

ORDINANCE NO. 1808

**AN ORDINANCE OF THE CITY OF EUREKA SPRINGS, ARKANSAS,
PERTAINING TO WATER AND SEWER;
AMENDING SECTION 10.08.03 OF THE EUREKA SPRINGS
MUNICIPAL CODE TO INCREASE
WASTEWATER RATES; CALLING FOR A PUBLIC
HEARING; PROVIDING FOR SEVERABILITY
OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has determined that it is necessary that wastewater rates and charges must be increased to provide funds to comply with Federal mandates; and,

WHEREAS, a public hearing held on the 6th day of April 1999, pursuant to the Arkansas Code, Section 14-235-223, where all users and other interested persons shall be heard on the proposed changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THAT:

SECTION ONE: That Section 10.08.03 of the Eureka Springs Municipal Code is hereby amended to read as follows, to-wit:

"Wastewater Rates.

A. That the monthly rates and charges for wastewater usage are hereby established as follows:

First 2,000 gallons of water consumption per month, or any portion thereof	\$6.70 (minimum)
For the next 8,000 gallons of water consumption per month, of any portion thereof	\$3.95 per 1000 gallons
For all water consumption in excess of 10,000 gallons per month, or any portion thereof	\$4.80 per 1000 gallons

That not less than 90% of the increase reflected in the above rates, over and above the rates reflected by Ordinance No 1612 (8/9/94), shall be deposited in a separate account dedicated to wastewater construction as defined in the Wastewater Facility Plan, dated June 16, 1996, and amended by the City Council, until such time as such Plan has been fully funded.

- B. A standby charge equal to the minimum billing will be charged although the water is cut off at the meter. This charge does not apply to a permanently vacated location. Statements for wastewater services shall not be rendered more often than monthly, and may be rendered in conjunction with the statements for water services; and if not paid within ten (10) days from the billing date, a penalty of ten (10) percent of the amount of the statement shall be added. In the event the statement shall not be paid within 20 days of the billing date; water service to the user will be subject to discontinuance pursuant to policy. Service may be restored only after such time as payment of all delinquent charges and penalties for water and wastewater services have been paid.
- C. The City shall terminate illegal connections immediately upon gaining knowledge of said connection. Any connections to the Municipal System that are not in compliance with the Municipal Code shall be considered illegal connections and a violation of the Code. Any person or entity convicted for a violation of this Code shall be adjudged to pay a fine of not more than Five Hundred Dollars (\$500.00), and if the violation is continuous not more that Two Hundred-Fifty Dollars (\$250.00) for each day of continuance."

SECTION TWO: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

SECTION THREE: That if any part of this ordinance is found unenforceable for any reason whatsoever by a court of competent jurisdiction, it shall not affect the remaining parts thereof.

SECTION FOUR: That this Ordinance shall go into and be of full effect thirty (30) days after it passage. These rates will be reflected in the July 1, 1999 billing.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS 15th DAY OF April, 1999.

THE CITY OF EUREKA SPRINGS
ARKANSAS

By: Beau Zar Satori

BEAU ZAR SATORI, Mayor

ATTEST:

Mary Ann Lee
MARY ANN LEE, City Clerk