OK

ORDINANCE NO. 257

AN ORDINANCE FIXING THE RATES TO BE CHARGED FOR SEWER SERVICES IN THE CITY OF ATKINS, ARKANSAS;AND DECLARING AN EMERGENCY.

WHEREAS, the City of Atkins, Arkansas, has had plans made by Mickle-Daniel Associates, consulting engineers, Fort Smith, Arkansas, for the extension and improvement of its existing water and sewer systems, at an estimated cost of $156,350; and

WHEREAS, by Section 6 of Ordinance No. 247 of the City of Atkins, Arkansas, approved March 16, 1954, the City established the rates for water services and it is not necessary at this time to change the water rates, but since the City has never collected rates for sewer services it is necessary to establish rates for these services; now therefore,

BE IT ORDAINED by the City Council of the City of Atkins, Arkansas:

SECTION 1. The following schedule of charges shall apply to all sewer services rendered by the City:

MONTHLY SEWER RATES

Residential.....50% of monthly water bill
Commercial.....50% of monthly water bill
Industrial.....50% of monthly water charge for first 200,000 gallons and 20% of monthly water charge for all water consumption in excess of 200,000 gallons

Minimum $1.25

Connection fee (applicable to customers prior to commencement of construction) $100.00

Connection fee (applicable to customers after completion of construction) Actual cost to City

No free service shall be given. Each apartment in an apartment house shall be billed as a separate connection to the system.

The connection fee shall include the service pipe from the sewer main to the property line of theproperty being served. All costs inside property line shall be borne by the owner of said property.

Monthly billings for service shall be made with, and as a part of, the water system billings, and payment for water service shall not be accepted without payment for any sewer service due.

If not paid before the tenth day following the original date of billing, a 10% penalty shall be added to the bill. If the bill is not paid within thirty days from date of billing, services shall be discontinued, and a charge of $3.50 plus the payment of all delinquent charges will be required before any premises so disconnected for delinquent payments shall be again connected.

Each user of the water and sewer systems shall make and maintain a deposit of $5.00 to be applied when necessary in payment of delinquent sewer service charges. No interest will be paid on any deposit.

Under the provisions of Section 19-4113, Arkansas Statutes, 1947, a lien is fixed upon the land for any unpaid sewer service charge, even though the use of the sewer system may be by a tenant or lessee instead of the owner, but vacant unoccupied property not actually using the sewer system shall not be subject to a service charge. The burden of providing non-use during vacancy shall rest upon the owner of the property.

SECTION 2. The Council hereby finds these rates to be the reasonable and necessary minimum monthly rates to be charged for the services of the municipal sanitary sewer system, and they shall not be reduced while any municipal water and sewer revenue bonds or interest thereon are outstanding and unpaid (unless money for such payment has been deposited with the paying agent), and shall, if rate, will produce enough net water and sewer revenue to pay such bonds and interest thereon as they mature.

SECTION 3. All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 4. The provisions of this ordinance are separable, and if any section or part thereof shall be held to be illegal or invalid, it shall not affect the validity of the remainder of the ordinance.

SECTION 5. It is hereby ascertained and declared that there is immediate need, in order to protect the health, lives and property of the contemplated municipal improvements; therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety, and shall take effect and be in force without delay from and after its passage.

Passed: August 7, 1962. APPROVED: E. M. Austin,
Mayor

ATTEST:

Everett Lwell
City Recorder

CERTIFICATE

I, the undersigned, Recorder of the City of Atkins, Arkansas, certify the foregoing to be a true copy of an ordinance passed by the City Council of Atkins at a duly called and constituted meeting at which more than two thirds of the members-elect of said Council were present and voted for the ordinance.

CERTIFIED under my hand and the seal of said City, this 7th day of August, 1963.

Everett Ewell
City Recorder

(SEAL)