

ORDINANCE NO. 370

AN ORDINANCE TO LIFT THE TEMPORARY MORATORIUM ON THE COLLECTION OF THE LOCAL WASTEWATER IMPACT FEE AND ENACT NEW LOCAL DEVELOPMENT WASTEWATER IMPACT FEES AND AMEND GREENLAND MUNICIPAL CODE.

WHEREAS, the City of Greenland has for many years contracted with the City of Fayetteville for Fayetteville to operate and maintain the Greenland wastewater system which includes collecting, transporting and treating of wastewater from Greenland;

WHEREAS, the cost of increasing the capacity of the existing wastewater collection and transportation system in Greenland to accommodate anticipated growth in the City should be borne by those who make such increases necessary.

WHEREAS, beginning in 2007 Greenland, along with the City of Fayetteville and several other cities, participated in a study by Duncan/Associates in association with Rosenthal Associates, Inc., to obtain an Independent Fee Calculation Study in an effort to determine a rational nexus and a rough proportionality between development impact created by different types of development and appropriate intown wastewater 'impact fees' in order to carry out the Wastewater Capital Plan (as adopted by Resolution 02-09-2009 B) which would maintain the adopted level of service (LOS);

WHEREAS, Ordinance No. 280 (Fayetteville System Wastewater Impact Fee) and Ordinance No. 282 (Greenland Local Wastewater Impact Fee) were passed by the Council to implement fees to apply to new development which connected to the sewer (wastewater) system;

WHEREAS, several interested parties contacted Greenland City Hall inquiring about the process of development within the City and complained about the local wastewater impact fee;

WHEREAS, Ordinance No. 355 was passed by the Council to place a temporary moratorium on the collection of the impact fees;

WHEREAS, the moratorium establish by Ordinance No. 355 is set to expire on September 13, 2023 which will cause the City to immediately charge the full impact fees ranging from \$1,253.15 to 204,740.00;

WHEREAS, collecting the full impact fees will be a hindrance to development within the City thus harming citizens who could sell property to developers, and harming citizens who work in the building trades and harming local businesses which would benefit from increased development and building activity; and,

WHEREAS, the Administration has requested and recommends the City collect impact fees at 25% of the City of Fayetteville’s impact fees.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF GREENLAND, ARKANSAS, That:

SECTION 1: That the Greenland Municipal Code is hereby amended by deleting **Paragraph c) and d) of Section 10.06.11**, and replacing it with the flowing language:

c) Local impact fee calculation. The Impact Fee Administrator shall determine the amount of the wastewater local impact fees for residential uses based on the type or size of the water meter and for nonresidential uses based on the size of the water meter using the following schedule:

Property Type/Land Use	Unit of Measure	Service Unit Generation Rate (EDU)	Greenland
Single-Family	dwelling unit	1.00	\$460.75
Multi-Family	dwelling unit	0.71	\$327.75
Nonresidential			
5/8" x 3/4" meter	water meter	1.00	\$460.75
1" meter	water meter	2.50	\$1,152.00
1 1/2"	water meter	5.00	\$2,303.75
2" meter	water meter	8.00	\$3,686.00
3" meter	water meter	16.00	\$7,372.00
4" meter	water meter	25.00	\$11,518.75
6" meter	water meter	50.00	\$23,037.50
8" meter	water meter	80.00	\$36,860.00
10" meter	water meter	116.00	\$52,986.00

SECTION 2. REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3. SEVERABILITY: If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional.

SECTION 4. EMERGENCY CLAUSE: The Council believes an immediate amendment is necessary as the current moratorium is set to expire on today’s date; therefore, it is

viewed that an immediate solution is necessary, thereby creating an emergency. It is hereby declared that based on the conditions set forth herein, an emergency exists, and this Ordinance, being necessary for the immediate protection of the health, welfare and safety of the citizens of Greenland, Arkansas, shall be in effect immediately upon its passage, approval and publication.

PASSED AND APPROVED this 11th day of September, 2023.


JIM RENSROW, Mayor

ATTEST:


MISTY MCCARD, Recorder-Treasurer