

ORDINANCE NO. 128

AN ORDINANCE SETTING OUT PROCEDURES
FOR WATER RATES AND CHARGES AND
PROVIDING FOR PENALTIES, CUT OFF,
LIENS FOR NON-PAYMENT AND OTHER MATTERS
PERTAINING THERETO.

BE IT NOW ORDAINED by the Board of Directors of the
City of Barling, Arkansas that:

SECTION 1: All water rates, charges for water, tapping fee, deposits, and reconnection charges as furnished or provided or required by the city shall be as set out, determined increased or decreased by the Board of Directors as it from time to time determines is sufficient to insure protection and maintenance of the city's water system and said rates, charges, fees and deposit requirements shall be on file in the City Clerk's Office available for inspection and open to the public during all business hours. An initial deposit shall be required by each new customer of the Barling water system and shall be retained by the city to insure payment of water bills. A tapping fee shall be charged to all customers in an amount equal to the actual expenditures to the city.

SECTION 2: All bills for water service shall be paid within thirty (30) days after the bill is submitted to the user or owner of the premises being served, otherwise the water services may be disconnected by the city. If in the event a particular premises is disconnected from the water system the customer of said premises prior to reconnection and prior to obtaining service within the city at another location from the aforesaid premises shall pay all delinquent charges in addition to a reconnection charge for each reconnection of the premises to the city water system.

SECTION 3: The city shall further have the right to require any person who is more than thirty (30) days delinquent in payment of a particular monthly bill to pay a penalty. The Board of Directors may establish a set penalty for delinquent non-payment and said penaltie(s) shall be on file in the office of the City Clerk along with other rates, charges, fees, and deposit requirements.

SECTION 4: Pursuant to Act 132 of the 1933 Acts of Arkansas and Act 266 of the 1971 Acts of Arkansas, any unpaid balance owing on any billing for water services, plus penalty, shall constitute a lien on the real property to which the services were provided, and suit may be brought as provided by law to enforce such lien and collect the amount due, plus penalty, together with expenses of collection and a reasonable attorney's fee.

SECTION 5: (A) No person shall turn on the water service serving any premises in the city after said service has been disconnected by the city. Said disconnected service shall be only resumed or reconnected by the employees of the city.

(B) No water meter shall be installed upon the premises without permission of the city and there shall be no dual connection or more than one user on any single meter. None of the facilities or services afforded by the Barling water system shall be furnished without a charge being made therefore.

(C) Any person who violates the provisions of this section shall be deemed guilty of a Class C misdemeanor and be subject to a fine up to \$100.00. The person in charge of said premises or the head of the family occupying the same shall be deemed prima facie guilty of violating this section upon a showing of the disconnection of service of said premises and the reconnection of the same in any manner other than authorized by the provisions of this ordinance.

SECTION 6: The foregoing rights, remedies, and criminal sanctions which may be sought or enforced by the city shall be considered cumulative and the city may choose to enforce any or all of the foregoing rights, remedies, sanctions, penalties, and liens or any combination thereof in any particular given instance should the provisions be applicable.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed and nullified. Ordinance #56 is hereby specifically repealed.

SECTION 8: The provisions and sections of this ordinance are for the purpose of providing and maintaining a safe, sanitary and financially sound water system for all the citizens and residents of the City of Barling, Arkansas and to retire any and all obligations on the said system. Accordingly an emergency is declared to exist and this being so passage of the same is necessary for the preservation of the health, safety and welfare of the citizenry so this ordinance shall be in full force and take effect immediately upon and after its passage.

PASSED by the Barling Board of Directors on this 21st day of April, 1981.

APPROVED:

Jerry Barling
MAYOR

ATTEST:

Shirley Fargis
CITY CLERK