



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

***AMENDED* COMMITTEE SCHEDULE**

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: February 8, 2022

The following committee meetings will be held on **Tuesday, February 8, 2022** prior to the City Council Meeting:

05:30 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen) via ZOOM
<https://us02web.zoom.us/j/82619115724> or by Phone (312)626-6799 ID: 826 1911 5724

To Discuss: (a) Street Closure Request Review - Children's Advocacy Center GLOW Run

05:40 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear) via ZOOM
<https://us02web.zoom.us/j/82619115724> or by Phone (312)626-6799 ID: 826 1911 5724

To Discuss: (a) Review Proposed amendment to Section 2-30; Attendance and Electronic Meeting

06:10 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall) via ZOOM
<https://us02web.zoom.us/j/82619115724> or by Phone (312)626-6799 ID: 826 1911 5724

To Discuss: (a) An Ordinance Amending Certain Portions Of Chapter 54, Utilities, Of The Code Of Ordinances Of The City Of Rogers



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ROGERS CITY COUNCIL
***AMENDED* AGENDA**

FEBRUARY 8, 2022
6:30 PM

Connect in person OR virtually via ZOOM <https://us02web.zoom.us/j/81412724415>
OR by phone (312)626-6799 ID: 814 1272 4415

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. January 25, 2022

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. ORD. Re: Amending Certain Portions Of Chapter 54, Utilities, Of PUBLIC WORKS
The Code Of Ordinances Of The City Of Rogers COMMITTEE

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

1. Reappointment of Barry Cobbs to the Rogers Museum Commission; tern to expire December 31, 2024.

ANNOUNCEMENTS:

ORDINANCE NO. 22-__

AN ORDINANCE AMENDING CERTAIN PORTIONS OF CHAPTER 54, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS; AND FOR OTHER PURPOSES.

WHEREAS amendment is needed to certain portions of Chapter 54, Utilities, of the Code of Ordinances of the City of Rogers, Arkansas; and

WHEREAS the Rogers Waterworks and Sewer Commission has passed its Resolution No. 22-04 recommending adoption of the proposed amendments shown on the attached Exhibit 1.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1. The following provisions of Chapter 54, Utilities, of the Code of Ordinances of the City of Rogers, Arkansas are hereby amended as follows:

A. The definition of “Water Meter” in Section 54-43 of the Code of Ordinances of the City of Rogers, Arkansas is amended to read as shown on the attached Exhibit 1.

B. Section 54-82 of the Code of Ordinances of the City of Rogers, Arkansas is amended to read as shown on the attached Exhibit 1.

C. Section 54-107 of the Code of Ordinances of the City of Rogers, Arkansas is amended to read as shown on the attached Exhibit 1.

D. Section 54-175 of the Code of Ordinances of the City of Rogers, Arkansas is amended to add a subsection (d) which will read as shown on the attached Exhibit 1, and Section 54-175, as amended, will read as shown on the attached Exhibit 1.

E. Sections 54-264, 54-265, 54-266, 54-267, 54-268, 54-270, and 54-271 of the Code of Ordinances of the City of Rogers, Arkansas are amended to read as shown on the attached Exhibit 1;

Section 2. Emergency Clause: The need to make the amendments provided for herein is immediate and an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage;

Section 3. Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4. Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day _____ 2022.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: Rogers Water Utilities and Rogers Waterworks and Sewer Commission

Prepared by: Robert A. Frazier, Legal Counsel, Rogers Water Utilities and Rogers Waterworks and Sewer Commission

For Consideration By: Public Works Committee

Sec. 54-43. Definitions.

Water meter means a water volume measuring and recording device, service hardware and meter box as specified in the most recent edition or revision of the *Standard Specifications for Construction of Public Water and Sewer Improvements in the City of Rogers and Areas Under the Jurisdiction of the Rogers Waterworks and Sewer Commission* ("Standard Specifications"), published by the Rogers Water Utilities.

Sec. 54-82. Water system.

- (a) The water system shall be considered as made up of two parts: the utility system and the customer system.
- (b) The point of demarcation between the utility system and customer system shall be at the water meter for metered connections, or at a valve as indicated on plans of record for unmetered connections.
- (c) The utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point of demarcation.
- (d) The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.
- (e) The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.
- (f) The customer's system shall include those parts of the facilities downstream of the point of demarcation that are utilized in conveying utility-delivered domestic water to points of use.

Sec. 54-107. Meters.

- (a) As used herein, *water meter* means a water volume measuring and recording device, service hardware and meter box as defined in Section 54-43 of this Code.
- (b) A water meter shall be installed at each water connection to all buildings and irrigation systems, both public and private. A water meter shall not be connected to buildings situated on more than one parcel.
- (c) A water meter shall be located upon the property that the water meter is intended to serve, and shall be supplied by a public water main of the utility system located upon or adjacent to said property.
- (d) Rogers Water Utilities is not obligated to furnish a separate water meter for each living unit in an apartment building, commonly-owned multifamily development, or "horizontal property regime" as that term is used in Ark. Code. Ann. § 18-13-101*et. seq.*
- (e) The water meter location(s) and number of units served by each water meter within apartment buildings, commonly-owned multifamily developments, and horizontal property regimes shall be determined by the Rogers Water Utilities.

Sec. 54-175. Wastewater best management practices in Cave Springs recharge area.

- (a) As used herein and in section 54-176 and section 54-177 of this Code, the terms:

"Cave Springs recharge area,"

"Direct recharge area,"

"Indirect recharge area,"

"Cave Springs groundwater trough,"

"Losing stream,"

"Ten State Standards,"

"Zone 1,"

"Zone 2,"

"Zone 3," and

"Zone 4"

are used in the same manner, and have the same meaning, as used in the Drainage Manual of the City of Rogers, Arkansas, Chapter 10, "Cave Springs Direct Recharge Area Water Quality Protection Requirements," it being the intent to codify herein the requirements of Chapter 10, Section 7.0 of the Drainage Manual of the City of Rogers, "Wastewater BMP Requirements" in this article and section of the Code of Ordinances of the City of Rogers, Arkansas.

- (b) As used herein and in section 54-176 and section 54-177 of this Code, references to exhibits refer to exhibits contained in Chapter 10, Section 7.0 of the Drainage Manual of the City of Rogers.
- (c) As used herein and in section 54-177, the term "municipal agency" refers to Rogers Water Utilities, and the terms "municipal facility" and "municipal offices" refers to the facilities and offices of Rogers Water Utilities.
- (d) As used herein and in section 54-177, the term "sewage lift stations" refers to publicly maintained sanitary sewer pump stations serving more than two properties or living units.

Sec. 54-264. Private system required where public sewer not available.

Where a public sanitary sewer is not available under the provisions of Section 54-173, the building sewer shall be connected to a private onsite wastewater system complying with the provisions of this Division.

Sec. 54-265. Permit required; application; fee.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Environmental Health Protection Division of the Arkansas Department of Health.

Sec. 54-266. Inspection of system.

All private onsite wastewater systems shall be inspected in accordance with the latest edition or revision of the *Rules and Regulations Pertaining to Onsite Wastewater Systems* promulgated by the Arkansas State Board of Health. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Environmental Health Specialist or other authorized agent of the Environmental Health Protection Division of the Arkansas Department of Health.

Sec. 54-267. Requirements, restrictions.

The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements of the latest edition or revision of the *Rules and Regulations Pertaining to Onsite Wastewater Systems* promulgated by the Arkansas State Board of Health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 54-268. Abandonment of system when public sewer becomes available.

At such time as a public sewer becomes available and reasonably accessible to a property served by a private sewage disposal system, as provided in Section 54-173, and at such a time that the private onsite wastewater system is deemed inadequate or defective by the Arkansas Department of Health, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled as required by Section 54-271.

Sec. 54-270. Additional requirements imposed by the Arkansas Department of Health.

No statement contained in this Division shall be construed to interfere with any additional requirements that may be imposed by the Environmental Health Specialist or other authorized agent of the Arkansas Department of Health.

Sec. 54-271. Filling, cleaning of abandoned system.

When required by Section 54-268, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be pumped out by a licensed septic tank cleaner and filled with clean soil at the time of abandonment.