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 Washington County, AR
 Bette Stamps Circuit Clerk
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ORDINANCE 2007-06-294

AN ORDINANCE AMENDING CHAPTER 90 OF THE TONTITOWN CODE OF ORDINANCES (STREETS AND SIDEWALKS); AND DECLARING AN EMERGENCY

WHEREAS, after due notice as required by law, the Tontitown Planning Commission has conducted a public hearing regarding the city's street and sidewalk standards; and

WHEREAS, it is the desire of the mayor and city council that certain code amendments relative to street, sidewalk, and associated standards and regulations be approved and put into effect.

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

SECTION 1. That Chapter 90 of the of the Tontitown Code of Ordinances is hereby amended to read as follows:

"CHAPTER 90: STREETS AND SIDEWALKS

Section

General Provisions

90.01 Obstructing or filling in ditches to prevent current of water prohibited

Minimum Street Standards

DIVISION 1. GENERAL REQUIREMENTS:

- 90.02 Purpose and Intent
- 90.03 Authority
- 90.04 Compliance
- 90.05 Jurisdiction
- 90.06 Definitions
- 90.07 City Participation in Street Extension Costs
- 90.08 Required Street Right of Way
- 90.09 Permits
- 90.10 Plans and Specifications
- 90.11 Responsibilities of Developer
- 90.12 Engineering Services

- 90.13 Plan Submittal
- 90.14 Observation of Construction by the City
- 90.15 Acceptance by the City
- 90.16 Maintenance Warranty
- 90.17 Need for Traffic Study
- 90.18 Subdivision Signs and Ornamental Structures
- 90.19 Sidewalks

DIVISION 2. DESIGN DATA AND PLAN SUBMISSION

- 90.50 General
- 90.51 Design Report
- 90.52 Horizontal and Vertical Datum
- 90.53 Plans
- 90.54 Specifications
- 90.55 Record Drawings

DIVISION 3. STREET DESIGN PRINCIPLES

- 90.80 General
- 90.81 Alignment
- 90.82 Intersections
- 90.83 Cross Sections and Right of Way Widths
- 90.84 Railroad Crossings
- 90.85 Minimum and Maximum Grades
- 90.86 Sight Distance Requirements and Design Speeds

DIVISION 4. PAVEMENT DESIGN

- 90.100 Pavement Types
- 90.101 Pavement Materials and Construction
- 90.102 Subgrade Material
- 90.103 Base Course
- 90.104 Surface Course
- 90.105 Curb and Gutter
- 90.106 Subsurface Drainage
- 90.107 Pavement Section Design Requirements

DIVISION 5. UTILITIES AND UTILITY CROSSINGS

- 90.130 General

DIVISION 6. EROSION CONTROL

- 90.150 Requirement for Erosion Control
- 90.151 Permits Required
- 90.152 Permanent Erosion Control Measures

DIVISION 7. INSPECTIONS AND TESTING

- 90.180 General
- 90.181 Inspections
- 90.182 Quality Control Testing
- 90.183 Construction Inspection Checklist
- 90.184 Additional Tests and Testing Frequency

APPENDIX A. PAVEMENT DESIGN CRITERIA

APPENDIX B. TYPICAL PAVEMENT DESIGNS

APPENDIX C. ACKNOWLEDGEMENT LETTER FORM

APPENDIX D. STREET REQUIREMENTS

CHAPTER 90: STREETS AND SIDEWALKS

GENERAL PROVISIONS

§90.01 OBSTRUCTING OR FILLING IN DITCHES TO PREVENT CURRENT OF WATER PROHIBITED.

It shall be unlawful for any person or persons or proprietors or agents within the city limits to willfully and knowingly obstruct or fill in ditches to prevent the unusual free current of water in order to have a better driveway that may obstruct the free course of traffic, and any action done on any of the public avenues, streets, alleys and highways shall be deemed a misdemeanor and, upon conviction thereof, shall constitute a separated offense and shall be fined as set forth in §10.99. (Ord. 26, passed 7-22-18) Penalty, see §10.99.

MINIMUM STREET STANDARDS

DIVISION 1. GENERAL REQUIREMENTS

§90.02 PURPOSE AND INTENT.

The purpose of this chapter is to set forth the procedures, requirements and minimum standards governing the construction of streets and sidewalks within the jurisdiction of the City of Tontitown. It is the intent of this chapter to provide uniform standards for the development of construction plans and specifications for streets and sidewalks; for the geometric design and construction of such streets and sidewalks; for the testing required to insure compliance with the standards of this chapter; and for appropriate warranties on streets to be accepted by the City. It shall further be the intent of this chapter to provide for the protection of the environment by requiring appropriate erosion control devices and permits, and to promote accessibility on City sidewalks.

§90.03 AUTHORITY.

- (A) Authority to require street extensions and improvements are included in the subdivision regulations of the City as interpreted by the City Staff and the Planning Commission; and in the Master Street Plan as approved by the Planning Commission and as adopted by the City Council.
- (B) All of the rules, regulations, and Standards contained herein have been adopted by ordinance by the City Council.

§90.04 COMPLIANCE.

- (A) All new development of any kind shall be required to extend, at the expense of the Developer, streets within the development in accordance with these standards and in accordance with applicable ordinances and other rules and regulations governing the extension of streets. Streets adjacent to and leading to such developments may also be required to be constructed or otherwise upgraded, at the expense of the Developer, to meet the intent of these Standards.
- (B) Streets within developments shall be extended to the edge of the property boundaries where required either to conform to the Master Street Plan or to provide for the general circulation of traffic within the neighborhood. Such extensions to property boundaries shall be fully constructed complete with curb and gutter and drainage. A temporary cul-de-sac may be required on such streets.
- (C) Nothing in this chapter shall be construed to prevent the City from performing incremental improvements to existing City streets or streets on the master street plan.

§90.05 JURISDICTION.

- (A) This chapter shall apply to all land within the Planning Area Boundary of the City of Tontitown as filed in the office of the County Recorder.
- (B) The regulations and requirements contained in this chapter shall be applicable to all land or parcels of land being developed for commercial, industrial, or residential use. Where private streets are constructed where approved by the City, the subbase, base, and paving shall meet the applicable requirements of these Minimum Street Standards.

§90.06 DEFINITIONS.

Whenever the following terms, abbreviations, or acronyms are used in this chapter the intent and meaning shall be interpreted as follows:

AASHTO - American Association of State Highway and Transportation Officials.

ACCEPTABLE COMPLETION - Substantial completion of the street construction as agreed upon by the CITY and the ENGINEER OF RECORD.

ADEQ - Arkansas Department of Environmental Quality, or its successors.

AHTD - Arkansas State Highway and Transportation Department.

ASTM - American Society for Testing and Materials.

CBR - California Bearing Ratio.

CITY - The City of Tontitown, Arkansas, and its employees expressly authorized by the Mayor to accomplish the specified task.

CITY COUNCIL – The Council of the City of Tontitown, Arkansas.

CITY ENGINEER – The registered professional engineer designated as the “City Engineer” by the City Council of the City of Tontitown, Arkansas; whether a staff employee of the City or a consulting civil engineer.

CONTRACTOR - The licensed contracting company hired by the Developer/Owner to construct the street improvements.

DEVELOPER - The person, firm, partnership, corporation or other entity planning, constructing, altering or reconstructing a public street. The developer may or may not also be the Owner of the property in question.

ENGINEER OF RECORD - The Arkansas Registered Professional Engineer responsible for the design of the improvements, usually engaged by the Developer.

ESAL - Equivalent Single Axle Load.

FINAL INSPECTION - The final inspection shall be the formal inspection of the street construction by the CITY, the ENGINEER OF RECORD, and the CONTRACTOR which results in a declaration of acceptable completion.

FORMAL ACCEPTANCE - Acceptance of the street construction in writing after a Maintenance Warranty has been submitted to and approved by the City.

MAINTENANCE WARRANTY - The security instrument which binds the Owner/Developer to a one (1) year responsibility for street construction repairs and/or reconstruction in the event of street construction failure.

MASTER STREET PLAN – The current Master Street Plan as adopted by the City Council, and as may be amended from time to time.

MODIFIED PROCTOR – ASTM D1557: Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft³ (2,700 kN-m/m³)). Latest edition, unless noted otherwise.

NAVD 88 – The North American Vertical Datum of 1988, a standard for measuring elevations referenced to sea level.

PLANNING COMMISSION – The Planning Commission of the City of Tontitown, Arkansas.

SSHC – The Arkansas Highway and Transportation Department's Standard Specifications for Highway Construction, latest edition, unless specifically noted otherwise.

STANDARD CURB – A concrete combination curb and gutter conforming to AHTD Standard Drawing CG-1, Type A, with a total section width (curb and gutter) of 2'-0" and a minimum gutter thickness of six inches.

STANDARD PROCTOR – ASTM D698: Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort (12,400 ft-lbf/ft³ (600 kN-m/m³)). Latest edition, unless noted otherwise.

STREET CONSTRUCTION - Where this or similar terms are used, it shall mean construction of the street, curb and gutter, drainage (whether on the street or not), and all other appurtenances normally associated with street construction and approved as part of the street plans, whether on site or offsite.

STREET WIDTH – Where this or similar terms are used, it shall mean the width of the street as measured from the back of a standard curb on one side of the street perpendicularly to the back of the curb on the other side of the street. Where no curb is present, the measurement shall be from one edge of the pavement perpendicularly to the opposite side of the pavement.

USGS - United States Geological survey.

§90.07 CITY PARTICIPATION IN STREET CONSTRUCTION COSTS.

- (A) The City may participate in the construction of streets either adjacent to a development or on a street leading to a development if the need for such improvement is not totally caused by the development in question. The appropriateness of any such cost sharing between the Developer and the City shall be determined by the Planning Commission based on City Ordinances governing the cost sharing of streets.
- (B) In no case shall the City participate in Local or Residential streets within Developments.
- (C) Where streets classified as collector or higher are required to be constructed as part of a development, the Developer shall be financially responsible for their share of the cost of the higher classified street. The Developer's share shall be that cost which bears a rational nexus to the needs created by the development. In no

case shall the Developer be responsible for less than the cost of a standard 29 foot local street. In all cases, regardless of the Developer's cost share, the Developer shall be responsible for securing and/or granting all street right-of-way required by the higher street classification. City participation in any cost sharing project shall depend on the availability of funds.

§90.08 REQUIRED STREET RIGHT OF WAY.

- (A) Street rights-of-way in connection with required street extensions and improvements shall be granted to the City by the Developer either by virtue of a Final Plat or Easement Plat filed at the Washington County Court House or by a separate instrument. Such rights-of-way shall be owned and controlled by the City and shall be utilized by the City for all purposes allowed by City and State law. Examples of such purposes may include, but are not limited to construction of streets, extension and replacement of utility lines, drainage facilities, and all related appurtenances. Where allowed by the City's franchise agreements, rights-of-way may also be used by public and private utility and/or communications companies holding the appropriate franchise for the placement, maintenance, and replacement of their lines.
- (B) Additional rights-of-way may be required in certain instances where no street construction or improvements are anticipated either for the eventual extension or improvement of the street or to bring the existing right-of-way width into conformance with the Master Street Plan.
- (C) Rights-of-way and pavement widths shall be as called for in the Master Street Plan and Appendix D of this chapter. It is understood that the widths listed in Appendix D are minimum widths only. Additional right-of-way may be required where the need for wider rights-of-way is dictated by the topography or other feature of the property.

§90.09 PERMITS.

All permits required to accomplish the work shall be the responsibility of the Developer or the Engineer of Record. Such permits may include but are not limited to permits for work within AHTD rights-of-way, railroad crossing permits, ADEQ stormwater permits (including the Storm Water Pollution Prevention Plan, Notice of Intent and Notice of Termination), and a grading permit.

§90.10 PLANS AND SPECIFICATIONS.

- (A) Construction plans and specifications, prepared by a Professional Engineer registered in the State of Arkansas and showing all necessary data for all public and private improvements to be installed, shall be submitted to the Planning Commission. In addition to the plans, the Engineer shall certify in writing that all plans and specifications have been prepared in conformance with or in excess of the applicable requirements of the City.
- (B) The SSHC, and the AHTD Standard Drawings (11-11-92) shall be the basis for the preparation of the detailed plans and specifications and shall apply in all cases except where these Standards are in direct conflict with them.
- (C) Approval of the detailed plans and specifications by the City and/or City Engineer does not constitute a warranty of the plans and specifications and does not relieve the Engineer of Record of his professional responsibility in the design of the facilities or in the preparation of any engineering reports done in association with the project.

§90.11 RESPONSIBILITIES OF DEVELOPER.

- (A) The Developer shall be responsible for installation of streets, including all design and construction, and for all costs associated therewith except in situations where cost sharing may be appropriate as described in Section 90.07.
- (B) All formal agreements entered into by the City will be with the Developer only. Such agreements will bind each principal of the Developer regardless of the Developer's form of organization.
- (C) The Developer shall provide all engineering services required for planning, design, investigations, inspection, testing, and related activities necessary for street development, and shall be responsible for construction of street improvements in accordance with the design approved by the City as satisfying the requirements of these standards.
- (D) The Developer shall post a letter which 1) guarantees that the construction will conform to the plans and specifications approved by the City, 2) acknowledges the conditions of the approval, and 3) agrees to honor those conditions. This letter must be posted prior to the beginning of construction and shall be of the form shown in Appendix "C".
- (E) The Developer is hereby required to have contained within the construction contract he executes with his Contractor a requirement to obtain a Performance and Payment Bond for the entire contract amount. The Developer shall assign said Performance and Payment Bond to the City in a form approved by the City

Attorney. The Bond shall be issued by a company licensed to do business in the State of Arkansas.

- (F) The Developer may, in lieu of assignment of the Performance and Payment Bond to the City, post a cash deposit or an irrevocable Letter of Credit with the City in the full amount of the proposed improvements. If a Letter of Credit is issued as assurance of construction, the City shall have the right of approval of the financial institution involved and the terms of the Letter of Credit.
- (G) The amount of security shall be the total estimated construction cost associated with the street construction. That amount may not be diminished or drawn down during construction. The total shall remain intact until the job has been accepted.
- (H) The City shall have the right of access to sites during the planning, design, and construction phases of street development. The Developer shall schedule all activities to provide the City with adequate notice and review time.
- (I) The Developer shall provide a one (1) year Maintenance Bond to the City as specified in Section 90.16 of this chapter.

§90.12 ENGINEERING SERVICES.

- (A) All engineering services, including but not limited to, planning, design, investigations, inspection, and testing shall be under the supervision of a Professional Engineer registered in the State of Arkansas (Engineer of Record).
- (B) The design data, plans, specifications, and related information shall bear the name of the Engineer of Record. The documents shall be signed and sealed by the Engineer of Record in accordance with State law. In addition, the appropriate Certificate of Authorization seal shall be placed on the documents when applicable.
- (C) Soils investigations, materials testing, and quality control testing shall be performed by a laboratory approved by the City Engineer. All reports submitted shall bear the name, seal, and signature of a Professional Engineer licensed in the State of Arkansas.
- (D) The Engineer of Record shall certify that materials and construction conform to the approved plans and specifications. Inspection and testing requirements are outlined in Division 7 (Sections 90.180 and following) of this chapter.

§90.13 PLAN SUBMITTAL.

- (A) Plans, specifications, and all data submitted in conjunction with the plans and specifications shall constitute a complete design. Approval by the City will not be issued until all requirements have been fulfilled. Approval of the plans and specifications shall remain in effect for one (1) year from the approval date. After that time new sets of plans and specifications must be submitted and any regulations or rules promulgated between the time of the original submittal and the new submittal date must be followed.
- (B) All significant changes in the design or construction of a project or development, including all significant changes in the plans and/or specifications, shall be submitted to the City for approval. The City shall be notified immediately of all significant field changes in order that a timely approval may be issued.

§90.14 OBSERVATION OF CONSTRUCTION BY THE CITY.

The observation of street construction by the City will be limited to general observations of the project at various stages as outlined in Division 7 of the Standards. The City reserves the right to observe the construction at all times.

§90.15 ACCEPTANCE BY THE CITY.

The Developer shall be responsible for the installation of all improvements. Once the developer and Engineer of Record have certified that all improvements are in place, and have been constructed in keeping with or in excess of the City's standards, and in keeping with good engineering practices, the final inspection may be held. Formal acceptance of the project by the City shall be made in writing after the final inspection and following the Developer's posting of the Maintenance Warranty. The date of formal acceptance shall be the same date as given in the Maintenance Warranty.

§90.16 MAINTENANCE WARRANTY.

- (A) Following completion of the improvements and the final inspection, the Developer shall provide a Maintenance Warranty to the City which guarantees the maintenance, repair, and/or reconstruction of the project in whole or in part for a period of twelve (12) months after the date the Maintenance Warranty. The Maintenance Warranty shall be in the amount of 100 percent of the cost of construction of the improvements.
- (B) The Maintenance Warranty may be either:

1. A formal Maintenance Bond issued by a company licensed to do business in the State of Arkansas. The bond shall be for a one (1) year period, beginning with the date on the bond.
 2. An extension of the Performance and Payment Bond for the full one (1) year warranty period provided all parties acknowledge and agree to accept the extension and assignment.
 3. A cash deposit or letter of credit to satisfy the maintenance warranty requirements.
- (C) Regardless of the type of Maintenance Warranty selected the terms, conditions, form, and content must be approved by the City Attorney. Generally, the Maintenance Warranty must state the specific project involved, the warranty amount, how and under what conditions the City has the right to draw upon that Maintenance Warranty.

§90.17 NEED FOR TRAFFIC STUDY.

A formal Traffic Study may be required in connection with a development if, in the opinion of the City, it is required to properly determine future street loadings and/or to determine cost shares between the City and the Developer. A Traffic Study may also be required as a condition of development by the Planning Commission. The cost of the traffic study shall be borne by the Developer.

§90.18 SUBDIVISION SIGNS AND ORNAMENTAL STRUCTURES.

- (A) Subdivision signs proposed for installation by the Developer for the benefit of his development shall be shown on the Plans and be sized and located to meet the provisions of the city's Sign Ordinance.
- (B) The location and size of all ornamental structures constructed by the Developer/Owner shall be approved by the City. In addition, the need to conform to zoning regulations shall be determined by the City Engineer and/or Planning Commission. Generally, all structures over 30 inches high must meet applicable setback requirements.
- (C) Where a subdivision sign or ornamental structure is proposed to be located on City right of way, the exact location and size shall be approved by the Planning Commission. The maintenance of such signs and structures shall be by a properly established property owner's association and provision for maintenance shall be included in the covenants of the subdivision.

- (D) Any relocation of such signs and structures necessitated by street widening, utility installation, or any other authorized use of the right of way shall be the financial responsibility of the property owner's association and shall be done at the call of the City.
- (E) All permanent street and traffic signs shall be furnished and installed by the Developer. Street signs shall be placed at two opposite points of all four-way intersections and at one point at all three-way intersections.

§90.19 SIDEWALKS.

- (A) Sidewalks shall be constructed according to City standards and specifications in all new developments, as adopted by the City council, along both sides of all streets.
- (B) All sidewalks shall be constructed to the following specifications:
 - 1. Sidewalks shall be located a minimum of two feet from the back of curb for local streets, four feet from the back of curb for collector streets and minor arterials, and six feet from the back of curb for principal arterials;
 - 2. In all new subdivisions and developments, sidewalks shall be shown by the developer on the preliminary plat along with the streets and presented to the Planning Commission for approval;
 - 3. Sidewalks will be the responsibility of the builder and shall be in place before final inspection by the City of Tontitown. Sidewalks are subject to inspection prior to pouring;
 - 4. Accessible curb ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways and street intersections;
 - 5. Sidewalks shall be constructed on a compacted grade which shall be free from dust pockets, ruts and other defects;
 - 6. Sidewalks shall be constructed of Portland cement concrete, containing 5% air entrainment and with a minimum 28-day compressive strength of 3,500 pounds per square inch, reinforced with 6x6 #10 welded reinforcing wire;
 - 7. Sidewalks shall be constructed with a transverse slope of two percent (2%) toward the roadway;
 - 8. Sidewalks shall be constructed to the width required by Appendix D;

9. The concrete shall be four inches thick;
10. Control joints shall be at maximum intervals of 25 feet and at all points of connection with the driveway;
11. Transverse joints between expansion joints shall be scored at five foot intervals;
12. Sidewalks shall be troweled to an even surface and finished with a broom finish;
13. Sidewalk subgrade shall be inspected by the City Building Inspector prior to pouring the sidewalk;
14. The property owner shall be responsible for the repair and maintenance of the sidewalk and the green space between the curb and sidewalk after installation.

- (C) In addition to the above requirements, sidewalks shall be constructed in accordance with the American National Standards Institutes Accessibility requirements (ANSIA 117.1).
- (D) The City Planning Commission and the Code Enforcement Officer shall have the authority and discretion to grant exceptions.
- (E) Sidewalks shall be engineered and shown as part of the street plans and specifications to be approved by the City. The sidewalks shall then be constructed as part of the development improvements as required by City Ordinance.

DIVISION 2. DESIGN DATA AND PLAN SUBMISSION

§90.50 GENERAL.

The submittal shall be complete with all necessary information included for review of the project. The material required shall include, but shall not be limited to the Design Report, the plans, the specifications, and the Drainage Report. No review based on a partial submittal will be made. The final review will be concurrent with the review of all public improvements, including water, sewer, and drainage.

§90.51 DESIGN REPORT.

The Design Report shall be a separately bound document and shall contain all information not normally shown on the plans or given in the specifications, including design calculations, results of soil borings, soil test results, and any other design data used in the development of the plans and specifications.

§90.52 HORIZONTAL AND VERTICAL DATUM.

All elevations shall be based on the North American Vertical Datum of 1988 (NAVD 88) and all horizontal controls shall tie to the State Plane Coordinate System. Both vertical and horizontal controls shall be tied to permanent monuments approved by the City.

§90.53 PLANS.

- (A) The Plans shall be submitted on 24" X 36" sheets. No other size will be allowed unless specifically approved by the City.
- (B) Plans shall be submitted at the scale necessary to make the plans easily read and interpreted. Plans shall be to scale and no smaller than 1 inch = 50 feet. The layout shall include, but shall not be limited to the following information.

- 1. Street right of way, proposed and existing
- 2. Existing and proposed utility easements
- 3. Curve Data
- 4. Stationing
- 5. Location and size of existing and proposed utilities
- 6. Location and size of existing and proposed drainage facilities
- 7. Intersection Radii
- 8. Soil Boring Locations
- 9. California Bearing Ratio (CBR) Test Locations
- 10. Elevations at the beginning, mid-point, and end of the radius returns at all intersections
- 11. A legend showing typical symbols used in the plans
- 12. Existing and proposed property lines
- 13. North arrow
- 14. Street and Right of Way dimensions
- 15. Sidewalks
- 16. Areas subject to a Special Flood Hazard Area per the Flood Insurance Rate Map, or subject to flooding as determined by engineering studies, or with a history of flooding.
- 17. The name and address of each Owner, the Developer, the surveyor, and the Engineer of Record.

18. Dimensions of all streets, from back-of-curb to back-of-curb.
19. Names of all streets.
20. Topography, referenced to NAVD 88.
21. Erosion control measures.
22. Other items as may be required by Ordinance for subdivisions and other developments.

(C) Street profiles shall be shown on a horizontal scale to match the layout with a vertical exaggeration of 10 to 1. The profiles shall include, but shall not be limited to showing:

1. Existing ground elevations
2. Proposed centerline grade and elevations
3. Vertical curve data
4. Existing and proposed drainage and utility line crossings (size and location)
5. Proposed finished elevations

(D) Street cross-sections shall be shown on a horizontal scale to match the layout with a vertical exaggeration of 10 to 1. Cross-sections shall be shown at a maximum spacing of 50 feet. Additional cross-sections shall be shown where necessary for clarification. The cross-sections shall include, but shall not be limited to showing:

1. Existing ground line
2. Proposed roadway section, in schematic form (curb jumps, crown, cross-slope, etc.)
3. Proposed centerline elevations
4. Sidewalks
5. Side slopes tied to existing grades

(E) A typical street section shall be included in the Plans and shall show the following:

1. Pavement type, pavement width, and thickness of all layers
2. Compaction requirements

