

**CITY OF AUSTIN**

**ORDINANCE NO. 07-2006**

**AN ORDINANCE PROVIDING FOR  
IMPOSING CONSUMPTION FEES ON NEW DEVELOPMENT; FIXING SAID  
CONSUMPTION FEE FOR THE CITY OF AUSTIN, ARKANSAS;  
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, the city of Austin may assess by ordinance a consumption fee to offset cost to the municipality that are reasonable attributable to providing necessary public facilities to new development; and,

WHEREAS, it is necessary for the City to establish a schedule of rates to be charged for continued development. Assessing, collecting, and expending said fees only for the planning, design, and construction of new public facilities or of capital improvements to existing public facilities that expand it capacity.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF AUSTIN, ARKANSAS:**

Section 1: That this municipality may assess and consumption fees from new development in reasonable proportion to the demand for additional capacity in public facilities that is reasonable attributable to the use and occupancy of that new development.

Section 2. That the municipality has adopted a capital plan and level of service standards for all of the public facilities that are to be so financed by the consumption fee.

Section 3. That a statement of the new public facilities and capital improvements to existing public facilities that will be financed by the fees and the level of service standards included in the capital plan for the public facilities are to be financed with consumption fees are attached, and made a part of this ordinance, marked as Appendix A.

Section 4. That said fee shall be assessed at the time of the issuance of water meters and building and shall be collected by the city clerk. The fee is set at a rate of \$600 per family residential living unit commercial impact fee of \$1500 with an additional fee of \$75.00 per restroom.

Section 5. That the municipality shall collect the fee at the time and manner and from the party as prescribed in the ordinance and shall collect the fee separate and apart from any other charges to the development.

Section 6. That the funds collected under this fee ordinance shall be deposited into a special interest bearing account. The interest earned on the moneys in the separate account shall be credited to the special fund and the funds deposited into the special account and the interest earned shall be expended only in accordance with this section. No other revenues or funds shall be deposited into the special account.

Section 7. That the municipality shall refund the portion of collected development impact fees, including the accrued interest that has not been expended seven (7) years from the date the fees were paid. 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.

Section 8. Severability. The provision of this Ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of the Ordinance.

Section 9. No other provision of an Ordinance has been amended or altered by the passage of this Ordinance.

Section 10. Emergency. The proper and beneficial use of water and providing for services to the City of Austin is of great importance to the welfare, health, and safety of the inhabitants of the City. It is therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force on October 23, 2006.

PASSED: \_\_\_\_\_ day of October, 2006.

APPROVED:   
Mayor

ATTEST:

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CITY CLERK