

TITLE 9

STREETS AND SIDEWALKS

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CHAPTER 9.04

CLOSING STREETS

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- 9.04.01 Temporary closing
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9.04.01 Temporary closing

- A. The Chief of Police shall have the exclusive authority to temporarily close to public use any street, alley or driveway when necessary for construction, oiling, cleaning, repair or because of unsafe or hazardous traffic conditions or for the temporary rerouting of traffic.
- B. Upon the closing of any street, alley or driveway to the public use, clearly defined barricades shall be erected at each intersection of the street or alley opening into the closed portion thereof and clearly visible signs placed at or on each barricade showing that the street or alley was closed by police order. The signs shall be clearly illuminated at night. (Ord. No. A-53, Sec. 1-2, June 26, 1950.)

9.04.02 Barricades It shall be unlawful for any person to remove or attempt to remove any barricade or portion thereof, sign or light placed on or at such barricade or to drive any vehicle on, across, or on any portion of any street, alley or driveway closed and barricaded. (Ord. No. A-53, Sec. 3, June 26, 1950.)

CHAPTER 9.08

EXCAVATIONS

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9.08.01 Permit It shall be unlawful for any person or public utility company to make or cause to be made any excavation in any street or alley in this city without first having obtained a written permit from the Building Official. The permit shall cost One Hundred Dollars (\$100.00) for the first 25 feet, or fraction thereof, of said projected cut, and Ten Dollars (\$10.00) for each additional 50 feet of said projected cut, or fraction thereof. Any failure to complete repairs within seven (7) days of the commencement of the cut will cause a forfeiture and performance bond, unless prior arrangements have been made with the Crossett Building Official. (Ord. No. 2003-17, Sec. 1, Sept. 23, 2003.)

9.08.02 Emergencies If it becomes necessary for any person or public utility company to cut a street or alley within the city in order to protect the health, safety or welfare of the citizens and specifically where it is necessary for any utility company to make any repairs to its utility lines under circumstances which require immediate repair of the utility line, it shall not be necessary for any person or public utility company to obtain a permit and post a bond in advance of any such emergency repairs if, in the opinion of the person authorizing the repairs, an emergency exists, but it shall be required that any such person or public utility company promptly file a report with the Building Official's office and post a bond as required within 24 hours of any such emergency repairs necessitating the cutting of a street or alley in the city. (Ord. No. A-346, Sec. 1, May 21, 1973.)

9.08.03 Permanent cut When any permanent concrete or asphalt street has been cut, the following procedure will be used:

After the flowable fill material has been brought within 7 ½ inches of the finished surface, the material on either side of the trench shall be removed for a horizontal distance of nine inches from the widest point of the trench to a depth of 7 ½ inches. This will provide a shoulder of undisturbed bearing along each side of the trench nine inches wide. The cut shall have a uniform width as nearly as is practicable to the surface of the pavement in order that the repair shall result in a uniform, neat appearance.

If the street is concrete, 7 ½ inches of 5,000 pound concrete meeting the city specifications is then to be placed on this shoulder. If the street is asphalt, six inches of 5,000 pound concrete will be poured into within 1 ½ inches of the surface. As soon as the concrete has obtained its final set, the surface will be tack coated and surfaced with 1 ½ inches of hot mixed asphaltic concrete meeting the city specifications.

The above requirements shall apply for all pavement thicknesses up to and including the thickness outlined above, but in no case shall the total thickness of repairs to streets be less than the total thickness of pavement in each individual case. (Ord. No. 2003-17, Sec. 2, Sept. 23, 2003.)

9.08.04 Backfill Flowable fill on gravel streets and street rights-of-way will be as follows: Flowable fill will be required up to six inches, and the final six inches will be clay gravel. The final six inches will be tamped in place by using an air tamp or other suitable tamping device approved by the Building Official. (Ord. No.2003-17, Sec. 3, Sept. 23, 2003.)

9.08.05 Repair Repair to cuts in alleys will be as follows: Flowable fill will be required up to six inches, and the final six inches will be clay gravel. The final six inches will be tamped in place by using an air tamp or other suitable tamping device as approved by the Crossett Building Official. (Ord. No. 2003-17, Sec. 4, Sept. 23, 2003.)

9.08.06 Bond requirements All persons, firms, utility companies and contractors shall be required to post a bond, with corporate surety, before making any excavation in any city streets or alleys and to ensure that the requirements of this article are met and to ensure that any damage to the street system is fully repaired. At the option of the person making the excavation, the bond may be either a Fifty Thousand Dollars (\$50,000.00) surety bond for each separate street or alley cut or excavation or any person may post a One Hundred Thousand Dollar (\$100,000.00) surety bond for all street and alley excavation to be done in any calendar year. The bond shall run in favor of the city and shall guarantee to the city that the company or contractor shall comply with all requirements of this article in repairing streets or alleys in the city. (Ord. No. A-344, Sec. 5, April 16, 1973; Ord. No. A-350, Secs. 1-2, July 23, 1973.)

9.08.07 Notice of repair All person, firms, utility companies and contractors shall give notice to the Building Official of the time and date of each proposed repair to a street or alley. If the street or alley is not repaired in accordance with these requirements, the Building Official shall give written notice to the party involved setting forth the requirements to be completed. Failure of the party involved to satisfactorily repair the street within ten days from the date of such notice shall entitle the city to proceed against the surety bond and/or party involved. (Ord. No. A-344, Sec. 6, April 16, 1973.)

CHAPTER 9.12

VEHICLE OBSTRUCTIONS

Sections:

9.12.01	Definitions
9.12.02	Intersections
9.12.03	Violation
9.12.04	Conflict with zoning
9.12.05	Enforcement

9.12.01 Definitions

Fence means those fences constructed of any materials in which the openings between the materials of which the fence is constructed represent less than 70 percent of the total surface and does not include a wire fence in which the openings between the materials of which the fence is constructed represent more than 70 percent of the total fence area.

Reasonable visibility of driver or operator means the visibility of and along the intersecting street, as measured along the street line of such intersecting street nearest to the approaching driver or operator, which such driver or operator is approaching that would enable him to clearly observe, without obstruction of any kind, from a point in his traffic lane within two feet of the centerline of the roadway and which is 25 feet back from the street line of the intersecting street, the movement of traffic along the intersecting street for a distance of not less than 50 feet in each direction, measured on the street line of the intersecting street from the centerline of the roadway upon which such driver, or operator, is approaching.

Street line means the dividing line between a lot, tract or parcel of land and a contiguous street and the extension of such dividing line, in a straight line, across an intersecting street to conjunction with the dividing line on the opposite side of the intersecting street, all in accordance with the recorded plat of such lot, tract, parcel and streets. (Ord. No. A-149, Sec. 3(d), april 15, 1957; Ord. No. A-186, Sec. 2, Jan. 16, 1961.)

9.12.02 Intersections It shall be unlawful for any person to plant, replant set out, cultivate or maintain any hedge trees, plants, shrubs or shrubbery, or flowers of any nature, description or by any name known growing from the soil, whether of herbaceous origin or not, or to build, construct or maintain any fence, arbor, lattice work or structures of any nature or description, by any name known, within 20 feet of the intersection of two street lines, within the city, that obstructs, obscures, limits or reduces the reasonable visibility of the driver or operator of automobiles, or the operators or drivers of any other type of transportation normally using the streets, including but not limited to horses, wagons, motorcycles, bicycles and motor scooters. . (Ord. No. A-149, Sec. 1, April 15, 1957)

9.12.03 Violation The violation of this article is declared to be a public nuisance inimical to the safety of the persons and property of the general public using the streets of the city. (Ord. No. A-149, Sec. 2, April 15, 1957.)

9.12.04 Conflict with zoning Nothing in this article shall be construed to permit the erection of any fence or other structure which is prohibited by other ordinances of the city and particularly the zoning chapter of this code and this article shall be deemed to be cumulative and any conflict between the provisions of and the provisions of the zoning ordinance shall be resolved in favor of the provisions of the zoning ordinance. (Ord. No. A-149, Sec. 6, April 15, 1957.)

9.12.05 Enforcement

- A. The enforcement of the provisions of this article shall be the primary responsibility of the personnel of the Police Department, who shall, if they find a violation exists, or if a private person shall have so requested make an investigation to determine if such violation exists and if found to exist, serve notice in writing upon the person, whether owner or occupant of the property, violating any provision of this article, notifying such person of the particular violation involved and directing removal of the obstruction within ten days of the date of service of such notice. If the offensive obstruction is not removed within such period, it shall be the duty of the Police Department to make known to the City Attorney the facts of such violation, and it shall be the duty of the City Attorney to investigate and if he finds that a violation exists to initiate criminal proceedings in the District Court, by charging such person with a violation of this article.
- B. In addition to the criminal penalties provided, or in lieu thereof, upon the complaint of a member of the Police Department, or of any private person, or of the Building Official that it appears that an obstruction as defined in this article exists and is creating a safety hazard, it shall be the duty of the City Attorney to investigate such condition and if he finds, in his opinion, such condition constitutes a public nuisance, as such nuisance is defined under this article, or under the laws of the state, he shall cause notice in writing to be served upon the owner, or the occupant, if other than the owner, of the premises on which such nuisance exists, setting out the nature of the nuisance and in the notice shall provide a reasonable time, not less than 20 days, in which the owner may voluntarily abate the nuisance; and upon the failure of the owner, or occupant of the premises, to remove the nuisance within such time, the City Attorney shall initiate proceedings in a court of competent jurisdiction for the abatement of such nuisance in the name of and on behalf of the city.
- C. The giving of the notice shall be jurisdictional, and proof of the failure to give such notice shall be a defense to any criminal action under the provisions of this article. (Ord. No. A-149, Secs. 4-6; Ord. No. A-186, Secs. 3-4, Jan. 16, 1961.)

CHAPTER 9.16

SETBACK AREAS AND PEDESTRIAN

Sections:

9.16.01	History and purpose
9.16.02	Beautification
9.16.03	Application for use
9.16.04	Permit
9.16.05	Prohibited uses

9.16.01 History and purpose Over the years, Crossett Lumber Company, the Crossett Company and Georgia-Pacific Corporation have dedicated to the general public a setback area located between the street right-of-way and the property line of privately owned property (in this article "the setback area") located in the commercial business district in the city. Those companies have also dedicated to the general public certain pedestrian walkways which normally are located between parking areas and the sidewalks and streets (in the article "pedestrian ways.") Frequently, these areas are not maintained by either the city or adjacent property owners. In order to encourage adjacent property owners to plant flowers, shrubs, trees and to generally landscape and beautify these area, the city desires to establish certain conditions and criteria for the use of those areas. (Ord. No. A-580, Sec. 1, July 17, 1995.)

9.16.02 Beautification Any adjacent property owner to setback areas and pedestrian ways may apply to the Building Official for a permit to landscape, improve, beautify and use certain portions of the setback area and pedestrian ways. Provided, however, any use of the property shall be subject to the conditions and requirements set forth. (Ord. No. A-580, Sec. 1, July 17, 1995.)

9.16.03 Application for use The adjacent property owner may apply to the Building Official for permission to landscape, improve, beautify and use a setback area or pedestrian way. The property owner shall file with the city Building Official a plan setting forth, in detail, the following:

- A. A plat showing the privately owned property and the adjacent public property which will be improved and beautified;
- B. The proposed use of the property; and
- C. The location of all trees, shrubs, flower beds or other improvements which are to be located on the property.

The property owner shall pay a permit fee of Ten Dollars (\$10.00) and also certify, in writing, that neither they, nor their successors or assigns, shall acquire any proprietary interest in any of the property so utilized. The property owner shall certify, in writing, that they shall immediately, upon request from the city Building Official, remove, at their own expense, all improvements located on the setback area or pedestrian way. (Ord. No. A-580, Sec. 1, July 17, 1995.)

9.16.04 Permit If the Building Official finds that the application complies with the terms and conditions of this article, he shall issue a permit authorizing the use of the right-of-way as set forth in the application. (Ord. No. A-580, Sec. 1, July 17, 1995.)

9.16.05 Prohibited uses The following uses are prohibited:

- A. Any permanent improvement;
- B. Uses not shown on an application form; or
- C. Uses which would interfere with or impede pedestrian or vehicular traffic. (Ord. No. A-580, Sec. 1, July 17, 1995.)

CHAPTER 9.20

SHIELDED STREET LIGHTING

Sections:

9.20.01 Prohibitive cost

9.20.01 Prohibitive cost Pursuant to A.C.A. 8-14-104 (2006 Supp.), the city of Crossett, Arkansas, has made a determination that the cost of acquiring shielded outdoor lighting fixtures is more expensive than the alternative fixtures and is therefore prohibitive, after comparing the cost of the fixtures and the projected energy cost for the operations of the fixtures. There the city of Crossett hereby opts out of the application of such statutes. (Ord. No. 2006-5, Secs. 1-2.)