

ORDINANCE NO. 2016-_____

CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING CHAPTER 10.20 WATER RATES OF TITLE 10 UTILITIES OF THE CAVE SPRINGS MUNICIPAL CODE SETTING FORTH THE POWERS AND DUTIES THEREOF, AND DELCARING AN EMERGENCY.

WHEREAS, the City Council of Cave Springs has adopted the Cave Springs Municipal Code; and

WHEREAS, it has come to the attention of the City Council that Chapter 10.20 WATER RATES, of Title 10 UTILITIES of the Cave Springs Municipal Code needs to be amended in order to clarify and better establish the rules and responsibilities of Cave Springs water users with regard to leaks or damage to waterlines lying on water user or private property; and

WHEREAS, having fully reviewed the proposed amendment, the Cave Springs City Council as determined that Chapter 10.20 WATER RATES, of Title 10 UTILITIES of the Cave Springs Municipal Code should be revised and amended in its entirety, as set forth herein below.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of the City of Cave Springs as follows:

Section 1. Section 10.20.13 Damage to Waterline, of Title 10 UTILITIES, of the Cave Springs Municipal Code is hereby added to Chapter 10.20 WATER RATES to read, in its entirety, as follows:

10.20.13 Damage to Waterline Water loss due to a leak or damage to a waterline lying on the property of a water system user is the responsibility of the water system user and shall be billed to the water system user at the normal and applicable rates. In the case of a leak or damage to a waterline lying on the property of a water system user which results in significant water loss, the city may allow the water system user to pay for the approximate loss at a cost value for the water if it can be properly demonstrated to the city that such damage was not caused by reckless or willful action or inaction and if proper documentation of the proof of the repair(s) to waterline are presented to the city. The city may, at its discretion, offer a payment plan for water users who have experienced significant water loss due to a leak or damage to a waterline on their property.

Section 2. The Cave Springs Municipal Code for the City of Cave Springs, Arkansas shall remain unchanged in all respects other than those mentioned herein above.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5. Declaration of Emergency. It is hereby found and determined that Chapter 10.20 WATER RATES, of Title 10 UTILITIES, of the Cave Springs Municipal Code should be immediately amended in order to clarify and better establish the rules and responsibilities of Cave Springs water users and to assure the proper and efficient operation of the water system now and in the future. Therefore, an emergency is declared to exist, and this Ordinance being immediately necessary to insure the proper growth and development of the City and for the preservation of the public peace, health, safety and welfare of the citizens of Cave Springs, Arkansas shall become effective immediately from and after the date of its passage, to take effect as provided by the terms of this Ordinance. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED and APPROVED, this _____ day of August, 2016.

APPROVED:

ATTEST:

Travis Lee, Mayor

Kimberly Hutcheson, Recorder/Treasurer

(SEAL)