

ORDINANCE NO. 1104

AN ORDINANCE AMENDING SECTION 10.04.02, EUREKA SPRINGS MUNICIPAL CODE, BY REDUCING THE POTENTIAL FOR UNNECESSARY FINANCIAL HARDSHIP FOR USERS OF WATER FROM THE MUNICIPAL WATERWORKS SYSTEM WHO DEEM THAT THEY HAVE BEEN ERRONEOUSLY OVERCHARGED AND BY DELETING THE DECLARED REVIEW ROLE OF THE CITY COUNCIL WITH RESPECT TO DISPUTED MONTHLY STATEMENTS FOR WATER SERVICES, AND DECLARING AN EMERGENCY.

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

Section 1. Section 10.04.02, Eureka Springs Municipal Code, amended

The third and final paragraph of Section 10.04.02, Eureka Springs Municipal Code, is hereby amended to read, in its entirety, as follows, 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 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, and the monthly statement prompting the user's request for a second reading shall be fully paid not later than the close of the business day immediately following the business day on which the user is notified such determination by the city, or on the due date for said statement, whichever occurs later. 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 monthly statement prompting the user's request for a second reading of the meter. 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, and the date of receipt of the request 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. Emergency declared

The City Council finds that the third and final paragraph of Section 10.04.02, Eureka Springs Municipal Code, in its present form, creates a grave potential for unnecessary financial hardship upon the users of municipal waterworks services and needlessly places the City Council in the position of a reviewer of disputed monthly statements for such services. The City Council further finds that this Ordinance is essential to the public welfare and should take effect without

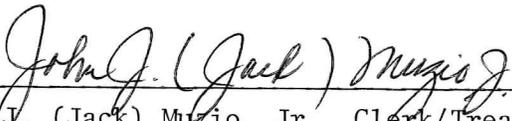
avoidable delay. Therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, WITH SECTION 2 BEING PASSED SEPARATELY, ON THIS 19TH DAY OF SEPTEMBER, 1980.

APPROVED:

  
\_\_\_\_\_  
Marcile Davis, Mayor

ATTEST:

  
\_\_\_\_\_  
John J. (Jack) Muzio, Jr., Clerk/Treasurer

(Seal of the City)

