

FILED
2005 JUL 15 PM 10 45
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

ORDINANCE NO. 2005-39

**BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

**AN EMERGENCY ORDINANCE CONCERNING
COMMUNITY SEWER SYSTEMS.**

WHEREAS, the rapid growth in Washington County has resulted in a multiplicity of developments utilizing community sewer systems; and,

WHEREAS, said systems have been used in various places across the country for quite sometime and statutes have been enacted regarding such; and,

WHEREAS, said systems are new to the State of Arkansas and little legislation has been passed regarding such; and,

WHEREAS, pursuant to ACA §14-14-802, ACA §14-14-804, ACA §14-14-805, and ACA §14-236-105, the Quorum Court has the authority to regulate these systems to a certain extent.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:**

ARTICLE 1. Community Sewer Systems, also known as Decentralized Sewer Systems, are defined as follows:

Any system serving two (2) or more individual lots for the collection and disposal of domestic or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste byproducts (septage and sludge).

ARTICLE 2. The responsible management entity (RME) as defined and determined by the Rural Development Authority of Washington County shall comply with the rules and regulations of the Arkansas State Health Department and the Arkansas Department of Environmental Quality.

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ARTICLE 3. The RME shall charge a sufficient rate or fee that includes reserves for operation and maintenance, emergencies, and capital improvements; the Authority is hereby authorized to promulgate rules and regulations concerning such, and is also given the authority to administer all other terms of this Ordinance; and promulgate any additional regulations it deems necessary.

ARTICLE 4. The RME shall within ninety (90) days from the date of this Ordinance report to the Authority the following:

- (a) The name and location of the subdivision to be served by said system and the type of system that is being utilized;
- (b) The number of lots to be served by said system;
- (c) The rate or fee that will be charged to the property owner to be served by said system;
- (d) The amount of reserves that will be built into any rate or fee along with evidence indicating how these reserves are adequate and appropriate to provide long-term sustainable system performance and compliance with permits;
- (e) The legal entity that will own and retain the services of the licensed operator of the system and the exact name, address and phone number of said entity and operator;
- (f) A copy of the contract to be executed for the operation of the system;
- (g) Plans to enforce and collect the rate or fee to be charged; and,
- (h) Any other matter deemed relevant by the Authority.

ARTICLE 5. The RME shall report to the Authority, upon request, any matters relevant to the operation of said system including, but not limited to operation and maintenance issues, environmental issues, financial matters, customer service issues, and any other matter deemed relevant by the Authority. A bond in an amount to be determined by the Authority shall be posted, by the RME to ensure compliance with this Ordinance and any regulations promulgated hereto.

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ARTICLE 6. This Ordinance shall be applicable throughout the incorporated area of the County including the extra-territorial growth area of any incorporated City. This Ordinance shall not be applicable in the event any such system is or becomes owned, maintained, or operated by an incorporated city or other public entity. In the event that an incorporated city or other public entity enacts ordinances or rules and regulations concerning said systems, then the more stringent provisions shall apply.

ARTICLE 7. A violation of this Ordinance or any regulation promulgated hereto by the Authority shall be enforceable by appropriate civil action by the County Judge or the Authority. Such civil remedy shall include but is not limited to injunctive relief, civil sanctions, removal of the RME, the owner, and/or the operator from operating or in any other manner managing said system; attorneys fees and any other costs related to any civil action.

ARTICLE 8: This Ordinance does not authorize the County, any County Department, Board, or Commission to take ownership, permanently or temporarily, or to take over operation or maintenance of any such system.

ARTICLE 9: Severability. If any sentence, clause, article, section, phrase or portion of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance.

ARTICLE 10: Emergency Clause. It is hereby ascertained and declared that regulations on community sewer systems are immediately needed for the preservation of the public peace, health and safety. Therefore, it is declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in force and take effect immediately upon and after its passage.


JERRY HUNTON, County Judge

7-14-05
DATE


KAREN COMBS PRITCHARD, County Clerk

Sponsor: Paul Graham
Date of Passage: July 14, 2005
Votes For: 11 Votes Against: 0
Abstention: 0 Absent: 2

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS
FILED

IN THE MATTER OF THE RULES OF
THE RURAL DEVELOPMENT AUTHORITY
CONCERNING COMMUNITY SEWER SYSTEMS

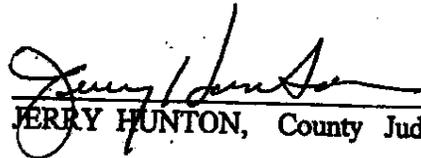
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KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

ORDER

Now on this 28th day of July, 2005 comes the above matter and the court finds that the rules stated above should be and hereby are ordered to be filed in the office of the County Clerk.

IT IS SO ORDERED.


JERRY HUNTON, County Judge

2005-124

FILED
16 AUG 11 PM 3:08
COUNTY CLERK
WASHINGTON COUNTY

FILED

BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

**AN EMERGENCY ORDINANCE AMENDING
ORDINANCES NO. 2005-39 AND NO. 2006-25
CONCERNING COMMUNITY SEWER SYSTEMS
TO CLARIFY THAT SAID ORDINANCE
APPLIES TO ALL LAND DEVELOPMENTS.**

WHEREAS, the Quorum Court passed Ordinances No. 2005-39
and No. 2006-25 concerning Community Sewer Systems; and,

WHEREAS, there is a need to amend such to clarify that said
Ordinances and Regulations of the Rural Development Authority apply to all land
developments.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:**

ARTICLE 1. Ordinance No. 2005-39, Article 1 and Article 4(a-c),
is hereby amended as follows:

(a) Article 1. Community Sewer Systems, also known as Decentralized Sewer
Systems, are defined as follows:

Any system servicing two (2) or more individual lots, units or servicing any
other land development for the collection and disposal of domestic or
industrial wastewater of a liquid nature, including various devices for the
collection, conveyance and treatment of the treated wastewater effluent
and the monitoring of the affected groundwater quality and the
management of the associated solid waste byproducts (septage and
sludge). This does not include a traditional septic system as defined by
the Arkansas Health Department.

(b) Article 4. The RME shall within ninety (90) days from the date of this Ordinance
report to the Authority the following:

(a) The name and location of the subdivision land development to be served
by said system and the type of system that is being utilized;

(b) The number of lots or units if applicable to be served by said system;

(c) The rate or fee that will be charged to the property owner or user to be
served by said system.

ARTICLE 2. Ordinance No. 2006-25, Article 1(a-c) is hereby amended as follows:

Article 1. Washington County Code 11-51 et seq. is hereby amended as follows:

No land development that will utilize a Community Sewer System may receive final approval until the following information has been supplied to the Public Utility Coordinator on behalf of the Rural Development Authority:

- (a) The name and location of the ~~subdivision~~ land development to be served by said system and the type of system that is being utilized;
- (b) The number of lots or units if applicable to be served by said system;
- (c) The rate or fee that will be charged to the property owner or user served by said system;

ARTICLE 3. Emergency Clause. It is hereby ascertained and declared that regulations on community sewer systems are immediately needed for the preservation of the public peace, health and safety. Therefore, it is declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in force and take effect immediately upon and after its passage.



JERRY HUNTON, County Judge

8-11-06

DATE



KAREN COMBS PRITCHARD, County Clerk

Sponsor: David Daniel
Date of Passage: August 10, 2006
Votes For: 10 Votes Against: 0
Abstention: 0 Absent: 3

BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

FILED
CLERK OF THE QUORUM COURT
WASHINGTON COUNTY, ARKANSAS

AY 15 AM 11:08

FILED

AN EMERGENCY ORDINANCE AMENDING
WASHINGTON COUNTY CODE 11-51 ET SEQ.
PROVIDING THAT NO FINAL PLAT MAY BE
APPROVED UNTIL CERTAIN PROVISIONS OF
ORDINANCE NO. 2005-39 HAVE BEEN
COMPLIED WITH.

WHEREAS, in May, 2005, Ordinance No. 2005-39 was passed concerning Community Sewer Systems; and,

WHEREAS, there is a need to insure that certain provisions of said ordinance have been complied with before final plat approval.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. Washington County Code 11-51 et seq. is hereby amended as follows:

No land development that will utilize a Community Sewer System may receive final approval until the following information has been supplied to the Public Utility Coordinator on behalf of the Rural Development Authority:

- (a) The name and location of the subdivision to be served by said system and the type of system that is being utilized;
- (b) The number of lots to be served by said system;
- (c) The rate or fee that will be charged to the property owner to be served by said system;
- (d) The amount of reserves that will be built into any rate or fee along with evidence indicating how these reserves are adequate and appropriate to provide long-term sustainable system performance and compliance with permits;

- (e) The legal entity that will own and retain the services of the licensed operator of the system and the exact name, address and phone number of said entity and operator;
- (f) A copy of the contract to be executed for the operation of the system;
- (g) Plans to enforce and collect the rate or fee to be charged; and,
- (h) Any other matter deemed relevant by the Public Utility Coordinator.

ARTICLE 2. The Public Utility Coordinator shall participate in all plat reviews and sign the final plat indicating compliance with this ordinance.

ARTICLE 3. Emergency Clause. It is hereby determined that it is in Washington County's best interest for this ordinance to be effective immediately and that the general health and welfare of the citizens are affected by such; therefore, an emergency is declared to exist and this ordinance shall be and is effective from the date of its passage.



 JERRY HUNTON, County Judge

5-12-06

 DATE



 KAREN COMBS PRITCHARD, County Clerk

Sponsor: Butch Pond
 Date of Passage: May 11, 2006
 Votes For: 11 Votes Against: 0
 Abstention: 0 Absent: 2