

ORDINANCE #780

An Ordinance Fixing the Rates for the Use of the Sanitary Sewage System of the City of Eureka Springs, Ark; Defining Certain Terms; Providing for Determining the Amount, the Manner of Billing and Collection; Repealing all Ordinances in Conflict Herewith; Declaring the Provisions Hereof Severable; and Declaring an Emergency.

Whereas it is necessary to provide for an equitable method of payment for the use of the City sewage system by the various users according to the amount of sewage delivered to the sewage system from the various users;

And Whereas, additional revenues are required for the maintenance, operation, repairs, enlargement, replacement and additions to sewers and treatment units of inadequate size;

Now, Therefore Be it Ordained by the Board of Commissioners of the City of Eureka Springs, Arkansas:

Section 1. Definitions: For the purpose of this ordinance the following terms are hereby defined:

(a) Sanitary Sewage System is hereby defined to include all sanitary sewage truck lines, main lines, sub main lines, lateral lines and sewage treatment plants whether owned by the City or not.

(b) Sanitary Sewage is hereby defined as the liquid water which may or may not contain solids originating in the sanitary conveniences for personnel of a dwelling, business building, factory or institution, or originating as a result of operation of processing, manufacturing, or industrial plants.

(c) User of the sanitary sewage system shall mean the person, firm or corporation having a contract for water service at a particular location, if the location has a sanitary sewer connection with the City's system; or in case there is no water contract on file then the person, firm or corporation which is charged with water bills for the location or which pays the same, or in case a private water supply is used, then the proprietor of the location having the sewer connection.

(d) The term monthly sewage service charge shall be the period of time concurring with water meter reading dates, approximately a 30-day period.

Section 2. Sewage Service Charges: There are hereby fixed and established charges for the use of the Sanitary Sewage System, said charges to be based upon the amount of water used per month, with necessary adjustments as hereinafter provided for. The monthly rates shall be as follows:

For the first 3,000 gallons or less, a minimum monthly charge of \$1.25.

For the next 2,000 gallons or less, a minimum monthly charge of \$1.25.

For the next 15,000 gallons 0.20 per M.

For the next 30,000 gallons 0.15 per M.

For the next 50,000 gallons 0.12 per M.

And all over 100,000 gallons 0.10 per M.

(a) All users shall be classed as either domestic or commercial, depending upon whether or not the water consumption of the individual user is used for domestic or commercial purposes. For the purpose of definition, all users other than residences in which no commercial boarders are kept during any part of a calendar year shall be classed as commercial.

(b) Where a user has both residential and commercial users on the same meter, the usage shall be classed as commercial usage for the purpose of computing bills.

(c) In the case of domestic users, the monthly sewage service incurred for any month shall be based upon the average water usage for the previous months of November, December, January, February, March and April. Said charges shall be computed for a twelve-month period beginning with the billing for the month of June; said uniform rate shall be charged for the following twelve-month period, at the end of which time new rates shall be computed. Where residential users have established a monthly sewage service rate as set out above and move to a new location, the same sewage service rates as established shall apply at the new location in the case the general household conditions are the same. Sewage service rates for the new residential users shall be based upon monthly water usage until such time as their rates have been established by the usage of water for the months heretofore specified.

(d) In the case of commercial users, the monthly sewage service charge shall be determined by applying the rate schedule to each monthly water bill throughout the year.

(e) Where a user of the Sanitary Sewage System utilizes water for other than residential use so that such water does not enter the Sanitary Sewer System, rates as herein fixed shall be charged only on sewage entering the system.

(f) In the case of users of the Sanitary Sewage System where water is obtained from sources other than the City Water Department, the City will determine the amount of the water entering the Sanitary Sewage System, which shall be subject to the rate as set out above.

Section 3. Non-Resident users: All users of the City's Sanitary Sewage System having connections without the corporate limits of Eureka Springs shall be charged one and one-half ($1\frac{1}{2}$) times the above schedule rates. The City of Eureka Springs does not obligate itself to furnish sanitary sewer services to any persons whomsoever.

Section 4. Billing and payment: Billing for the monthly sewage service charges shall be rendered on the water bills, where water bills are rendered, but shall be shown as a separate item from the water charge. If the bill is not paid within ten days after rendition, a 10 percent penalty shall be added, to be collected as a part of the bill. The City hereby declares that if the charges for sewage services are not paid within thirty days after the

due date for the bill they shall constitute a lien upon the property being

served, even though the occupant receiving the benefit of the service for which the charge is due has merely a leasehold interest (or other lesser estate) in the premises. If necessary for collection, suit will be brought in the Chancery Court of Carroll County for the enforcement of the lien and a reasonable attorney's fee.

Section 5. Users Having Private Water Service: Where a user of the Sanitary Sewage System does not use City water but depends wholly or in part on wells or other private water supplies, the City shall determine the amount of water used for the purpose of computing the sewage service charge, or such user may install a meter acceptable to the City, and the readings thereof shall govern. Those users who are not users of City water who fail to pay the sewage service charge within ten (10) days from the date the charge becomes due shall be charged one dollar (\$1.00) in addition to the regular bill.

Section 6. Water Deposits: All deposits made by users of City water as required by the City ordinances to guarantee payment of water bills may be also applied to pay delinquent or defaulting sewage service charges of the user who made the deposit.

Section 7. Repeal: All ordinances of the City of Eureka Springs, or parts thereof, in conflict herewith are hereby repealed.

Section 8. Severability Clause: If any section, part thereof, or any provisions of this ordinance shall be held void, ineffective, or unconstitutional by a court of competent jurisdiction, such holding as to any section, part or provision shall in no way affect the validity of the remaining parts of this ordinance, but the same shall remain in full force and effect.

Section 9. Emergency: Whereas, it being immediately necessary for the preservation of the peace, health and safety of the City of Eureka Springs and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, and emergency is hereby declared to exist, by reason whereof this ordinance shall take effect and be in full force from and after its passage, as provided by law.

Passed by the Board of Commissioners of the City of Eureka Springs this 30th day of December, 1953.

A. J. RUSSELL
Mayor, Ex-Officio Policy Judge

Attent:
RAY FREEMAN
Commissioner No. 1, Ex-Officio City Clerk

CERTIFICATE

I, the undersigned, Commissioner No. 1 of the Board of Commissioners and Ex-Officio City Clerk of the City of Eureka Springs, Arkansas, certify the foregoing to be a true copy of a resolution unanimously adopted by the members of said Board at a duly called and constituted meeting held December 30, 1953.

CERTIFIED under my hand and the seal of said City, this 30 day of December, 1953.

RAY FREEMAN
Commissioner No. 1, Ex-Officio
City Clerk

(SEAL)

I Jan M. Bullock, City Clerk of the City of Eureka Springs, Arkansas, hereby certify that this is a true and correct copy of Ordinance No. 780 as passed and approved by the City of Eureka Springs, Arkansas on December 30, 1953 and now appearing in Ordinance Book No. 3 at Page 215.

Jan M. Bullock, City Clerk
City of Eureka Springs, Arkansas

Subscribed and sworn to before me, this 29th day of April, 1964.

Notary Public

My Commission Expires:
April 2, 1966

I John W. Boyd, Superintendent of the Water and Sewer Department for the City of Eureka Springs, Arkansas, do hereby certify that the Sewer rates as established under Ordinance No. 780 and passed on December 30, 1953 are still the same rates that are being charged by the City of Eureka Springs at the present time. I further certify that to the best of my knowledge and belief, there have been no Ordinances passed by the City of Eureka Springs changing the Sewer rates after the passage of Ordinance No. 780.

John W. Boyd, Water Superintendent
City of Eureka Springs, Arkansas

Subscribed and sworn to before me, this 29th day of April, 1964.

Notary Public

My Commission Expires:
April 2, 1966