

TITLE 9

STREETS AND SIDEWALKS

Chapters:

- 9.04 Excavations and Alterations
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CHAPTER 9.04

EXCAVATIONS AND ALTERATIONS

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9.04.01 Prohibition It shall be unlawful for any person to cut, dig-up, tunnel under, break, excavate, or otherwise undermine or weaken the surface or substructure of any street or road in the city of Fairfield Bay, Arkansas, except, in compliance with this ordinance. (Ord. No. 2002-7, Sec. 1.)

9.04.02 Definitions

Road cut shall mean any cutting, breaking, digging, excavating, tunneling into or under, any tunneling or boring underneath the surface of the road or shoulders and ditches that weakens, undermines, causes or will cause the weakening, undermining, breaking, crumbling deterioration, disintegration of the road surface whether the street or road is dirt, paved asphalt, cement, concrete, bituminous ship-seal, graveled, sealed or finished in some other manner.

Repairs shall mean the repair, replacement or restoration of the road base, the surface, drainage, ditches culverts and other components of the street or road and all efforts necessary to return the street or road to its normal condition prior to the cut, excavation, undermining or boring.

Emergency shall mean the occurrence of an event resulting from weather, casualty, acts of God, accidental or willful acts of man which necessitate immediate action for the safety, preservation and protection of public or private property by excavating, cutting, digging the road or street, its base or surface and repair thereof.

Road or street shall mean a road or street in the city of Fairfield Bay including the base, drainage ditches and culverts and surface, whether dirt, gravel, concrete, hot-mix, asphalt or bituminous chip and seal, including the right-of-way adjoining said road or street.

Public Works Official shall be the person appointed by the Mayor, with consent of the City Council, to serve at the pleasure of the Mayor. The Mayor is also authorized to appoint, with consent of the City Council, one or more Deputy Public Works Officials, who shall also serve at the pleasure of the Mayor. (Ord. No. 02-7, Sec. 2.)

9.04.03 Road cut permits Permits shall be either annual permits or single use permits, excluding city road maintenance and cuts. The cost of an annual permit shall be Fifty Dollars (\$50.00) and a single use permit shall be Five Dollars (\$5.00). Except for emergencies, the issuance of a permit shall not excuse the holder thereof from giving the notice required as hereinafter provided. Permits will be issued at the city office, Monday through Friday, except for legal holidays. Permit application forms, including specs, can be acquired from the city office. Copies will be posted and available. (Ord. No. 02-7, Sec. 3.)

9.04.04 Notice required

- A. Before any road cut is made by the holder of a permit, notice either in writing or verbally shall be given to the Public Works Official.
- B. The notice shall be at least twenty-four (24) hours in advance, specifying the exact location, street and the purpose for the proposed cut.
- C. When an emergency as defined above occurs any person making a road-cut or repair after a road-cut shall notify the Public Works Official within twenty-four (24) hours.
- D. The permittee shall notify Arkansas One Call Center. Arkansas One Call required forty-eight hours notice and can be contacted seven days a week, twenty-four hours a day. (Ord. No. 02-7, Sec. 4.)

9.04.05 Warning signs In the case of road cuts or repairs of city streets or roads the person or permittee performing same shall use and employ all the safety devices, barricades, warning signs and lights designated and required by the Arkansas version of the state manual on Uniform Traffic Control Devices. Failure to use appropriate safety and warning signs and devices shall constitute a failure to use due care and shall be deemed a violation of this ordinance. Each day and each violation shall be a separate offense. The person, firm, permittee (or their agent, servant or employee) making road cuts or repairs shall be responsible to and liable for any personal injury or property damage resulting from the failure to use due care as defined in this ordinance. (Ord. No. 02-7, Sec. 5.)

9.04.06 Emergency repairs In case of emergency repairs where excessively wet conditions or weather hampers the complete restoration of the areas involved with excavation, and the road cut or excavation must occur within the roadway surface, the immediate repair will be made by disposing of all wet excavated material and complete backfill from the bottom of the repair cut to the road surface performed using crushed stone base course. Backfilling methods shall be as detailed as specified in this ordinance under 9.04.07. (Ord. No. 02-7, Sec. 6.)

9.04.07 Repair maintenance and new construction In all cases of paved surfaces, repair, maintenance and new construction procedures shall be as follows:

- A. Where possible, taking into account line geometry, local geographical conditions, soil type, road bore, size, and capability of tools and equipment, road bores shall be the preferred method for road crossings. Only if conditions are not conducive to road bores, open-cut will be the next alternative.
- B. The procedure for open cutting and backfilling is as follows:
 - 1. The pavement surface shall be cut or scored the full length of the roadway cut to reduce pavement edge raveling.
 - 2. Excavation of the roadway shall occur to the proper depth and width for the installation required.
 - 3. Backfill material for all paved road surface cuts shall be Class 7 crushed stone base course or under special conditions, washed aggregate not to exceed ¾" in maximum size.
 - 4. The backfill with crushed stone base course material shall be hand-placed around the pipe. The material shall be placed alongside the pipe in layers not to exceed 4" in depth at or near optimum moisture content and compacted with mechanical tamping equipment for the full depth of the roadway cut. Special care shall be taken to compact the fill under the haunches of the pipe. The fill shall be brought up evenly on each side for the full length of the pipe to avoid displacement.

5. The repair of the road surface under standard conditions shall be done using a bituminous cold patch material. The crushed stone base course shall be brought to a level no less than 3" below the paved surface. Bituminous cold patch material shall be applied and tamped with a vibratory plate tamp to a compacted thickness level with the existing paved surface.
 6. Under special conditions, hot mixed asphalt cement (HMAC) may be required in lieu of bituminous cold patch material. This shall be determined by the Public Works Official. Concrete cuts will require concrete repair.
- C. In the case of cuts through paved road surfaces, the time between completing the crushed stone base course and application of bituminous cold patch surfacing should be accomplished in three working days. In the case of gravel and dirt road surfaces the job shall be completed at the time of repair by bringing the crushed stone base course backfill material to the existing road surface level.
- D. Follow-up repair of all roadway cuts shall take place when excessive settlement has occurred which hampers the flow of traffic or creates a nuisance driving condition. In the event of follow-up repair for HMAC/bituminous seal coat surfaces, the existing bituminous cold patch material shall be removed and new bituminous material applied and compacted back to the existing roadway surface elevation. In the case of gravel or dirt road cuts, additional crushed stone base course shall be added to the settled areas to bring the road surface back to the proper elevation.
- E. Due to the nature of the repair and the inherent wet conditions of the surrounding unexcavated material, settlement is expected to occur. The area of repair shall be marked using barricades and the barricades shall stay in place until proper installation of surfacing material can be completed. To allow for proper drying and settlement, the cut area will be monitored and additional crushed stone base course added after a period of five (5) working days. Judgment shall be used as to the length of time the roadway re-surfacing can be delayed to allow for settlement and drying to occur. In high volume traffic areas, surfacing material shall be applied immediately with the intent of complete removal and reinstallation of surfacing material after settlement has occurred. In less densely traveled areas where crushed stone base course can be applied and compacted to the existing road surface and sustain the traffic load without creating a hazardous condition, the use of surfacing material can be delayed for a period not to exceed five (5) days under dry weather conditions. Wet weather condition may require the extension of this time period. Extension of the five (5) day period shall be at the discretion of the Public Works Official. (Ord. No. 02-7, Sec. 7.)

9.04.08 Penalty

- A. Any person, firm or corporation who violates this ordinance by failure to properly repair or failure to file an application for a permit to make a road cut and the incident repairs by willfully beginning work on a road cut and repair, or fails to give the prior or subsequent notice required, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Work shall be stopped upon written order of the Public Works Official or Deputy until the necessary application and notice shall have been provided as required. The city may seek injunctive enforcement. Each day of each violation shall constitute a separate offense until the road is repaired.
- B. The city may, at its option at any regular meeting or special meeting called for that purpose, rescind annual permits upon failure to file reports. In the event such annual permit is rescinded no refund of any part of the annual fee shall be made. (Ord. No. 02-7, Sec. 8.)

9.04.09 Application This ordinance applies to all individuals, property owners, utilities, contractors, suppliers of material and other persons who desire to make road cuts, excavations or repairs involving roads and streets. (Ord. No. 02-7, Sec. 9.)

CHAPTER 9.08

ACCEPTANCE OF STREETS

Sections:

9.08.01 Streets

9.08.01 Streets The following streets be accepted into the city street system and become subject to city maintenance.

Ord. No. 95-31	Cul-de-sac, East Blue Ridge Terr.
Ord. No. 96-33	Mountain Ranch Drive north of Lost Creek Parkway to Lot 156, Block 1
Ord. No. 96-42	Cherokee Drive, Eagle Shores Circle and Choctaw Place
Ord. No. 97-52	Hillview Drive
Ord. No. 98-61	Easement right-of-way Mountain Ranch Entrance (Maddox Drive)
Ord. No. 00-40	Shadow Ridge Loop, Drive, Court

CHAPTER 9.12

STREET ADDRESS NUMBERS

Sections:

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| 9.12.01 | Uniform address 911 display numbers required |
| 9.12.02 | Posting of designated street address number |
| 9.12.03 | Penalties |

9.12.01 Uniform address 911 display numbers required

- A. The 911-Coordinator, or the designee of the Department of Public Safety, after consulting with the County Assessor's offices and any other local governmental entities with an interest therein, shall assign a street number for occupancy located on any street within the municipal limits of the city of Fairfield Bay. The 911-Coordinator or the designee of the Department of Public Safety shall assign such numbers to dwellings, places of business and buildings existing on the effective date of this amendment to the Municipal Code, that do not already have 911 street address numbers, no later than thirty-one (31) days after the effective date of this ordinance. The 911-Coordinator, or the designee of the Department of Public Safety, shall assign such number to new dwellings, places of business, and buildings at the time of any subdivision approval, building permits, or certificates of occupancy are requested, as provided elsewhere in this Municipal Code.
- B. All street address numbers shall be coordinated with the 911-Coordinator to ensure uniformity of assignment and numbering throughout the municipality, and in conformity with the existing 911 street numbers previously designated.
- C. Property address numbers shall be whole numbers and shall not have fractions or letters attached.
- D. The 911-Coordinator or the designee of the Department of Public Safety shall keep a record of all such numbers assigned to street addresses under this ordinance or previously assigned by the 911-Coordinator.
- E. Upon assigning a number to any dwelling, place of business, or building, the 911-Coordinator or the designee of the Department of Public Safety shall send a written notice of the assigned number to the prospective owner, occupant, applicant for building permit, or person responsible for the dwelling, place of business, or building, at the last known or best address available.
(Ord. No. 2010-6, Sec. 1.)

9.12.02 Posting of designated street address number

- A. Within sixty (60) days after the date of mailing of written notice from the 911-Coordinator or designee of the Department of Public Safety that a number has been assigned to a dwelling, place of business, or building, the owner, occupant, applicant for building, permit or person responsible shall display the assigned number on or near the driveway, entryway, or other regularly-used access way, as close to the structure as possible, so that the number is perpendicular to the street, and is conspicuous and legible from the street. For circular driveways and other non-traditional entryways, display of the same assigned number in more than one location is permissible, but not required.

The number must be on a 16 gage aluminum sign, with a vertical alignment that is six (6) inches wide, eighteen (18) inches tall, with a three (3) inch high white reflective numbers on a blue reflective background, so that the number is clearly visible after dark when illuminated by an ordinary flashlight from the street.

For business and commercial buildings, a street number may be incorporated into an on-premises advertising sign or business directory sign allowed under the applicable provisions of the Municipal Zoning Code, provided the display of the street number otherwise complies with this ordinance.

- B. In any residential subdivision where the covenants and restrictions impose a requirement for reflective street numbers in a uniform manner, those reflective street numbers shall be sufficient under the terms of this part of the Municipal Code, provided that any modification of any such covenants and restrictions in the future requires street address number signs that are equivalent to, or more reflective than the street address number signs set forth herein above.
- C. In any residential subdivision where the dwellings are part of a recognized condominium owners association, reflective street numbers shall not be required for individual condominiums, provided that the buildings are otherwise identified by reflective signs that meet or exceed the requirements for individual buildings, herein above.
- D. The display of numbers that do not correspond to the number assigned by the 911-Coordinator or designee of the Department of Public Safety is prohibited.
- E. The owner, occupant, or person in charge of each dwelling, place of business, or building to which a number has been assigned, shall maintain such street address number sign so that it is conspicuous and legible from the street at all times of the year; free of all visual obstructions; continues to have the minimum reflectivity required herein above; and in good order and repair.

- F. The Code Enforcement Officer shall not grant any building permit for any dwelling, place of business, or building until the 911-Coordinator or designee of the Department of Public Safety has assigned a street number to the dwelling, place of business or building.
- G. No certificate of occupancy will be issued until a street number is properly affixed to the driveway or entryway of the dwelling, place of business, or building in accordance with the foregoing herein above.
- H. In the event of any dispute or disagreement over the placement of the street address number sign, the designee of the Department of Public Safety shall have the ultimate authority to designate the location and position of the street address number sign, so as to ensure visibility in the event of an emergency.
- I. The city of Fairfield Bay shall make arrangements for the initial production and installation of initial street number signs within sixty (60) days of the initial approval of this amendment to the Municipal Code. After the initial installation, and on any and all new dwellings, places of business, or buildings, the owners, the occupants, and the tenants shall be responsible for complying with the foregoing provisions of the Municipal Code (Ord. No. 2010-6, Sec. 2.)

9.12.03 Penalties Violations of the provisions of the street address number sign requirements or the failure to comply with any of its requirements shall constitute a misdemeanor. Violations of a written demand made by the 911-Coordinator or the designee of the Department of Public Safety concerning the display, location, visibility, or placement of a street address number shall constitute a misdemeanor. The provisions of this amendment to the Municipal Code shall be enforced by the Code Enforcement Officer and the Department of Public Safety or either of them acting alone, or both of them acting together.

The penalty for any violation shall be a fine of no less than Twenty-Five Dollars (\$25.00) for each violation. After the compliance date on any written notice and demand, each day the violation remains uncorrected after the compliance date shall constitute a separate offense. (Ord. No. 2010-6, Sec. 3.)