

ORDINANCE NO. 1083

AN ORDINANCE AMENDING CHAPTER 11.08 OF THE EUREKA SPRINGS MUNICIPAL CODE TO PROVIDE FOR WATER-SAVING PLUMBING FIXTURES, TO MODIFY THE PENALTIES FOR VIOLATIONS OF SAID CHAPTER 11.08 AND DECLARING AN EMERGENCY.

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

Section 1. Chapter 11.08 amended to provide for water-saving plumbing fixtures.

Chapter 11.08 of the Eureka Springs Municipal Code is hereby amended by substituting the following for Section 11.08.07, to-wit:

11.08.07 Water-saving plumbing fixtures. With respect to all new construction and/or any replacement of existing plumbing fixtures, the installation of the following plumbing fixtures shall be mandatory whenever one or more toilets and/or one or more shower heads is/are installed or is/are to be installed, to-wit:

(a) Toilets with a maximum water use per flush of three and five-tenths (3.5) gallons ($1.3 \times 10^{-2} \text{ m}^3$);

(b) Shower heads limited to a maximum flow rate of three and five-tenths (3.5) gallons per minute ($2.2 \times 10^{-4} \text{ m}^3/\text{sec}$).

The plumbing inspector is hereby authorized to require the installation by private property owners of water pressure reducing valves to reduce water pressure entering the property owned by any such private property owners to not more than sixty (60) pounds per square inch (20.5 kg/cm^2). The plumbing inspector shall make such requirement whenever the same is clearly in the public interest in order to conserve water consumption, but the plumbing inspector may, in his sound discretion, decline to make such requirement. Such requirement, when made, shall pertain only to new construction or the replacement of existing fixtures. Any person knowingly failing and/or purposely refusing to comply with such requirement, when made, shall be subject to the penalties provisions of this Chapter upon conviction of such violation.

Section 2. Chapter 11.08 further amended to modify the penalties for violation of Chapter 11.08.

Chapter 11.08 of the Eureka Springs Municipal Code is hereby further amended by adding Section 11.08.08, to-wit:

11.08.08 Violations and penalties. Each violation of any provision of this Chapter shall be deemed to be a misdemeanor, and the penalties provided by Section 1.32.01 of the Eureka Springs Municipal Code shall apply in the event that any person is convicted of such violation in the Eureka Springs Municipal Court or in some other court of competent jurisdiction.

Section 3. Severability.

If any part of this Ordinance is held to be unenforceable by a court of competent jurisdiction, such holding shall not affect the remaining parts of this Ordinance, which shall remain in full force and effect.

Section 4. Repeal.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Emergency declared.

The City Council, having previously declared water conservation to be an essential part of the public policy of the City of Eureka Springs, Arkansas, finds that this Ordinance is essential to the health, safety, peace and welfare of the community and its inhabitants and that this Ordinance should take effect without needless delay. Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect upon its publication according to law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, WITH SECTION 5 BEING SEPARATELY VOTED UPON AND PASSED, ON THIS 16TH DAY OF NOVEMBER, 1979.

APPROVED:

Marcile Davis

Marcile Davis, Mayor

ATTEST:

Vesta C. Johnson

Vesta C. Johnson, Clerk/Treasurer

(SEAL OF THE CITY)