

ORDINANCE NO. 2025-07

AN ORDINANCE FIXING RATES FOR WATER AND SEWER SERVICES FOR THE CITY OF MARSHALL; DECLARING AN EMERGENCY; AND REPEALING ALL PRIOR ORDINANCES AND AMENDING SECTION A and SECTION 1, B, i, b and SECTION 1, B, iv, b and c

WHEREAS, the City of Marshall, Arkansas ("City") must establish respective schedules for water and sewage rates and penalties charged in connection with services relating thereto:

WHEREAS, the City must collect revenues to satisfy any and all in indebtedness relating to the operation and maintenance of the water and sewer system and to satisfy bonds and loans incurred due to the construction and establishment of the city water and sewer system as well as provide for future repair, maintenance, and improvement;

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

SECTION 1: That the City Council hereby finds and declares the following monthly rates and charges to be fair, reasonable, and necessary minimum rates; and that these rates be, and they hereby are, fixed as rates to be charged for water and sewer services rendered by the City, subject to the necessity to increase charges as set forth in subsequent Sections of this Ordinance.

A. MONTHLY SEWER RATES: The monthly charge for each customer shall be determined by monthly water consumption. No sewer-system facilities or services shall be furnished without payment for the same. The amounts to be paid by each customer shall be computed on the basis of the following schedule of rates:

For the first 1,000 gallons of water consumed per month, or portion thereof
\$21.25(minimum)

For all water consumed in excess of 1,000 gallons per month: \$4.00 per 1,000 gallons

i. Tapping charge:

1. There shall be a tapping charge of *five* hundred dollars(\$500.00) for a four-inch (4") service. For sewer services larger than four inches (4"), the tapping charge shall be equal to the actual cost the City incurs to provide and install the main tap and the service

line to the customer's property line, and to restore disturbed street surfaces.

2. "Actual cost the City incurs," as used above, means the total of all expenses, including but not limited to the cost of labor, materials, administrative services, and any other necessary expenditure.

ii. Exclusions:

1. Additional charges shall be levied for all facilities and/or services provided by the sewer system, but as excepted in the next subsection.
2. Irrigation; swimming pools.
 - a. If a customer has installed a separate irrigation meter, no sewer charges will be levied for irrigation purposes; e.g., for watering gardens, lawns, or pastures.
 - b. If a customer has not installed a separate irrigation meter, sewer charges will be levied for irrigation purposes.
 - c. A separate meter is not required for swimming pools. In such a circumstance, a customer will also be entitled to an abatement or credit on sewer charges ("swimming-pool abatement"). To receive that abatement, a customer must notify the City that a swimming pool is being filled. The burden of obtaining the swimming-pool abatement shall rest on the customer.
 - d. The amount of the swimming-pool abatement shall be calculated in the following manner: A customer's ordinary water consumption shall be determined by averaging consumption over three prior months. The discrepancy between ordinary consumption and the spike in the customer's water bill caused by filling the pool will reveal the amount of water contained in the pool. That amount of water consumption will then be deducted from the customer's sewer charges.
3. Vacant, unoccupied property that is not actively using sewer facilities shall not be subject to a sewer service charge. The burden of showing non-use and vacancy shall rest on the property owner.

B. MONTHLY WATER RATES:

The City is currently purchasing water from the Ozark Mountain Regional Public Water Authority (OMRPWA). Existing rates charged to customers do not cover new rates charged to the City by OMRPWA. The current increases stated below are necessary to meet that short-fall.

In the future, OMRPWA rates will further increase. When that occurs, the rates the City charges customers will be tied to the rates OMRPWA charges the City. When OMRPWA rates increase, the City will likewise increase charges to the customer. These increases will be made in the same amount that OMRPWA raises its rates, plus three percent (3%) to cover the City's costs in providing water and sewer services. The Council hereby authorizes the Mayor to raise rates in this manner, without the need to pass another ordinance or to amend this one in order to do so.

Until that time, the below monthly charges apply. These charges for each customer shall be determined each month by water consumption. No water-system facilities or services shall be furnished without payment for the same. The amount to be paid by each customer shall be computed according to the following schedule of rates:

i. Initial and monthly charges

- a. Initial hook-up cost is \$36.50. This amount includes two dollars (\$2.00) to be deposited into the Marshall Water Depreciation Account. (See below, Section 1(C).)
- b. Monthly charge: For any amount of water consumed per month, there will be a minimum charge of.....\$12.50 (\$13.45 for East Searcy County) per 1,000 gallons

ii. Tapping charge:

- a. There shall be a tapping charge of nine hundred dollars (\$900.00) for a five-eighths inch (5/8") metered water service.
- b. There shall be a tapping charge of one thousand dollars (\$1000.00) for a one-inch (1") metered water service.
- c. For water services requiring a meter larger than one inch (1"), the tapping charge shall be equal to the actual cost the City incurs to provide and install the main tap, the meter, and the service line to the customer's property line; and to restore disturbed street surfaces.

iii. Meter deposit: Each Customer who here after connects with the water

system shall pay a deposit in the amount of two hundred dollars (\$200.00). The meter deposit shall be retained to assure prompt payment of monthly water bills.

If Customer's account becomes delinquent, as defined below, the City is authorized to deduct the amount owed from the deposit. If the delinquency exceeds the deposit, Customer shall pay the City when billed for the excess.

iv. Delinquency:

- a. Bills unpaid after the tenth(10th)day of any month are subject to a ten percent (10%) late fee.
- b. Bills unpaid after the twenty fifth (25th) day of any month are subject to immediate disconnection.
- c. All bills must be paid for in full each month unless extenuating circumstances exist. In such cases, other arrangements may be made at the discretion of the water clerk.

v. Reconnection charge: In the event that any premises are disconnected from the water system, before services are reconnected the Customer shall pay all delinquent water and sewer charges owed to the City, together with a reconnection charge of seventy five dollars (\$75.00) for each reconnection of the premises to the water system.

C. MARSHALL WATER DEPRECIATION RESERVE ACCOUNT

The first two dollars (\$2.00)of every customer's water charge shall be deposited in a separate fund named the Marshall Water Depreciation Reserve Account. The funds in this account shall be allocated for improvements that are necessary to repair short-lived assets.

SECTION2: All Ordinances, parts of Ordinances, and Amendments there to in conflict with this Ordinance are, to the extent of such conflict, hereby repealed. Specifically, the Ordinances itemized in the preamble to this Ordinance are hereby modified, repealed, and superseded.

SECTION 3: The City Council hereby determines as insufficient a prior estimate of the amount of revenue necessary to satisfy the charges levied on the City by water-provider OMRPWA. The rate increases here announced are, therefore, essential to correct for that insufficiency and to ensure that the City meets its immediate and existing financial obligations to OMRPWA on the one hand and, on the other, continues to provide citizens with clean and safe water in the quantity needed. The rate increases here announced must, therefore, be obtained immediately, so the City has the funds to pay for an adequate and continuing stream of water to meet citizens' needs in accordance with public health,

safety, and welfare. An emergency is, therefore, declared to exist and this Ordinance shall be in full force and effect from and after the date of its execution.

SECTION 4: If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions that are valid. All such valid portions shall be and remain in full force and effect.

PASSED AND APPROVED THIS 13 DAY OF January, 2026

Kevin Elliott
Mayor Kevin Elliott

Attest:

M. England
Misty England Recorder/Treasurer