

TITLE 10

WATER AND SEWER

Chapters:

- 10.04 Sewer Regulations
- 10.06 Wastewater Impact Fees
- 10.07 Fayetteville Wastewater System Impact Fees
- 10.08 Water and Sewer Rates

CHAPTER 10.04

SEWER REGULATIONS

Sections:

- 10.04.01 Definitions
- 10.04.02 Use of public sewers required
- 10.04.03 Adoption of codes and regulations
- 10.04.04 Licenses and permits
- 10.04.05 Use of public sewers
- 10.04.06 Power and authority of Superintendent
- 10.04.07 Penalty for malicious damages
- 10.04.08 Penalties

10.04.01 Definitions Unless the context specifically indicates otherwise, the meaning of the terms used shall be as follows:

BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees, C, expressed in milligrams per liter.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Combined sewer shall mean a sewer receiving both surface run off and sewage.

Garbage shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Person shall mean any individual, firm, company, association, society, corporation or group.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage shall mean the waste from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sewage shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.

Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory, **may** is permissive.

Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Storm-drain (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent shall mean the city engineer or his authorized agent, deputy, or representative.

Suspended solids shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Watercourses shall mean a channel in which a flow of water occurs, either continuous or intermittently.

10.04.02 Use of public sewers required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city of Greenland, Arkansas, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that the public sewer is within two hundred (200) feet of the property line. (Ord. No. 46, Art. II)

10.04.03 Adoption of codes and regulations

- A. Where a public sanitary sewer is not available under the provisions of Section 10.04.03, the building sewer shall be connected to a private sewage disposal system complying with the provisions of "Septic Tank Systems, Bulletin No. 9, Arkansas Department of Health."
- B. There is hereby adopted by reference the provisions of "Arkansas State Plumbing Code, Rules and Regulations of the State Board of Health, Governing the Construction, Installation and Inspection of Plumbing and Drainage, 1971 Fifth Edition" issued by the Arkansas State Board of Health, Little Rock, Arkansas, together with any amendments and revisions hereafter enacted by the Arkansas State Board of Health.
- C. There is hereby adopted by reference the provisions of "Arkansas State Gas Code, Rules and Regulations of the State Board of Health, Governing the Installation of Utility Gas, First Edition 1975: issued by the Arkansas State Board of Health, Little Rock, Arkansas, together with any amendments and revisions hereafter enacted by the Arkansas State Board of Health pursuant thereto. (Ord. No. 46, Art. III)

10.04.04 Licenses and permits

- A. It shall be unlawful for any person other than a person authorized by the Water and Sewer Superintendent of the city of Fayetteville, Arkansas, to make any connection with the sewer collection system in the city of Greenland, Arkansas, or to tamper with any manhole or any appurtenance to the sewer collection system in this city. Nothing in this ordinance shall be solely constructed as to prevent any person when acting under the authority of the superintendent of the Water and Sewer Department of the city of Fayetteville, Arkansas, from changing, altering or otherwise working with any portion of the sewer system located in Greenland. (Ord. No. 159, Sec. 1.)
- B. That the Discharge and Pretreatment Regulations attached hereto as 'Exhibit A' and made a part hereof is hereby adopted by reference. Said Discharge and Pretreatment Regulations shall be codified as an Exhibit to this paragraph with reference numbers in substantially the same form as shown on attached 'Exhibit A.' (Ord. No. 328, Sec. 1.)

The provisions of Ord. No. 165, specifically Section 4.5(06), subsection (D), LOCAL LIMITS is hereby amended to set the maximum allowable discharge limits except by permit from the Control Authority as hereafter shown:

New Local Limits

mg/l

Arsenic	0.68
Cadmium	0.02
Chromium	0.48
Copper	0.23
Cyanide	0.01
Lead	0.15
Mercury	0.0002
Nickel	0.20
Silver	1.23
Zinc	1.52

(Ord. No. 184, Sec. 1.)

- C. That a violation of this ordinance shall be prosecuted and punished as a Class A misdemeanor as defined in A.C.A. 5-1-107. For the purpose of this ordinance, each day of a continuing violation may be deemed a separate violation. (Ord. No. 159, Sec. 5.)

- D. Any person desiring to install or replace any plumbing work within the city of Greenland, Arkansas, shall first obtain a plumbing permit from the Recorder/Treasurer, city of Greenland, Arkansas, and from the Plumbing Inspector, city of Fayetteville, Arkansas.

- E. Persons applying to the city of Greenland, Arkansas, for a plumbing pen-nit shall pay the amount specified by the City Council as necessary to repair any street cut required as part of the plumbing work.

- F. Persons applying to the city of Fayetteville, Arkansas, for a plumbing permit shall present a valid Greenland Plumbing Permit and comply with the procedures and pay the fees for permit and inspection as provided by the city of Fayetteville, Arkansas, ordinances. (Ord. No. 46, Art. IV)

10.04.05 Use of public sewer

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewer or storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted

process waters may be discharged, on approval of the Superintendent to a storm sewer, combined sewer, or natural outlet.

- C. No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, oil, or gas.
 2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to, cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 3. Any water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or pumping facilities, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, having an adverse effect on the receiving stream, or otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (sixty-five 65 degrees C).

2. Any water or wastes containing fats, wax, grasses, or oils, whether emulsified or not, in excess of one hundred (100) mg/; or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 to sixty-five 65 degrees C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentration exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
8. Any waters or wastes having a pH excess of 9.5.
9. Materials which assert or cause:
 - a. Unusual concentration of inert suspended solids (such as but limited to Fuller's earth, lime slurries, and lime residues), or of dissolved solids (such as but not limited to sodium chloride, sodium sulfate).
 - b. Excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions).

- c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - 10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 10.04.05, part 4 and in which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- 1. reject the wastes
 - 2. require pretreatment to an acceptable condition for discharge to the public sewers
 - 3. require control over the quantities and rates of discharge, and/or (d) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of part 10 of this section.

If the Water and Sewer Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

- F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

- G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with other such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- I. Any and all measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by the customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of any and all hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- J. No statement contained in this section shall be construed to as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefoer by the industrial concern. (Ord. No. 46, Art. V)

10.04.06 Power and authority of Superintendent

- A. The Superintendent and other duly authorized employees of the city of Fayetteville, Arkansas, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this

ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and nature of discharge to the sewers or waterways or facilities for waste treatment.

- B. While performing the necessary work on private properties referred to in paragraph (1) of this section, the Superintendent or duly authorized employees of the city of Fayetteville shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 10.04.05, paragraph 8.
- C. The Water and Sewer Superintendent and other duly authorized employees of the city of Fayetteville bearing proper credentials and identification shall be permitted to enter all private properties through which the city of Greenland holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 46, Art. VII)

10.04.07 Penalty for malicious damages No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provisions shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 46, Art. VI)

10.04.08 Penalties

- A. Any person found to be violating any provision of this ordinance except 10.04.07 shall be served by the city of Greenland, Arkansas, with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Section 10.04.08, paragraph (1), shall be guilty of a misdemeanor and on

conviction thereof, shall be fined in any amount not exceeding Fifty Dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

- C. Any person violating any of the provisions of this ordinance shall become liable to the city of Greenland, Arkansas, for any expense, loss or damage occasioned by the city by reason of such violation.
- D. The Superintendent of the city of Greenland, Arkansas, is hereby authorized to enforce the provisions of this ordinance by the discontinuance of sewer service in the event of violation. The Water and Sewer Superintendent, to terminate service under this section, shall uncover the sewer connection where it joins the main, cut or remove a section of the pipe at the junction with the main, and plug the service pipe with concrete and close the opening to the main. After the said sewer service has been discontinued as authorized in this section, it may be resumed only after the reasons for discontinuance of service have been corrected and payment of one-half (½) the charge for a new sewer connection to the property has been paid to the city of Fayetteville. (Ord. No. 46, Art. VIII)

CHAPTER 10.06

WASTEWATER IMPACT FEES

Sections:

10.06.01	Impact fee
10.06.02	Short title, authority and applicability
10.06.03	Definitions
10.06.04	Legislative findings
10.06.05	Intent
10.06.06	Local impact fee imposed
10.06.07	Impact fee exceptions
10.06.08	Use of impact fee funds
10.06.09	Refund of impact fees paid
10.06.10	Appeals
10.06.11	Capital plan and level of service standards
10.06.12	Penalty
10.06.13	Administration
10.06.14	Temporary Suspension

10.06.01 Impact fee A local wastewater impact fee is hereby established for the city of Greenland wastewater system for in-town facilities/improvements that meet in-town demand, hereinafter referred to as the “System.” (Ord. No. 282, Sec. 1.)

10.06.02 Short title, authority and applicability

- A. This ordinance shall be known and may be cited as the Greenland Wastewater Impact Fee Ordinance.
- B. This ordinance is enacted pursuant to the authority granted to the city by A.C.A. 14-56-103 and other relevant laws and judicial interpretations of the state.
- C. The provisions of this ordinance shall apply to all of the territory within the city’s wastewater service area, including the corporate limits of Greenland, any unincorporated area of Washington County served by the system and all future additions to said areas.
- D. The following types of development shall be required to pay a local wastewater impact fee:
 - 1. New and existing development seeking a new connection to the city’s wastewater system resulting in increased demand from wastewater facilities. This shall not apply to existing development that is connecting to the wastewater system in order to eliminate an individual sewage disposal system.
 - 2. Non-residential or residential redevelopment seeking a larger capacity or additional water meter. (Ord. No. 282, Sec. 2.)

10.06.03 Definitions For the purpose of this ordinance, the following terms shall have the following meanings:

City Council – the duly elected/appointed City Council of the city of Greenland, Arkansas.

Capital wastewater facilities – The city’s wastewater collection system, any treatment facilities, lift lines, lift stations, interceptors, buildings, improvements to land, land and related equipment used to provide city wastewater services as defined in the study. The costs of capital wastewater facilities also include the costs of related planning and design for these facilities.

Certificate of occupancy – A certificate issued by the city permitting the occupancy of a structure connected to the city’s wastewater system. Said certificate may be limited to the

structure's wastewater system for those structures located outside the corporate limits of Greenland.

City – The city of Greenland, Arkansas, including, but not limited to, its municipal utilities department.

Developer – Any, person, firm or corporation commencing a development who is obligated to pay an impact fee in accordance with the terms of this ordinance, or who would be obligated to pay such a fee except for an exemption, refund, or credit provided for in this ordinance.

Development – Any residential, multi-family, commercial or industrial improvement to lands within the system service area.

Impact fee study (the study) – A study that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the city's capital wastewater facilities, and that determines the cost of the facilities necessary to meet the demands created by new development.

Impact fees – The local wastewater impact fees established by this ordinance pursuant to A.C.A. 14-56-103 for in-town utilities/improvements that meet in-town demand.

Impact fee trust fund – The trust fund established by this ordinance. The impact fee trust fund is also called the wastewater impact fee trust fund.

Improvements - The results of planning, engineering, design, construction inspection, on-site construction, off-site construction, land, the purchase of related equipment, and financing associated with new or expanded capital wastewater facilities, buildings, and equipment that expand the capacity of capital wastewater facilities, but not including maintenance, operations, or improvements that do not expand capacity.

Independent fee calculation study – A study prepared by Duncan Associates in association with Rosenthal Associates, Inc. (including but not limited to all plans and studies referenced therein), calculating the cost of expansions or improvements to the capital wastewater facilities required to serve the developer's proposed development, that is based on the established level of service standard, performed on an average cost (not marginal cost) methodology, that uses the service units and unit construction costs stated in the study, and is performed in compliance³ with any criteria for such studies established by this ordinance or by the city.

Person – Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.

State – The state of Arkansas.

Successor in interest – A person, as defined by this ordinance, who gains a fee simple interest in land for which an impact fee is paid or a credit is approved pursuant to the terms of this ordinance.

System – The city of Greenland municipal wastewater system including capital wastewater facilities. (Ord. No. 282, Sec. 3.)

10.06 04 Legislative findings The City Council of Greenland, Arkansas, finds, determines and declares that:

- A. System expansion required The protection of the health, safety, and general welfare of the citizens of the city requires that the city’s capital sewer facilities be expanded and improved to accommodate growth and development within the city.
- B. System demand New residential and nonresidential development imposes increased and excessive demands upon the existing system facilities and often overburdens the existing system facilities. Provided, further, new development is expected to continue, and will place ever-increasing demands on the system to provide these facilities to serve new development.
- C. System revenues System revenues generated from new development often does not generate sufficient funds to provide the necessary capital sewer facilities to accommodate new development; therefore, the creation of an equitable local wastewater impact fee system would enable the city to impose a proportionate share of the costs of the needed improvements to system capital facilities to accommodate new development.
- D. Study conducted In order to implement an equitable impact fee system, the city in cooperation with the cities of Fayetteville, Farmington and Elkins caused to be prepared a Water and Wastewater Capital Plan and Impact Fee Analysis, hereinafter termed “study.” Said study is incorporated herein by reference, and sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the city’s system capital facilities, and for determining the cost of acquiring the improvements necessary to meet the demands for such services created by new development.
- E. Standards established The city hereby establishes as city standards the assumptions and level of service (LOS) standards referenced in the study as part of its current plans for future expansions to the city’s local wastewater capital facilities.

- F. Impact fee use limited The impact fees described in this ordinance are based on the study, and do not exceed the costs of improvements to serve new development that will pay the impact fees nor shall such fees to be used to correct existing deficiencies for these capital facilities, or to replace or rehabilitate existing improvements. This is intended to be a local improvement impact fee (for in-town facilities/improvements that meet in-town demands).
- G. Benefit Those in-town capital wastewater facilities/improvements listed in the study will benefit all new development that depends on city services, and it is therefore appropriate to treat the entire system as a single service area for purposes of calculating, collecting, and spending the local improvement impact fees.
- H. Impact fee relationship These is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this ordinance and the impact fees that such development will be required to pay.
- I. Impact fee purpose This ordinance creates a system by which wastewater impact fees paid by new development will be used to finance, defray or reimburse all or a portion of the costs incurred by the city to construct improvements for system's capital wastewater facilities in ways that benefit the development that paid each fee within a reasonable period of time after the fee is paid. (Ord. No. 282, Sec. 4.)

10.06 Intent

- A. Capital improvement plan This ordinance is adopted to assist in the implementation of the city's capital improvement plan (CIP) for wastewater system projects adopted by Resolution 02-09-2009A. To that end, the intent of this ordinance is to ensure that new development bears a proportionate share of the cost of improvements to capital wastewater facilities, to ensure that such proportionate share does not exceed the cost of improvements for capital wastewater facilities required to accommodate new development; and to ensure that funds collected from new development are actually used for improvements for capital wastewater facilities that benefit such new development.
- B. Impact fee purpose It is the further intent of this ordinance that new development pay for its fair share of the cost of local improvements for capital wastewater facilities required to accommodate new development through the imposition of an impact fee that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the city to construct improvements to the city capital wastewater facilities that serve or benefit such new development. It is not the intent of this

ordinance to collect any money from any new development in excess of the actual amount necessary to offset new demands for capital wastewater facilities.

- C. Funds restricted It is not the intent of this ordinance that any monies collected from any impact fee deposited in the wastewater impact fee trust fund ever be commingled with monies from any other city trust fund or account, or ever be used for a type of facility or equipment different from that for which the fees are paid, or are ever used to replace or rehabilitate existing improvements. (Ord. No. 282, Sec. 5.)

10.06.06 Local impact fee imposed

- A. Local impact fee obligation After the effective date of this ordinance, any person, firm or corporation who commences any development, except those exempted hereinafter, shall be obligated to pay local wastewater impact fees upon commencement of such activity. The amount of the fees shall be determined in accordance with this ordinance, and shall be paid to the city as provided hereinafter. All monies paid by a developer pursuant to this ordinance shall be identified as local wastewater impact fees and shall be promptly deposited into the wastewater impact fee trust fund described hereinafter.
- B. Local impact fee collection The local wastewater impact fee imposed by this ordinance shall be collected in connection with and as a condition to the installation of a water meter serving the development or of the connection to the wastewater system, whichever comes first. Development projects which have obtained building permits prior to the effective date of this ordinance shall not have to pay local wastewater impact fees if the building is completed with water and sewer hookups installed and certificate of occupancy issued no later than December 31, 2009.
- C. Local impact fee calculation Local impact fees shall be based on water meter size. The impact fees established hereinafter may be revised from time to time by the City Council. The City Council has elected to implement the local wastewater impact fee in stages. Stage I are the local wastewater impact fees which apply from January 1, 2010, through December 31, 2010; Stage II are the local wastewater impact fees which will apply from January 1, 2011, through December 31, 2011; Stage III are the local wastewater impact fees will apply from January 1, 2012, and thereafter.

D. Fee determination

Stage I: From January 1, 2010, through December 31, 2010. 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:

<u>Property type/land use</u>	<u>Unit of measure</u>	<u>Service unit generation rate (EDU)</u>	<u>Greenland</u>
Net cost per service unit (EDU)			\$588.00
Single-family	dwelling unit	1.00	\$588.00
Multi-family	dwelling unit	0.71	\$417.48
Mobile home	dwelling unit	1.00	\$588.00
Non-residential			
5/8" x 3/4" meter	water meter	1.00	\$588.00
1" meter	water meter	2.50	\$1,470.00
1 1/2 " meter	water meter	5.00	\$2,940.00
2" meter	water meter	8.00	\$4,704.00
3" meter	water meter	16.00	\$9,408.00
4" meter	water meter	25.00	\$14,700.00
6" meter	water meter	50.00	\$29,400.00
8" meter	water meter	80.00	\$47,040.00
10" meter	water meter	116.00	\$68,208.00

Stage II: From January 1, 2011, through December 31, 2011. 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:

<u>Property type/land use</u>	<u>Unit of measure</u>	<u>Service unit generation rate (EDU)</u>	<u>Greenland</u>
Net cost per service unit (EDU)			\$1,175.00
Single-family	dwelling unit	1.00	\$1,175.00
Multi-family	dwelling unit	0.71	\$834.25
Mobile home	dwelling unit	1.00	\$1,175.00
Non-residential			

5/8" x 3/4" meter	water meter	1.00	\$1,175.00
1" meter	water meter	2.50	\$2,937.00
1 1/2 " meter	water meter	5.00	\$5,875.00
2" meter	water meter	8.00	\$9,400.00
3" meter	water meter	16.00	\$18,800.00
4" meter	water meter	25.00	\$29,375.00
6" meter	water meter	50.00	\$58,750.00
8" meter	water meter	80.00	\$94,000.00
10" meter	water meter	116.00	\$136,300.00

Stage III: From January 1, 2012, and thereafter. 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:

<u>Property type/land use</u>	<u>Unit of measure</u>	<u>Service unit generation rate (EDU)</u>	<u>Greenland</u>
Net cost per service unit (EDU)			\$1,765.00
Single-family	dwelling unit	1.00	\$1,765.00
Multi-family	dwelling unit	0.71	\$1,253.15
Mobile home	dwelling unit	1.00	\$1,765.00
Non-residential			
5/8" x 3/4" meter	water meter	1.00	\$1,765.00
1" meter	water meter	2.50	\$4,412.00
1 1/2 " meter	water meter	5.00	\$8,825.00
2" meter	water meter	8.00	\$14,120.00
3" meter	water meter	16.00	\$28,240.00
4" meter	water meter	25.00	\$44,125.00
6" meter	water meter	50.00	\$88,250.00
8" meter	water meter	80.00	\$141,200.00
10" meter	water meter	116.00	\$204,740.00

2. Redevelopment, reconstruction, change of use In the event of a redevelopment, reconstruction or change of use from an existing development or use, the fee shall be the difference between when the fee would be for the entire redevelopment or reconstruction project and what the fee would have been for the existing development or use. Existing development must be connected to the wastewater system at the time of redevelopment in order to apply this credit.

3. Mixed use If the proposed development includes a mix of the residential land uses and/or nonresidential meter sizes that are listed in the impact fee schedule, the fee shall be determined by adding up the wastewater local impact fees that would be applicable for each residential land use type and/or nonresidential meter size as if it were a freestanding land use type.
4. Fire suppression/low pressure It is the intent of this ordinance to base wastewater local impact fees on the typical usage in a new building or other facility. Extinguishing of fires is not a part of typical usage; to allow adequate fire flow to sprinklers and internal hydrants at some large and at-risk properties, it may be necessary for fire protection purposes to install a larger water meter than would be necessary to meet day-to-day needs of that facility. In addition, a larger meter may be required in areas of low water pressure than in areas of normal water pressure for the same type of use. In those cases, it is the policy of the city that the impact fee for wastewater should be based on the meter size needed by that facility for its typical usage, without regard to fire-flow or unusual pressure conditions.
5. Irrigation Any separate water meter installed for irrigation purposes only shall not be included in the calculation of the wastewater local impact fee.
6. Affordable housing exemption: Construction of single family and non-profit multi-family supportive housing funded wholly or primarily by federal Community Development Block Grants, non-profit service organizations such as Habitat for Humanity, Housing and Urban Development housing loans and similar programs designed to provide affordable, owner-occupied, single family residences to low income individuals and non-profit multi-family supportive housing may be exempted from payment of local wastewater impact fees pursuant to this ordinance by the City Council.
7. Master meters In the event that a water master meter is utilized for any development including multi-family or mixed use the wastewater local impact fee shall be based on the master meter size.
8. Impact fee correction If a local wastewater impact fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated. Any amounts overpaid by a developer shall be refunded by the city within thirty (30) days after the city's acceptance of the recalculated amount, with accrued interest since the date of overpayment. Any amounts underpaid by the developer shall be paid to the city within thirty (30) days after the city's acceptance of the recalculated amount, with accrued

interest since the date of such underpayment. In the case of an underpayment to the city, the city shall not issue any additional permits or approvals for the development for which the local wastewater impact fee was previously paid until such underpayment is corrected, and if amounts owed to the city are not paid within such thirty (30) day period, the city may also, rescind any permits issued in reliance on the previous payment of such local wastewater impact fee and refund such fee to the then current owner of the land. (Ord. No. 282, Sec. 6.)

10.06.07 Impact fee exceptions The following types of development shall be exempted from payment of the local wastewater impact fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first wastewater connection permit for the proposed development that creates the obligation to pay the local wastewater impact fees. Any claim for exemption not made at or before that time shall have been waived. The City Council or a designee shall determine the validity of any claim for exemption pursuant to the standards set forth below.

- A. Reconstruction, expansion, or replacement of a previously existing residential unit that does not create any additional residential units or installation of a larger water meter.
- B. The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure and with no more than a five percent (5%) increase in floor area from the original structure and no increase in the size or number of water meters.
- C. Construction of unoccupied accessory structures related to a residential unit.
- D. Developments for which a local wastewater impact fee for each type of facility covered by this ordinance has previously been paid in an amount that equals or exceeds the local wastewater impact fee that would be required by this ordinance.
- E. Developments built by the federal government and the state.
- F. Public schools.
- G. Construction within a duly established redevelopment district or improvement district for which the local wastewater impact fees have specifically been waived by resolution of the City Council prior to commencement of the improvements.
- H. Such other economic or community development projects for which the local wastewater impact fees have specifically been waived by resolution of the City Council prior to commencement of the development. (Ord. No. 282, Sec. 7.)

10.06.08 Use of impact fee funds

- A. Trust fund A local wastewater impact fee trust fund (hereinafter “trust fund”) is hereby established for the purpose of ensuring that the local wastewater impact fees collected pursuant to this ordinance are designated for the accommodation of impacts reasonably attributable to new development that paid the local impact fees.
- B. Trust fund management All local wastewater impact fees collected by the city pursuant to this ordinance shall be promptly deposited into the trust fund. The local wastewater impact fee trust fund shall be maintained in an interest bearing account. Monies in the trust fund shall be considered to be spent in the order collected, on a first-in/first-out basis. This fund shall contain only those local wastewater impact fees collected pursuant to this ordinance plus any interest which may accrue from time to time on such funds.
- C. Trust fund limitations The following limitations shall apply to the use and expenditure of local impact fees collected and deposited in the local wastewater impact fee trust fund:
1. The local wastewater impact fee imposed pursuant to this ordinance may be assessed, collected and expended only for the planning, design and construction of new wastewater facilities or of capital improvements to existing wastewater facilities that expand the system’s capacity or for the recoupment of prior capital improvements to wastewater facilities that created capacity available to serve new development.
 2. The local wastewater impact fee may be pledged to the payment of bonds issued by the city to finance wastewater capital improvements or wastewater facilities for which the local wastewater impact fee may be imposed.
 3. No local wastewater impact fee shall be assessed for or expended upon the operation or maintenance of any wastewater facility or for the construction or improvement or wastewater facilities that do not create additional capacity.
 4. No monies from the local wastewater impact fee trust fund shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type or to cure deficiencies in capital wastewater facilities existing on the effective date of this ordinance.

5. As described in 10.06.09 Refunds.
(Ord. No. 282, Sec. 8.)

10.06.09 Refund of impact fees paid

- A. When refund due The city shall refund the portion of collected development local wastewater impact fees, including the accrued interest, that has not been expended seven (7) years from the date the fees were paid. The refund shall be made on a pro rata basis and shall be paid in full not later than ninety (90) days after the date certain upon which the refund becomes due.
- B. Refund notice When due, a refund shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected. Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property no later than thirty (30) days after the date on which the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.
- C. Refund payment The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- D. Notice of refund rights At the time of payment of the local wastewater impact fee under this ordinance, the Impact Fee Administrator shall provide the applicant paying such fee with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any collection of any impact fee under this ordinance. (Ord. No. 282, Sec. 9.)

10.06.10 Appeals Any determination made by an official of the city charged with the administration of any part of this ordinance may be appealed to the City Council by filing with the Recorder/Treasurer within ten (10) days of the date of the determination being appealed:

- A. A written notice of appeal on a form provided by the city,
 B. A written explanation of why the appellant feels that a determination was in error,
 C. An appeal fee established by the city, if any.

The City Council shall promptly fix a time and place for hearing the appeal, and the Recorder/Treasurer shall mail notice of the hearing to the appellant at the address given in the

notice of appeal. The hearing shall be conducted at the time and place stated in such notice given by the City Council. The determination of the City Council shall be final. (Ord. No. 282, Sec. 10.)

10.06.11 Capital plan and level of service standards

- A. Plan adoption The capital wastewater facilities to be financed by the local wastewater impact fees shall be those facilities identified in the capital plan and level of service standards as presented in the study prepared by Duncan Associates in association with Rosenthal Associates, Inc., dated November 15, 2007, as adopted by Resolution 02-09-2009B, and the Wastewater Master Plan Impact Fee Study prepared by McClelland Consulting Engineers, Inc., dated December 2006 as adopted by Resolution 02-09-2009A. In this regard, the applicable sections of said studies are hereby adopted as the official capital plan and level of service for the city of Greenland, Arkansas, wastewater system.
- B. Plan revisions Provided, further that said plan and standards may be revised from time to time by resolution of the City Council. To this end, periodically, the Mayor or engineers hired by the city may present to the City Council a proposed capital improvements program for the city capital wastewater facilities, and such capital improvements program shall assign monies from the trust fund to specific projects and related expenses for capital wastewater facilities. Any monies, including any accrued interest not assigned to specific projects within such capital improvements program and not expended, shall be retained in the local wastewater impact fee trust fund subject to the refund provisions above. (Ord. No. 282, Sec. 11.)

10.06.12 Penalty The penalty for violation of this ordinance shall, upon conviction in the West Fork District Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Greenland Municipal Code as may now or hereafter be enacted by the City Council. (Ord. No. 282, Sec. 12.)

10.06.13 Administration

- A. The City Council shall assign to a city employee the responsibilities of the Impact Fee Administrator hereinabove set forth. Failure of the Council to make such assignment or in case of a lapse in such responsibility after assignment by the Council the responsibility shall be on the Recorder/Treasurer to fulfill such responsibilities.

- B. All monies collected as local wastewater impact fees, all funds held as local wastewater impact fees in the above-mentioned trust funds, all accounts created to hold the local wastewater impact fees and all refunds of unexpended local wastewater impact fees (including interest thereon) shall be by the duly elected/appointed City Recorder/Treasurer. (Ord. No. 282, Sec. 13.)

10.06.14 Temporary Suspension Enforcement of Chapter 10.06 of the Greenland Municipal Code shall be suspended from the 15th day of September 2017, for a period of 24 months to encourage and stimulate new development within the City; this moratorium specifically does not apply to any Chapter or Section of the GMC except Chapter 10.06 and then only for the aforesaid period of time, after which enforcement of Chapter 10.06 (GMC) shall resume without further action of the Council on the 16th day of September, 2019. (Ord. No. 325, Sec. 3.)

CHAPTER 10.07

FAYETTEVILLE WASTEWATER SYSTEM IMPACT FEES

Sections:

- 10.07.01 Impact fee
- 10.07.02 Short title, authority and applicability
- 10.07.03 Definitions
- 10.07.04 Legislative rulings
- 10.07.05 Intent
- 10.07.06 Fayetteville Wastewater System impact fee imposed
- 10.07.07 Use of system impact fee funds
- 10.07.08 Refund of impact fees paid
- 10.07.09 Appeals
- 10.07.10 Capital plan and level of service standards
- 10.07.11 Penalty
- 10.07.12 Administration

10.07.01 Impact fee A Fayetteville Wastewater System Impact Fee is hereby established for the city of Greenland for facilities/improvements to meet increased demand, hereinafter referred to as the “System.” (Ord. No. 280, Sec. 1.)

10.07.02 Short title, authority and applicability

- A. **Short title** This ordinance shall be known and may be cited as the Fayetteville Wastewater System Impact Fee Ordinance.
- B. **Authority** This ordinance is enacted pursuant to the authority granted to the city by A.C.A. 14-56-103 and other relevant laws and judicial interpretations of the state.
- C. **Applicability** The provisions of this ordinance shall apply to all of the territory within the city's wastewater service area, including the corporate limits of Greenland, any unincorporated area of Washington County served by the system and all future additions to said city or system service area.
- D. The following types of development shall be required to pay a Fayetteville wastewater system impact fee:
1. New and existing development seeking a new connection to the city's wastewater system resulting in increased demand from Fayetteville's wastewater system facilities. This shall not apply to existing development that is connecting to the wastewater system in order to eliminate an individual sewage disposal system.
 2. Non-residential or residential redevelopment seeking a larger capacity or additional water meter. (Ord. No. 280, Sec. 2.)

10.07.03 Definitions For the purpose of this ordinance, the following terms shall have the following meanings:

Capital wastewater facilities Fayetteville's Wastewater Collection System, any treatment facilities, lift lines, lift stations, interceptors, buildings, improvements to land, land and related equipment used to provide wastewater services, as defined in the study, to the Greenland Wastewater System. The costs of capital wastewater facilities also include the costs of related planning and design for these facilities.

Certificate of occupancy A certificate issued by the city permitting the occupancy of a structure connected to the city's wastewater system. Said certificate may be limited to the structure's wastewater system for those structures located outside the corporate limits of Greenland.

City The city of Greenland, Arkansas, including, but not limited to, its municipal utilities department.

City Council The duly elected/appointed City Council of the city of Greenland, Arkansas.

Developer Any person, firm or corporation commencing a development who is obligated to pay an Impact Fee in accordance with the terms of this ordinance, or who would be obligated to pay such a fee except for an exemption, refund, or credit provided for in this ordinance.

Development Any residential, multi-family, mixed-use, commercial, or industrial improvement to lands within the system service area.

Impact fees The system wastewater impact fees established by this ordinance pursuant to A.C.A. 14-56-103 for system utilities/improvements that meet increased demand.

Impact fee study (the study) A study that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the Fayetteville's capital wastewater system facilities, and that determines the cost of the facilities necessary to meet the demands created by new development.

Improvements The results of planning, engineering, design, construction inspection, on-site construction, off-site construction, land, the purchase of related equipment, and financing associated with new or expanded capital wastewater facilities, buildings, and equipment that expand the capacity of capital wastewater facilities, but not including maintenance, operations, or improvements that do not expand capacity.

Independent fee calculation study A study prepared by Duncan/Associates in association with Rosenthal Associates, Inc. (including but not limited to all plans and studies referenced therein), calculating the cost of expansions or improvements to the capital wastewater facilities required to serve the developer's proposed development, that is based on the established level of service standard, performed on an average cost (not marginal cost) methodology, that uses the service units and unit construction costs stated in the study, and is performed in compliance with any criteria for such studies established by this ordinance or by the city.

Person Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.

State The state of Arkansas.

Successor in interest A person, as defined by this ordinance, who gains a fee simple interest in land for which an impact fee is paid or a credit is approved pursuant to the terms of this ordinance.

System impact fee trust fund The trust fund established by this ordinance. The system impact fee trust fund is also called the system trust fund. (Ord. No. 280, Sec. 3.)

10.07.04 Legislative rulings The City Council of Greenland, Arkansas, finds, determines and declares that:

- A. System expansion required The protection of the health, safety, and general welfare of the citizens of the city requires that Fayetteville's capital sewer facilities be expanded and improved to accommodate growth and development within the city.
- B. System demand New residential and non-residential development imposes increased and excessive demands upon the existing system facilities and often overburdens the existing system facilities. Provided, further, new development is expected to continue, and will place ever-increasing demands on the system to provide these facilities to serve new development.
- C. System revenues System revenues generated from new development often does not generate sufficient funds to provide the necessary capital wastewater facilities to accommodate new development; therefore, the creation of an equitable Fayetteville wastewater system impact fee system would enable the city to impose a proportionate share of the costs of the needed improvements to capital wastewater facilities to accommodate new development.
- D. Study conducted In order to implement an equitable Fayetteville wastewater system impact fee system, the city in cooperation with the cities of Fayetteville, Farmington and Elkins caused to be prepared a Water and Wastewater Capital Plan and Impact Fee Analysis, hereinafter termed "study." Said study is incorporated herein by reference, and sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the system's capital facilities, and for determining the cost of acquiring the improvements necessary to meet the demands for such services created by new development.
- E. Standards established The city hereby establishes as city standards the assumptions and level of service (LOS) standards referenced in the study as part of its current plans for future expansions to the Fayetteville's system capital wastewater facilities.
- F. Impact fee use limited The impact fees described in this ordinance are based on the study, and do not exceed the costs of improvements to serve new development that will pay the impact fees nor shall such fees to be used to correct existing

deficiencies from these capital facilities, or to replace or rehabilitate existing improvements. This is intended to be a Fayetteville Wastewater System Impact Fee for system facilities/improvements that meet increased demands proportionate to growth in the city.

- G. Benefit Those capital wastewater facilities/improvements listed in the study will benefit all new development in cities of Farmington, Fayetteville, Elkins and Greenland that depend on wastewater services provided by Fayetteville, and it is therefore appropriate to treat the entire system as a single service area for purposes of calculating, collecting, and spending the Fayetteville Wastewater System Impact Fee funds.
- H. Impact fee relationship There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this ordinance and the impact fees that such development will be required to pay.
- I. Impact fee purpose This ordinance creates a system by which Fayetteville wastewater system impact fees paid by new development will be used to finance, defray or reimburse all or a portion of the costs incurred by the System to construct improvements for the system's capital wastewater facilities in ways that benefit the development that paid each fee within a reasonable period of time after the fee is paid.
- J. System fee adopted by Fayetteville The city of Fayetteville, by ordinance, determined the appropriate system fee to be charged to each development (as defined in 10.07.02[D] above) in Fayetteville, Farmington, Greenland and Elkins from and after March 31, 2009, to be \$872.00 per service limit. (Ord. No. 280, Sec. 4.)

10.07.05 Intent

- A. Capital improvement plan This ordinance is adopted to assist in the implementation of the capital improvement plan (CIP) for wastewater system projects of the Fayetteville Wastewater System. To that end, the intent of this ordinance is to ensure that new development bears a proportionate share of the cost of improvements to capital wastewater facilities; to ensure that such proportionate share does not exceed the cost of improvements for capital wastewater facilities required to accommodate new development; and to ensure that funds collected from new development are actually used for improvements for capital wastewater facilities that benefit such new development.

- B. Impact fee purpose It is the further intent of this ordinance that new development pay for its fair share of the cost of improvements for capital wastewater facilities required to accommodate new development in Greenland through the imposition of a Fayetteville Wastewater System impact fee that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the System to construct improvements to the capital wastewater facilities that serve or benefit such new development. It is not the intent of this ordinance to collect any money from any new development in excess of the actual amount necessary to offset new demands for capital wastewater facilities.
- C. Funds restricted It is not the intent of this ordinance that any monies collected from the Fayetteville Wastewater System impact fee deposited in the System fee trust fund ever be commingled with monies from any other trust fund or account, or ever be used for a type of facility or equipment different from that for which the fees are paid, or are ever used to replace or rehabilitate existing improvements. (Ord. No. 280 Sec. 5.)

10.07.06 Fayetteville Wastewater System Impact Fee imposed

- A. Fayetteville Wastewater System Impact Fee obligation After the effective date of this ordinance, any person, firm or corporation who commences any development, except those exempted hereinafter, shall be obligated to pay a Fayetteville Wastewater System impact fee upon commencement of such activity. The amount of the fees shall be determined in accordance with this ordinance, and shall be paid to the city or the city of Fayetteville as provided hereinafter. All monies paid by a developer pursuant to this ordinance shall be identified as Fayetteville system impact fees and shall be promptly deposited into the wastewater system trust fund described hereinafter.
- B. System impact fee collection The Fayetteville Wastewater System impact fee imposed by this ordinance shall be collected in connection with and as a condition to the installation of a water meter serving the development or of the connection to the wastewater system, whichever comes first. Development projects which have obtained building permits prior to the effective date of this ordinance shall not have to pay Fayetteville's Wastewater System impact fee if the building is completed with water and sewer hookups installed and certificate of occupancy issued prior to March 31, 2009.
- C. Fayetteville Wastewater System Impact Fee calculation Fayetteville's Wastewater System impact fee shall be based on water meter size. The impact fees established hereinafter may be revised from time to time by the City Council.

D. Fee determination

1. Schedule of fees 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 non-residential uses based on the size of the water meter using the following schedule:

Service Unit Generation Rate Property Type Unit of Measure (BOU) Greenland

Net cost per service unit (EOU)

Single-family	dwelling unit		\$872.00
Multi-family	dwelling unit	\$1.00	\$872.00
Mobile home	dwelling unit	\$0.71	\$620.00
Non-residential		\$1.00	\$872.00
5/8" x 3/4" meter	water meter	\$1.00	\$872.00
1" meter	water meter	\$2.50	\$2,180.00
1½" meter	water meter	\$5.00	\$4,360.00
2" meter	water meter	\$8.00	\$6,976.00
3" meter	water meter	\$16.00	\$13,952.00
4" meter	water meter	\$25.00	\$21,800.00
6" meter	water meter	\$50.00	\$43,600.00
8" meter	water meter	\$80.00	\$69,760.00
10" meter	water meter	\$116.00	\$100,280.00

2. Redevelopment, reconstruction, change of use In the event of a redevelopment, reconstruction or change of use from an existing development or use, the fee shall be the difference between what the fee would be for the entire redevelopment or reconstruction project and what the fee would have been for the existing development or use. Existing development must be connected to the wastewater system at the time of redevelopment in order to apply this credit.
3. Mixed use If the proposed development includes a mix of the residential land uses and/or non-residential meter sizes that are listed in the impact fee schedule, the fee shall be determined by adding up the Fayetteville's Wastewater System impact fee that would be applicable for each residential land use type and/or non-residential meter size as if it was a freestanding land use type.

4. Fire suppression/low pressure It is the intent of this ordinance to base Fayetteville's Wastewater System impact fee on the typical usage in a new building or other facility. Extinguishing of fires is not a part of typical usage; to allow adequate fire flow to sprinklers and internal hydrants at some large and at risk properties, it may be necessary for fire protection purposes to install a larger water meter than would be necessary to meet day-to-day needs of that facility. In addition, a larger meter may be required in areas of low water pressure than in areas of normal water pressure for the same type of use. In those cases, it is the policy of the city that the impact fee for wastewater should be based on the meter size needed by that facility for its typical usage, without regard to fire-flow or unusual pressure conditions.

5. Irrigation Any separate water meter installed for irrigation purposes only shall not be included in the calculation of the Fayetteville Wastewater System impact fee.

6. Affordable housing exemption

Single-family and non-profit multi-family supportive housing
 Construction of single-family and non-profit multi-family supportive housing funded wholly or primarily by federal Community Development Block Grants, non-profit service organizations such as Habitat for Humanity, Housing and Urban Development housing loans and similar programs designed to provide affordable, owner-occupied, single family residences to low income individuals and non-profit multi-family supportive housing may be exempted from payment of Fayetteville's Wastewater System impact fee pursuant to this ordinance by the City Council.

7. Master meters In the event that a water master meter is utilized for any development including multi-family or mixed use, the Fayetteville Wastewater System impact fee shall be based on the Master Meter size. (Ord. No. 280, Sec. 6.)

10.07.07 Use of system impact fee funds

- A. System trust fund A Fayetteville Wastewater System impact fee trust fund (hereinafter "system trust fund") is hereby established for the purpose of ensuring that the Fayetteville's Wastewater System impact fees collected pursuant to this ordinance are designated for the accommodation of impacts reasonably attributable to new development that paid the Fayetteville Wastewater System impact fee.

- B. System trust fund management All Fayetteville's Wastewater System impact fee collected by the city or Fayetteville pursuant to this ordinance shall be promptly deposited into the system trust fund. The system trust fund shall be maintained in an interest bearing account. Monies in the system trust fund shall be considered to be spent in the order collected, on a first-in/first-out basis. This system fund shall contain only those Fayetteville's Wastewater System impact fees collected pursuant to this ordinance plus any interest which may accrue from time to time on such funds.
- C. System trust fund limitations The following limitations shall apply to the use and expenditure of Fayetteville Wastewater System impact fees collected and deposited in the system trust fund:
1. The Fayetteville Wastewater System impact fee imposed pursuant to this ordinance may be assessed, collected and expended only for the planning, design and construction of new system wastewater facilities or of system capital improvements to existing wastewater facilities that expand the system's capacity or the recoupment of prior system capital improvements to wastewater facilities that created system capacity available to serve new development.
 2. The Fayetteville Wastewater System impact fee may be pledged to the payment of bonds issued by the city and/or Fayetteville to finance wastewater capital improvements or wastewater facilities for which the Fayetteville Wastewater System impact fee may be imposed.
 3. No Fayetteville Wastewater System impact fee shall be assessed for or expended upon the operation or maintenance of any wastewater facility or for the construction or improvement of wastewater facilities that do not create additional capacity.
 4. No monies from the system trust fund shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type or to cure deficiencies in capital wastewater facilities existing on the effective date of this ordinance.
 5. As described in 10.07.08, Refunds.
(Ord. No. 10.07.07, Sec. 7.)

10.07.08 Refund of impact fees paid

- A. When refund due The city shall refund the portion of collected development Fayetteville's wastewater system impact fees, including the accrued interest, that

has not been expended seven (7) years from the date the fees were paid. The refund shall be made on a pro rata basis and shall be paid in full not later than ninety (90) days after the date certain upon which the refund becomes due.

- B. Refund notice When due, a refund shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected. Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property no later than thirty (30) days after the date on which the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.
- C. Refund payment The refund shall be made on a prorated basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- D. Notice of refund rights At the time of payment of the Fayetteville wastewater system impact fee under this ordinance, the Impact Fee Administrator shall provide the applicant paying such fee with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any collection of any impact fee under this ordinance. (Ord. No. 280, Sec. 8.)

10.07.09 Appeals Any determination made by an official of the city charged with the administration of any part of this ordinance may be appealed to the City Council by filing with the Recorder/Treasurer within ten (10) days of the date of the determination being appealed:

- A. A written notice of appeal on a form provided by the city.
- B. A written explanation of why the appellant feels that a determination was in error,
- C. An appeal fee established by the city, if any.

The City Council shall promptly fix a time and place for hearing the appeal, and the Recorder/Treasurer shall mail notice of the hearing to the appellant at the address given in the notice of appeal. The hearing shall be conducted at the time and place stated in such notice given by the Recorder/Treasurer. The determination of the City Council shall be final. (Ord. No. 280, Sec. 9.)

10.07.10 Capital plan and level of service standards

- A. Plan adoption The capital wastewater facilities to be financed by the Fayetteville's Wastewater System impact fee shall be those facilities identified in the system capital plan and level of service standards as presented in the study

prepared by Duncan/Associates in association with Rosenthal Associates, Inc., dated November 15, 2007. In this regard, the applicable sections of said studies as they pertain to the Fayetteville “System Improvements” are hereby adopted as the official capital plan and level of service by the city of Greenland, Arkansas.

- B. Plan revisions Provided, further that said plan and standards may be revised from time to time by resolution of the City Council. To this end, periodically, the Mayor or engineers hired by the city or Fayetteville may present to the City Council a proposed capital improvements program. The system capital improvements program shall assign monies from the trust fund to specific projects and related expenses for capital wastewater facilities. Any monies, including any accrued interest not assigned to specific projects within such capital improvements program and not expended, shall be retained in the system trust fund subject to the refund provisions above. (Ord. No. 280, Sec. 10.)

10.07.11 Penalty The penalty for violation of this ordinance shall, upon conviction in any court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Greenland Municipal Code as may now or hereafter be enacted by the City Council. (Ord. No. 280, Sec. 11.)

10.07.12 Administration

- A. Impact Fee Administrator The City Council shall assign to a city employee the responsibilities of the Impact Fee Administrator hereinabove set forth. Failure of the Council to make such assignment or in case of a lapse in such responsibility after assignment by the Council the responsibility shall be on the Recorder/Treasurer to fulfill such responsibilities.
- B. All monies collected as Fayetteville’s Wastewater System impact fee, all funds held as Fayetteville’s Wastewater System impact fee in the above-mentioned system trust fund, all accounts created to hold the Fayetteville’s Wastewater System impact fee and all refunds of unexpended Fayetteville Wastewater System impact fee (including interest thereon) shall be by the duly elected/appointed City Recorder/Treasurer or appropriate Fayetteville official. (Ord. No. 280, Sec. 12.)

CHAPTER 10.08

WATER AND SEWER RATES

Sections:

- 10.08.01 Water rates
- 10.08.02 Sewer rates
- 10.08.03 Payment procedures
- 10.08.04 Statement

10.08.01 Water rates That the following rates and charges which the City Council of the city of Greenland, Arkansas, hereby finds and declares to be fair, reasonable and necessary minimum rates, be and they are hereby, fixed as rates to be charged for water services to be rendered by the system.

MONTHLY WATER RATES. (Provided and handled by the city of Fayetteville, Arkansas).

10.08.02 Sewer rates (Provided and handled by the city of Fayetteville, Arkansas).

10.08.03 Payment procedures (Provided and handled by the city of Fayetteville, Arkansas).

10.08.04 Statement (Provided and handled by the city of Fayetteville, Arkansas).

