

ORDINANCE NO. 1787

Not used

AN ORDINANCE CREATING A NEW CHAPTER, CHAPTER 10.16,
REGARDING WATER AND SEWER EXTENSIONS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF EUREKA SPRINGS, ARKANSAS:

Section 1. That Title 10 of the Eureka Springs Municipal Code is hereby amended
by the addition of a new chapter, Chapter 10.16, which reads as follows:

10.16.01 Mainline water and sewer connections.

(a) All mainline extensions of water and sewer lines shall be at the expense of the person wishing to extend such lines. The City will further determine linear foot cost of the construction of said lines and shall charge any additional connecting customer's the prorata per front foot cost of the original installation as calculated in the following manner: the linear front foot distance for prorata cost assessment shall be equal to the square root of the total square frontage of property designated for service by the water and sewer connections. A connecting customer shall be defined as a customer making a 2" or larger connection to a waterline or a multi-service connection to a sewer line. Upon the request of the developer of the originally installed line, the city will rebate each connection charge as defined in this section back to the developer as they are received by the City for a maximum ten (10) year period from the completion of the installed line or until 50% of the original cost of the line(s) is recovered by the developer whichever comes first. No rebates shall be allowed on any line less than six inches (6") in size. Where the investment by the developer of the originally installed lines for said line exceeds one Million Dollars (\$1,000,000) the City may, by separate contract approved by the City Council, extend the rebate period to a maximum twenty (20) year period from the completion of the installed line or until fifty percent (50%) of the original cost of the line is recovered by the developer, whichever comes first.

(b) The minimum line size for water lines constructed in the City of Eureka Springs, Arkansas, and desiring to be main lines off which service connection shall be made will be a six inch (6") loop or eight inch (8") deadend. Lines serving dead-ends or cul-de-sacs determined by the Public Service Director to have no potential for future extension may be four inch (4").

(c) In the event a person wishing to extend a main line would like to install a lesser line size that set forth in 2(b), he or she may appeal to the City Council of the City of Eureka Springs, Arkansas, which shall determine whether or not the minimum line size is applicable.

10.16.02 Procedures

No extension of the water lines with the corporate limits of the City of Eureka Springs, Arkansas, shall be effected unless approved by the City Public Works Director and the City Fire Chief. Said approval shall require that any such extensions shall meet all state and city codes and requirements and that such lines shall be constructed according to said codes at the property owner's expense.

(a) No extension shall be connected to the city system unless the same shall be approved and accepted by the City and located within verified easements dedicated to the City. All such extensions shall become the property of the City upon connection of such extension and upon acceptance of conformity to the City of Eureka Springs water and sewer specifications.

(b) No formal contract shall be necessary for such extensions.

(c) No extension of water and sewer lines or services shall be permitted to any parcel of property outside the corporate limits of the City of Eureka Springs except as set out in the Municipal Code of Eureka Springs or under a separate contract and approved by the City Council.

(d) If the Public Works Director shall determine if said lines or services are detrimental to the City's system and may deny such extension of said basis.

10.16.03 Connection and rebates

(a) Once a main line water or sewer installation has occurred, any parties desiring to connect on to such main line water or sewer installation shall be required to pay a proportionate share of the original construction cost of said line. Said proportionate share shall be determined as set forth in Section 10.16.01. After any maximum payback or rebate period of time has passed, all monies collected for connection of such main lines shall be paid to the City of Eureka Springs.

(b) The provisions of this ordinance shall in no manner prevent the City Council from engaging in additional cost-sharing of line extensions for sewer or water lines in the event they find that said extensions and the City's contribution would be beneficial for the City of Eureka Springs.

Section 2. If any part of this ordinance is found unenforceable for any reason whatsoever, it shall affect the remaining parts thereof.

Section 3. All ordinances and parts of ordinances in conflict with this ordinance shall be repealed to the extent of said conflict.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS ___ DAY OF _____, 1998.

APPROVED:

BARBARA A. O'HARRIS, Mayor

ATTEST:

MARY ANN LEE, Clerk