

ORDINANCE NO. 824

PLUMBING CODE

AN ORDINANCE TO PROVIDE FOR PLUMBING INSPECTIONS FOR ALL PLUMBING WHEREVER WATER ORIGINATING FROM THE MONTICELLO WATER SYSTEMS; PROVIDING FOR ADOPTION OF THE ARKANSAS STATE PLUMBING CODE; FIXING FEES FOR SUCH PLUMBING INSPECTION; PROVIDING FOR DISCONTINUANCE OF WATER SERVICE; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City of Monticello, Arkansas, owns and operates in a governmental capacity, a Water System as a Municipal Utility; such system having plant, pumps, and transmission lines within and without the corporate limits of the City of Monticello, Arkansas, and;

WHEREAS, certain municipalities, private companies, governmental agencies, firms and individuals not within the corporate limits of the City of Monticello, Arkansas, are purchasers of Water from the said Water System, and;

WHEREAS, the City of Monticello, Arkansas, is very desirous of maintaining a pure Water Supply.

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTICELLO, ARKANSAS, THAT;

Section 1. DEFINITIONS.

"Plumbing" for the purposes of this ordinance is hereby defined pursuant to the definitions contained in Ark. Code Ann. § 17-38-101, et seq., and the Arkansas State Plumbing Code.

Section 2. STATE CODE.

The provisions and regulations of the Arkansas State Plumbing Code, and amendments thereto, adopted by the State Board of Health of Arkansas are made a part of this ordinance by reference, and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the City of Monticello, Arkansas, wherever water and/or sewage service originating from the Municipal Water and/or Sewer System is furnished.

Section 3. MAINTENANCE OF COPIES FOR PUBLIC VIEW AND INSPECTION.

The code shall be available for public viewing by being posted through the City of Monticello website.

Section 4. INSPECTION AND SUPERVISION.

(a) There is hereby created the position of Fire Marshall who shall be employed by the city of Monticello, Arkansas and who shall be referred to in this ordinance as the Fire Marshall.

(b) The Fire Marshall shall have experience in plumbing to the extent that enables him to know when plumbing is installed correctly.

(c) The Fire Marshall or inspector shall not be directly connected in any way with any person, firm, corporation, directly or indirectly engaged in the business of plumbing, or plumbing suppliers.

(d) The Fire Marshall shall receive as full compensation for his services, a salary designated by the City of Monticello, Arkansas.

(e) It shall be the duty of the Fire Marshall or inspectors to enforce all provisions of this ordinance, and such inspector or inspectors is hereby granted the authority to enter all buildings within or without the corporate limits and its Planning Jurisdictions of the City of Monticello, Arkansas, when such buildings are connected, or to be connected to the Municipal Water and/or Sewage System.

(f) The Fire Marshall shall prepare or cause to be prepared suitable forms for applications, permits, inspection reports and other such materials.

(g) It shall be the duty of the Fire Marshall to inspect and test all plumbing work for compliance with this ordinance and its adopted plumbing code, and to enforce changing of such installations that do not meet the requirements. It further shall be his duty to see that all persons installing or altering plumbing shall be qualified by state law.

Section 5. APPLICATIONS, PERMITS.

(a) Before beginning any work in the City of Monticello, Arkansas, the person installing or altering same, shall apply to the Fire Marshall or other designated official and obtain a permit to do such work. Only those persons legally authorized to do plumbing may be issued permits. A permit may be issued to a

homeowner to install or alter plumbing in a single family residence, provided the homeowner does the work himself and that such work shall meet the code requirements.

Section 6. BOND.

Every master plumber doing business in the City of Monticello, Arkansas, shall execute and deliver to the city a bond with a surety bonding company in the sum of \$10,000 to indemnify the city or any citizen for any damage caused by the failure of such master plumber to comply strictly with the provisions of this ordinance. No plumbing permit shall be issued to any master plumber unless this bond has been delivered to the city and is in full force and effect.

Section 7. STREET OPENINGS.

(a) All openings made in the public streets or alleys to install plumbing must be made as carefully as possible, and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.

(b) All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and material must be removed at once, leaving the street or sidewalks clean and in perfect repair.

(c) All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

Section 8. PURITY, POTABILITY OF WATER SUPPLY.

(a) The City Water Department of the City of Monticello, Arkansas, and the city Plumbing Inspector of the City of Monticello, Arkansas, shall be and they are hereby authorized to discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings or structures where it is found that an immediate hazard exists to the purity or potability of the city water supply, by reason of the requirements of the Arkansas State Plumbing Code and the City Plumbing Code and the regulations of the Arkansas State Board of Health having not been complied with.

(b) The City Water Department of the City of Monticello Arkansas, and the city Plumbing Inspector of the City of Monticello, Arkansas, shall be and they are hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the City Water Supply which exist. Upon determining said potential hazards, it

shall be the duty of said department and said inspector to immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazards, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of the Arkansas State Plumbing Code, and the regulations of the Arkansas State Board of Health have been complied with.

Section 8. PENALTIES.

Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), together with the costs of such prosecution. A subsequent offense is punishable by a fine of not less than Fifty Dollars (\$50.00) and not more than two thousand (\$2000.00). In addition to the foregoing fines, if the nature of the offense is continuous in respect to time, a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per day thereafter for each day the violation continues shall be imposed. Provided, however, that the penalty for conduct that violates a state law similar to the provisions herein shall be no greater and no less severe than the penalties established by the statutes of this state.

Section 9. CONFLICTING ORDINANCES REPEALED.

(a) All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed.

(b) The provisions of this ordinance being for the regulation of plumbing and for the protection of the public the provisions hereof are declared to be severable, and the invalidity of any clause, sentence, paragraph or section hereof shall not affect the validity of the remainder of this ordinance.

Section 10. EMERGENCY CLAUSE.

There is an urgent need to regulate more effectively all plumbing installed, altered, repaired or removed within or without the City of Monticello, Arkansas, if such plumbing is connected to the city's Water and/ or Sewer System. Therefore, an emergency is hereby declared to exist, and this ordinance, being immediately necessary for the preservation of the public peace, health, safety and welfare, shall take effect and be in force from and after its adoption.

Dee Dee Chase
Mayor

ATTESTED BY: Jess Hy
CITY CLERK

Date: 12/23/19