

TITLE 9
STREETS AND SIDEWALKS

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- 9.04 Street Boring
- 9.06 Street Repair and Maintenance
- 9.08 Street Safety

CHAPTER 9.04

STREET BORING

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9.04.01 Prohibition/Emergency Exception. It shall be unlawful for any person to excavate or cut or to bore under any city street, alley, sidewalk, road, highway or other public way, curb or gutter in the city, unless he meets the requirements for obtaining a permit hereunder and has been granted and has in full force and effect an excavation permit issued hereunder. It shall also be unlawful for any person to hire another person to do any of the things prohibited in the preceding sentence. (Ord. No. 97-171, Sec. 1.) Notwithstanding the foregoing, a utility company may, in an emergency situation, excavate or cut or bore under any city street, alley, sidewalk, road, highway or other public way, curb or gutter in the city to repair the utility company's lines underlying such city street, alley, sidewalk, road, highway or other public way, curb or gutter provided that the utility company notifies the city by telephone as soon as practicable and, no later than the second working day thereafter, applies for a permit as required by Section 9.04.04, and otherwise complies with Chapter 9.04 of the Little Flock Code. (Ord. No. .2018-004. Sec 1)

9.04.02 Qualification for permit. Permits may be issued only to licensed contractors who are qualified to make the excavations or borings and the repairs. Whether a contractor is qualified shall be decided jointly by the City Street Inspector and the Mayor. Once a contractor is found to be qualified, the contractor shall be deemed to be qualified until the City Street Inspector and the Mayor decide jointly that the contractor is no longer qualified. If the City Street Inspector and the Mayor cannot make a joint decision, they shall refer the issue to the City Council for a decision. If a contractor is determined to be unqualified, the contractor may appeal that decision to the City Council. (Ord. No. 97-171, Sec. 2.)

9.04.03 Application. An applicant for a permit hereunder shall file with the city Recorder/Treasurer an application showing:

- A. The name, address and phone number of the person for whose benefit the work will be performed;
- B. The name, address and phone number of the party who will perform the work;
- C. The qualifications and experience of the party who will perform the work;
- D. The location of the work area;
- E. Attached plans which show details of the proposed alterations;
- F. The estimated cost of the alterations;
- G. Duration of excavation; and
- H. Such other information as the City Street Inspector finds reasonably necessary to make a determination of whether the permit should be issued.
(Ord. No. 97-171, Sec. 3.)

9.04.04 Permit fees. The fee for a permit required hereunder shall be Fifty Dollars (\$50.00) and shall accompany the application. All permit fees are not returnable. (Ord. No. 97-171, Sec. 4.)

9.04.05 Permit issuance. A permit required by this ordinance shall be issued only after a proper application has been filed under 9.04.03 and the deposit or bond required by 9.04.06 has been filed. A permit so issued shall expire six (6) months from the date of issuance but may be renewed upon application. The procedure for renewing a permit shall be the same as for obtaining the original permit and with the same fees. (Ord. No. 97-171, Sec. 5.)

9.04.06 Bond/Cash deposit. No person, including a utility company, shall make any excavation, cut, or bore for which a permit is required by this Chapter 9.04 unless he has deposited with the city Recorder/Treasurer a cash deposit or surety bond for the purpose of guaranteeing the repair or replacement of the street, alley, sidewalk, road, highway or other public way or curb or gutter. Such deposit or bond shall be in the amount equal to two (2) times the estimated cost of the repair or replacement. (Ord. No. 97-171, Sec 6. and Ord. No. 2018-004, Sec 2)

9.04.07 Light, Barricades, Detours, Etc. Every person making an excavation, cut, or bore governed by this ordinance shall place and maintain proper and adequate caution lights and barricades around the same for the protection of the public. Such lights and guards shall be subject to approval of the City Street Inspector. If detours are needed while the excavation, cut, or bore is open or in process, then the person making the excavation, cut or bore shall mark and direct the detour route. (Ord. No. 97-171, Sec. 7 and Ord. No. 2018-004. Sec 3.)

9.04.08 Clearance for emergency vehicles

- A. The excavation or boring work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within ten (10) feet of fire plugs. Passageways leading to fire escapes or firefighting equipment shall be kept free of piles of material or other obstructions.
- B. The Permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate fire fighting and emergency equipment as well as vehicular traffic of the general public.
- C. On every day the excavation in a street or road is open, the excavator will be responsible for notifying the city in order to allow for the altering of emergency vehicle routes. (Ord. No. 97-171, Sec. 8.)

9.04.09 Repairs

- A. Each person making an excavation, cut, or bore under this ordinance shall repair the street, alley, sidewalk, road, highway or other public way or curb or gutter at his own expense and under the direction and supervision of the City Street Inspector to the following standards:
 - 1. All excavations and cuts shall be repaired as follows:
 - Dirt or gravel road cut repair. Dig an additional six (6) inches wide and ten (10) inches deep on other sides of initial cut and back fill with SB2 and compact every eight (8) inches to grade level, after settling add more SB2 and compact.
 - Asphalt road cut repair. Dig an additional six (6) inches wide and ten (10) inches deep cut on both sides of initial cut and back fill with SB2 and compact every eight (8) inches to within eight (8) inches from grade level, then pour four (4) inches of concrete and finish. Cover with asphalt to grade level and compact. The Permittee shall maintain the paved surface in good condition for two years thereafter.
 - Concrete road cut repair. Dig an additional six (6) inches wide and ten (10) inches deep to initial cut from grade level downward. Back fill with BS2 to within six (6) inches from grade level and compact every eight (8) inches. Pour concrete to grade level and finish. The Permittee shall maintain the paved surface in good condition for two years thereafter.

Road bore repair. Both sides of bore must be smoothed to previous grade and topsoil added, if needed.

2. All curbs, gutters, and sidewalks shall be replaced and restored to the condition which existed immediately before the excavation or cutting thereof.
3. Work outside the paved, concreted, or graveled area must be fine graded and seeded, hydro mulch, or sod placed so that the adjacent property owners or the city can mow without damage to machinery or people. Seeded areas must be covered with an approved erosion protection method,
4. The restoration work shall be completed as promptly as weather permits, and if the Permittee shall not promptly perform and complete the restoration work, remove all dirt, rubbish, equipment and material, and put the public ground in the said condition, the city shall have, after demand to the Permittee to cure and the passage of a reasonable period of time following the demand, the right to make the restoration at the expense of the Permittee. The Permittee shall pay to the city the cost of such work done for or performed by the city. This remedy shall be in addition to any other remedy available to the city for noncompliance.

- B. The Permittee shall notify the City Street Inspector prior to the beginning of such repair work of the time and manner of repair and obtain the approval of the City Street Inspector prior to the beginning of such repair and afford the City Street Inspector the opportunity of being present during the progress of such repair until completed (Ord. No. 97-171, Sec. 9. and Ord. No. 2018-004, Sec 4.)

9.04.10 Inspection. After the repair work required by 9.04.09 has been completed, the Permittee shall notify the City Street Inspector that such work has been completed. The City Street Inspector shall make an inspection to ensure that the work has been done in accordance with the requirements of 9.04.09 and the other reasonable specifications provided to the Permittee by the City Street Inspector prior to commencement of the repair work. In the event any or part of any work is not done in a satisfactory manner or not in conformity with this ordinance or such specification, the City Street Inspector shall notify the Permittee or the person who hired the Permittee in writing of the non-acceptance of the repair work. All such rejected work shall be removed and replaced as required within thirty (30) days of receipt of the notification. (Ord. No. 97-171, Sec. 10.)

9.04.11 Deposit. When the repairs required by this ordinance are satisfactorily completed, approved and paid for, the City Street Inspector shall authorize the return of any sum deposited as provided in this ordinance. In the event that the Permittee shall fail, refuse or

neglect to make such repairs, or shall fail, refuse or neglect to remove and replace any rejected work, the city may make such repair or cause such repair to be made and deduct the cost therefrom from the amount on deposit with the city, and the balance, if any, shall be paid to the Permittee. In any case where the cash deposit is not sufficient to cover the cost incurred by the city in making the required repairs, the city shall recover the excess cost from Permittee or the person who hired the Permittee. (Ord. No. 97-171, Sec. 11.)

9.04.12 Fine. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) and such work shall be stopped until a proper permit has been issued. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder. (Ord. No. 97-171, Sec. 12.)

9.04.13 Driveways Connected to Public Streets

- A. Streets With Curbs and Gutters. All curbs cuts for driveways onto a public street with a curb and gutter in the City of Little Flock shall be done in such a manner as not to interfere with the continued flow of water in the gutter and in such a manner as not to divert water out of the gutter. All driveways onto a public street with a curb and gutter in the City of Little Flock for commercial or industrial properties shall be designed by a licensed engineer to provide a paved hard surface designed for the specific use and traffic load, which design must be approved by the City of Little Flock.
- B. Streets Without Curbs and Gutters.
1. Residential and Agricultural Driveways. Every driveway that connects residential or agricultural property to a public street without a curb and gutter in the City of Little Flock shall provide adequate means for the continued flow of water through the ditch beside the street. Unless the owner of the property obtains a written exception for the City of Little Flock, the driveway culvert shall be a minimum of an 18 inch diameter reinforced concrete pipe with flared end sections.
 2. Commercial and Industrial Driveways. Every driveway that connects commercial or industrial property to a public street without a curb and gutter in the City of Little Flock shall be designed by a licensed engineer to provide adequate means for the continued flow of water through the ditch beside the street and to provide a paved hard surface designed for the specific use and traffic load, which design must be approved by the City of Little Flock. The minimum driveway width shall be 25 feet wide with a minimum of a 25 foot radius.
- C. Violations. Any person who fails to comply with the required construction of driveways connected to public streets shall be guilty of a violation and shall be punished, upon conviction, by a fine of not less than \$10.00 nor more than \$40.00. Each day that the driveway connected to a public street is not in compliance with the requirements for the construction of such a driveway shall be considered a separate violation. (Ord. No. 15, Secs. 1-3, amended by Ord. No. 2017-003)

CHAPTER 9.06

STREET REPAIR AND MAINTENANCE

Sections:

9.06.01 Culvert Replacement

9.06.01 Culvert Replacement. Any culvert under a city street that is in need of replacement shall be replaced only with a concrete pipe culvert or a concrete box culvert. The city street department shall be in charge of deciding, based on the drainage needs at the particular culvert replacement location, whether to use a concrete pipe culvert or a concrete box culvert. (Ord. No. 2018-001)

CHAPTER 9.08

STREET SAFETY

Sections:

- 9.08.01 Prohibition
- 9.08.02 Removal of obstruction
- 9.08.03 Fine

9.08.01 Prohibition

A. No person shall place on the right-of-way of any street or immediately adjacent to the right-of-way of any street any post, fence, rock, stone, clock, or other object or obstruction which:

1. Obscures the line of sight on the street;
2. Limits usage of the street by vehicles;
3. Could damage a passing vehicle if the passing vehicle strikes it;
4. Prevents or inhibits maintenance of the street, including shoulders and ditches; or
5. Otherwise creates a danger for the motoring public.

B. The following shall not be prohibited by this ordinance:

1. Mailboxes placed adjacent to a street;

2. Temporary construction barricades;
3. Safety reflectors marking culverts and other such objects; and
4. Traffic signs placed by the city, county or state.
(Ord. No. 98-183, Sec. 1.)

9.08.02 Removal of obstruction. The person owning, occupying or otherwise controlling the real property on or adjacent to where a post, fence, rock, stone, block, or other object or obstruction, as defined above, is placed shall have an affirmative duty to remove the post, fence, rock, stone, block or other object or obstruction. (Ord. No. 98-183, Sec. 2.)

9.08.03 Fine. Any person who does an act prohibited by 9.08.01 or this ordinance or fails to do an act required by 9.08.02 of this ordinance, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), with each day that the violation continues being a separate offense. However, before any person shall be charged with a violation of this ordinance, he or she shall have been given a warning ticket and five (5) days shall have lapsed without the post, fence, rock, stone, block, or other object or obstruction being removed. (Ord. No. 98-183, Sec. 3.)