ORDINANCE 2003-07

AN ORDINANCE CORRECTING AND AMENDING ORDINANCE 2003-02 CONTAINED IN SECTION 5.08.04 PERMIT FEE AND COLLECTION OF THE ATKINS MUNICIPAL CODE PROVIDING FOR COLLECTED FEES TO BE USED BY THE CITY OF ATKINS FOR WATER AND SEWER PURPOSES AND FOR OTHER PURPOSES

WHEREAS, Ordinance No. 2003-02 was previously adopted by the Atkins City Council which provided for collecting fees to be placed in the water and sewer funds for the City of Atkins, Arkansas; and,

WHEREAS, Ordinance No. 2003-02 inadvertently deleted parts of the existing Section 5.08.04 of the Atkins Municipal Code.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Atkins as follows:

Section 1: Section 5.08.04, Permit Fee and Collection, is hereby amended to read as follows: The Grantee shall pay, and in consideration of the granting of this permit and authority, agrees to pay to the City as a permit fee and as compensation for the rights and privileges enjoyed hereunder a sum equal to five percent (5%) of the gross revenues received by the Grantee in the operation of Grantee's garbage disposal service in the City each year, or a portion of a year during which the garbage disposal service is in operation. This permit fee shall not be added to the garbage disposal fee bid by the Grantee, but may be taken into consideration by the Grantee in the bidding process. Payment shall be made by the City on a month-to-month basis. The City shall collect the garbage disposal fee due from residential customers to the Grantee in conjunction with collecting money due the City from residential customers as a result of the City's operation of its water and sewer system. The Grantee shall provide the City with a list of residential

customers and their addresses for the calendar year just prior to the year in which the Grantee is to perform services pursuant to this Ordinance. In consideration for collecting the money due the Grantee, the Grantee agrees to pay the City the sum of Fifty Cents ($.50) per month for each garbage disposal fee so collected by the City. This collection fee shall not be added to the garbage disposal fee bid by the Grantee, but may be taken into consideration by the Grantee in the bidding process. The City shall remit the balance of the garbage collection fee to the Grantee after withholding the permit fee and the collection fee due the City as provided for in this section. The City shall not be obligated to collect any delinquent accounts of the Grantee. The City shall, at the request of the Grantee, collect any garbage disposal fees due the Grantee from any other customers in the City of Atkins, including but not limited to, multiple-family, commercial or industrial customers pursuant to the same collection procedure as is used for residential customers, and the City shall deduct the sum of fifty cents ($.50) per month for each such collection and shall remit the balance of such garbage disposal fee to the Grantee. All permit fees shall be placed in the Street Fund of the City of Atkins, Arkansas, and used for street paving purposes only. All fees charged to the Grantee for collecting money due the Grantee shall be placed in the Water and Sewer Funs of the City of Atkins, Arkansas, and used for Water and Sewer purposes only.

Section 2: This Ordinance being necessary for the public peace, health and safety of the citizens of Atkins, an emergency is declared and this Ordinance shall become effective immediately upon its passage and approval.

DATED this 8th day of July, 2003.

JERRY DON BARRETT, MAYOR

BRENDA GRAVES, CITY CLERK