shall be paid by the consumer. Any repairs required as a result of inspections or testing shall be arranged for and paid by the consumer through private contract with a certified Assembly Repair Technician. Records of inspections, testing and/or repairs to backflow preventers shall be kept by the water purveyor and/or the city and made available to the State Health Department upon request. (Ord. No. 2019-06, Sec. 1.10)

10.12.12 New and Existing Construction All new construction within the City of Ward shall be effected upon the passage of this ordinance. All existing consumer premises shall be in compliance with this ordinance in accordance with the notification by the water utility and was previously required to be in compliance by March 1, 1995 per Ordinance 0-195.(Ord. No. 2019-06, Sec. 1.11)

10.12.13 Implementation This Ordinance shall have full force and effect from and after its date of passage. Ordinance 0-195 is hereby repealed and any other ordinance or parts thereof in conflict with this ordinance is hereby repealed. (Ord. No. 2019-06, Sec. 1.12)

CHAPTER 10.16

WELLHEAD PROTECTION

Sections:

10.16.01	Title and purpose
10.16.02	Definitions
10.16.03	Wellhead protection zone
10.16.04	Permitted uses
10.16.05	Prohibited uses
10.16.06	Administration

10.16.01 Title and purpose This ordinance shall be known as the "Wellhead Protection Ordinance."

The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for the city by the establishment of wellhead protection zones surrounding the wellheads for all wells which are the supply sources for the city water system and by the designation and regulation of property uses and conditions which may be maintained within such zones. (Ord. No. 0-595, Sec. 1.)

10.16.02 Definitions When used in this ordinance the following words and phrases shall have the meanings given in this section:

Hazardous waste or material Any waste or material, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Sanitary landfill A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, will be disposed of on land by the placing of earth cover thereon.

Wellhead The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

Regulatory agency Any governmental agency with jurisdiction over hazardous waste as defined herein. (Ord. No. 0-595, Sec. 2.)

10.16.03 Wellhead protection zone There is hereby established a use district to be known as a wellhead protection zone, identified and described as all the area within a circle the center of which is the center of any city water supply wellhead and the radius of which is 1320 feet, or any part thereof which the city has jurisdiction. (Ord. No. 0-595, Sec. 3.)

10.16.04 Permitted uses The following uses shall be permitted within wellhead protection zones:

- A. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
- B. Any other open land use where any building located on the property is incidental and accessory to the primary open land use. (Ord. No. 0-595, Sec. 4.)

10.16.05 Prohibited uses The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under 10.20.04 of this ordinance unless such uses are approved or permitted by state and federal regulatory agencies:

- A. Surface use or storage of hazardous material, including commercial use of agriculture pesticides;

- B. Septic tanks or drain fields appurtenant thereto;
- C. Impervious surfaces other than roofs of buildings, and streets, parking lots, driveways and walks serving buildings permitted under 10.20.04 of this ordinance;
- D. Sanitary landfills;
- E. Hazardous waste disposal sites;
- F. Storm water infiltration basins;
- G. Underground storage tanks;
- H. Sanitary sewer lines within 100 feet of a wellhead.
(Ord. No. 0-595, Sec. 5.)

10.16.06 Administration The policies and procedures for administration of any wellhead protection zone established under this ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for the city of Ward, as the same is presently enacted or may from time to time be amended. (Ord. No. 0-595, Sec. 6.)

CHAPTER 10.20

MID-ARKANSAS WATER ALLIANCE

Sections:

- 10.20.01 Agreement
- 10.20.02 Authorization

10.20.01 Agreement The Agreement, in substantially the form presented at the meeting at which this ordinance is addressed, is hereby approved, and the Mayor of the city is authorized to execute the Agreement on behalf of the City, with such changes as may be approved by the Mayor consistent with the Agreement presented and the terms of this Ordinance. (Ord. No. 0-2020-02, Sec. 1.)

10.20.02 Authorization

- A. The Mayor of the City is authorized to execute such writings and take such action as may be appropriate to carry out the terms of this Ordinance.
- B. Action heretofore taken by the Mayor and consistent with the purposes of this Ordinance, including execution of the Agreement, is hereby ratified.
(Ord. No. 0-2020-02, Sec. 2.)

CHAPTER 10.24

WATER PURCHASE CONTRACT

Sections:

- 10.24.01 Agreement
- 10.24.02 Authorization

10.24.01 Agreement The Agreement, in substantially the form presented at the meeting at which this ordinance is addressed, is hereby approved, and the Mayor of the city is authorized to execute the Agreement on behalf of the city, with such changes as may be approved by the Mayor consistent with the Agreement presented and the terms of this ordinance. (Ord. No. 0-2010-01, Sec. 1.)

10.20.02 Authorization

- A. The Mayor of the city is authorized to execute such writings and take such action as may be appropriate to carry out the terms of this ordinance.
- B. Action heretofore taken by the Mayor and consistent with the purposes of this ordinance, including execution of the Agreement, is hereby ratified.
(Ord. No. 0-2010-01, Sec. 2.)

CHAPTER 10.28

IDENTITY THEFT PREVENTION PROGRAM

Sections:

10.28.01	Title
10.28.02	Purpose
10.28.03	Definitions
10.28.04	Findings
10.28.05	Process of establishing a covered account
10.28.06	Access to covered account information
10.28.07	Credit card payments
10.28.08	Sources and types of red flags
10.28.09	Prevention and mitigation of identity theft
10.28.10	Updating the program
10.28.11	Program administration
10.28.12	Outside service providers

10.28.01 Title This article shall be known as the Identity Theft Prevention Program. (Ord. No. 0-2008-05, Sec. 1.)

10.28.02 Purpose The purpose of this article is to comply with 16 CFR 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft. (Ord. No. 0-2008-05, Sec. 2.)

10.28.03 Definitions For purposes of this article, the following definitions apply:

City means the city of Ward, Arkansas.

Covered account means

- A. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
- B. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

Creditor means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

Customer means a person that has a covered account with a creditor.

Identity theft means a fraud committed or attempted using identifying information of another person without authority.

Person means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

Personal Identifying Information means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

Red flag means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

Service provider means a person that provides a service directly to the city.
(Ord. No. 0-2008-05, Sec. 3.)

10.28.04 Findings

- A. The city is a creditor pursuant to 16 CFR 681.2 due to its provision of maintenance of covered accounts for which payment is made in arrears.
- B. The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts have been identified as potential processes in which identity theft could occur.
- C. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
- D. The city determines that there is a low risk of identity theft occurring in the following ways (if any):

1. Use by an applicant of another person's personal identifying information to establish a new covered account;
2. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
3. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
4. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment. (Ord. No. 0-2008-05, Sec. 4.)

10.28.05 Process of establishing a covered account

- A. As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer such as a valid government issued identification card containing a photograph of the customer, or, for customers who are not natural persons, a photograph of the customer's agent opening the account. "Such applicant shall also provide any information necessary for the department providing the service for which the covered account is created to access the applicant's consumer credit report." Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.
- B. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs. (Ord. No. 0-2008-05, Sec. 5.)

10.28.06 Access to covered account information

- A. Access to customer accounts shall be password-protected and shall be limited to authorized city personnel.
- B. Such password(s) shall be changed on a regular basis, shall be at least eight (8) characters in length and shall contain letters, numbers and symbols.
- C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Mayor and the password changed immediately.

- D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Mayor and the City Attorney. (Ord. No. 0-2008-05, Sec. 6.)

10.28.07 Credit card payments

- A. In the event that credit card payments that are made over the internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
- B. All credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.
- C. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account. (Ord. No. 0-2008-05, Sec. 7.)

10.28.08 Sources and types of red flags All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- A. Alerts from consumer reporting agencies, fraud detection agencies or service providers Examples of alerts include, but are not limited to:
1. A fraud or active duty alert that is included with a consumer report;
 2. A notice of credit freeze in response to a request for a consumer report;
 3. A notice of address discrepancy provided by a consumer reporting agency;
 4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - a. A recent and significant increase in the volume of inquiries;
 - b. An unusual number of recently established credit relationships;
 - c. A material change in the use of credit, especially with respect to recently established credit relationships; or

- d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

B. Suspicious documents Examples of suspicious documents include:

1. Documents provided for identification that appear to be altered or forged;
2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
3. Identification on which the information is inconsistent with information provided by the applicant or customer;
4. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

C. Suspicious personal identification, such as suspicious address change Examples of suspicious identifying information include:

1. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
 - a. The address does not match any address in the consumer report; or
 - b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
3. Personal identifying information or a phone number, or address, is associated with known fraudulent applications or activities, as indicated by internal or third-party sources used by the financial institution or creditor.
4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.

5. The SSN provided is the same as that submitted by other applicants or customers.
6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
7. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
8. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

D. Unusual use of or suspicious activity relating to a covered account Examples of suspicious activity include:

1. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example: The customer fails to make the first payment or makes an initial payment but no subsequent payments.
3. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - a. Non-payment when there is no history of late or missed payments;
 - b. A material change in purchasing or spending patterns.
4. An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.

6. The city is notified that the customer is not receiving paper account statements.
 7. The city is notified of unauthorized charges or transactions in connection with a customer's account.
 8. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts
(Ord. No. 0-2008-05, Sec. 8.)

10.28.09 Prevention and mitigation of identity theft

- A. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Mayor. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Mayor, who may in his or her discretion determine that no further action is necessary. If the Mayor, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Mayor:
1. Contact the customer;
 2. Make the following changes to the account if after contacting the customer it is apparent that someone other than the customer has accessed the customer's covered account:
 - a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - b. Close the account.
 3. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;

4. Notify a debt collector within twenty-four (24) hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
 5. Notify law enforcement in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
 6. Take other appropriate action to prevent or mitigate identity theft.
- B. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Mayor. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Mayor who may, in his or her discretion, determine that no further action is necessary. If the Mayor, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Mayor:
1. Request additional identifying information from the applicant;
 2. Deny the application for the new account;
 3. Notify law enforcement of possible identity theft; or
 4. Take other appropriate action to prevent or mitigate identity theft.
(Ord. No. 0-2008-05, Sec. 9.)

10.28.10 Updating the program The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:

- A. The city's experiences with identity theft;
- B. Updates in methods of identity theft;

- C. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- D. Updates in the types of accounts that the city offers or maintains; and
- E. Updates in service provider arrangements.
(Ord. No. 0-2008-05, Sec. 10.)

10.28.11 Program administration The Operations Manager is responsible for oversight of the program and for program implementation. The Mayor is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration by the Council.

- A. The Operations Manager will report to the Mayor at least annually on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issued such as:
 1. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 2. Service provider arrangements;
 3. Significant incidents involving identity theft and management's response; and
 4. Recommendations for material changes to the program.
- B. The Operations Manager is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Operations Manager shall exercise his or her discretion in determining the amount and substance of training necessary. (Ord. No. 2008-5, Sec. 11.)

10.28.12 Outside service providers In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the Operations Manager shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft. (Ord. No. 0-2008-05, Sec. 12.)

CHAPTER 10.32

TREATMENT OF ADDRESS DISCREPANCIES

Sections:

10.32.01	Title
10.32.02	Purpose
10.32.03	Definitions
10.32.04	Policy
10.32.05	Furnishing consumer's address to consumer reporting agency
10.32.06	Methods of confirming consumer addresses
10.32.07	Preamble

10.32.01 Title Treatment of Address Discrepancies. (Ord. No. 0-2008-05 as amended by Sec. 1.)

10.32.02 Purpose Pursuant to 16 CFR 681.1, the purpose of this article is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy. (Ord. No. 0-2008-05 as amended by Sec. 2.)

10.32.03 Definitions for purposes of this article, the following definitions apply:

City means city of Ward, Arkansas.

Notice of address discrepancy means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. 1681(c)(h)(1), that informs that user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer. (Ord. No. 0-2008-05 as amended by Sec. 3.)

10.32.04 Policy In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

- A. Compare the information in the consumer report with:
 1. Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. 5318(1);

2. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
 3. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
- B. Verify the information in the consumer report with the consumer.
(Ord. No. 0-2008-05 as amended by Sec. 4.)

10.32.05 Furnishing consumer's address to consumer reporting agency

- A. In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
1. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
 2. The city establishes a continuing relation with the consumer; and
 3. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
- B. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.
(Ord. No. 0-2008-05 as amended by Sec. 5.)

10.32.06 Methods of confirming consumer addresses The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- A. Verifying the address with the consumer;
- B. Reviewing the city's records to verify the consumer's address;
- C. Verifying the address through third party sources; or
- D. Using other reasonable processes.
(Ord. No. 0-2008-05 as amended by Sec. 6.)

10.32.07 Preamble The preamble to this ordinance is hereby incorporated into this ordinance as set out fully herein. (Ord. No. 0-2008-05 as amended by Sec. 7.)

CHAPTER 10.36

CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

Sections:

10.36.01	Preamble
10.36.02	Purpose and Objectives
10.36.03	Definitions
10.36.04	Permit Requirements
10.36.05	Maintenance
10.36.06	Inspections
10.36.07	Enforcement Action

10.36.01 Preamble This Ordinance, adopted by resolution of the City of Ward, sets forth the administrative procedures, standards, and enforcement remedies which shall be used by the City of Ward's Storm Water Program Manager in meeting the requirements of the EPA' s Phase II requirements.

10.36.02 Purpose and Objectives

- A. **Purpose** The purpose of this Ordinance is to minimize the pollution, impairment, or destruction of natural resources that could be caused by storm water runoff.
- B. **Objectives** Specific objectives include the following:
1. Minimize storm water runoff pollution.
 2. Require Construction site owner/operators to obtain the proper permit coverage.
 3. Require construction site owner/operators to develop a Storm Water Pollution Prevention Plan.
 4. To restrict storm water runoff entering and leaving development sites to non-erosive velocities by requiring temporary and permanent soil erosion control measures.
 5. To prevent unnecessary stripping of vegetation and loss of soils, especially adjacent to lakes, streams, watercourses, and wetlands.
 6. To reduce long-term expenses and remedial projects which are caused by uncontrolled storm water runoff and soil erosion.

7. To encourage the design and construction of storm water control systems which serve multiple purposes, including but not limited to flood prevention, water quality protection, wildlife habitat preservation, education, recreation, and wetlands protection.
8. To reduce the detrimental impacts of storm water flows on downstream communities.
9. To provide for enforcement of this ordinance and penalties for violations.

10.36.03 Definitions The following terms and phrases shall have the meaning given herein, unless the context otherwise requires:

1. **Best management practices (BMP)** -Structural device, measure, facility, or activity which helps to achieve soil erosion and storm water management control objectives at a designated site.
2. **Disturbed area** – An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling.
3. **Enforcing agency** – City of Ward and Arkansas Department of Environmental Quality.
4. **Large Construction Site** - Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres.
5. **Outfall** - The point where water flows out from a conduit, drain, or stream.
6. **Receiving body of water** – Any lake, pond, stream, wetland, or groundwater into which storm water runoff is directed.
7. **Sediment** – Mineral or organic solid particulate matter that has been removed from its site of origin by (a) soil erosion; (b) suspension in water; and/or (c) wind or water transport.
8. **Small Construction Site** -Construction activities including clearing, grading, and excavation that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes that disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance.

9. **Soil erosion** – The wearing away of land by the action of wind, water, gravity or a combination thereof.
10. **Soil erosion control facilities and measures** -Any structure, facility, barrier, berm, vegetative cover, basin, or other measure which serves to control soil erosions in accordance with the purposes and standards of this Ordinance.

Temporary measures – Installations designed to control soil erosions during construction or until soils in the contributing drainage area are stabilized.

Permanent measures – Installations designed to control soil erosions after a project is completed.
11. **Storm drain** – a conduit, pipe, natural channel or human-made structure which serves to transport storm water runoff.
12. **Storm water runoff** – Waters from rains falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses, or conduits, measured in depth of inches.
13. **Storm Water Pollution Prevention Plan** – A document that indicates how erosion and sediment will be controlled whether by silt fence, hay bales, or other Best Management Practices.

10.36.04 Permit Requirements

A. Jurisdiction for Permit Administration

1. All construction sites within the City of Ward are required to meet the following requirements.

B. Permit Requirements

1. The Owner shall apply for permit coverage.
2. All Construction sites that disturb an area of one acre or more are required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to be maintained and updated at the site.
3. Small Construction Sites (Sites disturbing 1 to 5 acres) are required to post their site using ADEQ's Small Construction Site Notice.

4. Large Construction Sites (Sites disturbing greater than 5 acres) are required to submit a Notice of Intent, permit fee and SWPPP to ADEQ for review.

C. Storm Water Pollution Prevention Plan

A SWPPP shall be developed for all sites in accordance with the provisions set forth in ADEQ's General Construction Storm Water Runoff Permit.

10.36.05 Maintenance All BMP's identified in the SWPPP must be maintained in order to ensure that the controls are functioning properly.

10.36.06 Inspections

1. A site inspector will be designated by the Storm Water Management Program Manager. If the program manager sees necessary, he/she may decline to appoint an inspector.
2. Site inspections will be made on a weekly basis.
3. Inspections will be conducted to ensure the proper permit coverage has been obtained and that the permit provisions are being complied with.
4. All complaints about storm water runoff pollution will be inspected in due time.

10.36.07 Enforcement Action

A. General Provision

1. All Construction sites within the jurisdiction of Ward are subject to the provisions and penalties of this ordinance.
2. Each act of violation, and every day upon which any violation shall occur or continues to occur, shall constitute a separate offense.
3. A person who has not complied with this Ordinance and who, after notice, refuses to implement and maintain soil erosion and storm water runoff control measures and facilities in conformance with these regulations shall be subject to a fine of but not more than \$500.00 per each day that the violation was committed or ninety (90) days in jail, or both, plus the cost of prosecution.

(Ord. No. O-2020-13)