

**ORDINANCE NO. 1563 (AMENDED)**  
**AN ORDINANCE AMENDING CHAPTER 10.08, SEWER RATES, OF**  
**THE CITY OF EUREKA SPRINGS, ARKANSAS,**  
**MUNICIPAL CODE AND RENAMING CHAPTER 10.08**

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

**Section One: Chapter 10.08, Title**

a. The title of Chapter 10.08 of the Municipal Code is hereby changed from "Sewer Rates" to "Sewerage Fees and Rates."

**Section Two: 10.08.01, Wastewater Tap Fee**

a. All persons or entities constructing a new building and/or facility, or increasing the size and/or use of an existing building and/or facility, requiring the use or increased use of the Municipal Sewerage System shall pay a tap fee prior to the City-approved connection of their sewer lines to the Municipal Sewerage System. The amount of this one-time tap fee shall be the actual cost, not to exceed \$300.00.

b. All money collected as Wastewater Tap Fees, in accordance with this Ordinance, shall be deposited into the "Water and Sewer Fund" account and shall be used for the operations and maintenance of the Municipal Water and Sewerage Systems.

**Section Three: 10.08.02, Wastewater Treatment Plant Capacity Fee**

a. All persons or entities applying for a building and/or plumbing permit to erect, build, or construct a new building and/or facility, or increase the size and/or use of an existing building and/or facility, requiring the use or increased use of the Municipal Sewerage System shall buy capacity in the present and/or future Wastewater Treatment Plant(s) at a cost of \$3.00 per gallon of estimated daily sewage flow.

b. Any persons or entities who have been subject to Eureka Springs, Arkansas, real property tax on improved real estate for 1993 or earlier, and who apply for connection of said structures to the Municipal Sewerage System, shall pay said property tax in full before connection and shall not be subject to the Capacity Fee.

c. Public Institutions, including schools and hospitals, that provide services for public health, safety and general welfare, that relocate within the city limits of Eureka Springs, Arkansas, shall be charged the Capacity Fee only for the increased use, if any, of the new or newly acquired building(s) and/or facilities.

(1) Persons or entities acquiring title to building(s) and/or facilities of public institutions relocating in accordance with this Section shall be subject to the Capacity Fee for those building(s), etc. as specified by this Ordinance.

d. Under no circumstance, after connection to the Municipal Sewerage System, shall a decrease in usage result in a refund of any previous fees paid as set forth in this Ordinance.

e. The Building Inspector shall determine the amount of this one-time Capacity Fee by multiplying the rate per gallon of estimated daily sewage, \$3.00, times the estimated

gallons per day presented below for each type of establishment or combinations of types of establishments, e.g. a motel with a restaurant, bar, residence, laundry, etc.:

<u>TYPE OF ESTABLISHMENT</u>	<u>ESTIMATED GALLONS PER DAY</u>
Bars & Taverns, no restaurant (per person based on capacity) .....	2
Businesses, including gift shops, offices, etc. (per employees, including owner on premises) .....	15
Camps (per person based on capacity)	
With central comfort stations .....	35
With flush toilets, no showers .....	25
Construction camp, semi-permanent .....	50
Day camps, no meals served .....	15
Resort camps, night and day .....	50
Car Washes (per bay) .....	1000
Convenience Stores	
Per employee, including owner on premises .....	15
With Gasoline Pumps (per estimated 65 vehicles daily) .....	650
Churches (per person seating capacity) .....	5
Dwellings	
Single-Family Residences .....	200
(additions to residences) .....	evaluated by purpose
Apartments, Condominiums, Townhouses, etc. (per dwelling unit) .....	175
Rooming Houses (per bedroom, without bath, etc.) .....	100
Rooming Houses (per dwelling unit, with bath, etc.) .....	175
Mobile Home Parks (per unit space) .....	250
Factories, exclusive of industrial waste (per person, per shift) .....	20
Industrial Waste .....	determined on an individual basis
Hospitals (per licensed bed space) .....	140
Liquid Waste Dumps .....	determined on an individual basis
Laundries, including self-service, Laundromats, etc. (per machine) .....	200
Nursing Homes (per licensed bed space) .....	125
Picnic Parks (per person based on capacity)	
With toilets, bathhouse, showers .....	15
With toilets only .....	5
Public Institutions other than hospitals and schools (per person) .....	125
Restaurants (per person seating capacity) .....	10
Recreational Vehicle Park (see Tourist Lodging)	

<u>TYPE OF ESTABLISHMENT</u>	<u>ESTIMATED GALLONS PER DAY</u>
Schools (per employee, including owner on premises) .....	15
Additional Fees, Schools:	
Boarding (per student) .....	100
Day, without gym, cafeteria, showers (per student).....	15
Day, with gym, cafeteria, showers (per student) .....	30
Day, with cafeteria only (per student) .....	20
Service Stations (per estimated 65 vehicles daily) .....	650
Per employee, including owner on premises .....	15
Theaters	
Movie (per person seating capacity) .....	5
Live music (per person seating capacity).....	5
Drive-in (per space).....	5
Tourist Lodgings	
Bed & Breakfast Houses	
Residence .....	175
Each guest-unit .....	150
Cabins, Cottages, etc.(per unit).....	150
Residence .....	175
Hotels (per room) .....	150
Residence .....	175
Motels (per room).....	150
Residence .....	175
Recreational Vehicle Park	
Residence .....	175
Per Space.....	150

f. The Capacity Fee for the following establishments and/or facilities shall be a standard fee as follows:

<u>TYPE OF ESTABLISHMENT</u>	<u>CAPACITY FEE</u>
Bathhouses (per tub) .....	\$2000.00
Swimming Pool (if connected to sewer) .....	1000.00
Hot Tub (if connected to sewer) .....	1000.00

g. The Building Inspector shall collect said Capacity Fees for the City as set forth in this Ordinance.

h. The estimated Capacity Fee shall be paid to the Building Inspector when applying for a Building and/or Plumbing Permit, or when applying to connect to the Municipal

Sewerage System for the first time, and the balance thereof shall be paid or refunded when said construction is completed and inspected by the Building Inspector. In no case shall an establishment and/or facility be connected to a City sewerage line until said inspection is completed and the Capacity Fee is paid in full.

i. If a person or entity applies for a Building and/or Plumbing Permit for an establishment and/or facility which is not covered specifically by the estimated gallons per day contained in this Ordinance, the Building Inspector shall estimate the daily sewage flow and notify the City Council.

j. Any person or entity aggrieved by a determination of the Building Inspector shall have the right to appeal the decision to the City Council.

k. Any person or entity aggrieved by a determination of the City Council may, within thirty days of receiving the decision, appeal to the Chancery Court of Carroll County, Arkansas. The Court shall hear pertinent evidence and shall annul the determination of the City Council if it finds the evidence to be insufficient in law, and it may make such other decree as justice and equity may require. The remedy provided by this Section shall be exclusive, but the person or entity shall have all rights of appeal as in any other equity cases.

l. All money collected as Wastewater Treatment Plant Capacity Fees, in accordance with this Ordinance, shall be deposited in an account titled "Wastewater Treatment Plant Construction" and shall be used only for the specific purpose of Treatment Plant(s) construction and/or expansion. The balance of the account shall be invested in accordance with State law to earn the maximum allowable interest.

#### **Section Four: 10.08.03, Wastewater Rates**

The City Council hereby finds and declares the following monthly rates and charges for Wastewater usage fair, reasonable, and necessary; and they are hereby fixed on the effective date of this Ordinance:

First 2,000 gallons of water consumption per month or portion thereof.....	\$5.00 (minimum)
Next 8,000 gallons of water consumption per month or portion thereof.....	\$2.15 per 1,000 gal.
Next 20,000 gallons of water consumption per month or portion thereof.....	\$3.00 per 1,000 gal
For all water consumption in excess of 30,000 gallons per month, or portion thereof .....	\$2.40 per 1,000 gal. ..... in excess of 30,000 gallons

#### **Section Five: Repeal Clause**

All Ordinances or Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

**Section Six: Penalty Clause**

*The City shall terminate illegal connections immediately upon gaining knowledge of said connections. Any connections to the Municipal Sewerage System that are not in compliance with this Ordinance shall be considered illegal connections and a violation of the Municipal Code. Any person or entity convicted for a violation of any provision 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 Six: Emergency Clause**

~~The City Council of the City of Eureka Springs, Arkansas, finds that some of the current sewerage fees and rates are no longer adequate to support the operation, management, maintenance, improvement, and expansion of the Municipal Sewerage System; that some fees and rates must be increased in order to insure public health, safety, and welfare; and that an emergency is hereby declared to exist.~~

*not read*

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY  
EUREKA SPRINGS, ARKANSAS, THIS 24th DAY OF may 1994.**

APPROVED:

*Louise O. Berry*  
Louise O. Berry, Mayor

ATTEST:

*Juanita S. Barner*  
Juanita S. Barner, City Clerk