

ORDINANCE #1638-Amended

AN ORDINANCE AMENDING TITLE 10 OF THE EUREKA SPRINGS
MUNICIPAL CODE REGULATING SALE OF WATER OUTSIDE
THE CITY LIMITS OF THE CITY OF EUREKA SPRINGS,
ARKANSAS

WHEREAS, the City Council wishes to amend the present Eureka Springs Municipal Code regulating the sale of water to property owners living outside of the city limits;

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

Section 1: That Section 10.04.05 of the Eureka Springs Municipal Code be amended by the addition of the following sentence:

However, in those instances where the city water line runs to, through or under the property, and the property owner cannot annex to the City because their property is not contiguous to the City, the City Council shall authorize water service upon the request of the property owner, provided said owner agrees in writing to voluntarily annex to the city when said property is contiguous to the city.

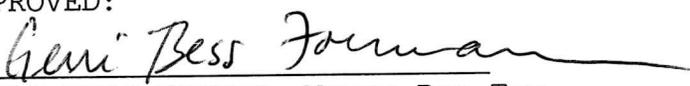
Section 2: All ordinances or resolutions and parts thereof, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 3: Each word, phrase, sentence, and section of this Ordinance is hereby declared to be severable from each and every other word, phrase, sentence and section hereof. In the event that any part of this Ordinance shall be held to be unconstitutional or unenforceable by a court of competent jurisdiction, the remaining parts of this Ordinance not included in such holding shall remain in full force and effect.

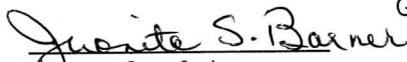
Section 4: This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, AR, ON THIS 8th DAY OF November, 1994.

APPROVED:

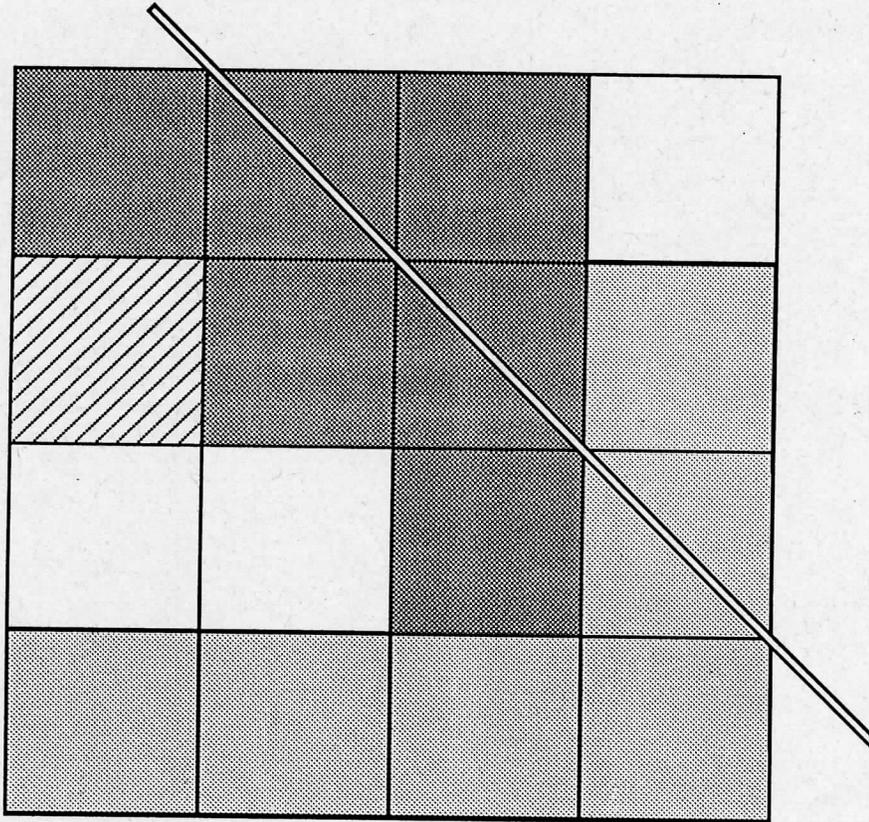

GERRI BESS FORMAN, Mayor Pro Tem

ATTEST:


Joette S. Barner
City Clerk/Treasurer

Amend Ordinance 1638 (Water Outside the City), Section 1, after "owner" to read: "..., ~~and~~ provided said owner agrees in writing to voluntarily annex to the city, when said property is contiguous to the city." --- or words to that effect.

Unless those property owners outside the city, who receive city water, are not required to annex when contiguous, then the following situation could happen:



-  WATER LINE
-  CITY PROPERTY
-  ELIGIBLE FOR CITY WATER; NOT REQUIRED TO ANNEX
-  ELIGIBLE FOR CITY WATER; MUST ANNEX
-  NOT ELIGIBLE FOR CITY WATER; CAN'T ANNEX