

TITLE 9

STREETS AND SIDEWALKS

Chapters:

- 9.04 Sidewalks
- 9.08 Excavations and Alterations
- 9.12 Breaking or Cutting of Streets

CHAPTER 9.04

SIDEWALKS

Sections:

- 9.04.01 Construction, repair or maintenance of sidewalks
- 9.04.02 Removal of obstacles
- 9.04.03 Designating kind of sidewalk
- 9.04.04 Responsibility of removal
- 9.04.05 Order for construction
- 9.04.06 Tenant's right

9.04.01 Construction, repair or maintenance of sidewalks Whenever it may become necessary, in the opinion of the City Council, in order to better provide for the public welfare, safety, comfort and convenience, the Council may, by resolution, order the construction, repair or maintenance of sidewalks by the owner or the tenant of any involved property. (Ord. No. 67-5, Sec. 1.)

9.04.02 Removal of obstacles Whenever it may become necessary in order to better provide for the public welfare, safety, comfort and convenience, the Council may, by resolution, order the removal of existing obstacles or encroachments and to regulate the use of sidewalks and all structures and excavations thereunder, by the owner or tenant of the involved property. (Ord. No. 67-5, Sec. 2.)

9.04.03 Designating kind of sidewalk The Street Commission of the City Council shall assume the responsibility of designating the kind and character of sidewalk improvement, construction or maintenance, and if the owner or tenant of the property involved refuses to obey the order or resolution of the Council, the Street Commission shall proceed to improve, construct or maintain the designated sidewalk and recover the costs of this action in the manner provided by existing laws. (Ord. No. 67-5, Sec. 3.)

9.04.04 Responsibility of removal The Chief of Police or City Marshall shall assume the responsibility of the removal of existing obstacles or encroachments and to regulate the use of sidewalks and all structures and excavations thereunder. If the owner or tenant of the property involved refuses to obey the order or resolution of the Council, the Chief of Police or City Marshall shall proceed to remove the existing obstacles or encroachments and recover the costs of such action in the manner provided by existing laws. (Ord. No. 67-5, Sec. 4.)

9.04.05 Order for construction When the Council shall have ordered the construction, repair, maintenance of sidewalks and the removal of existing obstacles or encroachments from the sidewalks, as provided in Sections 1 and 2 hereof, the Chief of Police or City Marshall shall serve or cause to be served, a copy of such order or resolution upon the owner and/or tenant of such property. If said owner and/or tenant is not a resident of the city of Huntsville, Arkansas, a certified or photo copy of such order or resolution shall be mailed by registered or certified U.S. mail to his or their last known post office address. Within thirty days (30) after the service or receipt of such order or resolution if said owner of tenant of said property shall fail, refuse, or neglect to construct, repair, maintain subject sidewalk or remove existing obstacles or encroachments, then the Chief of Police or City Marshall, or the Street Commission of the city of Huntsville shall proceed as directed in Sections 3 and 4. (Ord. No. 67-5, Sec. 5.)

9.04.05 Tenant's right Should the owner of property, who has been notified of an adopted resolution, as stated in Sections 1 or 2, fail or refuse to abide by said resolution, then the tenant or lessee shall have the right to proceed with the requirements of said resolution and deduct the costs of the required action from the rent that may be due or become due from him, or to hold the possession of the premises for such time as the rental value thereof will be sufficient to reimburse him for such costs, but nothing herein contained shall be so construed as to prevent said city from proceeding by civil action or in any other manner provided by existing laws. (Ord. No. 67-5, Sec. 6.)

CHAPTER 9.08

EXCAVATIONS AND ALTERATIONS

Sections:

9.08.01	Excavations - permit
9.08.02	Application in writing
9.08.03	Culverts
9.08.04	Bond
9.08.05	Fine

9.08.01 Excavations-permit From and after the passage of this ordinance, it shall be unlawful for any person, firm or corporation to construct over, across any street or alley within the city or to construct any culvert alongside any street or to build a drive way or sidewalk across

any ditch or from any street within the city or to obstruct any ditch along any street, road or alley way in the city without first obtaining a permit as hereinafter provided. (Ord. No. 67-12, Sec. 1.)

9.08.02 Application in writing Any person, firm, or corporation desiring to build, install, or construct any such culvert or to excavate or dig any ditch, trench, or hole in any street in the city or desiring to construct any drive way or sidewalk or walkway from any street in the city, shall first make application to the City Council in writing setting out the location, nature and purposes thereof and deliver the same in triplicate to the Mayor and at the next regular meeting of the City Council held not less than ten days after the filing of said petition the petitioning party shall present the same to the City Council and upon hearing of said petition the Council, if it finds that said construction shall be of such nature that the construction or digging shall not be of a type that will cause damage to the streets and alleys of the city shall issue a permit allowing said construction, or if such construction would cause damage to the streets or alleys the City Council may still issue a permit provided such applicant meets the requirements set out below. (Ord. No. 67-12, Sec. 2.)

9.08.03 Culverts Culverts utilized under a driveway shall be of an approved type (i.e. a culvert of sound and durable construction), not less than twelve inches (12") in diameter, nor less than twenty feet (20') in length. Culverts utilized under a sidewalk shall be of an approved type, not less than twelve inches (12") in diameter, nor less than four feet (4') in length. All culverts shall be inclined in the down direction of water flow not in excess of two degrees (2) , nor less than one (1) degree. (Ord. No. 67-12, Sec. 3.)

9.08.04 Bond Any person granted such permit may be required by the Council to give bond that he will repair the street or alley after such culvert is constructed to the original condition of said street or alley. (Ord. No. 67-12, Sec. 4.)

9.08.05 Fine Any person, firm, or corporation making any excavation in any street or alley or digging any ditch or trench in any street or alley or erecting or constructing any culvert alongside any street or across any street or alley or erecting a driveway or walkway or filling any ditch without first obtaining such a permit from the City Council shall be deemed in violation hereof and shall be fined any sum not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00). Each day of said violation shall constitute a separate and equal offense. (Ord. No. 67-12, Sec. 5.)

CHAPTER 9.12

BREAKING OR CUTTING OF STREETS

Sections:

- 9.12.01 Permit required
- 9.12.02 Fine
- 9.12.03 Replacing street

9.12.01 Permit required From and after the passage and publication of this ordinance it shall be unlawful for any person, firm, or corporation to break or cut any ditch, or trench across any streets, or parts thereof without securing a permit from the Treasurer of the city of Huntsville, Arkansas, and posting a \$500.00 cash fee which will be refunded less a \$25.00 processing fee after replacement has been approved by the Street Superintendent. An exception will be made for any applicant making more than five cuts a year, in which case, only one \$500.00 cash fee a year will be required less the \$25.00 processing fee. (Ord. No. 103 amended, Sec. 1.)

9.12.02 Fine Any person, firm, or corporation who shall violate the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$50.00, nor more than \$250.00, and shall moreover, be liable, to damage to the city of Huntsville, Arkansas, and the court shall render judgment in favor of the city of Huntsville, Arkansas, for three fold the amount assessed by the court, or jury, on trial in appellate court. (Ord. No. 103, amended, Sec. 2.)

9.12.03 Replacing street It shall be unlawful to dig up any portion of the city streets to lay pipe lines, sewers, poles, wires or ditches, or to otherwise disturb same for the purpose, except as authorized by an order of the city of Huntsville. All work shall be done to the satisfaction of the city of Huntsville; and all cost of replacing the street in as good a condition as it was before being disturbed shall be paid by the person, firm, or corporation to whom or in whose behalf authority is given; and it is hereby required before the work is done that a check certified by a solvent bank and payable to the Treasurer of the city of Huntsville in the amount to be fixed by said Treasurer shall be deposited with the city of Huntsville, to be used by the city of Huntsville in restoring the street to its former condition in the event the person who disturbs the street fails to do so; said street to present condition; said check to be returned if the street is restored to its former condition, by the person, firm, or corporation doing the work, otherwise the city of Huntsville shall so restore it, and any balance remaining after the work is paid for by the city of Huntsville shall be remitted to the person depositing the check. (Ord. No. 103, amended, Sec. 3.)