

**ORDINANCE NO. 2012- 17**

**AN ORDINANCE OF THE CITY OF BRYANT, ARKANSAS AMENDING ORDINANCE NO. 2004-19, SECTION 2 AND ADDING A NEW SECTION 3; AMENDING ORDINANCE NO. 2007-40, ARTICLE 16 WHICH AMENDED ORDINANCE NO. 2007-23; CONFIRMING THE POLICY OF THE CITY OF BRYANT AGAINST PROVIDING BRYANT MUNICIPAL WATER AND SEWER TO NEW CUSTOMERS LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY WITHOUT CITY COUNCIL'S APPROVAL; ACKNOWLEDGING THE EXCEPTION TO THIS STATED POLICY IN THE CASE OF SALINE COUNTY WATERWORKS AND SANITARY SEWER (WOODLAND HILLS); AND AUTHORIZING THE CITY OF BRYANT WATER/WASTEWATER COMMITTEE TO APPROVE NEW WATER AND SEWER SERVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF BRYANT, ARKANSAS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR A SEVERABILITY CLAUSE.**

**WHEREAS**, the City of Bryant ("Bryant") has a policy against furnishing water and sewer services from the Bryant Municipal Water and Sewer System to customers located outside the corporate limits of Bryant, and wishes to continue that policy; and

**WHEREAS**, the City of Bryant, Arkansas, Saline County, is willing to provide these services to locations outside the Corporate Limits of the City, with City Council's approval; and

**WHEREAS**, the City of Bryant, Arkansas, Saline County, may from time to time find it in the best interests of the City to provide water and sewer services for appropriate fees and rates to locations adjoining to or contiguous with the Corporate limits of the City of Bryant.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS:**

**SECTION 1.** It is therefore declared that the City amends Ordinance No. 2004-19, Section 2 to read as follows:

**Section 2.** To allow that communities, residences, or businesses located outside the Corporate Limits of the City, but that adjoin or are contiguous to such Corporate Limits of the City, may petition the Bryant City Council, through the Bryant Water or Sewer Department, to allow water and sewer services to be sold to such locations outside the Corporate Limits of the City of Bryant. The City Council of Bryant specifically reserves the right and sole authority to approve such sale of services outside the Corporate Limits of the City of Bryant.

Adding Section 3 to Ordinance No. 2004-19 to read as follows:

**Section 3.** Except as expressly authorized by Council, no new water or sewer services from the Bryant Municipal Water or Sewer Systems shall be provided to customers located

outside the City of Bryant, Arkansas, corporate limits. The policy of the City of Bryant, Arkansas, against serving water or sewer to customers outside its corporate limits is hereby confirmed.

**SECTION 2:** Ordinance No. 2007-23 as amended by Ordinance No. 2007-40, Section 16 is hereby amended for the sole purpose of adding the following language:


**Section 16:** Water and Wastewater Committee members may draft and propose committee rules and by-laws but no such rule(s) shall become final without a majority vote of the City Council. The committee members may debate, prepare, and draft, and present proposed ordinances, regulations and/or amendments to existing ordinances, regulations and/or amendments to the City Council for adoption at its next regularly scheduled meeting. However, under no circumstances shall such proposals be submitted less than 14 days prior to a regularly scheduled City Council meeting, except in cases of emergency. A two-thirds (2/3) majority vote of the City Council shall be required to repeal this ordinance. Notwithstanding the foregoing, Committee members may not establish policies for the City or the Committee without prior approval of the City Council. Hereinafter, however, the Water and Wastewater Committee shall have the authority to approve new water and sewer services within the corporate limits of the City of Bryant, Arkansas without the requirement for such new service approval being reviewed and separately approved by the City Council.

**SECTION 3:** Ordinance No. 2007-23 and Ordinance No. 2007-40, as hereby amended, remains in full force and effect.

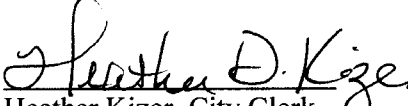
**SECTION 4:** That Ordinance No. 2004-19, Ordinance No. 2007-23 and Ordinance No. 2007-40 is hereby amended and all ordinances of the city in conflict with the provisions of these amendments are, and the same are hereby, repealed and all other ordinances of the city not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 5:** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS, on this 31st day of May, 2012.**

  
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Jill Dabbs, Mayor

**ATTEST:**

  
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Heather Kizer, City Clerk

**APPROVED AS TO FORM:**

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Richard C. Madison, Staff Attorney

ORDINANCE NO. 2004 - 19

AN ORDINANCE CONFIRMING THE POLICY OF THE CITY OF BRYANT AGAINST PROVIDING BRYANT MUNICIPAL WATER AND SEWER TO NO NEW CUSTOMERS LOCATED OUTSIDE THE CORPORATE LIMITS; MAKING AN EXCEPTION TO THE POLICY IN THE CASE OF SALINE COUNTY WATERWORKS AND SANITARY SEWER (WOOD-LAND HILLS) AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Bryant ("Bryant") has a policy against furnishing water and sewer from the Bryant Municipal Water and Sewer System to customers located outside the corporate limits of Bryant, and wishes to continue that policy; and

WHEREAS, the City of Bryant, Arkansas, Saline County, is willing to provide these services;

Section 1. Upon entering a contract between Saline County Waterworks and Sanitary Sewer (Woodland Hills) and the City of Bryant, Arkansas, Bryant shall sell water service to Saline County Waterworks and Sanitary Sewer (Woodland Hills) whose premises are located outside the corporate limits of Bryant.

Section 2. Except as expressly authorized by Section 1, no new water or sewer services from the Bryant Municipal Water or Sewer Systems shall be provided to customers located outside the City of Bryant, Arkansas, corporate limits. The policy of the City of Bryant, Arkansas, against serving water or sewer to customers outside its corporate limits is hereby confirmed.

PASSED: NOVEMBER 29, 2004

APPROVED:

  
PAUL HALLEY, MAYOR

ATTEST:

  
BRENDA COCKERHAM, CITY CLERK

(SEAL)

**ORDINANCE NO. 2007 - 40**

**AN ORDINANCE TO AMEND ORDINANCE NO: 2007-23 RESTRUCTURE AND ESTABLISH AN EIGHT MEMBER WATER AND WASTEWATER COMMITTEE AND TO APPOINT WATER AND WASTEWATER COMMITTEE MEMBERS FOR THE CITY OF BRYANT, AND FOR OTHER PURPOSES**

**WHEREAS**, Ordinance No. 2007-23 established regulations for, *inter alia*, the Water and Wastewater Committee shall have the authority to establish its bylaws. However, the authority to approve the by-laws will rest with the City Council; and

**WHEREAS**, the City Council desires to amend said regulations to address the submission of the committee's by-laws to the City Council for ratification.

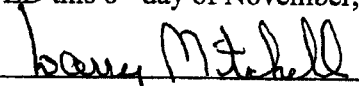
**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS THAT:**

**Section 1:** Ordinance No. 2007-23 is hereby amended for the sole purpose of adding the following language:


**Section 16:** Water and Wastewater Committee members may draft and propose committee rules and by-laws but no such rule(s) shall become final without a majority vote of the City Council. The committee members may debate, prepare, draft, and present proposed ordinances, regulations and/or amendments to existing ordinances, regulations and/or amendments to the City Council for adoption at its next regularly scheduled meeting. However, under no circumstances shall such proposals be submitted less than 14 days prior to a regularly scheduled City Council meeting, except in cases of emergency. A two-thirds (2/3) majority vote of the City Council shall be required to repeal this ordinance. Notwithstanding any of the foregoing, Committee members may not establish policies for the City or the Committee without prior approval of the City Council.

**Section 2:** Ordinance No. 2007-23, as hereby amended, remains in full force and effect.

PASSED AND APPROVED this 8<sup>th</sup> day of November, 2007.

  
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Mayor Larry Mitchell

ATTEST:

  
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Brenda Cockerham, City Clerk