ORDINANCE 2004- 04

AN ORDINANCE AMENDING SECTION 5.08.4 PERMIT FEE AND COLLECTION OF THE ATKINS MUNICIPAL CODE PROVIDING THAT COLLECTION FEES BE USED BY THE CITY OF ATKINS FOR WATER AND SEWER PURPOSES AND FOR OTHER PURPOSES

WHEREAS, Section 5.08.4 provides for the collecting fees to be placed in the water and sewer funds for the City of Atkins, Arkansas; and

WHEREAS, it has now been determined that the permit fee should also be placed in the water and sewer funds for the City of Atkins, Arkansas

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

Section 5.08.4 Permit Fee and Collection of the Atkins Municipal Code is hereby amended to read as follows:

Section 1: Section 5.08.4 Permit Fee and Collection, 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 the 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 Section. In consideration for collecting the money due the Grantee, the Grantee agrees to pay the City the sum of Fifty Cents ($.50) per month for each garbage disposal fee so collected by the City. This collection fee shall not be added to the garbage disposal fee bid by the Grantee, but may be taken into consideration by the Grantee in the bidding process. The City shall remit the balance of the garbage collection fee to the Grantee after withholding the permit and the collection fee due the City as provided for in this section. The City shall not be obligated to collect any delinquent accounts of the Grantee. The City shall, at the request of the Grantee, collect any garbage disposal fees due the Grantee from any other customers in the City of Atkins, including but not limited to, multiple-family, commercial or industrial customers, and the City shall deduct the sum of Fifty Cents ($.50) per month for each such collection and shall remit the balance of such garbage disposal fee to the Grantee. All permit fees and all fees charged to the Grantee for collecting money due the Grantee shall be placed in the Water and Sewer Funds 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 hereby declared and this ordinance shall become effective immediately upon its passage and approval.

DATED this 13th day of April, 2004.

JERRY DON BARRETT, MAYOR

BRENDA GRAVES, CITY CLERK