

ORDINANCE NO. 16

AN ORDINANCE ESTABLISHING THE RATES TO BE CHARGED FOR SERVICES RENDERED BY THE SEWER SYSTEM OF THE TOWN OF GOSNELL, ARKANSAS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the Town Council of the Town of Gosnell, Arkansas (the "Town"), has found that it will be in the best interests of the Town and its inhabitants for the Town to construct a Sewer System in order that the Town and its inhabitants may have adequate and proper sewer facilities (the "System"); and

WHEREAS, the Town is without funds with which to construct the System but can finance the same through the issuance of Sewer System Revenue Bonds, Series 1971; and

WHEREAS, in order to pay the principal of and interest on the Sewer System Revenue Bonds, Series 1971, to be issued, it will be necessary to establish fair and reasonable rates for the use of the System;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Gosnell, Arkansas:

Section 1. That the following monthly rates be, and they are hereby, fixed as rates to be charged for services furnished by the Sewer System of the Town, which rates the Town Council finds and hereby declares to be reasonable and necessary minimum rates to be charged:

MONTHLY SEWER RATES

(a) The water usage of each customer shall be determined each month by meter measurement and the amount to be paid by each customer for sewer services shall be computed on the basis of water usage by such customer and in accordance with the following schedule of rates:

For the first 2,000 gallons per month or portion thereof	\$2.72 (minimum)
For the next 2,000 gallons per month or portion thereof	1.05 per 1,000 gallons
For the next 6,000 gallons per month or portion thereof	.53 per 1,000 gallons
For the next 20,000 gallons per month or portion thereof	.35 per 1,000 gallons
In excess of 30,000 gallons per month	.21 per 1,000 gallons

(b) Tapping Fee. There shall be no tapping fee to any customer who has signed a sewer service agreement and made a \$25.00 deposit prior to the commencement of the construction of the Sewer System. (There shall be a tapping fee of not less than the actual cost to the Town for all customers who connect with and use the Sewer System after the commencement of the construction thereof.)

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

Section 2. Vacant unoccupied property not actually using the Sewer System shall not be subject to a charge, but the burden of showing vacancy and

non-use shall rest on the owner of the property. All bills for sewer services shall be rendered monthly in the net amount due. Under the provisions of Ark. Stat. Ann. § 19-4113 (Repl. 1968), a lien is fixed upon the land for any unpaid charge, even though the use of the Sewer System is by a tenant or lessee instead of the owner. If any sewer charge is not paid on or before the tenth day after the bill therefor shall be rendered, a 10% penalty shall be added, and if any sewer charge is not paid on or before the 30th day after the bill is rendered, suit shall be brought to enforce the lien and to collect the amount due, together with the expenses of collection and a reasonable attorney's fee.

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 the Ordinances.

Section 4. That all ordinances and resolutions and parts thereof in conflict herewith are hereby repealed.

Section 5. It is hereby ascertained and declared that the Town is without a Sewer System to serve the needs of the Town and the inhabitants thereof, thus endangering the life, health and welfare of the inhabitants of the Town, and that the only practical manner in which these hazards can be eliminated is by the construction of a new Sewer System to be financed by the issuance of Sewer Revenue Bonds (and other available funds). It is, therefore, declared that an emergency exists and this Ordinance, being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage.

PASSED: _____, 1971.

ATTEST:

APPROVED:

Walter C. Maxwell
Town Recorder

By Andy S. Bevil
Mayor

(SEAL)