

**TITLE 9**

**STREETS AND SIDEWALKS**

Chapters:

- 9.04 Streets, Alleys, Gutters or Ditches
- 9.08 Excavations and Alterations
- 9.12 Visibility at Intersections

**CHAPTER 9.04**

**STREETS, ALLEYS, GUTTERS OR DITCHES**

Sections:

- 9.04.01 Streets and alleys
- 9.04.02 Gutters or ditches
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- 9.04.04 Penalty
- 9.04.05 Use restricted
- 9.04.06 Definitions
- 9.04.07 Responsibility of parent or guardian
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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 Driveways That every person, firm or corporation constructing a driveway over any public ditch within the city of Clarksville, Arkansas, shall provide some adequate means for the continual flow of water through said ditch; such opening shall be made by tile or other materials to be approved by the Street Superintendent of the city of Clarksville, Arkansas. (Ord. No. 109, Sec. 1.)

9.04.04 Penalty Any person failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction in any sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.0) and each day that said condition shall exist shall be considered a separate offense. (Ord. No. 109, Sec. 2.)

9.04.05 Use of certain vehicles restricted No bicycles, skates, skateboards, rollerblades, scooters, segways, or other similar devices shall be used upon any sidewalk in the downtown business district of Clarksville in the areas on Main Street from Legion Street (just west of the Spadra Bridge) to Johnson Street and all streets and alleys running north and south between Sevier and Cherry Streets, including but not limited to Cravens, Fulton, College, and Ladd, but excluding Sevier and Cherry Streets proper. This restriction shall only apply between the hours of 8:00 a.m. to 5:00 p.m. Mondays – Saturdays.

Additionally, none of such devices shall be used on the walkways stairs, rails parking lots or other areas of any business, residence, church or other property without the consent of the property owner. (Ord. No. 2007-557, Sec. 1.)

9.04.06 Definitions

**Skateboard** – a short, narrow board having wheels mounted to it.

**Skate** – a shoe or boot with wheels affixed to its sole, enabling it to roll across surfaces, with the exception of wheeled sneakers.

**Sidewalks** – that area adjacent to a roadway and commonly used by pedestrians as a walkway. (Ord. No. 2007-557, Sec. 2.)

9.04.07 Responsibility of parent or guardian Where a person under the age of fourteen (14) years of age is in violation of the provisions of this ordinance, the responsibility for the non-compliance shall be placed on that person’s parent or guardian. (Ord. No. 2007-557, Sec. 3.)

9.04.08 Penalty Any individual fourteen (14) years of age or older, or the parent or legal guardian of any child under the age of fourteen (14), who knowingly permits a child to violate any of the provisions of this ordinance, shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00). (Ord. No. 2007-557, Sec. 4.)

## CHAPTER 9.08

### EXCAVATIONS AND ALTERATIONS

Sections:

9.08.01	Excavations – Permit
9.08.02	Applications for Permit – Deposit
9.08.03	Municipal Exception
9.08.04	Definitions
9.08.05	Prohibited Actions
9.08.06	Penalty

9.08.01 Excavations – Permit From and after the passage of this ordinance any person, firm or corporation or anyone wishing to bore, excavate under or into, or cut into the surface of any street, roadway, sidewalk, curb, or alley in the City of Clarksville, Arkansas, shall furnish to the City of Clarksville the location where the opening is to be made, the nature, extent and purpose of said opening and shall pay to the City of Clarksville a fee in the amount of fifty dollars (\$50.00) for a permit allowing excavation or alteration, which permit shall be considered by the City of Clarksville with the approval of the Street Superintendent of the City of Clarksville, Arkansas upon the posting of a bond as hereinafter provided. (Ord. No. 23-908, Sec. 1)

9.08.02 Application for Permit – Deposit Anyone desiring to make an alteration or excavation to any street, roadway, sidewalk, curb, or alley in the City of Clarksville, Arkansas, shall make a written application for and secure a permit via the City of Clarksville’s permit software website, pay the permit fee by cash or credit card and a deposit in the amount of Five Hundred Dollars (\$500.00) to be used as necessary by the City in repairing and restoring the roadway to its former condition, before any alteration or excavations can be made. After repair of street, roadway, sidewalk, alley, and/or curb has been completed and inspected, any excess of such bond remaining shall be refunded. Costs of such repairs will be calculated according to schedule approved by the City Council. (Ord. No. 23-908, Sec. 2)

9.08.03 Municipal Exception The City of Clarksville, Clarksville Connected Utilities or any contractors working on their behalf, will be required to secure a permit before opening any street, roadway, sidewalk, curb, or alley. However, they will not be required to pay the permit fee or post a bond in those instances where such opening is necessary for repairs or improvements to the public utility system. Clarksville Connected utilities must have an approved permit from the City of Clarksville prior to any non-emergency opening. In emergency situations that necessitate Clarksville Connected Utilities to bore, excavate under or into, or cut into the surface of any street, roadway, sidewalk, curb, or alley, Clarksville Connected Utilities shall comply with the permit requirements set forth in Section 4 below.

Clarksville Connected Utilities may excavate or alter any street, roadway, sidewalk, curb, or alley to perform utility work on behalf of a customer or property owner **only after the customer or property owner has obtained permit and posted the bond** as required herein. Under no circumstances will a permit be issued in the name of Clarksville Connected Utilities for the alteration or excavation of a street, roadway, sidewalk, curb or alley performed for the benefit of a private contractor, customer, or property owner. (Ord. No. 23-908, Sec. 3)

#### 9.08.04 Definitions

“Emergency” shall be defined as a utility repair that is necessary for public safety and/or system safety and that occurs after normal operating hours of the City of Clarksville or during normal hours as the situation dictates. A permit is required for an emergency alteration or excavation of city streets, roadways, sidewalks, alleys, and curbs, and a permit shall be obtained from the City of Clarksville within twenty-four (24) hours after Clarksville City Hall opens to the public following such emergency excavation or alteration. The permit shall describe, in detail, the nature of the emergency and the reasons for the alteration or excavation to the street, roadway, sidewalk, alley, and/or curb on an emergency basis. (Ord. No. 23-908, Sec. 4)

9.08.05 Prohibited Actions No person, firm or corporation shall bore, excavate under or into, or otherwise alter any street, roadway, sidewalk, curb, or alley within the city limits of Clarksville, Arkansas, for any purpose whatsoever without first obtaining an official permit from the City of Clarksville as set forth herein. (Ord. No. 23-908, Sec. 5)

9.08.06 Penalty Violation of this ordinance is declared to be a violation and any person, firm or corporation who is found guilty of a violation hereof shall be fined not more than One Hundred Dollars (\$100.00). Each day during which a violation continues shall constitute a separate offense and be subject to the fine set forth herein for each and every separate offense. (Ord. No. 23-908, Sec. 6)

## **CHAPTER 9.12**

### **VISIBILITY AT INTERSECTIONS**

#### Sections:

#### 9.12.01 Regulated

9.12.01 Regulated On a corner lot on which a front yard is required, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½ ) feet and ten (10) feet above the center line grade of the intersecting street in the area bounded by the street right-of-way lines (not curb lines but the right-of-way lines which are also the property lines) of such corner lot and line joining points along said street right-of-way lines twenty-five (25) feet from the point of intersection. Graphic illustration of these requirements is provided by the following:

(\*\*Pages 123 through 126 intentionally left blank\*\*)