

ORDINANCE NO. 711

AN ORDINANCE REPEALING ORDINANCE NO. 645 OF THE CITY OF MONTICELLO, ESTABLISHING OWNERSHIP OF SERVICE LINES CONNECTED TO THE CITY SEWER SYSTEM, SETTING RESPONSIBILITY FOR COST OF STREET OPENINGS AND FOR OTHER PURPOSES

WHEREAS, the Arkansas Department of Health has notified the City that work done within the right-of-way of City streets for establishment of new service lines and repair of existing sewer lines is a function which must be performed by a licensed plumber; and

WHEREAS, the Attorney General has opined that ownership of the portions of the service line within the street right-of-way are the property of the owner and not owned by the municipality; and

WHEREAS, performing such work places the City of Monticello in conflict with private enterprise.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Monticello, Arkansas, as follows:

Section 1. Repeal of Ordinance No. 645. Ordinance No. 645 of the City of Monticello is hereby repealed in its entirety. Any other ordinances or resolutions of the City in conflict herewith, are hereby repealed to the extent of such conflict.

Section 2. Ownership of Service Lines. Any sewer service line connected to the City's sewer conduit line shall be deemed to be owned by the customer who owns the consumer unit serviced by the said service line.

Section 3. Street Openings.

(a) All openings made in public streets, alleys and sidewalks for the purpose of establishing a new connection or for repair of an existing connection shall be performed by a licensed plumber or any person authorized to do such work under the State Plumbing Code or regulations of the Arkansas Department of Health. All such openings must be made as carefully as possible, all materials excavated from trenches shall be moved or placed where the least inconvenience to the public will be caused.

(b) All openings, while in a state of excavation, shall be suitably barricaded, and shall be suitably marked with flares or red lamps at night. Furthermore, all other precautions necessary or appropriate to protect the public from injury to person or damage to property shall be taken by the plumber and/or excavator responsible for any opening.

Upon completion of repair or installation, upon inspection, and approval by the plumber inspector, the plumber and/or excavator shall refill the opening with such materials and in such manner as maybe prescribed by the City of Monticello, to ensure proper stability of the street.

It shall then be the responsibility of the City of Monticello to re-surface the portion of the street so opened.

Section 4. Fees. The City Council of Monticello shall prescribe, by resolution, a fee to be charged to the consumer for reimbursement to the City for costs of material, equipment and labor expended in the replacement of the surface of the street.

IT IS SO ORDAINED this 9 day of August, 2001.

  
Cindy Johnson  
City Clerk

APPROVED this 9 day of August, 2001.

  
Harold D. West, Mayor