

## TITLE 9

### STREETS AND SIDEWALKS

Chapters:

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Excavations and Alterations
- 9.12 Street Names and Addresses
- 9.16 Competitive Bidding

#### CHAPTER 9.04

### STREETS, ALLEYS, GUTTERS OR DITCHES

Sections:

- 9.04.01 Streets and alleys
- 9.04.02 Gutters or ditches

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 alleys 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.

#### CHAPTER 9.08

### EXCAVATIONS AND ALTERATIONS

Sections:

- 9.08.01 Definitions
- 9.08.02 Prohibition
- 9.08.03 Services performed by the city

|         |   |
|---------|---|
| 9.08.04 | Fees                                    |
| 9.08.05 | Requests for services                   |
| 9.08.06 | Vouchers                                |
| 9.08.07 | Permits                                 |
| 9.08.08 | Application                             |
| 9.08.09 | Permit fees                             |
| 9.08.10 | Permit issuance, expiration and renewal |
| 9.08.11 | Cash deposit or surety bond             |
| 9.08.12 | Lights and guards                       |
| 9.08.13 | Clearance for fire equipment            |
| 9.08.14 | Repairs                                 |
| 9.08.15 | Inspection of repair work               |
| 9.08.16 | Deposit or bond refund                  |
| 9.08.17 | Penalty                                 |

9.08.01 Definitions For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

**City** is the city of Pea Ridge, Arkansas.

**City Inspector** is the City Inspector (or other duly authorized official) of the city of Pea Ridge, Arkansas.

**Person** is any person, firm, partnership, association, corporation, company or organization of any kind.

**Permittee** is any person who has been granted and has in full force and effect an excavation permit issued hereunder.

**Voucher** is a document entitling its holder to services rendered by the city for excavation and repair work to a street, alley, sidewalk, road, highway or other public way, curb or gutter. (Ord. No. 233, Sec. 1.)

9.08.02 Prohibition It shall be unlawful for any person to excavate or cut 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. (Ord. No. 233, Sec. 2.)

9.08.03 Services Performed By the city The city shall make all excavations and repairs to city streets, alleys, sidewalks, roads, highways or other public ways, curbs or gutters in the city, except as hereinafter provided. (Ord. No. 233, Sec. 3.)

9.08.04 Fees Fees for excavation and repairs by the city are as follows:

|             |                                    |            |
|-------------|------------------------------------|------------|
| Street Cuts | up to ¼ the width of street        | \$250.00   |
|             | up to ½ the width of the street    | \$500.00   |
|             | up to ¾ the width of the street    | \$750.00   |
|             | up to the full width of the street | \$1,000.00 |

Additional charges may be assessed if extraordinary labor and/or equipment is required.  
(Ord. No. 309, Sec. 1.)

9.08.05 Requests for services All requests for excavation and repair services shall be submitted to the City Inspector along with a \$5.00 processing fee and shall include the following information:

- A. The name and address of the person making the request;
- B. The purpose for the excavation;
- C. The location of the work area;
- D. Attached plans showing details of the proposed alterations; and
- E. Such other information as the City Inspector shall find reasonably necessary to the performance of said services. (Ord. No. 233, Sec. 5.)

9.08.06 Vouchers Vouchers will be issued to those persons purchasing the services of the city to perform excavations and repairs to streets, alleys, sidewalks, roads, highways or other public ways or curbs or gutters in the city. (Ord. No. 233, Sec. 6.)

9.08.07 Permits Permits may be issued to persons who, in the opinion of the City Inspector, are properly qualified to make the excavations and repairs, and are licensed contractors.

9.08.08 Application An applicant for a permit hereunder shall file with the City Inspector an application showing:

- A. The name and address of the owner or agent in charge of the property abutting the proposed work area;
- B. The name and address of the party performing the work;
- C. The qualifications and experience of the party performing the work;
- D. The location of the work area;
- E. Attached plans showing details of the proposed alterations;

- F. Estimated cost of the alterations; and
- G. Such other information as the City Inspector shall find reasonably necessary to make a determination of whether the permit should be issued.

9.08.09 Permit fees

- A. Filing Fees. The fee for a permit required hereunder shall be \$5.00, which shall accompany the application; provided, however, that utility companies franchised by the city may be billed monthly for all permits issued to them during the previous month.
- B. Inspection and Engineering Fees. The City Inspector shall charge a fee for all inspections and Engineering Services done on behalf of an applicant or permittee hereunder. The inspection and Engineering fees shall be computed from a schedule of charges based on anticipated actual costs. Such schedule shall be posted for public inspection in the office of the City Inspector. (Ord. No. 233, Sec. 9.)

9.08.10 Permit issuance, expiration and renewal A permit required by this Ordinance shall be issued only after a proper application has been filed under 9.08.08 and the deposit or bond required by 9.08.11 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 renewal applications shall be in the same manner and with the same fees as the original application. (Ord. No. 233, Sec. 10.)

9.08.11 Cash deposit or surety bond

- A. No person shall make any excavation or cut for which a permit is required by this ordinance unless he has deposited with the City Inspector a cash bond for the purpose of guaranteeing the replacement of the street, alley, sidewalk, road, highway or other public way or curb or gutter. Such deposit shall be in an amount not less than \$50.00 and no more than \$5,000.00 to be determined and fixed by the City Inspector.
- B. In lieu of the cash deposit provided in Sub-Section A above, a good and sufficient surety bond, approved by the City Inspector, may be filed with the application. Such surety bond may be perpetual or for a fixed length of time and may cover all applications for permits under this ordinance, without the execution of an additional bond or deposit of additional cash.
- C. The utilities operated by or utility companies franchised by the city shall be exempt from the cash deposit or surety bond requirements of this Section. (Ord. No. 233, Sec. 11.)

9.08.12 Lights and guards Every person making an excavation or cut governed by this ordinance shall place and maintain proper and adequate caution lights and guards around the same for the protection of the public. Such lights and guards shall be subject to the approval of the City Inspector. (Ord. No. 233, Sec. 12.)

9.08.13 Clearance for fire equipment

- A. The excavation 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 fire-fighting 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. (Ord. No. 233, Sec. 13.)

9.08.14 Repairs

- A. Each person making an excavation or cut 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 Inspector to the following standards:
  - 1. All excavations and cuts shall be backfilled with SB-2 material applied in eight inch (8") lifts and each lift shall be individually compacted. All street and sidewalk excavations and cuts shall be resurfaced with the type of surface materials which exist immediately prior to such excavations and cuts, and this surface shall be extended six (6) inches on each side of the original excavation or cut so that the surface can properly adhere to undisturbed surfaces on each side of the excavation or cut.
  - 2. All curbs and gutters shall be replaced and restored to the condition which existed immediately before the excavation or cutting thereof.
- B. The Permittee shall notify the City Inspector prior to the beginning of such repair work of the time and manner of repair and obtain the approval of the City Inspector prior to the beginning of such repair and afford the City Inspector the opportunity of being present during the progress of such repair until completed. (Ord. No. 233, Sec. 14.)

9.08.15 Inspection of repair work After the repair work required by 9.08.14 has been completed, the Permittee shall notify the City Inspector that such work has been completed. The City Inspector shall make an inspection to insure that the work has been done in accordance with the requirements of 9.08.14 and the other reasonable specifications provided to the Permittee by the City 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 specifications, the City Inspector shall notify the Permittee or owner in writing of the non-acceptance of the repair work. All such rejected work shall be removed, and replaced as required in 9.08.14 within thirty (30) days of receipt of the notification.

9.08.16 Deposit or bond refund When the repairs required by this Ordinance are satisfactorily completed and approved and paid for, the City 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 Owner as required by law.

9.08.17 Penalty 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 violation 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.

## **CHAPTER 9.12**

### **STREET NAMES AND ADDRESSES**

Sections:

|         |   |
|---------|---|
| 9.12.01 | Purpose   |
| 9.12.02 | Street address map  |
| 9.12.03 | Centerlines   |
| 9.12.04 | Street names  |
| 9.12.05 | Address numbers   |
| 9.12.06 | Signs, numbers and system maintenance                         |
| 9.12.07 | Number and name assignment, review, approval and name changes |
| 9.12.08 | Coordination with 911 emergency service data center           |
| 9.12.09 | Penalty   |

9.12.01 Purpose This ordinance establishes a system for assigning street names and address numbers which will assist the public and private sector in locating individual streets, buildings and places in an easy and logical manner and for the protection of public health and safety of all persons living, working or visiting in the city of Pea Ridge. (Ord. No. 215, Sec. 1.)

9.12.02 Street address map The official street Address Map is a part of this ordinance and shall contain the ordinance numbers and certifications which appear upon this document. The map shall identify all named streets, numbering centerlines and block numbering grids which specify address number ranges. A typical section of land shall be divided into 16 blocks, grids North/South and East/West. Each grid interval shall be 330 feet except in non-standard areas identified on the map.

The official Street Address Map shall be automatically updated upon final plat approval of any plat or large scale development. The map shall include a revision block which lists the date and ordinance number of the latest change. (Ord. No. 215, Sec. 2.)

9.12.03 Centerlines The address grid centroid is the intersection of Lee Town Road and Curtis (AR 94). The address numbers increase proceeding north, south, east and west. The north and south address centerline is a line extending east and west from the grid centroid to the city limits. The east and west address centerline is a line extending north and south from the grid centroid to the city limits. (Ord. No. 215, Sec. 3.)

9.12.04 Street names For the purpose of this ordinance the word "street" shall mean all roadways, public and private, open for general public travel. Access drives to apartment and commercial complexes shall not be considered as streets and shall not be named as such.

Streets which are also state and federal highways will be identified by their local street name followed by their state or federal designation in parenthesis on the official Street Address Map. For example, Slack (AR 72).

Cul-de-sac streets which have only one entrance/exit shall not be called "avenue" or "road" but shall have a suffix name such as "cove", "lane", "place" or "terrace" to indicate their dead end nature.

Loop streets are circular or rectangular plan streets which begin at one point and end at another point along a common street and do not connect to any other streets. The street name suffixes on these streets must not be "road" or "avenue" but shall be "loop", "circle", "court" or other name indicating a closed street layout. (Ord. No. 215, Sec. 4.)

9.12.05 Address numbers Address numbers shall be even on the North and East sides of the street and odd on the south and west sides of the street. 100 numbers shall be assigned to each identified grid block with the lowest number beginning at the point nearest the grid centerline. Address numbers shall be determined by the number grid in which the property is located.

In new residential subdivisions each standard sized lot shall be given a pre-assigned street number by the City Inspector upon final plat approval. Address numbers will be assigned to large lots relative to their capacity to be divided into two or more minimum sized lots for the minimum width allowed by the zoning district. Address numbers shall be assigned to lots in the appropriate odd or even numerical sequence relative to their location, such as 201, 203, 205, etc.

Address numbers for unplatted residential and all other non-residential buildings shall be determined by calculation. The distance from the center of the driveway to the last corner or grid shall be measured to get a location number. The location number is then divided by 3.30 to get the address. If the block number is 1200 and the location number divided by 3.30 is 43, the address is 1243 or 1244 depending upon which side of the street the building is located.

When street intersections are within 120 feet of a grid line the number series change shall be made at the intersection to be more logical to the public. When a long block faces two blocks divided by a street, the number series on the long block shall change at the intersection street so that houses facing each other have compatible addresses.

Diagonal streets which run 45 degrees or less from a north/south line will be numbered by the north/south grid and those more than 45 degrees from the north/south line will be numbered by the east/west grid. Curving streets will be assigned numbers based upon the grid of their greatest length. For instance, if the beginning is more south than east of the end then the north/south grid will be used.

On loop streets and cul-de-sac streets address numbering shall begin at the entrance nearest the grid centerline. Address numbers shall increase or decrease relative to their initial movement from the grid centerline and continue to the opposite end as if the street were in a straight line. Block number changes will be made every 330 feet with odd and even numbers remaining on the same side to the street as they began.

Apartment buildings on public streets shall be assigned individual addresses. Apartments clustered about a central parking area immediately facing a public street shall also be assigned separate street addresses.

When apartments are arranged along a private street a sign showing the apartment complex name, with public street address below it, must be posted at the entrance. In these instances each building is lettered A, B, C, etc. but a central postal facility for all apartments must be located so it is readily accessible to a mail carrier for the public street serving the complex.

Each apartment must be identified on the exterior entrance by number or building letter and number for multiple buildings. The numbers shall be in sequence 1, 2, 3, etc. Apartments in lettered buildings shall have the building letter as part of each apartment number, such as B-210. When units are on multiple floors, ground floor numbers shall be in the 100 series (101, 102, 103 ... ), second floor in the 200 series (201, 202, 203 ... ) etc. If a common hallway is used



for several apartments, the external hallway entrance to each apartment shall contain a list of the apartments served. When addressing townhouses and other buildings containing units separately owned, each address shall be placed upon the principal external entryway to the unit.

The official address for each apartment on a public street shall be the building address followed by the apartment number, such as "329 S. Curtis, Apt. 8." Addresses for units in apartment buildings not on a public street shall include the public street address and the building number with the apartment designation. The official address for each apartment will be the public street address followed by the building letter, a dash, and the apartment number - such as "329. S. Curtis, Apt. C-104". (Ord. No. 215, Sec. 5.)

#### 9.12.06 Signs, numbers and system maintenance

Public and private street signs shall be installed at the expense of the original developer and thereafter maintained by the city of Pea Ridge.

Private street signs shall be required. They shall conform to the public street sign standards except shall have a blue background with white letters.

Only street name signs which are authorized by the City Council shall be installed within the corporate limits of the city of Pea Ridge. All street name signs, public or private, found not to conform with this ordinance shall be removed by the Street Department. Non-conforming, damaged or deteriorated public street signs shall be replaced as soon as possible by the Street Department.

Request for private street signs on existing streets shall be submitted to the City Inspector. The City Inspector shall forward authorization to the Mayor immediately upon completion after which the Mayor shall have the sign prepared and installed as soon as possible.

Address numbers shall be assigned by the City Inspector and shall be installed by the builder before final inspection and shall be the owners' responsibility thereafter.

Replacement of address numbers is required within 15 days after written notice to the owner by the City Inspector. New and replacement numbers must be placed so that they will be clearly visible from the street of primary access to the building.

Address numbers shall be a minimum of 3 inches high with black block letters on a white background and shall be visible from the street. Other colors which have sufficient contrast to be read from the street under normal nighttime conditions may be approved by the City Inspector. The numbers shall be placed as near as possible to the primary entrance of the building and preferably above the entrance doorway. The locations, style, size and color of the required numbers shall be approved by the City Inspector. Appeals concerning numbers shall be made to the City Council. (Ord. No. 215, Sec. 6.)

9.12.07 Number and name assignment, review, approval and name changes Official records of address numbers and proposed street names shall be maintained by the City Inspector.

All streets which run in a north/south direction, including diagonal streets which run 45 degrees or less from a north/south line, shall hereafter be named to honor those participants at the Battle of Pea Ridge that fought for the Union. All streets which run in a east/west direction, including diagonal streets which run 45 degrees or more from a north/south line, shall hereafter be named to honor those participants of the Battle of Pea Ridge that fought for the Confederacy. A list of the qualified names of the participants of the Battle of Pea Ridge, both Union and Confederate, shall be compiled by the Planning Commission for use in naming streets.

All proposed street names shall be reviewed for continuity and compliance with this Ordinance by the Planning Commission, who shall recommend alternative names when a proposed name duplicates or is so similar to an existing name that confusion could hamper prompt delivery of emergency services. The Planning Commission is hereby authorized to appoint an ad hoc committee, from time to time, to assist it in determining what names may or may not be proper for use in naming streets. Notwithstanding the provisions of Subparagraph 7.2, if the Planning Commission finds it is not practical to comply therewith, it may approve the use of other names it deems appropriate under the circumstances.

In the event that an individual or group desires the change of name for a previously named street they shall present to the City Inspector a petition calling for the change of the street name. A filing fee of \$50.00 shall be paid with the presentation of the petition. The petition shall include the following:

- A. A map showing the location of the street;
- B. The current name of the street;
- C. The proposed name of the street;
- D. The names and addresses of all persons that own residential property, businesses, or any undeveloped real property on the street.

The petition shall be signed by at least 80% percent of the persons identified in Subparagraph 7.4(d), above. The list, to comply with Subparagraph 7.4(d), above, must be certified to by the petitioners. The City Inspector shall review the petition and, when satisfied that it complies with this Section, shall submit the petition to the City Planning Commission. All proposed street name changes shall be reviewed for continuity and compliance with this Ordinance by the Planning Commission, who shall determine whether the proposed name duplicates or is so similar to an existing name that confusion could hamper prompt delivery of emergency services. Upon approval of the petition by the Planning Commission, the petition shall be presented, by the City Inspector, to the City Council who shall call a public hearing on the matter. A notice of the public hearing shall be published in a local newspaper of general circulation within the city at

least fifteen (15) days prior to the hearing. Following the public hearing, the City Council shall take a vote of its members to determine whether the petition shall be granted. Petitions initiated by the city shall require notice and public hearing in the same manner as for private petitions.

The City Council shall have the final authority on all street name changes or assignments. (Ord. No. 215, Sec. 7.)

9.12.08 Coordination with 911 emergency service data center Following the naming of a new street, the renaming of an existing street, a change of an existing street number or the assignment of a new street number, the City Recorder shall notify the 9-1-1 Emergency Service Data Center on a form provided by the Center. The 9-1-1 Data Center shall not accept any street name or number change or number assignment which is not on the form provided and signed by the City Recorder. (Ord. No. 215, Sec. 8.)

9.12.09 Penalty Any person failing to comply with the provisions of this ordinance shall, upon conviction thereof, be fined not less than \$25.00 nor more than \$125.00 plus prosecution costs for each offense. (Ord. No. 215, Sec. 9.)

## CHAPTER 9.16

### COMPETITIVE BIDDING

#### Sections:

- 9.16.01 Contract with Big "M" Ranch
- 9.16.02 Waving requirement

9.16.01 Contract with Big "M" Ranch The contract bearing the date of October 7, 2004, between the city of Pea Ridge, Arkansas, and Big "M" Ranch, Inc., for the performance of certain boring and trenching services be and the same is hereby ratified and approved. (Ord. No. 362, Sec. 1.)

9.16.02 Waving requirement The City hereby finds that an exceptional circumstance exists regarding the commencement and completion of the boring and trenching work, and therefore, waives the requirement for competitive bidding thereon as it is not deemed feasible or practical. (Ord. No. 362, Sec. 2.)