



ORDINANCE NO. 21,364



ORDINANCE TO AMEND SECTION 3 (A) OF LITTLE ROCK, ARK.,
 4 ORDINANCE NO. 21,329 (NOVEMBER 15, 2016) TO MORE
 5 ACCURATELY REFLECT THE TERMS OF THE AGREEMENT AS TO
 6 THE GROUNDWATER ON THE IMPACTED PROPERTIES; TO
 7 DECLARE AN EMERGENCY; AND, FOR OTHER PURPOSES.

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 9 WHEREAS, the Little Rock, Arkansas, Board of Directors approved an ordinance that would impact
 10 groundwater use in an identified area in order to facilitate and finalize a settlement agreement between
 11 various parties as to contaminated ground water in the area in Little Rock, Ark., Ordinance No. 21,329
 12 (November 15, 2016); and,

13 WHEREAS, certain language included in the agreement was not included in Section 3(A) of the
 14 ordinance, and to avoid any confusion the parties desire that this language also be in the body of the
 15 ordinance;

16 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY
 17 OF LITTLE ROCK, ARKANSAS:

18 Section 1. Section 3(A) of Little Rock, Ark., Ordinance No. 21,329 (November 15, 2016), is hereby
 19 amended to read as follows:

20 **Prohibition of Use of Groundwater Within the Identified Area.** The use of any and all currently
 21 existing groundwater wells within the identified area is prohibited for any purpose other than those
 22 exceptions listed in Section 3(B). All existing groundwater wells within the identified area, other
 23 than those excepted under Section 3(B), shall be closed and abandoned pursuant to applicable
 24 requirements within ninety (90) days of the effective date of this ordinance. The construction of
 25 new groundwater wells within the identified area is prohibited for any purpose other than those
 26 exceptions listed in Section 3(B). This prohibition shall be in effect upon the effective date of this
 27 ordinance and shall remain in effect so long as the City, through Central Arkansas Water, or some
 28 other entity through which the City obtains water for its citizens, is able to provide water to the
 29 Property. *Further, this prohibition shall no longer be effective when the Arkansas Department of*
 30 *Environmental Quality ("ADEQ") or, if ADEQ is no longer in existence, the agency of the State of*
 31 *Arkansas that is responsible for preventing, controlling, and abating pollution that could harm*
 32 *human health and the environment, has entered a final, non-appealable order or written*
 33 *determination that the restrictions are no longer required.*

1 **Section 2. Certified Copy of this Amendment to the Ordinance to be Filed.** A certified copy of this
2 amendment to Little Rock, Ark., Ordinance No. 21,239 (November 15, 2016), shall be filed with the Pulaski
3 County Clerk.

4 **Section 3. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase or word
5 of this ordinance is declared or adjudged to be invalid or unconstitutional such declaration or adjudication
6 shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the
7 portion so declared or adjudged invalid or unconstitutional were not originally a part of the ordinance.

8 **Section 4. Repealer.** All laws, ordinances, resolutions, and parts of the same that are inconsistent with
9 the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

10 **Section 5. Emergency Clause.** *The City has previously declared the importance of assuring the health,*
11 *safety, and welfare of any person using the groundwater beneath certain lands in the City, and approved*
12 *Little Rock, Ark., Ordinance No. 21,239 (November 15, 2016) as a part of that assurance; this amendment*
13 *to the ordinance, to more fully state the agreement as set forth in Section 3(A) of the original ordinance,*
14 *and Section 1 of this ordinance, is necessary to assure there is no confusion on any issue in this matter and,*
15 *is essential to protect the public health, safety and welfare; therefore, an emergency is hereby declared to*
16 *exist, and this ordinance shall be in full force and effect from and after its passage and approval, and the*
17 *execution of a binding and appropriate indemnity agreement.*

18 **PASSED: February 7, 2017**

19 **ATTEST:**

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22 Susan Langley, City Clerk

APPROVED:

23 Mark Stodola, Mayor

24 **APPROVED AS TO LEGAL FORM:**

25 Thomas M. Carpenter, City Attorney
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