

ORDINANCE NO. 111 - B

AN ORDINANCE ESTABLISHING THE RATES TO BE CHARGED FOR THE SERVICES OF THE WATERWORKS AND SEWER SYSTEM OF THE CITY OF CLINTON, ARKANSAS DECLARING AN EMERGENCY AND FOR OTHER PURPOSES PERTAINING THERETO.

WHEREAS, the City Council (the Council) of the City of Clinton, Arkansas (the City) has, upon necessary and complete investigation, found that it is essential and in the interest of the City, its inhabitants and of inhabitants of certain areas contiguous to the City, that the water and sewer department of the City of Clinton be operated upon a sound financial basis and that the cost of operating and servicing the water and sewer system for the City of Clinton has increased greatly as a result of increased costs for materials, labor, electricity and other items;

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

SECTION 1. Definitions. For the purpose of this Ordinance the following definitions apply:

(a) Domestic Users: Users whose property being served by the system is used principally as a domicile.

(b) Commercial-Industrial Users: Users whose property being served by the system is used principally as a place of business whether commercial, manufacturing or processing.

SECTION 2. Domestic Users within the boundaries of the City of Clinton. The Council hereby establishes the following rates for domestic users who reside within the corporate city limits of the City of Clinton:

	<u>Water</u>	<u>Sewer</u>
First 2,000 gallons of water used (or portions thereof)	\$4.00	\$2.50
Next 4,000 gallons used	\$.70 per 1,000 gallons	\$.35 per 1,000 gallons
Next 4,000 gallons used	\$.60 per 1,000 gallons	\$.30 per 1,000 gallons
Next 15,000 gallons used	\$.50 per 1,000 gallons	\$.25 per 1,000 gallons
All over 25,000 gallons used	\$.45 per 1,000	\$.225 per 1,000 gallons

SECTION 3. Domestic Users on lines established prior to

January 1, 1976. The Council finds that many persons use water from lines operated by the City of Clinton but that those persons live outside the corporate limits of the City of Clinton. The Council finds that these persons pay no taxes within the City of Clinton and find further that the costs of servicing these lines is greater than the costs of servicing the lines within the City of Clinton. The Council therefore establishes the following rates for persons upon lines outside the corporate city limits of the City of Clinton, which lines were established prior to January 1, 1976:

	<u>Water</u>	<u>Sewer</u>
First 2,000 gallons	\$5.50	\$2.75
Next 4,000 gallons	\$.70 per 1,000 gallons	\$.35 per 1,000 gallons
Next 4,000 gallons	\$.60 per 1,000 gallons	\$.30 per 1,000 gallons
Next 15,000 gallons	\$.50 per 1,000 gallons	\$.25 per 1,000 gallons
All over 25,000 gallons	\$.45 per 1,000 gallons	\$.225 per 1,000 gallons

SECTION 4. Domestic Users on lines outside the City of

Clinton established after January 1, 1976. The Council finds that new lines have been established and that new lines will be established after January 1, 1976. The Council finds that the persons serviced by these lines have made no prior investment in the water system of the City of Clinton and that the persons serviced by these lines should pay an additional rate to compensate for the costs of improvement and extention of these lines. The Council therefore establishes the following rates for domestic users on lines outside the City of Clinton established subsequent to January 1, 1976:

	<u>Water</u>	<u>Sewer</u>
First 1,000 gallons	\$6.00	\$3.00
Next 3,000 gallons	\$2.00 per 1,000 gallons	\$1.00 per 1,000 gallons

	<u>Water</u>	<u>Sewer</u>
Next 6,000 gallons	\$1.00 per 1,000 gallons	\$.50 per 1,000 gallons
Next 10,000 gallons	\$.70 per 1,000 gallons	\$.35 per 1,000 gallons
All over 20,000 gallons	\$.50 per 1,000 gallons	\$.25 per 1,000 gallons

SECTION 5. Commercial Industrial Users within the corporate limits of the City of Clinton. The Council establishes the following rates for commercial-industrial users within the City of Clinton:

	<u>Water</u>	<u>Sewer</u>
First 2,000 gallons of water used (or portions thereof)	\$5.00	\$3.25
Next 3,000 gallons used	\$.75 per 1,000 gallons	\$.4875 per 1,000 gallons
Next 5,000 gallons used	\$.65 per 1,000 gallons	\$.4225 per 1,000 gallons
Next 10,000 gallons used	\$.60 per 1,000 gallons	\$.39 per 1,000 gallons
Next 80,000 gallons used	\$.55 per 1,000 gallons	\$.3575 per 1,000 gallons
Next 400,000 gallons used	\$.50 per 1,000 gallons	\$.3250 per 1,000 gallons
All over 5000,000 gallons	\$.45 per 1,000 gallons	\$.2925 per 1,000 gallons

SECTION 6. Commercial-Industrial Users outside the city limits of the City of Clinton. The Council establishes the following rates for commercial-industrial users outside of the City of Clinton:

	<u>Water</u>	<u>Sewer</u>
First 2,000 gallons	\$7.50	\$4.88
Next 3,000 gallons	\$.85 per 1,000 gallons	\$.5525 per 1,000 gallons
Next 5,000 gallons	\$.75 per 1,000 gallons	\$.4875 per 1,000 gallons
Next 10,000 gallons	\$.70 per 1,000 gallons	\$.4550 per 1,000 gallons
Next 80,000 gallons	\$.65 per 1,000 gallons	\$.4225 per 1,000 gallons
Next 400,000 gallons	\$.50 per 1,000 gallons	\$.3250 per 1,000 gallons
All over 500,000 gallons	\$.45 per 1,000 gallons	\$.2925 per 1,000 gallons

SECTION 7. Commercial-Industrial Users on lines established subsequent to January 1, 1976. The Council finds that commercial-industrial users on lines established subsequent to January 1, 1976 should pay the domestic rate for use of water from said lines.

SECTION 8. Deposit. The Council finds that it is necessary to require all users, whether residential or commercial or whether within or without the city limits, to deposit with the Water Department for the City of Clinton the amount \$15.00 to insure payment of any final bill owed. The Council therefore establishes that each user deposit with the Water Department of the City of Clinton the sum \$15.00 to be returned upon full payment of all amounts owed the City of Clinton Water Department but if the user fails to pay all indebtedness owed the City, then the deposit shall be used to pay said indebtedness upon termination of services.

SECTION 9. Fire Protection Funding. The Council recognizes and accepts the civic responsibility of maintaining the most effective fire department possible within the means and resources of the City. The Council takes cognizance of the fact that residents of the City enjoy highly favorable insurance rates for real and personal property located within the City limits. In order to ensure that fire fighting apparatus is maintained, improved and replaced as required and possible and that a continuing training program is maintained for fire department personnel, each resident customer is assessed a charge of 50¢ per month to be billed and collected by the Water and Sewer Department. All funds so derived shall be transferred to the City in the month of collection and shall be administered in a separate account known as the "City of Clinton Fire Protection Fund," which fund shall be used for fire department operations, maintenance, equipment replacement, personnel training or other expenses which may arise, and in the judgment of the Council, represent needed and worthwhile expenditures in maintaining high quality fire protection.

SECTION 10. Statement of Necessity. The Council has determined, upon complete investigation of the costs of providing the services afforded by the system, that the classifications of rates

provided for herein are fair, reasonable and just, are based upon the costs of operating the system and retiring the system's bonded indebtedness, and are necessary to the continued efficient operation of the system.

SECTION 11. Terms of Sale of System Service. (a) None of the facilities or services provided by the system shall be furnished without a charge being made therefor.

(b) The operation of the water facilities shall be on a fully metered basis, with a meter installed at each water connection, and there shall be but one user for a single meter.

SECTION 12. Billing. (a) All bills for services of the system shall be rendered in the net amount due. If any bill is not paid on or before the fifteenth day after billing, a ten per cent penalty shall be added; and if any bill is not paid within thirty days after the first billing, service is disconnected.

(b) In the event any customer is disconnected from the system, the disconnected customer shall, prior to reconnection, pay all delinquent charges, plus a reconnection charge in the amount of \$5.00 for each reconnection to the system.

(c) The City reserves the right to bill the owner of premises served by a water or sewer connection for the services of the system even though the premises may be occupied by a tenant or lessee, and to hold the owner liable for the payment thereof. The City reserves the right to require the owner of premises served by a water or sewer connection to pay all deposits required for the services of the system with regard to such premises and to require the payment of a separate deposit for each connection.

SECTION 13. Severability. The provisions of this Ordinance are hereby declared to be severable, and if any provision shall be held to be invalid or inapplicable to any person, classification of customer, or other circumstance, such holding shall not affect the validity or applicability of the remainder of the provisions hereof.

SECTION 14. Repealing Action. All prior ordinances and

resolutions and portions thereof or other actions of the Council in establishing rates for services rendered by the system are herewith and hereby repealed.

SECTION 15. Declaring an Emergency. It has been found and is hereby declared that: (a) the present rates for the system services will not provide the revenues required for continued efficient operation and maintenance.

(b) That the foregoing deficiency seriously impedes the progress and growth of the City and constitutes a hazard to the health and well being of present and potential system customers therefore creating an emergency which is declared to exist, and this Ordinance being necessary for the preservation of the public peace, health, safety and well being shall be in full force and effect immediately upon its passage and approval.

Approved:

Passed: 2-1-79

Charles E. Bradley
Mayor

Attest: Jayne Rodgers
City Recorder

(SEAL)