

ORDINANCE 2003-12

AN ORDINANCE TO REGULATE INSTALLATION AND REPAIR OF SEWAGE DISPOSAL SYSTEMS IN THE CITY OF CHEROKEE VILLAGE, FULTON AND SHARP COUNTIES, ARKANSAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, ARKANSAS:

SECTION 1. INSTALLATION AND REPAIR. The Planning and Zoning Commission shall regulate the installation and repair of all sewage disposal systems within the city limits of Cherokee Village. Installation and repair permits must be issued prior to any work being performed, except emergency repairs. Emergency repairs must be reported the first business day after such work has been performed.

SECTION 2. DESIGNATED REPRESENTATIVE. The Planning and Zoning Commission shall appoint a Designated Representative (DR) to perform lot surveys, soil percolation tests, and the design of all new septic systems. The DR or designee will assist the Arkansas State Health Department in making final inspections of new and repaired systems.

SECTION 3. PERMITS AND SYSTEM REGULATION. Septic System permits and system regulation will be in accordance with the current agreement (Attachment A) between the Arkansas Department of Health and the City of Cherokee Village.

SECTION 4. PENALTY. Any person, contractor, firm, corporation, partnership, association of persons, owner, occupant, agent, or anyone having supervision or control, which shall violate a provision of this Ordinance, or fail to comply therewith, shall be deemed guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any provision of this Ordinance is committed or continued. Upon conviction of any such violation, such person(s) shall be punished by a fine, not to exceed \$500.00 for the first offense, and not more than \$100.00 for each day's offense of a continuing nature.

SECTION 5. SEVERABILITY. If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of the ordinance.

SECTION 6. EMERGENCY PROVISION. IT IS, THEREFORE, declared that an emergency exists and this ordinance being necessary for the preservation of the public peace, health and safety shall take effect and be in force immediately from and after its passage.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: November 13, 2003

APPROVED: 

Ray Maynard, Mayor

ATTEST: 

Susan E. Maynard, Clerk/Treasurer

ATTACHMENT "A"

Sewage Disposal Meeting: September 23, 2003.

Present: Sandra Lancaster and Robert Brech, Arkansas Department of Health; James Tanner, Sharp County Health Unit; Tom Thompson, Charles DeLoach, and Joan Romans, City of Cherokee Village Planning & Zoning; Eben Daggett, S.I.D., and Willie Oyler, DR.

Cherokee Village Sewage Disposal Program Flow Diagram

Customer contacts Cherokee Village or Arkansas Department of Health (ADH) for a Sewage Disposal System.

Customer is referred to an ADH Approved Designated Representative (DR).

DR will make a sewage disposal system proposal based on soils and site suitability and a system size will be determined by soils sizing chart or a percolation test rate to determine the correct field size. Soils determined not suitable, based on regulations in effect at the time the lot was platted, will be discontinued to the Sharp County Health Unit at the request of the City.

DR will complete the drawing and forms furnished by the ADH and submit to City of Cherokee Village and to the Sharp County Health Unit for review using Guidelines approved by the Arkansas Department of Health for Plans submittal. The most current Guideline is to be used. The City of Cherokee Village will adopt or have approval of submittal forms after an interim period of two years. When Cherokee Village takes control of the Sewage Disposal Program submittal for approval will be discontinued to the Sharp County Health Unit at the request of the City.

Pre-sites on Proposed Sewage Disposal Systems will be made by the Sharp County Environmental Health Specialist (EHS) and a Designee of the City. Pre-sites will be made to determine soil and site suitability before a Sewage Disposal Permit will be issued. The site should have underbrush cleared where the DR can stake out the system. The proposed system when staked out will be reviewed by a Designee of the City of Cherokee Village and an EHS of the Sharp County Health Unit.

When the site is determined to be suitable for a Sewage Disposal System a Permit will be issued by the Sharp County Health Unit to allow construction to begin. After an interim period, when the City determines this can be done under the control of the City, the submittal will be discontinued to the Sharp County Health Unit and the City will issue Sewage Disposal Permits.

Unsuitable Sites will be filed with the City for future reference.

The City will monitor construction at the Site for compliance.

When a Sewage Disposal Installer installs a system an inspection will be made by the EHS of the Sharp County Health Unit and the City Inspector or their Designee. After an interim period of two years the City of Cherokee Village will make final cover inspections. Copies of the inspection will be given to the Sharp County Health Unit and the City of Cherokee Village.

After an interim of two years the City will maintain all permit applications on file and keep available upon request by the ADH, Sharp County Health Unit.

Sewage Disposal Systems installed incorrectly will be required to meet the requirements of ADH and the City of Cherokee Village. A time frame of not longer than 30 days to make corrections will be given and a follow up inspection will be made.

Yearly reports on permits issued in Cherokee Village are required to be submitted to the Sharp County Health Unit. Reports should be made written and/or electronic report on a computer disk.

Sewage Disposal System complaints and repairs to existing systems will be referred to the City of Cherokee Village for Inspection. Repairs will be inspected by the Cherokee Village Inspector or Designee. Upon request by the City, the EHS of the Sharp County Health Unit will assist.

The Arkansas Department of Health retains the right for Quality Control by randomly selecting Permits of Sewage Disposal Systems and inspecting with the City of Cherokee Village to insure State Laws and Rules and Regulations are being followed.

Representatives of the City of Cherokee Village, the Suburban Improvement District, and Arkansas Health Department will meet annually in September, or sooner if necessary, to ensure the above guidelines are being adhered to.