

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF SEVIER, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE REQUIRING PERSONS DOING CONSTRUCTION WORK UPON COUNTY ROAD RIGHTS OF WAY TO OBTAIN A PERMIT THEREFOR; ESTABLISHING THE COST THEREFOR; REQUIRING A BOND TO BE POSTED TO INSURE COMPLIANCE; REQUIRING PERSONS PERFORMING SUCH CONSTRUCTION WORK TO HAVE ADEQUATE LIABILITY INSURANCE; SETTING OUT EXCEPTIONS HERETO; IMPOSING A PENALTY FOR VIOLATION; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

Article 1. Any person, firm or corporation desiring to install, repair, replace, improve, or enlarge any water lines, sanitary sewers, drainage structures or other utilities which involve cuts or excavations within the right of way of any county road of this county, or desiring to do any other work within the right of way of any county road of this county shall first obtain a permit from the County Judge authorizing such work. There shall be a \$15.00 fee charged for the issuance of such permits, and any person, firm or corporation desiring a permit must agree in writing before the permit may be issued to repair any damage done to the right of way during such construction work and to restore the surface of the right of way upon completion of the work.

Article 2. When final restoration is complete, all excess material, debris, mud or other foreign material shall be removed from the right of way in a manner that restores the surface to its original condition. The permit holder shall protect shoulders, driveways, ditches and other drainage structures in the work area and repair these items when damaged. The permit holder shall make reasonable restoration of grasses and vegetation which are damaged during the permitted work.

Article 3. It shall be necessary for any person, firm or corporation desiring to obtain a permit pursuant to this Ordinance to post either a cash bond or a surety bond with the County Treasurer to insure compliance with the provisions of this Ordinance. The minimum amount of the bond shall be equal to 50% of the value of the work to be performed. Upon completion of the work, the County Judge shall inspect the same and if he finds the surface to have been properly

the County to cover the cost of reparations by the County.

Article 4. The County Judge is hereby authorized to place such additional requirements upon any permit issued as he may deem reasonable to insure that free passage of traffic upon the county roads is not unduly interrupted by such work and that the safety of those traveling near the construction area is protected. This authority includes but is not limited to: requiring that proper signs are posted designating a construction area, and requiring that proper barricades are placed to direct traffic away from construction hazards.

Article 5. The County Judge shall have the authority to designate certain roads within the county road system to be "primary roads", and the same shall be clearly identified upon a map maintained by him in the office of the County Judge. The road surface of such primary road shall not be cut or dug into for the installation, maintenance or repair of any permitted utility or other construction work, but any construction on such primary roads shall be accomplished by drilling or boring under the road's surface.

Article 6. The only cutting of any road's surface or road bed that shall be allowed for any of the work permitted under this ordinance shall be perpendicular to the center line of said road for the purpose of installing new lines or reaching existing lines. Any installation parallel to the center line of any county road shall be accomplished wholly off the improved and travelled surface of said road.

Article 7. It shall be necessary for any person, firm or corporation desiring to obtain a permit pursuant to this Ordinance to show proof of the existence of a liability insurance policy with a minimum coverage of \$100,000 by filing a copy of said policy with the County Judge at the time of application for the permit.

Each contractor will have their insurer furnish the County with a certificate of insurance before the commencement of any work on county property. Said certificate of insurance will have the type and amount of insurance presently held by the contractor listed thereon. Said

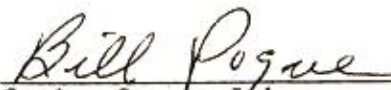
right of way as a part of the emergency shall notify the County Judge no later than the first working day following the emergency.

Article 9. The provisions of this Ordinance may be waived by the County Judge where the work to be done is to be performed entirely by the landowner upon his own land and when it would not involve cutting or digging into a road surface. Provided, however, that the County retains the right to inspect all work performed by the landowner and to require that corrections be made where the work has been so unsatisfactorily completed as to create a risk of danger to the public health and safety.

Article 10. Any person, firm or corporation who violated this Ordinance is guilty of a misdemeanor and upon conviction shall be fined not more than \$250.00 for each day that said violation continues.

Article 11. It is found by the Quorum Court that a number of individuals and entities are currently engaged in construction work upon county road rights of way. It is found that this work often results in damage to the rights of way and the expense for repairs must often be borne by the county rather than the party responsible for causing the damage. It is found that this damage creates a risk of danger to the public health and safety. It is found that the need exists for the county to know who is doing such work upon county road rights of way and to regulate the same before the county road system is further damaged. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of public health and safety shall be in full force and effect from and after its passage and approval.

APPROVED:


Sevier County Judge

DATED December 21, 1983