

ORDINANCE NO. 2011-08-379

AN ORDINANCE AMENDING THE CITY OF
TONTITOWN'S CODE SECTION 90.1000.04, 90.1000.05, 90.1000.06, 90.1000.07
STREETS AND SIDEWALKS, AND 155.01 (21) FEES

WHEREAS, the City Council of Tontitown, Arkansas deems it necessary from time to time, to adjust certain standards for development, which could be implemented in keeping with the City adopted standards for the purposes of promoting the health, safety and general welfare of the citizens of Tontitown, Arkansas.

WHEREAS, the City Council has reviewed Code Sections 90.1000.05, 90.1000.06, and 90.1000.07 Streets and Sidewalks and 155.01 (21) Fees and recommends the amending of these sections.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS, that there is hereby established an amended Code Sections 90.1000.05, 90.1000.06, and 90.1000.07 Streets and Sidewalks and 155.01 (21) Fees regarding boring and cutting of streets, for the City of Tontitown, as stated below. The attached Code Sections 90.1000.05, 90.1000.06, and 90.1000.07 Streets and Sidewalks and 155.01 (21) Fees supersede any prior code sections regarding the same regulations within the City of Tontitown. Any prior regulations or code sections in conflict with the Code Sections described below are hereby repealed.

SECTION 1. It is intended that the latest version of the Code Sections 90.1000.05, 90.1000.06, and 90.1000.07 Streets and Sidewalks and 155.01 (21) Fees to be all encompassing and to take precedent over the previous Code Sections 90.1000.05, 90.1000.06, and 90.1000.07 Streets and Sidewalks and 155.01 (21) Fees boring and street cutting. The attached Code Sections 90.1000.05, 90.1000.06, and 90.1000.07 Streets and Sidewalks is incorporated herein.

SECTION 2. 90.1000.4 BORED CROSSINGS: REQUIREMENTS.

The intent of this section is that all street, alley, sidewalk, road, highway or other public way, or curb and gutter crossings by utilities and other parties shall be required to be bored unless an open cut is approved by the city. Open cut approvals shall not be withheld unreasonably and if required, shall meet the following requirements:

(A) *Handling of excavated material.* In making excavations or making improvements in or to any street, alley, sidewalk, road, highway or other public way or curb and gutter in the city, all material or earth removed and new material necessary for repairs or for new work shall be handled in a safe manner and placed where it will cause the least possible inconvenience to the public. In no case shall such material or earth be stock piled or scattered over the surface of the pavement or impede vehicular or pedestrian traffic flow.

(B) *Making open trench repairs promptly.* No trench or opening made on any street, alley, sidewalk, road, highway, or other public way, or curb and gutter in this city shall remain open longer than is absolutely necessary, and in no event more than 24 hours, except by special written permission of the city. If a cut is required to be open for longer than 24 hours and the party making it failed to secure the necessary extension of time, and having been notified to refill

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Washington County, AR
Bette Stamos Circuit Clerk

the same, failed to do so, then the such refilling shall be made under the direction of the city at the expense of the party that has secured the permit. Temporary bridging of the open cut such as "plating" shall be required if a cut is required to stay open more than 12 hours. For public safety a minimum "plate" thickness of one inch shall be required.

(C) *Backfilling generally.* Immediately upon the completion of any job, the backfilling of cuts into any street, alley, sidewalk, road, highway or other public way, or curb and gutter shall be done as per the city's current standard details for such a repair. If no standard detail is available for such a repair, it shall be repaired in a manner approved by the City Engineer.

(D) *Settling.* If the backfilling of any trench or opening settles prior to the making of permanent repairs, such trench or opening shall immediately be brought to proper grade as directed by the City Engineer. If such repair has not been made within three days of notification to permit holder, repairs will be made by the city at the permit holder's cost.

(E) *Length of excavation.* No excavation shall be made in any street, alley, sidewalk, road, highway, or other public way or curb and gutter in the city that exceeds 400 feet in length at any one time, except by special written permission of the City Engineer.

(F) *Emergency cuts and excavations.* Nothing in this article shall prevent opening any street, alley, sidewalk, roadway or other public way or curb and gutter as may be necessary for the preservation of life or property when necessity may arise during the times when city offices are closed. The person requesting such excavation shall make application for a permit within 24 hours after water & sewer offices are first opened subsequent to the making of such excavation.

(G) Application for all street cuts or bores shall be made with the Tontitown Water & Sewer department. The W&S department will provide the service and fees will be charged as outlined in section 155.01 of the Tontitown City Code.

SECTION 3. 90.1000.5 BORING AND JACKING PROCEDURES AND REQUIREMENTS.

At the time of application for a permit for boring or jacking the following procedures and requirements shall apply as follows:

(A) The permittee shall provide a map that clearly depicts the location of each individual bored or jacked crossing.

(B) The permittee shall mark each individual bored or jacked crossing with "pink" chalk paint, as to provide the City Engineer a reference line as to where the boring or jacking is requested to occur.

(C) When jacking or boring, the depth of bury on installations which are jacked or bored under any street shall have a minimum depth of bury of two and one-half feet below the low points of the street cross section to the top of the pipe or casing, or three and one-half feet below the bottom of the pavement structure (top of subgrade) to the top of the pipe or casing, whichever gives the greatest depth. In the case of a street section with a ditch section, the bury shall be a minimum of one foot below flow line, but still a minimum of the above referenced depth below street section, whichever is greater. If the pavement or curb and gutter structure is damaged by the jacking or boring installation, it shall be repaired in a manner approved by the City Engineer.

(D) After the completion of the jacking or boring, the permittee shall contact the City Engineer within 48 hours of such completed work for an inspection.

SECTION 4. 90.1000.6 PENALTY.

Should any excavation, cut, jacking or boring in project be willfully started by a person, firm, organization, contractor or engineer before receiving the permit required by this chapter, said person, firm, organization, contractor or engineer shall for each violation be punished by a fine not to exceed \$1,000 and such excavation, cut, jacking or boring shall be stopped and temporarily repaired until a proper permit has been issued.

SECTION 5. 90.1000.7 STREET CUTS AND REPAIRS BY THE CITY.

The intent of this section is to indicate that the city may choose to cut and repair any street, alley, sidewalk, road, highway or other public way or curb and gutter for individuals, if the city determines that it is in their best interests.

SECTION 6. 155.01 (21) FEES.

(21) *Boring fees.* The Water & Sewer Department shall collect fees as follows:

Street Bores - \$12/inch of bore diameter per linear foot.

Street Cuts - \$400 base setup, plus \$18 per linear feet of 2 foot wide trench, 3 ft deep. additional charges will be calculated for larger cuts


Miscellaneous Cost - Will be charged as required.

PASSES AND APPROVED THIS 2nd DAY OF August, 2011.



Mayor of the City of Tontitown

ATTEST:



Recorder-Treasurer of the City of Tontitown

SPONSOR:

Washington County, AR
I certify this instrument was filed on
08/08/2011 11:48:06 AM
and recorded in Real Estate
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