

TITLE 9

STREETS AND SIDEWALKS

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CHAPTER 9.04

STREETS, ALLEYS, GUTTERS OR DITCHES

Sections:

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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 alleys 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 Street Commission created There is hereby created a Street Commission of the City of Sherwood, Arkansas, consisting of three aldermen and two residents of Sherwood. (Ord. No. 649, Sec. 1.)

9.04.04 Street Commission shall be advisory Said Street Commission shall act in an advisory capacity only in regards to the street department and drainage problems. (Ord. No. 649, Sec. 2.)

9.04.05 Street Commission - terms of members

A. The three aldermen serve on said Commission until the expiration of their term of office and the senior alderman shall be chairman and if he declines, the Commission shall determine the chairman.

B. The two residents shall serve for two (2) and four (4) year terms and the initial terms shall be determined by lot and the residents' terms shall expire on December 31 of the year of expiration of their terms. The term for new resident appointees shall be four (4) years. (Ord. No. 649, Sec. 3.)

9.04.06 Street Commission - appointments and vacancies Said members of the Commission shall be appointed by the Mayor and confirmed by a majority of the City Council and in the event there is a vacancy then the successor shall be filled in like manner for the expiration of the term of the vacancy. (Ord. No. 649, Sec. 4.)

9.04.07 Painting address on curb - owner must approve The property owner must give his permission for his address to be painted on the curb in front of his property prior to said painting of the address. (Ord. No. 828, Sec. 1.)

9.04.08 Penalty - 9.04.07 A violation of this ordinance is to be a violation and punishable by a fine of \$50.00 for each occurrence. (Ord. No. 828, Sec. 2.)

9.04.09 Procedure for numbering

A. The numbering of buildings on each street shall be based on its block number. The block numbering for each street shall have begun at the baseline. All numbers assigned to property and buildings shall be assigned on the basis of one (1) for each twenty-five (25) feet of street frontage. Where a lot of record is in excess of twenty-five (25) feet of street frontage, with single building occupancy, the building shall be the nearest number within the sequence of twenty-five-foot assignment.

B. All buildings on the south and west sides of each street shall bear odd numbers. All buildings on the north and east sides of each street shall bear even numbers. Where any building has more than one (1) entrance serving separate occupants, a separate

number shall be assigned to each entrance serving a separate occupant providing said building occupies a lot, parcel or tract having a frontage equal to twenty-five (25) feet for each such entrance. If the building is not located on a lot, parcel or tract which would permit the assignment of one (1) number to each such entrance, numerals and letters shall be used, as set forth in the law.

C. All buildings facing streets not extending through to the baseline shall be assigned the same relative block numbers derived from the block grid system as if the street had extended to the baseline.

D. There shall be assigned to each house and other residential, commercial, industrial, or public building located on or gaining access to any street, avenue, or public way, its respective number under the uniform system provided for in this article.

E. The owner or agent proposing to locate any house, building, or structure in need of an address in the address service area of the city shall apply to the city engineer for the assignment of the correct number or numbers. In building permit issuing area, no building permit shall be issued for structures in need of an address and no mail shall be delivered until the owner or agent has been assigned the correct address. The applicant is encouraged to post a temporary sign displaying the assigned address number at the construction site until such time the permanent number can be displayed.

F. In those parts of the address service area where building permits are not issued, the owner or agent shall apply to the city engineer for the assignment of the correct address. The address must be known by the owner or agent before electrical service is extended to the proposed building site. Final approval of any structure erected, repaired or altered for occupancy shall be withheld by the city engineer and no mail shall be delivered until permanent and proper numbers have been affixed within thirty (30) days to the structure or otherwise in accord with the procedures of this article.

G. The owner, occupant, or agent of the affected house or building shall place or cause to be placed upon each house or building, the number assigned under the address system as provided in this article. The cost of the number shall be paid for by the property owner. Replacement of numbers shall be procured and paid for by the owner. The numbers used shall not be less than three (3) inches in height for residential structures and shall not be less than six (6) inches in height for nonresidential structures. The numbers shall be of a durable reflective material on a color-contrasting background to promote enhanced visibility.

H. The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street on which the number is based. Whenever any building is situated so that the number is not clearly discernible from the street line or vision of the building from the street is

otherwise obscured, the number or numbers assigned shall be placed near the walk, driveway or common entrance to such buildings, and affixed upon a gate post, fence, mailbox, post, or other appropriate place so as to be easily discernible. Numbers painted or stenciled on the curb shall not be a lawful substitute for the display of address numbers prescribed by this article.

I. Where only one (1) number can be assigned to any house or building and the owner, occupant, or agent of such house or building, desires distinctive numbers for the upper and lower portion of any house or building, or for any part of any such house or building fronting on any street, such owner, occupant, or agent shall be assigned the suffix (A), (B), (C), etc., as may be required. Fractional numbers shall not be used as an alternative to alphabetical designations.

J. Distinctive names such as 1st Place, Plaza One, or the like, may be used by owners to name business locations. However, businesses so named shall also display the correct assigned address number or numbers in accord with this article. (Ord. No. 995, Sec. 1.)

CHAPTER 9.08

EXCAVATIONS AND ALTERATIONS

Sections:

9.08.01	Excavations - permit
9.08.01	Application for permit - deposit
9.08.03	Excavations to be restored
9.08.04	Permit not required for gas company
9.08.05	Permits - issuance
9.08.06	Failure to refill excavation
9.08.07	Penalty
9.08.08	Bond is required for making a "street cut"
9.08.09	"Street cut" defined

9.08.01 Excavations - permit. No person, firm or corporation shall cut into, 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 Clerk/Treasurer 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 Clerk/Treasurer 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 (\$2.00) Dollars per square foot for cutting into gravel surface; provided the minimum deposit shall be Twenty-Five (\$25.00) Dollars 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 - See A.C.A. 14-301-101

9.08.04 Permit not required for gas company The Arkansas-Louisiana Gas Company when making excavations pursuant to the terms of their franchise with the City of Sherwood will not be required to obtain a permit for each individual excavation so long as they comply fully with the terms of said franchise. (Ord. No. 18, Sec. 2)

9.08.05 Permits - Issuance Permits for necessary excavation work on said streets will be issued by the City Recorder, or his duly authorized agent, or the City Council acting as a committee of the whole, upon application of the party making the excavation and the posting of a bond of at least \$250.00 to insure that the street, where excavated, will be restored to its proper condition. Said permit shall state the location of such excavation, the persons or persons to whom issued, the purpose of the excavation and the dates for which the permit is good. Such excavation will be closed by the termination date shown on said permit. In addition to the bond herein required, the person receiving such permit shall have a liability insurance policy of sufficient size to reimburse anyone injured by reason of such excavation. No excavation shall have a complete street blocked at any time. A fee of \$5.00 shall be charged for each such permit. (Ord. No. 18 as amended by Ord. No. 107, Sec. 1.)

9.08.06 Failure to refill excavation Should the permittee not refill the excavation and restore the street to its proper condition by the date of expiration as shown on the permit, the city may proceed to repair the street and charge the amount of the cost of said work to the bond posted as provided in Section Three hereof. For those persons not required to post a bond, the City shall bill to them the said cost which shall be payable in thirty days, and, upon failure to reimburse the city within thirty days, the City's Attorney shall file suit to collect said money, which shall be in addition to any other penalties provided for in this ordinance.

A street where an excavation has been made shall not be deemed "restored to its proper condition" unless and until it is in the same condition, including any pavement disturbed, as it was prior to said excavation, and shall remain so for a period of one year following said excavation. In the event any restored excavation sinks, or the pavement breaks up, within a period of one year from the date the work of restoration was completed, it shall be considered prima facie proof that said

excavation was not properly restored, and, each day said condition exists shall be considered a separate violation of the ordinance. (Ord. No. 18, as amended by Ord. No. 125, Sec. 1.)

9.08.07 Penalty Any person, firm or corporation violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum of not less than Ten Dollars nor more than Twenty-Five Dollars. (Ord. No. 18, Sec. 5.)

9.08.08 Bond is required for making a “street cut” Any person, firm, corporation, or other business entity that makes a “Street Cut” shall be required to post a \$1,000.00 bond with the Municipal Clerk of the city of Sherwood prior to each “Street Cut”. (Ord. No. 356.)

9.08.09 “Street cut” defined “Street Cut” is defined as changing the surface of any street in order to lay wire, pipes, culverts, or any other material under the street.

CHAPTER 9.12

OBSTRUCTIONS, CARE AND MAINTENANCE,

CONSTRUCTION OF SIDEWALKS

Sections:

9.12.01	Obstructions of streets unlawful
9.12.02	“Obstructions” defined
9.12.03	Penalty
9.12.04	Procedure for waiver
9.12.05	Applicability
9.12.06	Man-made obstructions on public right-of-ways unlawful
9.12.07	Man-made obstructions defined
9.12.08	Penalty - 9.12.06
9.12.09	Property owners shall maintain area next to curb
9.12.10	Erection of sign, fence or other next to curb - Illegal
9.12.11	Ordinance applicability
9.12.12	Area shall be kept free of vegetation, etc.
9.12.13	Penalty - 9.12.09 through 9.12.12
9.12.14	Specifications for construction of sidewalks

9.12.01 Obstructions of streets unlawful From and after the passage up this ordinance it shall be unlawful for any person, firm or corporation to place or caused to be placed upon any of the

streets of Sherwood, Arkansas, any type of obstruction or to erect or cause to be erected upon the right-of-way of any of the streets of said city any type of barricade. (Ord. No. 44, Sec. 1.)

9.12.02 “Obstructions” defined An obstruction is defined as including those things defined as a violation of the laws of the State of Arkansas by Section 21-2101 of Arkansas Statutes, 1947, and also rock, sand or dirt upon the paved portion of the streets of the City of Sherwood in a quantity of one-half of a cubic foot in an area of one square yard. (Ord. No. 44, Sec. 2.)

9.12.03 Penalty Any person, firm or corporation violating the provisions of this ordinance shall, upon conviction thereof, be fined not less than \$10.00 nor more than \$25.00, and each day that such obstruction or barricade remains shall constitute a separate offense; provided, however, that the penalties of this ordinance shall not apply to persons, firms or corporations complying with Section Four of this ordinance. (Ord. No. 44, Sec. 3.)

9.12.04 Procedure for waiver Any person, firm or corporation engaged in any type of construction work in said city who believes that its construction operations will result in a violation of 9.12.01 of this ordinance may apply to the Mayor or Clerk for a permit for such activity and upon being granted such a permit shall not be found guilty of a violation of this ordinance provided all obstructions are removed by the time of official sunset of each day but if such obstructions are not removed by official sunset as established by the Weather Bureau at Little Rock, Arkansas, then this ordinance shall be deemed violated. (Ord. No. 44, Sec. 4.)

9.12.05 Applicability The provisions of this ordinance shall not apply to anyone operating under the provisions of Ordinance No 18 assigned on the 13th day of March, 1950. (Ord. No. 44, Sec. 5.)

9.12.06 Man-made obstructions on public right-of-ways unlawful From and after 1 February 1960, it shall be unlawful for any abutting property owner to erect or maintain any type of man-made obstruction upon the property of the city of Sherwood between the abutting property owner’s property line and the street hard surface or curb line. (Ord. No. 79, Sec. 1.)

9.12.07 Man-made obstructions defined Man-made obstructions include, but is not limited to, fences, mail boxes and posts of the type known as RFD boxed guide lines, etc. (Ord. No.79, Sec. 2.)

9.12.08 Penalty - 9.12.06 Any person, firm or corporation maintaining or allowing to exist upon the property between his property line and the hard surface of the street or curb line, shall be guilty of a misdemeanor, and, upon conviction thereof shall be punished in any sum of not less than \$1.00 nor more than \$25.00, and every day such obstruction is allowed to exist shall constitute a separate offense. (Ord. No. 79, Sec. 3.)

9.12.09 Property owners shall maintain area next to curb From and after the passage of this ordinance, owners of real property in the city of Sherwood are responsible for the maintenance of

the area between their property line and the paving or curb of the abutting street. In those areas of the city where the street are not paved, said area of responsibility shall be from the property line to side of the ditch on the far side of the property line. (Ord. No. 76, Sec. 1.)

9.12.10 Erection of sign, fence or other next to curb - illegal It shall be a violation of this ordinance for any person, firm or corporation to erect any fence, sign, or other obstruction upon that part of the property which constitutes the right-of-way. (Ord. No 76, Sec. 2.)

9.12.11 Ordinance applicability It is hereby declared that the owners of all property shall maintain the area between their property line and paving or curb of the abutting street in the same condition as is required by Ordinance No. 18, and any other ordinance of this city similar in nature, for their property and the penalties prescribed in violation of Ordinance 18, and the methods of enforcing same shall be equally applicable to violations of this ordinance. (Ord. No. 76, Sec. 3.)

9.12.12 Area shall be kept free of vegetation, etc. The owners of abutting property shall be required to maintain the property between their property line and the curb or paving free and clear of vegetation which obscures the vision of persons using the streets and they shall correct any dangerous conditions including those created by dead limbs on trees, dead trees or trees partly blown over by wind or other casualties of nature. The City Marshall and Recorder shall, in the event of any such unsafe condition, take the same steps to correct the same as are set out in Ordinance 10 of this city (Ord. No. 76, Sec. 4.)

9.12.13 Penalty - 9.12.09 through 9.12.12 Any person, firm or corporation, violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof in the Mayor's Court of the city of Sherwood, shall be fined in any sum of not less than Five Dollars nor more than Twenty-Five dollars, and each day any such condition continues to exist shall be deemed a separate violation of this ordinance. The penalty herein prescribed shall be in addition to any liens placed against the property for corrective work. (Ord. No. 76, Sec. 5.)

9.12.14 Specifications for construction of sidewalks Any person, firm or corporation building, or causing to be built on the right-of-way of the city, any sidewalk for the use of the general public, shall conform to the following specifications:

- A. Before commencing construction of such sidewalk, such person, firm or corporation shall secure a permit for such construction from the City Recorder and shall begin construction within ten days after the issuance of such permit. Failure to begin construction within ten days shall work as a forfeiture of such permit, unless for good cause shown, the time is extended by the City Recorder. Once construction has begun it shall continue in good faith until same shall have been completed and failure to so do shall constitute a violation of this ordinance.

B. In excavating for concrete sidewalks the ground shall be brought to a subgrade of not less than four inches below the finished grade of the walks, and said subgrade shall be thoroughly tamped to afford solid foundation. In newly filled, sticky or marshy ground, cinders or dry sand must be spread on top of the ground and tamped until a firm surface is formed. After forms are in place, four inches must show at every place below the top line of form to the subgrade surface. Upon the foundation shall be placed a crown of concrete to be composed of one part Portland cement, three parts of clean, sharp sand or crushed screenings of rock and three parts of crushed stone. The rock to be used must be live rock, concrete must now be thoroughly tamped and packed till water is forced to the surface, after tamping is completed, the surface of the concrete must be not less than 3/4 inch below the top of the form.

While concrete is still green and wet a wearing surface of 3/4 inch thickness shall be spread over the same and firmly troweled down. The wearing surface shall be composed of one part Portland cement and two parts of clean sharp sand or crushed rock screenings. Wearing surface shall be troweled to an even surface and then brushed to form a slightly rough finish. The wearing surface shall be flocked off and cut to the case so as to form blocks of no more than 6 feet in their greatest dimensions. All concrete must be of Portland cement of standard brands or of like qualities.

C. All sidewalks shall be constructed of concrete and shall be not less than 42 inches wide and the edge next to the street on all streets having curbs installed shall be three feet from the face of the street curb and upon all streets not having curbs said edge next to the street shall be 3 1/2 feet from the property line.

D. Once one property owner has laid a sidewalk in any block along any street, any other property owner laying a sidewalk on the same street in the same block will assure that the edge of his sidewalk next to the street will be in line with the street side edge of the sidewalk already laid. (Ord. No. 86, Sec. 1.)

9.12.15 Owner of property abutting sidewalk - responsibilities The owner of any abutting property where a sidewalk is laid shall be responsible for the safe condition of said sidewalk and he shall maintain it in a condition that makes it safe for use by pedestrians. (Ord. No. 86, Sec. 2.)

9.12.16 Penalty - 9.12.14 and 9.12.15 Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum of not less than Five Dollars nor more than \$25.00, and each day any violation continues to exist shall constitute a separate violation. (Ord. No. 86, Sec. 3.)

CHAPTER 9.16

MASTER STREET PLAN

Sections:

- | | |
|---------|-------------------------|
| 9.16.01 | Plan adopted |
| 9.16.02 | Budget transfer |
| 9.16.03 | Gravel Ridge annexation |
| 9.16.04 | Specific streets |

9.16.01 Plan adopted The plan set forth in this ordinance and the accompanying map entitled Sherwood Master Street Plan be, and hereby is adopted and shall be referred to as the Sherwood Master Street Plan. Three (3) copies shall be kept on file in the office of City Clerk. (Ord. No. 371, Sec. 1.)

9.16.02 Budget transfer There is hereby appropriated \$402,000.00 from the General Fund and transferred to the Street Fund for the widening of Lantrip Road. The 1998 Budget Ordinance is amended accordingly. (Ord. No. 1402, Secs. 1-2.)

9.16.03 Gravel Ridge annexation The amended Master Street Plan that incorporates the Gravel Ridge annexed territory, attached hereto as Exhibit "A," is adopted and approved. The city's previously adopted Master Street Plan is amended to include the changes as set forth herein. (Ord. No. 1818, Sec. 1.)

9.16.04 Specific streets

- A. Ordinance No. 371, the Sherwood Master Street Plan and Map is hereby amended in that Maryland Avenue extended easterly and northerly from the east right-of-way line of Brockington Road is hereby eliminated (Maryland Avenue will now end on the west right-of-way line of Brockington Road) as shown on Exhibit A incorporated herein by reference. (Ord. No. 721, Sec. 1.)
- B. Section 1 of Ord No. 796 has been amended to delete the sentence, "on condition that there is no ingress or egress for Kiehl Avenue" concerning the described land, Lot 15R, H.M. Tucker's subdivision, Sherwood, Pulaski County, Arkansas, a replat of the south 75.3' of Lots 14 & 15, H.M. Tucker's Subdivision, Sherwood, Pulaski County, Arkansas, a tract of land located at the corner of Barber and East Kiehl Avenue. (Ord. No. 1433, Sec. 1.)
- C. Ord. No. 371, the Sherwood Master Street Plan and Map, is hereby amended to have a connector street parallel and east of Brockington Road from Indian Bay Dr. to Austin Bay Ct. as shown on Exhibit A incorporated herein by reference and attached hereto. (Ord. No. 1714, Sec. 1.)
- D. The designation of Fairway Ave. between Silver Creek Road and Wildwood Ave. shall be amended from collector to residential street.(Ord. No. 1896, Sec. 1.)

CHAPTER 9.20

PAVED DRIVEWAYS

Sections:

9.20.01	Residential homes
9.20.02	Building criteria
9.20.03	Curbs
9.20.04	Paved driveway

9.20.01 Residential homes an ordinance requiring a paved driveway for all new residential homes or improvements that are more than 50% of the appraised value of the principal structure. (Ord. No. 1564, Sec. 1.)

9.20.02 Building criteria The building criteria shall be a minimum width of eight (8) feet and a depth of not less than four (4) inches of 3,500 psi concrete paving or four (4) inches of compacted Class 7 base with two (2) inches of hot mix asphalt concrete. Alternative methods of permanent driveway surfaces shall have the approval of the City Engineer. (Ord. No. 1564, Sec. 2.)

9.20.03 Curbs All curb cuts on existing curb and gutters shall be saw cut and removed in a neat and orderly fashion to protect the long term integrity of the curbs and new driveway. (Ord. No. 1564, Sec. 3.)

9.20.04 Paved driveway The paved driveway shall begin at the street edge of pavement or curb and gutter section and connect at garage or carport. If there is not a garage or carport for the paved driveway; then the minimum length of the driveway shall be twenty-five (25) feet to allow the parking of two vehicles. (Ord. No. 1564, Sec. 4.)

CHAPTER 9.24

CITY RIGHT-OF-WAY PERMIT

Sections:

9.24.01	Permit required
9.24.02	Ordinance required
9.24.03	Emergencies and minor maintenance
9.24.04	Tunneling plans
9.24.05	Excavation measurements

9.24.06	Temporary restoration
9.24.07	Permanent restoration
9.24.08	Sidewalks, driveways, curbs and drainage facilities
9.24.09	Grasses and vegetation
9.24.10	Excess material or debris
9.24.11	Stop order; restoration fees
9.24.12	Street closures
9.24.13	Fee
9.24.14	Surety bond
9.24.15	Sherwood Planning Commission

9.24.01 Permit required An ordinance requiring that any work performed upon, in, under, above or about any street, alley, curb, gutter, sidewalk, any public right-of-ways of any public easement within the city shall furnish to the Sherwood Permit Planning and Engineering Department, prior to issuance of a permit, a plan showing the work area, the space within the right-of-way required for the work and a proposed barricade plan for the use of barricades, signals, signs, flags, flares and other traffic control and safety devices about the work area. A timeline or schedule for work shall be permitted to the city prior to the issuance of the permit. This section shall not apply to the city of Sherwood when engaged in work involving overhead signals or communications. Public and private utility companies that do not have agreements (franchise, contract, etc.) with the city of Sherwood are not authorized to utilize city of Sherwood easements, rights-of-way or real property. Failure to have such agreements with the city of Sherwood is immediate grounds for denial of permit. (Ord. No. 1612, Sec. 1-2.)

9.24.02 Ordinance required The city of Sherwood finds that the city has experienced development, construction and maintenance operations by utilities and other entities which requires excavations and cuts in public streets, alleys and other properties. The terms discussed as excavations and cuts in public streets, alleys, and other properties shall include drilling, boring, and auguring within the city of Sherwood rights-of-way. (Ord. No. 1612, Sec. 3.) These excavations or cuts occur because of such things as the installation of water lines, sanitary sewers, drainage structures, other utilities, or the replacement, improvement or maintenance of such systems. When these excavations or cuts occur, significant problems face the city because of the vast number of cuts, the occasional poor restoration techniques, or the multiple cuts in the same area by different entities because there is not need to contact other utilities. As a result, there is a real potential for serious deterioration of the paved right-of-ways and on occasion, a threat to public safety. As a result, an ordinance is required that sets forth in detail the responsibilities of any entity that uses the public rights-of-way through franchise or other legal authority, and in the course of, or in furtherance of, that use, causes excavation or cuts to occur. (Ord. No. 1538, Sec. 2.)

9.24.03 Emergencies and minor maintenance It shall be unlawful for an applicant, to make or cause to be made any excavation or cut in the public right-of-way without having first obtained a permit from the Sherwood Permit, Planning and Engineering Department. A written permit is not required prior to an excavation, cut or boring of any public right-of-way if, and only

it, the excavation cut or bore is made as a result of an emergency situation in which the destruction of life or property is imminent or is necessary to restore basic service. The Sherwood Permit, Planning and Engineering Department shall be notified at the earliest possible moment, but in any event, no later than the end of the first business day after the excavation, cut or bore is made. The provision of this ordinance does not apply to minor maintenance work.

Minor maintenance work is defined as work performed to existing utilities which does not include excavation of any material in the city right-of-way or damage to any street, alley, curb, gutter, sidewalk and vegetation. (Ord. No. 1538, Sec. 3.)

9.24.04 Tunneling plans Notwithstanding any other provision of this ordinance, it is the preference of the city that boring or pushing of utility services under the city streets, alleys or other public property, occur instead of excavations or cuts. Even so, the permitting process set forth in this ordinance shall be met, and all tunneling plans shall be subject to the approval of the Sherwood Engineering Department. Street closures shall be permitted after a permit from the department has been approved. Notification of emergency and public service agencies shall be the sole responsibility of the permittee. (Ord. No. 1538, Sec. 4.)

9.24.05 Excavation measurements All excavations or cuts in paved surfaces shall have a minimum uniform width of twenty-four (24) inches unless the Sherwood Engineering Department expressly authorizes a different width. All excavations or cuts in paved surfaces shall be smoothly cut or sawed and shall have a neat appearance. Any boring, excavation or cut made pursuant to the terms of this article shall be restored. Temporary restoration shall occur immediately upon completion of the work that required the boring, excavation or cut, gravel surfaces are strictly prohibited. The applicant shall complete permanent restoration within ten (10) business days. The applicant shall resurface the full width of any street lane and replace pavement markings in the public right-of-way where there has been an excavation or cut resurfacing may not be required for minor maintenance. (Ord. No. 1538, Sec. 5.)

9.24.06 Temporary restoration No materials removed from the boring, excavation or cut shall be used as backfill material. This limitation applies to pieces of broken concrete or asphalt. The top six (6) inches of backfill material shall be compacted to ninety-five (95) percent of maximum density as determined by the modified Proctor compaction test. The surface course shall consist of a two inch application of cold mix asphalt for asphalt streets, concrete streets or streets with single or double penetration surface treatments. The applicant is permitted to use any or all of the following as backfill material:

- A. Crushed rock and natural fines uniformly mixed and so proportioned as to meet the specifications for Class 7 as reflected in the most recent edition of the Arkansas State Highway Commission Standard Specifications.

- B. Crushed rock or other selected material approved by the Sherwood Engineering Department, that is free of debris and excess moisture, when compacted to a minimum of ninety (90) percent as determined by the modified Proctor compaction test.
- C. Compacted river sand or lean mix concrete if the use of this material has been previously approved by the Sherwood Engineering Department.
- D. Materials recommended by the permittee's professional engineer.
- E. A maximum of $\frac{3}{4}$ inch +/- vertically per four (4) feet will be tolerated for a period of one year on asphalt and concrete streets. (Ord. No. 1538, Sec. 6.)

9.24.07 Permanent restoration The applicant shall make all permanent restorations of any street or alley pavement in which there has been a boring, excavation or cut made pursuant to this ordinance. Permanent restoration of arterial and collector streets of concrete or asphalt streets designated as arterials or collectors by the master street plan shall be as follows:

- A. All backfill and compaction requirements shall follow the guidelines of Section 6 concerning temporary restorations.
- B. Backfill material shall be removed to a minimum depth of eight (8) inches for concrete streets and ten (10) inches for asphalt streets.
- C. A maximum of $\frac{3}{8}$ inch +/- vertically per four (4) feet will be tolerated for a period of one year on asphalt and concrete streets.
- D. Street cuts shall comply with the $\frac{3}{8}$ inch tolerance for one year. However, if the street repair fails to maintain its required tolerance, within ten (10) days after notification by the department, the permittee shall restore or reconstruct street repair and shall guarantee the tolerance for another six (6) months. (Ord. No. 1538, Sec. 7.)

9.24.08 Sidewalks, driveways, curbs and drainage facilities All removed or undercut sidewalks, driveways, curbs and drainage facilities shall be restored by the permit holder in accordance with this ordinance and other applicable ordinances. The applicant shall be responsible for protecting any shoulders, ditches and other drainage structures in the work area and, if damaged in any way whatsoever during the time of the permit, shall make all necessary repairs. Notification of completion shall be in compliance with the standards established by the Sherwood Engineering Department.

Sidewalks, curb and gutter shall be constructed to original condition or near original condition acceptable to the Sherwood Engineering Department. (Ord. No. 1538, Sec. 8.)

9.24.09 Grasses and vegetation To the extent possible, the applicant shall restore or replace all planted grasses and vegetation, including trees of the same height and character. The Sherwood engineering Department shall permit modifications to this aspect of the restoration plan in appropriate cases. Notification of completion shall be in compliance with the standards established by the Sherwood Engineering Department. Also, the permittee shall notify the affected homeowners in writing prior to the beginning of construction who will be working in their yard, which shall include contact name and numbers. (Ord. No. 1538, Sec. 9.)

9.24.10 Excess material or debris When any temporary or final restoration is completed, all excess material, debris, mud or other foreign materials shall be removed from the street, alley or other public property involved in the permit, and the surface shall, to the satisfaction of the Sherwood Engineering Department, be restored to its original condition. (Ord. No. 1538, Sec. 10.)

9.24.11 Stop order; restoration fees In the event a stop order is issued, the person holding the permit and engaging in the work shall restore the work area to its proper condition and permit upon demand by the city and in the event such is not done within twenty-four (24) hours from receipt of notice to do so, the city shall be authorized to and may, at its election, take charge of work and restore the premises to the condition called for in this ordinance. The city is entitled to receive from the contractor the actual expense incurred by the city in so acting including, but not limited to, cost of labor, materials, overhead and reasonable rental of any equipment used by the city in restoring the site and for such purposes, the city shall have a right of action against any bond in effect running from the hold of the permit to the city conditioned upon compliance with the ordinances of the city in the performance of the work. If the city has to restore the street cut, the fees to be charged to the permittee shall be as follows:

- A. Cut of up to one-half of width of street pavement \$750.00
- B. Cut of more than one-half of width of street pavement \$1500.00
- C. Road bore (applicant responsible for all work and cost) \$25.00
- D. Street cut made prior to issuance of a proper permit \$350.00
(administrative fee for permit review not in due course, in addition to above fee).
- E. Administrative fees shall be in addition to penalties assessed by the court upon a finding of violation of this ordinance.
(Ord. No. 1538, Sec. 11.)

9.24.12 Street closures The city of Sherwood has a vested interest in assuring that any disruption of the flow of traffic, or the digging of any trench, excavation or cut, in the paved portion of the public right-of-way, be kept to a minimum. Street closures are strictly prohibited without first obtaining approval from the department. (Ord. No. 1538, Sec. 12.)

9.24.13 Fee The fee schedule for obtaining a permit to excavate, cut or bore shall be \$25.00 a permit. A permit can include multiple cuts as shown on the application or plans. (Ord. No. 1538, Sec. 13.)

9.24.14 Surety bond A surety bond of \$2,500 for street cuts and \$500.00 for bores shall be posted with the Sherwood Permit, Planning and Engineering Department. The bond shall insure that the street will be repaired according to the specifications and methods set out the permit or city. The applicant shall post the required surety bond as an additional condition to the issuance of a permit to excavate, cut or bore in the public right-of-way. The failure to post this bond in a timely manner shall be the basis for denying a permit. This bond shall be renewed from year to year for continued coverage; in as far as the applicant continues to work within the city limits of Sherwood. (Ord. No. 1538, Sec. 14.)

9.24.15 Sherwood Planning Commission The Sherwood Planning Commission shall be responsible for requiring improvements in the public right-of-way. The Sherwood City Engineer shall be responsible for requiring improvements in the public right-of-way for all construction. (Ord. No. 1538, Sec. 16.)

CHAPTER 9.28

NAMING OF STREETS

Sections:

9.28.01	Naming of streets
9.28.02	Reviewing party
9.28.03	Name revisions
9.28.04	New streets
9.28.05	Suffix
9.28.06	Appeals
9.28.07	Renamed streets

9.28.01 Naming of streets A need exists for a practical and reasonable review of street naming in newly planned development. Procedures need to be established that will insure that the proposed names for streets will not cause confusion or result in conflict with existing street names. (Ord. No. 1868, Sec. 1.)

9.28.02 Reviewing party Engineering staff shall be designated the reviewing party with respect to these procedures and shall not submit proposed development plans to the Planning Commission until this review is complete. (Ord. No. 1868, Sec. 2.)

9.28.03 Name revisions The review shall determine whether the proposed street name has the same or a similar name to an existing street name. In the event similarity is found to exist the proposed names shall be rejected and a request made for name revisions. (Ord. No. 1868, Sec. 3.)

9.28.04 New streets Newly planned development streets that connect with existing streets or proposed to connect with the existing street name shown on the Master Street Plan. (Ord. No. 1868, Sec. 4.)

9.28.05 Suffix Streets that include cul-de-sacs or with no outlet may utilize the existing street name but must include a suffix such as “cove” or similar type suffix. (Ord. No. 1868, Sec. 5.)

9.28.06 Appeals All appeals from the decision of the engineering staff must be made directly to the Sherwood Street Committee, and the decision of the Sherwood Street Committee shall be final. All such appeals must be made and decided before the proposed development plans are submitted to the Planning Commission. (Ord. No. 1868, Sec. 6.)

9.28.07 Renamed streets

Ord. No. 1673 Cayuga Lane located in the Austin Lakes on the Bay Subdivision is hereby named Southshore Bay Cove

