

AN ORDINANCE SETTING-UP THE WATER DEPARTMENT OF THE CITY OF COTTER, ARKANSAS; PROVIDING FOR POLICIES, RULES, AND REGULATIONS FOR THE OPERATION THEREOF; AND FOR OTHER PURPOSES.

WHEREAS, the City of Cotter, Arkansas (the "City") owns and operates the public water system (the "Water Department") which serves the Citizens of the City and others adjacent but outside the City (the "Customers"), and

WHEREAS, the City does not have adequate and written standard operating policies and procedures (the "Rules and Regulations") necessary to provide uniform and businesslike operation, and

WHEREAS, the City and its Water Department has outstanding Water Revenue Bonds, and will have need to issue additional funding Ordinances from time to time, and

WHEREAS, these funding documents and requirements of Bond Holders, and good business practices, impose certain and definite restrictions and conditions upon the City Water Department and its operating procedures, which in the past have not been clearly defined and published;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Cotter, Arkansas as follows:

Section 1: That the City owned and operated public water facilities shall hereafter be known as the City Water Department of the City of Cotter, Arkansas.

Section 2: That in order to provide flexibility and easily changed or amended standard operating policies, procedures, and schedules of charges for various services provided by the Water Department; there is herein created the Authority for the Water Department to prepare written Rules and Regulations governing its operations, policies, procedures, and standard charges for various services other than the sale of water which shall be established by the then current Monthly Water Rate Schedule.

Section 3: That these proposed Rules and Regulations shall be presented to the City Council of the City of Cotter for their consideration, ratification, and approved by Resolution of said City Council. After said approval and adoption these Rules and Regulations shall provide the guidelines and policies of the Water Department until such time as they may be amended, changed, removed, or expanded by further Resolution approving subsequent Rules and Regulations as may thereafter be issued under the authority of the Ordinance.

contd.

ORDINANCE NO. 174-75

Section 4: That such Rules and Regulations as may be approved by the City Council as set out in Section 3 above shall have the full force, effect, and legal status as this authorizing Ordinance. The Rules and Regulations adopted shall be posted at the City Hall, ~~at polling places~~, and at such other public places as the City Council may determine. In addition copies thereof shall be furnished to every Plumber, Builder, Developer, or Real Estate Office located in the City of Cotter or doing business in the City of Cotter.

Section 5: That the provisions of this Ordinance are separable and if any part hereof shall be held to be invalid, such determination shall not affect the validity of the remainder of this Ordinance. It being the intention of this Ordinance and its subsequent Rules and Regulations issued hereunder, that they shall not be more permissive, nor less restrictive, than the conditions or policies contained in currently enacted Bond Ordinances, Rate Ordinances, or Loan Conditions passed by the City of Cotter.

Section 6: That any person, firm, group, or corporation held to be in violation of this Ordinance or its authorized Rules and Regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount of not less than five (\$5.00) dollars nor more than twenty-five (\$25.00); and that each day that said violation continues shall be considered a separate offense.

Section 7: That all Ordinances, and Resolutions and parts thereof in conflict herewith are hereby repealed.

Section 8: That it is hereby determined and 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 and Approved this 18th day of JUNE 1975.

ATTEST:

Patricia A. Korn
Patricia A. Korn, Recorder

APPROVED:

Rex S. Bayless
Rex S. Bayless, Mayor

(SEAL)