

## TITLE 10

### UTILITIES

#### Chapters:

- 10.04 Sewer Regulations
- 10.08 Water and Sewer Rates
- 10.12 Cross-Connection
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#### CHAPTER 10.04

### SEWER REGULATIONS

#### Sections:

- 10.04.01 Definitions
- 10.04.02 Use of public sewers required
- 10.04.03 Private sewage disposal system
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- 10.04.08 Penalty for violation

10.04.01 Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used shall be as follows:

**"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20E) degrees C, expressed in milligrams per liter.

**"Building"** shall mean residential and commercial structures which enclose a source of wastewater.

**"Building Drain"** shall mean 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 (5) feet (1.5 meters) outside the inner face of the building wall.

**"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.

**“Easement”** shall mean an acquired legal right for the specific use of land owned by others.

**“Floatable Oil”** is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly treated and the wastewater does not interfere with the collection system.

**"Garbage"** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**"Industrial Wastes"** shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**"Natural Outlet"** shall mean any outlet, including storm sewers and combined sewer overflows, that discharges into a watercourse, pond, ditch, lake or other body of surface or ground water.

**“May”** is permissive (see “shall”)

**"Ph"** shall mean the logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a ph value of 7 and hydrogen-ion concentration of  $10^{-7}$ .

**"Properly Shredded Garbage"** shall mean the waste from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

**"Public Sewer"** shall mean a common sewer controlled by a governmental agency or public utility.

**"Sanitary Sewer"** shall mean a sewer which carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**"Sewage"** is the spent water of a community. The preferred term is “wastewater.”

**"Sewer"** shall mean a pipe or conduit for carrying sewage.

**"Shall"** is mandatory; "may" is permissive.

**"Slug"** shall mean any discharge of waste or wastewater which in concentration of any given constituent or in quantity of flow exceeds for fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation.

**"Storm-Drain"** (sometimes termed storm sewer) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**"Superintendent"** shall mean the superintendent of wastewater facilities of the city of Bald Knob, or his authorized deputy, agent, or representative.

**"Suspended Solids"** shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

**"Unpolluted water"** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**"Wastewater"** shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

**"Wastewater facilities"** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

**"Wastewater treatment works"** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

**"Watercourses"** shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. No. 9-3, Art I.)

10.04.02 Use of public sewers required.

- A. 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 of Bald Knob or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the city of Bald Knob or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System permit covering such discharges into a natural outlet shall be considered as meeting all requirements of this section.
- C. Except as hereinafter provided, 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 wastewater.

- D. The owner(s) 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 or combined 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 ordinance, within ninety (90) days after date of official notice to do so, provided that the public sewer is within three hundred (300) feet of the building. (Ord. No. 91-03, Art II.)

10.04.03 Private sewage disposal system.

- A. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- B. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and construction permits approved by the Arkansas Department of Health. The minimum lot area for a single-family residence shall be in accordance with current Arkansas Department of Health regulations. A permit and inspection fee of \$5.00 dollars shall be paid to the city at the time the application is filed.
- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.
- D. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations approved by the Arkansas Department of Health. No septic tank shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article II, Section 4, a direct connection from the building, or the septic tank, shall be made to the public sewer within 90 days in compliance with this ordinance. The requirements of this section shall not apply to owners discharging such sewage under the provisions of a valid Natural Pollution Discharge Elimination System permit.

- F. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.
- G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian. (Ord. No. 91-03, Art III.)

10.04.04 Building sewers and connections.

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereon without first obtaining a written permit from the Superintendent.
- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of Five Dollars (\$5.00) for residential or commercial permits, and Five Dollars (\$5.00) for industrial permits shall be paid to the city at the time the application is filed.
- C. All costs and expenses incident to the installation and connection of the building sewer shall be born by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building except where 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, courtyard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- E. 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 ordinance.
- F. All new sewers and related construction work must be properly designed and constructed. For all collectors, interceptors, building sewers, and septic tanks the size, slope, alignment, material of construction, and the methods used for excavating, placing, jointing, testing, and backfilling, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city and the state of Arkansas. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in

appropriate specifications of the American Society of Testing Materials (A.S.T.M). and Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 shall apply.

- G. 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 such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. No person(s) shall make connection of roof downspouts, foundation drains, area 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.
- I. All connection 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 A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight and shall be verified by proper testing.
- J. The applicant for the building sewer permit shall notify the Superintendent when the building sewer (and septic tank) is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.
- K. All excavations for building sewer installation shall be adequately guarded with barriers and warning lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. No. 91-03, Art IV.)

10.04.05 Use of public sewers.

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the city.
- C. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids, or gas;
  2. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either simply or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  3. Any water or wastes having a Ph lower than 6.0 or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works;
  4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or pumping facilities, or other interference with the proper operation of the wastewater 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 and paper dishes, cups, milk containers, egg shells, etc., either whole or ground by garbage grinders.
1. No substance will be added which would preclude the selection of the most cost effective alternative for wastewater treatment and sludge disposal.

D. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations more stringent than the limitations established in the regulations below if in his opinion such limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics or waste or wastewaters discharge to the sanitary sewer which shall not be exceeded without prior approval of the superintendent are as follows:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (sixty-five (65) degrees C);
2. Any water or wastes containing fats, wax, gases, or oils in excess of fifty (50) mg/l; or containing substances which may solidify or become viscous

at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 to sixty-five 65 degrees C);

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.56 hp metric) or greater shall be subject to the review and approval of the city;
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not, which are capable of causing any damage or corrosion in the sewers or the sewage treatment plant or interfering with the sewage treatment process;
5. Any waters or wastes containing an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials;
6. Any waters or wastes containing phenols or other taste or odor producing substances in such concentration exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters;
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;
8. Materials which assert or cause:
  - a. Unusual concentration of inert suspended solids (such as but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions).
  - c. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein; and
9. Any waters or wastes containing concentrations of materials, elements and/or compounds soluble or insoluble in concentrations that in any way may be harmful to the wastewater treatment facilities, the receiving stream and/or the environment.



10. Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  11. Specific attention should be given to toxic materials and heavy metals. These materials constitute an immediate hazard to humans, animals and aquatic life and, in addition, may have cumulative effects. Dilution of such materials in lieu of treatment (removal) is not an acceptable policy.
- E. No person shall discharge or cause to be discharged materials which exert or cause BOD in excess of 250 mg/1, suspended solids in excess of 250 mg/1, or oil and grease in excess of 50 mg/1, without prior approval of the superintendent and without paying an abnormal sewage surcharge.
- F. The storage of any material in areas draining into the city sewer which, may create a hazard to the sewage works or treatment processes, or constitute a hazard to human beings or animals, or the receiving stream shall be subject to review by the Superintendent. He may require reasonable safeguards to prevent discharge or leakage of such materials into the sewers.
- G. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:
1. reject the wastes;
  2. require pretreatment to an acceptable condition for discharge to the public sewers in accordance with an approved implementation schedule; and/or
  3. require control over the quantities and rates of discharge. If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to requirements of all applicable codes, ordinances and laws, and U.S. Environmental Protection Agency guidelines for pretreatment; and/or
  4. require that a wastewater effluent retention basin be provided of adequate volume to insure that slugs of concentrated pollutants are not discharged into the public sewer. If the city requires the retention of wastewater

effluent, the design and installation of the retention basin shall be subject to the review and approval of the city.

- H. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- I. When directed to do so by the city, the owner of any property discharging industrial wastes shall have a qualified testing laboratory collect a representative sample of his wastewater and have the appropriate physical, chemical, and biological tests performed on this sample. Qualified testing laboratories selected by the owner shall be acceptable to the city. The purpose of such tests shall be to determine the conformance of the wastewater characteristics to this ordinance. A report shall be made in writing to the city by the laboratory stating the results of the tests. Required sampling and testing shall be performed in accordance with the provisions of Section 11 of this Article.
- J. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (Ord. No. 91-03, Art V.)

10.04.06 Protection from damage.

- A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities.
- B. No unauthorized person shall cover any manhole on a public sewer with earth or paving, or otherwise render it inaccessible.
- C. No unauthorized person shall remove the earth cover from a public sewer so that less than two (2) feet of earth cover remains over the pipe bells. Approval to

remove subsequent cover shall require written consent from the Superintendent.  
(Ord. No. 91-03, Art VI.)

#### 10.04.07 Power and authority of Inspectors

- A. The Superintendent and other duly authorized employees of the city of 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 ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes, 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 of facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Article VII, Section I above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to city employees. The city employees shall observe all safety rules applicable to the premises established by the company. The city shall indemnify the company 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 company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 10.
- C. The Superintendent and authorized employees of the city bearing proper credentials 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, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 91-03, Art VII)

#### 10.04.08 Penalty for violation.

- A. Any person found to be violating any provision of this chapter except Article VI shall be served by the city 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 such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Section I of this article and/or any person who shall be found to be violating the

provision of Article IV of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding Twenty-Five Dollars (\$25.00) for each violation or double that sum for each repetition of such offense or violation, and if the act is continuous in nature, in any sum not more than One Hundred Dollars (\$100.00) for each day that the same shall be unlawfully continued.

- C. Any person violating any of the provisions of this ordinance shall become liable to the city for any expenses, loss or damage occasioned the city by reason of such violation.
- D. In cases of repeated violations, the city may revoke the permission for discharge of wastes into the sewer system and effect the discontinuation of water service, sewer service, or both.

**CHAPTER 10.08**

**WATER AND SEWER RATES**

Sections:

- 10.08.01 Water rates
- 10.08.02 Sewer rates
- 10.08.03 Billing
- 10.08.04 Financial management system
- 10.08.05 Review
- 10.08.06 Notification of sewer use rate
- 10.08.07 Customer appeal
- 10.08.08 User charge system
- 10.08.09 Vacant property
- 10.08.10 Deposit
- 10.08.11 Evaluated costs for sewer service cap/abandon
- 10.08.12 Evaluated costs for sewer tap and reconnect
- 10.08.13 Additional fees

10.08.01 Water rates The following rates and charges which the City Council of the city of Bald Knob, Arkansas, hereby finds and declares are fair, reasonable and necessary minimum rates, be and they are hereby fixed as rates to be charged for water services to be rendered by the Water and Sewer Department:

- A. Monthly water rates The water usage of each customer shall be determined each month by meter measurement, and the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

**Rate Code 1                      Residential Inside City**

0 - 1000 gal (minimum)	\$16.50
1,001 + gal	5.00/Thousand

**Rate Code 2                      Residential Outside City**

0 - 1,000 gal (minimum)	\$18.50
1,001 + gal	5.00/Thousand

**Rate Code 3                      Commercial 3/4" Meter**

0 - 1,000 gal (minimum)	\$23.45
1,001 + gal	5.00/Thousand

**Rate Code 4                      Commercial 1" Meter**

0 - 1,000 gal (minimum)	\$30.20
1,001 + gal	5.00/Thousand

**Rate Code 5                      Commercial 1 1/2" Meter**

0 - 1,000 gal (minimum)	\$50.40
1,001 + gal	5.00/Thousand

**Rate Code 6                      Commercial 2" Meter**

0 - 1,000 gal (minimum)	\$70.70
1,001 + gal	5.00/Thousand

**Rate Code 7                      Commercial 3" Meter**

0 - 1,000 gal (minimum)	\$104.45
1,001 + gal	5.00/Thousand

**Rate Code 8                      Commercial 4" Meter and Above**

0 – 1,000 gal (minimum)	\$138.20
1,001 + gal	5.00/Thousand
(Ord. No. 2007-10, Sec. 1.)	

- B. Each year for the next three (3) years beginning on the first day of January, a rate increase of five percent (5%) shall be assessed, in addition to the rates amended herein for continued maintenance, operation and expenses of the system. The assessment shall be assessed per customer as described herein. (Ord. No. 2007-10, Sec. 2.)
- B. The operation of the system shall be on a fully metered basis, with a meter installed at each water connection and there shall be but one user on a single residential meter. All meters with more than one user shall be classified as commercial and the appropriate commercial rate shall apply. All bills for water services shall be rendered in the net amount due. If any water bill is not paid on or before the due date a 10% penalty shall be added, and if any bill is delinquent for twenty days (20), water service shall be disconnected. In that event, a charge of Twenty-Five Dollars (\$25.00) plus all arrears shall be required before water service shall be restored, if on a weekday, during normal office hours. A charge of Forty-Five Dollars (\$45.00) plus all arrears shall be required before water is restored if on a weekend or other than normal office hours. There shall be no dual connections; that is, there shall be not more than one user on a single meter. (Ord. No. 2002-08, Sec. 1.)

10.08.02 Sewer rates

- A. The city hereby establishes as rates to be charged for services furnished by the system, which the City Council finds and declares to be fair, reasonable and necessary, to be charged to all users who contribute wastewater to the system. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the system, including replacement (OM&R). Replacement is defined as expenditures for obtaining and installing equipment, accessories or appurtenances during the useful life of the system necessary to maintain the capacity and performance for which they were designed and constructed.
- B. For sewer service billed on and after December 31, 2007, all users of the system shall be charged monthly \$2.50 per 1,000 gallons or portion thereof of metered water consumption for OM&R. In the case of users not on a metered basis, the manager of the system (the Manager) shall establish water consumption based on a comparison of the non-metered user with a metered user of similar class. Example: a non-metered family of four will be compared to a typical family of four with a water meter to establish water consumption.

All sewer users shall be classified by the Manager as residential, commercial or industrial.

**Residential user** is defined as a user whose wastewater is from residential property.

**Commercial user** is defined as a user whose liquid wastewater results from commercial operations, trade, or business.

**Industrial user** is defined as a user whose liquid wastewater results from industrial, manufacturing, or processing. (Ord. No. 2007-9, Sec. 1.)

**User Charge Methodology:**

Total annual OM&R Cost in \$/1,000 gal. =	<u>Total annual OM&amp;R \$</u> No. of 1,000 gal. sold annually
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- C. Excessive Strength Charges For any user, when the BOD exceeds \*250 mg/1, the suspended solids exceed 250 mg/1, or when other pollutant concentrations exceed the range of concentrations of these pollutants in normal domestic sewage, a surcharge shall be added to the basic charge. This surcharge shall be calculated by the following formula:

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

Symbols and definitions:

$C_s$  = a surcharge for wastewaters of excessive strength.

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

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

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

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

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

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

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

\*Maximum limit for average domestic waste.

(Ord. No. 92-3, Sec. 1.)

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

- E. Toxic Pollutants Charges Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the system's treatment works shall pay for such increased costs.
- F. Debt Service For sewer service billed on and after December 31, 1007, all active users of the system shall be charged a flat monthly fee of \$5.50. This charge represents the debt retirement for the city's indebtedness payable from system revenues (Debt service). (Ord. No. 2007-9, Sec. 2.)
- G. Total Minimum User Charge For sewer service billed on and after December 31, 2007, the minimum bill per user of the system shall be calculated as follows:  
OM&R for 1,000 gal. (minimum) (\$2.59) + Debt Service (flat fee) \$5.50 = \$8.00.  
(Ord. No. 2007-9, Sec. 3.)
- H. Tapping Fee There shall be a tapping fee in an amount equal to the actual cost to the city or Seventy-Five Dollars (\$75.00), whichever is greater, for every customer who connects to the system.
- I. None of the sewer facilities or services afforded by the system shall be furnished without a charge being made therefore. (Ord. No. 92-3, Sec. 1.)

10.08.03 Billing A single statement will be submitted for monthly water and sewer charges. Payment shall be due on the fifteenth day after the bill therefore shall be rendered. Collections shall be applied first to the discharge of water charges. (Ord. No. 2003-2, Sec. 7.)

If any bill is not paid on or before the due date, a ten percent (10%) penalty may be added and if the bill is not paid within ten (10) days after the due date, service may be discontinued. In that event, a charge of Ten Dollars (\$10.00) plus payment of all arrears shall be paid before service is restored. (Ord. No. 92-3, Sec. 2.)

10.08.04 Financial management system A financial management system shall be established and maintained by the city to document compliance with federal regulations pertaining to the bonds. Such system will account for all revenues generated and expenditures for OM&R. (Ord. No. 92-3, Sec. 3.)

10.08.05 Review The City Council will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of OM&R and that the system continues to provide for the proportional distribution of OM&R costs among users and user classes. (Ord. No. 92-3, Sec. 4.)

10.08.06 Notification of sewer use rate Each user shall be notified at least annually, in conjunction with the regular bill, of the sewer use rate and the portion of the user charges which



are attributable to wastewater treatment. Costs shall be broken down to show the OM&R costs attributable to that user. (Ord. No. 92-3, Sec. 5.)

10.08.07 Customer appeal

- A. Any user who feels his user charge is unjust and inequitable may make written application to the Manager requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.
- B. Review of the request shall be made by the Manager and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period. (Ord. No. 92-3, Sec. 6.)

10.08.08 User charge system The user charge system for system shall take precedence over any terms or conditions of agreement contracts between the city and any of the users which are inconsistent with applicable federal regulations regarding such user charge systems. (Ord. No. 92-3, Sec. 7.)

10.08.09 Vacant property Vacant unoccupied property not actually using the sewer facilities shall not be subject to a charge, but the burden of showing vacancy and non-use shall rest on the owner of the property. All bills for sewer services shall be rendered monthly in the net amount due. Under provisions of A.C. A. 14-235-223, a lien is fixed upon the land for any unpaid charge, even though the use of the system is by a tenant or lessee instead of the owner. If any sewer charge is not paid on or before the due date, a 10% penalty shall be added, and if the sewer charge is not paid in full on or before the 20<sup>th</sup> day after its due date, suit shall be brought to enforce the lien and to collect the amount due, together with the expenses of collection and reasonable attorney's fees. (Ord. No. 2003-2, Sec. 3.)

10.08.10 Deposit Each user shall maintain a minimum deposit of Thirty Dollars (\$30.00) for property owner, Seventy-Five Dollars (\$75.00) for renter or lessee, to be applied when necessary in payment of delinquent service charges. If this deposit is applied in whole or in part to pay delinquent charges, the user of the system must immediately deposit with the city the amount of the deposit so applied, and his failure to do so shall cause his account to be considered and treated as delinquent. (Ord. No. 2003-2, Sec. 6.)

10.08.11 Evaluated costs for sewer service cap/abandon All sewer service cap and abandon costs will be based on the depth and surrounding conditions of the sewer service. Measurements for cost shall be taken from the bottom of the sewer service.

- A. Sewer service cap and abandon 3' and under will start at \$50.00 and will be different for each case.
- B. Sewer service cap and abandon 4' to 3' and under will start at \$100.00 and will be different for each case.
- C. Sewer service cap and abandon 5' to 4' and under will start at \$150.00 and will be different for each case.
- D. Sewer service cap and abandon 6' to 5' and under will start at \$200.00 and will be different for each case.

Note: If the customer wants service at this location in the future, it will be his/her responsibility to hire a plumber to reconnect to main and run new service lines. (Ord. No. 2010-6, Sec. 1.)

10.08.12 Evaluated costs for sewer tap and reconnect All tap and reconnect costs will be based on the depth and surrounding conditions of the sewer main. Measurements for cost shall be taken from the bottom of the sewer main.

Sewer service cap and reconnect 3' and under will start at \$200.00 and will be different for each case. Below is an estimated cost for a typical retap and reconnect. Cost will probably be closer to \$300.00.

6" PVC 6' long	\$15.00
Tap saddle	\$30.00
Fernco coupling	\$20.00
Conc. and gravel	\$40.00
4" pipe and fittings	\$25.00
Cleanup	\$75.00
Dig time	\$75.00

- A. Sewer tap and reconnect 4' to 3' will start at \$300.00 and will be different for each case. Cost will probably be closer to \$400.00.
- B. Sewer tap and reconnect 5' to 4' will start at \$400.00 and will be different for each case. Cost will probably be closer to \$500.00.
- C. Sewer tap and reconnect 6' to 5' will start at \$600.00 and will be different for each case. Cost is high for safety issues at this depth.
- D. Anything over 6' will be evaluated and discussed before digging. (Ord. No. 2010-6, Sec. 1.)

10.08.13 Additional fees The following additional fees shall be charged:

A. Water taps:

3/4 inch	\$300.00
1 inch	\$400.00
2 inch	\$500.00

B. Sewer taps: \$75.00 tap made by plumber.

C. Water turn on or off: \$10.00  
(Ord. No. 98-3, Sec. 1.)

D. Cutting of streets

1. Contractor will be responsible for digging the trench and the removal of excess dirt.
2. Contractor will be responsible for compaction of the street cut with natural soil, if suitable for bedding and compaction.
3. Paragraph 3 is amended to require the 100% filling of any trench cut with natural materials so long as such materials are suitable for compaction. (Ord. No. 2019-07, Sec. 1-A)
4. The Bald Knob Street Department will provide gravel to fill the remainder of the trench.
5. Full street cuts: Start at \$500.00 along with any additional costs will be determined by the depth and the width of the trench, as well as surrounding conditions. (Ord. No. 2019-07, Sec. 1-B)
6. Half-street cuts: Start at \$250.00 along with any additional costs will be determined by the depth and the width of the trench, as well as surrounding conditions. (Ord. No. 2019-07, Sec. 1-B)
7. If the contractor requests the aforementioned service at any time other than business hours for the city of Bald Knob (M-F, 7-3), the cost for the same shall be 1.5 times the costs denoted above and said monies shall be collected and given to the Bald Knob Street Department.
8. All street repairs and maintenance will be supervised and completed by the Bald Knob Street Department. (Ord. No. 2010-6, Sec. 2.)

**CHAPTER 10.12****CROSS-CONNECTION**Sections:

10.12.01	Backflow prevention assembly installed
10.12.02	Inspection
10.12.03	Determining whether pollutants exist
10.12.04	Tests once a year
10.12.05	Entry
10.12.06	Violation
10.12.07	Penalty
10.12.08	Definitions

10.12.01 Backflow prevention assembly installed No water service connection to any premises shall be installed or maintained by the Bald Knob Water and Sewer Department (hereinafter “Department”) unless the water supply is protected as required by state laws and regulations and this ordinance. Service of water to any premises shall be discontinued by the department if a backflow prevention assembly required by this ordinance is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed or bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. (Ord. No. 0-01-07, Sec. 1.)

10.12.02 Inspection The customer’s water system should be open for inspection at all reasonable times to authorized representative of the department to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the department 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(s) in conformance with state statues and city ordinances relating to plumbing and water supplies and the regulations adopted pursuant hereto. (Ord. No. 0-01-07, Sec. 2.)

10.12.03 Determining whether pollutants exist It shall be the responsibility of the department to evaluate the hazards inherent in supplying a consumer’s water system and to determine whether pollutants or contaminants exist on the consumer’s premises in such a manner as to permit contamination of the public water system. When a hazard or potential hazard to the public water system is found on the consumer’s premises, the consumer shall be required to install an approved backflow prevention device at each public water service connection to the premises in accordance with the requirements of this ordinance. Where more than one type of protection is possible, the actual method utilized shall be at the discretion of the department. (Ord. No. 2001-7, Sec. 3.)

10.12.04 Tests once a year It shall be the duty of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made upon installation and at least once per year. In those instances where the department deems the hazard to be great enough, certified inspections may be required at more frequent intervals. Such inspections and tests shall be at the expense of the customer and shall be performed by either the assembly manufacturer's representative, department personnel or a certified tester approved by the department. The customer shall notify the department in advance when the tests are to be undertaken so that an official representative may witness the tests. These assemblies shall be repaired, overhauled or replaced at the expense of the customer whenever the assemblies are found to be defective. Records of such tests, repairs and overhauls shall be kept by the customer and made available to the department. (Ord. No. 0-01-07, Sec. 4.)

10.12.05 Entry for the purpose of making any inspections or otherwise discharging the duties imposed by the ordinance, authorized representatives of the department shall have the right to enter upon the premises of any consumer. Each customer, as a condition of the continued delivery of water from the public water supply, shall be considered as having impliedly consented to the entry upon the premises of such consumer. (Ord. No. 0-01-07, Sec. 5.)

10.12.06 Violation Any consumer who shall violate the provisions of this ordinance shall be notified by the department in writing of such violation. Said violation should be corrected within 30 days. If violations are not corrected within this 30 day period, water supply will be discontinued and the violation will be referred to the department for further action. (Ord. No. 0-01-07, Sec. 6.)

10.12.07 Penalty In addition to any other penalties provided herein, violations of this ordinance may be punishable by a fine not to exceed \$500.00 per violation. (Ord. No. 0-01-07, Sec. 7.)

#### 10.12.08 Definitions

**Approved** Accepted by the department or its authorized representative as meeting an applicable specification stated in this ordinance, or as suitable for the proposed use.

**Backflow** the reversal of the normal flow of water caused by either back-pressure or backsiphonage.

**Backpressure** The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

**Backsiphonage** The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.

**Backflow Preventer** An assembly or means designed to prevent backflow.

**Contamination** An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

**Cross-Connection** Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system.

**Pollution** The presence of any foreign substance in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonable affect such waters for domestic use.

**Potable Water** Any water which, according to recognized standards, is safe for human consumption. (Ord. No. 0-01-07, Sec. 8.)

## CHAPTER 10.16

### WATER PURCHASE AGREEMENT

Sections:

- 10.16.01 Agreement
- 10.16.02 Terms
- 10.16.03 Authorization

10.16.01 Agreement The city of Bald Knob, Arkansas, should enter into the Water Purchase Agreement with the Northeast White County Water Works Public Facilities Board of White County, Arkansas, a copy of which is attached hereto. (Ord. No. 0-03-05, Sec. 1.)

10.16.02 Terms The City Council of the city of Bald Knob, Arkansas, acknowledges that the term of the Water Purchase Agreement is for a term of 40 years and that since part of the financing for the Northeast White County Water Works Public Facilities Board of White County,

Arkansas, project is being provided by the Arkansas Soil and Water Conservation Commission A.C.A. 14-234-108 authorizes the city of Bald Knob, Arkansas, to enter into the water purchase agreement for a term over twenty years. (Ord. No. 2003-5, Sec. 2.)

10.16.03 Authorization The Mayor and City Recorder for the city of Bald Knob, Arkansas, are hereby authorized to execute the Water Purchase Agreement on behalf of the city of Bald Knob, Arkansas, between the city of Bald Knob, Arkansas, and the Northeast White County Water Works Public Facilities Board of White County, Arkansas, and further ratify and affirm the Water Purchase Agreement executed by the Mayor and City Recorder dated April 7, 2003. (Ord. No.2003-5, Sec. 3.)

**CHAPTER 10.20**

**IDENTITY THEFT PREVENTION PROGRAM**

Sections:

- 10.20.01 Title
- 10.20.02 Purpose
- 10.20.03 Definitions
- 10.20.04 Findings
- 10.20.05 Process of establishing a covered account
- 10.20.06 Access to covered account information
- 10.20.07 Credit card payments
- 10.20.08 Sources and types of red flags
- 10.20.09 Prevention and mitigation of identity theft
- 10.20.10 Treatment of address discrepancies

10.20.01 Title The city of Bald Knob hereby adopts the following program which shall be referred to as follows:

10.20.02 Purpose The purpose of this article is to comply with 16 CFR 681.2 as may be amended from time to time in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft. (Ord. No. 2009-4.)

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

**City** means the city of Bald Knob, Arkansas.

**Covered account** means

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

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

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

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

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

**Notice of address discrepancy** means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. 1681(c)(h)(I), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

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

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

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

**Service provider** means a person that provides a service directly to the city.  
(Ord. No. 2009-4.)



10.20.04 Findings

- A. The city is a creditor pursuant to 16 CFR 681.2 due to its provision of maintenance of covered accounts for which payment is made in arrears.
- B. Covered accounts offered to customers for the provision of city services include sanitation service fees, building and inspection permits and related fees, and business and occupation license fees.
- C. The city has not had previous experience with identity theft related to covered accounts but is required by the Federal Trade Commission to adopt ordinances of this nature.
- D. The processes of opening a new covered account, restoring an existing covered account, and making payments on such accounts, have been identified by the Federal Trade Commission as potential processes in which identity theft could occur.
- E. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
- F. There is a risk of identity theft occurring in the following ways:
  - 1. Use by an applicant of another person's personal identifying information to establish a new covered account;
  - 2. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
  - 3. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
  - 4. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.  
(Ord. No. 2009-4)

10.20.05 Process of establishing a covered account

- A. As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer:
  - 1. A valid government-issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account; or
  - 2. If deemed necessary by the department, "Such applicant shall also provide any information necessary providing the service for which the covered account is created to access the applicant's consumer credit report." Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.
- B. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may, but shall not be required so to do, utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs. (Ord. No. 2009-4)

10.20.06 Access to covered account information

- A. Access to customer accounts shall be password-protected and shall be limited to authorized city personnel.
- B. Such password(s) shall be changed by the director of the department providing the service for which the covered account is created, or if department director is not available, by the director of information technology, or department director designee on a regular basis, shall be at least eight (8) characters in length and shall contain letters, numbers and symbols.
- C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Mayor and Department Head, and the password changed immediately.
- D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Mayor, Department Head, and the City Attorney. (Ord. No. 2009-4.)

10.20.07 Credit card payments

- A. In the event that credit card payments that are made over the internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
- B. All credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.
- C. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account. (Ord. No. 2009-4.)

10.20.08 Sources and types of red flags All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft with such red flags to include but not be limited to :

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

- B. Suspicious documents Examples of suspicious documents include:
1. Documents provided for identification that appear to be altered or forged;
  2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
  3. Identification on which the information is inconsistent with information provided by the applicant or customer;
  4. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
  5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.
- C. Suspicious personal identification, such as suspicious address change which include examples of suspicious identifying information as:
1. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example where the address does not match any address in the consumer report or the Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
  2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
  3. Personal identifying information or a phone number, or address, is associated with known fraudulent applications or activities, as indicated by internal or third-party sources used by the financial institution or creditor.
  4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
  5. The SSN provided is the same as that submitted by other applicants or customers.

6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
  7. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
  8. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
  9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- D. Examples of unusual use of or suspicious activity relating to a covered account could be:
1. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
  2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns, where for example the customer fails to make the first payment or makes an initial payment but no subsequent payments.
  3. An account is used in a manner that is not consistent with established patterns of activity on the account, where for example when there is no history of late or missed payments or a material change in purchasing or spending patterns.
  4. An account that has been inactive for a long period of time is used, taking into consideration the type of account, the expected pattern of usage and other relevant factors.
  5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
  6. The city is notified that the customer is not receiving paper account statements.

7. The city is notified of unauthorized charges or transactions in connection with a customer's account.
  8. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts (Ord. No. 2009-4.)

10.20.09 Prevention and mitigation of identity theft

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

4. Notify a debt collector within a reasonable time and to use best efforts to do so within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
  5. Notify law enforcement in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
  6. Take other appropriate action to prevent or mitigate identity theft.
- B. In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Mayor or the Department Head. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Department Head who may, in his or her discretion, determine that no further action is necessary. If the Department Head, in his or her discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the Department Head:
1. Request additional identifying information from the applicant;
  2. Deny the application for the new account;
  3. Notify law enforcement of possible identity theft; or
  4. Take other appropriate action to prevent or mitigate identity theft.  
(Ord. No. 2009-4.)

10.20.10 Treatment of address discrepancies

- A. Purpose Pursuant to 16 CFR 681.1, the purpose of this ordinance is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.

- B. Policy In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:
1. Compare the information in the consumer report with:
    - a. Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. 5318(1);
    - b. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
    - c. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
  2. Verify the information in the consumer report with the consumer.
- C. Furnishing consumer's address to consumer reporting agency In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
1. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
  2. The city establishes a continuing relation with the consumer; and
  3. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
  4. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.



- D. Methods of confirming consumer addresses The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:
1. Verifying the address with the consumer;
  2. Reviewing the city's records to verify the consumer's address;
  3. Verifying the address through third party sources; or
  4. Using other reasonable processes.
- E. Updating the program The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:
1. The city's experiences with identity theft;
  2. Updates in methods of identity theft;
  3. Updates in customary methods used to detect, prevent, and mitigate identity theft;
  4. Updates in the types of accounts that the city offers or maintains; and
  5. Updates in service provider arrangements.
- F. Program administration The Mayor and City Recorder shall be responsible for oversight of the program and for program implementation. The Mayor is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration by the Council.

The City Recorder will report to the Mayor at least annually on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issued such as:

1. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
2. Service provider arrangements;
3. Significant incidents involving identity theft and management's response; and
4. Recommendations for material changes to the program.

The City Clerk/Treasurer is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The City Recorder shall exercise his or her discretion in determining the amount and substance of training necessary.

- G. Outside service providers In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the City Recorder shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft. (Ord. No. 2009-4.)