

## ORDINANCE NO. 6170

AN ORDINANCE REPEALING ORDINANCE NO. 5931; ADOPTING NEW REGULATIONS GOVERNING THE EXTENSION AND CONNECTION OF MUNICIPAL WATER AND WASTEWATER SERVICES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

*WHEREAS*, it is in the best interest of the City of Hot Springs (“City”) and Hot Springs Municipal Utilities to establish and adopt certain regulations governing the extension and connection of water and wastewater services;

*NOW, THEREFORE, BE IT ORDAINED* by the Board of Directors of the City of Hot Springs, Arkansas:

**SECTION 1.** The following regulations are hereby adopted and shall be known as the “Hot Springs Municipal Utilities Extension and Connection Regulations.”

- (a) **Statement of policy.** It is hereby declared to be the policy of the City of Hot Springs and its municipal utility departments to maintain and operate its water and wastewater systems pursuant to *A.C.A. §14-234-110* and *A.C.A. §14-234-111*.
- (b) **Connections and Extensions.** Connection and/or extension requests shall be processed in accordance with the provisions herein.
- (c) **Connection.** A connection is a single tap of an existing water or wastewater main. A water main tap requires a water meter.
- (d) **Extension.** An extension is the lengthening of a water or wastewater main serviced by the City’s system(s).
- (e) **Applicant.** For purposes of this ordinance, the term “applicant” shall mean any person, entity, property owner, builder, contractor, plumber, or developer requesting a connection to and/or an extension of the City’s water and/or wastewater system.
- (f) **Administrative Approval.** The City Manager or his/her designee shall maintain all application requests for water and/or wastewater connections and/or extensions, and shall prepare a standardized application form to document each such request. A completed application form and fee must be submitted by the applicant prior to processing the request for services. The application fees for water and/or wastewater connection and/or extension are as follows:

Residential:	\$150.00
Commercial:	\$250.00

The City Manager is authorized to adjust such fees from time to time based upon the rate of inflation. In the event that an application is approved, the amount

tendered by the applicant shall be credited toward the cost of the service installation so approved.

- (1) Any request for residential or commercial water and/or wastewater connections and/or extensions may be approved by the City Manager, or his/her designee, on a case by case basis, taking into consideration the production and/or capacity limitations of the City's water and/or wastewater system(s). In determining the capacity limitations of the systems, the utility departments shall assess the impact that any such connection or extension will have on the overall capacity of the particular system to be affected, which from time to time may require a calculation of such an impact utilizing water and/or wastewater models now or hereafter available to the City. The costs, if any, associated with such an assessment shall be paid by the applicant.
- (2) Any structure to be connected to the City's water and/or wastewater systems shall comply with the state plumbing code, as now or hereafter adopted by the City (currently *H.S.C. §15-6-2*), the Arkansas Fire Prevention Code, as now or hereafter adopted by the City (currently *H.S.C. §15-7-1.2*), and shall be subject to all necessary permits and requisite fees related thereto.
- (3) Connections to the City's water and/or wastewater systems outside of the City limits shall be limited to the following:
  - A. (i) One (1) single family residential dwelling consisting of one (1)  $\frac{5}{8}$ " water meter connection and/or one (1) single wastewater connection per lot of record. For purposes of these regulations, a lot of record shall have the same definition found in Ordinance No. 5822 (*H.S.C. §16-4-9(e)(3)*). A lot of record may be modified by a lot line adjustment or addition of adjoining land as long as the property remains one parcel of land and the adjustment is documented by a recorded deed; or
  - (ii) One (1) single occupancy commercial structure within the City's adopted territorial jurisdiction as authorized by *A.C.A. §14-56-401, et.seq.*, consisting of one (1)  $\frac{5}{8}$ " water meter connection and/or one (1) single wastewater connection per lot of record. For purposes of these regulations, a lot of record shall have the same definition found in Ordinance No. 5822 (*H.S.C. §16-4-9(e)(3)*). A lot of record may be modified by a lot line adjustment or addition of adjoining land as long as the property remains one parcel of land and the adjustment is documented by a recorded deed.

- B. There must be an existing main for the water and/or wastewater service requested that is located on such a lot of record or is located in the public street or roadway that fronts the lot of record.
- C. A lot of record must also have frontage on a public street or roadway, or a private street filed of record in an approved final subdivision plat.
- D. Water meter installation must be adjacent to such a public street, roadway, or private street.
- E. In instances in which a grinder pump is required for wastewater service, each such grinder pump shall be limited to one (1) connection. However, previous approvals for existing subdivisions will be honored.
- F. Water and/or wastewater extensions to the City's current system(s) are held in abeyance with the following exceptions:
  - (i) to eliminate health hazards including but not limited to failed septic tank systems or contaminated water wells, provided that such extension is no more than 300 feet in length; or
  - (ii) to eliminate non-complying connections and service lines, including but not limited to service lines that cross neighboring properties, service lines under structures, and services obtained from connections to other private systems or services rather than City water or wastewater mains, provided that such extension is no more than 300 feet in length.
- (g) **Cost of Connections and Extensions.** The installation expense, required permits, fees, and any other costs associated with an approved connection and/or extension, or the appeal of a denial of same, shall be the responsibility of the applicant.
- (h) **Appeal Process.** In the event that an applicant asserts that the City Manager, or his/her designee, has misinterpreted or misapplied the regulations set forth herein, the applicant may appeal a denial of such an application to the Hot Springs Board of Directors. Such an appeal shall be *de novo*, with the Board of Directors acting in a quasi-judicial capacity. The City Manager, or his/her designee, shall prepare a standardized submission form, as approved by the City Attorney, for all such appeals, setting forth the fee for same and the criteria to be applied by the Board of Directors. All appeals must be filed with the City Clerk's Office within thirty (30) days of any denial and shall include a complete submission form, filing fee of \$250.00, and all relevant information to be considered by the Board of Directors.

- (i) **Extension Specifications and Standards.** City review, inspection, and approval of the plans and specifications shall be required for all water or wastewater line and service extension projects. All such projects shall be constructed in accordance with the minimum standards, applicable building and technical codes, rules, regulations and policies as may now or hereafter be required or enacted by the City of Hot Springs, the State of Arkansas, and/or the United States of America.
- (j) **Acceptance of Improvements.** Once water or wastewater line improvements and/or extensions authorized by this ordinance have been constructed by the permittee and approved by the City of Hot Springs Utilities Department in accordance with the Department's specifications, said improvements shall be presented for acceptance by resolution of the Board of Directors for perpetual maintenance by the City of Hot Springs.
- (k) **Administrative Policies.** The City Manager may promulgate administrative policies to effectuate the intent of this ordinance.

**SECTION 2.** This ordinance shall be codified in the Hot Springs Code of Ordinances, and the sections may be re-numbered or re-lettered to accomplish such intention.

**SECTION 3.** Ordinance No. 5931 is repealed hereby upon the effective date of this ordinance.

**SECTION 4. Effective Date: Emergency clause.** This ordinance, being immediately necessary for the protection of the public health, safety, and welfare, it is hereby found and determined that an emergency exists; and therefore shall be in full force and effect from and after the date of its passage and approval.

PASSED: October 18, 2016

ATTEST:   
LANCE SPICER, CITY CLERK

APPROVED:   
RUTH CARNEY, MAYOR

APPROVED AS TO LEGAL FORM:   
BRIAN W. ALBRIGHT, CITY ATTORNEY