

AN ORDINANCE ESTABLISHING A LIMITED POLICY OF THE
CITY OF FORT SMITH, ARKANSAS, FOR THE HEARING AND SETTLING
OF SPECIFICALLY IDENTIFIED TORT CLAIMS

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE
CITY OF FORT SMITH, ARKANSAS, that:

Section 1: The attached Limited Policy of the City of Fort Smith, Arkansas, for the Hearing and Settling of Specifically Identified Tort Claims ("Policy") is hereby adopted. The Policy supercedes the City's previous policy adopted by Ordinance No. 68-12 and Ordinance No. 47-13.

Section 2: Chapter 2, Article V, Section 2-221 of the Fort Smith Municipal Code is hereby amended to provide as follows:

The "Limited Policy Of The City Of Fort Smith, Arkansas, For The Hearing And Settling Of Specifically Identified Tort Claims" incorporated herein and made a part hereof, is hereby adopted. The Policy is not set out herein, but is on file and available for inspection in the office of the city clerk. The city administrator is hereby authorized to approve for payment claims resolved under the policy from funds appropriated for that purpose. The maximum reimbursement shall not exceed one thousand dollars (\$1,000.00) per structure per occurrence for sanitary sewer backup claims. The maximum reimbursement shall not exceed three thousand dollars (\$3,000.00) per property per occurrence for water main line break claims. The maximum reimbursement shall not exceed five hundred dollars (\$500.00) per claim for vehicle damage caused by displace manhole lid. The maximum reimbursement shall not exceed ten thousand dollars (\$10,000.00) per single property for building foundation settlement claims. The maximum reimbursement shall not exceed five thousand dollars (\$5,000.00) per structure per occurrence for water service line leak claims.

Section 3: Emergency Clause. It is determined that the adoption of an amended policy for the hearing and settling of specifically identified tort claims is essential to the appropriate administration of the relationship of the city with potential claimants and that the amendments

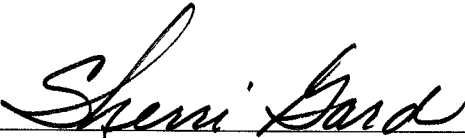
adopted by this Ordinance are in the public interest. Therefore an emergency is declared to exist, and this Ordinance, being necessary to preserve the health, safety and welfare of the inhabitants of the city, shall be in effect from and after its date of approval.

This Ordinance Passed and Approved this 17th day of October 2014.

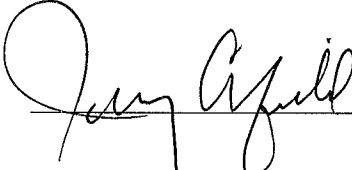
APPROVED:


Vice - Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 Publish 1 Time