

## ORDINANCE NO. 2234

### AN ORDINANCE AMENDING CHAPTER 10.44.04 OF THE MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ESTABLISHING RATES FOR SERVICES RENDERED BY THE WATER FACILITIES OF THE CITY OF EUREKA SPRINGS, ARKANSAS; AND PRESCRIBING OTHER MATTERS RELATING THERETO

**WHEREAS**, the City of Eureka Springs, Arkansas, (the “City”) owns and operates the water facilities (the “System”); and

**WHEREAS**, it is necessary to amend Chapter 10.44.04 of the Eureka Springs Municipal Code in order to establish the rates to be charged for the services of the water facilities of the System, which rates are hereby found to be fair, reasonable and necessary;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Eureka Springs, Arkansas:

**Section 1.** Subsection A of Chapter 10, Section 10.44.04 of the Eureka Springs Municipal Code is hereby amended to read as follows:

- A. The City Council hereby finds and declares the following monthly rates and charges for water usage fair, reasonable, and necessary; and they are hereby fixed as rates to be charged for services of the water facilities of the City’s water system:

	<u>Inside City Limits</u>	<u>Outside City Limits</u>
First 2,000 gallons of water consumption per month, or any portion thereof	\$11.20 (minimum)	\$22.40 (minimum)
For the next 6,000 gallons of water consumption per month, or any portion thereof	\$4.29 per 1,000 gal.	\$8.58 per 1,000 gal.
For all water consumption in excess of 8,000 gallons per month, or any portion thereof	\$5.74 per 1,000 gal.	\$11.48 per 1,000 gal.

**Section 2.** Chapter 10.44.04 of the Eureka Springs Municipal Code, as amended hereby, shall remain in full force and effect.

**Section 3.** That the provisions of this Ordinance are separable and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

**Section 4.** That ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** These rates shall be reflected in the next monthly billing.

**Section 6. EMERGENCY CLAUSE:** Because the proposed water rate increases are necessary for the efficient operations of the City of Eureka Springs, Arkansas, Water System, an emergency is hereby declared to exist; and since approval of the Water System rate increases is necessary for the preservation of public peace, health, safety and continuance of public services, this ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS, ON THIS 14<sup>th</sup> OF DECEMBER, 2015.**

**APPROVED:**



Robert Berry, Mayor

**ATTEST:**



Ann Armstrong, City Clerk Treasurer

Four Council members were present.

On the vote to read the emergency clause, three voted "Aye" – David Mitchell, Joyce Zeller, and Mickey Schneider.

One Council member voted "No" – Bob Thomas.

Mayor Butch Berry voted "Aye" to carry.

AFFIDAVIT

STATE OF ARKANSAS

COUNTY OF CARROLL

The undersigned, as the duly elected, qualified and acting City Clerk/Treasurer within and for the City of Eureka Springs, Arkansas, does hereby certify that there is no newspaper "of record" published within the corporate limits of the City.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City this 15<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
City Clerk/Treasurer

(SEAL)

Subscribed and sworn to before me on this 15<sup>th</sup> day of December, 2015

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

**Kimberly S. Stryker**

**Carroll County**

**Notary Public - Arkansas**

**My Commission Expires July 17, 2025**

(SEAL) **12694536**



PROOF OF POSTING OF ORDINANCES

STATE OF ARKANSAS

COUNTY OF CARROLL

We, Mayor Robert D. Berry and City Clerk/Treasurer Ann Armstrong, do solemnly swear as Mayor and City Clerk, respectively, of and for the City of Eureka Springs, Carroll County, Arkansas, that a certified copy of Ordinance No. 2234 has been posted on the City's website, www.cityofeurekasprings.org and, on December 15, 2015 in the following places inside the corporate limits of the City: (1) City Hall, (2) the Eureka Springs Public Library, (3) Bunch's Quik-Chek, (4) Hart's Family Center, and (5) Tad's Quickstop as required by AR. Code Ann. 14-55-206. The Ordinance remained posted for thirty (30) days.

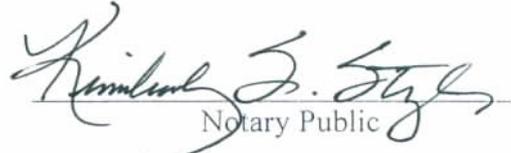
DATED this 15<sup>th</sup> day of December, 2015

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk/Treasurer

(SEAL)

Subscribed and sworn to before me on this 15<sup>th</sup> day of December 2015.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

**Kimberly S. Stryker**  
\_\_\_\_\_  
**Carroll County**  
**Notary Public - Arkansas**  
**My Commission Expires July 17, 2017**  
**12694536**