

**ORDINANCE NO. 25-\_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 54-112 AND SECTION 54-211 OF THE  
CODE OF ORDINANCES OF THE CITY OF ROGERS, ARKANSAS; ADJUSTING  
THE SCHEDULE OF DEVELOPMENT IMPACT FEES FOR WATER SERVICE;  
ADJUSTING THE SCHEDULE OF DEVELOPMENT IMPACT FEES FOR SEWER  
SERVICE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers Waterworks and Sewer Commission (“the Commission”) has been empowered by the Rogers City Council to oversee efficient operation of the Rogers Water Utilities (“RWU”);

**WHEREAS**, the City of Rogers and the RWU service area continue to experience a substantial amount of new development which continues to impact existing water facilities and existing sewer facilities and creates the need for expansion and improvement of water supply and distribution facilities (“water facilities”) and the need for expansion and improvement of wastewater treatment and sanitary sewerage facilities (“sewer facilities”);

**WHEREAS**, HDR Engineering, Inc. performed a rate study for RWU (“the 2025 rate study”) with a capital plan for water facilities and a capital plan for sewer facilities incorporated therein, considering in its analysis RWU’s water masterplan and RWU’s wastewater collection system masterplan;

**WHEREAS**, the 2025 rate study and the capital plans therein contain statements of new public facilities and capital improvements to existing public facilities along with level of service standards for such public facilities;

**WHEREAS**, RWU’s 2025 rate study indicates that existing water development impact fees and existing sewer development impact fees should be adjusted to offset increased costs for expansion and improvement of water facilities and expansion and improvement of sewer facilities that are reasonably attributable to providing water services and sewer services to new development;

**WHEREAS**, the management of RWU has prepared a new proposed schedule for water development impact fees and a new proposed schedule for sewer development impact fees as shown on the attached Exhibit 1;

**WHEREAS**, the Commission has passed its Resolution No. 25-14, recommending adjustment of Development Impact Fees for Water Service and has also passed its Resolution No. 25-16 recommending adjustment of Development Impact Fees for Sewer Service; and

**WHEREAS**, having duly considered the matter, the Rogers City Council believes adjusting the schedule of Development Impact Fees for Water Service and adjusting the schedule of Development Impact Fees for Sewer Service comports with sound fiscal management of the Rogers Water Department and the Rogers Sewer Department and is in accordance with the best

interests of the Rogers Water Utilities and its customers, and the best interests of the City of Rogers.

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

Section 1: The City Council of the City of Rogers, Arkansas hereby finds and declares that the City of Rogers and the RWU service area continue to experience a substantial amount of new development which continues to impact existing water facilities and sewer facilities and creates the need for expansion and improvement of water facilities and the need for expansion and improvement of sewer facilities and that the schedule of existing water development impact fees and the schedule of existing sewer development impact fees should be adjusted to account for increased costs for expansion and improvement of water facilities and the increased costs for expansion and improvement of sewer facilities that are reasonably attributable to providing water services and sewer services to new development;

Section 2: The capital plan for water service and the capital plan for sewer service contained in the 2025 rate study along with statements of new public facilities and capital improvements to existing public facilities contained in each plan, and the level of service standards contained in each plan, are incorporated herein by reference;

Section 3: Section 54-112 and Section 54-111 of the Code of Ordinances of the City of Rogers, Arkansas are hereby amended to read as shown on the attached Exhibit 1. which is incorporated herein by reference as if set out word for word herein;

Section 4: Effective Date: As stated in Exhibit 1, the new Development Impact Fee schedules shall be in full force and effect on October 1, 2025. However, any preliminary plat, large scale development, non-large scale development or other proposed development approved by the Rogers Planning Commission pursuant to applicable provisions of the Code of Ordinances of the City of Rogers, or by another agency having jurisdiction, and approved by RWU prior to the effective date of October 1, 2025 shall be charged the development impact fees in effect as of June 16, 2025. Any development that does not begin construction within one year of RWU's approval shall be subject to the development impact fees in effect as of October 1, 2025;

Section 5: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue as if such invalid portion never existed; and

Section 6: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

APPROVED:

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C. GREG HINES, Mayor

Attest:

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Jessica Rush, City Clerk

Requested By: Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Prepared By: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and the  
Rogers Water Utilities

For Consideration By: Public Works Committee

## EXHIBIT 1. TO ORDINANCE NO. 25 \_\_\_\_

### Sec. 54-112. - Development impact fee.

(a) Effective October 1, 2025, a development impact fee shall be paid by the person or entity requesting new water service, prior to meter installation, regardless of whether any other required fee has been paid, according to the following schedule in connection with and as a condition to the installation of the water meter serving the property:

Meter size	Fee
5/8 inch	\$2,400.00
1 inch	\$3,400.00
1½ inches	\$12,100.00
2 inches	\$19,400.00
3 inches	\$36,400.00
4 inches	\$60,600.00
6 inches	\$121,200.00

All proposed living units are to be metered individually, except for institutionalized care facilities, apartments, or other commercial rentals in which the separation of plumbing facilities would render this requirement impractical.

(b) As stated in subsection (a) above, the development impact fee schedule listed herein above shall be in full force and effect on October 1, 2025. However, any preliminary plat, large scale development, non-large scale development or other proposed development approved by the Rogers Planning Commission pursuant to applicable provisions of the Code of Ordinances of the City of Rogers, or by another agency having jurisdiction, and approved by the Rogers Water Utilities (“RWU”) prior to the effective date of October 1, 2025 shall be charged the development impact fees in effect as of June 16, 2025. Any development that does not begin construction within one year of RWU’s approval shall be subject to the development impact fees in effect as of October 1, 2025.

(c) Refund procedure. The portion of development impact fees collected under subsection (a) of this section, including any accrued interest thereon, that has not been expended within seven years from the date the fees were paid shall be refunded to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

(d) The development impact fees established under subsection (a) of this section shall be adjusted, if necessary, in accordance with each new capital improvement plan or revision thereof.

(e) Pursuant to Ark. Code. Ann. 14-256-205(c) (5), development impact fees on the construction of an accessory dwelling unit shall not exceed \$250.00

**Sec. 54-211. - Development impact fees.**

(a) Effective October 1, 2025, a development impact fee shall be paid by the person or entity requesting new sewer service, prior to water meter installation, regardless of whether any other required fee has been paid, according to the following schedule in connection with and as a condition to the installation of the meter serving the property:

Meter size	Fee
5/8 inch	\$4,000.00
1 inch	\$5,600.00
1½ inches	\$20,100.00
2 inches	\$32,200.00
3 inches	\$60,400.00
4 inches	\$100,700.00
6 inches	\$201,500.00

All proposed living units are to be metered individually, except for institutionalized care facilities, apartments, or other commercial rentals in which the separation of plumbing facilities would render this requirement impractical.

(b) As stated in subsection (a) above, the development impact fee schedule listed herein above shall be in full force and effect on October 1, 2025. However, any preliminary plat, large scale development, non-large scale development or other proposed development approved by the Rogers Planning Commission pursuant to applicable provisions of the Code of Ordinances of the City of Rogers, or by another agency having jurisdiction, and approved by the Rogers Water Utilities (“RWU”) prior to the effective date of October 1, 2025 shall be charged the development impact fees in effect as of June 16, 2025. Any development that does not begin construction within one year of RWU’s approval shall be subject to the development impact fees in effect as of October 1, 2025.

(c) Refund procedure: the portion of development impact fees collected under subsection (a) of this section, including any accrued interest thereon, that has not been expended within seven years from the date the fees were paid shall be refunded to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

(d) The development impact fees established under subsection (a) of this section shall be adjusted, if necessary, in accordance with each new capital improvement plan or revision thereof.

(e) Effective April 15, 2020, when a residential fire sprinkler system (RFSS) is installed in a structure to be used as a private residence or dwelling (including a single family home, a duplex,

or manufactured home) and a one-inch water meter is required solely because of installation of the RFSS, then the sewer development impact fee listed above for a  $\frac{5}{8}$  inches water meter shall be charged for each living unit in the structure. This provision (e) shall not apply if the structure would require a one-inch water meter even without installation of an RFSS. This provision (e) shall not apply to apartment buildings or other commercial rental structures having three or more living units. This provision (e) shall not apply to a structure used as a place of business. This provision (e) is prospective only and is not to be applied retroactively to any development impact fee paid prior to its passage, approval, and effective date.

(f) Effective September 14, 2021, when a residential fire sprinkler system (RFSS) is installed in a townhouse and a one-inch water meter is required solely because of installation of the RFSS, then the development impact fee listed above for a  $\frac{5}{8}$  inches water meter shall be charged for each living unit in the structure. As used herein, "townhouse" means a single-family dwelling unit, to be used as a private residence, constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. This provision (f) shall not apply if the structure would require a one-inch water meter even without installation of an RFSS. This provision (f) shall apply to private residences only and shall not apply to apartment buildings or other commercial rental structures. This provision (f) shall not apply to a structure used as a place of business. This provision (f) is prospective only and is not to be applied retroactively to any development impact fee paid prior to its passage, approval, and effective date.

(g) Pursuant to Ark. Code. Ann. 14-256-205(c) (5), development impact fees on the construction of an accessory dwelling unit shall not exceed \$250.00