

## **TITLE 9**

### **STREETS AND SIDEWALKS**

#### **Chapters:**

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Excavations and Alterations
- 9.12 Vacating and Accepting Streets
- 9.16 Sidewalks

#### **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 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 and 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:**

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|---------|----------------------------------|
| 9.08.01 | Excavations - permit             |
| 9.08.02 | Application for permit - deposit |
| 9.08.03 | Excavations to be restored       |
| 9.08.04 | Encroachment on streets          |

**9.08.01 Excavations - permit.** No person, firm or corporation shall cut into, or 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 Recorder 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.

**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 Recorder for the purpose of insuring that the street is properly restored the sum of Five Dollars (\$5.00) per square foot for cutting concrete or other bituminous surface and Two Dollars (\$2.00) per square foot for cutting into gravel surface; provided the minimum deposit shall be Twenty-Five Dollars (\$25.00) irrespective of the estimate.

**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-Control of streets and other ways by city, A.C.A. 14-301-101.

**9.08.04 Encroachment on streets.** It shall be unlawful for any person, firm or corporation to encroach upon any street, alley, or public way in the city with any building, structure, fence, post or any thing or any object whatsoever.

Any person so encroaching as aforesaid shall be notified by the Department of Streets that such encroachment exists and shall allow such person a period of up to thirty (30) days to correct or remove said encroachment.

If, at the expiration of the allowed time, the encroachment has not been removed, a citation shall be issued, and the person may be fined not in excess of Ten Dollars (\$10.00) a day for each subsequent day of encroachment.

The person may apply to the City Council and shall be given additional time to comply, if at the expiration of the original allowed time, the person has made a bona fide attempt to remove said encroachment.

## **CHAPTER 9.12**

### **VACATING AND ACCEPTING STREETS**

#### **Sections:**

- 9.12.01      Vacating streets
- 9.12.02      Accepting streets
- 9.12.03      Renaming streets

#### **9.12.01 Vacating streets**

- Ord. No. 549      Alley in Block 9, Blasingame's Second Addition
- Ord. No. 628      Buell Street in Blasingame First Addition

#### **9.12.02 Accepting streets**

- Ord. No. 560      Mulberry and Mimosa Streets on west side of Butler Street

#### **9.12.03 Renaming streets**

- Ord. No. 630      Phillips Street is renamed Tommy Ratzlaff Avenue
- Ord. No. 633      Arch Street is hereby renamed Lt. Goins Avenue

## **CHAPTER 9.16**

### **SIDEWALKS**

#### **Sections:**

- 9.16.01      Construction of sidewalks
- 9.16.02      Compliance and penalties
- 9.16.03      Service

**9.16.01 Construction of sidewalks** From and after the passage of this ordinance the city is empowered to compel owners of any property abutting its streets or public squares to build, rebuild, maintain, and repair foot pavement or sidewalk improvements, curbing, and guttering there along and to designate the kind of sidewalk, curbing and guttering improvements to be made, the kind of material to be used, the specifications to be followed and the time within such improvement is required to be completed. (Ord. No. 574, Sec. 1.)

**9.16.02 Compliance and penalties** The city may provide that if the owner of the property shall or refuse to comply with the provisions thereof, in the manner and within the time of six (6) weeks after the notification, the city may contract with some suitable person for the construction, reconstruction, or repair of the sidewalk, curbing or guttering, on the best terms that can be made and in the manner to be prescribed in the ordinance after giving reasonable notice to the owner or agent in charge of the property of an intention to do so.

The city may pay that person for constructing, reconstructing, or repairing the sidewalk, curbing or guttering and provide that the amount so paid by the city, together with a six percent (6%) penalty added thereto, shall constitute a charge against the owner of the property and shall be a lien on the property from the date of the commencement of the work, the charge and lien to be assignable by the city, the charge to be recovered in an ordinary suit against the owner by the city or its assignee, or the lien to be foreclosed by the city or its assignee by suit in equity in the courts having jurisdiction of suits for the enforcement of liens upon real property for the payment of the sums so paid by the city, together with interest, penalty, and cost of suit, the suit in equity to be brought in the manner and under the terms now provided for by law for the foreclosure of property by improvement districts, so far as applicable. (Ord. No. 574, Sec. 2.)

**9.16.03 Service** The Director of Public Works or other city official shall provide notice to the property owner by certified mail or personal service, verified by affidavit of the serving officer, with these requirements together with a copy of this ordinance. (Ord. No. 574, Sec. 3.)