

ORDINANCE NO. 2036

An ordinance amending Chapter 10.12 Guidelines for treating waste, Section 10.12.10 Inspection fee, of the City of Eureka Springs, AR, Municipal Code.

FOR THE CITY OF EUREKA SPRINGS, ARKANSAS:

WHEREAS, Section 10.12.10 regarding inspection fees in the existing Guidelines for Treating Waste in the current Chapter 10.12 of the Eureka Springs Municipal Code, does not have a penalty clause if the annual inspection fee is not paid on time.

NOW THEREFORE, be it hereby ordained by the City Council of the City of Eureka Springs, Arkansas, that Chapter 10.12, Guidelines for Treating Waste, Section 10.12.10 Inspection fee, of the Eureka Springs Municipal Code be amended to read as follows:

Section 10.12.10 Inspection fee. The owners of the buildings which contain interceptors shall pay an annual inspection fee to the City of Fifty dollars (\$50.00) for each such interceptor of facility. The inspection fee shall be paid on or before January 31 of each year. A Twenty-five dollar (\$25.00) late fee will be added to all payments made after January 31.

The Building Official and/or any certified Eureka Springs Police Officer shall, at his/her discretion, issue a citation for said businesses for non-payment of inspection fee. Continuous violation(s) of this section shall be considered separate offenses for each day the violation(s) exists.

Each violation of this section shall be a misdemeanor and be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) plus applicable court costs for each offense upon conviction.

All ordinances or resolutions, and parts thereof, in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 2. The effective date for the fee structure shall be January 1, 2008. The effective date for the remainder of the changes including but not limited to enforcement shall be May 1, 2007.

Section 3. In the event any one or more of the provision contained in this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this ordinance, and this ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PASSED AND APPROVED, this 12th day of March, 2007

Dani Wilson, Mayor

Mary Jean Sell, City Clerk