

ORDINANCE 23 -908

BE IT ENACTED BY THE CITY COUNCIL OF CLARKSVILLE, STATE OF ARKANSAS, AN ORDINANCE REGARDING EXCAVATIONS AND ALTERATIONS TO CITY STREETS, ROADWAY, SIDEWALK CURBS, AND ALLEYS; REVOKING ORDINANCE 94 and 256; AND, FOR OTHER PURPOSES

WHEREAS the Clarksville city council is desirous of providing a clear and concise policy pertaining to excavations and alterations to city streets, roadways, sidewalk, curbs, and alleys; and

WHEREAS street improvement and maintenance are a costly proposition and coordination between all parties is required to keep cost at a minimum to all; and

WHEREAS, the Clarksville City Council desires to revoke Ordinance No. 94 and No. 256.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clarksville, Arkansas that:

Section 1. 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.

Section 2. Applications 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.

Section 3. 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.

Section 4. 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.

Section 5. 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.

Section 6. 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.

Section 7: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

Section 8: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict. Specifically, City of Clarksville Ordinance No. 94 and No. 256 is hereby revoked.

Section 9. Emergency Clause

This Ordinance being necessary for the effective operation of the City of Clarksville, Arkansas, and to ensure the streets, roadways, alleys, sidewalks and attached curbs are timely repaired and safe for the citizens of Clarksville, and to also ensure the fiscal stability of the Clarksville

Street Department, an emergency is hereby declared to exist, and this ordinance shall become effective immediately upon its passage.

Passed this 13th day of March, 2023.

APPROVED:



David Rieder, Mayor

ATTEST:



Barbara Blackard, City Clerk/Treasurer