

## TITLE 9

### STREETS AND SIDEWALKS

Chapters:

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Excavations and Alterations
- 9.12 Street Specifications
- 9.16 Shielded Outdoor Lighting

#### CHAPTER 9.04

#### STREETS, ALLEYS, GUTTERS OR DITCHES

Sections:

- 9.04.01 Streets and alleys
- 9.04.02 Gutters or ditches
- 9.04.03 Interference
- 9.04.04 Consent
- 9.04.05 Filling
- 9.04.06 Removal of obstacles
- 9.04.07 Penalty

9.04.01 Streets and alleys It shall be the duty of every owner or occupant of any lot or premises in this city along which any street or alley runs, to keep said street or alley from the middle line thereof to the side next to him, free from all manner and kind of filth, garbage, trash, debris or decaying animal and vegetable substance of every kind.

9.04.02 Gutters or ditches No person shall allow any dirt, filth or obstruction of any kind to accumulate in the gutter or ditch in front of his premises, and all owners or occupants of property are required to keep the gutter or ditch in front of their premises clean, open and free from trash and weeds and all obstructions to the easy and rapid flow of water.

9.04.03 Interference That no person or persons shall perform any act or acts to interfere with any natural drainage ditch located within the city limits of Pottsville, Arkansas, without first obtaining the consent of the City Council. (Ord. No. 108, Sec. 1.)

9.04.04 Consent That said consent of the City Council shall be given only upon certification by the County Health Officer that the change to the natural drainage ditch proposed will not be detrimental to the health or safety of the citizens of Pottsville, Arkansas. (Ord. No. 108, Sec. 2.)

9.04.05 Filling That any person or persons desiring to fill in any natural drain shall first apply to the City Council of Pottsville, Arkansas, for the permit above described. (Ord. No. 108, Sec. 3.)

9.04.06 Removal of obstacles That in addition, the City Council of Pottsville, Arkansas, shall be authorized to notify any person or persons who have in the past interfered with or filled in any natural drain to remove an obstacle in said drain and return it to its original state. (Ord. No. 108, Sec. 4.)

9.04.07 Penalty That violation of any part of this ordinance shall be a misdemeanor and continuing offense punishable by a fine of up to One Hundred Dollars (\$100.00) per day so long as the violation continues, provided, however, that said fine shall not be imposed upon any person who has filled in any natural drainage ditch prior to the adoption of this ordinance until said person has first been given ten (10) days notice in writing by the Police Chief to return said drainage ditch to its original state. (Ord. No. 108, Sec. 5.)

## **CHAPTER 9.08**

### **EXCAVATIONS AND ALTERATIONS**

#### Sections:

- 9.08.01 Excavations – permit
- 9.08.02 Application for permit – deposit
- 9.08.03 Excavations to be restored

9.08.01 Excavations – permit No person, firm or corporation shall cut into, tunnel under, or in any manner disturb the surface of any street, alley or sidewalk in the city without first applying for and obtaining from the city of Pottsville a written permit to do so, which shall be dated, and shall give the name and address of the person to whom the permit is granted, and the location of the place where the street, alley or sidewalk is to be cut into, tunneled under, and the purpose for which said permit is granted. (Ord. No. 04-3, Sec. 1.)

9.08.02 Application for permit – deposit Any person, firm or corporation applying for said permit shall estimate in writing the number of square feet to be cut or tunneled. Before such permit is granted the applicant shall deposit with the city of Pottsville for the purpose of insuring that the street is properly restored the sum of Fifteen Dollars (\$15.00) per square foot for cutting concrete or other bituminous surface and Ten Dollars (\$10.00) per square foot for cutting into gravel surface; provided the minimum deposit shall be Five Hundred Dollars (\$500.00) irrespective of the estimate. In the event the Mayor determines the deposit, based upon the above referenced dollar amount per square foot is not sufficient to adequately cover potential damage to the street, he shall, at his discretion, set an amount more than that formula set out above. If the person applying for the permit disagrees with the Mayor, he shall have the

opportunity to appeal the Mayor's decision to the City Council to determine the cash amount. The Mayor's decision can only be overridden by 2/3 's vote of the City Council. (Ord. No. 04-3, Sec. 2.)

9.08.03 Excavations to be restored All excavations made are to be restored to their original condition to the satisfaction of the Mayor or his appointee before the deposit shall be returned.

STATE LAW REFERENCE – A.C.A. 14-301-101

## **CHAPTER 9.12**

### **STREET SPECIFICATIONS**

#### **Sections:**

- 9.12.01 Minimum standards
- 9.12.02 Acquiring privately developed roads
- 9.12.03 Maintenance requirements

9.12.01 Minimum standards From and after the passage of this ordinance, any road developed by a private person or firm which anticipates eventual acceptance of such roads by the city of Pottsville for incorporation into the city road system will be required to meet the following for minimum standards:

- A. The road bed will be a minimum of twenty-four feet (24') wide.
- B. A fifty foot (50') right-of-way, calculated from the center of the road bed, will be required in all instances.
- C. A minimum of six inches (6") of SP-2 gravel compacted upon the road bed is required with two inches (2") of hot mix, twenty feet (20') wide.
- D. Any drainage across the road right-of-way will be by either concrete or galvanized tile of such dimensions as deemed necessary by the city roads Department for the terrain peculiar to the particular road and contiguous area.
- E. Sloped drainage ditches are required for each side of the road bed and are to be contoured to facilitate the flow of surface water resulting from rains.

- F. After one (1) year, if roadbed meets specifications, the road will be taken into the city system and maintained as is. (Ord. No. 91-2, Sec. 1.)

9.12.02 Acquiring privately developed roads

- A. Any acceptance of privately developed roads by the city shall remain as a permissive action with the decision of a privately developed road by the city commits the city to extending its maintenance capability thereto in the same degree as to existing city roads subject to the availability of funds.
- B. Privately developed roads, to be accepted into the city system, require:
1. All standards in Section 9.12.01 must be met and verified by the city Road Department.
  2. One (1) year must lapse between initial verification of the standards and any consideration by the City Mayor and Road Committee for the acceptance of the private road and a second verification of the standards in Section 9.12.01 is required to insure that these standards are still in effect.
  3. Provided that a dedication deed and/or a subdivision plat is on file with the Recorder/Treasurer which precisely and legally describes the road under construction, the City Council may through court or action of vote, accept the privately developed road into the city system. (Ord. No. 91-2, Sec. 2.)

9.12.03 Maintenance requirements In the event that a tile or culvert on a private access road immediately bounded to a city road is damaged through an improvement project of the city Road Department, then the city will reinstall such tile or culvert. If a mail route or school bus route is established before said road is taken into the city system, all maintenance will be the responsibility of the developer. (Ord. No. 91-2, Secs. 3-4.)

## **CHAPTER 9.16**

### **SHIELDED OUTDOOR LIGHTING**

Sections:

9.16.01 Cost prohibitive

9.16.01 Cost prohibitive The City Council has determined that the costs of acquiring shielded outdoor lighting fixtures would be prohibitive after the Council has compared the costs of the fixtures and the projected energy costs of the operation of the fixtures, and therefore, by way of this ordinance, elect to opt out of that requirement in A.C.A. 8-14-104. (Ord. No. 06-6, Sec. 1.)

