

ORDINANCE NO. 1252

**AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO WAIVE THE REQUIREMENT OF COMPETITIVE BIDDING AS REQUIRED BY ARKANSAS CODE ANNOTATED SECTION 14-58-303."**

**WHEREAS**, the City Board of Directors has determined that an exceptional situation exists in the purchase of portable radios for use by the Hope Police Reserve Unit, and in that it is not feasible or practical to seek competitive bids for these items because of the urgent need by the City to purchase these items and place same in use.

**NOW, THEREFORE**, be it ordained by the Board of Directors of the City of Hope, Arkansas:

**SECTION I:** The Board of Directors of the City of Hope, Arkansas hereby determines that the requirement for competitive bidding for the purchase of portable radios for use by the Hope Police Reserves is deemed not feasible or practical and is thereby waived.

**SECTION II:** This action being necessary to the preservation of the public peace, health, and safety, an emergency is hereby declared to exist, and this ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND APPROVED** on this 16th day of May, 1995.

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk

ORDINANCE NO. 1253

**AN ORDINANCE TO BE ENTITLED "AN ORDINANCE TO VACATE AND ABANDON THAT CERTAIN PUBLIC ALLEY BEING SITUATED BETWEEN LOTS 1, 2, 3, 4, 5, AND 6, AND LOTS 7, 8, 9, 10, 11 AND 12, BLOCK 6, FINLEY, FINLEY EXTENSION, SLAVACK SUBDIVISION, TO THE CITY OF HOPE, ARKANSAS."**

**WHEREAS**, a petition was duly filed with the City Clerk for consideration by the Board of Directors of the City of Hope, Arkansas, asking the Board of Directors to vacate and abandon all that portion of the alley designated on the plat to the City of Hope, Arkansas, said alley being situated between Lots 1, 2, 3, 4, 5 and 6, and Lots 7, 8, 9, 10, 11 and 12, Block 6, Finley, Finley Extension, Slavack Subdivision to the City of Hope, Arkansas.

**WHEREAS**, after due notice as required by law, the Board of Directors has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the alley or the portion thereof, herein before described, has heretofore been dedicated to the public use as an alley herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all owners of the property abutting upon the alley to be vacated have filed with the Board of Directors their written consent to such abandonment; and that the public interest and welfare will not be adversely affected by the abandonment of such alley.

**NOW, THEREFORE**, be it ordained by the Board of Directors of the City of Hope, Arkansas:

**SECTION I:** The City of Hope, Arkansas hereby releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the alley designed as follows:

All that part of the alley being located between Lots 1, 2, 3, 4, 5 and 6, and 7, 8, 9, 10, 11 and 12, Block 6, Finley, Finley Extension, Slavack Subdivision to the City of Hope, Hempstead County, Arkansas.

**SECTION II:** A copy of the ordinance duly certified by the City Clerk shall be filed in the Office of the Recorder of Hempstead County, Arkansas and recorded in the deed records of said county.

**SECTION III:** This ordinance shall take effect and be in force from and after its passage.

**PASSED AND APPROVED** on this 1st day of August, 1995.

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk

ORDINANCE NO. 1254

**AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO VACATE AND  
AND ABANDON THAT CERTAIN PUBLIC ALLEY BEING SITUATED  
BETWEEN LOTS 1,2,3,4 AND 5, BLOCK 1, OF THE BOWDEN  
ADDITION TO THE CITY OF HOPE, ARKANSAS"**

**WHEREAS**, a petition was duly filed with the City Clerk for consideration by the Board of Directors of the City of Hope, Arkansas, asking the Board of Directors to vacate and abandon all that portion of the alley designated on the plat to the City of Hope, Arkansas, now appearing of record in the Recorder's Office of Hempstead County, Arkansas, said alley being situated between Lots 1, 2, 3, 4 and 5, Block 1, of the Bowden Addition to the City of Hope, Arkansas.

**WHEREAS**, after due notice as required by law, the Board of Directors has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has described, has heretofore been dedicated to the public use as an alley herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all owners of the property abutting upon the alley to be vacated have filed with the Board of Directors their written consent to such abandonment; and that the public interest and welfare will not be adversely affected by the abandonment of such alley.

Now therefore, be it ordained by the Board of Directors of the City of Hope,  
Arkansas:

**SECTION I:** The City of Hope, Arkansas, hereby releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the alley designated as follows:

All that part of the alley being located between Lots 1,  
2, 3, 4 and 5, Block 1 of the Bowden Addition to the City  
of Hope, Hempstead County, Arkansas.

**SECTION II:** A copy of the ordinance duly certified by the City Clerk shall be filed in the Office of the Recorder of Hempstead County, Arkansas and recorded in the deed records of said county.

**SECTION III:** The ordinance shall take effect and be in force from and after its passage

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk

ORDINANCE NO. 1255

**AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO WAIVE THE REQUIREMENT OF COMPETITIVE BIDDING AS REQUIRED BY ARKANSAS CODE ANNOTATED SECTION 14-58-303."**

**WHEREAS**, the City Board of Directors has determined that an exceptional situation exists in the purchase of a used truck for use by Hope Landfill, and in that it is not feasible or practical to seek competitive bids for this item because of the urgent need by the City to purchase this item and place same in use.

**NOW, THEREFORE**, be it ordained by the Board of Directors of the City of Hope, Arkansas:

**SECTION I:** The Board of Directors of the City of Hope, Arkansas, hereby determines that the requirements for competitive bidding for the purchase of a used truck for use by the Hope Landfill is deemed not feasible or practical and is thereby waived.

**SECTION II:** This action being necessary to the preservation of public peace, health, and safety, an emergency is hereby declared to exist, and the Ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND APPROVED** on this 5th day of September 1995.

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk

ORDINANCE NO. 1256

**AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO WAIVE  
THE REQUIREMENT OF COMPETITIVE BIDDING AS REQUIRED BY  
ARKANSAS CODE ANNOTATED SECTION 14-58-303.**

WHEREAS, the City Board of Directors has determined that an exceptional situation exists in the purchase of a used 750 John Deere Bulldozer for use by Hope Landfill, and in that it is not feasible or practical to seek competitive bids for this item because of the urgent need by the City to purchase this item and place same in use.

NOW, THEREFORE, be it ordained by the Board of Directors of the City of Hope, Arkansas:

SECTION I: The Board of Directors of the City of Hope, Arkansas, hereby determines that the requirements for competitive bidding for the purchase of a used 750 John Deere Bulldozer for use by the Hope Landfill is deemed not feasible or practical and is thereby waived.

SECTION II: This action being necessary to the preservation of public peace, health, and safety, an emergency is hereby declared to exist, and the Ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND APPROVED** on this 19th day of September 1995.

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk

ORDINANCE NO. 1257

AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO VACATE AND ABANDON THAT PORTION OF AVENUE E SITUATED ON THE EAST SIDE OF HERVEY STREET AND RUNNING NORTHEASTERLY APPROXIMATELY 150 FEET TO THE POINT WHERE IT ABUTS PARCELS 5C8 AND 6C2. AND BEING BETWEEN LOTS 7, 8, 9 AND 10 OF BLOCK 2 OF BARLOW REPLAT OF FRISCO ADDITION ON THE NORTH AND LOTS 4, 5 AND 6 OF BLOCK 4 OF BARLOW REPLAT OF FRISCO ADDITION ON THE SOUTH."

**WHEREAS**, a petition was duly filed with the City Clerk for consideration by the Board of Directors of the City of Hope, Arkansas, asking the Board of Directors to vacate and abandon all that portion of Avenue E more particularly described as: Starting at the Northwest corner of Block Eight (8) of the Original City of Hope, Arkansas, on the South side of Avenue D, run North 17 degrees 00 minutes 49 seconds West 360 feet to the Point of Beginning: Continue North 17 degrees 00 minutes 49 seconds West 58.37 feet to a stake; thence run North 72 degrees 31 minutes 54 seconds East 150 feet to a stake; thence South 17 degrees 00 minutes 49 seconds East 58.37 feet; thence South 72 degrees 25 minutes 13 seconds West 149.97 feet back to the Point of Beginning, being a portion of the property that is known as West Avenue E in the City of Hope, Arkansas.

**WHEREAS**, after due notice as required by law, the Board of Directors has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and had ascertained that the street or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as the street herein described; has not been actually used by the public generally for a period of at least five (5) years; that all owners of the property abutting upon the said portion of the street to be vacated have filed with the Board of Directors their written consent to such abandonment; and that the public interest and welfare will not be adversely affected by the abandonment of such street.

**NOW, THEREFORE**, be it ordained by the Board of Directors of the City of Hope, Arkansas:

**SECTION I:** The City of Hope, Arkansas, hereby releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the portion of said street designated as follows:

Starting at the Northwest corner of Block Eight (8) of the Original City of Hope, Arkansas, on the South side of Avenue D, run North 17 degrees 00 minutes 49 seconds West 360 feet to the Point of Beginning: Continue North 17 degrees 00 minutes 49 seconds West 58.37 feet to a stake; thence run North 72 degrees 31 minutes 54 seconds East 150 feet to a stake; thence South 17 degrees 00 minutes 49 seconds East 58.37 feet; thence South 72 degrees 25 minutes 13 seconds West 149.97 feet back to the Point of Beginning, being a portion of the property that is known as West Avenue E in the City of Hope, Arkansas.

**SECTION II:** A copy of the ordinance duly certified by the City Clerk shall be filed in the Office of the Recorder of Hempstead County, Arkansas, and recorded in the deed records of said county.

**SECTION III:** This ordinance shall take effect and be in force from and after its passage.

**PASSED AND APPROVED** on this 19th day of September, 1995.

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk

ORDINANCE NO. 1258

AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO LEVY A TAX ON TAXABLE PROPERTY IN THE CITY OF HOPE, ARKANSAS, FOR THE YEAR 1996, AND FOR OTHER PURPOSES."

BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

**SECTION 1:** That a tax of two point two (2.2) mills be, and the same is hereby levied upon, all taxable real property, and four point three (4.3) mills be, and the same is hereby levied upon, all personal property within the City of Hope, Arkansas, for the year 1995 to be collected in 1996, and that all moneys collected and raised by said tax shall constitute a general fund to defray the general and ordinary expenses of the said City of Hope, Arkansas; and that said levy be certified to the Clerk of Hempstead County, to be placed upon the books collected at the same time and in the same manner as State and County taxes are collected.

**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed and this ordinance being necessary for the public health, safety, and general welfare of the inhabitants of the City of Hope, Arkansas, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage and publication.

**PASSED AND APPROVED** this 3<sup>rd</sup> day of October, 1995.

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Dennis Ramsey, Mayor

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Leneta hare, City Clerk

ORDINANCE NO. 1259

AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO LEVY A TAX OF ONE-HALF MILL UPON THE ASSESSED VALUE OF THE REAL AND PERSONAL PROPERTY IN THE CITY OF HOPE, ARKANSAS FOR THE YEAR 1996, FOR THE PURPOSE OF PAYING PENSIONS TO RETIRED FIREMEN AND PENSIONS TO THE WIDOWS AND MINOR CHILDREN OF DECEASED AND RETIRED FIREMEN: AND FOR OTHER PURPOSES"

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:

**SECTION 1:** That a tax of one-half mill be, and the same is hereby levied upon, all taxable property, both real and personal, within the City of Hope, Arkansas, for the year 1995 to be collected in 1996.

**SECTION 2:** All moneys collected and raised by said tax shall be used only for the purpose of helping to pay pensions to retired firemen, pensions to widows and minor children of deceased firemen, and widows and minor children of deceased retired firemen, as now provided by law.

**SECTION 3:** The Clerk of the City of Hope, Arkansas, shall certify this levy to the County Clerk of Hempstead County, Arkansas, to be placed upon the books and collected at the same time and in the same manner as State and County taxes are collected.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed, and this ordinance being necessary for the public health, safety, and general welfare of the inhabitants of the City of Hope, Arkansas, an emergency is hereby declared, and this ordinance shall be in full force and effect from and after its passage and publication.

**PASSED AND APPROVED** this 3rd day of October, 1995.

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk

**ORDINANCE NO. 1260**

**AN ORDINANCE ADOPTING THE ARKANSAS MECHANICAL CODE, AS AMENDED, FOR THE CITY OF HOPE, ARKANSAS AND FOR OTHER PURPOSES**

**WHEREAS**, the Board of Directors has determined that it is in the best interest of the citizens of Hope, Arkansas for the city to adopt a Code of Regulations governing the installation of heating and air conditioning systems.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS:**

**SECTION 1:** That there is adopted by the City of Hope the Arkansas Mechanical Code, as recommended by the Southern Building Code Congress, being particularly the 1991 Edition, including Appendix A and Appendix B thereof. These rules and regulations are adopted in an attempt to ensure safe mechanical installations including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare.

For the purpose of this Ordinance, the Building Official, his or her assistants, or any individual assigned by the Mayor, shall be the "Administrative Authority" authorized to enforce the provisions of the Mechanical Code.

**SECTION 2:** Three (3) copies of this code have been and are now on file in the Office of the Clerk or Building Official of the City of Hope, Arkansas, and the same are hereby adopted and incorporated, as if set out at length herein. From the date on which this ordinance shall take effect, the provisions of the aforementioned code shall be controlling in the construction of all buildings and other structures within the corporate limits of the City of Hope, Arkansas, except as regulated by other ordinances of the City of Hope Municipal Code.

**SECTION 3:** Penalty - Arkansas state law (Arkansas Code Annotated Section 15-55-102) empowers municipal corporations to adopt ordinances to provide for the safety, health, comfort, and convenience of inhabitants of the city. Violations of the mechanical code shall be considered a violation of this ordinance, and shall be punishable as a misdemeanor offense. Violation of any of the mechanical code adopted as a result of this Ordinance or other provisions of this Ordinance shall be punishable by a fine up to \$250.00. Each day that said violation continues shall be a separate offense and each day subsequent to the first day of the violation shall be punishable by a fine of up to \$250.00 per day.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

The provisions of this ordinance are hereby declared to be severable, and if any provisions shall for any reason be illegal or invalid, such holding shall not effect the validity of the remainder of this ordinance.

**SECTION 5:** This ordinance being necessary for the immediate protection of the public health, safety, and welfare of the citizens of Hope, Arkansas an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage.

**PASSED** this 7th day of November, 1995.

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk

ORDINANCE NO. 1261

AN ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE PURPOSE OF PROVIDING PERMANENT FINANCING FOR INDUSTRIAL FACILITIES; AUTHORIZING A TRUST INDENTURE SECURING THE BONDS; AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF HOPE, ARKANSAS, AS LESSOR, AND TEMPLE-INLAND FOREST PRODUCTS CORPORATION, AS LESSEE; AUTHORIZING THE SALE OF THE BONDS; AUTHORIZING AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

**WHEREAS**, the City of Hope, Arkansas (the "City") is authorized and empowered under the provisions of Act No. 9 of the First Extraordinary Session of the Sixty-Second General Assembly of the State of Arkansas, approved January 21, 1960, and Arkansas Code Annotated § § 14-164-201 through 224, as amended (collectively, the 'Act'), to issue revenue bonds and to expend the proceeds thereof to finance the acquisition, construction and equipment of lands, buildings or facilities which could be used in securing or developing industry; and

**WHEREAS**, it is proposed that the City provide permanent financing, through the issuance of revenue bonds under the Act, for the cost of acquiring, constructing and equipping certain industrial facilities consisting of lands, buildings, improvements, machinery, equipment, vehicles, and facilities (the "Project"), and that the City lease the Project to Temple-Inland Forest Products Corporation, a Delaware corporation (the "Company"), as part of an industrial plant to be operated by the Company (or its successors or assigns) near the City; and

**WHEREAS**, pursuant to and in accordance with the provisions of the Act, the City is now prepared to proceed with financing the Project and to issue and sell up to \$\_\_\_\_\_ in principal amount of its Industrial Development Revenue Bonds (Temple-Inland Forest Products Corporation Project), Taxable Series 1995 (the "Bonds"), to provide such financing; and

**WHEREAS**, copies of the hereinafter described Trust Indenture, Lease Agreement, and Contract of Purchase have been presented to and are before this meeting; and

**WHEREAS**, the Bonds are to be sold and delivered in one series, in the principal amount of up to \$\_\_\_\_\_, dated, bearing interest, maturing and subject to redemption as hereinafter set forth in the form of Trust Indenture authorized by the Ordinance;

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Directors of the City of Hope, Arkansas:

**Section 1.** That the issuance of the Bonds is hereby authorized. The Bonds shall be issued in the forms and denominations, shall be dated, shall be numbered, shall mature, shall bear interest, and shall be subject to redemption prior to maturity all upon the terms and conditions recommended by the Company and set forth in the Trust Indenture (hereinafter authorized) securing the Bonds.

**Section 2.** That the Bonds will be sold to \_\_\_\_\_ (the "Purchaser") for the purchase price recommended by the Company and upon the terms and conditions set forth in the Contract of Purchase. The Mayor and City Clerk are hereby authorized and directed to cause the Contract of Purchase to be accepted, executed and delivered to the Company and the Purchaser in substantially the form presented to this meeting, with such changes as shall be approved by the Mayor and City Clerk, their execution to constitute conclusive evidence of such approval.

**Section 3.** To prescribe the terms and conditions upon which the Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge a Trust Indenture by and between the City and a banking institution with trust powers located within or without the state and authorized by law to act as a trustee (the "Trustee") which banking institution will act as Trustee thereunder, dated as of the date of the Bonds (the "Indenture"), and the City Clerk is hereby authorized and directed to execute and acknowledge the Indenture and to affix the Seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Indenture to be accepted, executed and acknowledged by the Trustee. The Mayor is authorized to approve the choice of Trustee recommended by the Company and the Purchaser. The Indenture is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Trustee, the Company, and the Purchaser in order to complete the Indenture in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

**Section 4.** That there be and is hereby authorized the execution and delivery of a Lease Agreement by and between the City, as Lessor, and the Company, as Lessee (the "Lease Agreement"), and the Mayor and City Clerk are hereby, authorized to execute, acknowledge and deliver the Lease Agreement for and on behalf of the City. The Lease Agreement is hereby approved substantially in the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Company, the Trustee and the Purchaser in order to complete the Lease Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

**Section 5.** That there be and is hereby authorized the execution and delivery of a Payment in Lieu of Taxes Agreement by and between the City and the Company (the "Payment in Lieu of Taxes Agreement"), and the Mayor and City Clerk are hereby, authorized to execute, acknowledge and deliver the Payment in Lieu of Taxes Agreement for and on behalf of the City. The Payment in Lieu of Taxes Agreement is hereby approved substantially in the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Company, the Trustee and the Purchaser in order to complete the Payment in Lieu of Taxes Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

**Section 6.** That the Mayor and the City Clerk, for and on behalf of the City, be, and they are hereby, authorized and directed to do any and all things necessary to affect the execution and delivery of the Lease Agreement, the performance of all obligations of the City under the Lease Agreement, the execution and delivery of the Trust Indenture, the performance of all obligations of the City under and pursuant to the Trust Indenture, the execution and delivery of the Payment in Lieu of Taxes Agreement, the performance of all obligations of the City under the Payment in Lieu of Taxes Agreement, the issuance, execution, sale and delivery of the Bonds, and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred by this Ordinance. That the Mayor and the City Clerk be, and they are hereby, further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

**Section 7.** That the City is hereby involved with the acquiring, constructing and equipping of industrial facilities, and pursuant to the applicable laws of the State of Arkansas, including particularly the Act, competitive bidding is waived.

**Section 8.** That the City Clerk is hereby authorized and directed to file in the office of the City Clerk, as a part of the minutes of the meeting in which this Ordinance is adopted for inspection by any interested persons, a copy of the Trust Indenture, the Payment in Lieu of Taxes Agreement and the Lease Agreement, and such documents shall be on file for inspection by any interested person.

**Section 9.** That the provisions of the Ordinance are hereby declared to be separable, and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

**Section 10.** That all ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 11.** That there is hereby found and declared to be an immediate need for the securing and developing of industry in order to provide employment and payrolls, alleviate unemployment and other benefit the public health, safety and welfare of the City and the inhabitants thereof, and the issuance of the Bonds authorized hereby and the taking of other action authorized hereby are immediately necessary for the accomplishing of these public benefits and purposes. It is, therefore, declared that an emergency exists and this Ordinance is necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect immediately upon and after its passage.

**PASSED:** November 16, 1995.

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk

ORDINANCE NO. 1262

AN ORDINANCE PROVIDING FOR THE COLLECTION AND DISPOSAL OF REFUSE IN THE CITY OF HOPE; PROVIDING REGULATIONS FOR THE USE OF SUCH SERVICE; PROVIDING PENALTIES FOR VIOLATIONS; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF HOPE,  
ARKANSAS:

**Section 1. Title And Applicability:**

This ordinance may be referred to as the "Hope Sanitation Ordinance." It shall apply to the preparation, collection, transportation and disposal of all refuse within the corporate limits of the City of Hope, Arkansas, as presently or hereafter established.

It shall prescribe rules and regulations for hauling garbage and other waste materials within or through the City of Hope; prohibit the deposit of refuse on City streets, vacant property and property owned or occupied by others; and provide penalties for violation hereof.

**Section 2. Definitions:**

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, words in the singular number include the plural number and words in the masculine gender include the female and neuter genders. The word "shall" is always mandatory and not merely directory.

**ADPC&E:** Arkansas Department of Pollution Control & Ecology.

**City:** City of Hope, Arkansas.

**Class 1 material:** Non-hazardous household, commercial and industrial solid waste as defined by ADPC&E and small quantities of conditionally exempt hazardous waste as defined by ADPC&E.

**Class 4 material:** Non-hazardous, bulky, inert, non-putrescible solid waste that does not degrade or degrades very slowly and is permitted by ADPC&E to be disposed of in a Class 4 Landfill. Class 4 materials include construction and demolition wastes, appliances, furniture, stumps, limbs and other bulky wastes that are not normally collected with other household or commercial waste.

**Collector:** A person who under oral or written agreement, with or without compensation, does the work of collecting or transporting solid waste from industries, offices, retail outlets, businesses, institutions, or similar locations or from residential units or condominiums, provided, however, that "collector" shall not include any individual collecting or transporting waste from his own residential unit or condominium.

**Commercial container:** A manufactured container suitable for emptying by mechanical equipment and approved by the Sanitation Superintendent or his designee. In general such containers will be provided by the City of Hope Sanitation Department; however, if containers are procured by a commercial establishment their use and dimensions must be approved by the Sanitation Superintendent or his designee. The following general standards are prescribed for commercial containers:

(a) All containers to be steel, continuous welded and properly reinforced.

(b) All lids to be flanged and reinforced for strength.

(c) Pickup side of container to be reinforced inside or outside at point of torque tub contact.

(d) Inside reinforcement to be pressed steel angle.

(e) Bottoms to be reinforced with 1 ~" drain plug installed flush to bottom.

(f) All containers to be primed and finished with enamel or epoxy paint.

(g) Body dimensions as to length and height of container can vary with the size of container; however, all container widths to be 72 inches.

(h) Minimum gauges of steel to be as follows:

Walls	12 gauge
Ends	12 gauges
Bottoms	12 gauge for 4 Cu. ft. and below 10 gauge for all over 4 Cu. ft.
Lids	16 gauge
Doors	14 gauge

**Commercial establishment:** Any hotel, motel, apartment house, rooming house, business, industrial, public or semi-public establishment of any nature or kind whatsoever other than a residential unit or condominium.

**Commercial refuse:** Waste material from commercial establishments; waste material from industrial processes, manufacturing, canneries, slaughterhouses, packing plants, poultry processing plants or similar industries; large quantities of condemned foods; and waste material from the construction or and remodeling and repair operations on houses, commercial buildings, multiple dwellings, and other structures, such as concrete, bricks, plaster, stone, earth, lumber, roofing materials, gutters, shavings and sawdust.

**Condominium:** Individual ownership units in a multi-family structure with a front and back entrance to each such unit on the ground level.

**County:** Hempstead County, Arkansas.

**Garbage:** Food waste, including waste accumulation of animal or vegetable matter used or intended to be used as food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

**Hazardous waste:** A hazardous waste as defined by Regulation 23, sections 260.10 and 261.3, of ADPC&E.

**Landfill:** A method of disposing of solid wastes, other than putrescible wastes, on land by placing an earth cover thereon. Refers to the City of Hope Solid Waste Management Facility including Solid Waste Baling Facility and Class 1 and Class 4 Landfill.

**Multiple dwelling:** A building designed for and containing 3 or more dwelling units.

**Owner or occupant:** Any person owning, leasing, renting, occupying or managing any premises within the jurisdiction of the City.

**Person:** The State or agency or institution thereof, any municipality, political subdivision, public or private corporation, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, special district empowered in solid waste activities, or public or private corporation.

**Plastic bag:** A polyethylene or other heavy-duty plastic bag of at least 1.5 mills and not exceeding a 20 gallon capacity, with securing twist tie. An untied plastic bag shall not be an approved container.

**Private contractor or commercial sanitation firm:** Any person, other than the City, who collects, removes, salvages or disposes of refuse from one or more public or private premises, other than his own, whether or not under written contract, and whether or not for compensation.

**Putrescible waste:** Wastes that are capable of being decomposed by microorganisms. Examples of putrescible wastes include, but are not necessarily limited to, kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes and garbage.

**Refuse:** Garbage, rubbish and commercial refuse.

**Residential unit:** Any free standing structure, any duplex, or any shelter or any part thereof used or constructed for use as a residence for the family located within the corporate limits of the City.

**Rubbish:** Waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass crockery, dunnage and similar materials.

**Sanitation Superintendent:** The person designated by the Hope City Manager as Sanitation Superintendent or, if there is no one designated by that title, the person designated by the City Manager to oversee and administer the day-to-day operations of the City of Hope Sanitation Department.

**Special fee basis:** Subject to the availability of personnel and equipment, and when the Sanitation Superintendent or his designee considers such action to be in the best interests of the City, he may authorize the collection by the City of solid waste material which does not otherwise comply with the standards of this ordinance, made at the request of the owner or occupant, for which a special charge is made based on the actual time required. In no case shall that material consist of any hazardous waste or other material prohibited by the City's permit with the ADPC&E.

**Section 3. Administration And Enforcement:**

(a) The Sanitation Superintendent shall be responsible for the administration and enforcement of the provisions of this ordinance. The Sanitation Superintendent may call upon the Chief of Police of Hope and the City's Code Enforcement Officer for assistance in enforcement of the provisions of this ordinance. All regulatory actions of the Sanitation Superintendent shall be subject to review and approval by the City Manager of Hope and by the City's Board of Directors.

(b) The Sanitation Superintendent or his designee shall have the authority and duty to make routine inspections of garbage cans, commercial and residential containers and collection areas. The Sanitation Superintendent or his designee, upon determining that a can, container or area is becoming or has become unserviceable or unsanitary or is causing or is likely to cause an unsanitary condition, shall issue a notice to the owner or occupant to inform him of the condition existing. The notice shall describe the condition and set forth the date by which the condition must be corrected. If the owner or occupant fails to correct the condition within the prescribed time, it shall be the duty of the Sanitation Superintendent or his designee to request that a summons from the Municipal Court of Hope for violation of this ordinance be directed to the owner or occupant to whom such notice has been issued.

(c) The Sanitation Superintendent or his designee shall have the authority to enforce all the provisions of this ordinance and to request that a summons from the Municipal Court of Hope be issued to any violator of any provision hereof to appear in the Municipal Court of Hope to answer such charge.

(d) In the prosecution of this ordinance the following presumptions shall apply:

(1) If the condition resulting from the violation was found on premises owned by the person to whom notice was given, then it shall be presumed that said owner was responsible for said condition.

(2) If the person to whom notice was given fails to remove or otherwise correct said condition without notifying the Sanitation Superintendent of the reason for his failure to do so within 10 days, then it shall be presumed that the said person notified was in fact responsible for said conditions not being removed.

(3) If the condition resulting from the violation was found on property whereon multiple dwelling units exist and the party actually committing the violation cannot with reasonable certainty be determined, then it shall be presumed that the owner of the subject premises, upon being given notice, is the party responsible for ensuring that the condition is removed from the premises.

(4) If any of the material placed, deposited, discarded, dumped or otherwise caused to be put in violation of the provisions of Section 9(a) can be identified as having last belonged to, been in the possession of, sent to, received by or been the property of any person prior to its being dumped as prohibited therein, then it shall be presumed that such person placed, deposited, discarded, dumped or otherwise caused to be put such matter and material in violation of this ordinance.

(5) The presumptions described above are rebuttable by the person charged and must be rebutted by clear and convincing evidence in order for the person so charged to be exonerated.

(e) Collection service shall be discontinued where garbage or trash cans or commercial containers are inadequate or have been condemned as unfit by the Sanitary Superintendent or his designee, notice of the same has been given to the owner or occupant of the premises, and the owner or occupant has failed or refused to correct the situation within one week of the date of that notice.

#### **Section 4. Collection Of Routes And Districts - Establishment:**

The Sanitation Superintendent shall divide the City area into collection routes, which routes shall be plainly outlined on a map of the City. This map shall be maintained by the Sanitation Superintendent and be available for review at the Sanitation Superintendent's Office.

#### **Section 5. Preparation And Storage Of Residential Refuse For Collection; Placement Of Certain Refuse For Collection Prohibited:**

It shall be the duty of the owner or occupant of a residential unit and condominium to keep all refuse pending collection and disposal as follows:

(a) Containers adequate to hold the rubbish, bagged garbage and other refuse normally accumulating between scheduled removals shall be provided on each premise by the owner or occupant.

(b) All refuse receptacles, except single use paper or plastic bas and single use paper or card board boxes, shall be kept clean and free of accumulated waste and shall be treated with an effective insecticide if necessary to prevent their becoming a nuisance.

(c) All Garbage shall be free from liquid and placed in water-tight plastic bags provided by the city, with the tops secured.

(d) Pet litter, disposable diapers and similar waste must be placed in water-tight plastic bags provided by the City, with the tops secured.

(e) All refuse, refuse containers, tree branches, heavy brush and rubbish shall be placed on the curb (or property line in the case of streets where curbing has not been installed) in front of the residential unit or condominium on the day of pickup. No such refuse, refuse container, tree branches, heavy brush or rubbish shall be placed or piled on the curb in such location or manner as to impede passengers of commercial passenger vehicles from boarding or departing from such vehicles at places designated for such vehicles to stop to let passengers on or off, nor shall it extend into the street.

(f) City collectors will remove properly prepared residential trash from the curbside only. If refuse is obscured or access to refuse is blocked, city personnel will collect such refuse at the next scheduled pick-up time. If blockage becomes habitual, the resident will be notified by the Sanitation Superintendent or his designee.

(g) Special Pickup Route. Other household refuse including, but not by way of limitation, leaves, grass clippings, pine straw and non-putrescible waste will be picked up on the "Special Pickup Route" normally run once each week. Such refuse should be prepared for pickup as follows:

(1) The refuse shall be containerized in approved refuse containers or in disposable containers (boxes or water-tight paper or plastic bags).

(2) Tree branches and heavy brush which will not fit into containers shall be cut in lengths not exceeding 30 inches and stacked in a compact pile (not extending into the street) on the curb (or property line in the case of streets where curbing has not been installed) in front of the residential unit or condominium.

(3) Sticks, hedge clippings and small brush shall be gathered into bundles and tied securely so that each bundle does not exceed 30 inches in length nor weigh more than 40 pounds.

Residents who wish to have material collected on the Special Pickup Route must call the Sanitation Department prior to the Special Pickup Route. The Sanitation Superintendent or his designee will make the determination as to whether City of Hope Sanitation Crews will collect material or if residents must transport the material privately to the Landfill.

(h) The City will collect inoperative or worn out privately used household appliances (refrigerators, stoves, washing machines, dryers, discarded furniture) at the curb, on an on-call basis to the Sanitation Department.

(i) The City will collect commercial waste generated from the conduct of commercial enterprises carried on from residential units or condominiums only on a special fee basis.

(j) Each owner or occupant shall prevent or otherwise be held responsible for unsightly accumulation of refuse upon the property owned or occupied by them or on public thoroughfares adjoining his property.

**Section 6. Preparation and Storage of Commercial and Multiple Dwelling Refuse for Collection:**

(a) The City will continue to empty commercial container presently in use subject to their serviceability as determined by the Sanitation Superintendent or his designee. In the future, commercial containers will be procured and placed by City personnel.

(b) All garbage and rubbish shall be free of liquid and placed in water-tight paper or plastic bags with the tops secured prior to placing in commercial containers.

(c) Cardboard boxes shall be flattened before being placed in containers.

(d) Commercial containers while containing the following items will not be emptied:

- (1) Large household or industrial appliances
- (2) Furniture
- (3) Tires
- (4) Wooden crates
- (5) Large quantities of limbs
- (6) Bed springs and mattresses
- (7) Rocks, dirt, concrete blocks, sheet-rock, roofing, lumber or other building materials
- (8) Uncontained garbage, yard debris and household trash

(e) Normal household appliances will be collected at multiple dwellings served by commercial containers, when placed adjacent to the commercial container and reported to the Sanitation Department.

(f) Before a building permit shall be issued for construction of a commercial establishment, condominium or multiple dwelling, arrangements for storage of refuse and location of containers must be approved by the Sanitation Superintendent or his designee.

(g) Commercial containers at existing commercial establishments and multiple dwellings serviced by City collection vehicles shall be placed at locations approved by the Sanitation Superintendent or his designee for collection by the Sanitation Department. The City will not collect refuse from commercial establishments or multiple dwellings unless it is placed in commercial containers, properly located, except where space or other limitations dictate other arrangements which shall be specifically approved by the Sanitation Superintendent or his designee.

(h) The user or users of commercial containers shall be responsible for the appearance, maintenance and serviceability of containers procured by them or placed for their use. The owner or occupant of a commercial establishment and the management of a multiple dwelling serviced by commercial containers shall be responsible for maintaining the area surrounding such commercial containers clean and free of accumulations of refuse. Where the owners or occupants of two or more commercial establishments share the use of a refuse can or commercial container, it shall be the joint responsibility of the users to maintain the area surrounding such cans or containers clean and free of accumulations of refuse.

**Section 7. Collection Of Refuse Generally; Conditions For Collection By The City:**

(a) Refuse may be collected for disposal by the City or by private contractors or commercial sanitation firms under contract to or licensed by the City.

(b) The City will collect refuse under the following conditions:

(1) Refuse will be collected twice each week from residential units and condominiums unless holidays interfere

(2) Refuse will be collected from commercial establishments as often as the Sanitation Superintendent or his designee determines is necessary; however, refuse shall not be collected from commercial establishments more than 5 times per week.

(3) Dead animals (other than dogs and house pets) will not be collected and dead dogs and house pets will be collected only from curb sides and public right-of-way. Dead house pets shall be in a plastic bag and placed at the curb. They will be collected on an on-call basis to the Sanitation Department. Large dead animals shall be disposed of by the individual concerned (animal owner or property owner) in a manner designed to meet public health and safety requirements.

(c) The following materials will not be collected by the City, shall not be placed in the City's Landfill and shall be disposed of by the owner of the materials by other means:

- (1) Non-combustible trash except as provided under Sections 5(h) and 6(e) above;
- (2) Liquids;
- (3) Hazardous waste;
- (4) Discarded building materials;
- (5) Dirt or rock;
- (6) Trees, bushes or other vegetation from or generated by commercial tree trimmers, landscapers or building contractors;
- (7) Auto tires, junk autos or discarded parts therefrom;
- (8) Logs, stumps and limbs over 30 inches long or 8 inches in diameter; and
- (9) Any other material prohibited by the City's permit with the ADPC&E.

(d) It shall be a violation of this ordinance to place or cause to be placed in any refuse container for collection any acid, explosive material, inflammable liquids, dangerous or corrosive material of any kind or any other material which might otherwise injure or infect City of Hope Sanitation Department workers.

**Section 8. Regulation Of Private Transportation Of Refuse And Of Use Of City Landfill:**

(a) It shall be unlawful for any person including City collectors and private contractors or commercial sanitation firms to haul, convey or cause to be conveyed any refuse, including discarded building materials or discarded furniture, upon or along the public streets and roadways except when the material transported is adequately secured in such a manner as to prevent it from falling, leaning or being blown from transporting vehicles. The operator or owner of the offending vehicle shall be personally responsible for any violation of this section.

(b) It shall be a violation of this ordinance for any person not licensed by the City to collect and haul any refuse other than that arising from his own accumulation.

(c) It shall be a violation of this ordinance for any person who is not a resident of the City or who is not a customer of the City Sanitation Department, other than the City and private contractors or commercial sanitation firms under contract to or licensed by the City, to deposit any material in the City's Landfill.

**Section 9. Unlawful Deposits:**

(a) It shall be unlawful for any person to place, deposit, discard, dump or otherwise cause to be put, any garbage, refuse, litter, junk, appliances, equipment, cans, bottles, paper, lumber, trees, tree limbs, brush or parts thereof anywhere in the City without the express approval by action of the Board of Directors under such terms and conditions as may be invoked from time to time by the Board.

(b) The provisions of Paragraph (a) above do not apply to the dumping on private property with the owner's permission of sand, dirt, broken bricks, blocks or broken pavement or other suitable materials for use as to fill to raise the elevation of the land, provided the same is not maintained in an unsightly condition and provided the owner of the property on which such material is dumped agrees to level such dumped material with appropriate grading equipment to cover it with dirt, upon direction of the Board of Directors.

**Section 10: Fees:**

(a) Collection Fees: The fees to be paid to the City for the collection of refuse are as follows commencing with billings due after January 15, 1996; such fees shall be collected monthly and billed on the Hope Water & Light statement for said premises and be the debt and obligation of the person in whose name the water meter for said residential unit, condominium, unit of multiple dwelling, or commercial establishment is listed:

(1) Residential Fees: For each residential unit and condominium and each unit of a multiple dwelling, the sum of \$8.50 per month.

(2) Commercial Fees:

(a) Commercial Bagged Trash: For each single commercial establishment, the sum of \$20.00 per month.

(b) Commercial Containers: For each commercial 3-yard container billed to a commercial establishment, the sum of \$26.00 per pickup per week.

(b) Landfill Tipping Fees: Customers who desire to dispose of approved waste at the City of Hope Solid Waste Management Facility will be charged the following fees at the gate; customers will be billed only by making prior arrangement with the City of Hope Finance Department.

(1) Class 1 material

(a) \$2.50 per uncompacted yard

(b) \$5.00 per compacted yard

(2) Class 4 material

(a) \$2.50 per uncompacted yard

**Section 11. Penalties:**

Violation of any provision hereof shall be a misdemeanor and conviction thereof is punishable by a fine of not more than \$100.00 or up to 30 days imprisoned in the jail facility used for municipal prisoners, or both such fine and imprisonment. Each day in violation shall constitute a separate offense.

**Section 12. General Repealer:**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, including without limitation Ordinance No. 986.

**Section 13. Invalidity:**

In the event any part, section, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other parts, sections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect, as if the part, section, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The Board or Directors hereby declares that it would have passed the remaining provisions of this ordinance if it had known that parts, sections, sentences, clauses or phrases thereof would be declared or adjudged invalid or unconstitutional.

**PASSED AND APPROVED THIS 5TH DAY OF DECEMBER, 1995.**

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk

**Ordinance No. 1263**

**An Ordinance Authorizing The Issuance And Sale Of Solid Waste Revenue Bonds, Series 1996, By The City Of Hope, Arkansas For The Purpose Of Acquiring, Construction, And Equipping A Solid Waste Baling Facility And Landfill; Authorizing A Trust Indenture Pursuant To Which The Bonds Will Be Issued And Secured; Providing For The Payment Of The Principal Of And Interest On The Bonds; Prescribing Other Matters Relating Thereto; And Declaring An Emergency.**

**Whereas**, the City of Hope, Arkansas, a city of the first class, owns and operates a sanitation system and has determined to acquire, construct, and equip improvements to the system consisting of a baling facility and landfill (hereinafter referred to as the "improvements"); and

**Whereas**, the City is authorized under the Local Government Capital Improvement Revenue Bond Act of 1985, as amended, to issue and sell revenue bonds for the purpose of financing the improvements; and

**Whereas**, to secure funds necessary to finance the improvements, and to finance the publication, printing, legal, and other costs incidental to the issuance of revenue bonds for this purpose, the City has determined to issue Solid Waste Facilities Revenue Bonds, Series 1996 (hereinafter referred to as the "Series 1996 Bonds"), in an aggregate principal amount of \$1,500,000; and

**Whereas**, the City has determined to issue the Series 1996 Bonds pursuant to a Trust Indenture dated as of January 1, 199~ by and between the City and Citizens National Bank of Hope, as Trustee, a form of which has been presented to and is before this meeting;

**Now, Therefore, Be It Ordained by the Board of Directors of the City of Hope, Arkansas, that:**

**Section 1. Improvements Authorized.** The improvements shall be accomplished. The Mayor, the City Manager, and the City Clerk are hereby authorized to take or cause to be taken all action necessary to accomplish the improvements and to execute all required contracts and documents.

**Section 2. Sale of Series 1996 Bond.** The offer of Citizens National Bank of Hope and First National Bank of Hope. to Purchase the Series 1996 Bonds from the City at a price of par plus accrued interest pursuant to the terms and provisions of a Bond Purchase Agreement, in substantially the form exhibited at this meeting, is approved and confirmed. The Mayor is hereby authorized and directed to execute and deliver the Bond Purchase Agreement on behalf of the City and to take all action require on the part of the City to fulfill its obligations under the Bond Purchase Agreement. An executed copy of the Bond Purchase Agreement shall be filed with the permanent records of the City.

**Section 3. Trust Indenture.** To prescribe the terms and conditions upon which the Series 1996 Bonds are to be executed, authenticated, issued, accepted, held, and secured, the Mayor is hereby authorized and directed to execute and acknowledge a Trust Indenture by and between the City and Citizens National Bank of Hope, as Trustee, and the City Clerk is hereby authorized and directed to execute and acknowledge the Trust Indenture and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Trust Indenture to be accepted, executed, and acknowledged by the Trustee. The Trust Indenture is hereby approved in substantially the form submitted to this meeting, including, without limitation, the provisions thereof pertaining to the maintenance of rates for services of the sanitation system, the pledge of revenues of the sanitation system to the Series 1996 Bonds, the deposit and handling of revenues, and the terms of the Series 1996 Bonds. The Mayor is hereby authorized to confer with the Trustee and others in order to complete the Trust Indenture and to execute and deliver the same on behalf of the City in substantially the form presented to this meeting with such changes as shall be approved by him, his execution to constitute conclusive evidence of such approval.

**Section 4. Details of Series 1996 Bonds.** The Series 1996 Bonds shall be issued in the forms and denominations, shall be dated, shall be numbered, and shall be subject to redemption prior to maturity, all as specified in the Indenture.

**Section 5. Officials Authorized.** The Mayor and the City Clerk are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Bond Purchase Agreement, the Trust Indenture, and a Tax Regulatory Agreement relating to the tax exemption of interest on the Series 1996 Bonds; the performance of all obligations of the City under each such agreement; the issuance, execution, sale, and delivery of the Series 1996 Bonds; and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred hereby.

**Section 6. Documents on File.** The City Clerk is hereby authorized and directed to file in the office of the City Clerk, as a part of the minutes of the meeting at which this Ordinance is adopted, for inspection by any interested person, a copy of the Bond Purchase Agreement and the Trust Indenture.

**Section 7. Severability.** The provisions of this Ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this Ordinance.

**Section 8. Repeal.** All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 9. Emergency.** It is hereby ascertained and declared that the improvements must be accomplished as soon as possible in order to comply with regulations of the Arkansas Department of Pollution Control and Ecology and to make the inhabitants, without which the life, health, safety, and welfare thereof are jeopardized, and in that the improvements can be accomplished only by issuance of the Series 1996 Bonds. 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 enforced from and after its passage.

PASSED AND APPROVED DECEMBER 19, 1995.

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Dennis Ramsey, Mayor

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Leneta Hare, City Clerk