



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

COMMITTEE SCHEDULE

DISCLAIMER: The City of Rogers makes no claims, promises, or guarantees regarding the participants ability to attend any public meeting virtually. Technology resources, virtual meeting platforms, and the Internet may occasionally be interrupted or made unavailable by causes beyond the City's reasonable control. The City cannot guarantee that participants will have the opportunity to participate virtually at all times. Public Forums, Public Hearings, and scheduled items of business will not be tabled or postponed due to technological issues. If you are representing a published item of business or wish to speak at a public hearing, in person attendance is required.

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: April 28, 2026

The following committee meetings will be held on **Tuesday, April 28, 2026** prior to the City Council Meeting:

05:30 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #1 OR <https://us02web.zoom.us/j/89482959172> OR (312)626-6799 ID: 89482959172

- To Discuss:
- (a) An Ordinance Amending Chapter 54 – Utilities Of The City Of Rogers Code Of Ordinances
 - (b) LRS Quarterly Report
 - (c) RWU Monthly Report

05:30 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Reithemeyer, Minor)

Committee Room #2 OR <https://us02web.zoom.us/j/83102023987> OR (312)626-6799 ID: 83102023987

- To Discuss:
- (a) A Resolution Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of Clutter On Property Located At 504 E. Electric Street, Rogers, Benton County, Arkansas
 - (b) A Resolution Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of Clutter On Property Located At 525 E. Willow Street, Rogers, Benton County, Arkansas
 - (c) An Ordinance Amending Chapter 18 – Environment Of The City Of Rogers Code Of Ordinances
 - (d) An Ordinance Amending Chapter 20 – Fire Prevention And Protection Of The City Of Rogers Code Of Ordinances
 - (e) An Ordinance Amending Chapter 26 – Law Enforcement Of The City Of Rogers Code Of Ordinances

05:50 p.m. - COMMUNITY SERVICES COMMITTEE: (Brashear*, Hayes, Surly)

Committee Room #2 OR <https://us02web.zoom.us/j/83102023987> OR (312)626-6799 ID: 83102023987

- To Discuss:
- (a) An Ordinance Amending Chapter 28 – Library Of The City Of Rogers Code Of Ordinances
 - (b) An Ordinance Amending Chapter 32 – Museums Of The City Of Rogers Code Of Ordinances

- (c) An Ordinance Amending Chapter 36 – Parks And Recreation Of The City Of Rogers Code Of Ordinances
- (d) A Resolution Authorizing The Mayor And City Clerk Enter Into An Agreement With Water From The Rock Productions, LLC Of Tulsa, Oklahoma For Event Booking And Promotion Services For The Victory Theater
- (e) A Resolution Authorizing The Mayor And City Clerk Enter Into An Agreement With Turnipblood Entertainment, LLC Of Northport, Alabama For Event Booking And Promotion Services For The Victory Theater

06:00 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear)

Committee Room #2 OR <https://us02web.zoom.us/j/83102023987> OR (312)626-6799 ID: 83102023987

To Discuss:

- (a) An Ordinance Amending Chapter 2 – Administration Of The City Of Rogers Code Of Ordinances
- (b) An Ordinance Amending Appendix B – Fee Schedule Of The City Of Rogers Code Of Ordinances
- (c) An Ordinance Amending Chapter 38 – Restricted Business Sales Of The City Of Rogers Code Of Ordinances
- (d) An Ordinance Amending Chapter 48 – Taxation Of The City Of Rogers Code Of Ordinances

06:00 p.m. - TRANSPORTATION COMMITTEE: (Kendall*, Surly, Minor)

Committee Room #1 OR <https://us02web.zoom.us/j/89482959172> OR (312)626-6799 ID: 89482959172

To Discuss:

- (a) A Resolution Amending The 2026 Budget To Recognize Insurance Reimbursements In The Amount Of \$50,600.00 Into Account #200-16-49195 Insurance Reimbursement
- (b) An Ordinance Amending Chapter 52 – Traffic And Vehicles Of The City Of Rogers Code Of Ordinances

06:10 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/83102023987> OR (312)626-6799 ID: 83102023987

To Discuss:

- (a) A Resolution Amending The 2026 Budget To Appropriate \$5,300,000.00 From General Fund Reserves Into Account #100-05-80136 Facilities Dept. And Storage Warehouse

06:10 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Minor*, Townzen, Hayes)

Committee Room #1 OR <https://us02web.zoom.us/j/89482959172> OR (312)626-6799 ID: 89482959172

To Discuss:

- (a) An Ordinance Amending Chapter 6 – Animals Of The City Of Rogers Code Of Ordinances
- (b) A Resolution Authorizing The Development Of A Razorback Greenway Corridor Key Place Plan
- (c) An Ordinance Amending The City Of Rogers Unified Development Code Section 1.4.3 By Re-Zoning Certain Lands From T2 To T4.1 (Harrington)
- (d) An Ordinance Amending The City Of Rogers Unified Development Code Section 1.4.3 By Re-Zoning Certain Lands From T2 To T3.2 (Pope Road)



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ROGERS CITY COUNCIL **AGENDA**

APRIL 28, 2026
6:30 PM

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In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 861 8235 4084

PUBLIC HEARING:

1. RES. Re: Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of Clutter On Property Located At 504 E. Electric Street, Rogers, Benton County, Arkansas
2. RES. Re: Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of Clutter On Property Located At 525 E. Willow Street, Rogers, Benton County, Arkansas

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. April 14, 2026

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. ORD. Re: Amending Chapter 54 – Utilities Of The City Of Rogers
Code Of Ordinances
- PUBLIC WORKS
COMMITTEE

2.	RES. Re:	Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of Clutter On Property Located At 504 E. Electric Street, Rogers, Benton County, Arkansas	PUBLIC SAFETY COMMITTEE
3.	RES. Re:	Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of Clutter On Property Located At 525 E. Willow Street, Rogers, Benton County, Arkansas	PUBLIC SAFETY COMMITTEE
4.	ORD. Re:	Amending Chapter 18 – Environment Of The City Of Rogers Code Of Ordinances	PUBLIC SAFETY COMMITTEE
5.	ORD. Re:	Amending Chapter 20 – Fire Prevention And Protection Of The City Of Rogers Code Of Ordinances	PUBLIC SAFETY COMMITTEE
6.	ORD. Re:	Amending Chapter 26 – Law Enforcement Of The City Of Rogers Code Of Ordinances	PUBLIC SAFETY COMMITTEE
7.	ORD. Re:	Amending Chapter 28 – Library Of The City Of Rogers Code Of Ordinances	COMMUNITY SERVICES COMMITTEE
8.	ORD. Re:	Amending Chapter 32 – Museums Of The City Of Rogers Code Of Ordinances	COMMUNITY SERVICES COMMITTEE
9.	ORD. Re:	Amending Chapter 36 – Parks And Recreation Of The City Of Rogers Code Of Ordinances	COMMUNITY SERVICES COMMITTEE
10.	RES. Re:	Authorizing The Mayor And City Clerk Enter Into An Agreement With Water From The Rock Productions, LLC Of Tulsa, Oklahoma For Event Booking And Promotion Services For The Victory Theater	COMMUNITY SERVICES COMMITTEE
11.	RES. Re:	Authorizing The Mayor And City Clerk Enter Into An Agreement With Turnipblood Entertainment, LLC Of Northport, Alabama For Event Booking And Promotion Services For The Victory Theater	COMMUNITY SERVICES COMMITTEE
12.	ORD. Re:	Amending Chapter 2 – Administration Of The City Of Rogers Code Of Ordinances	RESOURCES & POLICY COMMITTEE
13.	ORD. Re:	Amending Appendix B – Fee Schedule Of The City Of Rogers Code Of Ordinances –	RESOURCES & POLICY COMMITTEE
14.	ORD. Re:	Amending Chapter 38 – Restricted Business Sales Of The City Of Rogers Code Of Ordinances	RESOURCES & POLICY COMMITTEE
15.	ORD. Re:	Amending Chapter 48 – Taxation Of The City Of Rogers Code Of Ordinances –	RESOURCES & POLICY COMMITTEE
16.	RES. Re:	Amending The 2026 Budget To Recognize Insurance Reimbursements In The Amount Of \$50,600.00 Into Account #200-16-49195 Insurance Reimbursement	TRANSPORTATION COMMITTEE

- | | | |
|--------------|---|--|
| 17. ORD. Re: | Amending Chapter 52 – Traffic And Vehicles Of The City Of Rogers Code Of Ordinances | TRANSPORTATION
COMMITTEE |
| 18. RES. Re: | Amending The 2026 Budget To Appropriate \$5,300,000.00 From General Fund Reserves Into Account #100-05-80136 Facilities Dept. And Storage Warehouse | FINANCE
COMMITTEE |
| 19. ORD. Re: | Amending Chapter 6 – Animals Of The City Of Rogers Code Of Ordinances | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 20. RES. Re: | Authorizing The Development Of A Razorback Greenway Corridor Key Place Plan | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 21. ORD. Re: | Amending The City Of Rogers Unified Development Code Section 1.4.3 By Re-Zoning Certain Lands From T2 To T4.1 (Harrington) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 22. ORD. Re: | Amending The City Of Rogers Unified Development Code Section 1.4.3 By Re-Zoning Certain Lands From T2 To T3.2 (Pope Road) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

1. ORD. Re: Accepting A Final Plat Of 415 W. Mulberry Street, Rogers, Benton County, Arkansas And The Dedication Of Easements And Rights Of Way Therein
2. ORD. Re: Accepting A Final Plat Of 3300 S. JB Hunt Drive, Rogers, Benton County, Arkansas And The Dedication Of Easements And Rights Of Way Therein
3. ORD. Re: Accepting A Final Plat Of The Heights At Magnolia Farms, Rogers, Benton County, Arkansas And The Dedication Of Easements And Rights Of Way Therein

APPOINTMENTS:

ANNOUNCEMENTS:

ORDINANCE NO. 26- ____

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

WHEREAS, Rogers Water Utilities has completed a comprehensive review of Chapter 54 of the City’s Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 54 – Utilities in the City’s Code of Ordinances to update and revise certain sections.

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

Section 1: Articles I, II, III, and IV of Chapter 54 – Utilities shall be amended in the City of Rogers Code of Ordinances as provided in strikethrough and interlineation in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Article V (Pretreatment Regulations) of Chapter 54 – Utilities of the City of Rogers Code of Ordinances shall be amended to read in its entirety as shown in the underlined text on the attached Exhibit A and Municode is directed to reflect these amendments (with the general underlining removed);

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Brent Dobler, RWU Superintendent

Reviewed by: Robert Frazier, RWU Attorney

For Consideration By: Public Works Committee

Chapter 54 UTILITIES¹

ARTICLE I. WATERWORKS AND SEWER COMMISSION²

Sec. 54-1. Created.

A waterworks and sewer commission is hereby created.

(Code 1982, § 19-16; Code 1997, § 118-36)

Sec. 54-2. Powers and duties generally.

The waterworks and sewer commission shall:

- (1) Have full and complete authority to manage, operate, improve, extend and maintain the city waterworks plant and distribution system, and the city sewage treatment plant and collection system.
- (2) Employ or remove any and all assistants and employees of whatsoever nature, kind or character in the waterworks plant and distribution system, and the sewage treatment plant and collection system, and fix, regulate and pay their salaries or wages.
- (3) Have all those powers granted to sewer committees by state law.

(Code 1982, § 19-17; Code 1997, § 118-37)

State law reference(s)—Similar provisions, A.C.A. § 14-234-306.

Sec. 54-3. Composition.

The waterworks and sewer commission shall consist of five persons.

(Code 1982, § 19-18; Code 1997, § 118-38)

State law reference(s)—Similar provisions, A.C.A. § 14-234-303.

Sec. 54-4. Qualifications.

The members of the waterworks and sewer commission shall be qualified electors of the city.

(Code 1982, § 19-19; Code 1997, § 118-39)

State law reference(s)—Similar provisions, A.C.A. § 14-234-303.

¹State law reference(s)—Solid waste disposal, waterworks and sewers generally, A.C.A. § 14-229-101 et seq.; water, sewer and solid waste revolving fund, A.C.A. § ~~19-22-108~~~~19-5-310~~; Water, Sewer and Solid Waste Management Systems Finance Act of 1975, A.C.A. § 14-230-101 et seq.; revenue bonds to repay grants, A.C.A. § 14-72-101.

²State law reference(s)—Waterworks commission, A.C.A. § 14-234-301 et seq.

Sec. 54-5. Appointment.

Members of the waterworks and sewer commission shall be appointed by a two-thirds vote of the duly elected and qualified members of the city council.

(Code 1982, § 19-20; Code 1997, § 118-40)

State law reference(s)—Similar provisions, A.C.A. § 14-234-304; removal of members, A.C.A. § 14-234-305.

Sec. 54-6. Oath.

Members of the waterworks and sewer commission shall take the oath of office required by law.

(Code 1982, § 19-21; Code 1997, § 118-41)

State law reference(s)—Similar provisions, A.C.A. § 14-234-304; officers' oath of office, Ark. Const. Art. 19, § 20, A.C.A. § 14-42-106.

Sec. 54-7. Compensation.

Each of the members of the waterworks and sewer commission shall receive as full compensation the sum of \$50.00 per month, payable monthly.

(Code 1982, § 19-22; Code 1997, § 118-42)

State law reference(s)—City council to fix salaries, A.C.A. § 14-234-304.

Sec. 54-8. Rules.

The waterworks and sewer commission shall adopt such rules and regulations as it deems necessary and expedient for the operation and management of its affairs and may alter, change or amend such rules and regulations at its discretion.

(Code 1982, § 19-24; Code 1997, § 118-43)

State law reference(s)—Similar provisions, A.C.A. § 14-234-309.

Sec. 54-9. Annual audits.

The waterworks and sewer commission shall cause an annual audit of the operations of the systems to be made, and shall submit a copy of the reports thereof to the mayor and city council.

(Code 1982, § 19-25; Code 1997, § 118-44)

State law reference(s)—Annual audits, A.C.A. § 14-234-~~309~~307.

Sec. 54-10. Reports.

The waterworks and sewer commission shall submit monthly reports to the mayor and city council, and shall furnish further reports, information and data as the mayor and council may request.

(Code 1982, § 19-26; Code 1997, § 118-45)

State law reference(s)—Similar provisions, A.C.A. § 14-234-309.

Sec. 54-11. Vacancies.

Vacancies on the waterworks and sewer commission shall be filled for the unexpired term by appointment by the remaining commissioners, and such appointment shall be confirmed by two-thirds of the duly elected and qualified members of the city council.

(Code 1982, § 19-27; Code 1997, § 118-46)

State law reference(s)—Appointments to fill vacancies, A.C.A. § 14-234-304.

Sec. 54-12. Term of office.

Members of the waterworks and sewer commission shall hold office for terms of eight years, or until their successors are appointed and qualified.

(Code 1982, § 19-28; Code 1997, § 118-47)

State law reference(s)—Similar provisions, A.C.A. § 14-234-304.

Secs. 54-13—54-42. Reserved.

ARTICLE II. WATER AND SEWER FACILITIES

Sec. 54-43. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auger boring means the process of forming a linear horizontal bore by jacking steel casing through the earth from a main shaft to a reception shaft. Spoil is removed from inside the encasement by means of a rotating auger. The term "auger boring" includes, without limitation, and shall be used interchangeably with the term "jack and bore".

Bore. A single bore is defined as the drilling path from the surface entry point to its corresponding surface exit point. A single bore crosses no more than one public right-of-way and/or utility easement.

Boring means a method of digging characterized by penetration of earth, rock, or other materials in the ground by a turning or twisting movement. Boring, includes, but is not limited to, "directional boring" and "auger boring".

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the privately controlled and maintained extension from the building drain to the wye fitting or manhole penetration at a public sewer or private sewer disposal system.

CBOD (carbonaceous biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (mg/l).

Commercial user means all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

Damage includes the substantial weakening of structural or lateral support of water lines or sewer lines, including any water facilities or sewer facilities, other penetration or destruction of any protective coating, housing, or other protective device of any such lines or facilities, the partial or complete severance of any such lines or facilities, and the rendering of any such line or facility inaccessible.

Directional boring means any mechanized process of excavating underground without open trench excavation and with the ability to directionally control the bore path. The term "directional boring" includes, without limitation, and shall be used interchangeably with, the terms "horizontal directional drilling," "horizontal drilling," "horizontal boring technique," and "micro-tunneling."

~~*Excessive CBOD* means CBOD in excess of 300 milligrams per liter.~~

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Institutional user means social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

~~*Normal domestic wastewater* means wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of not more than 300 mg/l or oil and grease in excess of the quantity of acceptable oil and grease as determined by technology-based limits as determined by the superintendent.~~

Operation and maintenance means those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in this section.

Person means any individual, any corporation, partnership, association, improvement district, property owners' association, property developer, public agency, or any other entity organized under the laws of any state or any subdivision or instrumentality of a state, and any employee, agent, or legal representative thereof.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Private sewer disposal system means any septic tank or other privately maintained facilities intended for the disposal of sanitary sewage other than via the public sanitary sewer and treatment works. In various places in this Code, a private sewer disposal system is also referred to as a "private sewage disposal system" or "private onsite wastewater system."

Public sewer means all pipes, manholes and fittings of the sanitary sewer, except those defined as a building sewer, in which all owners of abutting properties have equal rights, and which is controlled and maintained by public authority.

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

Rogers Water Utilities means the municipal water and sewer utility of the City of Rogers, Arkansas, consisting of the water department and the sewer department, operated under common management, and being supervised by the Rogers Waterworks and Sewer Commission of the City of Rogers, Arkansas ("the commission"), a combined

waterworks and sewer commission established by City of Rogers Ordinance No. 86-10, codified at Section 54-1 et seq. of the Code of Ordinances of the City of Rogers, Arkansas.

Sanitary sewer means a sewer to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Sewer means a pipe or conduit for carrying sewage.

~~*Sewer commission or commission* means the body charged with administration of the sewer works and sewage disposal in the city as provided in article I.~~

~~*Slug* means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, five times the average 24-hour concentration of flows during normal operation.~~

Superintendent of the Rogers Water Utilities ("the superintendent") is the chief administrator and manager of the Rogers Water Utilities appointed by the commission. In some places in this Code, the superintendent is referred to as the "manager of water utilities," "Rogers Water Utilities Manager," "superintendent of the water and sewer department," or similar titles.

~~*SS (suspended solids)* means solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.~~

~~*Surcharge* means a charge added to the normal user charge when the BOD, TSS or other pollutant concentration from a user exceeds the range of concentration of these pollutants in normal domestic sewage.~~

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

Treatment works means any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial water. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residue resulting from such treatment, including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

Turbidity means the optical property that causes light to be scattered and absorbed rather than transmitted in straight lines through the sample.

~~*Unusual suspended solids* means suspended solids in excess of 300 milligrams per liter.~~

Useful life means the estimated period during which a treatment works will be operated.

User charge means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

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.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Code 1982, § 16-1; Code 1997, § 118-1; Ord. No. 19-51, § 1(Exh. 1), 8-13-2019; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022; Ord. No. 22-66, § 1(Exh. 1), 12-13-2022)

State law reference(s)—Definitions relating to water and air pollution control, A.C.A. § 8-4-102.

Sec. 54-44. Adoption of specifications for construction of water and sewer facilities.

- (a) 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"), ~~specified requirements~~ published on the Internet website of the ~~city water utilities~~ [Rogers Water Utilities](#) (www.rogerswaterar.gov (or any successor site-)), is adopted as the applicable specifications, and the whole thereof is adopted by reference and incorporated in this section as if set out word for word.
- (b) The power and authority of the ~~city waterworks~~ and [sewer commission](#) to alter, change or amend the aforesaid specifications at the discretion of the commission, without further action of the city council, is hereby reaffirmed.

(Code 1982, § 19-2; Code 1997, § 118-2)

Sec. 54-45. Enforcement.

The superintendent of the Rogers Water Utilities and the superintendent's duly authorized representatives shall be responsible for the enforcement of all provisions of this chapter 54.

(Code 1982, § 16-28; Code 1997, § 118-3; Ord. No. 19-51, § 2(Exh. 1), 8-13-2019)

Sec. 54-46. Right of entry.

- (a) The ~~superintendent~~ [manager](#) and other duly authorized employees of the ~~city~~ [Rogers Water Utilities](#) bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The ~~manager~~ [superintendent](#) or his representatives shall have no authority to inquire into any process including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment, ~~or other effect on the waterworks system and/or the sanitary sewer system-~~
- (b) While performing the necessary work on private properties referred to in subsection (a) of this section, the ~~manager~~ [superintendent](#) or duly authorized employees of ~~the Rogers Water Utilities~~ [the city](#) shall observe all safety rules applicable to the premises established by the user and the user shall ~~be held harmless~~ [not be responsible](#) for injury or death to ~~the city~~ [Rogers Water Utilities](#) employees, ~~and the city shall indemnify the user against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation,~~ except as such may be caused by negligence or failure of the user to maintain safe conditions.

- (c) The ~~manager-superintendent~~ and other duly authorized employees of the ~~the Rogers Water Utilities city~~ bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the ~~waterworks or~~ sewage works lying within said easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- (d) The ~~manager-superintendent~~ and other duly authorized employees of the ~~Rogers Water Utilities~~~~city~~ bearing proper credentials and identification shall be permitted to inspect and copy all records maintained by the user monitoring wastewater discharge activities in accord with the requirements of this chapter. Such records shall be reasonably made available for inspection and copying by the ~~manager-superintendent~~ or other duly authorized employees of the ~~city-Rogers Water Utilities~~ at the user's business location in the city, and the data so obtained by the ~~manager-superintendent~~ or other duly authorized employees of the ~~city Rogers Water Utilities~~ shall be subject to the requirements of subsection (e) of this section.
- (e) Data provided by a user under the requirements of this chapter shall be subject to the state Freedom of Information Act, as amended (A.C.A. § 25-19-101 et seq.) However, any data or information specifically identified by the user that would divulge methods or processes entitled to protection as trade secrets shall not be subject to disclosure except as ~~provided by 4 CFR 83~~~~otherwise permitted or required by applicable law.~~

(Code 1982, § 16-161; Code 1997, § 118-4)

Sec. 54-47. Liability of user.

A user under city inspection and related work under this chapter shall ~~be held harmless for~~~~not be liable for~~ injury or death to the city employees, ~~and the city shall indemnify the user against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation,~~ except as such may be caused by negligence or failure of the user to maintain safe conditions.

(Code 1982, § 16-162; Code 1997, § 118-5)

Sec. 54-48. Sewer breaks.

Where, upon inspection, the ~~manager-superintendent~~ or his duly authorized deputies discover a sewer break, the ~~manager-superintendent~~ shall cause written notice of such break to be served upon the user. Repairs of the break shall start within 48 hours from the time the notice is served. Any person who shall fail to commence repairs within the time limit provided shall be guilty of a misdemeanor. Each day beyond the 48-hour time limit in which repairs are not started shall be deemed a separate offense. Any person who shall in any other manner violate any provision of this chapter shall be deemed guilty of a misdemeanor.

(Code 1982, § 16-163; Code 1997, § 118-6)

Sec. 54-49. Notice of violation.

Any person found to be violating any provision of this chapter except sections ~~118-165~~ shall be served by the ~~city-Rogers Water Utilities~~ with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(Code 1982, § 16-171; Code 1997, § 118-7)

Sec. 54-50. Fine authorized.

Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Code 1982, § 16-172; Code 1997, § 118-8)

Sec. 54-51. Liability of violator.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage to the city by reason of the violation.

(Code 1982, § 16-173; Code 1997, § 118-9)

Sec. 54-52. Revocation of permit; discontinuance of water or sewer service; injunctive relief for continuing violations; emergency action.

- (a) In cases of violations, the [city Rogers Water Utilities](#) may revoke the wastewater discharge permit and effect the discontinuation of water or sewer service, or both. Upon a determination by the [manager superintendent](#) that the person is repeatedly violating this chapter, the [manager superintendent](#) shall issue a notice to the person by regular mail at his last known address setting forth the violations and advising him to appear to show cause before the [sewer commission waterworks and sewer commission](#) why the permit should not be revoked [and/or why water service or sewer service, or both, should not be terminated](#). The hearing before the [sewer commission waterworks and sewer commission](#) shall be set not less than seven days nor more than 21 days from the date of the notice. The violating person shall be offered opportunity to answer the alleged violations contained in the notice. The [sewer commission waterworks and sewer commission](#) shall determine to either revoke the permit, [terminate water service, sewer service, or both](#), or to set conditions for the continued operation under the permit [and/or continued reception of water service, sewer service, or both](#). The determination must be made within 45 days of the date of notice.
- (b) Upon failure of a violator to cure the violation timely, the [waterworks and sewer commission sewer commission](#) may declare any continuing violations to be a nuisance to the public health and safety and request [the chancery a court of competent jurisdiction](#) to abate the same by issuance of injunctive relief.
- (c) If a discharge to the sewage works poses an immediate danger to life or property, the [manager superintendent](#) may take emergency action to end the hazardous discharge without notice as required by subsection (a) of this section. As soon as reasonably possible thereafter, notice shall be given and the user afforded the opportunity of a hearing under this section.

(Code 1982, § 16-174; Code 1997, § 118-10)

Sec. 54-53. Extension of sewer services into unincorporated areas outside city prohibited.

No sewer services shall be extended into unincorporated areas lying outside the corporate limits of the city.

(Code 1982, § 16-7; Code 1997, § 118-11; Ord. No. 15-140, § 1(Exh. A), 10-13-2015)

State law reference(s)—A.C.A. § 14-234-111.

Sec. 54-54. Funds established.

- (a) *Sewer depreciation fund.* A fund to be known as the sewer depreciation fund is hereby established to replace equipment and facilities which wear out or break from time to time as they approach the end of their useful life.
- (b) *Additions and improvements fund.* A fund to be known as the additions and improvements fund is hereby established for the purpose of making significant expansions or additions to the sewer system infrastructure.

(Code 1982, § 16-23; Code 1997, § 118-12)

Sec. 54-55. Damage to water facilities or sewer facilities.

- (a) Any person negligently breaking or causing damage to any public water lines, public sewer lines, other public water facilities or other public sewer facilities of the Rogers Water Utilities, shall be liable to the Rogers Water Utilities for the cost of repairing the break or damage. Violation of the Arkansas Underground Facilities Damage Prevention Act shall be considered evidence of the person's negligence. In the event the break or damage is caused by the person's reckless, or intentional actions or omissions, the person causing the break or damage shall be liable for three times the cost of repairing the break or damage (treble damages). If the damages prescribed herein are not paid when due, Rogers Water Utilities may bring an action in any court of competent jurisdiction to collect such damages, including, without limitation, an action to collect on any bond posted with the Rogers Water Utilities or any bond (including, without limitation, street cut or curb cut bonds) posted with any other department of the City of Rogers, the Rogers Water Utilities being an intended obligee of such bonds.
- (b) The Rogers Water Utilities may bring an action at any time in a court of competent jurisdiction to enjoin persons from breaking or causing damage to any public water lines, public sewer lines, other public water facilities or other public sewer facilities of the Rogers Water Utilities.
- (c) If a person breaking or causing damage to any public water lines, public sewer lines, other public water facilities, or other public sewer facilities of the Rogers Water Utilities is operating under a permit or permission of another department of the city, the Rogers Water Utilities may request that the other city department having jurisdiction issue a stop work order or take other appropriate actions to prevent damage to Rogers Water Utilities lines or facilities.
- (d) The remedies listed herein are cumulative and do not limit the ability of the Rogers Water Utilities to prevent damage to its lines and facilities. The Rogers Water Utilities may pursue any and all legal or equitable remedies available to it.

(Ord. No. 19-51, § 3(Exh. 1), 8-13-2019)

Sec. 54-56. Bores without permit unlawful.

It shall be unlawful for any person to conduct boring of any type, including, without limitation, directional boring or auger boring, in the city for the purposes of installing service lines or utility lines or for any other purpose except in the case of an emergency, until a permit for such boring has been issued by the Rogers Water Utilities.

(Ord. No. 19-51, § 4(Exh. 1), 8-13-2019)

Sec. 54-57. Boring permits; deposits.

- (a) *Permits to bore.* The Rogers Water Utilities shall and is hereby authorized and directed to issue permits, upon proper application, to conduct boring within the city for the purposes of installing utility lines or service lines or for such other purposes as may be approved by the superintendent of the Rogers Water Utilities. Such permits allow boring operations only within the public ways of the city, including public rights-of-way and utility easements, as specified in the permit or otherwise provided in any applicable franchise agreement. Such permit does not allow the permittee to conduct boring on private property without the permission of the owner or owners of the private property.
- (b) The Rogers Water Utilities may deny the boring permit application if the applicant is indebted to the Rogers Water Utilities for damages to Rogers Water Utilities' water lines, sewer lines, or other property, and the applicant is in arrears for such debts. Upon denial of any permit application, the Rogers Water Utilities shall communicate the reason for denial to the applicant and shall provide documentation to the applicant supporting its denial.
- (c) Persons applying for a permit to bore shall coordinate with the Rogers Water Utilities, including attending a preconstruction meeting with the Rogers Water Utilities, prior to the permit being issued and prior to the work commencing, in order to prevent damage to Rogers Water Utilities' water lines, sewer lines, and other property, and to prevent damage to privately owned water lines and privately owned sewer lines.

(Ord. No. 19-51, § 5(Exh. 1), 8-13-2019)

Sec. 54-58. Applications for boring permits.

- (a) A person applying for a permit to bore shall make written application to the superintendent of the Rogers Water Utilities upon a form furnished by the Rogers Water Utilities. The application shall state the exact location of the work, the required information in subsection (b) below, and such other information as the superintendent of the Rogers Water Utilities shall require.
- (b) *Required information.* Applications for permits must:
 - (1) Show the applicant to be 21 years of age or older, or if the applicant is an entity, show that the principal of the entity is 21 years of age or older;
 - (2) Designate the street, alley, or other location of the proposed bore;
 - (3) Provide a map or drawing of the proposed bore;
 - (4) Indicate the purpose of the bore;
 - (5) State the nature of the surface of the street, alley, or other location;
 - (6) Contain an agreement to comply in all things with the applicable provisions of this article and other applicable provisions of this Code.
- (c) *Issuance.* The superintendent of the Rogers Water Utilities shall approve a permit pursuant to the provisions of this article if the applicant and proposed work comply with all applicable provisions of this article and all other applicable portions of this Code.

(Ord. No. 19-51, § 6(Exh. 1), 8-13-2019)

Sec. 54-59. Deposits.

- (a) A person who is required by the provisions of this article to obtain a permit shall pay to the Rogers Water Utilities a \$5,000.00 deposit for each bore. (Example: if there are four bores, the deposit amount shall be \$20,000.00.) The superintendent of the Rogers Water Utilities may require a deposit in a greater amount for each bore in the event of an unusually large project or if the project presents an unusually high degree of risk to any public water lines, public sewer lines, other public water facilities, other public sewer facilities, or other critical infrastructure. The deposit must be sufficient for the scope of the work. An applicant cannot receive a permit for work greater than is secured by the deposit amount. The deposit shall be in the form of a cashier's check or bond. The bond shall be executed by a surety company authorized to transact business in the state. This deposit requirement shall not apply to utility companies operating under franchise or under congressional grant in the city. If the work is sublet to a contractor, either the contractor will be required to deposit a cashier's check or bond, or the utility company shall deposit a cashier's check or bond.
- (b) In the event the permittee negligently, recklessly, or intentionally breaks or causes damage to any public water lines, public sewer lines, other public water facilities or other public sewer facilities of the Rogers Water Utilities, the deposit shall be forfeited and applied to the damages caused by and assessed against the permittee pursuant to section 54-55 above, including, without limitation, any treble damages. In the event the deposit is insufficient to reimburse the Rogers Water Utilities for such damages, the permittee shall pay the difference to the Rogers Water Utilities in accordance with section 54-55 above.

(Ord. No. 19-51, § 7(Exh. 1), 8-13-2019)

Sec. 54-60. Violations.

- (a) In addition to any other criminal penalties that may be prescribed by state law, noncompliance with the provisions of this article shall constitute a violation.
- (b) The following acts shall be treated as offenses separate and apart from any other violations of this article:
 - (1) Conducting boring without a permit therefor;
 - (2) Falsification of the application for a permit to bore;
 - (3) Failure to post a cashier's check or bond as required in section 54-59 or posting a fraudulent cashier's check or bond thereunder;
 - (4) Failure to comply with other specifications and requirements imposed by this Code.

Any person violating any of the provisions in this section shall be liable to the Rogers Water Utilities for any expense, loss or damage to the Rogers Water Utilities caused by the violation.

(Ord. No. 19-51, § 8(Exh. 1), 8-13-2019)

Sec. 54-61. Appeal.

Any person aggrieved by any decision of the Rogers Water Utilities concerning any provisions of sections 54-55 through section 54-60 of this chapter, including, without limitation, any assessment of damages or treble damages, denial of a permit to bore, or forfeiture of a deposit, may, within 30 days of written notice of the decision, appeal the decision to the Rogers Waterworks and Sewer Commission. A decision of the Rogers Waterworks and Sewer Commission upholding the decision is a final administrative decision for purposes of appeal pursuant to Rule 9(f) of the Arkansas District Court Rules.

(Ord. No. 19-51, § 9(Exh. 1), 8-13-2019)

Sec. 54-62. Forms and procedures.

The superintendent of the Rogers Water Utilities shall prescribe forms and procedures for implementing the provisions of sections 54-55 through section 54-61 of this chapter, including, without limitation, prescribing forms and procedures for assessing damages and treble damages, processing applications for permits to bore, forfeiture or release of deposits, and other matters, such forms and procedures to be approved by the Rogers Waterworks and Sewer Commission.

(Ord. No. 19-51, § 10(Exh. 1), 8-13-2019)

Secs. 54-63—54-81. Reserved.

ARTICLE III. WATER³

DIVISION 1. GENERALLY

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.

(Code 1982, § 19-81; Code 1997, § 118-76; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022)

Sec. 54-83. Service connection.

No water service connection to any premises shall be installed or maintained by the ~~city-water-utilities~~[Rogers Water Utilities](#) unless the water supply is protected as required by state laws and regulations and this article. Service of water to any premises shall be discontinued by ~~water-utilities~~[the Rogers Water Utilities](#) if a backflow prevention assembly required by this article is not installed, tested and maintained, or if it is found that a backflow

³State law reference(s)— Waterworks and water supply, A.C.A. § 14-234-101 et seq.; Arkansas Municipal Water and Sewer Department Accounting Law of 1973, A.C.A. § 14-237-101 et seq.; water, sewer and solid waste revolving fund, A.C.A. § ~~19-22-108~~[19-5-310](#); Water, Sewer and Solid Waste Management Systems Finance Act of 1975, A.C.A. § 14-230-101 et seq.; revenue bonds to repay grants, A.C.A. § 14-72-101.

prevention assembly has been removed, bypassed or if an unprotected cross connection exists on the premises. Services will not be restored until such conditions or defects are corrected.

(Code 1982, § 19-82; Code 1997, § 118-77)

Sec. 54-84. Inspections.

The customer's system should be open for inspection at all reasonable times to authorized representatives of the building inspector's office [and the Rogers Water Utilities](#) to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the ~~water utilities~~[Rogers Water Utilities](#) shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with state/statutes and regulations, city ordinances and standards relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(Code 1982, § 19-83; Code 1997, § 118-78)

Sec. 54-85. Backflow prevention assembly installation.

An approved backflow prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

- (1) In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the ~~manager~~[superintendent](#) of the ~~water utilities~~[Rogers Water Utilities](#), ~~The the~~ public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriate to the degree of hazard.
- (2) In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process water and waters originating from the utility system that have been subject to deterioration in quality.
- (3) In the case of premises having internal cross connections that cannot be permanently corrected and controlled, or having intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.
- (4) [Any other connection to a private system that is considered "high hazard" by the applicable plumbing code.](#)

(Code 1982, § 19-84; Code 1997, § 118-79)

Sec. 54-86. Degree of hazard determines type of protective assembly.

The type of protective assembly required under section 54-85 shall depend upon the degree of hazard that exists as follows:

- (1) In the case of any premises where there is an auxiliary water supply as stated in of section 54-85(1) and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly.
- (2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system shall be protected by an approved double checkvalve assembly.
- (3) In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.
- (4) In the case of any premises where there are uncontrolled cross connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly at the service connection.
- (5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly on each service to the premises.
- (6) In the case of any premises where, in the opinion of the superintendent or building inspector, an undue health threat is posed because of the presence of extremely toxic substances, the superintendent or building inspector may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the superintendent or building inspector and is dependent on the degree of hazard.

(Code 1982, § 19-85; Code 1997, § 118-80)

Sec. 54-87. Specifications for backflow prevention assembly.

- (a) Any backflow prevention assembly required in this article shall be a model and size approved by the superintendent. The term "approved backflow prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the [latest editions of the](#) American Water Works Association titled AWWA C510-89—Standard for Double Checkvalve Backflow Prevention Assembly and AWWA C511-89—Standard for Reduced-Pressure Backflow Prevention Assembly, and have met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California established by "Specification of Backflow Prevention Assemblies," Section 10 of the most current issue of the Manual of Cross Connection Control.
- (b) The AWWA and FCCHR standards and specifications have been adopted by the city. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with the AWWA standards and FCCHR specifications.
- (c) The following testing laboratory has been qualified by the city to test backflow preventers:
Foundation for Cross Connection Control and Hydraulic Research

University of Southern California

University Park

Los Angeles, CA 90089

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the superintendent of the city water utilities.

- (d) Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies may be used without further testing or qualification.

(Code 1982, § 19-86; Code 1997, § 118-81)

Sec. 54-88. Inspections, tests of backflow prevention assemblies.

It shall be the duty of the customer-user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the [Rogers Wwater Uutilities](#) or the building inspector deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, water utilities, or by a certified tester approved by the state department of health. It shall be the duty of the [building inspectorRogers Water Utilities](#) to see that these tests are made in a timely manner. The customer-user shall notify the building inspector in advance when the tests are to be undertaken so that the inspector may witness the tests if so desired. These assemblies shall be repaired, overhauled or replaced at the expense of the customer-user whenever the assemblies are found to be defective. Records of such certified tests, repairs, and overhaul shall be kept and [made available to the buildisubmitted to the Rogers Water Utilities ng inspector](#) within ten working days.

(Code 1982, § 19-87; Code 1997, § 118-82)

Sec. 54-89. Exclusions from backflow prevention requirements.

All presently installed backflow prevention assemblies that do not meet the requirements of this article but were approved assemblies for the purpose described in this article at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements under section 54-88, be excluded from the requirements of these rules as long as the superintendent of the [Rogers Wwater Uutilities](#) is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, [when the premises served undergoes significant renovations requiring a plumbing permit](#) or when the building inspector [or the Rogers Water Utilities](#) finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this article.

(Code 1982, § 19-88; Code 1997, § 118-83)

Secs. 54-90—54-106. Reserved.

DIVISION 2. RATES AND CHARGES⁴

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 A.C.A. § 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.

(Code 1982, § 19-41; Code 1997, § 118-101; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022)

Sec. 54-108. Schedule of rates—Inside city.

- (a) The city council hereby finds and declares the rates in the following tables and other rates shown below to be reasonable and necessary minimum rates to be charged for customers inside city limits. The rates are effective for all bills issued on or after the effective dates shown below until the next effective date. For example, for bills issued on or after October 1, 2025, the rates shown in the column labeled "October 1, 2025" apply until July 1, 2026. On July 1, 2026, the rates shown in the column labeled "July 1, 2026" apply until July 1, 2027, and so on.

(1) *Monthly water rates for customers inside city limits:*

Effective Date	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
a. First 1,500 gallons or portion thereof, minimum	\$11.42	\$12.28	\$13.20	\$14.19	\$15.25
b. First 1,500 gallons or portion thereof, minimum (Senior)	\$5.71	\$6.14	\$6.60	\$7.10	\$7.63
c. Next 98,500 gallons or portion thereof, per 1,000 gallons	\$4.85	\$5.21	\$5.60	\$6.02	\$6.47
d. Next 400,000 gallons or portion thereof, per 1,000 gallons	\$4.30	\$4.62	\$4.97	\$5.34	\$5.74
e. Next 500,000 gallons or portion thereof, per 1,000 gallons	\$3.91	\$4.21	\$4.53	\$4.87	\$5.24

⁴State law reference(s)—Rates for water, A.C.A. § 14-234-214.

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f. More than 1,000,000 gallons or portion thereof, per 1,000 gallons	\$3.66	\$3.93	\$4.22	\$4.54	\$4.88
g. Irrigation usage over first 1,500 gallons, per 1,000 gallons	\$5.00	\$5.38	\$5.78	\$6.21	\$6.68

(2) *Monthly meter minimum.*

Effective Date		October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
a.	1-inch meter	\$10.25	\$11.02	\$11.85	\$12.74	\$13.70
b.	1 ½-inch meter	\$20.50	\$22.04	\$23.69	\$25.47	\$27.38
c.	2-inch meter	\$32.80	\$35.26	\$37.90	\$40.74	\$43.80
d.	3-inch meter	\$61.50	\$66.11	\$71.07	\$76.40	\$82.13
e.	4-inch meter	\$102.50	\$110.19	\$118.45	\$127.33	\$136.88
f.	6-inch meter	\$205.00	\$220.38	\$236.91	\$254.68	\$273.78

(3) *Fire lines:* \$20.00 per month flat fee per fire line (unmetered water).

(4) *Private fire hydrant:* \$5.00 per month flat fee per hydrant.

(b) The above noted rates do not include gross receipts taxes or other assessments or taxes.

(Code 1982, § 19-42; Code 1997, § 118-102; Ord. No. 03-122, § 1, 12-9-2003; Ord. No. 09-71, § 1, 8-11-2009; Ord. No. 15-73, § 1(Exh. A), 6-9-2015; Ord. No. 19-74, § 2(Exh. 1), 11-26-2019; Ord. No. 25-36, §§ 1, 2(Exh. 1), 7-22-2025; Ord. No. 25-48, §§ 1, 2(Exh. 1), 8-26-2025)

State law reference(s)—A.C.A. § 14-234-214.

Sec. 54-109. Schedule of rates—Outside city.

(a) The city council hereby finds and declares the rates in the following tables and other rates shown below to be reasonable and necessary minimum rates to be charged for customers outside city limits. The rates are effective for all bills issued on or after the effective dates shown below until the next effective date. For example, for bills issued on or after October 1, 2025, the rates shown in the column labeled "October 1, 2025" apply until July 1, 2026. On July 1, 2026, the rates shown in the column labeled "July 1, 2026" apply until July 1, 2027, and so on.

(1) *Monthly water rates for customers outside city limits:*

Effective Date	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
a. First 1,500 gallons or portion thereof, minimum	\$14.85	\$15.96	\$17.16	\$18.45	\$19.83
b. First 1,500 gallons or portion thereof, minimum (Senior)	\$7.42	\$7.98	\$8.58	\$9.22	\$9.91
c. Next 98,500 gallons or portion thereof, per 1,000 gallons	\$6.31	\$6.78	\$7.29	\$7.84	\$8.43

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d. Next 400,000 gallons or portion thereof, per 1,000 gallons	\$5.59	\$6.01	\$6.46	\$6.94	\$7.46
e. Next 500,000 gallons or portion thereof, per 1,000 gallons	\$5.09	\$5.47	\$5.88	\$6.32	\$6.79
f. More than 1,000,000 gallons or portion thereof, per 1,000 gallons	\$4.76	\$5.11	\$5.49	\$5.90	\$6.34
g. Irrigation usage over first 1,500 gallons, per 1,000 gallons	\$6.50	\$6.99	\$7.51	\$8.07	\$8.68

(2) *Monthly meter minimum:*

Effective Date		October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
a.	1-inch meter	\$13.33	\$14.32	\$15.39	\$16.54	\$17.78
b.	1 ½-inch meter	\$26.65	\$28.65	\$30.80	\$33.11	\$35.59
c.	2-inch meter	\$42.64	\$45.84	\$49.28	\$52.98	\$56.95
d.	3-inch meter	\$79.95	\$85.95	\$92.40	\$99.33	\$106.78
e.	4-inch meter	\$133.25	\$143.24	\$153.98	\$165.53	\$177.94
f.	6-inch meter	\$266.50	\$286.49	\$307.98	\$331.08	\$355.91

(3) *Fire lines:* \$20.00 per month flat fee per fire line (unmetered water).

(4) *Private fire hydrant:* \$5.00 per month flat fee per hydrant.

(b) The above noted rates do not include gross receipts taxes or other assessments or taxes.

(Code 1982, § 19-43; Code 1997, § 118-103; Ord. No. 03-122, § 2, 12-9-2003; Ord. No. 09-71, § 2, 8-11-2009; Ord. No. 15-73, § 1(Exh. B), 6-9-2015; Ord. No. 19-74, § 2(Exh. 1), 11-26-2019; Ord. No. 25-36, §§ 1, 2(Exh. 1), 7-22-2025; Ord. No. 25-48, §§ 1, 2(Exh. 1), 8-26-2025)

State law reference(s)—A.C.A. § 14-234-214.

Sec. 54-110. Monthly billing.

Bills for water shall be rendered monthly and, if not paid on or before the tenth day following the original date of billing, a ten-percent penalty shall be added to the bill. If the bill is not paid on or before the 30th day following the original date of billing, service shall be discontinued and the premises shall be disconnected from the waterworks system.

(Code 1982, § 19-44; Code 1997, § 118-104)

Sec. 54-111. Exceptions.

(a) For the first 1,500 gallons per month used, persons 62 years of age or older shall pay the discounted (Senior) rate applicable for customers inside the city or outside the city listed in the schedules of rates above. Water used in addition to the first 1,500 gallons per month will be billed at the regular nondiscounted rate. This discount shall apply only to the primary residence of the user and shall not apply to separate irrigation meters.

- (b) Application required. In order to receive the discounted (Senior) rate specified in subsection (a) above, persons 62 years of age or over must apply to the Rogers Water Utilities and present satisfactory proof of age (e.g. a government issued identification card, driver's license, passport, or birth certificate). In the absence of an application supported by satisfactory proof of age, the discounted (Senior) rate specified in subsection (a) above shall not be applied.

(Code 1997, § 118-105; Ord. No. 03-122, §§ 3—5, 12-9-2003; Ord. No. 25-36, §§ 1, 2(Exh. 1), 7-22-2025; Ord. No. 25-48, §§ 1, 2(Exh. 1), 8-26-2025)

(Code 1997, § 118-105; Ord. No. 03-122, §§ 3—5, 12-9-2003)

Sec. 54-112. Development impact fee.

- (a) Effective October 1, 2025, a development impact fee shall be paid by the person or entity requesting new water service, prior to meter installation, regardless of whether any other required fee has been paid, according to the following schedule in connection with and as a condition to the installation of the water meter serving the property:

Meter size	Fee
¾ inch	\$2,400.00
1 inch	\$3,400.00
1½ inches	\$12,100.00
2 inches	\$19,400.00
3 inches	\$36,400.00
4 inches	\$60,600.00
6 inches	\$121,200.00

All proposed living units are to be metered individually, except for institutionalized care facilities, apartments, or other commercial rentals in which the separation of plumbing facilities would render this requirement impractical.

- (b) As stated in subsection (a) above, the development impact fee schedule listed herein above shall be in full force and effect on October 1, 2025. However, any preliminary plat, large scale development, non-large scale development or other proposed development approved by the Rogers Planning Commission pursuant to applicable provisions of the Code of Ordinances of the City of Rogers, or by another agency having jurisdiction, and approved by the Rogers Water Utilities ("RWU") prior to the effective date of October 1, 2025 shall be charged the development impact fees in effect as of June 16, 2025. Any development that does not begin construction within one year of RWU's approval shall be subject to the development impact fees in effect as of October 1, 2025.
- (c) Refund procedure. The portion of development impact fees collected under subsection (a) of this section, including any accrued interest thereon, that has not been expended within seven years from the date the fees were paid shall be refunded to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

- (d) The development impact fees established under subsection (a) of this section shall be adjusted, if necessary, in accordance with each new capital improvement plan or revision thereof.
- (e) Pursuant to Ark. Code. Ann. 14-256-205(c)(5), development impact fees on the construction of an accessory dwelling unit shall not exceed \$250.00.

(Code 1997, § 118-106; Ord. No. 07-80, § 1, 6-12-2007; Ord. No. 25-38, § 3(Exh. 1), 7-22-2025)

Sec. 54-113. Reserved.

Editor's Note-Ord. No. 25-36, §§ 1, 2(Exh. 1), adopted July 22, 2025, effective Oct. 1, 2025, repealed § 54-113, which pertained to access fee and derived from Code 1997, § 118-107; Ord. No. 07-81, § 1, adopted June 12, 2007.

(Code 1997, § 118-107; Ord. No. 07-81, § 1, 6-12-2007)

Secs. 54-114—54-139. Reserved.

DIVISION 3. DROUGHT EMERGENCIES

Sec. 54-140. Declaration.

The city council may declare an emergency during periods of drought in the area of the city.

(Code 1982, § 19-56; Code 1997, § 118-121)

Sec. 54-141. Duty of superintendent.

From and after the date an emergency is declared under this division, the superintendent of the [Rogers Water Utilities](#) ("the superintendent") ~~water and sewer department~~ shall have the power to regulate the use, by essential industries, of water obtained from the city water system, so as to ensure the health and safety of the citizens and property of the city.

(Code 1982, § 19-57; Code 1997, § 118-122)

Sec. 54-142. Use of water restricted.

From and after the date the city council has declared an emergency to exist under this division, no person shall use water obtained from the city water system:

- (1) For purposes other than the preservation of health and safety and essential industrial uses.
- (2) For purposes of irrigation, sprinkling or watering of lawns, washing of cars, water-ing of gardens, flowers and shrubs and for use in air conditioning or cooking systems without recirculation.

(Code 1982, § 19-58; Code 1997, § 118-123)

Sec. 54-143. Water conservation measures.

- (a) *Definitions.* The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Water means all water, except wastewater, supplied by the city to any customer.

Water shortage shall be deemed to exist when the ordinary demands and requirements of water customers served by the city cannot be satisfied without depleting the water supply to or below a critical level, the level at which the continued availability of water for human consumption, sanitation and fire protection is jeopardized.

- (b) *Response to water shortage.* It shall be the duty of the superintendent to report to the mayor conditions adversely affecting the city water supply that could result in a water shortage. Upon receiving such report, and upon determining that water conservation measures are necessary to adequately address the water shortage, the mayor may declare any stage of water conservation described herein to be in force. The imposition of each stage of water conservation shall be reported to the city council as soon as possible following such imposition. The mayor, superintendent, or the city council may terminate any stage of water conservation upon determining that it is no longer necessary.
- (c) *Violation of ordinance prohibited; enforcement.*
 - (1) *Violation.* In the event that the mayor shall declare one or more stages of water conservation as set forth herein, it shall be unlawful for any person to use or permit use of water supplied by the city in violation of any mandatory restrictions instituted.
 - (2) *Enforcement.* It shall be the duty of the superintendent to investigate violations of the mandatory restriction and issue orders consistent with the purpose and intent of this section. All customers shall cease any violation of the mandatory restrictions upon the order of the superintendent. Any customer who violates any provision of the ordinance, or who shall violate or fail to comply with any order made hereunder shall be subject to penalty or a combination of the penalties as follows:
 - a. *Discontinuance of service.*
 - 1. The city may discontinue water service to any structure or parcel when the superintendent gives written notice of any violation of mandatory restrictions and intent to discontinue service. Water service shall be discontinued within 24 hours unless the violation shall cease voluntarily.
 - 2. When service is discontinued pursuant to the provisions of this section, service shall not be reinstated unless and until the superintendent determines that the risk to the city water supply has been alleviated. The customer whose service is being restored shall pay a service charge to reconnect, as set by the city waterworks and sewer commission.
 - 3. The customers shall have a right of appeal to the city waterworks and sewer commission, upon serving written notice of appeal to the superintendent within five days after receiving notice of any violation and intent to discontinue service. The appellant will be notified by the superintendent of the time and place for the hearing of the appeal. The commission shall act on the appeal as expeditiously as possible and shall notify the appellant in writing not later than two days after the final decision.
 - b. *Equitable relief.* The provisions of this section may be enforced by an appropriate remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction.
 - (3) *Penalty not a substitute remedy.* The imposition of one or more penalties for any violation shall not excuse any violation or permit it to continue.
- (d) *Water conservation stages; recommendations; mandatory measures.*
 - (1) *Stage I—Continuing voluntary conservation practices.* Customers shall be encouraged to observe water conservation measures to reduce the wasting of water as follows:

- a. Check plumbing and toilets for leaks annually, and, if necessary, repair;
 - b. Repair leaking faucets whenever they develop;
 - c. Store drinking water in the refrigerator to avoid trying to run it cool at the tap;
 - d. Use shower for bathing purposes or reduce the depth of water used for tub baths. Limit showers to four minutes where possible;
 - e. Refrain from running faucets while shaving, rinsing dishes or brushing teeth;
 - f. Install water flow restrictive devices in showerheads;
 - g. Install water-saving devices such as plastic bottles or commercial units in toilet tanks;
 - h. Wash full loads in clothes washers and dishwashers;
 - i. Review water uses and where feasible install recycle systems, particularly commercial and industrial customers.
- (2) *Stage II.1—Voluntary conservation.* Customers shall be encouraged to observe the recommendations of Stage I and to increase the level of conservation effort as follows:
- a. Limit the use of clothes washers and dishwashers, and when used, to operate fully loaded;
 - b. Reduce the flushing of toilets to the minimum whenever practical;
 - c. Limit lawn watering to only when grass shows signs of withering and apply water as slowly as possible to achieve deep penetration;
 - d. Limit shrubbery watering to the minimum reusing household water when possible;
 - e. Limit car washing to the minimum;
 - f. Limit washdowns of outside areas such as sidewalks, patios, driveways, or other similar purposes;
 - g. Limit hours of operation of water-cooled air conditioners as possible;
 - h. Use biodegradable disposable dishes and utensils, both for residential and commercial purposes, where feasible;
 - i. Avoid the peak. Set the automatic sprinkler system to come on at either 3:30 a.m. to 5:30 a.m., or from 8:00 a.m. to 10:00 a.m. Water only two to three times per week.
- (3) *Stage II.2—Minimum mandatory conservation.*
- a. Residential and commercial users shall be limited to irrigation of lawns, trees, shrubs, and other green space on an every other day schedule. Users with even address numbers will be allowed to irrigate on even numbered dates only and users with odd address numbers will be allowed to irrigate on odd numbered dates only.
 - b. Residents who have mitigating circumstances (e.g., newly sodded yards, etc.) may apply for a hardship permit from the city water utilities. The decision to grant a hardship permit shall be made by the superintendent of the city water utilities or his designee and said decision shall be final.
- (4) *Stage III—Moderate mandatory conservation.* Customers shall be encouraged to observe the recommendations of Stages I and II, and the level of the conservation effort shall be increased to require the following mandatory measures. No person shall:

- a. Use automatic, underground sprinklers to water lawns, grass, trees, shrubbery, flowers, golf greens or vegetable gardens except during the hours specified by the superintendent. Those hours shall, unless otherwise varied by the [managersuperintendent](#), be between 3:30 a.m. and 5:30 a.m. or 8:00 a.m. and 10:00 a.m. On each designated day, customers shall water during only one of the allowed periods. When adjustments are made by the superintendent to the above times, they shall be published in the local newspapers of general circulation, and set forth on the city's web site, where appropriate.
- b. Introduce water into wading pools or swimming pools except to the extent necessary to replenish losses due to evaporation or spillage, and maintain operation of chemical feed equipment.
- c. Use water to wash down outside areas such as sidewalks, patios, driveways, or for other similar purposes.
- d. Introduce water into any decorative fountain, pool or pond except where the water is recycled.
- e. Serve water in a restaurant or similar establishment except upon request.
- f. Use water for any unnecessary purpose or intentionally waste water.
- g. Wash the exterior of a motor vehicle except where a private well system is used, or where 50 percent or more of the water is recycled or where it can be demonstrated that 30 gallons of water or less are used to wash the vehicle; provided, however, any customer may secure a written permit from the superintendent or his designee to use water contrary to the Stage III mandatory conservation measures where it can be shown to the superintendent's satisfaction that use of water pursuant to conditions prescribed by the superintendent in the permit will result in a 30 percent or greater saving of water, is necessary to maintain the public health, or to avoid significant loss of private property. Any permit issued pursuant to this provision must be in the possession of the permittee whenever water is used contrary to the Stage III mandatory conservation measures, and is subject to amendment or revocation by the superintendent at any time for good cause.

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 30 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

- (5) *Stage IV—Severe mandatory conservation.* Customers shall be encouraged to observe the conservation measures in Stages I and II and required to continue observing the mandatory requirements in Stage III except to the extent such mandatory requirements are modified by the restrictions regarding Stage IV conservation. The level of the conservation effort shall increase to require the following additional mandatory measures. No person shall:
- a. Water or sprinkle any lawn, grass, trees, golf greens or flowers; provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade, using the minimal amount for survival. State, county and city licensed landscape contractors may continue to water plantings which are under written warranty by hand-held hose, container or drip irrigation.
 - b. Water any vegetable garden or ornamental shrubs except by hand-held hose, container, or drip irrigation system, during hours specified by the superintendent. Those hours shall, unless varied by the manager, be between the hours of 8:00 a.m. and 10:00 a.m. or 7:00 p.m. and 9:00 p.m. On each designated day, customers shall water during only one of the allowed periods. When

adjustments are made by the superintendent to the above times, they shall be published in local newspapers of general circulation, and set forth on the city's website, where appropriate.

- c. Fill any wading pool or swimming pool or replenish any filled pool except to the minimum essential for operation of chemical feed equipment.
- d. Make nonessential use of water for commercial or public use.
- e. Operate water-cooled air conditioners or other equipment that do not recycle cooling water, except when health and safety are adversely affected.
- f. Wash any motor vehicle or other type of mobile equipment. Provided, however, that any person regularly engaged in the business of washing motor vehicles and any commercial car wash facility shall be permitted to use water for such purposes, when 50 percent water savings are documented; provided, however, any customer may secure a written permit from the superintendent or his designee to use water contrary to the Stage IV mandatory conservation measures where it can be shown to the superintendent's satisfaction, that use of water pursuant to conditions prescribed by the [superintendent](#) ~~city manager~~ in the license will result in a 50 percent or greater saving of water, or that the prescribed use is necessary to protect the public health. Any permit issued pursuant to this provision must be in the possession of the permittee whenever water is used contrary to the Stage IV mandatory conservation measures, and is subject to amendment or revocation by the superintendent at any time for good cause.

All industrial, manufacturing and commercial enterprises shall reduce consumption with a goal reduction of at least 50 percent. Such enterprises shall document the specific efforts they have made to reduce consumption.

- (6) *Stage V—Stringent mandatory conservation.* Customers shall be encouraged to observe the conservation measures in Stages I and II and required to continue observing the mandatory requirements in Stages III and IV. The level of the conservation effort shall increase to require the following additional mandatory measures. No person shall:
- a. Use water outside a structure except in an emergency involving fire.
 - b. Operate evaporative air conditioning units that recycle water except during the operating hours of the business.
 - c. Use any swimming pool or wading pool.
 - d. Wash any motor vehicle, including commercial washing unless a private well is used.

In addition to the conservation measures enumerated above, customer shall use plates, glasses, cups and eating utensils that are disposable and biodegradable.

- (7) *Stage VI—Rationing.* Customers shall be encouraged to observe the conservation measures in Stages I and II and required to continue observing the mandatory requirements of Stages III, IV and V. The level of the conservation effort shall increase to require the following mandatory measures:
- a. Fire protection will be maintained, but where possible, tank trucks shall use raw water.
 - b. All industrial uses of water shall be prohibited.
 - c. All other uses of water will be limited to those necessary to meet minimum health and safety needs of the customers as determined by the superintendent.

Failure to act in accordance therewith or use of water in any manner or attempt to evade or avoid water rationing restrictions, shall be unlawful.

- (e) *Scope and duration.* Water conservation measures shall be applicable to all users of the system, including users located outside the city. Conservation measures shall be in force until they are terminated by the mayor, superintendent, or city council. Notice of conservation measures shall be broadly reported to the media, and shall, where feasible, be included on customers' utility bills.

(Code 1997, § 118-124; Ord. No. 05-82, §§ 1—5, 6-14-2005; Ord. No. 06-132, § 1, 8-8-2006)

Secs. 54-144—54-169. Reserved.

ARTICLE IV. SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERALLY

Sec. 54-170. Prohibited deposits.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectional waste.

(Code 1982, § 16-31; Code 1997, § 118-161)

Sec. 54-171. Discharge of sewage, polluted waters into natural outlets.

It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(Code 1982, § 16-32; Code 1997, § 118-162)

Sec. 54-172. Private sewage disposal systems prohibited; exception.

Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Code 1982, § 16-33; Code 1997, § 118-163)

Sec. 54-173. Connection with public sewer, installation of toilet facilities required.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 60 days after date of official notice to do so, provided that the public sewer is within 300 feet of the property line.

(Code 1982, § 16-34; Code 1997, § 118-164)

Sec. 54-174. Damaging, tampering with facilities.

No person shall willfully, recklessly or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

(Code 1982, § 16-35; Code 1997, § 118-165)

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.

(Ord. No. 15-141, § 1(Exh. A), 10-13-2015; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022)

Sec. 54-176. Pressure and gravity sewer lines.

(a) With exception of service lines, all public and privately maintained pressure and gravity sewer lines located within 300 feet of a losing stream, anywhere in zone 1 or the Cave Springs groundwater trough, must meet all criteria and design standards of the Cities of Rogers or Springdale (which are based on the Ten State Standards) and Cave Springs pumped effluent systems until a gravity sewer system is available. As shown in Exhibit 10-5, these sewer lines must be constructed using geomembranes installed in the bottom of the sewer trench under the pipe bedding up the sides of the trench to 12 inches above the top of the pipe.

Trench dams shall be installed at 400-feet± intervals and at mainline branches. These trench dams shall extend six inches into undisturbed soil on the bottom and sides of the trench and must extend to within 12 inches of finished grade. Trench dams may be composed of bentonite clay, flowable concrete fill, manufactured anti-seep collars, or other widely accepted materials and methods of practice.

- (b) An eight-inch PVC monitoring well shall be installed on the upstream side of each trench dam from the surface down to the sewer pipe flow line designed to intercept any flow along or immediately beneath the sewer pipe. Each monitoring well shall be sampled annually for dye that will be introduced into the upstream sewer main to check for sewer leakage. As an alternative to dye tracing, the utility owner may implement a monitoring program to test annual samples for the presence of wastewater by commonly accepted laboratory practice or implement an annual inspection program capable of detecting defects and exfiltration points in sewer mains.
- (c) All pressure and gravity sewers in zones 1, 2, 3 and 4 must meet all criteria and design standards of Rogers or Springdale Water Utilities.

(Ord. No. 15-141, § 1(Exh. B), 10-13-2015)

Sec. 54-177. Sewage lift stations.

- (a) All wastewater lift stations shall be equipped with two or more pumps such that the wastewater lift station is capable of pumping the total rated capacity with one pump out of service.

A control system with remote transmission of data or equivalent shall be implemented at wastewater lift stations. Graphical display screens shall show, and the control system shall be capable of transmitting, the instantaneous station discharge, wet well water level, pump run times, pump starts, pump status (such as running, off, or alarm conditions), power status, and standby generator status. Wastewater lift station alarm systems shall transmit and identify alarm conditions to a municipal facility that is staffed 24 hours a day. If such a facility is not available, the alarm shall be transmitted to municipal offices during normal working hours and to the home of the responsible person(s) in charge of the lift station during off-duty hours. The control system and communication method shall be coordinated with the local municipal agency for integration with their SCADA system and operational procedures.

- (b) Fuel or gas standby generators with appropriate fuel storage containers, or an approved alternative secondary power supply, shall be provided as a backup power source for wastewater lift stations. In the event of a power failure, the redundant power system shall automatically operate the wastewater lift station, shall have sufficient capacity to start up and maintain the total rated running capacity of the station. A portable pump connection to the force main with rapid connection capabilities and appropriate valving shall be provided outside the dry well and wet well.

(Ord. No. 15-141, § 1(Exh. C), 10-13-2015)

Secs. 54-178—54-201. Reserved.

DIVISION 2. RATES AND CHARGES⁵

Sec. 54-202. Established.

The following rates are hereby fixed as rates to be charged for services to be rendered and benefits to be received from the sewer system of the city hereafter called the system.

(Code 1982, § 16-51; Code 1997, § 118-181)

Sec. 54-203. Finding of fair rates.

The city council hereby finds and declares that the sewer rates are fair, reasonable and necessary minimum rates, and will produce revenues in each year at least sufficient for the reasonable operation and maintenance expenses of the system, the payment of the principal and interest on the revenue bonds payable from system revenues as they mature and the trustee's fees, including establishing and maintaining reserves, and to provide depreciation funds for replacement or repairs of the sewer facilities.

(Code 1982, § 16-52; Code 1997, § 118-182)

Sec. 54-204. Billing.

- (a) All bills for sewage collection and treatment shall be rendered to the user monthly, such statements to be rendered and collected by the city, and shall cover the same period as corresponding water bills. All bills shall be rendered in the net amount due.
- (b) Except as otherwise specifically provided in this division, all users shall pay on the basis of actual metered water used, except in situations where an appreciable portion of total water consumption does not reach the system determined as set forth in this division. The city shall determine (the determination to be made by the water and sewer department superintendent according to methods and procedures approved by the city council) the portion of the total metered water which does not reach the system, and the schedule of rates set forth in this division shall apply to that portion which does reach the system. Should the customer's water meter be determined by the water and sewer department superintendent to be inoperative or faulty, the customer's usage shall be the same as that set forth and defined by the existing water rate ordinance for such meter failures.
- (c) All users connected to the system but receiving water from a source other than the city shall pay a sewer charge on the basis of assumed water consumption at a rate of ~~70 gallons per occupant per day~~200 gallons per day per living unit.
- (d) None of the facilities or services afforded by the system shall be furnished without a charge being made therefor. Any vacant, unoccupied property attached to the system having an in-service water meter shall be considered to be a contributor to the system at such time as a sewer tap is completed, and as such is subject to the monthly usages and services set forth in the above-mentioned rate structure. Where the sewer tap is made prior to the final inspection of the structure on the property, the building inspector's final inspection and approval shall be considered the point at which the monthly usages and services shall commence.

⁵State law reference(s)—Water and sewer department accounting, A.C.A. § 14-237-101 et seq.

(Code 1982, § 16-53; Code 1997, § 118-183)

Sec. 54-205. Schedule of rates.

- (a) *Schedule of sewer rates.* The following schedule of sewer rates shall be applied to the water consumption of users as set forth in this article. The charges to each customer for sewage collection and treatment shall be determined each month and shall be the sum of a service charge and a usage charge based on the customer's metered water usage determined as set forth in this division and computed using the following schedule of rates. In addition to the monthly service charge, each customer will be billed for sewage treatment works usage based on the customer's water usage as set forth in this division, and the user charge shall be computed using the schedule of rates below. The rates are effective for all bills issued on or after the effective dates shown below until the next effective date. For example, for bills issued on or after October 1, 2025, the rates shown in the column labeled "October 1, 2025" apply until July 1, 2026. On July 1, 2026, the rates shown in the column labeled "July 1, 2026" apply until July 1, 2027, and so on.

(1) *Monthly sewer rates for customers inside city limits of the city:*

Effective Date	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
Service charge	\$18.52	\$21.30	\$24.49	\$28.16	\$29.00
For the first 100,000 gallons of water consumption per month or portion thereof, per 1,000 gallons	\$6.44	\$7.41	\$8.52	\$9.80	\$10.09
All water consumption over 100,000 gallons per month or portion thereof, per 1,000 gallons	\$6.36	\$7.31	\$8.41	\$9.67	\$9.96

(2) *Monthly sewer rates for customers outside city limits of the city:*

Effective Date	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
Service charge	\$24.18	\$27.81	\$31.98	\$36.78	\$37.88
All water consumption per month, per 1,000 gallons:	\$8.39	\$9.65	\$11.10	\$12.76	\$13.14

(3) *Monthly sewer rates for City of Lowell customers in the City of Rogers service area:*

Effective Date	October 1, 2025	July 1, 2026	July 1, 2027	July 1, 2028	July 1, 2029
Service charge	\$22.22	\$25.55	\$29.38	\$33.79	\$34.80
For the first 100,000 gallons of water consumption per month or portion thereof, per 1,000 gallons	\$7.73	\$8.89	\$10.22	\$11.75	\$12.10
All water consumption over 100,000 gallons per month or portion thereof, per 1,000 gallons	\$7.62	\$8.76	\$10.07	\$11.58	\$11.93

(Code 1982, § 16-54; Code 1997, § 118-184; Ord. No. 06-202, § 1, 12-12-2006; Ord. No. 19-75, § 2(Exh. 1), 11-26-2019; Ord. No. 25-37, § 2(Exh. 1), 7-22-2025)

State law reference(s)—A.C.A. § 14-235-223.

Sec. 54-206. Sewer surcharges.

- (a) Users generating sewage of greater strength than typical household wastewater may discharge such sewage into the system only if:
- (1) The city, through the Rogers Water Utilities, has agreed to treat the waste as specified in the wastewater discharge permit issued to the user;
 - (2) The waste will not cause damage to the collection system;
 - (3) The waste will not impair the wastewater treatment processes; and
 - (4) The user discharging such waste pays a monthly surcharge to the Rogers Water Utilities in addition to monthly sewer user charges. Computation of such surcharges shall be based on the following formula:

$$S = Vw \times 8.34 \times [(SS-200) \times y + (CBOD-200) \times z + (TN-30) \times n + (TP-4) \times p + (OG-100) \times y]$$

S	=	Surcharge in dollars
Vw	=	Volume of wastewater in 1,000,000 gallons
8.34	=	Weight of a gallon of water in pounds
SS	=	Suspended Solids concentration in milligrams per liter (mg/L)
y	=	Surcharge for Suspended Solids and Oil & Grease in dollars per pound
CBOD	=	Five-day Carbonaceous Biochemical Oxygen Demand concentration in mg/L
z	=	Surcharge for CBOD in dollars per pound
200	=	Typical household SS and CBOD concentration in mg/L
TN	=	Total Nitrogen, which is the sum of ammonia, organic nitrogen, nitrate plus nitrite (since nitrate plus nitrite are usually not present in industrial wastewater, testing for nitrate plus nitrite is not required), concentration in mg/L
n	=	Total Nitrogen surcharge in dollars per pound
30	=	Typical household concentration of TN in mg/L
TP	=	Total Phosphorus concentration of TP in mg/L
p	=	Surcharge for Total Phosphorus in dollars per pound
4	=	Typical household concentration of TP in mg/L
OG	=	Oil & Grease
100	=	Typical household concentration of OG in mg/L

- (b) Surcharges may be determined daily, weekly, or monthly, or other such periods as deemed appropriate by the superintendent of the city water utilities. Surcharge bills shall be the sum of the surcharges determined during the billing period.
- (c) Effective October 1, 2025, the surcharge rates shall be at the following dollars per pound for pollutant parameters at concentrations greater than typical household concentrations:

Pollutant Parameter	Surcharge Rate (dollars per pound)
Suspended Solids	\$0.16
CBOD	\$0.15
T Nitrogen	\$0.80
T Phosphorus	\$5.84
Oil & Grease	\$0.16

- (d) All sample collection and analytical work shall be done by competent individuals or firms regularly involved in wastewater collection and analysis. Sampling and analysis methods must comply with procedures specified in 40 CFR Part 136.

(Code 1982, § 16-55; Code 1997, § 118-185; Ord. No. 19-75, § 2(Exh. 1), 11-26-2019; Ord. No. 25-37, § 2(Exh. 1), 7-22-2025)

State law reference(s)—A.C.A. § 14-235-223.

Sec. 54-207. Late payment charges.

If any sewer charge is not paid on or before the tenth day after the billing date, a ten-percent penalty shall be added, and if any sewer charge is not paid on or before the 30th day after the bill is rendered, suit shall be brought to collect the amount due, together with the expenses of the collection and a reasonable attorney's fee.

(Code 1982, § 16-56; Code 1997, § 118-186)

Sec. 54-208. Reduction.

The rates provided for in this article shall not be reduced while any sewer revenue bonds are outstanding unless there is obtained from an independent certified public accountant a certificate that the net revenues of the system for the ensuing year, to be derived from the reduced rates, will be sufficient to make the required deposit for depreciation and to leave a balance equal to not less than 150 percent of the maximum amount to become due in any year for principal and interest on all outstanding bonds payable from the revenues of the system. Net revenues are defined as gross revenues less the reasonable expenses of operation and maintenance of the system, including all expense items properly attributable to the operation and maintenance under generally accepted accounting practices applicable to municipal sewer systems.

(Code 1982, § 16-57; Code 1997, § 118-187)

Sec. 54-209. Review of charges.

Any user who feels his user charge is unjust and inequitable may make written application to the waterworks and sewer commission of the city requesting a review of his user charge. The 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. Review of the request shall be made by the waterworks and sewer commission of the city 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.

(Code 1982, § 16-58; Code 1997, § 118-188)

Sec. 54-210. Annual notification included with bill.

The water and sewer superintendent will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

(Code 1982, § 16-59; Code 1997, § 118-189)

Sec. 54-211. Development impact fees.

- (a) Effective October 1, 2025, a development impact fee shall be paid by the person or entity requesting new sewer service, prior to water meter installation, regardless of whether any other required fee has been paid, according to the following schedule in connection with and as a condition to the installation of the meter serving the property:

Meter size	Fee
¾ inch	\$4,000.00
1 inch	\$5,600.00
1½ inches	\$20,100.00
2 inches	\$32,200.00
3 inches	\$60,400.00
4 inches	\$100,700.00
6 inches	\$201,500.00

All proposed living units are to be metered individually, except for institutionalized care facilities, apartments, or other commercial rentals in which the separation of plumbing facilities would render this requirement impractical.

- (b) As stated in subsection (a) above, the development impact fee schedule listed herein above shall be in full force and effect on October 1, 2025. However, any preliminary plat, large scale development, non-large scale development or other proposed development approved by the Rogers Planning Commission pursuant to applicable provisions of the Code of Ordinances of the City of Rogers, or by another agency having jurisdiction, and approved by the Rogers Water Utilities ("RWU") prior to the effective date of October 1, 2025 shall be charged the development impact fees in effect as of June 16, 2025. Any development that does not begin construction within one year of RWU's approval shall be subject to the development impact fees in effect as of October 1, 2025.
- (c) Refund procedure: the portion of development impact fees collected under subsection (a) of this section, including any accrued interest thereon, that has not been expended within seven years from the date the fees were paid shall be refunded to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
- (d) The development impact fees established under subsection (a) of this section shall be adjusted, if necessary, in accordance with each new capital improvement plan or revision thereof.

- (e) Effective April 15, 2020, when a residential fire sprinkler system (RFSS) is installed in a structure to be used as a private residence or dwelling (including a single family home, a duplex, or manufactured home) and a one-inch water meter is required solely because of installation of the RFSS, then the sewer development impact fee listed above for a ¾ inches water meter shall be charged for each living unit in the structure. This provision (e) shall not apply if the structure would require a one-inch water meter even without installation of an RFSS. This provision (e) shall not apply to apartment buildings or other commercial rental structures having three or more living units. This provision (e) shall not apply to a structure used as a place of business. This provision (e) is prospective only and is not to be applied retroactively to any development impact fee paid prior to its passage, approval, and effective date.
- (f) Effective September 14, 2021, when a residential fire sprinkler system (RFSS) is installed in a townhouse and a one-inch water meter is required solely because of installation of the RFSS, then the development impact fee listed above for a ¾ inches water meter shall be charged for each living unit in the structure. As used herein, "townhouse" means a single-family dwelling unit, to be used as a private residence, constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. This provision (f) shall not apply if the structure would require a one-inch water meter even without installation of an RFSS. This provision (f) shall apply to private residences only and shall not apply to apartment buildings or other commercial rental structures. This provision (f) shall not apply to a structure used as a place of business. This provision (f) is prospective only and is not to be applied retroactively to any development impact fee paid prior to its passage, approval, and effective date.
- (g) Pursuant to Ark. Code. Ann. 14-256-205(c)(5), development impact fees on the construction of an accessory dwelling unit shall not exceed \$250.00.

(Code 1997, § 118-190; Ord. No. 07-80, § 2, 6-12-2007; Ord. No. 20-33, § 2(Exh. 1), 4-14-2020; Ord. No. 21-62, § 2(Exh. 1), 9-14-2021; Ord. No. 25-38, § 3(Exh. 1), 7-22-2025)

Sec. 54-212. Reserved.

Editor's Note- Ord. No. 25-17, §§ 1, 2(Exh. 1), adopted April 22, 2025, effective Oct. 1, 2025, repealed § 54-212, which pertained to access fee and derived from Code 1997, § 118-191; Ord. No. 07-81, § 2, adopted June 12, 2007.

Secs. 54-213—54-232. Reserved.

DIVISION 3. PUBLIC SEWERS

Sec. 54-233. Unlawful inflow connections, discharge of sewage and polluted waters generally.

- (a) *Definitions.* As used in this section:

Inflow means the release or discharge of stormwater, surface water, groundwater, roof runoff or subsurface drainage into the sanitary sewer system.

Superintendent means the superintendent of the Rogers Water Utilities.

Unlawful inflow connection means any piping, drain, cross connection, channel, defect, or other connection that causes or allows the release or discharge of any stormwater, surface water, groundwater, roof runoff or subsurface drainage into the sanitary sewer system.

- (b) *Inflow prohibited.* It shall be unlawful for any person to release or discharge or cause to be released or discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage into the sanitary sewer system.
- (c) *Prohibition against unlawful inflow connections.* It shall be unlawful for any person to construct, use, maintain, or allow to exist on any property in the city any unlawful inflow connection. This prohibition expressly includes, without limitation, unlawful inflow connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (d) *Enforcement.* The superintendent may enforce this section as provided in sections 54-49, 54-50, and 54-51 of this Code, and by invoking the remedies therein, and may further take actions as stated herein below.
- (f) *Order to remove unlawful inflow connection.* In the event an unlawful inflow connection is discovered on any premises, the superintendent may issue an order to the owner or occupant of the premises to remove such unlawful inflow connection within 30 days of the date of the order ("the initial thirty-day period"). Upon application of the owner or occupant, the superintendent may extend this period if the owner or occupant has, within the initial thirty-day period, made substantial efforts to remove the unlawful inflow connection, but is unable to complete the removal within the initial thirty-day period.
- (g) *Remedies for failure to remove unlawful inflow connection.* If the owner or occupant fails to remove the unlawful inflow connection within 30 days of the date of the order, or within any extension of the thirty-day period granted by the superintendent, the Rogers Water Utilities, at the direction of the superintendent, may take any, or all, or any combination of, as applicable, the following actions:
 - (1) Discontinue water service to the premises; discontinue sewer service to the premises; or both, as applicable, until the unlawful inflow connection is removed;
 - (2) Enter upon the premises and remove the unlawful inflow connection and charge the cost of the work, at the standard employee and equipment rates of the Rogers Water Utilities, to the owner or occupant of the premises;
 - (3) Employ a third-party contractor to enter upon the premises and remove the unlawful inflow connection and charge the cost of the work, at the employee and equipment rates agreed upon by RWU, to the owner or occupant of the premises;
 - (4) Invoke any other remedy available to the Rogers Water Utilities under this Code, or otherwise available to the Rogers Water Utilities at law or in equity, all said remedies being cumulative.
- (h) *Right of entry to inspect premises or remove unlawful inflow connection.* Whenever the superintendent has cause to believe that there exists, or potentially exists, in or upon any premises any unlawful inflow connection, the superintendent, or the superintendent's designated representatives, shall have the right to enter the premises at any reasonable time to determine if an unlawful inflow connection exists. Likewise, if the owner or occupant fails to remove the unlawful inflow connection as ordered under subsection (f) of this section, the superintendent, or the superintendent's designated representatives, shall have the right to enter the premises at any reasonable time to remove the unlawful inflow connection. In the event that the owner or occupant refuses entry after a request to enter has been made, the Rogers Water Utilities may seek assistance from a court of competent jurisdiction in obtaining such entry.

- (i) *Storm sewers.* Stormwater and all other uncontaminated drainage may be discharged to such sewers as are specifically designated as storm sewers in accordance with other applicable provisions of this Code, including, without limitation, the Uniform Development Code.
- (j) *Unlawful discharge of sewage and polluted waters.* It shall be unlawful to discharge to any natural outlet within the city, or in the sanitary sewer or any of the sewage works, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided and where a valid national pollutant discharge elimination system permit, and a wastewater discharge permit, if required, has been issued for such discharge.

(Code 1982, § 16-136; Code 1997, § 118-206; Ord. No. 22-66, § 1(Exh. 1), 12-13-2022; Ord. No. 24-34, § 9(Exh. A), 7-23-2024)

Sec. 54-234. Discharge of certain substances prohibited.

It shall be unlawful to discharge or cause to be discharged any of the following described waters or wastes into any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
- (2) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment or sludge disposal process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters or the sewage treatment plant, the limitation set forth in a national categorical pretreatment standard. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

The acceptance or refusal of any substance shall be determined as a result of technologically based limits as determined by the superintendent and approved by the waterworks and sewer commission.

- (3) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers or other interference with the proper operation of and the sewage works such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(Code 1982, § 16-137; Code 1997, § 118-207)

Sec. 54-235. Substances which may be prohibited.

- (a) No person shall discharge or cause to be discharged ~~the following described~~any substances, materials, waters or wastes, if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb or public property, or constitute a nuisance.
- (b) In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors.

~~(c) —The substances which may be prohibited are:~~

- (1) — Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (zero and 65 degrees Celsius).
- (2) — Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(Code 1982, § 16-138; Code 1997, § 118-208)

Secs. 54-236—54-263. Reserved.

DIVISION 4. PRIVATE SYSTEMS

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.

(Code 1982, § 16-41; Code 1997, § 118-231; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022)

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.

(Code 1982, § 16-42; Code 1997, § 118-232; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022)

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.

(Code 1982, § 16-43; Code 1997, § 118-233; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022)

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.

(Code 1982, § 16-44; Code 1997, § 118-234; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022)

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.

(Code 1982, § 16-45; Code 1997, § 118-235; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022)

Sec. 54-269. Operation and maintenance of facilities.

The owner or user shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(Code 1982, § 16-46; Code 1997, § 118-236)

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.

(Code 1982, § 16-47; Code 1997, § 118-237; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022)

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.

(Code 1982, § 16-48; Code 1997, § 118-238; Ord. No. 22-12, § 1(Exh. 1), 2-8-2022)

Secs. 54-272—54-290. Reserved.

DIVISION 5. LIQUID WASTES

Subdivision I. In General

Sec. 54-291. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means accepted as satisfactory under the terms of this article and given formal and official sanction by the approving authority.

Approving authority means the superintendent of the ~~city water utilities~~[Rogers Water Utilities](#) or his designated representative.

ADEQ means the ~~state department of environmental quality~~[Division of Environmental Quality of the Arkansas Department of Energy and Environment](#).

ADH means the Arkansas Department of Health.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or semisolid grease trap waste, grit trap waste, municipal or commercially produced sludge, and/or septage into or

on any land or water so that such waste or constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwaters.

~~*Disposal site* means a permitted site at which grease trap waste, grit trap waste, any commercial or industrial liquid waste, or septage is processed, treated, and/or intentionally placed into or on any land and at which the waste will remain after closure.~~ *means a permitted site at which Grease Interceptor waste, oil separator waste, any commercial or industrial liquid waste, or septage is processed, treated, and/or intentionally placed into or on any land and at which the waste will remain after closure.*

Disposer means a person who receives, stores, retains, processes or disposes of liquid waste.

Generator means a person who causes, creates, generates or otherwise produces liquid waste.

~~*Grease trap* means a watertight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semiliquid and/or solid wastes generated from commercial operations into the sanitary system to which the receptacle is directly or indirectly connected.~~

Grease Interceptor is the general term used to classify all gravity grease interceptors, grease removal devices, automated grease removal devices, hydromechanical grease interceptors and any other device that may intercept, collect, separate, and restrict the passage of FOG and settleable solids into the POTW from the wastewater stream of the Generator.

~~*Grease Interceptor trap*~~ *waste* means greasy, fatty liquid, semiliquid and/or solid wastes removed from commercial operations by a grease trap.

~~*Grit trap* means a watertight receptacle designed and constructed to intercept and prevent the passage of petroleum based oil, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.~~

~~*Grit trap waste*~~ *Oil Separator waste* means petroleum based oil, grease wastes and solids from commercial automotive or heavy machinery repair and/or washing facilities.

Hazardous waste means any liquid, semiliquid or solid waste, or combination of wastes, that meets one of the two criteria:

- (1) It has one of the following four characteristics:
 - a. Ignitibility;
 - b. Corrosivity;
 - c. Reactivity;
 - d. Toxicity (according to the toxicity characteristic leaching procedure or TCLP); or
- (2) It must be a listed hazardous waste in 40 CFR 261.31—261.33.

Liquid waste means waterborne solids, liquids and gaseous substances derived from a grease trap, grit trap, chemical/portable toilet and/or septic tank, and described as a grease trap waste, grit trap waste, septage or municipal, industrial or commercial sludges.

Manager means the person conducting, supervising, managing or representing the activities of the generator, transporter or disposer.

Manifest system means a system consisting of a multipart trip ticket used to document the generation, transportation and disposal of liquid waste.

Oil Separator means an approved and industry-standard system that is specifically designed and manufactured to separate petroleum oil from water and settle solids.

Oil Separator waste means petroleum based oil, grease wastes and solids from commercial automotive or heavy machinery repair and/or washing facilities.

Owner means the person who owns a facility or part of a facility.

Permit means the formal written document issued by the approving authority authorizing a person to drain, flush or clean out any tank containing liquid waste, septic tank waste or any type of sewage disposal waste and transport such waste over city streets or rights-of-way.

Permittee means a person granted a permit under this division.

Person means an individual, corporation (including a government corporation), organization, government, government subdivision or agency, federal agency, state, political subdivision of a state, interstate agency or body, business or business trust, partnership, association, firm, company, joint stock company, commission or any other legal entity.

POTW means publicly owned treatment works.

Prohibited discharges means any waste having the following characteristics:

- (1) Pollutants that will create a fire or explosive hazard.
- (2) Pollutants that will cause corrosive structural damage and/or have a pH lower than 5.0.
- (3) Solid or viscous pollutants in amounts that will cause obstruction to flow.
- (4) Oxygen-demanding pollutants discharged at a concentration or volume that will cause interference.
- (5) Any other type of waste that may be untreatable by the POTW or will interfere with the operation of the POTW.

Sanitary sewer means a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not admitted.

Septage means human waste removed from a portable toilet, chemical toilet or septic tank and small pet waste, excluding feed lot waste and the cleaning of trucks or trailers used in the transportation of stock animals, except as permitted.

Sludge means any liquid or semiliquid waste generated from industrial, commercial or municipal processes.

Special wastes means any solid waste or combination of solid wastes that, because of its quantity, concentration, physical or chemical characteristics or biological properties, requires special handling and disposal to protect the human health or the environment.

Spill means the accidental or intentional loss of unauthorized discharge of grease trap waste, grit trap waste and septage.

Tank means a device designed to contain an accumulation of grease trap waste, grit trap waste and septage which is constructed primarily of nonearthen materials to provide structural support for the containment.

Toxic waste means any liquid, semiliquid, or solid waste material which has the ability to chemically produce injury once it reaches a susceptible site in or on the body.

Transporter means a person who operates a vehicle for the purpose of transporting liquid waste.

Trip ticket means the prepaid shipping document originated and signed by the transporter which contains the information required by the approving authority.

Vehicle means a mobile device in which or by which liquid waste may be transported upon a public street or highway.

(Code 1982, § 16-183; Code 1997, § 118-239)

Sec. 54-292. Violations; penalty.

- (a) A person commits an offense if he allows liquid waste that emits noxious or offensive odors or is unsanitary or injurious to public health to accumulate upon property under his control.
- (b) A person commits an offense if he unloads or offers for sale or exchange liquid waste anywhere except at a place permitted by the city, the state or the federal government.
- (c) A person commits an offense if he deposits or discharges liquid waste onto a street or into a storm or sanitary sewer or an area that drains into the storm sewer system.
- (d) Any person, operator or owner who violates any provision of this division or who fails to comply with any provision of this division shall be guilty of a misdemeanor.
- (e) Any person found guilty of violating any provision of this division shall become liable to the city for any expense, loss, or damage occasioned by the city for proper cleanup and proper disposal of the waste material.

(Code 1982, § 16-200; Code 1997, § 118-251)

Sec. 54-293. Applicability.

Any person engaged in the transportation or disposal of liquid waste materials in the city shall have a permit therefor as required by this division.

(Code 1982, § 16-181; Code 1997, § 118-240)

Sec. 54-294. Approval of operation.

The disposal site and method must be approved by the city and an acceptable log of operation shall be maintained by the transporter and made available for inspection by the city at any reasonable time.

(Code 1982, § 16-182; Code 1997, § 118-241)

Sec. 54-295. Permit required.

- (a) It shall be unlawful for any person to operate or cause to be operated a vehicle for the purpose of transporting liquid waste without a permit issued by the approving authority. The permit shall designate the liquid waste authorized for transportation in each vehicle. A separate permit shall be issued for each vehicle.
- (b) A person who desires a permit must make application on a form provided by the approving authority.

- (c) A person who desires a permit must submit with his application a photocopy of the manager's drivers license. A permittee shall notify the approving authority of manager employment changes during the permit period and shall provide the approving authority a copy of the new manager's drivers license.
- (d) The approving authority shall not issue a permit unless the applicant submits for inspection by the approving authority the vehicle the applicant proposed to use to transport liquid waste and the vehicle is found by the approving authority to be constructed and equipped in accordance with the provisions of this division.
- (e) A permit is not transferable.
- (f) A permit issued by the city excludes the hauling of materials that are hazardous in nature.
- (g) Transporters transporting hazardous wastes must have the applicable state department of health and U.S. Environmental Protection Agency (EPA) registration number and use the appropriate EPA manifest system.
- (h) Each applicant must specify the disposal site or sites to be used for the authorized disposal of hazardous wastes. The approving authority shall be immediately notified of additional disposal sites used during the permit period.

(Code 1982, § 16-191; Code 1997, § 118-242)

Sec. 54-296. Insurance.

As a prerequisite to the issuance of any permit required by this division, the permittee shall file with the ~~clerk-treasurer~~[city clerk-treasurer](#) and shall thereafter keep in full force and effect at all times:

- (1) A policy of comprehensive general liability insurance with a company authorized to do business in the state in minimum amounts of \$100,000.00 per person for bodily injury, \$300,000.00 per occurrence for bodily injury, and \$50,000.00 per occurrence for property damage.
- (2) A policy of automobile liability insurance covering the operation of each vehicle used in such business, in the minimum amounts of \$100,000.00 per person for bodily injury, \$300,000.00 per occurrence for bodily injury, and \$50,000.00 per occurrence for property damage. The city shall be named as an additional insured in all insurance policies required by this article. Each insurance policy shall require notice from the insured and/or insurer to the clerk-treasurer at least 30 days prior to cancellation by the insurer or the insured.

(Code 1982, § 16-192; Code 1997, § 118-243; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

Sec. 54-297. Fees.

- (a) Each applicant shall pay a fee for each permitted vehicle as currently established or as hereafter adopted by resolution of the city council from time to time. Each permit must be renewed annually.
- (b) Each permitted transporter shall pay a fee specified by the ~~city water utilities~~[Rogers Water Utilities](#) for each discharge to the city-approved disposal site.

(Code 1982, § 16-193; Code 1997, § 118-244)

Sec. 54-298. Display of permit number.

- (a) Each permitted vehicle under this division shall display the following:

R O G ____ _

The blank spaces shall contain the city permit number.

- (b) Each permittee shall display the permit number.
- (c) The permit number shall be centered and six to 12 inches from the bottom of each vehicle door.
- (d) The permit holder shall place the vehicle permit number on each vehicle before the vehicle is operated.
- (e) The permit holder shall keep the permit receipt or a copy in the vehicle at all times.

(Code 1982, § 16-194; Code 1997, § 118-245)

Sec. 54-299. Vehicle maintenance.

A liquid waste transporter shall:

- (1) Maintain tanks, pumps, valves, hoses, racks, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good repair and free from leaks.
- (2) Provide a safety plug or cap for each vehicle or tank.
- (3) Cause a vehicle exterior to be clean and the vehicle odor free at the beginning of each workday.

(Code 1982, § 16-195; Code 1997, § 118-246)

Sec. 54-300. Vehicle inspection.

A liquid waste transporter's vehicle shall be inspected by the approving authority prior to the issuance of a vehicle permit. To qualify for a permit, a vehicle must comply with the following requirements:

- (1) The sample tank shall be an integral part of a vehicle to transport liquid waste; portable tanks or other containers temporarily installed in vehicles are prohibited.
- (2) Piping, valves and connectors shall be permanently attached to tank and/or vehicle.
- (3) Tanks shall be liquidtight.
- (4) Tanks shall be constructed so that every interior and exterior portion can be easily cleaned.
- (5) Piping, valves and connections shall be accessible and easy to clean.
- (6) Opening of tank shall be constructed so that collected waste will not spill during filling, transfer or transport.
- (7) Outlet connections shall be constructed so that no liquid waste will leak, run or spill out from the vehicle.
- (8) Outlets shall be of a design and type suitable for the liquid waste handled and capable of controlling flow or discharge without spillage and undue spray on or flooding of immediate surroundings while in use.
- (9) Pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the type of waste handled, capable of operation without spillage, spray or leakage, and capable of being easily disassembled for cleaning.

(Code 1982, § 16-196; Code 1997, § 118-247)

Sec. 54-301. Additional rules and regulations.

The approving authority may promulgate rules and regulations necessary to carry out the provisions of this division and to protect the public from health and safety hazards. The approving authority may amend any permit issued under this division to ensure compliance with applicable laws and regulations.

(Code 1982, § 16-197; Code 1997, § 118-248)

Sec. 54-302. Denial, suspension and/or revocation of permit.

- (a) The approving authority may deny a permit if it is determined that an applicant is not qualified under sections 54-294 through 54-299 and may suspend or revoke a permit if it is determined that permittee:
 - (1) Is not qualified under sections 54-294 through 54-299;
 - (2) Has violated a provision of this article;
 - (3) Has failed to pay a required fee;
 - (4) Has failed to comply with maintenance or inspection requirements;
 - (5) Has failed to deliver trip tickets to the approving authority.
- (b) After suspension under this section, a permittee may file a request for reinstatement of the permit. When the approving authority determines that the permittee is again qualified, all violations have been corrected, precautions have been taken to prevent future violations and all required fees have been paid, he shall reinstate the permit.
- (c) The approving authority may revoke for a period of one year or less all permits held by a liquid waste transporter if the transporter or an employee of the transporter violates any of the provisions of this division, rule or regulation promulgated by the approving authority, or applicable provisions of this Code or state law.
- (d) A permittee whose permit is suspended or revoked shall not collect, transport or dispose of any waste materials within the jurisdiction of the approving authority.

(Code 1982, § 16-198; Code 1997, § 118-249)

Sec. 54-303. Appeal.

If the approving authority denies the issuance of a permit or revokes a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the action and the right to an appeal. The applicant or permit holder may appeal the decision of the approving authority in writing to the [city](#) waterworks and sewer commission.

(Code 1982, § 16-199; Code 1997, § 118-250)

Secs. 54-304—54-324. Reserved.

Subdivision II. Building Sewers

Sec. 54-325. Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written building sewer permit from the superintendent. At least 72 hours' prior notice shall be given to the superintendent before any new, approved connection or repair to a connection is made.

(Code 1982, § 16-76; Code 1997, § 118-325)

Sec. 54-326. Classes of permits.

There shall be two classes of building sewer permits: class A permits for residential and commercial service; and class B permits for service to establishments producing industrial wastes.

(Code 1982, § 16-77; Code 1997, § 118-326)

Sec. 54-327. Costs, expenses.

All costs and expenses incident to the evaluation of a permit application and the issuance of a permit and connection of the building sewer, shall be borne by the person applying for the permit, and such person shall indemnify the city from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

(Code 1982, § 16-78; Code 1997, § 118-327)

Sec. 54-328. Separate sewer required for each building, exception.

- (a) Except as listed in subparagraph (b) below, a separate and independent building sewer shall be provided for every building.
- (b) Exceptions. A separate and independent building sewer shall not be required when:
 - (1) One building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway (in such a case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer or);
 - (2) Buildings comprise a commonly owned, leased unit development; or
 - (3) Building drains from individually owned buildings or living units are situated on "common" property that is maintained by a homeowner's association or other governing body and building drains are identified as a common element of the property.

(Code 1982, § 16-79; Code 1997, § 118-328; Ord. No. 22-66, § 1(Exh. 1), 12-13-2022)

Sec. 54-329. Use of old building sewers in new buildings.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this subdivision.

(Code 1982, § 16-80; Code 1997, § 118-329)

Sec. 54-330. Construction codes, specifications generally.

- (a) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.
- (b) In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the state plumbing codes and WPCF Manual of Practice No. 9 shall apply.

(Code 1982, § 16-81; Code 1997, § 118-330)

Sec. 54-331. Grade; lifting when required.

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

(Code 1982, § 16-82; Code 1997, § 118-331)

Sec. 54-332. Surface drainage.

It shall be unlawful to make or maintain connection of roof downspout, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Code 1982, § 16-83; Code 1997, § 118-332)

Sec. 54-333. Specifications for connection.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the state plumbing code and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(Code 1982, § 16-84; Code 1997, § 118-333)

Sec. 54-334. Notification for inspection and connection.

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent.

(Code 1982, § 16-85; Code 1997, § 118-334)

Sec. 54-335. Guarding excavations; restoring public property.

- (a) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- (b) Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be reconstructed to comply with the requirements of applicable codes.

(Code 1982, § 16-86; Code 1997, § 118-335)

Secs. 54-336—54-358. Reserved.

Subdivision III. Operation

Sec. 54-359. Responsibilities of—Generator.

- (a) A generator of liquid waste within the city shall have all liquid waste material picked up from his premises by a liquid waste transporter who holds a valid permit from the city and the liquid waste shall be transported to an approved site for disposal.
- (b) A generator of liquid wastes shall not have liquid waste in combination with hazardous waste removed from the premises by a liquid waste transporter operating under a city permit.
- (c) A generator shall:
 - (1) Install or provide collection device of size and type specified by the approving authority;
 - (2) Maintain collection device in continuous proper operation;
 - (3) Supervise proper cleaning of collection device;
 - (4) Report spills and accidents involving a collection device to the approving authority within 24 hours;
 - (5) Clean up spills and accidents immediately and have all waste material properly disposed of by permitted transporter.

(Code 1982, § 16-211; Code 1997, § 118-350)

Sec. 54-360. Same—Transporter.

- (a) Before accepting a load of liquid waste for transportation, a liquid waste transporter shall:
 - (1) Determine the nature of the material to be transported; and
 - (2) Ensure that the equipment is sufficient to properly handle the job without spillage, leaks or release of toxic or harmful gases, fumes, liquids or other substances.
- (b) Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.
- (c) A transporter with a city liquid waste transporter permit shall not transport hazardous materials in vehicles permitted by the city for transporting liquid waste.
- (d) A transporter holding a city permit must use a disposal site approved by the city, the state or the federal government.

- (e) A transporter with a city liquid waste transporter permit must satisfy liquid waste transport manifest system requirements.

(Code 1982, § 16-212; Code 1997, § 118-351)

Sec. 54-361. Same—Disposer.

- (a) A liquid waste disposer shall not allow accumulation of liquid waste on his premises so that rainfall could carry the material to storm sewers or create a noxious odor or health hazard.
- (b) A liquid waste disposer shall:
 - (1) Obtain and maintain compliance with all licenses and/or permits required by local, state or federal law;
 - (2) Accept waste only from permitted transporters;
 - (3) Maintain trip ticket copies for a period of three years;
 - (4) Accept only those classes of waste authorized by license or permit;
 - (5) Make available all records required to be kept for inspection by the approving authority during normal business hours.

(Code 1982, § 16-213; Code 1997, § 118-352)

Sec. 54-362. Corporation or association responsible for conduct of agents.

In addition to prohibiting conduct by natural persons, it is the intent of this subdivision to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting in behalf of a corporation or association and within the scope of the office or employment.

(Code 1982, § 16-214; Code 1997, § 118-353)

Sec. 54-363. Manifest system.

- (a) A manifest system consisting of a multipart trip ticket shall be used to document the generation, transportation and disposal of all applicable liquid waste generated in the city.
- (b) Requirements for satisfying the manifest system are:
 - (1) Trip tickets shall be obtained prior to collection by the transporter from the city water utilities.
 - (2) A transporter shall complete one trip ticket for each location serviced.
 - (3) A copy of the trip ticket shall be signed by the transporter at the time of waste collection and a copy thereof shall be maintained by the generator.
 - (4) A copy of the trip ticket shall be signed by the disposer at the time of disposal and a copy maintained by the disposer.
 - (5) A copy of the trip ticket shall be maintained by the transporter for a period of three years.
 - (6) A copy of the completed trip tickets shall be delivered by the tenth of the month to the city water utilities by the transporter.
 - (7) A copy of all trip tickets shall be maintained by the approving authority for a period of three years.

(Code 1982, § 16-215; Code 1997, § 118-354)

Sec. 54-364. Discharge into municipal collection system.

- (a) Only residential septic tank waste originating within the city water service area, portable toilet septage located temporarily within the territorial jurisdiction of the city, and nonindustrial waste originating from recreational facilities operated by the U.S. Army Corps of Engineers may be discharged into the city municipal collection system, at a location and time specified by the approving authority.
- (b) Discharges into the mains, trunks, interceptors, laterals, manholes, cleanouts or other units of the municipal wastewater collection system are not permitted.
- (c) A permitted liquid waste transporter shall not discharge any prohibited wastes into the municipal collection system.

(Code 1982, § 16-216; Code 1997, § 118-355)

Secs. 54-365—54-386. Reserved.

ARTICLE V. PRETREATMENT REGULATIONS

DIVISION 1. GENERAL PROVISIONS

Sec. 54 - 387. Purpose and policy

(a) This Article sets forth uniform requirements for Users of the publicly owned treatment works (POTW) for the City of Rogers, Arkansas and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. sections 1251 *et seq.*) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Article are:

- (1) to prevent the introduction of pollutants into the POTW that will interfere with its operation;
- (2) to prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (3) to protect POTW personnel who may be affected by contact with wastewater and biosolids in the course of their employment and to protect the general public;
- (4) to ensure that the quality of the wastewater treatment plant biosolids is maintained at a level to allows its use and disposal in compliance with applicable statutes and regulations;
- (5) to improve the opportunity for the reuse and recycling of wastewater and biosolids from the POTW;
- (6) to provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;

(7) to enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and

(8) to encourage Industrial User waste minimization, recycling/reuse, best management practices; and water, resource and energy conservation through pollution prevention activities.

(b) This Article shall apply to all Users of the POTW. This Article authorizes the issuance of industrial wastewater discharge permits, provides for monitoring, compliance, and enforcement activities, establishes administrative review procedures; requires User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(c) In the event any provision of this Article that amends, replaces, or repeals a previous provision of the Code of Ordinances of the City of Rogers is invalidated or fails to obtain any required regulatory approval, that previous portion of the Code that was so amended, replaced, or repealed shall be automatically reinstated so that the City shall at all time maintain its pretreatment program.

Sec. 54 - 388. Administration

Except as otherwise provided herein, the Superintendent of the Rogers Water Utilities or the Superintendent's duly authorized representative(s) shall administer, implement, and enforce the provisions of this Article.

Sec. 54 - 389. Abbreviations

The following abbreviations, when used in this Article, shall have the designated meanings:

<u>DEQ</u>	<u>Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ)</u>
<u>BMP</u>	<u>Best Management Practice</u>
<u>BOD</u>	<u>Biochemical Oxygen Demand</u>
<u>CBOD</u>	<u>Carbonaceous Biochemical Oxygen Demand</u>
<u>CFR</u>	<u>Code of Federal Regulations</u>
<u>COD</u>	<u>Chemical Oxygen Demand</u>
<u>DMR</u>	<u>Discharge Monitoring Report</u>
<u>EPA</u>	<u>U.S. Environmental Protection Agency</u>
<u>mg/L</u>	<u>milligrams per liter or parts per million</u>
<u>NOV</u>	<u>Notice of Violation</u>
<u>NPDES</u>	<u>National Pollutant Discharge Elimination System</u>
<u>O&M</u>	<u>Operation and Maintenance</u>
<u>POTW</u>	<u>Publicly Owned Treatment Works</u>
<u>RCRA</u>	<u>Resource Conservation and Recovery Act</u>
<u>SIU</u>	<u>Significant Industrial User</u>
<u>SNC</u>	<u>Significant Noncompliance</u>
<u>TRC</u>	<u>Technical Review Criteria</u>
<u>TSS</u>	<u>Total Suspended Solids</u>
<u>U.S.C.</u>	<u>United States Code</u>
<u>WWTP</u>	<u>Waste Water Treatment Plant</u>

Sec. 54 - 390. Definitions

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

Act or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act , as amended, 33 U.S.C. § 1251 et seq.

Approval Authority means the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ)

Ammonia or NH₃ as N means the amount of ammonia as the element N as measured by laboratory procedures, usually expressed as a concentration (e.g., mg/L).

Authorized or Duly Authorized Representative of the User means

(1) If the User is a corporation:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for industrial wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively;

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate another Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Control Authority.

Baseline Monitoring Report means information provided to the Control Authority by all new source Industrial Users subject to categorical pretreatment standards at least 90 days prior to the

commencement of discharge or by all existing sources within 180 days after the effective date of any applicable categorical standard in accordance with 40 CFR 403.12(b). The purpose of the baseline monitoring report is to provide information to the Control Authority including identifying information, description of existing environmental permits, description of operations, flow measurements, and the concentration of pollutants in the wastestream.

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, general good housekeeping practices, design standards, operational practices, maintenance procedures, educational activities and other management practices to implement the prohibitions listed in 54-414 and 54-415 of this Article [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Biochemical Oxygen Demand, BOD or BOD₅ means the quantity of oxygen depleted in the biochemical oxidation of organic matter by microorganisms as measured by laboratory procedures, for 5 days at 20°C, usually expressed as a concentration (e.g., mg/L).

Bypass means the intentional diversion of wastewater from any portion of a User's treatment facility.

Carbonaceous Biochemical Oxygen Demand, CBOD or CBOD₅ means the quantity of oxygen depleted in the biochemical oxidation of organic matter by microorganisms as measured by laboratory procedures, for 5 days at 20°C; however, the contribution from nitrogenous bacteria oxidizing ammonia is suppressed, usually expressed as a concentration (e.g., mg/L).

Categorical Pretreatment Standard or Categorical Standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Secs. 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical Industrial User means an Industrial User subject to one or more of EPA's categorical pretreatment standards.

Chemical Oxygen Demand or COD means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water as measured by laboratory procedures, usually expressed as a concentration (e.g., mg/L).

City means the City of Rogers, Arkansas.

Code of Federal Regulations or CFR means a publication of the United States government that contains all of the finalized federal regulations.

Combined Wastestream Formula means procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream from a Categorical Industrial User is combined with other wastestreams prior to treatment as described in 40 CFR 403.6(e).

Composite Sample means a sample resulting from the collection of individual samples obtained at regular intervals either based on time intervals or flow intervals.

Control Authority means the jurisdictional entity that oversees the implementation of the National Pretreatment Program at the local level. The Control Authority is the Rogers Water Utilities. The Control

Authority shall act through the Superintendent of the Rogers Water Utilities or the Superintendent's duly authorized representatives.

Daily Maximum Limit means the maximum allowable discharge limit of a pollutant during a calendar day used to determine Permit compliance. Daily Maximum Limits are expressed in units of mass or units of concentration.

Effluent means outward flowing wastewater or other liquid (raw, untreated, partially or completely treated).

Environmental Protection Agency or EPA means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

Existing Source means any source of discharge that is not a "New Source."

Fats, Oil, and Grease (or Oil and Grease) means materials of vegetable, animal and mineral origin as measured by laboratory procedures, usually expressed as a concentration (e.g., mg/L). Vegetable and animal-based oil and grease occur at food processors and food service establishments (restaurants) and are considered polar. Mineral based oil and grease occur at businesses using petroleum-based materials and are considered non-polar. Both polar and non-polar can be degraded by acclimated microorganisms. Oil and grease can cause blockages or clogging in sanitary sewer lines.

Grab Sample means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes. Multiple samples can be combined as one representative sample as long as the 15-minute time limit is not exceeded.

Hauled Liquid Waste means any residential or approved commercial wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks that is hauled to the POTW as regulated by the Control Authority under Article IV Division 5 of this Chapter.

Indirect Discharge or Discharge means the flow of pollutants to the POTW from any non-domestic source.

Industrial User or User or IU means any non-domestic source that contributes, causes or permits the contribution of wastewater into the City's POTW.

Industrial Wastewater Discharge Permit means an authorization or equivalent control document issued by the City to Industrial Users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this Article.

Industrial Wastewater means water or liquid-carried waste from any industry, manufacturing operation, trade or business which includes any combination of process wastewater, cooling water, contaminated stormwater, contaminated leachates, or other waters such that the combined effluent differs in some way from purely domestic sewage, or is subject to regulation under Federal categorical pretreatment standards, State regulations, or this Article.

Instantaneous limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means a discharge, which alone or in conjunction with a discharge or discharges from other sources, either

- (1) Inhibits or disrupts the POTW, its treatment processes or operation;
- (2) Inhibits or disrupts sludge processes, use or disposal; or
- (3) Is the cause of a violation of the City's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of wastewater sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limit. means specific discharge limits developed and enforced by the Control Authority upon industrial or commercial facilities, to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Medical Waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average Limit means the highest allowable average of "daily discharges" over a calendar month used to determine Permit compliance; calculated as the sum of all discharges measured during a calendar month divided by the number of daily discharges measured during that month.

National Pollutant Discharge Elimination System or NPDES means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under the Clean Water Act.

New Source means

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The building, structure, facility, or installation is constructed for production or wastewater generating processes, which are substantially independent of an existing source at the same site. Substantially independent shall be determined by factors such as the extent to which the new facility is integrated with the existing plant, and the extent

to which the new facility is engaged in the same general type of activity as the existing source.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) For the purpose of this definition, construction is deemed to commence when:

a. The owner or operator of the facility has entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation herein; or when

b. The following are begun as part of a continuous on-site construction:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source facilities or equipment.

North American Industry Classification or NAIC means the industry classification system developed to provide a consistent framework for the collection, analysis and dissemination of industrial statistics and used by the statistical agencies of the United States.

Overloading means a condition occurring when discharges from Users (singly or in combination) contain conventional pollutants that the WWTP is designed to treat but in quantities that exceed the design capacity of the WWTP.

Pass Through means when discharges from Users (singly or in combination) cause one or more pollutants to "pass through" the WWTP untreated or partially treated. The WWTP's effluent is discharged into the receiving stream (waters of the State or, as applicable, waters of the United States) containing pollutant levels which either cause a violation of any requirement of a City NPDES permit, including an increase in the magnitude or duration of a violation, or cause a violation of any water quality standard of the receiving stream.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

pH means a measure of the acidity or alkalinity of a solution, expressed in standard units (SU). The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions is expressed in grams per liter of solution.

Pharmaceutical drug means any chemical substance intended for use in the medical diagnosis, cure, treatment, or prevention of disease. Also referred to as medicine, medication or medicament.

Phosphorus as P or T-P means the total amount of phosphorus as the element P as measured by laboratory procedures, usually expressed as a concentration (e.g., mg/L).

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, residential, commercial and industrial wastewater, garbage, sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (including, but not limited to, NH₃-N, CBOD, COD, pH, T-P, temperature, TSS, turbidity, color, toxicity or odor).

Pollution Prevention or P2 means the reduction of waste generation at a source including a practice that reduces the amount of a hazardous substance, pollutant, or contaminant entering a wastewater or released into the environment before recycling, treatment, or disposal, and/or reduces a hazard to public health and the environment associated with the release of a hazardous substance, pollutant or contaminant.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW in accordance with 40 CFR 403.3 (q). This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment Program or Program means a program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9, and which has been approved by the Approval Authority in accordance with 40 CFR 403.11.

Pretreatment Requirement means any substantive or procedural requirement related to pretreatment imposed on an Industrial User, other than a pretreatment standard.

Pretreatment Standards or Standards means any regulation which applies to Industrial Users that contains pollutant discharge limits promulgated by the EPA in accordance with the Act, to include prohibited discharge standards and categorical pretreatment standards, and local limits.

Prohibited Discharge Standards or Prohibited Discharges means absolute prohibitions against the discharge of certain substances; these prohibitions appear in sections 54-414 and 54-415 of this Article.

Publicly Owned Treatment Works or POTW means any City owned sewage treatment works, as defined by section 212 of the Act (33 U.S.C. 1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of residential, commercial or compatible industrial wastewater and any conveyances, which convey wastewater to a treatment plant.

Rogers Water Utilities means the municipal water and sewer utility of the City of Rogers, Arkansas, consisting of the Water Department and the Sewer Department, operated under common management, and being supervised by the Rogers Waterworks and Sewer Commission of the City of Rogers, Arkansas ("the Commission"), a combined waterworks and sewer commission established by City of Rogers Ordinance No. 86-10, codified at Section 54-1, *et. seq.* of the Code of Ordinances of the City of Rogers, Arkansas.

Resource Conservation and Recovery Act or RCRA means a Federal statute regulating the management of hazardous waste from its generation through ultimate disposal. The Act contains requirements for

waste generators, transporters, and owners and operators of treatment, storage, and disposal facilities [42 USC 6901 et seq.].

Sewage or Sanitary Sewage means water-carried human waste or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

Sewer means any pipe, conduit, ditch or other device used to collect and transport sewage from the generating source.

Significant Industrial User or SIU means any Industrial User of the POTW that:

(1) Is subject to categorical pretreatment standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N, or

(2) Any other Industrial User that:

a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or

b. Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or

c. Is designated as such by the City as defined in 40 CFR § 403.12(a) on the basis that the User has a reasonable potential, either singly or in combination with other contributing industries, for adversely affecting the City's wastewater collection and/or the POTW operation, the quality of sludge, the system's effluent quality, or air emissions generated by the system or for violating any pretreatment standard or requirement.

(3) Upon the subsequent finding that a User, which had met the above criteria in subsection (2), no longer has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a written request from the Industrial User and in accordance with procedures in 40 CFR § 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Significant Noncompliance or SNC, for the purposes of this Article, shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the wastewater measurements for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR § 403.3(l);

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements for the same pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l), multiplied by the applicable factor of 1.4 for CBOD, COD, TSS, oil and grease, NH3-N and T-P and 1.2 for all other pollutants except pH;

(3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR § 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the City determines has caused, alone or in combination with other discharges, interference, pass through, or the endangerment of the health and safety of City personnel or the general public;

(4) Any discharge of a pollutant(s) that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety days of the scheduled date, a compliance schedule milestone contained in an indirect discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of Best management practices, which the City determines, will adversely affect the operation or implementation of the City's Pretreatment Program.

Slug Load or Slug Discharge means any discharge at a flow rate or concentration that could cause a violation of the prohibited discharges in sections 54-414 and 54-415 of this Article, or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions.

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended Solids or TSS means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Superintendent of the Rogers Water Utilities is the chief administrator and manager of the Rogers Water Utilities appointed by the Commission. See Control Authority.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with permit limits because of factors beyond the reasonable control of the User. An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User or Industrial User means a source of indirect discharge. See Industrial User.

Wastewater means liquid and water-carried wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater discharge limits means instantaneous, daily, monthly average, long term average or narrative standard used to determine compliance with Permit conditions. Violations of each type of limit within a Permit must be evaluated independently to determine Significant Noncompliance.

Wastewater Treatment Plant or WWTP means that portion of the POTW that is designed to provide treatment of residential, commercial and industrial wastewater.

Wet or Dry Wipe means a piece of paper or cloth used for cleaning purposes which, unlike toilet paper, is non-dispersible and non-biodegradable. This includes, but is not limited to, baby and facial wipes, "flushable wipes," paper towels, dusting wipes, cleaning wipes, and disposable mop heads. These products are considered "non-flushable" regardless of packaging claims.

Sec. 54 - 391. Designated meanings

The terms "Shall", "Must" and "Will" are mandatory while the term "May" is permissive or discretionary when used in this Article.

DIVISION 2. PROHIBITED DISCHARGE STANDARDS

Sec. 54 - 414. General prohibitions

(a) The following general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(b) No User shall introduce or cause to be introduced into the POTW any pollutant, substance or wastewater that causes:

- (1) Treatment plant upset;
- (2) Pass Through or contributes to pollution of the POTW's receiving waters;
- (3) Interference with the operation of the POTW;
- (4) The POTW to be in violation of the NPDES permit;
- (5) Damage to the POTW;
- (6) A hazard to property, public health or safety;
- (7) Flow rate or quantity that exceeds the carrying capacity of the collection system.

Sec. 54 - 415. Specific prohibitions

(a) No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which alone or by interaction with other substances, create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR § 261.21;

(2) Wastewater having a pH less than 5.0 or greater than 12.0 or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which may cause stoppage or obstruction to the flow in the POTW such as, but not limited to, fats, oil and grease, ashes, sand, plastic, wood, garbage, butcher waste, diapers, wet or dry wipes, disposable mop heads, paper products, etc. Any additional sewer or sewerage maintenance expenses attributable thereto will be charged to the User by RWU;

(4) Pollutants, including oxygen-demanding pollutants (BOD, CBOD, COD, ammonia, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will overload the treatment capacity of the WWTP or cause interference, thereby potentially causing a violation of the City's NPDES permit;

(5) Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the WWTP resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause flow obstructions, Interference or Pass Through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity or concentration that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants except at discharge points designated by the Control Authority. The Control Authority may prohibit the disposal of any hauled waste that interferes with the POTW operations, causes Pass Through or adversely affects the quality of the POTW sludge;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater with objectionable color that cannot be removed by the WWTP treatment process, such as, but not limited to, dye wastes, printing ink and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby potentially causing a violation of the City's NPDES permit;

- (11) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Control Authority in an industrial wastewater discharge permit in compliance with applicable State or Federal regulations;
 - (12) Storm Water, surface water, ground water, artesian well water, roof runoff, sub-surface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Control Authority;
 - (13) Sludges, screenings or other residues from the pretreatment of industrial wastes or other prohibited waste, except as specifically authorized by the Control Authority;
 - (14) Medical wastes, except as specifically authorized by the Control Authority;
 - (15) Wastewater which, alone or in conjunction with other sources, causes the POTW's effluent to fail a toxicity test;
 - (16) Detergents, surface-active agents, or other substances at levels which may cause excessive foaming in the POTW and/or its effluent;
 - (17) Fats, oils, or greases of animal or vegetable origin, or similar material in amounts that result in flow obstructions, Overloading, Interference, or Pass Through;
 - (18) Wastewater causing a single reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10% of the Lower Explosive Limit (LEL) of the meter;
 - (20) Antifreeze or a coolant solution used in a vehicle or motorized equipment;
 - (21) Any enzyme, chemical or other agent that emulsifies and/or allows fat, oil, grease or a solid to pass through a pretreatment facility, except as specifically authorized by the Control Authority;
 - (21) Drainage water or ground water contaminated by a prohibited pollutant, except as specifically authorized by the Control Authority;
 - (23) Pharmaceutical drugs from any hospital, medical office, medical facility, or any commercial, for-profit entity; and/or
 - (24) Any substance which may cause the POTW's effluent or any other product of the POTW, such as biosolids, residues, sludges or scums, to be unsuitable for normal landfill, land application, reclamation and reuse or to interfere with the reclamation process.
- (b) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in a manner that causes a discharge to the POTW. A User may not connect a waste storage container or tank to the sanitary sewer without written approval of the Control Authority.

DIVISION 3. PRETREATMENT STANDARDS

Sec. 54 - 446. National categorical pretreatment standards

Except as provided in Section 54-447 below, Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, which are incorporated herein by reference.

Sec. 54 - 447. Modifications to categorical pretreatment standards

The Control Authority may modify categorical pretreatment standards under the following circumstances:

(a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with 40 CFR § 403.6(c).

(b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Control Authority shall impose an alternate limit using the combined wastestream formula in 40 CFR § 403.6(e).

(d) The Control Authority may grant a net gross adjustment to a User subject to a categorical standard in accordance with 40 CFR § 403.15.

(1) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this section. Any User wishing to obtain credit for intake pollutants must make an application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this section are met.

(2) Criteria.

a. Either (i) The applicable categorical pretreatment standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as carbonaceous biochemical oxygen demand (CBOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake

water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this section.

d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.

(e) The Control Authority may grant a variance from the limits specified in a categorical pretreatment standard to a Categorical Industrial User if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR § 403.13, that factors relating to the User's discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard. The User requesting variance must file a formal request to the Control Authority, along with the permit application for an industrial waste discharge permit.

Sec. 54 - 448. State pretreatment standards. – Reserved.

Sec. 54 - 449. Local limits

(a) To protect against pass through, interference, and overloading, no User shall discharge or cause to be discharged any wastewater or waste having pollutant concentrations that would exceed a Local Limit developed from time to time by the Control Authority as established in the City's Pretreatment Program. Local limits shall be established, as required by 40 CFR § 403.5(c), using standard procedures, calculations and methods outlined in the most current EPA Local Limits development guidance document and must be acceptable to DEQ.

(b) Local limits may be expressed as numerical values, narrative statements, and/or best management practices. The local limit shall be technically based on the POTW's capacity to receive the wastewater load or headworks loading, and allow the POTW to meet NPDES permit requirements.

(c) Technically based local (concentration or mass) limits (TBLL) shall apply at the point where the industry waste is discharged to the POTW as described in the industrial wastewater discharge permit.

(d) All concentrations for metal pollutants shall be for total metal unless otherwise indicated.

(e) The Control Authority may impose mass limitations in addition to or in lieu of the concentration based local limits to protect the POTW and/or prevent prohibited dilution of pollutants.

(f) The Control Authority may select any allocation and implementation method that results in enforceable local limits and may choose one approach for some pollutants and another approach for other pollutants depending on:

- (1) the amount of loading available to Users;
- (2) the number of Users discharging a given pollutant;
- (3) each User's current loading and need for a continued loading allocation;
- (4) each User's ability to apply pretreatment to achieve certain limits;
- (5) the feasibility of making concentration limits progressively more stringent as a User's flow increases; or
- (6) any other factor that the Control Authority deems relevant.

(g) When local limits are necessary, they shall be implemented as individual limits in User industrial wastewater discharge permits. The City will provide notice to the affected Users and shall allow them the opportunity to respond.

(h) Best management practices may be used in addition to or in lieu of discharge limits or pretreatment requirements. BMPs may be applied when:

- (1) there is not sufficient flow from a User to obtain a representative wastewater sample;
- (2) the proposed limit is less than the detection limit and/or the quantification level of the most stringent analytical procedure; and/or
- (3) the BMP is clearly the most feasible method for regulating the pollutant of concern.

Sec. 54 - 450. Right of revision

The City reserves the right to establish, by ordinance, resolution, industrial waste discharge permit, or other appropriate means, more stringent discharge standards or requirements to protect the POTW.

Sec. 54 - 451. Dilution prohibition

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Control Authority may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

DIVISION 4. PRETREATMENT OF WASTEWATER

Sec. 54 - 470. Pretreatment facilities

Users shall provide wastewater treatment as necessary to comply with this Article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in sections 54-414 and 54-415 within the time limitations specified by EPA, the State, or the Control Authority, whichever is more stringent. Any facilities and measures required for compliance shall be provided, operated and maintained at the User's expense.

Sec. 54 - 471 Pretreatment facilities plans

Detailed plans describing such facilities and operating procedures shall be submitted to the Control Authority for review and shall be acceptable to the Control Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Article. Subsequent changes or modifications to the pretreatment facilities or methods of operation shall likewise be submitted to the Control Authority for review prior to being implemented and must be acceptable to the Control Authority.

Sec. 54 - 472. Facilities inspection and approval

A User may not discharge wastewater to the POTW from or through a pretreatment facility until the facility's design, size, construction plan, installation and connection to the POTW has been inspected and approved by the Control Authority. The Control Authority may require a pretreatment facility, process, device, agent or product to be tested prior to use or commencement of a discharge to the POTW.

Sec. 54 - 473. Additional pretreatment measures

- (a) The Control Authority may require Users discharging to the POTW to:
- (1) Restrict or equalize the rate of discharge during peak flow periods;
 - (2) Designate that certain wastewater be discharged only into specific sewers;
 - (3) Relocate and/or consolidate points of discharge;
 - (4) Separate domestic wastestreams from industrial wastestreams;
 - (5) Implement other control measures as may be necessary to protect the POTW or determine the User's compliance with the requirements of this Article; and/or

- (6) Install and maintain, on the User's property and at the User's expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.
- (b) The Control Authority may require the User to install individual effluent or process flow meters as necessary to ascertain actual discharge rates.
- (c) Backflow prevention devices shall be installed and maintained by the User wherever there is a possibility the User's process or activity may contaminate both the facilities and the City water supply. All requirements for backflow prevention are found in Backflow prevention assembly installation (Article III, Sections 54-85 – 54-89 of this Chapter).
- (d) A User with wastewater containing excessive amounts of fats, oils and grease, or sand and grit shall install a grease, oil, and/or sand interceptor when the Control Authority finds they are necessary. Specific requirements are found in the City's Fats, Oils and Grease (FOG), Food Waste, Petroleum Oils, Lint and Other Substances Code (Article VI of this Chapter).
- (e) A User with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter
- (f) When deemed necessary by the Control Authority, the User shall have a licensed wastewater treatment operator on duty at all times when treating and discharging regulated wastewater to the City's collection system. Said operator shall meet the license or level of operator qualifications deemed necessary for proper treatment per Arkansas Pollution Control and Ecology Commission's Regulation #3.

Sec. 54 - 474. Storage and off-site disposal of wastes

A User shall comply with applicable local, state and federal regulations on storage, handling, transportation and disposal of wastes and residues removed for off-site disposal from pretreatment facilities. Wastes and residues removed by pretreatment are prohibited from discharging to the POTW.

- (1) Stored wastes must be kept secure, clearly labeled and not be allowed to mix with stormwater or flow to a natural outlet.
- (2) Food processing wastes and residues must be stored, handled, and transported in a manner that will minimize the production of objectionable odors.

Sec. 54 - 475. Liquid waste transport

Septic tank and portable toilet waste may be introduced into the POTW only at locations designated by the Control Authority. Specific requirements for liquid waste transport are found in Chapter 54 – Utilities, Article IV, Division 5 of this Code.

Sec. 54 - 476. Wastewater discharge eligibility

The control authority shall deny or condition any new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by a User where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit.

Sec. 54 - 477. Accidental discharge or slug discharge control plan

(a) The Control Authority shall evaluate at least once whether each Significant Industrial User (SIU) needs an accidental discharge/slug discharge control plan or other action to control slug discharges. Additional SIUs must be evaluated within one (1) year of being designated a SIU. The Control Authority may require any SIU to develop, submit for approval and implement such a plan. Alternatively, the Control Authority may develop such a plan for any SIU and require that the SIU implement the plan. A slug control plan is not required of SIUs with low potential to slug the POTW. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals including active ingredients, purpose, container type, total amount on site and amount used per day or week;
- (3) Procedures for immediately notifying the Rogers Pollution Control Facility (the City's WWTP) and Pretreatment Program of any accidental spill or slug discharge, as required by section 54-598 of this article, including any discharge that would violate any prohibition under section 54-415 of this article; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge including, but not limited to:
 - a. Inspection and maintenance of storage areas;
 - b. Handling, transfer and loading/unloading of materials;
 - c. Control of plant site runoff;
 - d. Worker training and signage;
 - e. Containment structures or equipment;
 - f. Measures for containing toxic organic pollutants (including solvents if present);
 - g. Measures and equipment for emergency response;
 - h. Spill detection; and
 - i. Countermeasures for pretreatment equipment failure.

(b) Plans developed by the Control Authority for the SIU will require that the User reimburse the Control Authority for all costs incurred.

(c) Regardless of whether a SIU must have a slug control plan or not, all SIUs must still notify the Control Authority within 24 hours when an un-anticipated bypass occurs.

DIVISION 5. INDUSTRIAL WASTEWATER DISCHARGE PERMITS

Sec. 54 – 533. Wastewater analysis

When requested by the Control Authority, a User must submit information on the nature and characteristics of its wastewater within thirty days of the request. The Control Authority is authorized to prepare a form for this purpose and may periodically require Users to update this information.

Sec. 54 - 534. Industrial wastewater discharge permit requirement

(a) No SIU shall discharge wastewater into the POTW without first obtaining an industrial wastewater discharge permit from the Control Authority. However, a SIU that has filed a timely application pursuant to section 54-535 of this Article may continue to discharge for the time period specified therein.

(b) The Control Authority may require other Users to obtain an industrial wastewater discharge permit as necessary to carry out the purposes of this Article.

(c) Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this Article and subjects the permittee to the sanctions set out in Divisions 11 through 13 (sections 54-703 through 54-765) of this Article.

(d) Obtaining an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

Sec. 54 - 535. Industrial wastewater discharge permit: existing connections

Any User required to obtain an industrial wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Article and who wishes to continue such discharges in the future, shall, within **90** calendar days after said date, apply to the Control Authority for an industrial wastewater discharge permit in accordance with section 54-537 of this Article, and shall not cause or allow discharges to the POTW to continue after **180** calendar days of the effective date of this

Article except in accordance with an industrial wastewater discharge permit issued by the Control Authority.

Sec. 54 - 536 **Industrial wastewater discharge permit: new connections**

Any User required to obtain an industrial wastewater discharge permit that proposes to begin or recommence discharging industrial wastes into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this industrial wastewater discharge permit, in accordance with section 54-537 of this Article, must be filed at least 60 days prior to the date upon which any discharge will begin or recommence.

Sec. 54 - 537. **Industrial wastewater discharge permit application contents**

(a) All Users required to obtain an industrial wastewater discharge permit must obtain and then submit a permit application. The Control Authority may require a User to submit as part of an application the following information:

(1) Identifying information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Contact information, description of activities, facilities, and plant production processes on the premises;

(2) Environmental permits. A list of any environmental control permits held by or for the facility.

(3) Description of operations.

- a. A comprehensive description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production) and North American industry classification codes of the operation(s) carried out by such User. This description should include a detailed schematic process diagram, which indicates points of discharge to the POTW from all processes.
- b. Types of wastes generated, and a list of all raw materials and chemicals (not just trade names) used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- c. Number and type of employees, and proposed or actual hours of operation;
- d. Type and amount of raw materials processed (average and maximum per day);

- e. Comprehensive site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The location(s) for monitoring all wastewater discharges covered by the permit;
- (6) Water usage and wastewater flow rates including average and maximum process wastewater discharge flow rates, in gallons per day, to the POTW from all process streams;
- (7) Measurement of pollutants
 - a. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Control Authority, of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, daily maximum, and long-term monthly average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in sections 54-602 of this Article. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in section 54-603 of this Article.
- (8) Any other information as may be deemed necessary by the Control Authority to evaluate the industrial wastewater discharge permit application.
- (b) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. If deemed necessary, the Control Authority may require a qualified professional to certify the accuracy of any of the process narratives and site plans.

Sec. 54 - 538. Application signatories and certification statement

- (a) All industrial wastewater discharge permit applications and User reports submitted to the City must be signed by an authorized representative of the User and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true,

accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

Sec. 54 - 539. Industrial wastewater discharge permit decisions

The Control Authority will evaluate the data furnished by the User and may require additional information. Within 60 days of receipt of a complete industrial wastewater discharge permit application, the Control Authority will determine whether or not to issue an industrial wastewater discharge permit. The Control Authority may deny any application for an industrial wastewater discharge permit.

DIVISION 6. INDUSTRIAL WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

Sec. 54 - 557. Industrial wastewater discharge permit duration

An industrial wastewater discharge permit shall be issued for a specified time period, not to exceed 5 years from the effective date of the permit. An industrial wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Control Authority. Each industrial wastewater discharge permit will indicate a specific date upon which it will expire.

Sec. 54 - 558. Industrial wastewater discharge permit contents

An industrial wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent overloading, pass through, or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Industrial wastewater discharge permits must contain:

a. A statement that indicates the industrial wastewater discharge permit issuance date, expiration date and effective date;

b. A statement that the Industrial wastewater discharge permit is nontransferable without prior notification to the City in accordance with section 54-561 of this Article, and

provisions for furnishing the new owner or operator with a copy of the existing industrial wastewater discharge permit;

c. Effluent limits, including best management practices, based on applicable pretreatment standards;

d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law; and

f. Requirements to control Slug Discharge, if determined by the Control Authority to be necessary in accordance with section 54-477 of this Article.

(2) Industrial wastewater discharge permits may contain, but need not be limited to, the following conditions:

a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

e. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including, without limitation, flow measurement devices;

g. A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the industrial wastewater discharge permit;

h. A licensed wastewater operator as deemed necessary on duty at all times of treatment and discharge of regulated wastewater to the City's collection system (per section 54-473(f); and

- i. Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Article, and State and Federal laws, rules, and regulations.

Sec. 54 - 559. Industrial wastewater discharge permit issuance process

The Control Authority shall provide a draft copy of the industrial wastewater discharge permit to the User. The User may petition the Control Authority to reconsider the terms of an industrial wastewater discharge permit within fifteen (15) days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the industrial wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the industrial wastewater discharge permit.
- (3) The effectiveness of the industrial wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the Control Authority fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue an industrial wastewater discharge permit, or not to modify an industrial wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative industrial wastewater discharge permit decision must do so by filing a complaint with the court of appropriate jurisdiction in accordance with Rule 9 of the Arkansas District Court Rules

Sec. 54 - 560. Industrial wastewater discharge permit modification

The Control Authority may modify an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of industrial wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- (4) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, beneficial biosolids use or the receiving waters;
- (5) Violation of any terms or conditions of the industrial wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR § 403.13;
- (8) To correct typographical or other errors in the industrial wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

Sec. 54 - 561. Industrial wastewater discharge permit transfer

(a) Industrial wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least fifteen days advance notice to the Control Authority and the Control Authority approves the industrial wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing industrial wastewater discharge permit.

(b) Failure to provide advance notice of a transfer renders the industrial wastewater discharge permit void as of the date of facility transfer.

Sec. 54 - 562. Industrial wastewater discharge permit revocation

(a) The Control Authority may revoke an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the Control Authority of changed conditions pursuant to section 54-597 of this Article;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application;
- (4) Falsifying self-monitoring reports and certification statements;

- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the Control Authority timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges or surcharges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or an industrial wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the industrial wastewater discharge permit or this Article.

(b) Industrial wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All industrial wastewater discharge permits issued to a particular User are void upon the issuance of a new industrial wastewater discharge permit to that User.

Sec. 54 - 563. Industrial wastewater discharge permit reissuance

A User with an expiring industrial wastewater discharge permit shall apply for an industrial wastewater discharge permit reissuance by submitting a complete application, in accordance with section 54-537 of this Article, a minimum of 90 days prior to the expiration of the User's existing industrial wastewater discharge permit.

Sec. 54 - 564. Regulation of waste received from other jurisdictions

(a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Control Authority shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by paragraph (a), the Control Authority shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as the Control Authority may deem necessary.

(c) An intermunicipal agreement, as required by paragraph (a), above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Article and local limits which are as stringent as those adopted by the City. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance and local limits;
- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including industrial wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Control Authority; and which of these activities will be conducted jointly by the contributing municipality and the Control Authority;
- (4) A requirement for the contributing municipality to provide the Control Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the Control Authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the Control Authority; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

DIVISION 7. REPORTING REQUIREMENTS

Sec. 54 - 592. Industrial User survey

When requested by the Control Authority, a User must submit information on the nature and characteristics of its wastewater by completing an Industrial User survey prior to commencing their discharge. The Control Authority is authorized to prepare a form for this purpose and may periodically require Users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the Industrial User and shall be considered a violation of this Article.

Sec. 54 - 593. Baseline monitoring reports

(a) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Control Authority a report which contains the information listed in paragraph (b), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Control Authority a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(1) All information required in section 54-537 (a)(1)a., section 54-537 (a)(2), section 54-537 (a)(3)a., and section 54-537 (a)(6).

(2) Measurement of pollutants.

a. The User shall provide the information required in section 54-537 (a)(7)a. through d;

b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

d. Sampling and analysis shall be performed in accordance with section 54-602;

e. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and

f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(3) Compliance certification. A statement, reviewed by the User's authorized representative as defined in section 54-390 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(4) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 54-594 of this Article.

(5) Signature and certification. All baseline-monitoring reports must be signed and certified in accordance with sections 54-538 of this Article and signed by an Authorized Representative as defined in section 54-390.

Sec. 54 - 594. Compliance schedule progress reports

The following conditions shall apply to the compliance schedule required by section 54-593(b)(4) of this Article:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine months;

(3) The User shall submit a progress report to the Control Authority no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

Sec. 54 - 595. Reports on compliance with categorical pretreatment standard deadline

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such pretreatment standards and requirements shall submit to the Control Authority a report containing the information described in section 54-593(b)(4-5) of this Article. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR § 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall

include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 54-538 of this Article.

Sec. 54 - 596. Discharge monitoring reports (DMRs) or periodic compliance reports

(a) All SIUs must, at a frequency determined by the Control Authority but in no case less than twice per year (i.e., in June and December), submit a report indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated daily flows for the reporting period. The reports must comply with the record keeping requirements of section 54-605. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

(b) All discharge monitoring reports must be signed and certified in accordance with section 54-538 of this Article.

(c) All wastewater discharge samples must be representative of the User's discharge and performed in accordance with section 54-602 of this Article. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

(d) If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Control Authority, using the procedures prescribed in section 54-603 of this Article, the results of this monitoring shall be included in the report.

(e) All analytical results and chains of custody shall be submitted to the Control Authority on or before the 15th of the month following the monitoring period.

(f) Users that send electronic (digital) documents to the Control Authority to satisfy the requirements of this section must comply with all electronic reporting requirements as specified in 40 CFR Part 3 - (Electronic reporting) and the Specific Conditions section of the industrial wastewater discharge permit issued.

Sec. 54 - 597. Reports of changed conditions

Each User must notify the Control Authority of any planned significant changes to the User's operations or system, which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.

(1) The Control Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater discharge permit application under section 54-537 of this Article.

(2) The Control Authority may issue an industrial wastewater discharge permit under section 54-539 of this Article or modify an existing industrial wastewater discharge permit under section 54-560 of this Article in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, a significant increase or decrease in the discharge of previously reported pollutants and the discharge of any previously unreported pollutants.

Sec. 54 - 598. Reports of potential problems

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a slug load or a slug discharge, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) Within five (5) days following such discharge, the User shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability, which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Article.

(c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

Sec. 54 - 599. Reports from unpermitted Users

All Users not required to obtain an industrial wastewater discharge permit shall provide appropriate reports to the Control Authority as the Control Authority may require.

Sec. 54 - 600. Notice of violation/repeat sampling and reporting

If sampling performed by a User indicates a violation, the User must notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. The User is not required to resample if the Control Authority monitors at the User's facility at least once a month, or if the Control Authority samples between the User's initial sampling and when the User receives the results of this sampling.

Sec. 54 - 601. Notification of the discharge of hazardous waste

(a) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than **180** days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 54-597 of this Article. The notification requirement in this section does not apply to pollutants already reported by Users subject to categorical pretreatment standards under the self-monitoring requirements of sections 54-593, 54-595 and 54-596 of this Article.

(b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR § 261.30(d) and 40 CFR § 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR § 261.30(d) and 40 CFR § 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Control Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Article, a permit issued thereunder, or any applicable Federal or State law.

Sec. 54 - 602. Analytical requirements

All pollutant analyses, including sampling techniques, to be submitted as part of an industrial wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties approved by EPA.

Sec. 54 - 603. Sample collection

(a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(b) Except as indicated in section (c) and (d) below, the User must collect wastewater samples using flow proportional composite collection techniques. The sampler must be active during the entire discharge time period, whether the flow is continuous or intermittent, but should not sample longer than 24-hours. In the event flow proportional sampling is infeasible, the Control Authority may authorize the use of time proportional sampling where the User demonstrates that this will provide a representative sample of the effluent being discharged. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(c) Samples for oil and grease, temperature, pH, sulfides, cyanide, phenol, and volatile organic compounds must be obtained using grab collection techniques.

(d) For sampling required in support of baseline monitoring and 90-day compliance reports required in sections 54-593 and 54-595 [40 CFR § 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs section 54-596 (40 CFR § 403.12(e) and § 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

Sec. 54 - 604. Date of receipt of reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Sec. 54 - 605. Record keeping

Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Article and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under section 54-449(h). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least 3 years. This period shall be automatically extended for the duration of any litigation concerning the User, the City or the Control Authority, or where the Control Authority has specifically notified the User of a longer retention period.

Sec. 54 - 606. Certification statements

The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with sections 54-537 and 54-538; Users submitting baseline monitoring reports under section 54-593; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under section 54-595; and Users submitting periodic compliance reports required by section 54-596. The following certification statement must be signed by an Authorized Representative as defined in section 54-390:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel

properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

DIVISION 8. COMPLIANCE MONITORING

Sec. 54 - 629. Right of entry: inspection and sampling

The Control Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Article and any industrial wastewater discharge permit or order issued hereunder. Users shall allow the Control Authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where a User has security measures in force, which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Control Authority will be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The Control Authority shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct independent sampling and/or metering of the User's operations.

(3) The Control Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a frequency that ensures their accuracy. All flow devices shall be calibrated at a frequency to verify accuracy and reliability of measurements in accordance with the *ISCO Open Channel Flow Measurement Handbook*, 4th Edition or later.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be borne by the User.

(5) Unreasonable delays in allowing the Control Authority access to the User's premises shall be a violation of this Article.

Sec. 54 - 630. Search warrants

If the Control Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Control Authority may seek issuance of a search warrant from the court of appropriate jurisdiction.

DIVISION 9. CONFIDENTIAL INFORMATION

Sec. 54-649. Confidential information

Information and data on a User obtained from reports, surveys, industrial wastewater discharge permit applications, industrial wastewater discharge permits, and monitoring programs, and from the Control Authority's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Control Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or Pretreatment Program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR § 2.302 will not be recognized as confidential information and will be available to the public without restriction.

DIVISION 10. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

Sec. 54 - 672. Publication of Users in significant noncompliance

The Control Authority shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the Users, who during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4) or (8) of this section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six (6) month period exceed, by any magnitude, a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined in Division 1;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by Division 1, multiplied by the applicable criteria (1.4 for CBOD, TSS, oils and grease, ammonia (NH₃-N), total phosphorus (T-P) and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation of a pretreatment standard or requirement as defined by Division 1 of this Article (instantaneous, daily maximum or long term monthly average limit, or narrative standard) that the Control Authority believes has caused, alone or in combination with other discharges, interference, overloading or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within 45[] days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, discharge monitoring reports (DMRs), and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of Best Management Practices, that the Control Authority determines will adversely affect the operation or implementation of the Pretreatment Program.

DIVISION 11. ADMINISTRATIVE ENFORCEMENT REMEDIES

Sec. 54 - 703. Notice of violation

When the Control Authority finds that a User has violated, or continues to violate, any provision of this Article, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may serve upon that User a written notice of violation (NOV). Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Control Authority. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a NOV.

Sec. 54 - 704. Consent orders

The Control Authority may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 54-706 and 54-707 of this Article and shall be judicially enforceable.

Sec. 54 - 705. Show cause hearing

The Control Authority may order a User who has violated, or continues to violate, any provision of this Article, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Control Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause order shall not be a bar against, or prerequisite for, taking any other action against the User.

Sec. 54 - 706. Compliance orders

When the Control Authority finds that a User has violated, or continues to violate, any provision of this Article, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. The Control Authority may require the development and approval of a compliance schedule by the User for the installation of technology required to meet applicable pretreatment standards and requirements. If a compliance schedule is required, the User shall submit all self-monitoring reports and compliance summaries as required by the Control Authority and as listed in section 54-595. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Sec. 54 - 707. Cease and desist orders

When the Control Authority finds that a User has violated, or continues to violate, any provision of this Article, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Control Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Sec. 54 - 708. Administrative fines

(a) When the Control Authority finds that a User has violated, or continues to violate, any provision of this Article, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may fine such User in an amount not to exceed \$1,000 per violation or the maximum amount permitted by State law, and \$500 per day for each day the violation is continued, or the maximum amount permitted by State Law. In the case of monthly

or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges, fines, and penalties shall, after fifteen (15) calendar days, be assessed an additional penalty of 10% of the unpaid balance up to the maximum amount permitted by State Law , and interest shall accrue thereafter at the maximum rate permitted by law. A lien against the User's property will be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the Control Authority to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request is made, the Control Authority shall convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Control Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

Sec. 54 - 709. Emergency suspension

After informal notice to the User, the Control Authority may immediately suspend a User's discharge whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. After notice and an opportunity to respond the Control Authority may also immediately suspend a User's discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Control Authority may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed, unless the termination proceedings in section 54-710 of this Article are initiated against the User.

(2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Control Authority 5 days prior to the date of any show cause or termination hearing under sections 54-705 or 54-710 of this Article.

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

Sec. 54 - 710. Termination of discharge

In addition to the provisions in section 54-562 of this Article, any User who violates the following conditions is subject to discharge termination:

- (1) Violation of industrial wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the prohibited discharge standards in Division 2 of this Article or pretreatment standards in Division 3 of this Article.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 54-705 of this Article why the proposed action should not be taken. Exercise of this option by the Control Authority shall not be a bar to, or a prerequisite for, taking any other action against the User.

DIVISION 12. JUDICIAL ENFORCEMENT ACTIONS

Sec. 54 - 735. Consent decree

The Control Authority may file suit against a User who has violated, or continues to violate, any provision of this Article, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement. If the noncompliant User acknowledges and is willing to correct the noncompliance and agrees on the penalty, the Control Authority may enter into a consent decree or settlement agreement in lieu of a trial or other proceeding.

Sec. 54 - 736. Injunctive relief

When the Control Authority finds that a User has violated, or continues to violate, any provision of this Article, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may file suit in a court of appropriate jurisdiction through the Control Authority's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains the User or compels the specific performance of the industrial wastewater discharge permit, order, or other requirement imposed by this Article on activities of the User.

The Control Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A Complaint for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

Sec. 54 - 737. Civil penalties

(a) A User who has violated, or continues to violate, any provision of this Article, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a civil penalty of \$1,000 per violation or the maximum amount permitted by State law, and \$500 per day for each day the violation is continued, or the maximum amount permitted by State Law. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The Control Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(c) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any User economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

State Law Reference: Ark. Code. Ann. § 14-55-504

Sec. 54 - 738. Criminal prosecution

(a) A User who willfully or negligently violates any provision of this Article, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of \$1,000 per violation or the maximum amount permitted by State law, and \$500 per day for each day the violation is continued, or the maximum amount permitted by State Law.

(b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$1,000 per violation or the maximum amount permitted by State law, and \$500 per day for each day the violation is continued, or the maximum amount permitted by State Law. This fine shall be in addition to any other cause of action for personal injury or property damage available under State law.

(c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to

this Article, Industrial User permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$1,000 per violation or the maximum amount permitted by State law, and \$500 per day for each day the violation is continued, or the maximum amount permitted by State Law.

(d). Any second conviction shall be punishable by a fine of \$2,000 per violation or the maximum amount permitted by State law, and \$500 per day for each day the violation is continued, or the maximum amount permitted by State Law.

(e) Any subsequent conviction beyond a second conviction shall be punishable by a fine of \$4,000 per violation or the maximum amount permitted by State law, and \$500 per day for each day the violation is continued, or the maximum amount permitted by State Law.

State Law Reference: Ark. Code. Ann. § 14-55-504

Sec. 54 - 739. Remedies nonexclusive

The remedies provided for in this Article are not exclusive. The Control Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Control Authority may take other action against any User when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant User.

DIVISION 13. SUPPLEMENTAL ENFORCEMENT ACTION

Sec. 54 - 763. Increased monitoring and reporting

The Control Authority may require additional monitoring and reporting to any User who has failed to comply with any provision of this Article, a current or previous industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, until a specific problem is corrected or consistent compliance is demonstrated. The additional monitoring may either be self-monitoring and/or compliance monitoring.

Sec. 54 - 764. Liability insurance

The Control Authority may decline to issue or reissue an industrial wastewater discharge permit to any User who has failed to comply with any provision of this Article, a previous Industrial User permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

Sec. 54 - 765. Water supply severance

Whenever a User has violated or continues to violate any provision of this Article, an industrial wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the User may be severed. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.

DIVISION 14. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 54 - 784. Upset

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.

(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The User has submitted the following information to the Control Authority orally within 24 hours and in writing within 5 days of becoming aware of the upset:

a. A description of the indirect discharge and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Sec. 54 - 785. Prohibited discharge standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 54-414 of this Article or the specific prohibitions in sections 54-415(b)(3) through (24) of this Article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Sec. 54 - 786. Bypass

(a) For the purposes of this section,

(1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

(c) Bypass notification

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the control authority at least ten days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the control authority of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time the User becomes aware of the bypass. A written submission shall also be provided within five days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) Bypass enforcement

(1) Bypass is prohibited, and the Control Authority may take an enforcement action against a User for a bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The User submitted notices as required under subsection (c) of this section.

(2) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in subsection (d)(1) of this section.

DIVISION 15. MISCELLANEOUS PROVISIONS

Sec. 54 - 811. Pretreatment charges and fees

(a) The Control Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Pretreatment Program that may include:

(1) Fees for industrial wastewater discharge permit applications including the cost of processing such applications;

(2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;

(3) Fees for reviewing and responding to accidental discharge procedures and construction;

(4) Fees for filing appeals; and

(5) Other fees as the Control Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Article and are separate from all other fees, fines, and penalties chargeable by the Control Authority or the City.

(b) Surcharge fees for high strength conventional pollutants are covered under section 54-206 – Sewer surcharges (Article IV of this Chapter).

Sec. 54 - 812. Severability

If any provision of this Article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

RESOLUTION NO. R26-_____

**A RESOLUTION AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN
FOR THE REMOVAL OF CLUTTER ON PROPERTY LOCATED AT 504 E.
ELECTRIC STREET, ROGERS, BENTON COUNTY, ARKANSAS; AND FOR OTHER
PURPOSES.**

WHEREAS, the following real property located in Rogers, Benton County, Arkansas, is owned as follows:

PROPERTY OWNER: Jose Gaucin

LEGAL DESCRIPTION: PART OF OUTLOT 69 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 29 WEST, IN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING 157.03 FEET SOUTH AND 243.94 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID DESCRIBED SECTION 7; THENCE NORTH 85 DEGREES WEST 60.30 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREE 07 MINUTES 17 SECONDS WEST 104.25 FEET; THENCE NORTH 82 DEGREES 13 MINUTES 26 SECONDS WEST 73.47 FEET; THENCE NORTH 44 DEGREES 08 MINUTES 10 SECONDS WEST 134.11 FEET; TBENCE NORTH 08 DEGREES 27 MINUTES 10 SECONDS WEST 13.06 FEET; THENCE SOUTH 85 DEGREES EAST 170.79 FEET TO THE POINT OF BEGINNING

LAYMAN'S DESCRIPTION: 504 E. Electric Street, Rogers, Arkansas

PARCEL NO.: 02-00265-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the property described above, and instructed to clean the property in accordance with Section 18-94 of the City of Rogers Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on this property, and as a result, the City of Rogers was required to abate the conditions on this property and incurred costs as follows:

\$ 859.77 clean-up costs
\$ 20.88 certified mail fee
\$ 15.00 filing fee costs
TOTAL: \$895.65

WHEREAS, the property owner has been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903; and

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on this property to collect the amounts expended by the City in cleaning up the property.

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

Section 1: Pursuant to Ark. Code Ann. §14-54-904, the City Council of the City of Rogers, Arkansas certifies that the following real property is subject to a valid municipal clean-up lien which shall be placed on the tax books of the Benton County Tax Collector as delinquent taxes and collected accordingly:

\$895.65 plus 10% for collection – 504 E. Electric Street, Rogers, Benton County, Arkansas, Parcel 02-00265-000

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Quinton Harris, Parks and Recreation Director
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

RESOLUTION NO. R26-_____

A RESOLUTION AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF CLUTTER ON PROPERTY LOCATED AT 525 E. WILLOW STREET, ROGERS, BENTON COUNTY, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, the following real property located in Rogers, Benton County, Arkansas, is owned as follows:

PROPERTY OWNER: Michael A. Conklin

LEGAL DESCRIPTION: The East 100 feet of Lot 4, Block 12, FAIRGROUND ADDITION, Rogers, Benton County, Arkansas, as shown in Deed Record 33 at Page 363

LAYMAN'S DESCRIPTION: 525 E. Willow Street, Rogers, Arkansas

PARCEL NO.: 02-04202-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the property described above, and instructed to clean the property in accordance with Section 18-94 of the City of Rogers Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on this property, and as a result, the City of Rogers was required to abate the conditions on this property and incurred costs as follows:

\$ 3,680.17 clean-up costs

\$ 10.44 certified mail fee

\$ 15.00 filing fee costs

TOTAL: \$3,705.61

WHEREAS, the property owner has been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903; and

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on this property to collect the amounts expended by the City in cleaning up the property.

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

Section 1: Pursuant to Ark. Code Ann. §14-54-904, the City Council of the City of Rogers, Arkansas certifies that the following real property is subject to a valid municipal clean-up lien which shall be placed on the tax books of the Benton County Tax Collector as delinquent taxes and collected accordingly:

\$3,705.61 plus 10% for collection – 525 E. Willow Street, Rogers, Benton County, Arkansas, Parcel 02-04202-000

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Quinton Harris, Parks and Recreation Director

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING CHAPTER 18 – ENVIRONMENT OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 18 – Environment in the City’s Code of Ordinances to delete unnecessary sections and clarify language to reflect current practices and procedures.

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

Section 1: Chapter 18 – Environment shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Article 5 – Vegetation of Chapter 18 shall be repealed in its entirety and Municode is directed to reflect these changes;

Section 3: Emergency Clause: The need to amend Chapter 18 - Environment of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 4: 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 5: 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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Greg Hines, Mayor

Reviewed by: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

ARTICLE VII. PUBLIC THOROUGHFARES

Sec. 18-330. Short Title.

This article may be cited as the “Public Thoroughfares Ordinance.”

Sec. 18-331. Compliance with other ordinances.

In the case of conflicting ordinances, the most restrictive requirement applicable shall apply. The provisions of this article are intended to be harmonious, compatible and supportive of those included in Chapters 18, 36, 52, the Unified Development Code, utility ordinances, franchise agreements, or any other relevant ordinances that may affect a public thoroughfare.

Sec. 18-332. Scope.

The provisions of this article shall be applicable to all public thoroughfares of the City of Rogers except:

- (1) Trails located within parks, park-managed properties, or park-managed natural areas. All vegetation including trees in these areas are subject to Chapter 36 Parks and Recreation jurisdiction, management and maintenance.

Sec. 18-333. Definitions.

Parkway. The area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right of way line and the paved portion of the street or alley.

Public Thoroughfares. For purposes of this article, any road, street, sidewalk, or alley that has been officially designated for public use by and maintained by the City of Rogers plus any rights of way or other written agreements regarding access or maintenance in these areas.

Street tree. Trees lying within the right of way of any street, avenue, or paved public thoroughfare within the city. Trees along paved trails directly abutting a street may be included in this definition.

Sec. 18-334. City Vegetation Maintenance.

- (a) The owner of land adjacent to any street or highway, when acting within the provisions of this article, may plant and maintain trees in the adjacent parkway area. Property owners are responsible for the reasonable and routine maintenance of trees and other landscaping and mowing in the adjacent parkway area.
- (b) No property owner shall allow a tree or other plant growing on his or her property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. Any tree which overhangs any sidewalk, street, trail, or other place in the city in such a way as to impede or interfere with traffic or travel on such public place, or which obstructs any streetlamp or interferes with the utility lines, shall be trimmed by the owner of the abutting premises on which such trees grow so that the obstruction shall cease.
- (c) Any limb of a tree which has become likely to fall on or across any public thoroughfare or place shall be removed by the owner of the premises on which the tree grows or stands. If an obstruction persists, the Director of the Department maintaining that public thoroughfare, or their designee, shall notify the property owner in writing to prune or remove the tree or plant. If the owner fails to comply with the notice, the City may undertake the necessary work and charge the cost to the property owner.
- (d) Unless expressly written in a work plan or agreement, the City of Rogers does not assume responsibility for trees planted in the right-of-way by adjacent property owners. The city reserves the right under applicable ordinances to remove trees as needed due to damage or disease or to maintain the sight triangles at entrances and at intersections but does not assume primary responsibility for such actions.

- (e) Mowing in public thoroughfares. In the absence of City ownership or written agreement, the city will not mow private property unless action is triggered under other provisions of Chapter 18, 36, or other relevant ordinance.

Sec. 18-335. Street Tree Appeals.

All appeals to a violation regarding street trees shall be heard by the City of Rogers' Board of Adjustment.

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING CHAPTER 20 – FIRE PREVENTION AND PROTECTION OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 20 – Fire Prevention and Protection in the City’s Code of Ordinances to update the fee structure and to reflect current practices and procedures.

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

Section 1: Chapter 20 – Fire Prevention and Protection shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Chapter 20 – Fire Prevention and Protection of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: William Hyde, Fire Chief
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

Sec. 20-61. Office created.

The office of fire chief is hereby created and shall by appointed by the Mayor.
(Code 1982, § 33-16; Code 1997, § 46-36; Ord. No. 15-128, § 1(Exh. A), 8-25-2015)

Sec. 20-144. Amendments; modified.

The following amendments are hereby adopted and incorporated within the fire prevention code:

F101.1 Insert: City of Rogers

F102.7.1 Amend to read

F102.7.1 Conflicts. Where conflicts occur between provision of this code and referenced codes and standards, the most stringent shall apply.

F109.4 Insert: Class A Misdemeanor, \$2,500.00, 365 DAYS

F111.4 Insert: As provided for in Arkansas Fire Prevention Code, Volume I.

Add F403.4

F403.4 Ticket Sales. Ticket sales shall not exceed 100% of the maximum occupant load.

Revise F505.1

F505.1 Address numbers. New buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is legible from the street or road fronting the property. Numbers shall be in contrasting color from the exterior color scheme. Addressing shall be as followed:

Single Family Homes

Minimum 6" high 5/8" contrasting numbers

Multi-Family Communities (Apartments, condos, townhouses)

Building Numbers:

Minimum 18" high numbers with a 3" stroke with contrasting background.

- Buildings under 100' long only require one number per building
- Buildings over 100' long require a minimum of two numbers per building.

Apartment/Corridor Spread Numbers

- Apartment/Corridor spread numbers are to be a minimum 4" high number with a 5/8" brush stroke with contrasting background.
- Number example format.

301—310	3rd Floor
201—210	2nd Floor
101—110	1st Floor

Commercial/Industrial Buildings

Address sizing shall be determined by the distance from the street curb.

Distance from curb	Number Height	Brush Stroke
Up to 50'	6"	1"
51' to 100'	12"	2"
101' to 300'	12"	2"
301' to 400'	18"	3"
401' +	24"	4"

Marquee and Monument

Address installed on a marquee or monument located next to the street will require numbers measuring 12" high with a 2" brush stroke be located a minimum 3 feet above grade. Numbers shall contrast with the background.

Add: F505.3

F505.3 Permanent Street Signs. Permanent Street Signs shall meet the following criteria:

1. Street name sign shall be retro reflective or illuminated to show the same shape and similar color both day and night.
2. The letters and background shall be contrasting colors.
3. Lettering shall have a minimum height of 4 inches.
4. Lettering indicating type of street or the section of the City can be reduced to 3 inches.

Add: ~~F901.11~~

~~F901.2.2 Issues not addressed by this code.~~ Any issues not addressed by this code shall be addressed by the applicable NFPA, or other applicable safety, standard.

Add: ~~F901.12~~

~~F901.1.1 Competent on-site person.~~ Each fire protection system installation, modification, or inspection job shall receive direct supervision from a competent on-site person.

F901.4.1 Amend to read:

F901.4 Fire protection and life safety systems. Fire protection and life safety systems shall be installed, repaired, operated, and maintained in accordance with this code and the International Building Code. Each fire protection system installation, modification, or inspection job shall receive direct supervision from a person holding a valid certificate issued by an approved governmental agency, or other approved organization for the type of system and work performed.

F901.4.7.3 Amend to read:

F901.4.7.3 Environment. Automatic sprinkler system riser rooms and fire pump rooms shall be maintained at a temperature of not less than 40°F (4°C). Heating units shall be permanently installed. To ensure that all fire sprinkler rooms maintain temperature of not less than 40°F (4°C) a temperature sensor shall be installed and supervised by the alarm system.

Add: F903.2.10.3 Group S-2 parking garages

F903.2.10.3 Group S-2 parking garages. Electric vehicle (EV) charging stations will be allowed under the following conditions:

-
1. On levels above grade;
 2. Installed a minimum of 50' from egress doors, stairwells, and elevators; and
 3. Protected by an NFPA 13 Ordinary Hazard Group 2 compliant fire sprinkler system
 - a. Exception: Open roof parking areas.

F903.4.2 Amend to read:

F903.4.2 Alarms. ~~An approved fire alarm system meeting the requirements of NFPA 72 shall be installed and connected to all new automatic sprinkler systems and shall communicate an audible and visual alarm throughout the entire building. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. A clear lens horn strobe tied to the water flow shall also be provided on the address side of the structure to indicate water flow in the sprinkler system.~~ An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be connected to each automatic sprinkler system. Additionally, a clear lens horn strobe tied to the water flow shall also be provided on the address side of the structure to indicate water flow in the sprinkler system.

Exception: NFPA 13D systems.

F905.3 Amend to read:

F905.3 Required installations. Automatic wet standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter 32.

Add: F905.12

F905.12 Design. The design of standpipe systems shall be calculated to provide 100 psi. at the connection located at the highest elevation of the system. Hydraulic calculations shall be figured using the pressure provided by the water utility provider or from onsite storage.

Add: 907.2.1.3

F907.2.1.3 Electrical shunt for amplified sound conditions. Any occupancy address by this code shall provide an electrical shunt to de-energize amplified music or sound systems upon alarm activation as necessary to demonstrate compliance with the audibility requirements of NFPA 72.

Add: F907.2.8.4

F907.2.8.4 Fire detection system. When a fire detection system is installed it shall be connected to the fire alarm system by means other than a single-station smoke detector. All rooms shall sound a local alarm and transmit an alarm to a constantly attended location upon activation of a single smoke detector. All rooms shall be cross-zoned to activate a full general alarm upon the activation of two or more devices.

F912.3.1 Amend to read:

F912.3.1 Locking fire department connection caps. The fire code official is authorized to require locking caps on fire department connections that are often targets of vandalism or that are not being maintained.

F912.4 Amend to read:

F912.4 Signs. A metal sign with raised letters at least 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs

shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable.

Exception: Exposed Fire Department Connection line can be painted with retro-reflective red paint in lieu of signage.

F912.5 Amend to read:

F912.5 Backflow protection. The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the International Plumbing Code and the Rogers Water Department.

Add F913.6:

F913.6 Supervisory Conditions. The following conditions shall be supervised by the fire alarm system.

1. Pump run.
2. Phase loss.
3. Phase reversal.
4. Pump in manual mode.

Add F3304.8:

F3304.8 Security for commercial wood frame construction. All wood frame construction over three stories in height shall provide a six foot chain linked fence around jobsite until such time that all walls are covered with approved materials according to construction documents.

Add FB105.3

FB105.3 Fire flow data. All fire flow data submitted to the Rogers Fire Department shall have been taken within the last six months.

FC105.1 Amend to read:

FC105.1 Hydrant spacing. The average hydrant spacing for commercial or industrial areas shall be 300 feet, residential spacing shall be 500 feet, hydrants should alternate every 250 feet on streets with center medians, and undeveloped incorporated areas shall have an average spacing of 1000 feet. Areas without a water supply refer to NFPA 1142 or the International Wildland-Urban Interface Code.

FD103.6.3 Amend to read:

FD103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING - FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

Exception: Striping of the curb shall be allowed instead of signage. Curbs shall be painted red with 4 inch white lettering reading NO PARKING - FIRE LANE. Lettering shall be on an average of 50 feet spacing.

Add Gated Access Control

The fire code official is authorized to require a method of fire department access through security gates and similar features. This may be in the form of a standardized padlock system in non-electrified applications and in the form of specialized equipment installed on electrified applications. This shall be applicable to new and existing security access points as determined by the official to be necessary for emergency access.

Add Keyed Access Control

Where key vaults are provided for emergency access into building(s), the fire code official is authorized to require a grand master key be provided when five or more different keys are necessary for access into different areas of the building(s).

Add Mulch Restrictions

The fire code official is authorized to restrict the installation, and cause the removal of, combustible materials installed within 18" of the exterior surface of any building which contains an exterior covering that allows for the propagation of fire to be concealed behind the visible surface.

Add Private Fire Hydrant Inspections

Where private fire hydrants are required to be inspected by a licensed service provider, upon inspection by the provider, such hydrants shall be equipped with an inspection tag indicating its status.

(Ord. No. 15-15, § 2, 1-27-2015; Ord. No. 15-128, § 1(Exh. A), 8-25-2015; Ord. No. 23-24, § 1(Exh. A), 7-25-2023)

Sec. 20-182. Reports.

An ~~monthly-annual~~ emergency medical report ~~shall~~may be prepared by the fire department for distribution to the city council and the mayor. The report should contain the following information:

- (1) Number and type of medical responses for the month;
- (2) Call statistics by geographical zone;
- (3) Year-to-date revenue for the ambulance service (information to be provided by city finance).

(Code 1982, § 33-54; Code 1997, § 46-179; Ord. No. 15-128, § 1(Exh. A), 8-25-2015)

Sec. 20-208. Procedure and user fee.

- (a) Whenever fire department personnel respond to an activated fire alarm system, the fire official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report.
- (b) The fire department shall regularly review incident reports to monitor the accumulation of false alarms at any one location. When two false alarms have occurred at the same location within one year, and the location is within the incorporated area of the city, the fire department shall notify the fire alarm user by letter, citing the location and date of each false alarm. The letter shall recommend that appropriate action be taken on the part of the fire alarm user to alleviate the causes of false alarms and shall include a statement that an accumulation of more than three false alarms within a year shall result in a charge for services. Another similar letter shall be sent when three false alarms have occurred at the same location within the year.
- (c) When four false alarms have occurred at one location within a year, a user fee of \$~~51~~00.00 for service for a false alarm response shall be billed to the property owner. ~~Each additional~~The fifth and sixth false alarm within the year shall require the billing of an additional \$~~750~~100.00 fee. Seven or more false alarms within the year shall require the billing of an additional \$1000.00 fee per alarm. However, no fire alarm user shall be charged with accumulating more than one false alarm in any 24-hour period. The fee hereby established affords only partial recovery of the expenses incurred in responding to the false alarm. In the event payment of the fee, in full, has not been received within 30 days of billing, the fee shall increase ~~by 300% to \$300.00.~~

(Ord. No. 09-28, § 2, 4-14-2009; Ord. No. 15-128, § 1(Exh. A), 8-25-2015)

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING CHAPTER 26 – LAW ENFORCEMENT OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 26 – Law Enforcement in the City’s Code of Ordinances to update the fee structure and clarify current practices and procedures.

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

Section 1: Chapter 26 – Law Enforcement shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Chapter 26 – Law Enforcement of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Jonathan Best, Police Chief
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

Sec. 26-30. Removal.

The chief of police may be removed on the grounds and in the manner ~~as determined by the Mayor, provided in the civil service rules and regulations on file in the office of the clerk-treasurer.~~

(Code 1982, § 37-21; Code 1997, § 62-35; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

Sec. 26-52. False alarm procedure and user fee.

- (a) Whenever police department personnel respond to an activated alarm system, the police official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report.
- (b) The police department shall regularly review incident reports to monitor the accumulation of false alarms at any one location. When two false alarms have occurred at the same location within one year, the police department shall notify the alarm user by letter, citing the location and date of each false alarm. The letter shall recommend that appropriate action be taken on the part of the alarm user to alleviate the causes of false alarms and shall include a statement that an accumulation of more than three false alarms within a year shall result in a charge for services. Another similar letter shall be sent when three false alarms have occurred at the same location within the year.
- (c) Civil penalties. All false alarms, as defined in this article, to which the department responds, after the third false alarm in a one-year period, shall result in a civil penalty as set forth in the following schedule:
 - (1) ~~The f~~Fourth false alarm from a facility other than a residence within a one-year period, a fine of \$500.00 per false alarm response shall be billed to the property owner. The fifth and sixth false alarm within a one-year period shall incur a \$750.00 fee per false alarm response, to be billed to the property owner. All additional false alarms within the one-year period shall incur a \$1000.00 fee per false alarm response. Each false alarm call thereafter, up to and including the seventh call, will also be charged \$50.00.
 - (2) ~~Eighth false alarm and each false alarm call thereafter from a facility other than a residence within a one-year period, \$100.00 per call.~~
 - (3) Upon the fFourth false alarm from a residence within a one-year period, \$150.00 per false alarm response shall be billed by the property owner. ~~call and \$15.00 per call for each alarm call thereafter, to and including the seventh call: eighth false alarm and each false alarm call thereafter from a residence within a one-year period, \$30.00 per call.~~
 - (4) No alarm user shall be charged with accumulating more than one false alarm in any 24-hour period. Also any alarm user who has had an alarm system installed for less than 60 days shall not be subject to the penalties set forth in this article.
 - (5) Any unpaid invoices at the end of the one-year period shall be paid by February 1 of the following year. Unpaid invoices could result in the suspension of police response to activated alarm systems until such time as the account is settled.

(Ord. No. 09-50, § 2, 6-9-2009; Ord. No. 14-48, § 1(Exh. A), 10-14-2014)

Sec. 26-54. Review of false alarm charge.

- (a) Any person may appeal the fee to ~~the City~~the City Council~~police chief~~. Any and all appeals shall be submitted in writing within ten days of notification of the fee to the City Clerk.

-
- (b) Suspension of police response. In addition to the penalties set forth in this section, the department shall, upon sending notice of the fourth false alarm in one year, advise the alarm user that the department shall, upon the eighth false alarm in one year, declare that the alarm system constitutes a public nuisance, and police response will be suspended. Upon the eighth false alarm, police response will be suspended, and will be reinitiated only upon receipt of written verification from an alarm business stating that the alarm system is in good working order and that the personnel using that system have been trained in its proper operation. Upon the 12th false alarm within a one-year period, police response shall be suspended for 12 months. The department will notify the alarm user by ordinary mail of any suspension of police response. The suspension of police response is only on response to the activation of an alarm system at issue, and shall not include any situations in which alarm activation is accompanied by other information or verification indicating a need for a police response to that location.

(Ord. No. 09-50, § 4, 6-9-2009; Ord. No. 14-48, § 1(Exh. A), 10-14-2014)

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING CHAPTER 28 – LIBRARY OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 28 – Library in the City’s Code of Ordinances to update the internal structure and reflect current practices and procedures.

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

Section 1: Chapter 28 – Library shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Chapter 28 – Library of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Hannah Pearce, Library Director

Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Community Services Committee

Sec. 28-24. Composition.

The library board of trustees shall consist of seven ~~(7) persons~~citizens at large.
(Code 1982, § 35-17; Code 1997, § 66-32)

State law reference(s)—Number of trustees, A.C.A. § 13-2-502.

Sec. 28-30. Meetings.

- (a) The library board of trustees shall meet ~~once each month~~quarterly in regular meeting.
(b) The board shall hold other meetings when necessary for the transaction of business.

(Code 1982, § 35-23; Code 1997, § 66-38)

State law reference(s)—Similar provisions, A.C.A. § 13-2-502.

Sec. 28-32. Powers and duties.

The library board of trustees shall have the following ~~powers and~~advisory duties:

- (1) To ~~exclusively control~~advise the Director of the expenditures of all moneys collected to the credit of the library fund, and of the construction of any library building;
- ~~(2) To supervise, care for and have custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose;~~
- ~~(3) To purchase or lease ground, or purchase, lease, erect and occupy an appropriate building or buildings, for the use of a library. When a building erected or purchased is not adapted to its purpose or needs, the board may remodel or reconstruct the building;~~
- ~~(4) To sell or otherwise dispose of any real or personal property that it deems no longer necessary or useful for library purposes;~~
- (5) To advise the Director on ~~make necessary~~ rules and regulations for administering the library;
- (6) To make provisions for representation at library conventions;
- ~~(7) To appoint a librarian qualified by education, training, experience and personality, who shall serve at the will of the board;~~
- ~~(8) To appoint necessary assistants and other members of the staff, basing their appointment on the recommendation of the librarian.~~

(Code 1982, § 35-25; Code 1997, § 66-40)

State law reference(s)—Similar provisions, A.C.A. § 13-2-503.

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING CHAPTER 32 – MUSEUMS OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 32 – Museums in the City’s Code of Ordinances to update the internal structure and clarify current practices and procedures.

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

Section 1: Chapter 32 – Museums shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Chapter 32 – Museums of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Serena Barnett, Museum Director
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Community Services Committee

Sec. 32-20. Members.

The ~~Rogers Historical Museum~~ ~~C~~ommission, “the Museum Commission”, shall be composed of five (5) citizens who are qualified electors of the city, who shall be appointed by the Mayor and approved by city council.; ~~and the M~~members of the commission shall hold office for terms of three (3) years in accord with the terms of office to which they have been appointed and are currently serving.

(Code 1982, § 10-17; Code 1997, § 74-27)

Sec. 32-23. Organization.

The ~~M~~museum ~~C~~ommission shall organize at its first meeting of the calendar year, by the election of one of its members as chairman, and shall elect such other officers as they may deem necessary. one member as vice-chairman and one member as secretary. The Museum Commission may adopt such bylaws, rules, and regulations for its own guidance as it may deem necessary.

(Code 1982, § 10-20; Code 1997, § 74-30)

Sec. 32-24. Duties generally.

The duties of the ~~M~~museum ~~C~~ommission shall be to provide oversight to ~~manage and operate~~ the Rogers ~~Historical~~ Museum, in this article called the “museum.”

(Code 1982, § 10-21; Code 1997, § 74-31)

Sec. 32-25. Management authority.

~~The museum commissioners shall have full and complete authority to manage, operate, maintain and keep in a good state of repair museum property, and shall have full and complete charge of the buildings, including the right to control and permit such public gatherings or other meetings or affairs as the commissioners shall see fit and deem to be in the best interests of the city. The commissioners shall have the full right to employ or remove managers, janitors and other employees of whatsoever nature, kind or character, and to fix, regulate and pay any salaries; it being the intention of this article to vest in the commissioners the authority to operate, manage, maintain and control the museum and to have full and complete charge thereof, provided the commissioners shall not have authority or power to sell, mortgage, lease or otherwise encumber the museum unless otherwise authorized by the city council and the statutes of the state. The Museum Commission shall have the following advisory duties:~~

- (1) To advise the Director of the expenditures of all moneys collected and of the construction of any Museum building;
- (2) To advise the Director on the acquisition and deaccession of collections; and
- (3) To advise the Director in making necessary rules and regulations for administering its duties under this code.

(Code 1982, § 10-22; Code 1997, § 74-32)

State law reference(s)—Sale of municipal property, A.C.A. § 14-54-302.

Sec. 32-33. No contractual obligations.

It is expressly declared that ~~the Commission may not enter into contractual obligations on behalf of the City. this article is not intended to be, and is not a contract between the city and any board which may be appointed.~~

(Code 1982, § 10-30; Code 1997, § 74-40)

Sec. 32-34. Removal of members.

Any commissioner appointed under the provisions of this article may be removed for cause upon a ~~two-thirds~~ majority vote of the duly elected, qualified members of the city council.

(Code 1982, § 10-31; Code 1997, § 74-41)

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING CHAPTER 36 – PARKS AND RECREATION OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 36 – Parks and Recreation in the City’s Code of Ordinances to update the internal structure and revise practices and procedures.

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

Section 1: Chapter 36 – Parks and Recreation shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Chapter 36 – Parks and Recreation of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Quinton Harris, Parks & Recreation Director
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Community Services Committee

CHAPTER 36- PARKS AND RECREATION

ARTICLE I- IN GENERAL

Sec. 36-1. Duties.

It shall be the duty of the Department of Parks and Recreation to:

- (A) Prepare development plans for present parks and for future park and park-administered areas;
- (B) Develop and coordinate all recreation activities of the city;
- (C) Exercise the authority to design, plan, build, manage, operate, and maintain parks and park-administered city-owned acreages, venues, trails, and other assets necessary to parks and recreation operations and programming.
- (D) Manage aquatic venues;
- (E) Coordinate management of the city's natural resources and urban forest;
- (F) Coordinate with other departments on city-wide beautification efforts;
- (G) Coordinate with and advise with relevant departments performing public works on park and trail system needs and schedules;
- (H) Coordinate city-managed arts, culture, and entertainment activities; and
- (I) Perform such other duties and conduct such other activities in connection with the park, recreation, and cultural needs of the city, as the Mayor and City Council shall from time to time provide.

Sec. 36-2. Parks and Recreation Advisory Committee.

- (A) Composition.
 - (1) Nine (9) members shall be appointed by the Mayor and confirmed by a majority vote of the City Council. Each member shall be appointed for a term of five years.
 - (2) All members of the Parks and Recreation Advisory Committee shall serve without compensation.
- (B) Meetings of the Advisory Committee and Responsibilities.
 - (1) The Parks and Recreation Advisory Committee shall meet monthly with the Director and Staff of Parks and Recreation. Coordinating city departments or offices contributing information shall coordinate with the Director and Parks staff beforehand to consolidate agenda discussions for the Advisory Committee or any of its committees.
 - (2) The Advisory Committee shall act in an advisory capacity to the Director, Mayor, and City Council on all aspects of parks and recreation activities.
 - (3) The Advisory Committee will also form two standing sub-committees from their membership that will serve as the Urban Forest Advisory Sub-Committee and the Public Art Advisory Sub-Committee. Those sub-committees shall serve duties outlined in Articles 3 Sec. 36-55 and Article 4 Sec. 36-70.

ARTICLE II- USE OF PARKS OR PARKS PROPERTY

Sec. 36-21. Definitions.

City Entertainment Districts are special designated zones within the City of Rogers where specific guidelines govern entertainment activities and allowable activities within those zones.

City Park means any named city parks within the City of Rogers.

Director means the Director of Parks and Recreation.

Event Venue refers to the Victory Theater, the Prairie View Center at Mt. Hebron Park, and the Butterfield Stage

No Wake Zone means an area where watercrafts are prohibited from creating a discernable wake when under engine or motor propulsion.

Park or Parks Property means Parks and Recreation Department-managed property including a city park, cemetery, playground, recreation center, aquatics facility, cultural and entertainment venues, city-owned acreage, natural areas, trails or any other area in the city, owned or leased by the city under Parks and Recreation jurisdiction.

Parks-Managed Natural Area means city-owned acreages being managed by the Parks and Recreation Department as natural areas, green space or low-disturbance protected areas. Designations include, but are not limited to, conservation areas, conservation corridors, nature areas and preserves.

Trail means a city-maintained paved or unpaved path designed for pedestrian and/or cyclist use.

Wake means the swell, moving waves, track, path, or water pattern astern of a vessel passing through water.

Waterfowl means all species of coots, ducks, geese, and swans.

Sec. 36-22. Structures on Parks Property.

No structure, booth, tent, or stall shall be erected on parks property for any purpose without permission from the Director or their designee. The permit structure is subject to any relevant provisions of Chapters 36 and 38.

Sec. 36-23. Refuse and Trash Disposal.

No person shall dump, deposit, or leave any bottles, broken glass, ashes, boxes, cans, rubbish, waste, dog excrement, garbage, or other trash of any nature in a park or parks property, except in proper receptacles where these are provided; where receptacles are not provided, all such trash or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

Sec. 36-24. Traffic Regulations.

No person shall fail to comply with all provisions of state law and all provisions of city ordinances, relative to equipment and operation of motor vehicles. No person shall drive a motor vehicle on any park area except roads or parking areas, and no person shall park a motor vehicle on any park area except designated parking lots or such other areas as may, on occasion, be specifically designated as temporary parking areas by the director. Speed limits for motorized vehicles in a park (public parks or linear park trails) is 15 mph.

State law reference- Power of city to regulate the speed of vehicles in public parks, A.C.A. Sec. 27-49-106

Sec. 36-25. Alcoholic Beverages.

- (A) No person shall bring into or consume alcoholic beverages within a city park, nor shall any person enter a park when under the influence of intoxicating beverages.
- (B) Notwithstanding the above prohibition:
 - (1) Special events and venue-specific arrangements as permitted by the Mayor or the Mayor's designee may be conducted as long as they fully comply with all alcoholic beverage control requirements. A permit must be secured from the City before such activities can occur.
 - (2) Alcoholic beverages may be possessed or consumed in designated city entertainment districts which may abut or contain parks properties within such districts.

Sec. 36-26. Fireworks and Explosives.

No person shall bring into a park, or have in their possession, or set off or otherwise cause to explode in a park, any firecrackers, torpedoes, rockets, or other fireworks or explosives, or discharge them or throw them into any park area from land or a highway adjacent thereto.

Sec. 36-27. Building of Fires.

No person shall build or attempt to build a fire in a park except in designated picnic stoves or other places provided or designated for camping or picnic purposes.

Sec. 36-28. Firearms, Weapons.

Firearms and weapons are generally prohibited in city parks except as allowed by A.C.A. Sec. 5-73-122.

Sec. 36-29. Merchandising.

No person shall offer for sale any article or item in a park, subject to Chapter 38, Sec. 38-61 general restrictions. The exceptions to this rule are any contracted or permitted concessionaires/vendors acting by and under the authority and regulation of the Director.

Sec. 36-30. Smoking and the Use of Tobacco Products.

Smoking and the Use of Tobacco Products is generally prohibited in all city parks. This prohibition does not apply in city entertainment district outdoor locations.

Sec. 36-31. Dogs and Animals to be Leashed.

Owners must keep their animals on a leash in all city parks and parks-managed public properties, natural areas, and venues. Owners and anyone in control of a pet shall pick up, remove and properly dispose of their pet's waste. These provisions for parks supplement the general provisions in Chapter 6, Secs. 6-9, 6-122 and 6-123.

Sec. 36-32. Park Closing Hours.

Parks shall be closed between the hours of 11:00 p.m. and 6:00 a.m. Said closed hours shall not apply to organized activities such as director-authorized sports or entertainment venue events on parks properties and on paved trails being used for cross-city travel purposes and not within a confined park space.

Sec. 36-33. Removal of or Damage to Natural Resources, Trees, Shrubs, Flowers.

No person in a park except for those authorized by the Director shall damage, cut, climb, carve, injure, transplant, dig, or remove any sand, whether submerged or not, soil, rock, stones, trees, shrubs, flowers, plants, down timber, or other wood or materials, nor shall any person attach any rope, wire, or other contrivance to any tree or shrub in the park or make any excavation by tool, equipment, blasting, or other means or agency, except on special written permit obtained from the city.

Sec. 36-34. Pollution of Water.

No person in a park shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance or thing which may or shall result in the pollution of said waters. This general prohibition in parks is subject to Chapter 22 and relevant city stormwater regulations.

Sec. 36-35. Wild Animals and Birds.

No person in a park shall hunt, harm, frighten, poison, kill, trap, or remove any animal, reptile, amphibian, crustacean, or bird; nor remove the eggs, nest or young of any wild animal, reptile, amphibian, crustacean, or bird in parks property or parks-managed natural areas. No person shall feed, or attempt to feed, waterfowl located within parks property or parks-managed natural areas.

Sec. 36-36. Bicycle, Motorbikes, Skateboards, etc.

- (A) No person in a park shall ride, drive, operate, or push a bicycle, motorbike, scooter, skateboard, roller skates, etc. on any road other than a paved vehicular road, path, or course designated for that purpose.
- (B) Natural surface trails are multi-use for bicycles, Class 1 electrical bicycles (e-bikes) as defined by A.C.A. § 27-51-1702, and pedestrians only unless otherwise designated.
- (C) Use of natural surface trails is prohibited when closed or conditions are such that damage would be caused by use as determined by the director.
- (D) The restrictions of subsections (A) and (B) shall not apply to adaptive cycles, vehicles being operated by city employees to perform park maintenance, or police, fire, and other emergency vehicles.

Sec. 36-37. Operation of Vehicles and Use of City Trails.

- (A) Except as provided in subsection (B) of this section a person shall not operate the following vehicles on city trails:
 - (1) Golf carts;
 - (2) Vehicles of a comparable size to a golf cart or larger than a golf cart; and
 - (3) Gas powered vehicles.
- (B) Representatives of the city may operate otherwise prohibited vehicles on the trails for maintenance, emergency, and other legitimate government purposes.
- (C) A person shall not park a motor vehicle on a city trail.

Sec. 36-38. Fishing.

Fishing is allowed with a valid Arkansas Game and Fish state license for the ponds at Veterans Park and Mt. Hebron Park, Lake Atalanta, and Rogers Regional Sports Park subject to the provisions of Sec. 36-39. All regulations of the Arkansas Game and Fish Commission shall be in full force and effect and all fishing at parks or parks properties shall be subject thereto.

Sec. 36-39. Lake Atalanta.

- (A) Swimming. No person shall swim or be permitted to swim in Lake Atalanta or any of its tributaries located within park boundaries, except in areas designated and established by the Director, or their designee.
- (B) Fishing; methods, types of bait.
 - (a) The only form of fishing allowed on Lake Atalanta shall be with non-fixed, personally manipulated rod and reel or simple pole equipment employing live or artificial bait, including flies and casting lures.
 - (b) Operation of the equipment mentioned in subsection (a) of this section by any one person at any one time shall be limited to two rods or poles.
 - (c) No form of fishing or catching fish shall be permitted in or on Lake Atalanta other than processes mentioned in subsection (a) above. "Trotline" rigs, "jug fishing", using "yo-yos", or any other similar methods, are specifically prohibited in or on Lake Atalanta.
- (C) Operation of boats - No wake zone. No person shall operate any form of watercraft powered by a gas or diesel-fueled motor, engine, or propulsion device in or on Lake Atalanta. Watercraft operated in or on Lake Atalanta shall only be powered by means of a single electric motor, physical human exertion, or wind. The entirety of Lake Atalanta shall be established as and considered a "no wake zone".

Sec. 36-40. Hunting.

No person in a park shall hunt, trap or pursue wildlife at any time except duly authorized city officials including police and Animal Control Officers.

Sec. 36-41. Bathing and Swimming.

No person in a park shall swim, bathe, or wade in any waters or waterways in any park, except in the Rogers Aquatic Center

Sec. 36-42. Camping and Lodging.

No person in a park shall set up or use tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person bring in or leave in a city park after closing hours any structure or vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon, or the like.

Sec. 36-43. Riding Horses and Other Animals.

No person in a park shall ride upon any animal. No person shall bring such animals onto park property unless specifically permitted by sections of this code.

ARTICLE III- Horticulture and Urban Forestry

Sec. 36-50. Short title.

This article shall be known and may be cited as the “Urban Forestry Ordinance” of the City of Rogers, Arkansas. This article shall hereafter be cited if referred to for purposes of amendment or otherwise by said title.

Sec. 36-51. Purpose and Intent.

It is the purpose of this article to promote and protect the public health, safety, and general welfare by providing for the development of an urban forestry management plan to address the planting, maintenance, and removal of public trees and woodlands in order to promote, maintain, and improve the unique benefits of the urban forest resource of the City of Rogers. This article provides for the care of trees on city-owned property and aids in the beautification of the city.

Sec. 36-52. Exemption.

- (a) In accordance with related city ordinances, state law, or franchise agreements, public utilities may be exempt from certain provisions of this article.
- (b) In case of emergencies, or when necessary for the protection of public safety and welfare, any or all requirements of this article may be waived, suspended or modified by the Mayor.

Sec. 36-53. Definitions.

Arboriculture. The art, science and technology of cultivating and maintaining trees, shrubs, and other woody plants.

City-managed property. Includes medians, street rights of way, alleys, parks, natural areas, building grounds, parking areas, trails, easements, and other properties owned, managed or controlled by the City of Rogers.

Damage. Any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Hazardous tree. Any part of a tree that is diseased, damaged, decayed or located so as to be dangerous to public safety, health or welfare.

Horticulture. The art, science and technology of growing fruits, vegetables, flowers, trees, shrubs, and ornamental plants.

Park tree. Trees lying within named city parks, parks-managed properties, linear park trail systems not along a public street, park-managed natural areas, recreational facilities, aquatics and entertainment venues.

Public tree. Tree located on city-owned and city-managed property. All public trees will either be considered a park tree or street tree for interdepartmental coordination purposes.

Street tree. Trees lying within the right of way of any street, avenue, or paved public thoroughfare within the city. Trees along paved trails directly abutting a street may be included in this definition.

Tree Topping- the non-standard practice of cutting back of limbs to stubs within a tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

Urban forestry. The art, science and technology of sustained planning and managing trees and forest resources within community ecosystems to enhance psychological, sociological, aesthetic, economic and environmental benefits.

Sec. 36-54. Authority and power to plant, maintain and remove trees on public property.

- (a) The City of Rogers shall have the authority to regulate, conduct, and oversee the planting, maintenance and removal of trees on city-owned and city-managed property to ensure public safety, and to preserve the aesthetics, health and environmental benefits of public trees.
- (b) The city shall have the authority to cause the removal of any dead, diseased, or hazardous tree or tree parts when potential hazard to public safety and welfare exists.
- (c) Each city department shall have the authority to implement this article on properties for which it is responsible. All city departments with jurisdictions involving trees shall regularly coordinate and provide services as required to ensure compliance with this article.

Sec. 36-55. Urban Forestry Advisory Sub-Committee.

- (a) An Urban Forestry Advisory Sub-Committee is established as a part of the City of Rogers Parks Advisory Committee and shall meet a minimum of four (4) times a year. All meetings shall be open to the public. The Chair of the Sub-Committee may schedule additional meetings as needed. The Sub-Committee shall work with Parks and Recreation staff to formulate rules by which to operate as an advisory committee.
- (b) Composition. Five (5) members of the Parks Advisory Committee shall serve on the Sub-Committee.
- (c) Duties. The Advisory Committee shall act in an advisory capacity to the Director of Parks and Recreation and with the Office of Horticulture and Urban Forestry to:
 - (1) Coordinate and promote Arbor Day activities;
 - (2) Review and update a five-year urban forestry management plan for city-managed property;
 - (3) Support public awareness and education programs relating to trees;
 - (4) Review city department coordination on tree care;
 - (5) Advise the Office of Horticulture and Urban Forestry on tree grants, tree funds and community partnership opportunities;
 - (6) Review a list of recommended trees for planting on city property; and
 - (7) Assist with the annual application to renew the Tree City USA designation.

Sec. 36-56. Office of Horticulture and Urban Forestry.

- (a) An Office of Horticulture and Urban Forestry ("Office") is established and shall be administered by City of Rogers Parks and Recreation and managed by a horticulturist or urban forester.
- (b) The Office shall develop and maintain an urban forestry management plan and develop guidelines and specifications for horticultural and arboricultural operations conducted on city-managed property.
- (c) The Office shall develop and maintain an official city list of desirable tree species for planting on city-owned and city-managed property.
- (d) The Office may seek support, review plans and coordinate its program with other city departments, property owners' associations, community organizations, businesses and individuals.
- (e) The Office may consult with other city departments involved with the planting, maintenance or removal of trees under their responsibility in conjunction with the urban forestry management plan and related city ordinances, and serve as an educational liaison to tree service contractors, vendors and community organizations.
- (f) The Office will also serve as the City's primary technical resource on horticulture, grasses and other non-arboricultural vegetation on all city-owned and city-managed properties.

Sec. 36-57. Arboricultural standards for trees.

Planting, maintenance and removal activities of trees on city-owned and city-managed property should meet arboricultural practices described in the American National Standards Institute (ANSI) ASC 300 "Standards for Tree

Care Operations” and follow tree care Best Management Practices (BMPs) published by the International Society of Arboriculture. City departments, contractors, community organizations and individuals performing tree-related activities on city-managed property are encouraged to adhere to these standards.

Sec. 36-58. Tree Topping.

The practice of tree topping is prohibited on public trees and is strongly discouraged as a practice for trees on private property. Public trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the advice of the Office of Horticulture and Urban Forestry and determination of the Director of Parks and Recreation.

Sec. 36-59. Hazardous trees.

- (a) When the Office or city departments having jurisdiction over the location determines that a tree or limb presents a condition which is hazardous to the safety or welfare of the community, it shall be removed or pruned as determined by the appropriate official.
- (b) It shall be the duty of any person or persons owning or occupying real property bordering city-managed property upon which there may be trees, to prune such trees in such a manner they will not obstruct or shade street lights, obstruct the passage of pedestrians on sidewalks, obstruct the passage of vehicles on any street or alley, obstruct vision of traffic signs, or obstruct view of any street or alley intersection.
- (c) The city shall have the right to cause the removal or treatment of any dead, diseased or hazardous trees or tree parts on public or private property within the city when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. If the tree is on private property, the owner may be held responsible and liable for the costs of removal.
- (d) The city shall notify the owners of such trees in writing. Removal of such trees shall be done by the owners at the owner’s expense within sixty (60) days of the date of service of notice. In the event of failure of the owners to comply with such provisions, the city shall have the authority to remove the trees and charge the cost of removal to the owner.

Sec. 36-60. Interference with city while tending trees.

It shall be unlawful to interfere with the city or any of its agents, while engaged in and about the planting, spraying, treating, cultivating, pruning, or removing of any trees, whether on city property or private property, as authorized in this article.

Sec. 36-61. Protection from utilities.

Public utilities should exercise reasonable care and utilize industry best management practices to avoid damage and injury to public trees during the installation and maintenance of its assets and facilities.

Public Utilities companies shall provide five (5) business days’ notice to the city horticulturist of their intended non-emergency tree pruning schedule and location of impacted area.

Sec. 36-62. Protection from vehicles and equipment.

No person or business shall allow vehicles or equipment to cause damage or injury to public trees by physical damage, land alteration, or chemical contamination.

Sec. 36-63. Permit application for tree planting and removal.

It shall be unlawful for any person or business to plant, prune, remove, spray, or otherwise treat public trees without evidence of applicable certification, license or permit.

Sec. 36-64. Permit for work near trees.

- (a) No person or business shall perform any grading, excavation, place any fill, compact the soil, or construct any building, street, sidewalk, driveway, pavement, or public utility within twenty-five (25) feet of any park tree without first notifying and consulting with city horticulturist. Any such work shall be conducted in accordance with this article. Street tree notification and consultations shall be conducted under the provisions of the Public Thoroughfares Ordinance in Ch. 18 and other relevant city ordinances.
- (b) Any public utility constructing or maintaining any overhead wires or underground pipes or conduits within twenty-five (25) feet of park trees shall consult with the city horticulturist prior to performing work which may cause injury to park trees. Street trees and private tree utility consultations shall be governed by other ordinances including the Public Thoroughfares Ordinance in Ch. 18, the Unified Development Code, and other relevant city ordinances.

Sec. 36-65. Required Licensing.

It shall be unlawful for any person or business to engage in planting, cutting, trimming, pruning, removing, spraying, or otherwise treating public trees within the City of Rogers without approval from city.

Sec. 36-66. Violations.

- (a) Violations of this article, including failure to comply with any notice or directive pursuant to this article, are subject to provisions in Chapter 1, Section 1-5 of this Code.
- (b) If, as the result of violation of this article, the injury, damage, mutilation, or death of a public tree is caused, the actual cost of repair, replacement, or the appraised dollar value of each tree shall be borne by the party in violation. The value of the public trees shall be appraised in accordance with the Council of Tree and Landscape Appraisers Guide for Plant Appraisal, 10th edition, as amended.
- (c) Each public tree affected and each action or inaction taken in noncompliance with this article shall constitute a separate violation.

Sec. 36-67. Park Tree Appeals.

All appeals to a violation regarding park trees shall be heard by the City of Rogers' Board of Adjustment.

ARTICLE IV- Public Art

Sec. 36-70- Public Art Standing Advisory Sub-Committee.

- (a) A Public Art Advisory Sub Committee is established as a part of the City of Rogers Parks Advisory Committee and shall meet a minimum of four (4) times a year. The Chair of the Committee may schedule additional meetings as needed. The Committee shall work with Parks and Recreation staff to formulate rules by which to operate as an advisory committee. All meetings shall be open to the public.
- (b) Composition. Three (3) members of the Parks Advisory Committee shall compose this Public Art Standing Sub-Committee, to be selected by the Parks Advisory Committee.
- (c) Duties. The Advisory Committee shall act in an advisory capacity to the Director of Parks and Recreation and with the Office of Arts and Culture to:
 - (1) Advise on matters regarding the appropriate placement of public art displays on city-owned or city-maintained property;
 - (2) Advise Parks and Recreation and the city generally on the city's public art program; and
 - (3) Advise on the development of a public art policy for city-managed property.

RESOLUTION NO. R26-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK ENTER INTO AN AGREEMENT WITH WATER FROM THE ROCK PRODUCTIONS, LLC OF TULSA, OKLAHOMA FOR EVENT BOOKING AND PROMOTION SERVICES FOR THE VICTORY THEATER; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers published a Request for Qualifications (“RFQ”) for all qualified providers of event booking and promotion services and Water from the Rock Productions, LLC of Tulsa, Oklahoma submitted qualifications in accordance with this request;

WHEREAS, the City desires to enter into negotiations and an agreement with Water from the Rock Productions, LLC of Tulsa, Oklahoma for event booking and promotion services at the City’s Victory Theater; and

WHEREAS, a sum of fifty thousand dollars (\$50,000.00) allocated for this agreement is included in the 2026 budget.

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

Section 1: The Mayor and City Clerk are authorized to enter into contract negotiations, and if successful, an agreement with Water from the Rock Productions, LLC of Tulsa, Oklahoma for event booking and promotion services for the City’s Victory Theater;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All Resolutions of the City Council, or parts of Resolutions of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Quinton Harris, Director of Parks Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Services Committee

RESOLUTION NO. R26-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK ENTER INTO AN AGREEMENT WITH TURNIPBLOOD ENTERTAINMENT, LLC OF NORTHPORT, ALABAMA FOR EVENT BOOKING AND PROMOTION SERVICES FOR THE VICTORY THEATER; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers published a Request for Qualifications (“RFQ”) for all qualified providers of event booking and promotion services and Turnipblood Entertainment, LLC of Northport, Alabama submitted qualifications in accordance with this request;

WHEREAS, the City desires to enter into negotiations and an agreement with Turnipblood Entertainment, LLC of Northport, Alabama for event booking and promotion services at the City’s Victory Theater; and

WHEREAS, a sum of sixty-six thousand dollars (\$66,000.00) allocated for this agreement is included in the 2026 budget.

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

Section 1: The Mayor and City Clerk are authorized to enter into contract negotiations, and if successful, an agreement with Turnipblood Entertainment, LLC of Northport, Alabama for event booking and promotion services for the City’s Victory Theater;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All Resolutions of the City Council, or parts of Resolutions of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Quinton Harris, Director of Parks Department

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Services Committee

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING CHAPTER 2 – ADMINISTRATION OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 2 – Administration of the City’s Code of Ordinances in order to comply with Arkansas law and properly reflect the needs and direction of the City’s administrative functions.

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

Section 1: Chapter 2 – Administration shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Chapter 2 – Administration of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John M. Pesek, Senior Staff Attorney
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Resources & Policy Committee

Sec. 2-1. Records ~~management system~~ Retention.

The following guidelines shall apply to the records of the City of Rogers ~~Record Management System~~:

- (1) The head of each city department shall review the ~~Rogers Records~~ Retention Schedule, and shall only destroy records that are no longer required, in strict compliance with the retention periods set forth in the schedule;
- (2) ~~It is understood that t~~he time periods set forth in the schedule are the earliest time periods records may be destroyed and that there is not a requirement to destroy any records;
- (3) No records will be destroyed if they affect the title to real property or liens thereon, are permanent ~~court records, or are the original minutes, ordinances or resolutions of the legislative body of the City of Rogers or of any city board or commission, annual financial audits, year-end financial statements, or are over 50 years old;~~ records pursuant to any applicable Federal or State requirements.
- (4) No records shall be disposed of before being audited for the period in question;
- (5) ~~It is understood that t~~he senior staff attorney will shall be consulted concerning specific records retention requirements when there is a city record for which no reference in the ~~Rogers Record~~ Retention Schedule seems to apply;
- (6) Each city department shall periodically prepare a proposed destruction list, approved by the department head and the senior staff attorney, of those records to be destroyed pursuant to the ~~Rogers Records~~ Retention Schedule;
- (7) The destruction of any ~~documents record~~ requires an affidavit and a proposed destruction list of the record or property to be submitted to the city council along with a resolution authorizing the destruction. This affidavit and list shall be completed and signed by the municipal employee performing the destruction and shall require the signature of one council member to bring it out of committee and to the full city council for a vote. The affidavit shall include:
 - a. Which records are being destroyed and to which period of time the records apply;
 - b. The method of destruction; and
 - c. A section that lists the date of destruction, to be completed on the date of destruction, and shall be witnessed by the clerk-treasurer, or chief court clerk if court records are being destroyed.
- (8) If the resolution is adopted, said approval shall be indicated in the minutes of the meeting in which approved, and the affidavit and proposed destruction list shall be attached to the resolution and recorded by the clerk-treasurer;
- (9) ~~It is understood that records kept electronically do not meet the specifications for proper retention at this time. Proper notification and instructions will be given when this method becomes available;~~ Electronic records shall be kept in compliance with the Retention Schedule and with all applicable Federal and State laws.
- (10) It is understood that before any records "other than ephemeral materials" are destroyed, city officials must advise the Arkansas History Commission in writing and give any records deemed to have historical value to the commission.

RETENTION SCHEDULE

Document	Length of Time (in years)	ACA or Fed Statute
Annexation files	PERMANENT	

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Bond files	7	§14-59-114
<u>Annual Financial Audits</u>	<u>PERMANENT</u>	<u>§ 14-2-203</u>
<u>Year End Financial Statements</u>	<u>PERMANENT</u>	<u>§ 14-2-203</u>
<u>Council, Board, and committee agendas</u>	<u>7 PERMANENT</u>	<u>§ 14-2-203</u>
Board and committee files	7	§14-59-114
<u>Council, Board, and committee minutes</u>	PERMANENT	§14-59-114
Lobbyist registration filings	7	
<u>Meetings calendar</u>	<u>7</u>	
<u>News and press releases</u>	<u>7</u>	
Oaths of office (boards, commissions, advisory committees)	7	
Ordinances	PERMANENT	§14-59-114, § 14-2-203
Resolutions	PERMANENT	§14-59-114, § 14-2-203
Statements of financial interest	7	
State of the city address	<u>7 PERMANENT</u>	
Staff attorney/city attorney closed cases/case files	7	
FOIA requests	4	
Cancelled checks	4	§14-59-114
Invoices	4	§14-59-114
Bank statements	4	§14-59-114
Receipts	4	§14-59-114
Deposit slips	4	§14-59-114
Bank reconciliations	4	§14-59-114
Check book register or listing	4	§14-59-114
Receipt listing	4	§14-59-114
Monthly financial report	4	§14-59-114
Payroll records	4	§14-59-114
Budget documents	4	§14-59-114
Bids, quotes, and related documentation	4	§14-59-114
Fixed assets and equipment detail records	7	§14-59-114
Investment and certificate of deposit records	7	§14-59-114
Journal, ledgers, and subsidiary ledgers	7	§14-59-114
Annual financial reports	7	§14-59-114
Employee retirement documents	PERMANENT	§14-59-114
Pension/deferred compensation files	PERMANENT	
Application for employment (non-hired)	7	
Insurance files (other than invoices)	PERMANENT	
Beneficiary statements	PERMANENT	
Workers comp claims	7	
Active employee files	PERMANENT	
Terminated employee files	PERMANENT	
Payroll check registers	PERMANENT	
Payroll summaries	PERMANENT	
Payroll timesheets	7	
W-2 Files	PERMANENT	

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Court		
Case indices for all <u>district</u> courts	PERMANENT	§16-10-211
Case dockets for all <u>district</u> courts	PERMANENT	§16-10-211
Active warrants	PERMANENT	§16-10-211
Waivers	PERMANENT	§16-10-211
Expungement and sealed records	PERMANENT	§16-10-211
Files concerning convictions under the Omnibus DWI Act §5-65-101 et seq.	PERMANENT	§16-10-211
Domestic battering files	PERMANENT	§16-10-211
Complete case files and written exhibits	7	§16-10-211
Show cause orders	7	§16-10-211
Case information, including arrest reports and affidavits	7	§16-10-211
Files concerning cases resulting in a suspended imposition of sentence	7	§16-10-211
Bank reconciliations	4*	§16-10-211
Check book registers and check listings	4*	§16-10-211
Cancelled checks	4*	§16-10-211
Bank statements	4*	§16-10-211
Receipts	4*	§16-10-211
Deposit collection records	4*	§16-10-211
Receipt listings	4*	§16-10-211
Distribution reports	4*	§16-10-211
Receipt and disbursement journals	4*	§16-10-211
Time payment records	4*	§16-10-211
Citation book logs	4*	§16-10-211
Citation books from the police department	4*	§16-10-211
Served, <u>recalled, or quashed arrest</u> warrants	4*	§16-10-211
Copies of citations	4*	§16-10-211
Alternative service or community service time sheets	4*	§16-10-211
Uniform filing fees collection remittance forms and fine [fine] report	4*	§16-10-211
Miscellaneous fee and fine collection reports	4*	§16-10-211
<u>Served or unexecuted search warrants</u>	<u>3</u>	<u>§ 16-10-211</u>
• Retention period is extended by 1 year from the statutory minimum		
Police		
Closed municipal police case files for felony and class A misdemeanor offenses	7	§14-2-204
Expungement orders of municipal police cases	7	§14-2-204
Accident reports	3	§14-2-204
Incident reports	3	§14-2-204
Offense reports	3	§14-2-204
Fine and bond records	3	§14-2-204
Parking meter records	3	§14-2-204
Radio logs and complaint cards	3	§14-2-204

Employment records, payroll sheets, time cards, and leave requests	3	§14-2-204
Evidence—Sex offense (after a trial resulting in a conviction)	25	§12-12-104
Evidence—Violent offense (after a trial resulting in a conviction)	PERMANENT	§12-12-104
Evidence—Other felony where genetic profile was taken (after a trial resulting in a conviction)	7	§12-12-104

(Ord. No. 15-42, § 1(Exh. A), 3-24-2015; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

Sec. 2-54. New business at regular meetings.

- (a) New business at regular city council meetings shall be limited to matters listed on an agenda, which shall be prepared for each regular meeting by the clerk-treasurer from subjects submitted to him by the mayor, senior staff attorney, and/or by aldermen. ~~Such agenda shall be made up and completed not later than 12:00 noon on the Wednesday preceding such meeting, at which time it~~ The agenda shall be published in a newspaper having general circulation in the county available for newspaper publication, and shall be published no later than three (30) days before the scheduled meeting. Matters not disposed of shall carry over and be included in the agenda for the next regular meeting or until disposed of by the council.
- (b) No matters under new business except those contained in the agenda may be considered by the council at any regular meeting unless the rules are suspended by a two-thirds vote of the entire council or by the written approval of three aldermen and the mayor.

(Code 1982, § 2-62; Code 1997, § 2-57; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

Sec. 2-281. Position created.

- (a) The senior staff attorney shall report to the mayor, with duties and responsibilities performed in support of city department heads.
- (b) ~~The senior staff attorney is a full-time position with all usual or agreed upon benefits as for other department heads. The senior staff attorney is hereby expressly designated as a department head level position within the meaning of A.C.A. § 14-42-110.~~
- (c) The senior staff attorney will be licensed by the Arkansas State Bar, and admitted to practice by the Arkansas Supreme Court.
- (d) The senior staff attorney is prohibited from the private practice of law.

(Ord. No. 14-46, § 1(Exh. A), 9-23-2014; Ord. No. 15-80, § 1(Exh. A), 6-23-2015)

Sec. 2-282. Responsibilities.

The ~~position's~~ senior staff attorney's responsibilities would include staff support with relation to day-to-day legal issues such as:

- (1) Act as legal advisor to all city officials, boards, commissions, departments, and agencies.
- (2) Prosecute in district court, the circuit court, court of appeals or the state supreme court violations of state misdemeanor law or city ordinance which occurred within the corporate limits of the city.

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(Supp. No. 26)

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- (3) Supervise and manage the legal department and staff.
 - (4) Review of contracts and other legal documents that involve city operations.
 - (5) Prepare ordinances, resolutions, contracts, and other miscellaneous documents.
 - (6) Attend the mayor's staff meetings.
 - (7) Help in the selection of outside legal counsel that has particular expertise in a legal field where the City of Rogers is involved in litigation. The mayor would have the authority to approve any recommendation made by the staff attorney.
 - (8) Coordinate the activities of the city attorney as well as outside legal counsel that has been retained to represent the City of Rogers for matters of litigation.
 - (9) To be readily accessible to perform research and answer questions and inquiries by department heads that have management of business decisions that require legal counsel.
 - (10) Any other duties as assigned by the mayor.

(Ord. No. 14-46, § 1(Exh. A), 9-23-2014; Ord. No. 15-80, § 1(Exh. A), 6-23-2015)

Sec. 2-321. Composition.

The planning commission shall consist of nine (9) members, who shall be appointed by the mayor ~~by and~~ with the consent of a majority of the city council. The members of the planning commission shall hold office for ~~six~~ four (4) years. Vacancies on the planning commission shall be filled by the mayor by and with the consent of the city council. Previous planning commissioners shall have been out of that position for one (1) year prior to being re-appointed to the planning commission.

(Code 1982, § 50-17; Code 1997, § 94-27)

State law reference(s)—Composition of planning commission, A.C.A. § 14-56-404; appointment and terms, A.C.A. § 14-56-405.

Sec. 2-322. Qualifications.

At least two-thirds of the members of the planning commission shall hold no other municipal office or appointment except membership on the board of adjustment or ~~historic district commission~~ a joint planning agency.

(Code 1982, § 50-18; Code 1997, § 94-28)

State law reference(s)—Similar provisions, A.C.A. § 14-56-404.

Sec. 2-326. Agenda; order of business.

- (a) Prior to each planning commission meeting, an agenda shall be prepared by the ~~planning office~~ Community Development Department. The planning commission, by a majority vote, may amend the order of business prior to any meeting. The planning commission may from time to time adopt bylaws directing the structure of the agenda. ~~The agenda shall be divided into the following sections:~~

~~(1)—Roll call.~~

~~(2)—Action on minutes from previous meeting.~~

~~(3)—Reports from boards, standing committees or officers.~~

-
- (4) ~~Consent agenda.~~
- (5) ~~Public hearings.~~
- (6) ~~Old business.~~
- (7) ~~New business.~~
- (8) ~~Action on items removed from consent agenda.~~
- (9) ~~Adjourn.~~
- (b) ~~The consent agenda is a procedure whereby items of a routine nature that no member of the planning commission desires to discuss or debate individually can be approved together, without separate votes and discussion. Matters which may be placed on the consent agenda are large-scale development applications whereby only standard requirements, as defined in subsection (c) of this section, shall apply and any required variances have been obtained, preliminary plats of subdivisions, and final plats of subdivisions whereby only standard requirements shall apply and any required variances have been obtained.~~
- (c) ~~The term "standard requirements" means that list of requirements created and kept on file with the planning office that deal with technical issues concerning large-scale developments and subdivision plans and are required for every development or subdivision without regard to its size, scope or special circumstances.~~
- (d) ~~Any member of the planning commission may request any item on the consent agenda be removed from the consent agenda for the purposes of full debate and a separate vote.~~
- (e) ~~Items remaining on the consent agenda after requests to remove certain items are entertained shall be voted on by a roll call vote. Approval of the consent agenda as a whole operates to approve all items on the consent agenda as if they had been individually considered. If approval of the consent agenda is defeated, all items on the consent agenda will be considered for individual action and approval during that portion with items removed from the consent agenda.~~

(Code 1997, § 94-33; Ord. No. 05-61, § 4, 4-26-2005)

Sec. 2-356. Creation and members.

- (a) There is hereby created the Rogers Historic District Commission pursuant to the authority contained in A.C.A. § 14-172-201 et seq., which provisions of said statutes are hereby adopted.
- (b) The historic district commission shall consist of five to nine planning commission members appointed by the mayor with the advice and consent of the city council. Members shall be electors of the city current planning commission members who holding no city salaried or elective municipal office, and shall include at least one person who owns property within the proposed historic district. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, history, urban or regional planning, building rehabilitation, real estate, or preservation or conservation in general.
- (c) Members shall be appointed for terms of three years each and until their successors are appointed and qualified. The appointment shall be arranged so that the term of at least one member shall expire each year. Vacancies shall be filled in the same manner for the balance of the unexpired terms. Members shall serve without compensation.

(Code 1997, § 2-287; Ord. No. 04-37, § 1, 4-13-2004)

Sec. 2-467. Authority to make purchases.

- (a) Except as provided in subdivision (b) of this section, the mayor shall make the purchase of or execute the contract for work, labor, services, supplies, apparatus, equipment, materials, or other things requisite for public purposes.
- (b) If the amount of the expenditure for the purchase or contract is less than the rate set by A.C.A. § 14-58-303~~\$20,000.00 or less~~, the mayor's duly authorized representative may make the purchase of or execute the contract for work, labor, services, supplies, apparatus, equipment, materials, or other things requisite for public purposes.

(Ord. No. 17-27, § 1(Exh. A), 4-11-2017)

Editor's note(s)—Ord. No. 17-27, § 1(Exh. A), adopted April 11, 2017, repealed the former § 2-467 and enacted a new § 2-467 as set out herein. The former § 2-467 pertained to purchases of \$20,000.00 or less, and derived from Code 1982, § 2-236; Code 1997, § 2-341; Ord. No. 95-81, § 1, 8-22-1995; and Ord. No. 05-99, § 1, 7-12-2005.

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING APPENDIX B – FEE SCHEDULE OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Appendix B – Fee Schedule in the City’s Code of Ordinances to update the fees associated with Chapters 6 and 20.

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

Section 1: Appendix B – Fee Schedule shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Appendix B – Fee Schedule of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John M. Pesek, Senior Staff Attorney
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Resources & Policy Committee

Appendix B FEE SCHEDULE

The following fees are required by the corresponding section numbers of the Code of Ordinances:

Sec. 6-39(b), Annual animal license fee.

Altered animal pet license fee: \$0.00

Un-altered animal pet license fee: \$50.00

Sec. 6-128(a), Redemption of impounded dogs: ~~\$15.00~~

a. \$0 if within twenty-four (24) hours of impounding; or

a-b. \$50 per day if not redeemed within twenty-four (24) hours of impounding.

Sec. 6-128(c), Surrender of dog or cat: ~~\$75.00~~

Sec. 6-128(a), (b), Sec. 6-131(b), Reclaiming impounded animal fees.

1. Unaltered dogs and cats, licensed and vaccinated:
 - a. First offense: \$105.00
 - b. Second offense: \$150.00
 - ~~c. Third offense: \$250.00~~
 - d. Subsequent offense: \$375.00
2. Unaltered dogs and cats, unlicensed or unvaccinated:
 - a. First offense: \$125.00
 - b. Second offense: \$180.00
 - ~~c. Third offense: \$280.00~~
 - d. Subsequent offenses: \$400.00
3. Altered, licensed and vaccinated dogs and cats:
 - a. First offense: \$20.00
 - b. Second offense: \$60.00
 - ~~c. Third offense: \$100.00~~
 - d. Subsequent offense: \$150.00
4. Altered, unlicensed or unvaccinated dogs and cats:
 - a. First offense: \$25.00
 - b. Second offense: \$50.00
 - c. Subsequent offense: \$150.00
- ~~5. Rabbits, poultry and birds, each offense: \$15.00~~
6. Other animals, each offense: \$25.00
7. Microchipping fees:

- CODE OF ORDINANCES
Appendix B FEE SCHEDULE

Altered: \$15.00

Unaltered: \$20.00

Sec. 6-195, Breeder's permit:

- a. \$100.00 (2 unaltered dogs/cats)
- b. \$ 50.00 for each additional unaltered dog/cat

~~Sec. 6-202, Kennel license fees.~~

~~Private kennels, per kennel:~~

- ~~a. — All animals spayed or neutered: \$15.00~~
- ~~b. — Otherwise: \$25.00~~

~~Kennel, per kennel: \$25.00~~

~~Sec. 6-230, Running at large, paragraph (b)(7).~~

~~Fowl permit fee: \$5.00~~

~~Sec. 6-279(1), Fees for impounding animals: \$15.00 per day~~

Sec. 10-5, Certificate of occupancy fee.

Certificate of occupancy: \$25.00

Sec. 10-31 et seq., Building permit fees.

YEAR 2
(July 1, 2001)

(a) Plan Review fees.

Schedule

<u>Total Valuation</u>	<u>Fee</u>
<u>\$0.01 - \$50,000.00</u>	<u>\$50.00</u>
<u>\$50,001.00 - \$100,000.00</u>	<u>\$130.00 plus \$1.30 per \$1,000.00 or fraction thereof in excess of \$50,000.00</u>
<u>\$100,001.00 - \$500,000.00</u>	<u>\$195.00 plus \$0.70 per \$1,000.00 or fraction thereof in excess of \$100,000.00</u>
<u>\$500,001.00 - \$5,000,000.00</u>	<u>\$475.00 plus \$0.35 per \$1,000.00 or fraction thereof in excess of \$500,000.00</u>
<u>\$5,000,001.00 and up</u>	<u>\$2,050.00 plus \$0.175 per \$1,000.00 or fraction thereof in excess of \$5,000,000.00</u>
<u>Plan review permit fees are based off the valuation of the project – rounded up to the nearest thousand. To figure your valuation on all new buildings or additions, please reference the most current ICC valuation table at http://www.iccsafe.org/codes-tech-support/codes/code-development-process/building-valuation-data/</u>	

- CODE OF ORDINANCES
Appendix B FEE SCHEDULE

(b) Residential Permit fees.

Schedule

<u>Total Valuation</u>	<u>Fee</u>
<u>\$3,000.00 and less</u>	<u>\$25.00</u>
<u>\$3,001.00 - \$15,000.00</u>	<u>\$25.00 for the first: \$3,000.00 plus: \$5.00 for each additional thousand or fraction thereof, to and including: \$15,000.00.</u>
<u>\$15,001.00 - \$50,000.00</u>	<u>\$85.00 for the first: \$15,000.00 plus: \$5.00 for each additional thousand or fraction thereof, to and including: \$50,000.00.</u>
<u>\$50,001.00 - \$100,000.00</u>	<u>\$260.00 for the first: \$50,000.00 plus: \$4.00 for each additional thousand or fraction thereof, to and including: \$100,000.00.</u>
<u>\$100,001.00 - \$500,000.00</u>	<u>\$460.00 for the first: \$100,000.00 plus: \$3.00 for each additional thousand or fraction thereof, to and including: \$500,000.00.</u>
<u>\$500,001.00 and up</u>	<u>\$1,660.00 for the first: \$500,000.00 plus: \$2.00 for each additional thousand or fraction thereof.</u>
<u>New residential home permits are calculated from the heated square footage multiplied by the most current International Code Council permit fee multiplier.</u> <u>Residential remodels, additions, storage buildings, and swimming pools are calculated from the total cost of the project with valuation rounded up to the nearest thousand.</u>	

(c) Commercial Permit fees.

Schedule

<u>Total Valuation</u>	<u>Fee</u>
<u>\$3,000.00 and less</u>	<u>\$25.00</u>
<u>\$3,001.00 to: \$15,000.00</u>	<u>\$25.00 for the first: \$3,000.00 plus: \$5.00 for each additional thousand or fraction thereof, to and including: \$15,000.00.</u>
<u>\$15,001.00 to: \$50,000.00</u>	<u>\$85.00 for the first: \$15,000.00 plus: \$5.00 for each additional thousand or fraction thereof, to and including: \$50,000.00.</u>
<u>\$50,001.00 to: \$100,000.00</u>	<u>\$260.00 for the first: \$50,000.00 plus: \$4.00 for each additional thousand or fraction thereof, to and including: \$100,000.00.</u>
<u>\$100,001.00 to: \$500,000.00</u>	<u>\$460.00 for the first: \$100,000.00 plus: \$3.00 for each additional thousand or fraction thereof, to and including: \$500,000.00.</u>
<u>\$500,001.00 and up</u>	<u>\$1,660.00 for the first: \$500,000.00 plus: \$2.00 for each additional thousand or fraction thereof.</u>
<u>Commercial permits are based off the valuation of the project, rounded up to the nearest thousand. Valuation on new buildings or additions is reflective of the most current International Code Council Valuation Table. A surcharge fee is added on all commercial permits. This is calculated as the project valuation (rounded up to the nearest thousand) multiplied by .0005. The maximum surcharge fee is \$1,000.00</u>	

- CODE OF ORDINANCES
Appendix B FEE SCHEDULE

- (db) *Moving of building or structures.* For the moving of any building or structure, the fee shall be: \$100.00.
- (ee) *Demolition of buildings or structures.* For the demolition of any building or structures, the fee shall be \$50.00.
- (fd) *Fees for work started before permit obtained.* Where work for which a permit is required by this Code is started or proceeded with, prior to obtaining said permit, the fees herein specified shall be tripled, but the payment of such tripled fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work, nor from any other penalties prescribed herein.
- (ge) *Plan checking fees.* When the valuation of the proposed construction exceeds one thousand dollars (\$1,000.00) and a plan is required to be submitted by the Code, a plan checking fee shall be paid to the inspection department at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in the Code. Minimum fee for new construction and added square feet shall be fifty dollars (\$50.00), for repair, remodels, and miscellaneous permits requiring plan review thirty dollars (\$30.00). Said fee is in addition to the building permit fee and is nonrefundable.

Sec. 10-68, Electrical permit fee schedule.

<i>Schedule</i>	<i>Fee</i>
Electric service	\$4.00
Electric openings, each	0.30
Electric hood	2.00
Electric stove	2.00
Electric oven	2.00
Electric disposal	2.00
Electric washer	2.00
Electric air conditioner	2.00
Electric 220 V. plugs, each	2.00
Electric water heater	2.00
Dishwasher	2.00
Garage door opener	2.00
Service panels (commercial)	4.00
Electric blowers	2.00
Trash compactor	2.00
Electric dryer	2.00
Minimum charge for any electric permit	20.00
Reinspection fee (to be assessed each time the inspector is requested to inspect prior to completion of the system and readiness for inspection)	100.00

Sec. 10-162, Mechanical code fee schedule.

<i>Residential:</i>	
One unit	\$30.00
For each additional unit	10.00
<i>Commercial:</i>	
For up to four units	50.00

- CODE OF ORDINANCES
Appendix B FEE SCHEDULE

For each additional unit over and above four (4) units	10.00
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Note: One unit consists of one (1) ac unit and one (1) heating unit or combination heat and air unit.

Sec. 10-223, Plumbing permit fee schedule.

<i>Schedule</i>	<i>Fee</i>
Closets	\$2.00
Sinks	2.00
Lavatories	2.00
Showers	2.00
Bathtubs	2.00
Sewer	2.00
Washing machine	2.00
Floor drains	2.00
Dishwasher	2.00
Disposal	2.00
Urinal	2.00
Water heater	2.00
Gas opening, each	3.00
Drinking fountains	2.00
Mileage, per mile (min.: \$5.00)	2.00
Minimum charge for any plumbing permit	20.00
Reinspection fee (to be assessed each time the inspector is requested to inspect prior to completion of the system and readiness for inspection)	25.00 100.00
Residential backflow preventer	2.00
Commercial backflow preventer	5.00
Renewal for backflow preventer	20.00

Sec. 20-24(a), Fire department rates.

Rates and charges for special services: Base charge of: \$250.00 per service; plus

Actual direct costs including overhead with a minimum charge of: \$100.00 per service provided.

Sec. 20-141, Fire Code Permit fees.

<i>Schedule</i>	<i>Fee</i>
Airports, heliports and helistops	\$50.00
Bowling pin and bowling alley resurfacing	50.00
Cellulose nitrate motion picture film storage	50.00
Cellulose nitrate plastic (pyroxylin) storage	50.00
Combustible fibers storage	50.00
Compressed gas storage	25.00
Crude oil production	1,000.00
Cryogenic fluids	50.00
Dry cleaning plants	25.00

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Appendix B FEE SCHEDULE

Explosives, blasting agents and ammo	50.00
Flammable and combustible liquids	25.00
Flammable finishes	50.00
Fruit ripening process	100.00
Fumigation and thermal insecticide fogging	25.00
Hazardous chemicals	100.00
High piled combustible stock	25.00
Liquified natural gas	1,000.00
Liquified petroleum gas	25.00
Lumber storage	25.00
Magnesium	25.00
Mechanical refrigeration	25.00
Motion picture projection	25.00
Organic coatings	25.00
Ovens	25.00
Pipelines for flammable or combustible liquids	1,000.00
Places of assembly	25.00
Pulverized particles	50.00
Repair garages	25.00
Tank vehicles for flammable and combustible liquids	25.00
Tents and air supported structures	25.00
Tire rebuilding plant	100.00
Wrecking yard, junkyard or waste landing	25.00

Schedule	Permit Fee
Additive Manufacturing	\$100
Aerosol Products	\$100
Amusement Building (Special)	\$100
Aviation Facility	\$100
Carnivals and Fairs	\$100
Cellulose Nitrate Film	\$100
Combustible Dust-producing Operations	\$100
Combustible Fibers	\$100
Compressed Gases	\$100
Covered and Open Mall Buildings	\$100
Cryogenic Fluids	\$100
Cutting and Welding	\$50
Dry Cleaning	\$100
Energy Storage Systems	\$50
Exhibits and Trade Shows	\$100
Explosives	\$100
Fire Hydrants and Valves	\$0/Notification only
Flammable and Combustible Liquids	\$100
Floor Finishing	\$100
Fruit and Crop Ripening	\$100
Fumigation and Insecticidal Fogging	\$100
Hazardous Materials (in excess of Table 105.22)	\$100

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Appendix B FEE SCHEDULE

Hazardous Production Materials	\$100
High-piled Storage (exceeding 500 sq ft)	\$100
Hot Work Operations	\$50
Industrial Ovens	\$100
Lumber Yards and Woodworking Plants	\$100
Liquid or Gas fueled Vehicles or Equipment in Assembly Buildings	\$50
LP Gas	\$50
Magnesium	\$50
Miscellaneous Combustible Storage (exceeding 2500 cu ft)	\$100
Mobile Food Preparation Vehicles	\$50
Motor Fuel-dispensing Vehicles	\$50
Motor Fuel-dispensing Facilities	\$50
Open Burning (Commercial use)	\$100
Open Flame and Torches	\$50
Organic Coatings	\$100
Outdoor Assembly Event	\$50
Places of Assembly	\$50
Plant Extraction Systems	\$100
Private Fire Hydrants	\$0/Notification only
Pyrotechnics Special Events Material	\$50
Pyroxylin Plastics	\$100
Refrigeration Equipment	\$50
Repair Garages	\$50
Rooftop Heliports	\$100
Spraying or Dipping	\$100
Storage of Scrap Tires and Tire Byproducts	\$100
Temporary Membrane Structures and Tents	\$50
Tire Rebuilding Plants	\$100
Waste Handling	\$100
Wood Products	\$100
New Construction-Fire Sprinkler (13/13R)	\$0.04 SQ FT (MAX 50,000 SQ FT)
New Construction-Fire Sprinkler (13D)	\$10
Remodel/Infill Fire Sprinkler	\$100
Sprinkler Modification Only (No Building Mod)	\$100
New Construction-Fire Alarm	\$0.03 SQ FT (MAX 50,000 SQ FT)
Remodel/Infill Fire Alarm	\$100
Fire Alarm Modification Only (No Building Mod)	\$100
Kitchen Hood & Duct Suppression	\$100 1ST HOOD/\$75 each additional
Other Fire Protection System	\$75
Blasting & Explosives Use	\$100
Commercial Open Burning	\$100
Temporary Assembly Use	\$50
Plan Review Resubmittal Fee	50% of original permit
Plan Review Revision Fee	\$50
Reinspection Fee	\$100.00 per reinspection

*May be increased at the discretion of the Fire Chief if additional personnel or equipment is required.

Sec. 20-145(b), Variances.

Application for variance from requirements of fire code: [See section 14-229 above]

Sec. 20-184, Ambulance service rates.

Inside the City Limits of Rogers:

Transport to Hospital BLS Level: ~~\$550.00~~700.00

Transport to Hospital ALS Level 1: ~~\$650.00~~800.00

Transport to Hospital ALS Level 2: ~~\$875.00~~975.00

Transport to Helicopter: \$200.00

Treat patient with no transport to hospital: \$200.00

Assistance with No Transport or Medical Aid Rendered (billed to caller/requestor): \$100.00

Nursing Home Facility (patient assistance): ~~\$150.00~~200.00

Extrication Provided: \$250.00

Mileage (per patient loaded mile): \$17.50

Standby time per hour for ambulances: \$200.00

Standby time per hour for fire company: \$200.00

Supplies and/or drugs used for non-transport: Billed accordingly

Outside the City Limits of Rogers:

Rural Fire Annual Property Owner Subscription: \$125.00

Rural Fire Response (No Subscription): \$250.00

Transport to Hospital BLS Level: ~~\$600.00~~750.00

Transport to Hospital ALS Level 1: ~~\$700.00~~850.00

Transport to Hospital ALS Level 2: ~~\$900.00~~1000.00

Transport to Helicopter: \$250.00

Extrication Provided: \$250.00

Mileage (per patient loaded mile): \$17.50

Supplies and/or drugs used for non-transport: Billed accordingly

Sec. 24-5, Certificate of appropriateness application process.

Fee for certificate of appropriateness application: \$100.00

Sec. 26-4(b), Fees for copying records.

- (1) Accident reports—A fee of \$10.00 for each copy of a basic accident report and \$1.50 per page for each copy of supplemental reports.
- (2) Complaint reports—A fee of \$5.00 for each copy of the initial complaint report, regardless of its length and \$0.50 per page for each copy of additional information and supplemental reports.
- (3) Computer generated lists—A fee of \$10.00 for each computer generated list of citations issued on a given date and a fee of \$10.00 for each list of accidents on a given date.

~~Sec. 30-26, Application for relief; fee.~~

~~Fee for application to board of investigation for relief under provisions of article II of chapter 30: [See section 14-229 above]~~

Sec. 38-19, Peddler license fee.

Per day: \$10.00

Per week: \$30.00

Per month: \$75.00

Sec. 38-53, License fee.

For-profit fair license fee: \$10.00 per day

Sec. 38-61, Outdoor/mobile food vendor permit fee.

Temporary permit fee: \$50.00

Fixed permit fee: \$100.00

Sec. 46-27, Fee schedule for tipping fees of solid waste.

Automobile load: \$6.00

Pick-up truck w/o racks: \$10.50

Pick-up truck with racks: \$14.75

One ton truck: \$14.75

1-1/2 ton truck or larger

Per noncompacted yard: \$10.50

Sec. 50-22(3), Uniform application requirements.

Cellular antenna tower construction application fee: \$2,500.00

Sec. 50-41(b)(1)(B), Small wireless facility application fee.

Application fees for a permit shall not collectively exceed the following:

\$100.00 for each small wireless facility; or

\$250.00 for the installation, modification, or replacement of a pole together with the collocation of an associated small wireless facility in the right-of-way or easement.

Sec. 50-41(b)(1)(C), Small wireless facility annual rates.

\$30.00 annual rate per small wireless facility; and

\$240.00 annual rate for colocation of small wireless facilities on authority poles for each authority pole.

Sec. 52-6(a), Fee for storage of seizures and impounded vehicles.

Maximum fee: \$10.00 per day

Sec. 52-202, Redemption after impoundment.

Costs of towage and storage during impoundment: Not to exceed: \$25.00

Sec. 54-297(a), Transporter fees.

Permitted vehicle fee: \$10.00 per vehicle

Sec. 56-49(a), Annual fee.

Taxicab operating license fee: \$25.00 per year

Uniform Development Code: Application filing fees

Preliminary plat: \$500.00

Variance: \$500.00

Appeal: \$500.00

Administrative adjustment: \$500.00

Vacation: \$500.00

Final plat: \$500.00 per acre or fraction thereof, not to exceed \$5,000.00, plus \$10.00 per lot

Rezoning: \$500.00 per acre or fraction thereof, not to exceed \$5,000.00

Site development plan: \$500.00 per acre or fraction thereof, not to exceed \$5,000.00

Development permit: \$250.00

Uniform Development Code: Resubmittal fees

50% of the application filing fee, doubling with each subsequent resubmittal

Engineering manual: Fees

Land disturbance permit (developments less than one acre): \$500.00

Land disturbance permit (developments greater than or equal to one acre): \$1,000.00

HECRAS peer review fee: \$5,000.00

(Ord. No. 13-67, § 1(Att.), 8-13-2013; Ord. No. 15-147, § 1(Exh. A), 10-27-2015; Ord. No. 16-02, § 1(Exh. A), 1-12-2016; Ord. No. 17-05, §§ 1(Exh. A), 4(Exh. D), 1-10-2017; Ord. No. 17-23, § 1(Exh. A), 3-28-2017; Ord. No. 17-41, § 8(Exh. D), 6-13-2017; Ord. No. 18-09, § 3(Exh. C), 2-13-2018; Ord. No. 18-22, § 6(Exh. C), 4-10-2018; Ord. No. 18-32, § 7(Exh. D), 6-26-2018; Ord. No. 19-44, § 5(Exh. A), 6-25-2019; Ord. No. 22-23, § 1, 4-12-2022; Ord. No. 23-25, § 1, 7-25-2023; Ord. No. 24-34, § 10(Exh. A), 7-23-2024)

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING CHAPTER 38 – RESTRICTED BUSINESS SALES OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 38 – Restricted Business Sales in the City’s Code of Ordinances to update the fee structure and revise certain practices and procedures.

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

Section 1: Chapter 38 – Restricted Business Sales shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Chapter 38 – Restricted Business Sales of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John Vanatta, Risk Reduction Deputy Fire Chief
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Resources & Policy Committee

Sec. 38-61. Outdoor and mobile food vendors.

(a) *Purpose and intent.*

- (1) To serve and protect the health, safety, and welfare of the general public.
- (2) To establish a uniform set of rules and regulations that are fair and equitable.
- (3) To provide economic development opportunities to small entrepreneurs in the city.
- (4) To promote stable vendors who will enrich the city's ambiance and be assets to public security.

(b) *Definitions.*

Mobile food vehicle means a food establishment preparing and/or serving foods from a self-contained vehicle either motorized or within a trailer that is readily movable without disassembling for transport to another location. Mobile food vehicles may serve as a conveyance for outdoor vending at a fixed location.

Mobile food vendor means any person that owns or operates a mobile food vehicle for the purpose of mobile vending, as defined.

Outdoor vending means exhibiting, displaying, selling or offering for sale any food, beverages, goods, wares, or merchandise from a conveyance at a fixed location on public or private property.

Outdoor vendor means a person that exhibits, displays, sells or offers for sale any food, beverages, goods, wares or merchandise from a conveyance at a fixed location. This definition does not include a door-to-door solicitor, mobile food vending, children's lemonade stands or homeowners having garage sales.

Outdoor vendor park means a site that contains more than one outdoor vendor on a regular basis as the principal use of land.

(c) *Permit required.*

- (1) *Applicability.* It shall be unlawful for any person to engage in the business of outdoor vending or mobile food vending unless he/she has first obtained a vending permit from ~~the planning office~~**Risk Reduction**, except as exempted in subsection (d), exemptions, below. All permits shall be issued according to the regulations herein.
- (2) Applicants may request a vending permit for either (i) outdoor vending, or (ii) mobile food vending. The application for a vending permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including, but not limited to:
 - a. The applicant's full name, current address, telephone number and proof of identity together with a full-face photograph of the applicant, not less than two inches or more than three inches square.
 - b. A brief description of the nature, character, and quality of goods, wares, or merchandise to be offered for sale.
 - c. Site plan showing proposed location and distances in compliance with the location requirements in subsection (e)(3).
 - d. Detailed scaled drawing or photo of the conveyance showing dimensions and location of any proposed signs.
 - e. Written consent of the property owner, if applicable.
 - f. Proof of notification of adjacent property owner (i.e., certified mail receipt or letter from the owner), if outdoor vendor is adjacent to a residential district.

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- g. If the applicant is engaged in the sale of food or beverages, a copy of the Benton County Health Department inspection certificate shall be provided.
 - h. If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation of employment.
 - i. If a motor vehicle is to be used, the motor vehicle make, year, model and license number.
 - j. RWU Wastewater Disposal & Approval form for fixed site
 - k. Business license
- (3) In addition to the information listed above, mobile food vendors shall also provide:
- a. Proof of current driver's license for all drivers.
 - b. Proof of current insurance for the mobile food vehicle.
 - c. Proof of completed fire inspection from Risk Reduction
- (4) *Fee.* The applicant shall pay the fees as adopted from time to time by the city council, as listed in Appendix B—Fee Schedule of the Rogers City Code of Ordinances.
- (5) *Issuance of permit.*
- a. The applicant shall be notified in writing by ~~the city planner or his/her designee~~ Risk Reduction of the city's decision to issue or deny the vending permit not later than 30 days after the applicant has filed a completed application with ~~the planning department~~ Risk Reduction.
 - b. Any applicant may appeal a denied application to the city ~~planning commission~~ council within ten days of the denial by sending written notice to the clerk-treasurer, to be heard at the next available ~~planning commission~~ city council meeting.
 - c. Each permit shall show the name and address of the vendor, the type of permit issued, the kind of goods to be sold, the amount of the permit, the date of issuance, the permit number, an identifying description of any motor vehicle or conveyance used by the vendor plus, where applicable, the motor vehicle registration number and a photograph of the vendor not less than two inches square nor more than three inches square. Each permit shall also show the expiration date of the permit.
 - d. All permits issued under this section shall be both non-assignable and non-transferable.
 - e. Mobile food vendors will be subject to a fire inspection by Risk Reduction prior to issuance of the permit and upon renewal of such permit. Mobile food vendors will be subject to Section 319 of the Arkansas Fire Code and all applicable references. Fire extinguishers shall be in place in accordance with Arkansas Fire Code and NFPA 10.
- (6) *Display of permit.* Any permit issued by ~~the city planner~~ Risk Reduction or ~~his/her designee~~ shall be carried with the vendor whenever he/she is engaged in vending. Certificate of health inspection from the Benton County Health Department shall also be properly and conspicuously displayed at all times during the operation of the vending business.
- (7) *Expiration and renewal.*
- a. *Fixed permit.* All fixed vending permits expire annually at midnight on December 31. A vending permit may be renewed, provided an application for renewal and permit fees are received by the city no later than the expiration date of the current permit. Any application received after that date shall be processed as a new application. ~~The city planner or his/her designee~~ Risk Reduction shall review each application for renewal, and upon determining that the applicant is in full compliance with the provision of these regulations, shall issue a new permit.

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- b. *Temporary permit.* All temporary permits issued shall be valid only for the time period established on the permit, not to exceed ~~30~~120 days from the date of issuance. No more than two (2) temporary permits will be issued per year.
- (8) *Notification of name or address change.* All vendors shall assure that the current and correct name, residence address and mailing address are on file with ~~the planning department~~Risk Reduction. ~~Whenever either~~ the name or address provided by a permitted vendor on an application for a vending permit changes, the vendor shall notify ~~the city planner~~Risk Reduction in writing within 30 days of such change and provide the same with the name change or address change.
- (d) *Exemptions.*
- (1) *Exempt activities.* The provisions of the article do not apply to:
- Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of deliver, shipment, or transfer.
 - The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books.
 - The distribution of free samples of goods, wares, and merchandise by any individual from his person.
 - Sidewalk sales lasting no longer than three consecutive days, so long as at least four feet of sidewalk remains clear for pedestrian access. No more than three sidewalk sales per business shall be permitted per calendar year.
 - Temporary sales to benefit non-profit organizations and conducted on private property. Such sales shall be conducted no longer than five consecutive days.
 - Merchants participating in outdoor markets or special events organized or administered by the City of Rogers or Downtown Rogers Inc. Such merchants shall be approved by the organizing or administering agency.
- (2) *Claims of exemption.* Any person claiming to be legally exempt from the regulations set forth herein, or from the payment of a permit fee, shall cite to ~~the city planner or his/her designee~~Risk Reduction the statute or other legal authority under which exemption is claimed and shall present proof of qualification of such exemption.
- (e) *Outdoor vending.* The following requirements shall apply to outdoor vending at fixed locations.
- (1) *Private property.*
- Single vendor.*
 - Zoning districts.* Outdoor vendors shall be permitted on developed private property only. ~~in COR, COM, and IA zoning districts also C-2, C-4, and I-1 zoning districts.~~ Outdoor vendors are prohibited in residential zoning districts T2, T3.1, and T3.2.
 - Number of vendors.* Only one outdoor vendor shall be permitted per lot. However, if more than one vendor is proposed for a single lot, it shall be considered an outdoor vendor park and shall meet the requirements for outdoor vendor park below.
 - Permission required.* Outdoor vendors shall first obtain written permission from the property owner prior to submitting for an application.
 - Size restrictions.* The area occupied by a vendor shall not exceed 900 square feet and shall be located on hard surface paving (asphalt or concrete).

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5. Dining Area Covering. Dining area tents, or other temporary membrane structures, must be located a minimum of twenty (20) feet from any permanent structure. Open flames are specifically prohibited within the area below the membrane structure. Vendors may not operate from carport style structures or other temporary or semi-permanent buildings.
 6. Trash receptacles and litter removal. The mobile unit vendor shall furnish a minimum of one trash receptacle located no more than ten (10) feet from the mobile food unit. The vendor must clean the site of all litter produced by the unit at the close of business each day in operation, or more frequently if necessary to prevent litter from blowing onto adjacent properties.
- b. *Outdoor vendor park.*
 1. *Zoning districts.* Outdoor vendor parks shall be permitted on private property, ~~as a conditional use in COR, COM, and IA zoning districts also C-2, C-4, and I-1 zoning districts.~~ Outdoor vendor parks are prohibited in residential zoning districts T2, T3.1, and T3.2.
 2. *Review criteria.* ~~The planning commission~~Risk Reduction shall review the application based on the specific circumstances of the proposed vendor park including the location of the park, the size of the lot where the park is located, the types of surrounding land uses, parking, and any other potential impacts on public health, safety and welfare. ~~The planning commission~~Risk Reduction shall determine the number of outdoor vendors permitted within the outdoor vendor park.
 - c. *Requirements.* The property owner proposing an outdoor vendor park may be required to make any of the following necessary improvements to the property in order to meet the city development codes and be approved for the semi-permanent use:
 1. Make any improvements necessary to the site to meet the requirements of ~~sections 14-204 through 14-345~~the City's unified development code. This may include landscaping, screening, and buffering in the ~~site~~ large-scale development plans.
 2. ~~Make any improvements necessary to the site to meet the requirements of sections 14-708, 14-709, 14-710, 14-711, 14-713, 14-714, and 14-715 for parking and loading of the zoning code. This may include paving striping and the construction or designation of handicapped parking spaces.~~
 3. Make any necessary improvements to provide permanent utility connections for each outdoor vending unit in the outdoor vendor court. This shall include permanent water, sanitary sewer, and electricity connections.
 4. Make any improvements necessary to ensure safe pedestrian and vehicular access to the site. This may include sidewalk and curb-cut improvements.
 5. Individual outdoor vendor units operating in an outdoor vendor park shall obtain an outdoor vendor permit and shall meet all of the applicable requirements.
- (2) *Public property/right-of-way.* Outdoor vending on public right-of-way and public property shall only be permitted in special outdoor vendor districts as identified herein or otherwise established by city council. The following areas shall be included as special outdoor vendor districts: Watertower District, Victory Row, Frisco Front, and Walnut Corridor.
 - a. *District boundaries.* The area described in the Downtown Rogers Development Code.
 - b. *Locations.* Vending locations on public property or right-of-way within the district shall be approved by ~~the planning department~~Risk Reduction, and/or the transportation committee of the Rogers City Council, based on the location restrictions in subsection (e)(3) below. A vendor

shall be permitted no more than one vending permit in this district. Vendors with a valid permit for a specific location shall be permitted to continue at that location for so long as the permit under this section is continuously issued and does not expire or is not revoked pursuant to the section.

- c. *Vending stand.* Outdoor vendors in the district, vending on public property or right-of-way, shall be limited to only hand carts, push carts, or peddle carts with a dimension that shall not exceed eight feet in length, four feet in width, and six feet in height, (exclusive of canopies or umbrellas) anywhere within the district. Vending stands shall be located on hard surface paving.
 - d. *Special events.* Outdoor vendor permits issued are invalid during special events coordinated by the City of Rogers and/or Downtown Rogers Inc. The city may provide written permission for the outdoor vendor to continue to conduct business during the special event, but may request the vendor to relocate or adjust operations to within a close reasonable proximity of the assigned location to accommodate any logistical or technical necessity. A copy of such letter shall be provided to ~~the planning department~~Risk Reduction.
- (3) *Location restrictions.* Absolutely no outdoor or mobile vendor shall be permitted to operate in the following areas:
- a. Within ten feet of any street intersection or pedestrian crosswalk.
 - b. Within ten feet of any driveway, loading zone, or bus stop.
 - c. In any area within ~~ten (10) feet of a building or fifteen (15) feet of a building entrance~~.
 - d. On the median strip of a divided roadway unless the strip is intended for use as a pedestrian mall or plaza.
 - e. Any area within ~~one hundred (100) feet of a hospital, college, university, elementary school, middle school, or high school~~.
 - f. Within ten ~~(10)~~ feet of any fire hydrant or fire escape.
 - g. Within ten ~~(10)~~ feet of any parking space or access ramp designated for persons with disabilities.
 - h. In a public parking space or public parking lot unless appropriate approval is obtained from the transportation committee of the Rogers City Council per Rogers City Code section 52-4.
 - i. Within ~~twenty-five (25)~~ feet of any bus stop sign.
 - j. Within ~~fifty (50)~~ feet of driveway to a police or fire station.
 - k. Within ~~fifty (50)~~ feet of principal public entrance to food service business not owned by vendor.
 - l. Any area that obstructs pedestrian traffic. Must provide four feet clear passageway for pedestrians at all times.
 - m. Vacant or undeveloped property.
 - n. Any location other than the assigned location as expressly described on the permit.
 - o. City public park property.
 - p. On grass.
- (4) *Hours of operation.* Outdoor vendors shall be allowed to engage in the business of vending only between the hours of 7:00 a.m. and 10:00 p.m.
- (f) *Mobile food vending.* The following requirements apply to mobile food vendors
- (1) *Equipment requirements.* All mobile food vendor conveyances shall have the following features:

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- a. Convex mirror mounted on the front of the vehicle such that the driver in his normal seating position can see the area in front of the truck obscured by the hood.
 - b. "Slow Children Crossing" sign printed in six-inch black letters on yellow background on both the front and back of the vehicle.
 - c. Passenger side mirror.
 - d. Business name, address, and phone number printed in two-inch letters on each side of the vehicle.
 - e. Trash receptacle.
 - f. "Slow" signal arm that can be extended horizontally from the left side of the truck. This arm shall be yellow with six-inch black lettering and two alternating flashing amber lights three to five inches in diameter. The bottom of the signal arm shall be approximately 42 inches above the roadway or street.
 - g. The vehicle shall be lawfully parked or stopped before vending can take place.
- (2) *General requirements.*
- a. "Slow" signal arm shall be deployed when vehicle is stopped for vending purposes.
 - b. The vehicle shall not be stopped for vending purposes when no customers are present.
 - c. Vending shall take place from the right side of the vehicle.
 - d. Vending shall not occur with a customer standing within the roadway.
 - e. Vending shall only include prepackaged products.
 - f. Vehicles shall not be operated in reverse to accommodate a customer.
- (3) *Location restrictions.*
- a. Mobile food vending shall only take place on streets where on-street parking is allowed.
 - b. No vending shall be permitted within 500 feet of a school while school is in session and one hour before and after school is in session.
- (4) *Hours of operation.* Mobile food vendors shall be allowed to engage in the business of vending only between 10:00 a.m. and 30 minutes before sunset.
- (g) *Littering and trash removal.*
- (1) Vendors shall keep the sidewalks, roadways, and other spaces adjacent to their vending sites or locations clean and free of paper, peelings, and refuse of any kind generated from the operation of their business. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container.
 - (2) Persons engaged in food vending shall provide a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.
- (h) *Prohibited conduct.* No person authorized to engage in the business of vending under these regulations shall do any of the following:
- (1) Unduly obstruct pedestrian or motor vehicle traffic flow, except for up to 20 minutes to load and unload vending conveyance and/or vending merchandise.
 - (2) Obstruct traffic signals or regulatory signs.

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- (3) Stop, stand, or park any motor vehicle or any other conveyance upon any street for the purpose of selling during the hours when parking, stopping, and standing have been prohibited by signs or curb markings.
 - (4) Leave any conveyance unattended at any time or store, park, or leave such conveyance in a public way overnight.
 - (5) Use any conveyance that when fully loaded with merchandise cannot be easily moved and maintained under control by the permittee, his employee or an attendant.
 - (6) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention. However, mobile food vendors are permitted to play non-vocal music within the regulations of the City of Rogers noise ordinance, but shall not do so within 500 feet of hospitals, schools, or churches. Nothing in this section shall exempt vendors from compliance with the noise ordinance contained in section 18-26 of the Rogers City Code.
 - (7) Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life, or property or obstruct adequate access to emergency and sanitation vehicles.
 - (8) Use, install, or display any signage that is not in compliance with the sign codes for the City of Rogers.
 - (9) Altering vehicle to allow for additional signage.
 - (10) No vending conveyance or other item related to the operation of a vending business shall be located on any city sidewalk or other public way during non-vending hours. Nor shall any mobile food vehicle be parked, stored, or left overnight other than in a lawful parking place.
 - (11) Run hoses, cords, or other apparatus across a pedestrian pathway.
- (i) *Suspension and revocation of permit.*
- (1) *Conditions for suspension/revocation.* In addition to the penalties punishable as set forth in Rogers Municipal Code, any permit issued under these regulations may be suspended or revoked for any of the following reasons:
 - a. Fraud, misrepresentation or knowingly false statement contained in the application for the permit.
 - b. Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending.
 - c. Conducting the business of vending in any manner contrary to the conditions of the permit, or in violation of this Code.
 - d. Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare, or morals, or interfere with the rights of abutting property owners.
 - e. Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations.
 - f. Failure to meet any provisions contained herein.
 - (2) *Notification of suspension or revocation.* ~~The city planner~~Risk Reduction or his/her designee shall provide written notice of the pending suspension or revocation in a brief statement setting forth the complaint, the ground for suspension or revocation, and notifying the vendor that if the issues are not corrected within seven days of receipt of the notice, the permit may be suspended or revoked. Such

notice shall be mailed to the address shown on the permit holder's application by certified mail, return receipt requested.

- (3) *Appeal of suspension or revocation.* If the permit is suspended or revoked by ~~Risk Reduction~~~~the city planner~~, the permit holder shall have ten days from the date of the suspension or revocation to file their appeal for consideration by ~~the planning commission~~city council. The appeal shall be filed by sending written notice to the clerk-treasurer and shall be heard at the next available ~~planning commission~~city council meeting. The timely filing of an appeal to ~~the planning commission~~city council shall stay the suspension or revocation of the permit until the matter is heard by ~~the planning commission~~city council.
- (4) *Forfeiture of fee.* If the city revokes a vending permit, the fee already paid for the permit shall be forfeited. A person whose permit has been revoked under this section may not apply for a new permit for a period of one year from the date that the revocation took effect.
- (5) *Penalty.* Any violation of this section shall be subject to the penalty provisions as outlined in section 1-5.

(Ord. No. 15-146, § 1(Exh. A), 10-27-2015; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING CHAPTER 48 – TAXATION OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 48 – Taxation in the City’s Code of Ordinances to update the fee structure and revise certain sections.

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

Section 1: Chapter 48 – Taxation shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Chapter 48 – Taxation of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John M. Pesek, Senior Staff Attorney
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Resources & Policy Committee

Sec. 48-24. Manufacturing, sales and services.

The tax as provided in this article to be paid by the person engaging in any business, occupation or profession shall be as follows:

- (1) Manufacturing (rendering raw or semi-finished materials into finished products for sale): \$50.00 plus \$3.00 for each employee or owner working 25 hours or more per week.
- (2) Sales, including retail establishments not specified elsewhere in this article: \$50.00 plus \$3.00 for each employee or owner working 25 hours or more per week.
- (3) Services, unless subject to a higher tax in another category: \$75.00 plus \$10.00 for each employee working a minimum of 25 hours a week, ~~plus \$20.00 per owner or part-owner who holds an individual state license to perform the service.~~ Such services include the following:
 - a. Professional services:
 1. Accountants;
 2. Advertising agencies;
 3. Architects;
 4. Attorneys;
 5. Banks;
 6. Savings and loan associations;
 7. Bail bonding firms;
 8. Engineers;
 9. Funeral directors or undertakers;
 10. Medical profession (all members);
 11. Insurance agents/brokers, stock and/or investment brokers;
 12. Pharmacists;
 13. Real estate brokers and agencies. (If an agency or broker allows salespersons selling realty under the agency's auspices with office space but does not consider them to be employees, the agency shall collect from the salespersons the appropriate tax and remit it at the same time they remit the tax due from the agency.)
 - b. Food and lodging:
 1. Restaurants, cafes, diners, cafeterias or any place where food is prepared and served to the public:
 - (i) Minimum: \$50.00;
 - (ii) Ten to 25 seats: \$75.00;
 - (iii) Twenty-six to 75 seats: \$100.00;
 - (iv) Over 75 seats: \$150.00.
 2. Motels, hotels, boardinghouses, rooming houses and apartments:
 - (i) One to six units: \$ 50.00; plus

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- (ii) Each additional unit thereafter: \$3.00.
 - c. Catalogue houses whose principal sales are by fulfillment of orders from out-of-town warehouses: \$300.00.
 - d. Self-service storage units:
 - 1. One to six units: \$50.00; plus
 - 2. Each additional unit thereafter: \$0.50.
 - e. All others: \$~~5040.00~~ ~~plus \$10.00 per working owner~~ and employee working a minimum of 25 hours per week.

(Code 1982, § 7-20; Code 1997, § 22-30; Ord. No. 16-32, § 1(Exh. A), 4-12-2016)

Sec. 48-59. Required for out-of-town contractors.

Out-of-town contractors doing work within the city limits must have a license under this division. However, if a contractor has obtained a special event license, they shall not be required to obtain a business license for that event.

(Code 1982, § 7-32; Code 1997, § 22-52; Ord. No. 16-32, § 1(Exh. A), 4-12-2016)

RESOLUTION NO. R26-_____

A RESOLUTION AMENDING THE 2026 BUDGET TO RECOGNIZE INSURANCE REIMBURSEMENTS IN THE AMOUNT OF FIFTY THOUSAND SIX HUNDRED DOLLARS (\$50,600.00) INTO ACCOUNT #200-16-49195 INSURANCE REIMBURSEMENT; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #200-16-84002.005 FLEET; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH FAYETTEVILLE AUTOPARK FOR THE PURCHASE OF A 2026 CHEVROLET SILVERADO TRUCK FOR USE BY THE STREET DEPARTMENT; WAIVING COMPETITIVE BIDDING; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Street Department sustained damage to a work truck when the vehicle was struck by lightning during a storm in April 2026;

WHEREAS, the City has received insurance reimbursements for these damages totaling fifty thousand six hundred dollars (\$50,600.00);

WHEREAS, the Rogers Street Department desires to purchase a 2026 Chevrolet Silverado truck from Fayetteville Autopark of Fayetteville, Arkansas for use by that department;

WHEREAS, the Rogers Street Department is requesting that City Council waive the requirements for competitive bidding for this purchase due to Fayetteville Autopark's ability to provide necessary upfitting to meet the department's needs; and

WHEREAS, the total amount for the purchase of a 2026 Chevrolet Truck will not exceed fifty-six thousand four hundred ten dollars (\$56,410.00).

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

Section 1: The City of Rogers' 2026 Budget is amended to recognize fifty thousand six hundred dollars (\$50,600.00) in insurance reimbursements into Account #200-16-49195 Insurance Reimbursement;

Section 2: The City of Rogers' 2026 Budget is amended to appropriate fifty thousand six hundred dollars (\$50,600.00) from Account #200-16-49195 Insurance Reimbursement into Account #200-16-84002.005 Fleet;

Section 3: The Mayor and City Clerk are hereby authorized to enter into an agreement for the purchase of a 2026 Chevrolet Silverado from Fayetteville Autopark of Fayetteville, Arkansas for use by the Rogers Street Department in an amount not to exceed fifty-six thousand four hundred and ten dollars (\$56,410.00);

Section 4: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the

requirements of competitive bidding for the purchase of a Chevrolet Truck for use by the Rogers Streets Department;

Section 5: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 6: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Frankie Gyll, Superintendent – Street Department

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

ORDINANCE NO. 26- ____

AN ORDINANCE AMENDING CHAPTER 52 – TRAFFIC AND VEHICLES OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, the City believes it necessary to amend Chapter 52 – Traffic and Vehicles in the City’s Code of Ordinances to update the permitting process and reflect current practices and procedures.

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

Section 1: Chapter 52 – Traffic and Vehicles shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Chapter 52 – Traffic and Vehicles of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John M. Pesek, Senior Staff Attorney
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Transportation Committee

Sec. 52-234. Application for permit.

Any person who wants to conduct a parade or motorcade shall apply to the chief of police for a permit at least ~~3020~~ days in advance of the date of the proposed parade or motorcade. The chief of police may, in his discretion, consider any application for a permit to conduct a parade or motorcade which is filed less than ~~3020~~ days prior to the date such parade or motorcade is to be conducted. The application for such permit shall be made in writing on a form approved by the chief of police. In order that adequate arrangements may be made for the proper policing of the parade or motorcade, the application shall contain the following information:

- (1) The name of the applicant, the sponsoring organization, the parade or motorcade chairman, and the address and telephone numbers of each;
- (2) The general purpose of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled, and the approximate time when the parade or motorcade will assemble, start and terminate;
- (3) Such other information as the chief of police may require if reasonably necessary.

(Code 1982, § 8-184; Code 1997, § 114-310)

Sec. 52-235. Issuance or denial of permit.

(a) *Standards for issuance.* The ~~C~~chief of ~~P~~police ~~must issue a parade or motorcade permit conditioned upon the applicant's written agreement to comply with the terms of the permit, unless the chief of police finds that may consider the following:~~

- (1) The time, route and size of the parade or motorcade will disrupt to an unreasonable extent the movement of other traffic;
- (2) The parade or motorcade is of a size or nature that requires diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto, that allowing the parade or motorcade would deny reasonable police protection to the city;
- (3) Such parade or motorcade will interfere with another parade or motorcade for which a permit has been issued.

(4) Such other information as the Chief of Police May require.

~~The chief of police shall be reluctant to deny a proper application for a parade or motorcade permit.~~

~~(b)—Standards for denial. The chief of police shall deny an application for a parade or motorcade permit and notify the applicant of such denial where:~~

- ~~(1)—The chief of police makes any finding contrary to the findings required to be made for the issuance of a permit;~~
- ~~(2)—The information contained in the application is found to be false or nonexistent in any material detail;~~
- ~~(3)—The applicant refuses to agree to abide by or comply with all conditions of the permit.~~

~~(Code 1982, § 8-185; Code 1997, § 114-311)~~

Sec. 52-236. Contents of permit.

(a) In each permit under this article, the chief of police ~~shall~~may specify:

-
- (1) The assembly area and time therefor;
 - (2) The starting time;
 - (3) The minimum and maximum speeds;
 - (4) The route of the parade or motorcade;
 - (5) What portions of the street to be traversed may be occupied by the parade or motorcade;
 - (6) The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of the parade or motorcade;
 - (7) The maximum length of the parade or motorcade in miles or fractions thereof;
 - (8) The disbanding area, and the disbanding time;
 - (9) The number and type of vehicles, if any;
 - (10) The material and maximum size of any sign, banner, placard or carrying device therefor;
 - (11) That the materials used in the construction of floats used in any parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the fire chief;
 - (12) That the permittee advise all participants in the parade or motorcade, either orally or by written notice, of the terms and conditions of the permit prior to the commencement of the parade or motorcade;
 - (13) That the amplification of sound permitted to be emitted from sound trucks or bull horns be fixed and not variable;
 - (14) That the parade or motorcade continue to move at a fixed rate of speed and that any willful delay or willful stopping of the parade or motorcade, except when reasonably required for the safe and orderly conduct of the parade or motorcade, shall constitute a violation of the permit;
 - (15) Such other requirements as are found by the chief of police to be reasonably necessary for the protection of persons or property.
- (b) All conditions of the permit shall be complied with so far as reasonably practicable.
- (Code 1982, § 8-186; Code 1997, § 114-312)

Sec. 52-237. Deadline for action.

The chief of police shall either approve or deny any application made pursuant to section 52-234 as soon as reasonably practicable, but in no event less than forty-eight (48) hours prior to the event. ~~In any event, however, the chief must act no later than five days prior to the proposed date of the parade.~~

(Code 1982, § 8-187; Code 1997, § 114-313)

RESOLUTION NO. R26-_____

A RESOLUTION AMENDING THE 2026 BUDGET TO APPROPRIATE FIVE MILLION THREE HUNDRED THOUSAND DOLLARS (\$5,300,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-05-80136 FACILITIES DEPT. AND STORAGE WAREHOUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Facilities Department desires to build a new Facilities Department office and storage facility for approximately five million three hundred thousand dollars (\$5,300,000.00).

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

Section 1: The City of Rogers' 2026 budget is hereby amended to appropriate five million three hundred thousand dollars (\$5,300,000.00) from General Fund Reserves into Account #100-05-80136 Facilities Dept. and Storage Warehouse;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Provisions: All resolutions of the City Council, or part of resolutions of the City Council in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Hook, Facilities Development Director

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

ORDINANCE NO. 26- ____

**AN ORDINANCE AMENDING CHAPTER 6 – ANIMALS OF THE CITY OF ROGERS
CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Rogers’ Legal Department has completed a comprehensive review of the Code of Ordinances; and

WHEREAS, believes it necessary to amend Chapter 6 – Animals in the City’s Code of Ordinances to update the fee structure and reflect changes requested by Animal Services.

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

Section 1: Chapter 6 - Animals shall be amended in the City of Rogers Code of Ordinances as provided in the attached Exhibit A and Municode is directed to reflect these changes;

Section 2: Emergency Clause: The need to amend Chapter 6 - Animals of the City of Rogers Code of Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Matthew Colston, Animal Shelter Director

Reviewed by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

Sec. 6-8. Sale of domestic animals restricted.

The sale, offer for sale, distribution, giving away, display, or advertisement for sale of domestic animals is hereby forbidden along the rights-of-way of streets and roadways in the city. The term "domestic animals" shall include, but not be limited to, the following:

- (1) Dogs;
- (2) Cats;
- (3) Rabbits;
- (4) Birds of all kinds.

(Ord. No. 13-67, § 1(Att.), 8-13-2013; Ord. No. 15-137, § 1(Exh. A), 10-13-2015)

Sec. 6-39. Dog and cat licenses; exemptions.

- (a) *License required.* All dogs and all cats over the age of three months shall be licensed yearly within the city.
- (b) *Annual fee.* Applicants shall pay an annual fee as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the city council from time to time.
- (c) *Application for license.* Application for a license must be made within 30 days after obtaining a dog or cat over three months of age, or within 30 days after the dog or cat is three months of age, or within 30 days of the owner or person in control establishing residence in the city.
- (d) *Period of validity.* The license shall be valid for a period of one year from the date of its issuance and shall run concurrent with the rabies vaccination. In the event an owner is issued a three-year rabies vaccination certificate by a person authorized to administer the vaccine, then an extended license may be granted which shall be in effect for three (3) years from the date of vaccination. The owner must present proof of the vaccination indicating the three-year vaccine when applying for the extended license. Applicants for an extended license shall pay a renewal fee as found in Appendix B to this Code.
- (e) *Disabled.* Dogs being raised, trained, and used to aid disabled persons shall be licensed without a fee while so owned and used, but shall not be exempt from registration or from any required vaccinations.
- (f) *Law enforcement.* Dogs used by any governmental agency for law enforcement purposes shall be licensed without fee but shall not be exempt from registration or from any required vaccinations. Verification of their status as a law enforcement dog shall be presented upon request.

(Ord. No. 13-67, § 1(Att.), 8-13-2013; Ord. No. 15-137, § 1(Exh. A), 10-13-2015)

Sec. 6-102. Maintenance of premises; prevention of disturbing noises.

- (a) An owner of an animal shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which would disturb any person residing within a reasonable distance of the premises, and the animals themselves shall be restrained in such a fashion that noise emanating therefrom shall not be disturbing to such persons.
- (b) It shall be a violation of the City's noise ordinance for any person to keep on his premises or under his control any noisy animal which shall disturb the peace and quiet of any person who may reside within

reasonable proximity of the place where such animal is kept. Noncompliance with this section constitutes a violation of this Code and may be subject to the penalty provisions contained in section 1-5.

(Ord. No. 13-67, § 1(Att.), 8-13-2013; Ord. No. 15-137, § 1(Exh. A), 10-13-2015)

Sec. 6-122. Running at large prohibited.

It shall be unlawful for the owner of any dog, or for any person having charge of any dog, to allow or to permit such dog to run at large within the corporate limits of the city at any time. Noncompliance with this section constitutes a violation of this Code and may be subject to the penalty provisions contained in section 6-2(a).

(Ord. No. 13-67, § 1(Att.), 8-13-2013; Ord. No. 15-137, § 1(Exh. A), 10-13-2015)

State law reference(s)—Dogs running at large, A.C.A. § 14-54-1102.

Sec. 6-255. Accumulations of manure.

(a) No person owning or renting stables or keeping horses or other animals within the city shall permit manure to accumulate upon the premises.

(b) Manure ~~may~~ shall be kept in dry bins, completely closed and protected against flies.

(Ord. No. 13-67, § 1(Att.), 8-13-2013; Ord. No. 15-137, § 1(Exh. A), 10-13-2015)

Sec. 6-277. Impoundment authorized.

In the event any stock animal is found at large within the City and it is determined by Rogers Animal Services to be in need of impoundment, Rogers Animal Services may impound the animal in accordance with the impoundment procedures found in A.C.A. § 14-54-1101.~~shall immediately take charge of any stock animal found running at large within the city, and securely impound the animal and safely keep it until disposed of as provided in this division.~~

(Ord. No. 13-67, § 1(Att.), 8-13-2013; Ord. No. 15-137, § 1(Exh. A), 10-13-2015)

State law reference(s)—Impounding stock, A.C.A. § 14-54-1101.

RESOLUTION NO. R26-_____

**A RESOLUTION AUTHORIZING THE DEVELOPMENT OF A RAZORBACK
GREENWAY CORRIDOR KEY PLACE PLAN; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers partnered with the Northwest Arkansas Regional Planning Commission (NWARPC) and the other six cities the Razorback Greenway passes through to develop a Regional Framework for a Razorback Greenway Corridor Plan;

WHEREAS, the Regional Framework produced a shared vision for the Razorback Greenway, and was developed through public input, collaboration between the seven cities, and studying best practices of trail corridor development;

WHEREAS, an area in Rogers along the Greenway was identified during the development of the Regional Framework as a place that warrants further detailed planning work;

WHEREAS, the NWARPC was awarded a grant to fund, at no cost to the City of Rogers, the development of the Regional Framework; and

WHEREAS, the consulting firm, Field Operations, was selected by NWARPC to lead the development of the Razorback Greenway Corridor Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF ROGERS, ARKANSAS THAT:**

Section 1: The City Council authorizes the Mayor and City staff to collaborate with the NWARPC and Field Operations to pursue grant funding opportunities and the development of a Razorback Greenway Corridor Key Place Plan for the City of Rogers for the area identified in Exhibit A;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director, Community Development

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 26-__

AN ORDINANCE AMENDING THE CITY OF ROGERS UNIFIED DEVELOPMENT CODE SECTION 1.4.3 BY RE-ZONING CERTAIN LANDS FROM T2 TO T4.1; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the provisions of the City of Rogers' Unified Development Code § 2.8, *et seq.*, and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for T4.1 zoning.

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

Section 1: Section 1.4.3 of the City of Rogers Unified Development Code as well as the City of Rogers Official Zoning Map shall be amended as provided herein;

Section 2: The land described herein shall be zoned as T4.1 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Lot 5, Russell Fields 2nd addition, to the City of Rogers, Benton County, Arkansas

LAYMAN'S DESCRIPTION:

2443 S 26th Street
Parcel 02-13183-000

Section 3: Zoning: The above described lands are better suited for T4.1 (Neighborhood Medium-Intensity) than T2 (Rural) zoning and same should be and are hereby zoned T4.1;

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 5: 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 6: 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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Christina Moore, Planner

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 26-__

AN ORDINANCE AMENDING THE CITY OF ROGERS UNIFIED DEVELOPMENT CODE SECTION 1.4.3 BY RE-ZONING CERTAIN LANDS FROM T2 TO T3.2; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the provisions of the City of Rogers' Unified Development Code § 2.8, *et seq.*, and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for T3.2 zoning.

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

Section 1: Section 1.4.3 of the City of Rogers Unified Development Code as well as the City of Rogers Official Zoning Map shall be amended as provided herein;

Section 2: The land described herein shall be zoned as T3.2 and that said lands being in Benton County, Arkansas, are described as:

LOT 9 OF OSAGE ACRES SUBDIVISION, AS PER PLAT RECORD W-43 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

AND

LOT 10 OF OSAGE ACRES SUBDIVISION, AS PER PLAT RECORD W-43 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

AND

TRACT 4 OF LOT LINE ADJUSTMENT AND COMBINATION PLAT, AS PER PLAT RECORD 2016-702, BEING A PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 20; THENCE ALONG THE WEST LINE THEREOF N02°35'30"E 19.24 FEET TO THE CENTERLINE OF THE ABANDONED COUNTY ROAD NUMBER 262 BY ORDINANCE NUMBER 90-24, FILED FOR RECORD AUGUST 16, 1990, IN DEED BOOK 2990 AT PAGE 26043; THENCE ALONG SAID CENTERLINE N79°44'51"E 281.40 FEET; THENCE ALONG SAID CENTERLINE N47°00'51"E 271.09 FEET; THENCE ALONG SAID CENTERLINE N63°27'45"E 114.82 FEET TO A POINT ON THE CENTERLINE OF THE ABANDONED PORTION OF POPE ROAD NUMBER 262 BY ORDINANCE NUMBER 12-103, FILED FOR RECORD ON OCTOBER 10, 2012, IN DEED BOOK 2012 AT PAGE 41206; THENCE ALONG SAID CENTERLINE N67°06'43"E 48.10 FEET; THENCE ALONG SAID CENTERLINE N89°40'09"E 81.22 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID CENTERLINE N00°24'37"E 198.47 FEET TO A POINT ON THE

EAST RIGHT OF WAY OF POPE ROAD; THENCE ALONG SAID EAST RIGHT OF WAY N09°09'39"E 116.10 FEET; THENCE ALONG SAID EAST RIGHT OF WAY N02°12'13"E 57.14 FEET TO THE SOUTH LINE OF LOT 10 OF OSAGE ACRES SUBDIVISION, FILED FOR RECORD IN PLAT RECORD BOOK "W" AT PAGE 43; THENCE ALONG SAID SOUTH LINE S86°51'05"E 431.54 FEET; THENCE LEAVING SAID SOUTH LINE S03°00'24"W 376.05 FEET TO THE NORTH LINE OF CHAMPIONS GOLF & COUNTRY CLUB, FILED FOR RECORD ON OCTOBER 10, 2012, IN DEED BOOK 2012 AT PAGE 41206; THENCE ALONG SAID NORTH LINE THE FOLLOWING FOUR COURSES: THENCE N86°21'55"W 83.94 FEET; THENCE N69°53'18"W 38.73 FEET; THENCE N83°23'51"W 298.26 FEET; THENCE S35°13'00"W 29.21 FEET TO THE POINT OF BEGINNING, CONTAINING 3.62 ACRES, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

3625 S Pope Road, 3835 S Pope Road, 3901 S Pope Road

Parcels: 02-13193-000, 02-13194-000, 02-01671-129, 02-01671-128. 02-01671-131

Section 3: Zoning: The above described lands are better suited for T3.2 (Neighborhood Low-Intensity) than T2 (Rural) zoning and same should be and are hereby zoned T3.2;

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 5: 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 6: 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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development
Reviewed by: John M. Pesek, Senior Staff Attorney
Prepared by: Christina Moore, Planner
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 26- _____

**AN ORDINANCE ACCEPTING A FINAL PLAT OF 415 W. MULBERRY STREET,
ROGERS, BENTON COUNTY, ARKANSAS AND THE DEDICATION OF
EASEMENTS AND RIGHTS OF WAY THEREIN; PROVIDING FOR THE
EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, a Final Plat has been submitted for 415 W. Mulberry Street, Rogers, Benton County, Arkansas which is more particularly described as follows, to-wit:

PARENT TRACT PARCEL #02-05797-000:

A PART OF LOTS 3 AND 4, BLOCK 10, MCGAUGHEY'S ORCHARD ADDITION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST MASTER STREET PLAN RIGHT-OF-WAY OF SOUTH 5TH STREET WHICH IS S87°13'34"E 2.26' FROM AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT 4 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°46'13"E 98.36', THENCE LEAVING SAID RIGHT-OF-WAY S87°54'38"E 98.14' TO AN EXISTING REBAR, THENCE S02°57'59"W 99.53' TO THE SOUTH LINE OF SAID BLOCK 10, THENCE ALONG SAID SOUTH LINE N87°13'34"W 97.79' TO THE POINT OF BEGINNING, CONTAINING 0.22 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

WHEREAS, the City Council finds that said Final Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Final Plat be approved and the dedication of the easements and other public ways be accepted and confirmed.

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

Section 1: The Final Plat of 415 W. Mulberry Street, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved, and confirmed;

Section 2: All dedication of easements and rights-of-way as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat;

Section 3: Emergency Clause: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 4: 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 5: 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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director Community Development
Prepared by: John M. Pesek, Senior Staff Attorney

ORDINANCE NO. 26- _____

AN ORDINANCE ACCEPTING A FINAL PLAT OF 3300 S. JB HUNT DRIVE, ROGERS, BENTON COUNTY, ARKANSAS AND THE DEDICATION OF EASEMENTS AND RIGHTS OF WAY THEREIN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, a Final Plat has been submitted for 3300 S. JB Hunt Drive, Rogers, Benton County, Arkansas which is more particularly described as follows, to-wit:

Description of Lot 3D12:

PART OF LOT 3D12 OF PINNACLE HEIGHTS, AS PER PLAT RECORD L202356186 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3D12 THENCE ALONG THE NORTH LINE THEREOF N83°06'32"E 450.36 FEET; THENCE LEAVING SAID NORTH LINE 14.76 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 98.00 FEET AND A LONG CHORD OF S17°14'23"E 14.75 FEET; THENCE S12°55'24"E 71.79 FEET; THENCE S06°46'49"E 46.72 FEET; THENCE S12°55'24"E 164.60 FEET; THENCE 97.14 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 460.50 FEET AND A LONG CHORD OF S06°52'50"E 96.96 FEET TO THE SOUTH LINE OF SAID LOT 3D12; THENCE ALONG SAID SOUTH LINE THE FOLLOWING FIVE COURSES: THENCE 8.29 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 15.00 FEET AND A LONG CHORD OF S74°10'34"W 8.18 FEET; THENCE N89°59'56"W 9.05 FEET; THENCE 253.76 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 473.50 FEET AND A LONG CHORD OF N74°38'45"W 250.73 FEET; THENCE N59°17'35"W 80.75 FEET; THENCE 138.23 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 615.00 FEET AND A LONG CHORD OF N65°43'55"W 137.94 FEET; THENCE LEAVING SAID SOUTH LINE N62°06'56"W 25.66 FEET; THENCE N75°16'21"W 28.67 FEET TO THE WEST LINE OF SAID LOT 3D12; THENCE ALONG SAID WEST LINE N06°27'35"W 152.71 FEET TO THE POINT OF BEGINNING, CONTAINING 3.12 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

AND

Description of Lot 3D13:

PART OF LOT 3D13 OF PINNACLE HEIGHTS, AS PER PLAT RECORD L202356186 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3D13 THENCE ALONG THE WEST LINE THEREOF N06°27'35"W 161.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 3D13; THENCE ALONG THE NORTH LINE THEREOF 223.30 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 423.00 FEET AND A LONG CHORD OF N42°30'21"E 220.72 FEET; THENCE ALONG SAID NORTH LINE N27°22'57"E 152.44 FEET; THENCE LEAVING SAID NORTH LINE 376.39 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 460.50 FEET AND A LONG CHORD OF S36°20'21"E 366.00 FEET; THENCE S12°55'24"E

80.42 FEET; THENCE 15.74 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 102.00 FEET AND A LONG CHORD OF S17°20'34"E 15.72 FEET; THENCE S21°45'44"E 17.08 FEET; THENCE 0.35 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 98.00 FEET AND A LONG CHORD OF S21°39'32"E 0.35 FEET TO THE SOUTH LINE OF SAID LOT 3D13; THENCE ALONG SAID SOUTH LINE S83°06'32"W 450.36 FEET TO THE POINT OF BEGINNING, CONTAINING 2.93 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

WHEREAS, the City Council finds that said Final Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Final Plat be approved and the dedication of the easements and other public ways be accepted and confirmed.

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

Section 1: The Final Plat of 3300 S JB Hunt Drive, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved, and confirmed;

Section 2: All dedication of easements and rights-of-way as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat;

Section 3: Emergency Clause: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 4: 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 5: 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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director Community Development
Prepared by: John M. Pesek, Senior Staff Attorney

ORDINANCE NO. 26- _____

AN ORDINANCE ACCEPTING A FINAL PLAT OF THE HEIGHTS AT MAGNOLIA FARMS, ROGERS, BENTON COUNTY, ARKANSAS AND THE DEDICATION OF EASEMENTS AND RIGHTS OF WAY THEREIN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, a Final Plat has been submitted for the Heights at Magnolia Farms, Rogers, Benton County, Arkansas which is more particularly described as follows, to-wit:

PART OF LOT 7 OF WALNUT CREEK ADDITION, AS PER PLAT RECORD L202403146 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 7; THENCE S02°29'47"W 205.99 FEET; THENCE N87°30'13"W 22.10 FEET TO THE POINT OF BEGINNING; THENCE S02°29'47"W 20.00 FEET; THENCE N87°30'13"W 1.88 FEET; THENCE 11.64 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 21.50 FEET AND A LONG CHORD OF S76°58'54"W 11.50 FEET; THENCE S61°28'00"W 90.52 FEET; THENCE 23.56 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 15.00 FEET AND A LONG CHORD OF S16°28'00"W 21.21 FEET; THENCE S28°32'00"E 16.23 FEET; THENCE S02°29'47"W 93.08 FEET; THENCE 20.27 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 339.50 FEET AND A LONG CHORD OF S83°09'24"W 20.27 FEET; THENCE N02°29'47"E 90.82 FEET; THENCE N28°32'00"W 10.68 FEET; THENCE 23.56 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 15.00 FEET AND A LONG CHORD OF N73°32'00"W 21.21 FEET; THENCE S61°28'00"W 410.56 FEET; THENCE 29.415 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 15.00 FEET AND A LONG CHORD OF S05°13'34"W 24.94 FEET; THENCE S51°00'52"E 69.89 FEET; THENCE 20.63 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 339.50 FEET AND A LONG CHORD OF S53°08'25"W 20.63 FEET; THENCE N51°00'52"W 194.54 FEET; THENCE N38°59'08"E 20.00 FEET; THENCE S51°00'52"E 75.58 FEET; THENCE 17.68 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 15.00 FEET AND A LONG CHORD OF S84°46'26"E 16.67 FEET; THENCE N61°28'00"E 576.77 FEET; THENCE 12.73 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 23.50 FEET AND A LONG CHORD OF N76°58'54"E 12.57 FEET; THENCE S87°30'13"E 6.88 FEET TO THE POINT OF BEGINNING, CONTAINING 18515 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

AND

PART OF LOT 7 OF WALNUT CREEK ADDITION, AS PER PLAT RECORD L202403146 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 7; THENCE S02°29'47"W 473.89 FEET THENCE N87°30'13"W 112.79 FEET TO THE POINT OF BEGINNING; THENCE S02°29'47"W 535.05 FEET; THENCE 20.01 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 477.00 FEET AND A LONG CHORD

OF N85°39'15"W 20.01 FEET; THENCE N02°29'47"E 133.55 FEET; THENCE N87°30'13"W 149.26 FEET; THENCE N02°29'47"E 20.00 FEET; THENCE S87°30'13"E 149.26 FEET; THENCE N02°29'47"E 96.01 FEET; THENCE 25.92 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 16.50 FEET AND A LONG CHORD OF N42°30'13"W 23.33 FEET; THENCE N87°30'13"W 105.72 FEET; THENCE 21.33 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 33.50 FEET AND A LONG CHORD OF N69°15'33"W 20.98 FEET; THENCE N51°00'52"W 158.94 FEET; THENCE 21.11 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 260.50 FEET AND A LONG CHORD OF N57°34'36"E 21.10 FEET; THENCE S51°00'52"E 152.21 FEET; THENCE 8.60 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 13.50 FEET AND A LONG CHORD OF S69°15'33"E 8.45 FEET; THENCE S87°30'13"E 105.73 FEET; THENCE 25.92 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 16.50 FEET AND A LONG CHORD OF N47°29'47"E 23.33 FEET; THENCE N02°29'47"E 227.50 FEET; THENCE 1.82 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 15.00 FEET AND A LONG CHORD OF N77°04'02"E 1.82 FEET; THENCE N80°32'17"E 18.65 FEET TO THE POINT OF BEGINNING, CONTAINING 19614 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

WHEREAS, the City Council finds that said Final Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Final Plat be approved and the dedication of the utility easements and other public ways be accepted and confirmed.

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

Section 1: The Final Plat of the Heights at Magnolia Farms, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved, and confirmed;

Section 2: All dedication of easements and rights-of-way as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat;

Section 3: Emergency Clause: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 4: 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 5: 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 of _____, 2026.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director Community Development
Prepared by: John M. Pesek, Senior Staff Attorney