

ORDINANCE NO. 1969-1

AN ORDINANCE TO REGULATE THE OPENING OR CUTTING OF PUBLIC STREETS, ALLEYS AND SIDEWALKS; PROVIDING FOR PERMIT BEFORE WORK IS BEGUN; REGULATING RESTORATION OF SURFACE MATERIAL; REQUIRING BARRIERS AND LIGHTS IN CONNECTION WITH SUCH EXCAVATION; PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR RELATED PURPOSES

BE IT ORDAINED by the Town Council of the Town of Brookland, Arkansas:

Section 1: It shall be unlawful for any person to cut into, or tunnel under or disturb in any manner any street, avenue, alley, street curb, sidewalk or public way without first obtaining a written permit to do so from the Mayor or his designated representative.

Section 2: Such permit shall describe definitely the part or portion of the street to be disturbed and how the same shall be repaired and such repairing shall at all times be under the supervision of the Mayor or his designated representative and when finished must have his approval.

Section 3: In addition, at the time the permit is secured, there shall be deposited with the Town a sum not less than Twenty Dollars (\$20.00) where the opening is to be in a hard surfaced street and not less than Ten Dollars (\$10.00) upon all other streets and in addition thereto, there shall be deposited any additional sum of money as may be determined necessary by the Mayor to cover the necessary expenses incurred by the Town in repairing the street or pavement and restoring it to its former condition.

Section 4: The person, firm or corporation to whom the permit is issued shall be responsible for restoring the street, walk or curb to as near its original condition as possible and the refilling of such excavation shall be done by water tamping

1969-1

so that when completed it shall be flush with the surface of the adjacent street.

Section 5: The person in charge of any work where the street or any part of same is being disturbed must place sufficient lights on or near the work and must keep them burning from sunset to sunrise and shall also erect suitable barriers around such work as to insure public safety by day or night.

Section 6: It shall be unlawful for any person to remove or take down or disregard any barriers or lights placed upon the streets, alleys or sidewalks in order to protect paving, walks, construction, excavation or other improvements.

Section 7: Any person, firm or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor and subject to fine of not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) and each day the violation shall continue shall be considered a separate offense.

Section 8: It is found and declared by the Town Council of the Town of Brookland, Arkansas, that considerable construction in and around the streets and alleys of the Town has recently been undertaken involving excavations therein, wherein the persons or corporations undertaking such construction have not adequately provided for replacement of street surfaces or adequately protected the public from the dangers of these excavations and the Town has no Ordinance at the present to cover this situation and therefore an emergency is declared to exist and this Ordinance being necessary for the preservation of the public peace, health and safety shall take effect from and after its passage and approval.

PASSED AND ADOPTED this 11th day of February, 1969.

Lester D. Elder  
MAYOR

ATTEST:

Lennie D. Elder  
Town Recorder