

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 7973 WHICH
FIXED RATES FOR SERVICES FURNISHED BY THE SEWER
SYSTEM OF NORTH LITTLE ROCK, ARKANSAS;
PRESCRIBING OTHER MATTERS PERTAINING THERETO;
DECLARING AN EMERGENCY; AND FOR OTHER
PURPOSES.**

WHEREAS, the City of North Little Rock, Arkansas (the “City”) adopted Ordinance No. 7973 on August 21, 2007, as amended by Ordinance no. 8003 adopted October 22, 2007, fixing rates for services furnished by the sewer system of the City of North Little Rock; and

WHEREAS, the City of North Little Rock adopted Ordinance No. 7378 (the “Bond Ordinance”) to pay for certain costs related to the planning, designing and construction of the improvements for Municipal Improvement District #2 of Sherwood, Arkansas (Rixey Sewer Improvement District) and the engineering, legal and other costs incidental to the issuance of a revenue bond related thereto; and

WHEREAS, in order to pay the amounts as required under the Bond Ordinance, a user fee was established in Section 1(j) of Ordinance No. 7973 for users of the sewer system constructed by Municipal Improvement District #2 of Sherwood, Arkansas (Rixey Sewer Improvement District) at \$4.50/month for residential users and \$15.00/month for commercial/industrial users; and

WHEREAS, the initial user fees were calculated based on anticipated tie-ons of over 300 customer connections; and

WHEREAS, the actual number of customer connections since the construction of the system has only been 167 and thus, in order to pay the amounts as required under the Bond Ordinance the user fees must be increased.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Subsection 1(j) of Ordinance No. 7973, adopted August 21, 2007, is hereby amended to read as follows:

(j) That the City hereby establishes the following user fees to be charged to users of the sewer system constructed by Municipal Improvement District #2 of Sherwood, Arkansas (Rixey Sewer Improvement District):

Residential \$ 8.50/month
Commercial/Industrial \$ 19.00/month

The user fee established in this subsection (j) shall be in addition to any other rates to be paid by such users under this Ordinance, including those set forth in this Section 1.

SECTION 2: That other than as amended herein, all other provisions of Ordinance No. 7973, as amended by Ordinance No. 8003, shall remain in full force and effect until same may be amended.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: It is hereby found and determined that the immediate passage of this Ordinance is necessary for the immediate preservation of the public health, safety and welfare; therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Patrick H. Hays

SPONSOR:

ATTEST:

Mayor Patrick H. Hays

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE LAW FIRM OF HILBURN, CALHOON, HARPER, PRUNISKI
AND CALHOUN, LTD./MKH