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ORDINANCE NO. A-~~123~~

AN ORDINANCE FIXING THE RATES TO BE CHARGED FOR THE SERVICE OF THE MUNICIPAL SANITARY SEWER SYSTEM OF CONWAY, ARKANSAS: AND DECLARING AN EMERGENCY

WHEREAS, the City of Conway, Arkansas finds it necessary to repair, improve and enlarge its treatment plant and to make certain extensions to the sewage treatment facilities of said City, and in order to secure funds for these purposes the City must issue revenue bonds to be paid from the net revenues derived from the charges for sewer service, so that it becomes necessary to revise the schedule of charges for sewer services:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION ONE (1). The following schedule of charges shall apply to all sewer services rendered by the municipal sewer system, to-wit:

SCHEDULE OF MONTHLY RATES

(a) For any landowners whose buildings or premises are connected with and use the municipal sanitary sewage system, or otherwise discharge sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the municipal sanitary sewage system, said charge or rental shall be based upon the average of the quantity of water used during the months of November and December, 1958, and January, February and March, 1959, thereon, or therein, as the same was measured by the city water meter therein used, and there shall be charged a flat rate for all domestic users of the municipal sanitary sewage system on the following basis:

- For a water consumption of less than 4,000 gallons, the sum of \$1.00 per month;
- For a water consumption equal to or greater than 4,000 gallons, but less than 5,000 gallons, the sum of \$1.20 per month;
- For a water consumption equal to or greater than 5,000 gallons, but less than 7,000 gallons, the sum of \$1.40 per month;
- For a water consumption equal to or greater than 7,000 gallons, but less than 10,000 gallons, the sum of \$1.60 per month;
- For a water consumption equal to or greater than 10,000 gallons, but less than 20,000 gallons, the sum of \$1.80 per month;
- For a water consumption equal to or greater than 20,000 gallons, the sum of \$2.00 per month.

(b) For any landowners whose buildings or premises are connected with and use the municipal sanitary sewage system, or otherwise discharge sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the municipal sanitary sewage system, said charge or rental shall be based upon the average of the quantity of water used during the months of November and December, 1958, and January, February and March, 1959, thereon or therein as the same was measured by the city water meter there in use, and there shall be charged a flat rate for all commercial users of the city sanitary sewage system on the following basis:

- For a water consumption of less than 3,000 gallons, the sum of \$2.00 per month;
- For a water consumption equal to or greater than 3,000 gallons, but less than 6,000 gallons, the sum of \$4.00 per month;
- For a water consumption equal to or greater than 6,000 gallons, but less than 9,000 gallons the sum of \$6.00 per month;
- For a water consumption equal to or greater than 9,000 gallons, but less than 15,000 gallons, the sum of \$8.00 per month;
- For a water consumption equal to or greater than 15,000 gallons, but less than 21,000 gallons, the sum of \$10.00 per month;
- For a water consumption equal to or greater than 21,000 gallons, but less than 30,000 gallons, the sum of \$12.00 per month;
- For a water consumption equal to or greater than 30,000 gallons, but less than 50,000 gallons, the sum of \$14.00 per month;
- For a water consumption equal to or greater than 50,000 gallons, but less than 75,000 gallons, the sum of \$16.00 per month;
- For a water consumption equal to or greater than 75,000 gallons, but less than 150,000 gallons, the sum of \$24.00 per month;
- For a water consumption equal to or greater than 150,000 gallons, but less than 300,000 gallons, the sum of \$32.00 per month;
- For a water consumption equal to or greater than 300,000 gallons, but less than 600,000 gallons, the sum of \$40.00 per month;
- For a water consumption equal to or greater than 600,000 gallons, but less than 1,000,000 gallons, the sum of \$50.00 per month;
- For a water consumption equal to or greater than 1,000,000 gallons, the sum of \$60.00 per month.

(c) Domestic users shall be defined as follows:

- (1) One and two-family occupancy under one roof, and
- (2) More than one family under one roof where individual meters are used.

All others, including schools and colleges, are defined as commercial users.

(d) In the event that the building and premises of any landowner, discharging sanitary sewage, industrial wastes, water or other liquids into the municipal sanitary sewage system, either directly or indirectly, is a user of water not supplied by the water plant of said city, or is a user of water supplied by the water plant of said city and also is a user of water supplied from some source other than the water plant of said city; and if the water used thereon or therein which is supplied from a source other than the water plant of said city is not measured by a city water meter, or by a meter acceptable to the Sewer Committee; then, in each such case, the amount of water so used shall be estimated by the Sewer Committee in order to determine the sewer service charge or rental as provided in this ordinance, unless the owner or other interested party at his expense shall install and maintain a meter, acceptable to the Sewer Committee, for said purpose.

(e) Any owner of any building or premises, discharging sanitary sewage, industrial wastes, or other liquids into the municipal sanitary sewage system either directly or indirectly, in which premises water is so utilized in manufacturing, industrial or other processes, that some of it after use is not discharged into the municipal sanitary sewage system, either directly or indirectly, may apply to the Sewer Committee to have the water entering the premises and not discharged to the sewage system deducted from the aggregate of water consumption on which the sewer rental charge is determined. In the event of such application by an owner of such premises, the Sewer Committee may permit such owner to install a separate meter or meters under conditions satisfactory to said Committee to measure the water entering the premises but not discharged into the municipal system, and the amount of water not discharged into the municipal sewage system as so determined shall not be included in the water consumption to which the sewer service charges or rentals as herein provided shall be applied.

(f) The Owner of vacant, unoccupied property not actually using the municipal sanitary sewage system shall not be subject to a service charge or rental as herein provided. On any building or premises not

occupied during the months of November and December, 1958, and January, February and March, 1959, the rate for such service shall be based on the average amount of water used during the months of October and November, 1959, and on any building or premises not now, but hereafter, occupied and/or constructed the rate shall be based on the average amount of water used during the first three months that same may be used or occupied.

(g) The sewer service charge or rental provided in this ordinance shall be payable monthly at the same time and place as that at which bills for water used from the municipal water plant of Conway are payable. The respective amount due for sewer service and connection, as above fixed, shall be placed monthly on the water bill of each occupant of real property in said city, and shall be paid monthly by said occupant, who shall be entitled to credit therefor on the rental due to the owner thereof; and should such occupant fail to pay the amount due for said sewer connection, along with his water bill, the superintendent of the municipal water plant shall immediately discontinue the water connection of such occupant and keep same discontinued until all arrearages are paid in full, but nothing contained in this section shall relieve the owner of the real estate rented to such occupant of his obligation to pay said charge, or in any manner affect the lien on said real estate to secure said charge, which lien is set out in Section 19-4113, Arkansas Statutes (1947), and will remain in full force and effect, regardless of whether said water connection has been discontinued or not. Provided further, that nothing herein contained shall be construed to be or shall operate as a waiver of any of the methods of collection provided for in Act 132 of the 1933 Acts of the General Assembly of the State of Arkansas, which rights are hereby expressly reserved to the City of Conway.

(h) To prevent inequalities in the flat charge in future years due to increased or decreased use of water, the Sewer Committee shall readjust such flat charge in May of each year by ascertaining the monthly consumption of each and every landowner during the months of November, December, and the following January, February and March

next preceding the making of such readjustment, and dividing such monthly consumption of all of said five months by five, so as to ascertain the average monthly consumption and readjust the charge to each landowner in accordance with such average monthly consumption for such period so selected, and thereafter the flat rate or charge to each landowner shall be made by said Committee based on such average monthly consumption for such average monthly consumption for such period at the rate as set forth above.

SECTION TWO (2). The rates set out above in Section One (1) hereof are in contemplation of the issuance of a series of sewer revenue bonds for the purpose of securing funds with which to make the proposed repairs, additions, improvements and extensions to the municipal sewer system and shall not take effect until the plans for financing the improvements have been completed but they shall become effective with the bills rendered for the first month after the execution and delivery of the sewer revenue bonds.

SECTION THREE (3). The City Council hereby ascertains and declares that there is immediate need for the repair, improvement and enlargement of the treatment plant and extensions of the municipal sewer system in order to protect the health and welfare of the inhabitants of the City of Conway, and that 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 from and after its passage and publication.

PASSED: 11-24-59

APPROVED: Edgar B. Parker  
Mayor

ATTEST: Walter D. Inman  
City Clerk