

## ORDINANCE NO. 2098

### AN ORDINANCE AMENDING CHAPTER 10.44.04 OF THE MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS, ARKANSAS, INCREASING RATES FOR SERVICES RENDERED BY THE WATER SYSTEM OF THE CITY OF EUREKA SPRINGS, ARKANSAS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND PROVIDING AN EMERGENCY CLAUSE.

**WHEREAS**, the City of Eureka Springs, Arkansas, (the "City") owns and operates a water distribution system (the "System"), and has determined that rates need to be increased for services of the System in order that there will be sufficient funds available to operate and maintain the System; and

**WHEREAS**, it is necessary to amend Chapter 10.44.04 of the Eureka Springs Municipal Code in order to increase the rates, which rates are hereby found to be fair, reasonable and necessary.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Eureka Springs, Arkansas:

**Section 1.** Subsection A of Chapter 10, Section 10.44.04 of the Eureka Springs Municipal Code is hereby amended to read as follows:

"A. The City Council hereby finds and declares the following monthly rates and charges for water usage fair, reasonable, and necessary; and they are hereby fixed as rates to be charged for services of the Water System:

	<u>Inside City Limits</u>	<u>Outside City Limits</u>
First 2,000 gallons of water consumption per month, or any portion thereof	\$9.40 (minimum)	\$18.70 (minimum)
For the next 6,000 gallons of water consumption per month, or any portion thereof	\$3.48 per 1,000 gallons	\$6.92 per 1,000 gal.
For all water consumption in excess of 8,000 gallons per month, or any portion thereof	\$4.83 per 1,000 gallons	\$9.61 per 1,000 gal.

**Section 2.** Chapter 10.44.04 of the Eureka Springs Municipal Code, as amended hereby, shall remain in full force and effect.

**Section 3.** That the provisions of this Ordinance are separable and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

**Section 4.** That ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** These rates shall be reflected in the February 2009 billing to be mailed in March.

**Section 6. EMERGENCY CLAUSE:** Because the proposed water rate increases are necessary for the efficient operations of the City of Eureka Springs, Arkansas, Water System, an emergency is hereby declared to exist; and since approval of the Water System rate increases is necessary for the preservation of public peace, health, safety and continuance of public services, this ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF EUREKA SPRINGS,  
ARKANSAS, ON THIS 23<sup>rd</sup> OF February, 2009

APPROVED:

  
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Mayor Dani D. Joy

ATTEST:

  
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City Clerk/Treasurer Mary Jean Sell CMC