

ORDINANCE NO. 904

**AN ORDINANCE AMENDING THE STREETLIGHTS SECTION
OF THE CITY OF LOWELL LAND DEVELOPMENT CODE**

WHEREAS, after proper public notice according to state law and local ordinance, the City of Lowell Planning Commission considered and has recommended minor changes to the Streetlights Section of the Land Development Code; and

WHEREAS, the City Council of the City of Lowell has determined that the changes recommended by the Planning Commission are in the best interest of the citizens of the City of Lowell because it will enhance the promotion of orderly growth, aesthetic care, and responsible business development within the city limits of Lowell; and

WHEREAS, the City Council of the City of Lowell agrees that Section 7.8 of Ordinance No. 178, known as the Streetlights Section of the Land Development Code, dated, December 11, 1979, should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, ARKANSAS, THAT:

Section 1. Section 7.8 of Ordinance No. 178, codified at Section 16-470 of the Code of Ordinances of the City of Lowell, Arkansas, is hereby amended to read as follows:

At each intersection and along one side of each street at an interval to be determined by the Planning Commission at preliminary plat review, developers should install one of the streetlight fixture models required by and purchased from the local electric utility servicing the property being developed.

If the developer chooses to use or purchase a streetlight fixture from a source other than the local electric utility servicing the property, the City of Lowell will not pay the monthly power bill for the fixtures used, will not pay any costs or fees to maintain the fixtures used, and will not assume responsibility for monthly power bill, and/or costs and fees to maintain said streetlights in the event the development is foreclosed upon by the financing company or bank, or otherwise sold or transferred to another party or entity.

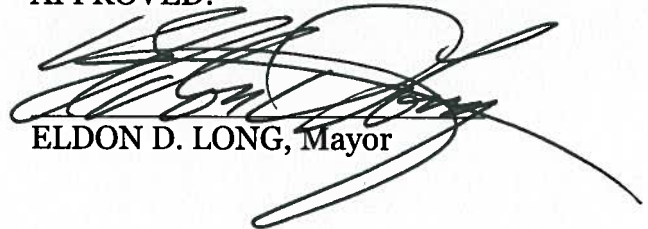
Section 2. Repealer Clause: All ordinances, resolutions, or parts thereof in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 3. Severability: If any section, paragraph, subdivision, clause, phrase or other provision or portion of this ordinance is adjudged to be invalid, unconstitutional, or unenforceable by any court with jurisdiction to make such determination, then such adjudication shall not affect the validity of this ordinance as a

whole or any part or provision other than the part adjudged to be invalid, unconstitutional, or unenforceable, and the remaining parts and provisions of this ordinance shall be construed as if such invalid, unconstitutional, or unenforceable

PASSED AND APPROVED by the City Council of the City of Lowell, Arkansas, this 13th day of December 2011.

APPROVED:



ELDON D. LONG, Mayor

ATTEST:



Elizabeth Estes, City Clerk

