

ORDINANCE NO. 04-05-2007B

AN ORDINANCE AMENDING ELKINS MUNICIPAL CODE BY ADDING CHAPTER 11.25 SUBSECTION 11.25.01 THROUGH 11.25.06 TO TITLE 11 WHICH PROHIBITS INTRODUCTION OF HVAC AND REFRIGERATION RUNOFF INTO SANITARY SEWER SYSTEM REPEALING ALL ORDINANCES, PARTS OF ORDINANCES, AND PARTS OF ADOPTED BY REFERENCE BUILDING/CONSTRUCTION AND TECHNICAL CODES, IN CONFLICT HERewith; AND FOR OTHER PURPOSES AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the City of Elkins owns and operates its own water and sewer system as an interrelated operation which collects wastewater and distributes potable water.

WHEREAS, the City of Elkins purchases wastewater treatment services from the City of Fayetteville on a volume basis.

WHEREAS, the City of Elkins charges its water and sewer customers a sewer rate which is calculated as a proportion of their water usage in gallons.

WHEREAS, it has come to the attention of City officials that many of the new construction projects in town are introducing into the City sewer collection system HVAC and refrigeration runoff (essentially distilled water).

WHEREAS, this will increase the volume of wastewater being treated by Fayetteville unnecessarily and thereby increase the cost of operating the city sewer collection system without an offsetting increase in the amount of water purchased by these customers.

WHEREAS, certain commercial and high efficiency air conditioning units may require a variance from this Ordinance. Such a variance can be given by the City Building Official with approval of the Planning Commission.

BE IT ORDAINED BY THE CITY COUNCIL OF ELKINS, ARKANSAS, That

SECTION 1: 11.25.01 Prohibited Acts: The draining, removal or wasting of HVAC, air conditioning, freezer or refrigeration runoff, condensate water, into the Elkins sanitary sewer system is hereby prohibited from and after passage of this ordinance.

SECTION 2: 11.25.02 Approved Procedure: From and after passage of this ordinance all HVAC, air conditioning, freezer and refrigeration condensate drains shall be routed to an outside area or into a storm- water drain. Such routing shall maintain gravity flow if possible, and if gravity flow is not possible, then a condensate pump shall be installed and maintained to accomplish the purpose of this provision.

SECTION 3: 11.25.03 Exclusions: All HVAC, air conditioning, refrigeration and freezer systems in Elkins, Arkansas, previously installed and operational as of the date of passage of this Ordinance are conditionally excluded from the effect of this ordinance. This exclusion shall expire on the sooner of the following events/dates;

- a) January 1, 2027;
- b) replacement of air conditioning unit of existing HVAC system, refrigeration/freezer units, or
- c) substantial repair of major components of HVAC system, refrigeration or freezer units which requires modification/repair/replacement of connections between such systems or units and the lines leading to the Elkins sanitary sewer system.

SECTION 4: 11.25.04 Permit Warning: Hereafter all HVAC, mechanical and/or plumbing permits issued by the City of Elkins shall carry a notice to be in substantially the following form:

“IT IS A VIOLATION OF EMC SECTION 11.25.01 through 06, TO CONNECT THE RUNOFF FROM AN HVAC, AIR CONDITIONING, REFRIGERATION OR FREEZER UNIT TO THE ELKINS SANITARY SEWER SYSTEM”.

SECTION 5: 11.25.05 Penalty: Violation of this ordinance is punishable by a fine of not less than \$5.00 nor more than \$25.00 per day for a first offense. Subsequent offenses shall carry the following minimum and maximum daily fines:

	<u>Min.</u>	<u>Max.</u>
2 nd offense	\$10.00	\$35.00
3 rd offense	\$25.00	\$50.00
4 th offense and more	\$50.00	\$100.00

In addition to such fines the Clerk of the Court shall collect costs upon each conviction, plea of guilty or no contest and/or forfeiture of bond. All fines collected shall be paid to the Elkins Water and Sewer Department to offset the effect of existing and continued excluded practices.

SECTION 6: 11.25.06 Priority Over Conflicting Language: All ordinances, parts of ordinances, portions of the Elkin’s Municipal Code, and any part of a building, construction, or technical code adopted by the City of Elkins contrary to Sections 1, 2, 3 and 4 hereof are hereby repealed to the extent of such conflict.

SECTION 7: Due to the significant amount of growth currently taking place in Elkins by way of new buildings, and the impact such growth will have on the cost of operating the sanitary sewer system for years to come; if all HVAC, air conditioning, refrigeration and freezer runoff is allowed to continue to be treated as wastewater, an emergency is hereby declared to exist to protect the public safety, health and welfare of our citizens, and therefore, this ordinance

shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS 5th DAY OF APRIL, 2007.



JACK LADYMAN, Mayor

ATTEST:



PEGGY BARTON, Recorder/Treasurer

BOBBY Mc GARRAH, ALDERMAN