

ORDINANCE NO. 2015- 4

**AN ORDINANCE AMENDING ORDINANCE NO. 2011-14,  
FIXING THE WATER AND SEWER RATES TO BE  
CHARGED FOR WATER AND SEWER SERVICES TO  
USERS OF THE CITY'S WATERWORKS AND SANITARY  
SEWER SYSTEM; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Ozark, Arkansas ("**City**") has determined to modify its municipal water and sanitary sewer system ("**System**" as used herein, the term "System" shall include all Improvements and shall include all the City's water and sewer facilities which are operated as one interrelated municipal undertaking) by acquiring, constructing and equipping improvements to the System, including particularly, without limitation, the construction and installation of a new clear well and chemical room (the "**Improvements**");

**WHEREAS**, to assist in financing the Improvements and in refinancing the Issuer's Water and Sewer Refunding and Construction Revenue Bonds, Series 2011, the City will issue its Water and Sewer Refunding and Construction Revenue Bonds, Series 2015 (the "**Bonds**") in a principal amount not to exceed \$5,500,000;

**WHEREAS**, it is necessary for the City Council to set monthly rates to be charged all persons provided water and sewer service for the purpose of pledging the income therefrom for the payment of the Bonds;

**WHEREAS**, Ordinance No. 2011-14, established the rates to be charged for water and sewer services furnished by the city system to all users who purchase water from and contribute waste water to the System; and

**WHEREAS**, Ordinance No. 2011-14 amended prior ordinance of the City to repeal all prior ordinance in conflict therewith to increase the water and sewer use charges:

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

**Section 1:** Effective June 1, 2015, for each user connected to and served by the sewer system of the City of Ozark, Arkansas, water and sewer charges (based on usage) shall be as set forth on Exhibit A to this Ordinance.

**Section 2:** The lowest rate per 1,000 gallons will be adjusted as necessary to assure the rate is greater than the cost of operation and maintenance per 1,000 gallons. The rates will be reviewed and adjusted periodically to assure adequate repayment ability, reserves, and adequate operation and maintenance costs. Fees for connecting to the System will not be less than the cost to the System.

**Section 3:** Monthly billings for water and sewer services shall be made with and as a part of the waterworks billings and payment for water services shall not be accepted without payment for any sewer service due. For failure to pay for sewer services, water service will be disconnected.

**Section 4:** Ordinance No. 2011-14 is amended in no other way except as set out herein, and otherwise remains in full force and effect. All ordinances or parts thereof in conflict herewith are hereby repealed.

**Section 5:** The invalidity of any part of this ordinance shall not invalidate any other part thereof.

**Section 6:** It is hereby ascertained and declared that the construction of the Improvements is necessary for the preservation of the public health, peace and welfare of the inhabitants of the City. 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: May 12, 2015.

**APPROVED:**

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Mayor

**ATTEST:**

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Sonya Eveld, City Clerk

(SEAL)