

ORDINANCE NO. 2004.2

AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE SEWER SYSTEM OF THE CITY OF ELM SPRINGS, ARKANSAS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Elm Springs, Arkansas (the "City") has determined that a sewer system should be constructed (the "Sewer System") in order that the City and its inhabitants may have adequate and proper sewer facilities; and

WHEREAS, the City Council has had prepared by a duly qualified consulting engineer a preliminary report and estimates of costs of the Sewer System, which have been examined and approved by the City Council and are on file with the City Recorder where they may be inspected by any interested person; and

WHEREAS, all or a portion of the costs will have to be paid from the proceeds of sewer revenue bonds to be purchased by an agency of the State of Arkansas; and

WHEREAS, it is necessary for the City to establish rates to be charged for services of the Sewer System;

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

Section 1. That the following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and necessary minimum rates be, and there are hereby, fixed as rates to be charged for services to be rendered by the Sewer System.

(a) Monthly Sewer Rates. All sewer charges shall be based on water consumption and the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

For the first 4,000 gallons of water consumption per month, or portion thereof	\$35.00 (minimum)
For all monthly water consumption in excess of 4,000 gallons per month	5.00 per 1,000 gallons

(b) Tapping Fee. There shall be a tapping fee in an amount equal to \$100 for every customer who connects with the Sewer System.

(c) None of the facilities or services afforded by the Sewer System shall be furnished without a charge being made therefor.

Section 2. That all bills for services of the Sewer System shall be rendered monthly in the net amount due and must be paid by the 15th day of the month. If not so paid then a 10% penalty shall be added and a notice shall be sent by the City notifying such customer that his or her sewer service will be terminated. If any charge is not paid within 30 days after the bill is rendered, the sewer service can be disconnected and suit can be brought to collect the amount due, together with a reasonable attorney's fee, plus a penalty of 10%. A reconnection charge of all arrears shall be required before any premises so disconnected shall be again connected to the Sewer System.

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 all ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: February 16, 2004.

APPROVED:

ATTEST:

Glenda Pettis
City Recorder

Jane Waters
Mayor

(SEAL)

CERTIFICATE

The undersigned, City Recorder of the City of Elm Springs, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 2004-2, adopted at a regular session of the City Council of the City of Elm Springs, Arkansas, held at the regular meeting place in said City at 6:30 o'clock p.m., on the 16th day of February, 2004, and that the Ordinance is of record in Ordinance Record Book No. 1, Page 2004-2, now in my possession.

GIVEN under my hand and seal on this 16 day of February, 2004.

Glenda Pettus

City Recorder

(SEAL)

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Glenda Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2004-2 (the "Swan Lake Ordinance") was, on the 20 day of February, 2004 duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 20 day of February, 2004.

Jane Waters

Mayor

Glenda Pettus

City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 20 day of Feb, 2004.

C. Ray Adams

Notary Public

My Commission Expires:

8-01-12

