

**ORDINANCE NO. 2080**

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 10.16.04 OF THE EUREKA SPRINGS, ARKANSAS, MUNICIPAL CODE INCREASING RATES FOR SERVICES RENDERED BY THE SEWER SYSTEM OF THE CITY OF EUREKA SPRINGS, ARKANSAS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**WHEREAS**, the City of Eureka Springs, Arkansas (the “City”) owns and operates a sewer system (the “System”), and has determined that extensions, betterments and improvements to the System (the “sewer improvements”) should be made in order that the City and its inhabitants may have adequate and proper sewer facilities; and

**WHEREAS**, all or a portion of the costs of the sewer improvements will have to be paid from the proceeds of a new issue of water and sewer revenues bonds; and

**WHEREAS**, it is necessary to amend Chapter 10, Section 10.16.04 of the Eureka Springs Municipal Code in order to increase rates to be charged for the services of the System, 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.** Chapter 10, Section 10.16.04 of the Eureka Springs Municipal Code is hereby amended to read as follows:

“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	\$9.50 (minimum)
For the next 6,000 gallons of water consumption Per month, or any portion thereof	\$5.60 per 1,000 gallons
For all water consumption in excess of 8,000 gallons Per month, or any portion thereof	\$6.99 per 1,000 gallons

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 fifteen (15) days from the billing date, a penalty of ten percent (10%) of the amount of the statement shall be added. In the event the statement shall not be paid within ten (10) 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 than Two Hundred-Fifty Dollars (\$250.00) for each day of continuance.

**Section 2.** 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 3.** That all ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** These rates shall be reflected in the July 2008 billing.

EMERGENCY CLAUSE

**Section 5.** Since revenue provided by the increase as shown in the above waste water rate is necessary for the efficient operations of the City of Eureka Springs, Arkansas, waste water treatment System an emergency is hereby declared to exist; and since approval of this Ordinance 2080 is necessary for the preservation of public peace, health, and safety and continuance of public services, this Ordinance shall take effect and be in force from and after its passage and approval.

PASSED JUNE 23, 2008.

Attest:

Approved:

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Clerk

Dani D. Joy, Mayor

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Mary Jean Sell CMC, City