

ORDINANCE NO. 1060

Revised

AN ORDINANCE AMENDING SECTION 10.04.02 OF THE EUREKA SPRINGS MUNICIPAL CODE TO PROVIDE FOR THE READING AND TESTING OF A WATER METER BY THE CITY AT THE REQUEST OF THE USER FOLLOWING THE RENDERING OF A MONTHLY STATEMENT TO THE USER.

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

Section 1. Section 10.04.02 of the Eureka Springs Municipal Code amended.

Section 10.04.02 of the Eureka Springs Municipal Code is hereby amended by adding the following paragraph thereto, to-wit:

In the event that any user of water from the municipal waterworks system shall receive a statement for water services and shall deem that said statement reflects either an incorrect reading by the city of the meter measuring water used by said user or a malfunction of such meter, resulting in said user being overcharged, said user may request the city to again read such meter and/or to determine if said meter is properly functioning, provided that such request is in writing, is signed by the user, and is received by the city with full payment of such statement not later than the due date of such statement. If the city, in response to such request, determines that such meter was correctly read with respect to such statement and that such meter was properly functioning at the time of such reading, said user shall be assessed a service charge in the sum of Five and No/100 Dollars (\$5.00), billable to the user in the next monthly statement rendered to said user. If the city, in response to such request, determines that such meter was incorrectly read, due to no fault of said user, with respect to such statement and/or that such meter was malfunctioning at the time of such reading, at no fault of said user, resulting in said user being overcharged, there shall be no service charge assessed by the city and said user shall receive a proper adjustment in the next monthly statement submitted to said user, provided that if the city council shall review the matter at the request of said user and a majority of the members elected thereto shall find that the amount of such overcharge is excessive and oppressive, the city council may, upon such finding, direct the city clerk/treasurer to promptly refund to said user the amount of such overcharge. The city clerk/treasurer shall prepare a request form with respect to this paragraph, with space being provided thereon for the name, address, telephone number and signature of the user, the nature of the request, the date of the statement in question, the number of the account of the user, the date of receipt by the city, and the agreement of the user to pay the aforesaid service charge if the same shall be assessable as heretofore provided. Copies of such form shall be made available to any user desiring the same in the municipal waterworks system office during regular business hours.

Section 2. Severability.

Each word, phrase and sentence of this ordinance is hereby declared to be severable from each and every other word, phrase and sentence hereof. If a court of competent jurisdiction rules that any

word, phrase and/or sentence of this ordinance is unenforceable or unconstitutional, such ruling shall not invalidate the remainder of this ordinance, and such remainder shall continue to be in full force and effect.

Section 3. Emergency declared.

Passed
The city council has found and hereby declares that this ordinance is essential to the health, safety and general welfare of the city and its inhabitants, that an emergency exists, and that this ordinance should take effect without delay. Therefore, this ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED AND ORDAINED, WITH THE EMERGENCY DECLARED SEPARATELY, BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS

6th DAY OF April, 1979.

APPROVED:

Marcile Davis
Marcile Davis, Mayor

ATTEST:

Vesta C. Johnson
Vesta Johnson, City Clerk/Treasurer

(SEAL OF THE CITY)