

Shirley BeShields-Circuit Clerk  
Benton County, AR  
Sack/Fe: 2009/69207  
Treas/Cashier: CASIM/S.JENNISON  
12/18/2009 11:24:33AM  
Trans: 75311  
Tot. Fees: \$30.00  
Sack/Fe: 2009/69207  
Recorder: Shirley BeShields  
DEED Book # 1000  
12/18/2009

Repealed by  
Ord # 84

ORDINANCE NO. 83

**AN ORDINANCE APPROVING THE INCLUSION OF THE TOWN OF AVOCA, ARKANSAS TO HAVE AVOCA FIRE AND RESCUE'S ANNUAL DUES LEVIED AND COLLECTED BY THE BENTON COUNTY COLLECTOR'S OFFICE, CALLING FOR AN ELECTION, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

WHEREAS, the Avoca Fire and Rescue has requested the Avoca Town Council consider having the annual dues of the residents and businesses in the incorporated Town of Avoca, Arkansas levied and collected in the same manner as in the unincorporated areas served by Avoca Fire and Rescue.

WHEREAS; the Town of Avoca does not have their own fire department; is in Avoca Fire and Rescue's fire district; and will continue to utilize the fire protection services of Avoca Fire and Rescue.

WHEREAS; Arkansas Code § 14-20-108 (e) sets out the procedure that allows the incorporated Town of Avoca, Arkansas to enact and approve an Ordinance calling for an election to authorize a Benton County official to collect and remit to Avoca Fire and Rescue the annual dues charged by Avoca Fire and Rescue, to the residents and businesses located in the incorporated Town of Avoca, Arkansas which is located within a fire district in Benton County, Arkansas served by Avoca Fire and Rescue.

WHEREAS; by approving the Ordinance authorizing a Benton County official to collect and remit to Avoca Fire and Rescue the annual fire dues charged by Avoca Fire and Rescue, the Town of Avoca can insure the continued financial support of Avoca Fire and Rescue; thereby insuring the Avoca Fire and Rescue will be able to continue to provide fire protection services to the citizens of Avoca.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVOCA, ARKANSAS:**

**Section 1: Avoca Fire and Rescue Fire Protection Area:** The incorporated Town of Avoca will continue to utilize the fire protection services of Avoca Fire and Rescue and approves the collection of Avoca Fire and Rescue annual dues from the residences and businesses of Avoca by a Benton County official and further approves the remittance

of the collected fire dues of the residences and businesses of the Town of Avoca to Avoca Fire and Rescue.

**Section 2: Election:** The incorporated Town of Avoca shall take steps necessary to have placed on the ballot the issue of authorizing a Benton County official to collect and remit to Avoca Fire and Recue the annual fire dues charged by Avoca Fire and Rescue.

**Section 3: Costs of Election:** The incorporated Town of Avoca shall bear the cost of the election pursuant to A.C.A. § 14-20-108 (2D) and this election shall occur no later than August 1, 2010.

**Section 4: Severability of Parts of Ordinance:** It is herby declared to be the intention of the Town of Avoca's Council that each section of this Ordinance is severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decrees of a court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance.

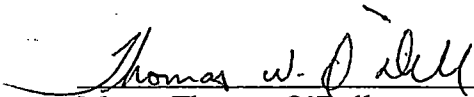
**Section 5: Repealing Clause.** All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

**Section 6: Effective Date.** This Ordinance shall be effective from the date of its passage as set out in herein pursuant to the emergency clause.

**Section 7: Emergency Clause:** It is declared that an emergency exists within the incorporated limits of the Town of Avoca for the health and safety of the citizens and businesses of the Town of Avoca, and this Ordinance being necessary for the protection and safety of the citizens and business within the incorporated limits of the Town of Avoca. This Ordinance shall take effect and be in effect from its passage and approval.

**PASSED AND APPROVED** this 8<sup>th</sup> day of December, 2009.

APPROVED:

  
\_\_\_\_\_  
Mayor Thomas O'Dell

ATTEST

  
\_\_\_\_\_  
Recorder-Treasurer Diane Bowen

Benton County, AR  
I certify this instrument was filed  
12/18/2009 11:24:00AM  
and recorded in DEED Book  
2009 at pages 0065209 - 0065210  
Branda DeShields-Circuit Clerk



**AVOCA FIRE & RESCUE**

P. O. Box 3  
Avoca, AR 72711

**December 08, 2009**

**Avoca Town Council;**

**We the Avoca Fire and Rescue Department Board are requesting the Avoca town council consider passing an ordinance allowing Avoca Fire and Rescue Department dues levied and collected for the incorporated Town of Avoca residents and businesses in the same manner as in the unincorporated areas in Avoca Fire and Rescue Department's district and calling for an election.**

**Thank you for your consideration of this request.**

**In Appreciation;**

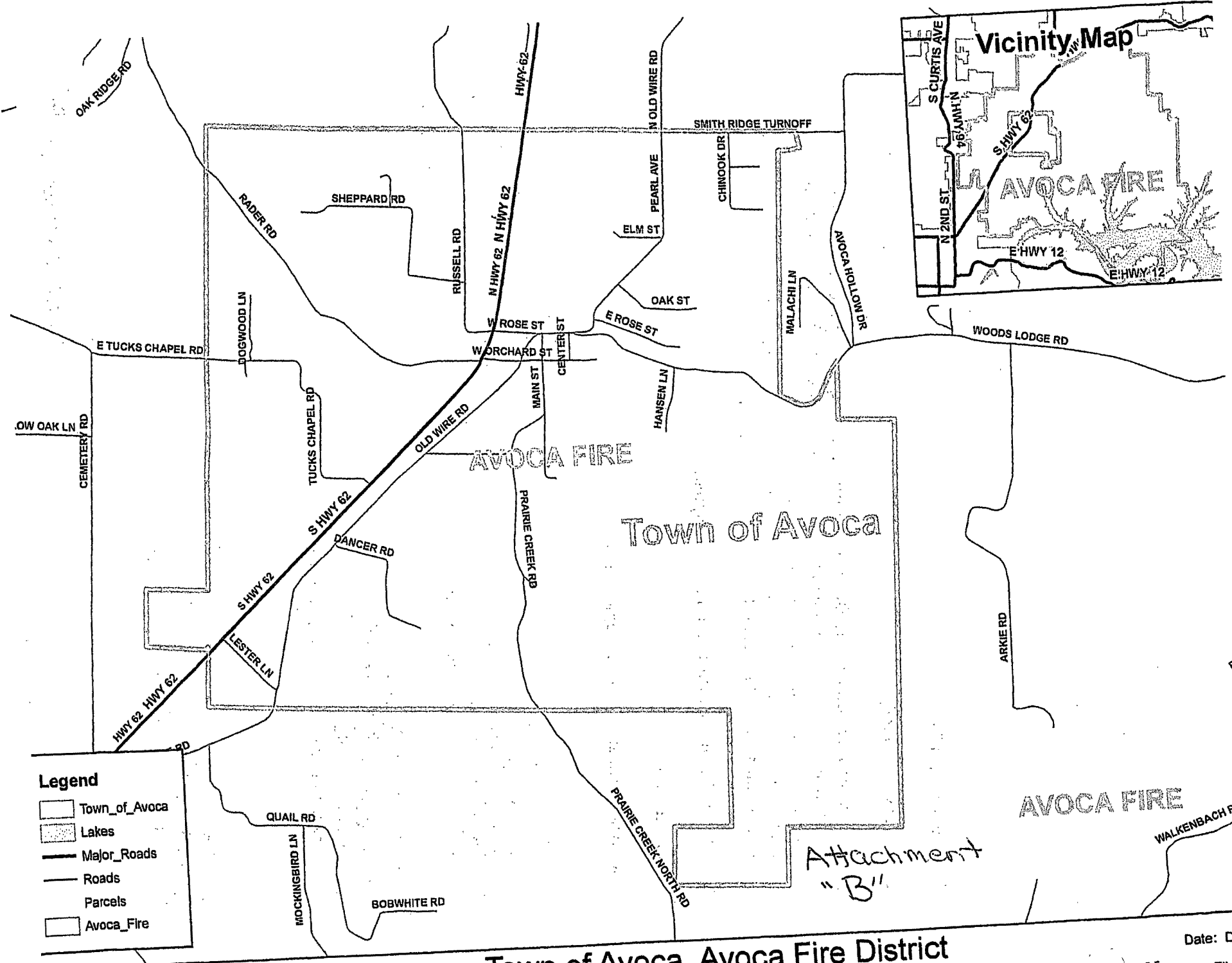
**The Avoca Fire and Rescue Department**

**Frankie Elliott; Fire Chief  
Avoca Fire and Rescue Department**

**Tony Miltich, President  
Avoca Fire and Rescue Department Board**

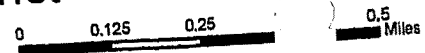
**Rachel Ernst; Secretary  
Avoca Fire and Rescue Department Board**

Attachment "A"



- Legend**
- Town\_of\_Avoca
  - Lakes
  - Major\_Roads
  - Roads
  - Parcels
  - Avoca\_Fire

**Town of Avoca, Avoca Fire District**  
 Benton County, AR



Date: Dec  
 File: /

This map was created by the Benton County GIS Department. The data is a graphical representation. This map has been developed from the best available sources. Accuracy is guaranteed, not in any responsibility for reliance thereon assumed. In no event shall Benton County be liable for direct, indirect, incidental, special damages of any kind, including, but not limited to, loss of anticipated profits or benefits arising out of use of or reliance on the data. The information on this map is intended for informational purposes only.

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THE MORNING NEWS OF SPRINGDALE  
THE MORNING NEWS OF ROGERS  
NORTHWEST ARKANSAS TIMES  
BENTON COUNTY DAILY RECORD

## AFFIDAVIT OF PUBLICATION

I, Amber Kruth, do solemnly swear that I am the Legal Clerk of the Northwest Arkansas Newspapers, LLC, printed and published in Benton County, Arkansas, (Lowell) of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:

Was inserted in the Regular Editions  
on: December 31, 2009

TOWN OF AVOCA  
ORD NO 83

Publication Charge: \$ 176.00

Amber Kruth

Amber Kruth

Subscribed and sworn to before me  
This 4 day of Jan., 2010.

Elizabeth A. Jarvis

Notary Public

My Commission Expires:

May 6, 2012

**\*\*NOTE\*\***

**Please do not pay from  
Affidavit. Invoice will be sent.**

ORDINANCE NO. 83  
AN ORDINANCE  
APPROVING THE  
INCLUSION OF THE  
TOWN OF AVOCA,  
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AVOCA FIRE AND  
RESCUE'S ANNUAL DUES  
LEVIED AND COLLECTED  
BY THE BENTON  
COUNTY COLLECTOR'S  
OFFICE, CALLING FOR AN  
ELECTION, DECLARING  
AN EMERGENCY AND  
FOR OTHER PURPOSES.

WHEREAS, the Avoca Fire  
and Rescue has requested the  
Avoca Town Council consider  
having the annual dues of the  
residents and businesses in the  
incorporated Town of Avoca,  
Arkansas levied and collected  
in the same manner as in the  
unincorporated areas served  
by Avoca Fire and Rescue.

WHEREAS, the Town of  
Avoca does not have their  
own fire department; is in  
Avoca Fire and Rescue's fire  
district; and will continue to  
utilize the fire protection  
services of Avoca Fire and  
Rescue.

WHEREAS, Arkansas Code §  
14-20-108 (e) sets out the  
procedure that allows the  
incorporated Town of Avoca,  
Arkansas to enact and approve  
an Ordinance calling for an  
election to authorize a Benton  
County official to collect and  
remit to Avoca Fire and  
Rescue the annual dues  
charged by Avoca Fire and  
Rescue, to the residents and  
businesses located in the  
incorporated Town of Avoca,  
Arkansas which is located  
within a fire district in Benton  
County, Arkansas served by  
Avoca Fire and Rescue.

WHEREAS; by approving the  
Ordinance authorizing a  
Benton County official to  
collect and remit to Avoca Fire  
and Rescue the annual fire dues  
charged by Avoca Fire and  
Rescue, the Town of Avoca  
can insure the continued  
financial support of Avoca Fire  
and Rescue; thereby insuring  
the Avoca Fire and Rescue will  
be able to continue to provide  
fire protection services to the  
citizens of Avoca.

NOW, THEREFORE, BE IT  
ORDAINED BY THE TOWN  
COUNCIL OF THE TOWN  
OF AVOCA, ARKANSAS:

Section 1: Avoca Fire and  
Rescue Fire Protection Area:  
The incorporated Town of  
Avoca will continue to utilize  
the fire protection services of  
Avoca Fire and Rescue and  
approves the collection of  
Avoca Fire and Rescue annual  
dues from the residences and  
businesses of Avoca by a  
Benton County official and  
further approves the remittance  
of the collected fire dues of the  
residences and businesses of  
the Town of Avoca to Avoca  
Fire and Rescue.

Section 2: Election: The  
incorporated Town of Avoca  
shall take steps necessary to  
have placed on the ballot the  
issue of authorizing a Benton  
County official to collect and  
remit to Avoca Fire and Recue  
the annual fire dues charged by  
Avoca Fire and Rescue.

Section 3: Costs of Election:  
The incorporated Town of  
Avoca shall bear the cost of the  
election pursuant to A.C.A. §  
14-20-108 (2D) and this  
election shall occur no later  
than August 1, 2010.

Section 4: Severability of Parts

of Ordinance: It is hereby  
declared to be the intention of  
the Town of Avoca's Council  
that each section of this  
Ordinance is severable, and if  
any phrase, clause, sentence,  
paragraph, or section of this  
Ordinance shall be declared  
unconstitutional by the valid  
judgment or decrees of a court  
of competent jurisdiction, such  
unconstitutionality shall not  
effect any of the remaining  
phrases, clauses, sentences,  
paragraphs, and sections of the  
Ordinance.

Section 5: Repealing Clause.  
All Ordinances or part of  
Ordinances in conflict  
herewith are hereby repealed.

Section 6: Effective Date.  
This Ordinance shall be  
effective from the date of its  
passage as set out in herein  
pursuant to the emergency  
clause.

Section 7: Emergency Clause:  
It is declared that an  
emergency exists within the  
incorporated limits of the  
Town of Avoca for the health  
and safety of the citizens and  
businesses of the Town of  
Avoca, and this Ordinance  
being necessary for the  
protection and safety of the  
citizens and business within  
the incorporated limits of the  
Town of Avoca. This  
Ordinance shall take effect and  
be in effect from its passage  
and approval.

PASSED AND  
APPROVED this 8th day of  
December, 2009.  
APPROVED: Thomas W.  
O'Dell  
Mayor  
ATTEST: Diane Bowen  
Recorder-Treasurer  
59636287  
2009

