



1 than those excepted under Section 3(B), shall be closed and abandoned pursuant to applicable  
2 requirements within ninety (90) days of the effective date of this ordinance. The construction of new  
3 groundwater wells within the identified area is prohibited for any purpose other than those exceptions  
4 listed in Section 3(B). This prohibition shall be in effect upon the effective date of this ordinance and  
5 shall remain in effect so long as the City, through Central Arkansas Water or some other entity through  
6 which the City obtains water for its citizens, is able to provide water to the Property.

7 (B) **Exceptions for Monitoring and Remediation.** This ordinance shall not apply to wells  
8 constructed or used for purposes of investigation, monitoring, removal, and/or remediation of any  
9 subsurface contamination or suspected subsurface contamination pursuant to an order of, or with the  
10 consent of, the City or any State or Federal Regulatory Agency.

11 **Section 4. Penalties for Violations and Noncompliance.** Any person who is found to have violated  
12 this ordinance shall be fined. The maximum fine per violation shall be Five Hundred Dollars (\$500.00).

13 **Section 5. No impact on private party rights.** Nothing in this ordinance alters the rights of any private  
14 party with respect to any other private party.

15 **Section 6. Certified Copy of Ordinance to be Filed.** A certified copy of this ordinance, with an  
16 executed copy of the indemnity agreement between the City and Timex Group U.S.A., Inc., shall be filed  
17 with the Pulaski County Clerk.

18 **Section 7. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase or word  
19 of this ordinance is declared or adjudged to be invalid or unconstitutional such declaration or adjudication  
20 shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the  
21 portion so declared or adjudged invalid or unconstitutional were not originally a part of the ordinance.

22 **Section 8. Repealer.** All laws, ordinances, resolutions, and parts of the same that are inconsistent with  
23 the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

24 **Section 9. Emergency Clause.** *The City has previously declared the importance of assuring the health,  
25 safety, and welfare of any person using the groundwater beneath certain lands in the City. The ability to  
26 assure the compliance of all landowners with this regulation of the use of groundwater beneath certain  
27 lands in the City is essential to the health, safety and welfare; therefore, an emergency is hereby declared  
28 to exist, and this ordinance shall be in full force and effect from and after its passage and approval, and  
29 the execution of a binding and appropriate indemnity agreement.*

30 **PASSED: November 15, 2016**

31 **ATTEST:**

**APPROVED:**

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34 **Susan Langley, City Clerk**

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34 **Mark Stodola, Mayor**

1 **APPROVED AS TO LEGAL FORM:**

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4 **Thomas M. Carpenter, City Attorney**

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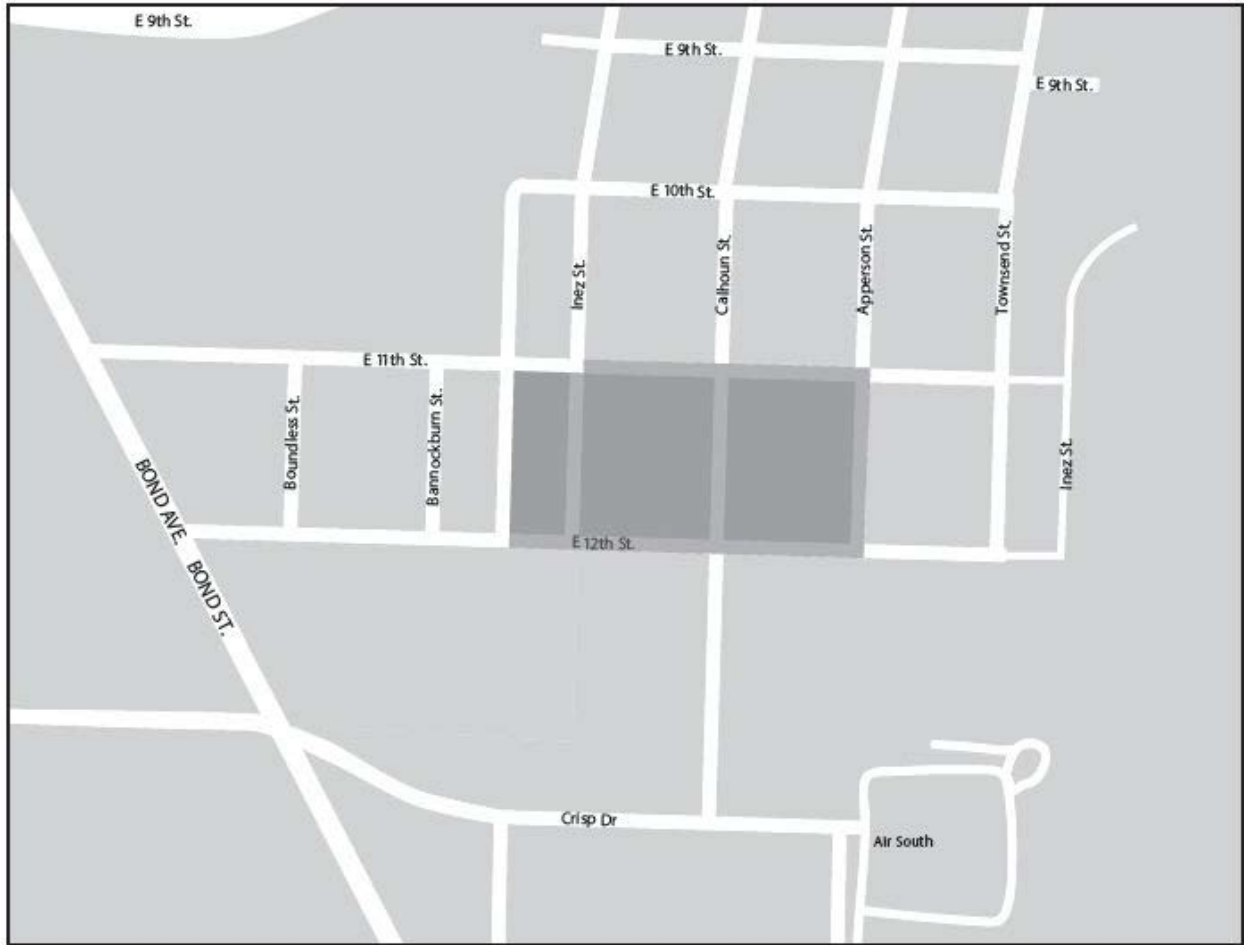
**EXHIBIT A**

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The affected area consists of Clinton Park Addition Block 13 (Lots 1 through 8), Block 14; and Fairgrounds Block 12; and all parts of East 12<sup>th</sup> Street between Bannockburn Street and Apperson Street; all parts of East 11<sup>th</sup> Street between Inez Street (Hawkins) and Apperson Street; and all parts of Inez Street (Hawkins), Calhoun Street, and Apperson Street between East 11<sup>th</sup> Street and East 12<sup>th</sup> Street.

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### EXHIBIT B



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