

ORDINANCE NO. 2134

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

WHEREAS, Chapter 10.44.04(G) of the Eureka Springs Municipal Code requires an annual rate review and fee adjustment based upon the South Urban Consumer Price Index, All Urban Users (CPI-U) for November of the preceding year and for the January billing for those rates based on meter readings to begin with the December 15th reading of the preceding year; and

WHEREAS, the adjustment required pursuant to the November South Urban Consumer Price Index, All Urban Users (CPI-U) is a 1.1% increase; and

WHEREAS, it is necessary to amend Chapter 10.44.04 of the Eureka Springs Municipal Code to reflect the new rates that, pursuant to Chapter 10.44.04(G), went into effect for meter readings that began with the December 15, 2010 reading.

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	\$9.90 (minimum)	\$19.80 (minimum)
For the next 6,000 gallons of water consumption per month, or any portion thereof	\$3.68 per 1,000 gallons	\$7.36 per 1,000 gal.
For all water consumption in excess of 8,000 gallons per month, or any portion thereof	\$5.09 per 1,000 gallons	\$10.18 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.

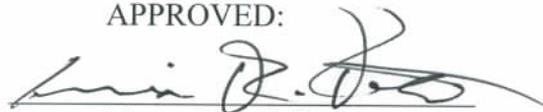
Section 4. That ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. These rates shall be reflected in the January 2011 billing to be mailed in February.

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 ORDAINED BY THE CITY COUNCIL OF EUREKA SPRINGS,
ARKANSAS, ON THIS 24th DAY OF January, 2011.

APPROVED:


Mayor Morris R. Pate

ATTEST:

City Clerk/Treasurer Ann Armstrong
City Clerk/Treasurer Ann Armstrong

PROOF OF POSTING OF ORDINANCES

STATE OF ARKANSAS

COUNTY OF CARROLL

We, Mayor Morris Pate and City Clerk/Treasurer Ann Armstrong, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Eureka Springs, Carroll County, Arkansas, that a certified copy of Ordinance No. 2134, has been posted on the City's website, www.cityofeurekasprings.org, and, on February 8, 2011, in the following places inside the corporate limits of the City: (1) City Hall, (2) Lovin' Oven Bakeria, (3) the Eureka Springs Public Library, (4) Hart's Family Center and (5) Bunch's Quik-Chek and that the Ordinance remained posted for thirty (30) days.

DATED this 8th day of February, 2011

Mayor

City Clerk



(SEAL)

Subscribed and sworn to before me on this 8 day of February, 2011.

Notary Public

My Commission Expires:

02-23-15

(SEAL)

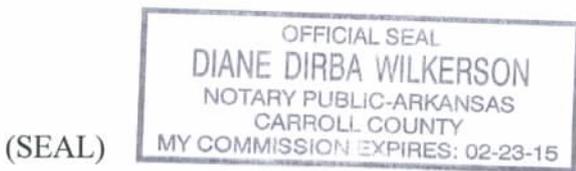
AFFIDAVIT

STATE OF ARKANSAS

COUNTY OF CARROLL

The undersigned, as the duly elected, qualified and acting City Clerk/Treasurer within and for the City of Eureka Springs, Arkansas, does hereby certify that there is no newspaper published within the corporate limits of the City.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City this 7th day of February, 2011.



Ann Armstrong

City Clerk/Treasurer

Subscribed and sworn to before me on this 9th day of February 7, 2011.

Diane Dirba Wilkerson

Notary Public

My Commission Expires:

02-23-15

(SEAL)