

**CITY OF NORTH LITTLE ROCK,
ARKANSAS
MUNICIPAL CODE**

CHAPTER 11

**PUBLIC PROPERTY – STREETS,
SIDEWALKS AND EASEMENTS**

Adopted 11-25-13 – Ordinance No. 8588

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ARTICLE ONE GENERAL

Section 1 STREETS - IN GENERAL

1.1.1 Changing street names; approval of new street names. The City Council shall have power and authority to change names of streets within the city limits when deemed necessary, and to assign numbers to houses. No addition, division or subdivision, nor dedication of streets shall be accepted until the council shall have approved the names of the streets therein.

- (A) **Procedure for renaming of streets.** The following procedures are hereby established for petitions to the City of North Little Rock for the renaming of streets within the City:
- (1) Any citizen who desires to circulate a petition for the renaming of a street may obtain a Petition to Rename Street form from the City Clerk's Office. The proposed new name for the street will be entered on the petition, and the petition will be given to the City Clerk's Office.
 - (2) The City Clerk's Office will date stamp the petition when received and forward a copy to the Police Department, Fire Department, Planning Department, 911 Communications Center and History Commission for review. Upon receipt of the proposed petition, the Police, Fire, Planning and 911 departments shall review the same and return their replies to the Office of the City Clerk within ten (10) days indicating any objections. The History Commission shall research the origin of the current name of the street and advise the City Clerk's Office of any historical significance, if available, of the current street name.
 - (3) If no objections are received, the petition (including notation of any historical significance of the current street name) must then be circulated to affected property owners who will indicate whether they are for or against the renaming. All reasonable efforts will be made to obtain signatures of all affected property owners. The petition shall contain at least one point of contact and shall be filed with the offices of the City Clerk and Planning Department.
 - (4) The Planning Department will then submit the paperwork to the City Attorney's office for preparation of legislation.
 - (5) Once legislation is filed, the City Council shall hold a public hearing *no sooner than* the next council meeting before taking a vote.

Reference – Ord. 7598 as amended by Ord. 8407, adopted 01-09-12.

1.1.2. Signs on streets dedicated but not accepted.

- (A) Signs shall be placed on all streets dedicated but not accepted by the City Council. Signs shall be placed at each end of such street by the Street Department after authorization by the Designated City Official (“DCO”). Signs to be placed on streets not accepted by the city shall read as follows: "The City of North Little Rock will not maintain this street."
- (B) Signs placed on streets in accordance with this section shall remain until such time that owners of property abutting such streets make improvements to meet the minimum street standards. If improvements are to be made by the city, property owners involved shall make a cash deposit with the City Clerk in an amount determined by the Designated City Official (“DCO”) to complete installation of improvements.

1.1.3. Allocation of certain costs of land development relating to the installation of streetlights.

- (A) In all instances wherein a developer makes application with the city to develop property which is at such time within the Entergy Arkansas distribution system, approval of such application by the city shall be conditioned upon payment by the developer to the city, which would reimburse the city in the event of subsequent acquisition by the city of that portion of the Entergy Arkansas system covering the development in question, for all costs of acquisition directly related to such streetlights.
- (B) The amount charged to the developer under this section shall be determined by the North Little Rock Electric Department at the time of the developer's application, to be based upon the projected cost of subsequent acquisition by the city.

1.1.4. Sidewalks to be readily accessible to and usable by individuals with disabilities. All sidewalks shall be constructed to permit wheelchair access at street intersections or any other interruption of the sidewalk.

State law reference— Wheelchair access required, A.C.A. § 14-301-108.

See also – Sections 2.1.1 and 3.1.2 Definition for Designated City Official (“DCO”).

**Section 2
OTHER POLICIES & GUIDELINES**

1.2.1. House numbering.

- (A) Main Street and Washington Avenue shall be the base and dividing line from which the numbering of houses begins.
- (B) Commencing at Main Street for the numbering of houses on streets running east and west, each half lot or 25 feet shall be entitled to a whole number, and each fraction thereof shall be entitled to a proportional fractional number; commencing

at Washington Avenue, for the numbering of houses on streets running north and south, each half lot or 25 feet shall be entitled to a whole number and each fraction thereof shall be entitled to a proportional fractional number.

- (C) Looking west from Main Street, even numbers shall be located on the right or north side of the street and odd numbers shall be located on the left or south side of the street. Looking east from Main Street, even numbers shall be located on the right or south side of the street and odd numbers on the left or north side of the street.
- (D) Looking north from Washington Avenue, even numbers shall be located on the east or right side of the street and odd numbers on the west or left side of the street. Looking south from Washington Avenue, even numbers shall be located on the right or west side of the street and odd numbers on the left or east side of the street.

1.2.2. Minimum design standards for bridges.

- (A) For the purposes of this section, a "bridge" is any clear roadway span greater than six feet.
- (B) The upgrading of existing bridges and the construction and erection of replacement and new bridges on city roads shall meet certain minimum bridge design standards as set forth in subsection (c) of this section.
- (C) The minimum bridge design standards for the upgrading of existing bridges and for the construction and erection of all replacement and new bridges on city roads shall be as follows:

**MINIMUM BRIDGE STANDARDS
FOR REPLACEMENT OR NEW BRIDGES BUILT ON CITY ROADS**

<i>Standard Number</i>	1			2			3			4			5			6		
<i>Current ADT</i>	<i>OVER 6,000</i>			<i>1,600 TO 6,000</i>			<i>750 TO 1,600</i>			<i>400 TO 750</i>			<i>50 TO 400</i>			<i>*0 TO 50</i>		
<i>Terrain</i>	F	R	M	F	R	M	F	R	M	F	R	M	F	R	M	F	R	M
<i>Design Speed</i>	50	40	30	50	40	30	50	40	30	50	40	30	50	40	30	50	40	30
<i>Hydraulic Design Capacity</i>	Variable (Based on Cost Risk Analysis)																	
<i>Design loading</i>	HS-20			HS-20			HS-20			HS-20			HS-15			HS-15		
<i>Bridge Width (ft.)</i>	64	54	54	40	30	30	38	28	28	28	28	26	24	24	24	24	24	24

*Standard Number 6 may be used on minor roads with few trucks.

F – Flat terrain R – Rolling terrain M – Mountainous terrain

State law reference — Authority to build and repair bridges, A.C.A. § 14-301-103.

1.2.3. Paving contractor's bond.

- (A) Before any person shall be permitted to lay or repair any sidewalk, curb, gutter or the like or to lay or repair any pavement, or to build or lay any other public work on the streets, sidewalks, alleys or other public places in the city, such person shall file in the office of the city clerk a bond conditioned for the faithful performance of any such work, which bond shall be in words and figures as follows:

"Know all men by these presents that _____ as principal, and _____ and _____ as sureties are firmly bound unto the City of North Little Rock, in her corporate capacity and for the use and benefit of all persons, firms or corporations in front of whose property any work may be done or who shall have furnished labor or material for doing the said work in the sum of _____, to be paid to the city for the property damaged, for which payment we bind ourselves, our heirs, executors and administrators, assigns, and successors, forever, firmly by these presents.

"The conditions of this Bond are such that if the said _____ shall, well and truly, perform all public work on streets, sidewalks, alleys and other public places in this city to the satisfaction of Designated City Official, and as required by contract and ordinance in reference thereto, and shall pay for all labor done and material used in said work, and turn over the said work to said city or persons for whom done, on or before the time specified for its completion, then this obligation shall be null and void but otherwise it shall remain in full force and effect.

"This bond shall cover all such public work done for the city or the property owners thereof for the term of one year from date thereof."

- (B) This city or any property owner who shall be damaged by reason of the failure of any person faithfully to do or perform any public work described in subsection (a) of this section to the satisfaction of the engineer in charge of such work or by any person furnishing labor or material for such work, is authorized to bring suit in the name of the city for his use against such contractor or sureties and to prosecute the suit to final judgment and execution, provided such action shall involve the city in no expense.
- (C) The bond required by this section shall be approved by the DCO before being filed and accepted.
- (D) No permit shall be issued to any person to do any paving or repair work until the required bond is filed and approved.

1.2.4. Merchandise on sidewalks. It shall be unlawful for any mercantile business to use any sidewalk, street or alley for display of goods, wares and merchandise for sale, either by placing such goods, wares and merchandise upon or suspending them over the sidewalks and streets or

alleys or by using showcases on sidewalks, streets or alleys for the display of such goods, wares and merchandise.

1.2.5. Obstruction or encroachments on streets or public property. It shall be unlawful for any person to place any obstruction in, or to maintain, build or repair any fence, building or structure of any kind upon, the whole or any part of any street, sidewalk, alley or other public property of the city.

1.2.6. Poles or posts between property line and curb prohibited. It shall be unlawful for any person other than the city or duly authorized franchise to set or plant or fix any posts or poles upon or along the street rights-of-way of the city.

1.2.7. Boxes, cans or coops on sidewalks. It shall be unlawful for any person to store or place upon any sidewalk, street or alley of the city, any chicken coops, boxes, cans or crates, except in a regularly approved trash container.

ARTICLE TWO

CONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS OR DRIVEWAYS

Section 1 GENERALLY

2.1.1. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Designated City Official (“DCO”) means the Mayor or city employee(s) designated by the Mayor to be responsible for enforcing the terms of this article.

Inner curbing means only that portion of the curbing required in this article along driveways and sidewalks and not constituting the curbing which borders and marks the margin of the street designated and constructed for vehicular traffic.

Street curb means the portion of concrete curbing and structure which borders and marks the margin of the street designated and constructed for vehicular traffic.

2.1.2. Scope. The provisions of this article shall apply to concrete curbs and gutters and concrete sidewalks on those streets within the city that are not governed or controlled by the city's subdivision regulations.

2.1.3. Work to be in accordance with approved plans. All work done under a permit issued pursuant to the provisions of this article shall be performed in accordance with the plans approved by the City Engineer or DCO.

2.1.4. Stop-work order. The City Engineer, or DCO, shall be authorized to suspend work on curbs, walks and driveways on public property whenever he may deem such work is not in compliance with the provisions of this article, with due notice to the person in charge of the work on the grounds.

2.1.5. Sidewalk specifications.

- (A) Where sidewalks are installed on property situated at the corner of intersecting streets, they shall extend to the street curb line of the intersecting street.
- (B) Where sidewalks are to be adjacent to an off-street parking area, a concrete inner curb must be built two feet inside the property line to separate the parking area from the sidewalk. This inner curb must be at least four inches above the driving surface. A barrier or fence equivalent to this curb may be used in lieu of the concrete curb.

- (C) Wheelchair ramps shall be provided for sidewalks in accordance with the following specifications:
 - (1) There shall be at least one ramp per corner of each block;
 - (2) There shall be a slope to the street of one inch vertical distance for each 12 inches of horizontal distance;
 - (3) Such ramps shall be a minimum of four feet in width;
 - (4) Such ramps shall be constructed of 3,000-pound concrete and shall be textured so as to be different from the surrounding concrete.
- (D) Except as provided in subsection (c), no step or offset shall be constructed in any sidewalk on public property, except where certain conditions necessitate such step or offset and then only upon written instructions from the City Engineer or DCO. Where such step or offset is likely to occur, the contractor shall notify the City Engineer or DCO before constructing same.
- (E) The width of all sidewalks shall be at least four feet and generally the inner edge shall be two feet from the property line unless otherwise approved by the City Engineer or DCO. This requirement is for all zones except zone C-5 (business district), as specified in the comprehensive zoning ordinance; in such zone it shall be as specified by the DCO.
- (F) Sidewalks shall meet the following specifications:
 - (1) Sidewalks shall be divided into sections in accordance with good engineering practice. The line dividing sections shall be finished with a one-quarter inch edging tool.
 - (2) Edges of sidewalks shall be finished with an edging tool.
 - (3) Transverse expansion joints shall be constructed with pre-molded joint filler and shall be spaced at no more than 60-foot intervals and at joints between curb and sidewalk.
 - (4) The surface of sidewalks shall be given a brush finish.
- (G) Maximum transverse slope of sidewalks shall be one-fourth inch per foot or as approved by the City Engineer or DCO. Sidewalks shall be sloped to drain to the street.

State law reference— Wheelchair access required, A.C.A. § 14-301-108.

2.1.6. Layout and design of driveways.

- (A) For entrances to nonresidential driveways, all radii shall not be less than five feet measured from back of curb and a point of tangency to the curb line of the street,

and all curb radii shall be tapered to meet the grade of the outer edge of the sidewalk as determined by the City Engineer or DCO. Radii for curbs at street intersections shall be as specified in the subdivision regulations. The width of the entrances to driveways for residences at the intersection of the driveway and curb at the street shall not have a width less than the width of the driveway plus four feet.

- (B) No driveway shall be constructed closer than ten feet of a property line or as specified by the City Engineer or DCO, except in residential areas, where the driveway shall not be closer than one foot of the property line. Where property abuts an alley, the minimum distance shall be ten feet; where property abuts a street, the minimum distance shall be 35 feet. All multiple driveways on the same property shall be separated by a minimum 20-foot safety island, and the maximum driveway opening shall not exceed 40 feet. All above measurements for multiple openings shall be along the outer edge of the sidewalk, or if a sidewalk is not provided then along the edge of the right-of-way.
- (C) No driveway shall be constructed at an angle of less than 45 degrees to the centerline of the street.
- (D) No pump island shall be constructed closer than 18 feet to the front property line or 15 feet to the side property line, as specified in the comprehensive zoning ordinance.
- (E) There shall be an expansion joint installed at a suitable location between the back of curb of rigid pavement and the property line for driveways, which shall be constructed in accordance with accepted engineering practices as approved by the City Engineer or DCO. Such expansion joints shall be no more than 50 feet apart.

2.1.7. Paving of driveways. All driveways from a paved street into private property must be paved from the street curb line to property line.

2.1.8. Restrictions on curb cuts on Main Street. It shall be unlawful for any person to cut any curb on Main Street between Washington Street on the south and Eighth Street on the north for the purpose of driving any motor vehicle over such curb unless and until such person has secured the recommendation, in writing, from the City Engineer or DCO, and the approval of the city council by a duly enacted ordinance. Before granting the authorization, the City Engineer shall first determine that the curb cut will not impede the orderly flow of traffic upon Main Street.

2.1.9. Materials.

- (A) Cement shall conform to the A.S.T.M. Standard Specifications for Portland cement (serial designation C 150-53 type 1).
- (B) Fine aggregate shall conform to the A.S.T.M. Standard Specifications for Sand (serial designation C 33-54T).

- (C) Coarse aggregate shall conform to the A.S.T.M. Standard Specifications (serial designation C 33-54T), designated sizes no. 4 to no. 1.
- (D) All concrete shall have a minimum of 28 days compressive strength of 3,000 pounds per square inch. Re-tempering of concrete is forbidden.
- (E) The curb and gutter shall conform to the standard section for curbs and gutters attached to Ordinance No. 3015 and made a part of this article by reference. The drawing is referred to as "standard section for curbs and gutters" and is filed with the original ordinance in the Office of the City Clerk.

2.1.10. Construction methods.

- (A) Excavation for concrete sidewalks shall be brought to a subgrade four inches below the finished grade of the walk.
- (B) Excavation for curbs and gutters shall be brought to a subgrade to meet the bottom of the gutter.
- (C) Backfill for the subgrade of sidewalk or curb and gutter shall be made with suitable materials and thoroughly compacted to afford a solid foundation. The subgrade shall be dampened before pouring the concrete.
- (D) Forms shall be on such materials as will give the required rigidity to maintain the established alignment and grade. Upon completion of the sidewalk and/or curb and gutter, the contractor shall remove all debris, construction materials and excess excavated materials from the street.
- (E) The area between the gutter and the existing street shall be backfilled and compacted by the contractor. The curb shall be backfilled by the contractor with the excavated materials from the curb and gutter excavation.
- (F) The contractor shall maintain the necessary barricades and lights for protection of the public until the curb and gutter and/or sidewalk are constructed and backfilling is completed.

2.1.11. Removal of rubbish. After all work is completed, the person in charge of the work shall remove all rubbish, waste and excess materials and have the land used for construction purposes and the street and right-of-way area in a neat and clean appearing condition.

2.1.12. Notice to city upon discovery of monument or survey mark. Whenever during the excavation for any construction under the provisions of this article, the contractor or party doing the work discovers a city monument or survey mark, he shall notify the DCO, and use all possible caution to protect such monument or survey mark.

2.1.13. Saw-cut curb cuts required when connecting driveway to existing curb and gutter street.

- (A) A driveway permit shall be required whenever a homebuilder, developer, owner or other individual performing work on a driveway seeks to connect a driveway to an existing curb and gutter street.
- (B) To make a connection between a driveway and an existing curb and gutter street, the homebuilder, developer, owner or other individual performing work on the driveway must saw-cut the existing curb and gutter street longitudinally along the gutter line a minimum depth of four inches from radius turnout to radius turnout.
- (C) After the cut is made as described herein and above, the entire curb shall then be removed and replaced with a minimum of six-inch thick 3500 PSI concrete.

**Section 2
PERMITS**

2.2.1. Required.

- (A) It shall be unlawful for any person to construct, reconstruct, alter, remove and/or replace any curb, curb and gutters, sidewalk or driveway on public property without a permit from the DCO. No separate permit will be required where curbs, sidewalks and driveways are an integral part of an overall construction project for which a building permit has been issued.
- (B) No person shall cut any curb or replace any curb upon any street in the city without first securing permission in writing from the DCO.

2.2.2. Application.

- (A) A person desiring the permit required by the provisions of this division shall file a written application with the DCO upon a form furnished by the DCO, giving the information required on such form.
- (B) Plans, profiles and cross sections of the street or streets on which curbs and gutters or sidewalks are to be built shall accompany the application for a permit under this division.

2.2.3. Issuance. The DCO shall issue the permit required by this division if the plans and other information in the permit application reveal that the work will comply with the provisions of this article.

2.2.4. Duration. A permit issued pursuant to the provisions of this division shall be valid for a period of 90 days after its issuance; provided, however, that the DCO may grant extensions of time of 30 days each for cause shown.

ARTICLE THREE EXCAVATIONS

Section 1 GENERALLY

3.1.1. Responsibility. Any entity which uses a public right of way through franchise or other legal authority, and in the course or furtherance of that use, causes excavations or cuts to occur. This article sets forth the criteria for and requirements of such excavations or cuts.

3.1.2. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person, firm, corporation, partnership, utility company, or association of any nature whatsoever, including any governmental entity, seeking a permit to make, or cause to be made, any excavation, cut or boring in any city street, alley, or other city property.

Designated City Official (“DCO”) means the Mayor or city employee(s) designated by the Mayor to be responsible for enforcing the terms of this article.

Permanent street cut repair means the completed street cut repair and marked with the appropriate utility color if the cut is in the pavement area.

Permit holder means any applicant that has been granted a permit pursuant to the terms of this article.

Public right-of-way means any city street, alley or other public property.

Street cut means an excavation in city right-of-way within or out of the pavement area. (Sometimes called a utility cut.)

Street cut repair means the repair to the location of the disturbed right-of-way caused by a street cut.

Street cut barricade means the barricade plan used during the time a street cut is being made and while the utility repair or work is being made.

Street cut repair barricade means the barricade plan in use after the completion of the utility repair work but prior to the final repair to the street.

Temporary street cut repair means that repair in place between the time the street cut is completed but prior to the completion of the final repair. If in the pavement area, this repair consists of a cap of cold mix asphalt flush with the existing pavement surface.

Section 2
PERMITS & RESTORATION

3.2.1. General permit requirement.

- (A) Except as set forth in subsection (B) below, it shall be unlawful for any person, firm, corporation, partnership or association of any nature whatsoever, including any governmental entity, to make or cause to be made any excavation or cut in the public right-of-way without having first obtained a written permit.

- (B) A written permit is not required prior to an excavation, cut or boring of any public right-of-way if, and only if:
 - (1) 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; and
 - (2) The Designated City Official is notified and permits as required herein are obtained at the earliest possible moment, but in any event, no later than the first business day after the excavation, cut or bore is made; or
 - (3) The excavation, cut, or bore is made by a department of the city or at the request of a city department for a city sponsored project under exigent circumstances as determined by the Designated City Official.

- (C) *Excavations in Residential Areas.* Except in an emergency, whenever the permit applicant plans to block or obstruct ingress/egress to private property, or whenever the permit applicant proposes to perform major excavation or renovation work, the affected residents shall be notified ***at least 48 hours in advance*** by the permit applicant. Failure to comply with the notification requirement shall be subject to Section 3.3.2 below.

In the case of single family *rental* homes/duplexes or multi-unit apartment properties, notice shall be given to the lessee(s) of a single family dwelling/duplex, or in the case of a multi-unit apartment building or complex, to the manager of the building/complex.

3.2.2. General standards.

- (A) The Designated City Official shall direct that a process for obtaining permits to make excavations, cuts or bores in the public [right of way] is established and published. This process shall include, among other things:
 - (1) The city department to contact in order to obtain a permit, or to report an emergency excavation or cut.
 - (2) The city department that will be responsible for the day to day administration and enforcement of this article.

- (3) The time frame for submitting plans to the appropriate department for the work to be done, including the restoration work required, with notice that no permit shall be issued until the review process has been completed.
 - (4) The city department responsible for approving the barricade plan to be in place while the excavation, cutting or boring occurs.
 - (5) The temporary and permanent restoration requirements to be met during the course of, or the completion of, the excavation, cutting or boring including, but not limited to, the type and grade of materials that shall be required.
- (B) *Boring preferred.* Notwithstanding any other provision of this article, it is the preference of the city that boring or pushing of utility services under city streets, alleys, or other public property, occur instead of excavations or cuts. Even so, the permit process set forth in this article shall be met, and all tunneling plans shall be subject to approval of the designated city official.
- (C) *Surety bond.* If the bond is not required by the applicant's franchise agreement, the designated city official shall determine the amount of any surety bond that is appropriate to ensure the completion of a project and fulfillment of all requirements set forth in this article and the procedures adopted pursuant to this article: (1) The applicant shall post the required bond as an additional condition to the issuance of a permit to excavate, cut or bore in the public right-of-way; and, (2) The failure to post this bond in a timely manner shall be the basis for denying a permit, or the basis for revoking a permit previously issued; and, (3) This surety bond shall remain in place at least for the period of time necessary to complete the work set forth in the permit and, may be required for such additional period of time as deemed appropriate by the designated city official. (4) Notwithstanding the above listed requirements, if the permit application is only for non-extensive maintenance work, a permit may be issued without further review to an applicant who has a ten thousand dollar (\$10,000.00) corporate surety bond on file with the city clerk, provided that after the issuance of the permit, additional surety may be required if the designated city official determines that such security is necessary to ensure the completion of the project.
- (D) *Fees.* The applicant for a permit to excavate, cut or bore in the public right-of-way shall, as a condition of any permit, pay a fee according to the provisions of this article.
- (E) *Limitations on application by mail.* The designated city official *may* accept applications for permits to be made by mail, provided that no mail-in permit request shall be accepted in the following instances:
- (1) Excavations, cuts or bores in street intersections for which there are traffic signals in place or under construction;

- (2) Excavations, cuts or bores in a part of the public right-of-way that is the subject of a major construction, maintenance, or replacement project currently under review by the city; or
 - (3) Excavations, cuts or bores in an arterial or collector street, as defined in the master street plan, if at any time during the construction process, the work requires a total street closure.
- (F) *Paint or marking compounds.* No permanent paint or marking compound shall be used to locate the right-of-way, or for any other purpose associated with the boring, excavation or cut of the public streets, alleys, or public property. Any temporary paint or marking compound used shall be of a type that will deteriorate over time, but in any event, will not be discernible thirty (30) days after it is applied regardless of the date that work under any permit is completed.
- (G) *City signs, conduits or facilities to be undisturbed.* No work done under a permit issued pursuant to this article shall disturb any city signs, conduits, or other facilities unless expressly permitted by the Designated City Official.

3.2.3. Restoration.

- (A) *Restoration required.* Any boring, excavation, or cut, made pursuant to the terms of this article shall be restored. Temporary and/or permanent restoration shall be made by the permit holder and shall occur immediately upon completion of the work that required the boring, excavation or cut, in accordance with the provisions of this article.
- (B) *Markings and Signs.* The permit holder shall replace pavement markings and signs in the public right-of-way that have been disturbed by the excavation or cut.
- (C) *Temporary restoration-Paved areas.*
- (1) No materials removed from boring, excavation, or cut, shall be used as backfill material. This limitation applies to pieces of broken concrete or asphalt.
 - (2) 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.
 - (3) The surface course shall consist of a two inch application of cold mix asphalt for streets. For gravel streets and alleys, the top six (6) inches of backfill material shall meet Class 7 of the most current Arkansas State Highway Commission Standard Specifications, and shall be compacted to conform to the surrounding surface.
 - (4) The permit holder 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; Class 7 aggregate (SB-2) b. Crushed rock, or other selected material pre-approved by the Designated City Official or his designee, that is free of debris and excess moisture, when compacted to a minimum of ninety (90) percent density as determined by the modified Proctor compaction test.

- (5) The permit holder is wholly responsible for making and maintaining temporary restorations consistent with the standards set forth in this article. Any temporary restoration must be of sufficient quality, as determined by the Designated City Official, to bring the city street, alley, or public property, back to its original usefulness and must be capable of supporting normal traffic use for a period of thirty (30) days.
- (6) Inspections may be made by the city of any temporary restoration. Permit holders must notify the Designated City Official of the restoration work schedule to facilitate inspection in the manner and time frame as established by that official. If the temporary restoration does not meet the standards of this article, then the permit holder shall be required to correct the situation within the time frame established by the Designated City Official. If the restoration failure is deemed sufficiently hazardous to require the closure of the street or traffic lane and the permit holder does not immediately repair the deficiency, the city shall bring the temporary restoration back to standard and all costs for the work shall be assessed on the permit holder.
- (7) Any temporary restoration shall be replaced by the permit holder with the appropriate permanent restoration within thirty (30) days of the date of issuance of permit. Any temporary restorations remaining after that time may be repaired by the city and the cost of such repair shall be paid by the permit holder or shall be claimed from the surety bond required pursuant to this article. The Designated City Official may grant an extension of the thirty (30) days if a delay is caused by inclement weather. In such case, the permit holder will be responsible for temporary repairs until permanent restoration is in place.
- (8) Temporary repair of non-paved portions of the right-of-way shall be at the direction of the Designated City Official.

(D) *Permanent restoration.*

- (1) Unless otherwise agreed to in writing by the Designated City Official and the permit holder, the permit holder shall make all permanent restorations to any right-of-way in which there has been a boring, excavation, or cut made pursuant to this article.
- (2) Arterials and collectors. Permanent restoration of concrete or asphalt streets designated as arterials or collectors by the master street plan shall be as follows: a. Except as set forth in this subsection, all backfill and compaction

requirements shall comply with the sections of this article concerning temporary restorations; and b. Backfill material shall be removed to a depth of eight (8) inches for concrete streets and ten (10) inches for asphalt streets. Further, i. If the street is concrete, eight (8) inches of three thousand (3,000) pound per square inch concrete, meeting the specifications of the Arkansas Highway Department, shall be placed to provide the final restored surface; ii. If the street is asphalt, eight (8) inches of three thousand (3,000) psi concrete shall be placed to within two (2) inches of the street surface and, as soon as the concrete has cured, a bituminous tack coat shall be applied to the concrete and the sides of the cut, and then two (2) inches of hot mix asphaltic concrete, meeting Arkansas State Highway specifications, shall be applied.

- (3) Streets and surfaces other than arterial and collector streets. The permanent restoration of surfaces other than those of arterial and collector streets shall be made as follows:
 - (a) Except as set forth in this subsection, all backfill and compaction requirements shall comply with the sections of this article concerning temporary restorations.
 - (b) If the surface is concrete, the top six (6) inches of backfill shall be removed and replaced with six (6) inches of three thousand (3,000) psi concrete, and then finished to conform with the surrounding surface.
 - (c) If the surface is asphalt, the top eight (8) inches of backfill shall be removed and replaced with six (6) inches of asphalt in two (2) inch lifts, with an additional final two (2) inches consisting of asphalt to conform with the surrounding surface.
 - (d) If the surface is gravel, gravel shall be added as required and compacted to conform to the surrounding surface.
- (E) *Notice.* Permit holders must notify the Designated City Official of the restoration work schedule to facilitate inspection in the manner and time frame as established by that official, and shall notify the Designated City Official on the first business day after the completion of all restoration for each permit.
- (F) *Sidewalks, driveways or curbs.* All removed or undercut sidewalks, driveways and curbs shall be restored by the permit holder in accordance with this article and in compliance with the standards established by the Designated City Official. The permit holder 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.
- (G) *Curb cuts.* Curb cuts for driveways and sidewalks and the construction of driveways and sidewalks in the public right-of-way and/or adjoining a street shall require a permit as provided for herein and shall comply with the city code

concerning the construction of driveways and sidewalks. Permit holders shall comply with other standards established by the Designated City Official.

- (H) *Grasses and vegetation.* The permit holder shall restore or replace all planted grasses and vegetation, including trees of the same height and character. Planted grasses shall be replaced with topsoil and solid sod. The Designated City Official 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 Designated City Official.
- (I) *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 Designated City Official, be restored to its original condition.
- (J) *Agreements for final restoration not prohibited.* Nothing in this article shall prohibit the Designated City Official from entering into written agreements with any permit holder concerning the final restorations, provided that the terms of any such agreements shall comply with the requirements of this article or shall be determined by the Designated City Official to utilize new procedures that comply with the purposes of this article, and, provided further, that the city shall receive a reasonable inspection fee for the final inspection of any work done pursuant to such an agreement.
- (K) *Signage required.* The permit holder must post a clearly visible sign at least 16” X 24” size at the excavation location from the time the work begins until final restoration is complete that contains the name of the permit holder and contractor, if different from the permit holder, and 24-hour contact phone numbers for each.

Section 3 FEES & PENALTIES

3.3.1. Permits and fees—Basis for assessment.

- (A) The Designated City Official shall issue all permits for boring, excavations, or cuts in the public right-of-way as follows:
 - (1) Any work involving extensive longitudinal cuts for the purpose of installing, maintaining or repairing trunk or main lines shall require multiple permits.
 - (2) Separate permits shall be required for all service lines.
 - (3) Permit limits shall be determined by existing or planned features such as manholes, hand holes, junction boxes, directional changes, and street intersections, but in any event shall not exceed three hundred (300) linear feet.

- (B) Permit fees for the boring, excavation or cut, for non-paved areas and for curb cuts shall be one hundred dollars (\$100.00) each. Permit fees for the boring, excavation or cut, of paved portions of the public property shall be two hundred dollars (\$200) for each one hundred (100) square feet or portion thereof. Providers of utilities and other services that pay an annual franchise fee to the City may pay an annual subscription fee in lieu of the above fees. The subscription rate will be calculated by multiplying the total number of borings, excavations, and cuts for the previous year by \$100. Subscription fees must be paid no later than March 1 of each year.

Each separate and individual boring, excavation, or cut requires a separate permit. City departments, and contractors or utilities doing work at the direction of the city, are exempt from these fees.

- (C) If the permit holder does not do the final restorations and clean-up, then in addition to any other fee set forth in this article, the City shall bill the permit holder for all the costs of such restoration, and payment shall be due upon receipt of the City's bill.

3.3.2. Penalties.

- (A) Non-compliance or violation of any provision of this Article shall result in penalties assessed as follows:

- (1) 1st offense – No less than \$100 or more than \$500 per offense.
- (2) 2nd or any subsequent offense – No less than \$200 or more than \$1,000 per offense.

- (B) In the event an excavation, street cut or street cut repair should become a hazard or danger to the public, and no one listed on the permit as a responsible party can be reached; or if the Designated City Official determines that an emergency response by the City is necessary, the City will:

- (1) Make whatever repairs or changes necessary to render the excavation, street cut, street cut repair, or work associated with the permit, safe and functional; and
- (2) The permit holder will be billed for the work done by the City at a rate of \$200.00 per hour for time spent at the site, plus three times the City's cost for materials and equipment, or a minimum of \$500.00, whichever is higher.

ARTICLE FOUR BARRICADES

Section 1 GENERAL

4.1.1. Purpose. Frequently it is necessary for utility companies and construction contractors to excavate or perform other work in the streets and rights-of-way of the city. Such intrusions upon public property are recognized as a necessity to insure residents with basic utilities and other services. It is in the public interest to insure that sufficient warning and safety precautions are in place to prevent injuries and property damage. As a result, procedures to protect the public safety must be in place.

4.1.2. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person, firm, corporation, partnership, or association of any nature whatsoever, including any governmental entity, seeking a permit to make, or cause to be made, any excavation, cut or boring in any city street, alley, or other city property.

Designated City Official (“DSO”) means the city mayor or city employee(s) designated by the mayor to be responsible for enforcing the terms of this article.

Permit holder means any applicant that has been granted a permit pursuant to the terms of this article.

Public right-of-way means any city street, alley or other public property.

Section 2 PERMITS & REQUIREMENTS

4.2.1. Permit Required. Any person, firm, association, or corporation who shall undertake to perform any work upon, in, under, above or about any street, alley, curb, gutter, sidewalk, or any public right-of-way within the city shall obtain a written permit for same from the designated city official in accordance with the provisions herein.

4.2.2. Submission of barricade plan. An applicant must furnish to the designated city official, prior to the issuance of any permit for the work, a scale plat or sketch in a manner approved by the city 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. The barricade plan shall conform to this article, regulations as stipulated by the Manual on Uniform Traffic Control Devices (MUTCD), and any regulations or standards established by the designated city official and shall be deemed a part of the permit. This section shall not apply to utility companies or the city when engaged in work

involving overhead signals, communications and/or electric circuits or to public safety officials. However, adequate warning devices in compliance with MUTCD shall be used in the performance of this work.

4.2.3. Requirements of barricade plan. The designated city official shall have the power to make reasonable regulations for barricading of construction areas within the right-of-way. The city may require, as a part of any barricade plan, that the applicant maintain such barricades, signals, signs, or other traffic-control or safety devices according to such regulations. The city may require that work be done only at certain hours during the day or night, that materials or equipment used in such work and dirt and materials removed from any excavation be located other than adjacent to the work area where feasible, and that any excavation be covered with materials of sufficient strength and construction to permit vehicular traffic to pass over such excavation at peak traffic hours, where such requirements are necessary in the interests of safety and to avoid traffic congestion.

Section 3 FEES & PENALTIES

4.3.1. Fees. The area of public property on which fees shall be paid shall be that space, enclosed within and occupied by any barricade, fence, covered walkway or tunnel. Each block and/or intersection is considered a separate barricading site. Fees may be waived by the Mayor in conjunction with the issuance of a new building permit. Charges shall be made for the day, and any fraction of a day, on the following basis: for public space occupied,

- Alley – \$25.00
- Behind curb line – \$15.00
- One traffic lane – \$25.00 each lane
- Street closure – \$50.00
- Street closure – collector – \$100.00
- Street closure – arterial – \$200.00

Providers of utilities and other services that pay an annual franchise fee to the City may pay an annual subscription fee for barricading in lieu of the above fees. The subscription rate will be calculated by multiplying the total number of barricade days for the previous year by \$15. Subscription fees must be paid no later than March 1 of each year.

These fees shall not apply to any department of the City or any organization working at the direction of the City.

4.3.2. Action by city to correct deficiencies. 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 as called for in the barricade plan and permit upon demand by the city and in the event such is not done within a reasonable time established by the designated city official from receipt of notice to do so, the city shall be authorized to and may, at its election, take charge of the work and restore the premises to the condition called for in the barricade plan and permit and shall be entitled to receive from the contractor by civil action twice 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 holder of the permit to the city conditioned upon compliance with the ordinances of the city in the performance of the work.

4.3.3. Penalties. The failure of any person, company, corporation, or other entity to comply with this article by failing to obtain a barricade permit, failing to implement and maintain an approved barricade plan, erecting a barricade without a permit, or any other provision of this article shall be fined upon conviction not less than \$100 and not more than \$1,000. Each day that the condition exists is a separate violation.

ARTICLE FIVE

MOVING BUILDINGS AND HEAVY OBJECTS

Section 1 PERMIT

5.1.1. Required. Every person desiring to move any building, machinery or other heavy object over the streets of the city for which, under the laws of the state, they are required to secure a state permit from the state, shall also secure a permit from the city, unless specifically exempted from local permits by state law.

- (A) *Application; bond.* The permit required by this section shall be secured from the planning department at least 48 hours in advance of the time in which the building, machinery or other heavy object is to be moved, and the person securing such permit shall designate in his application for the permit the time and route over which such material or object is to be moved. Prior to the issuance of such permit, the applicant shall post with the city an indemnity bond in the amount of \$2,500.00 and shall assume responsibility for any and all damages that may occur.

- (B) *Additional requirements for house moving.* Prior to the issuance of the permit required by this section, an applicant seeking to move a house to be located within the boundaries of North Little Rock shall obtain the approval of the North Little Rock Planning Commission. Prior to consideration by the planning commission, such applicant shall file an application including:
 - (1) *Inspection report.* An inspection report by a certified and registered home inspector stating that the house is capable of being moved safely must be included with the application. The report shall also include exterior photos of the house in its present location that accurately indicate the current state of repair of the structure.

 - (2) *Development plan.* A development plan for the anticipated location of the house must be included in the application. The plan will include a site plan of the proposed location, an estimate of the cost of remodeling, a statement of what type of remodeling is proposed, the estimated date of completion of such remodeling and a bond to ensure timely compliance with local building codes. The amount of the required bond shall be \$5,000.00. This bond may be waived by the planning commission if, and only if, the applicant demonstrates:
 - (a) that the applicant has low income as defined by Part 5 of Title 24 of the Code of Federal Regulations; and

 - (b) that a non-profit organization will satisfactorily guarantee completion of the development plan within six months.

The applicant will have 90 days to complete the foundation and exterior of the site. The date of completion for the development plan shall be within six months of the issuance of the permit, unless the planning commission expressly grants an extension of time. Should the development plan not be completed in time, or should the work performed pursuant to the development plan fail to substantially conform to applicable building codes, the city may liquidate the bond and use the proceeds thereof to raze the house.

- (C) *Violations.* Violations of this section shall be considered to be continuous in nature and punishable by a fine not to exceed \$50.00 per day such violation continues.

Reference – Ord. No. 7363, § 1, 4-23-01; Ord. No. 7366, § 1, 5-14-01.

State law reference— State permits for vehicles of certain weight, A.C.A. § 27-35-203; permits for special cargoes, A.C.A. § 27-35-210; permits to move mobile homes, A.C.A. § 27-35-304.

5.1.2. Route approval. Buildings and objects moved pursuant to permits granted pursuant to the provisions of this article shall be moved only upon routes approved by the Chief of Police.

5.1.3. Liability of mover for damages. Every person applying for the permit required by this article shall also sign an affidavit on a form to be presented to them by the city clerk stating that they shall assume and be responsible for any and all damages which may occur to the streets or to any other public property of the city resulting from the moving of buildings, machinery or heavy objects upon the streets.

ARTICLE SIX PARADES

Section 1 GENERALLY

6.1.1. Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parade means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street or other public place.

6.1.2. Exemptions. This article shall not apply to:

- (A) Funeral processions.
- (B) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities.
- (C) A governmental agency acting within the scope of its functions.

Section 2 PERMIT

6.2.1. Required. No person shall engage in, participate in, aid, form or start any parade, without a parade permit issued by the Chief of Police.

6.2.2. Application.

- (A) A person desiring a parade permit shall file an application with the Chief of Police on forms provided by such officer. Such application shall be filed not less than seven days, nor more than ten days before the date on which it is proposed to conduct the parade.
- (B) The application for a parade permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking to conduct such parade.
 - (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.

- (3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
 - (4) The date when the parade is to be conducted.
 - (5) The route to be traveled, the starting point and the termination point.
 - (6) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles.
 - (7) The hours when such parade will start and terminate.
 - (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
 - (9) The location by streets of any assembly areas for such parade.
 - (10) The time at which units of the parade will begin to assemble at any such assembly areas.
 - (11) The interval of space to be maintained between units of such parade.
 - (12) If the parade is designed to be held by, on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
 - (13) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should issue.
- (C) The Chief of Police, where good cause is shown therefor, shall have the authority to consider any application for a parade permit which is filed less than seven days before the date such parade is proposed to be conducted.

6.2.3. Fee. There shall be paid at the time of filing the application for a parade permit a fee of \$100.00. This fee may be waived in whole or in part by the Mayor.

6.2.4. Standards for issuance. The Chief of Police shall issue a parade permit when, from a consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

- (A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- (B) The conduct of the parade will not require the diversion of so great a number of police officers of this municipality to properly police the line of movement and the

areas contiguous thereto as to prevent normal police protection to this municipality.

- (C) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this municipality other than that to be occupied by the proposed line of march and areas contiguous thereto.
- (D) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
- (E) The conduct of such parade will not interfere with the movement of firefighting equipment enroute to a fire.
- (F) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance.
- (G) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.

6.2.5. Notice of denial. If the Chief of Police disapproves the application for a parade permit, he/she shall mail to the applicant, within three days after the date upon which the application was filed, a notice of his/her action.

6.2.6. Alternative permit. The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this division.

6.2.7. Contents. Each parade permit shall state the following information:

- (A) Starting time.
- (B) Minimum speed.
- (C) Maximum speed.
- (D) Maximum interval of space to be maintained between the units of the parade.
- (E) The portions of the streets to be traversed that may be occupied by the parade.
- (F) The maximum length of the parade in miles or fractions thereof.

(G) Such other information as the Chief of Police shall find necessary to the enforcement of this division.

6.2.8. Revocation. The Chief of Police shall have the authority, after a hearing affording due process, to revoke a parade permit issued under this division upon application of the standards for issuance as set forth in this division.

6.2.9. Compliance with laws and regulations. A person holding a parade permit shall comply with all permit directions and conditions and with all applicable laws and ordinances.