

## EMERGENCY ORDINANCE NO. 2009-15

BE IT ENACTED BY THE QUORUM COURT OF SALINE COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE REPEALING ORDINANCE NO. 2001-80 AND RE-ENACTING IT TO REQUIRE PERSONS DOING CONSTRUCTION WORK UPON COUNTY ROAD RIGHTS OF WAY TO OBTAIN A PERMIT; ESTABLISHING THE COST THEREOF; TO PERMIT THE COUNTY JUDGE TO REQUIRE CONTRACTOR RESTORATION OF COUNTY ROADS WHERE NO PERMIT IS OBTAINED; REQUIRING A BOND TO BE POSTED TO INSURE COMPLIANCE; AND IMPOSING A PENALTY FOR VIOLATION."

Article 1. Saline County Ordinance No. 2001-80 is hereby repealed and re-enacted to read as follows:

Section 1. Any person, firm or corporation desiring to install or repair any utility lines or to do any other work within the right of way of any county road of this county shall first obtain a permit to do such installation or maintenance work from the County Judge. There shall be a \$20.00 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 county road during such maintenance or installation work and to restore the surface of the roadway to county road specifications upon completion of the work. Before the County Judge issues any permit to do such installation or maintenance work, the County Judge shall require the applicant to provide a surety bond in the amount of \$10,000.00 as approved by the County Judge. The bond shall remain in full force and effect for a period of one year after the date of completion of all repair work. Only one such bond shall be required for all said work done by any person, firm or corporation. Upon completion of the work, the County Judge shall inspect the same to determine if the surface has been properly restored.

If the person, firm or corporation does not perform the repair work or if in the opinion of the County Judge the road surface has not been properly restored, the County Judge may use county labor, equipment and materials to restore the surface of any county roadway cut pursuant to any permit issued under this Ordinance and the County Judge shall require the permittee doing the cutting to reimburse the County for its expenditures for materials, labor and use of equipment, said amounts to be charged against the bond.

The County Judge may require that any person, firm or corporation who does not obtain a permit before engaging in work within the right of way of any county roadway or surface of any county roadway or any permittee who has not satisfactorily restored the roadway to restore the roadway to the specifications which are attached as "Exhibit A" and which are hereby incorporated by reference.

Section 2. The County Judge is hereby authorized to place such additional requirements upon any permit issued as the County Judge may deem reasonable to insure that free passage of traffic upon the county roads is not unduly interrupted by such work and that the road surfaces damaged thereby are promptly and adequately restored. The County

Judge shall designate certain roads within the county road system to be "primary roads," and shall clearly identify the same upon a map maintained by him in the office of the County Judge. The road surface of such primary road shall not be cut for the installation, maintenance or repair of any permitted utility or other construction work but any such installation, maintenance or repair on such primary roads shall be accomplished by drilling under the road's surface. The only cutting of a primary road's surface or road bed that shall be allowed for any of the work permitted under this Ordinance shall be a partial cut from the ditch line to the existing line perpendicular to the center line of said road for the purpose of reaching existing lines. All casings must be long enough to reach from one existing ditch line on the opposite side of the road. Any installation parallel to the center line of any county road shall be accomplished wholly with all utility equipment placed on the last two (2) feet of the outside right of way of the said road.

Section 3. Any person, firm or corporation receiving a permit to work upon the right of way of a county road must keep one copy of the permit available for inspection at the job site at all times while the work is in progress and a second copy must be furnished to the utility company to be maintained on file before utility service may be connected. Any person, firm or corporation who has not obtained a permit before beginning work upon any county roadway may be ordered to cease work until a permit has been obtained.

Section 4. Any person, firm or corporation who violates this Ordinance is guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00.

Section 5. All Ordinances and Resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.


Section 6. It is deemed necessary for the smooth operation of Saline County government that this Ordinance be approved.

Article 2. EMERGENCY CLAUSE. It is found by the Quorum Court that a number of individuals and entities are currently engaged in construction work, especially the installation of utilities, and the connection of utility lines to those already existing upon county road rights of way. It is found that this work often results in damage to the road surface, the expense of which must often be borne by the county rather than the party responsible for causing the damage. 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 peace, health and safety shall be in full force and effect from and after its passage and approval.

DATE:

APPROVED:

  
LANNY FITE  
SALINE COUNTY JUDGE

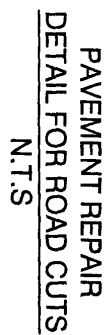
ATTEST:   
FREDDY BURTON  
SALINE COUNTY CLERK

SPONSOR: PUBLIC WORKS COMMITTEE  
TOM LISH, CHAIRMAN

**EXHIBIT A**  
**SALINE COUNTY ROADWAY RESTORATION SPECIFICATIONS**

1. Regulatory signs, safety equipment and traffic control (flaggers) are to be used when working in all Saline County Road right of way.
2. All cuts made in asphalt or concrete surfacing shall be made by mechanically cutting a horizontal and vertical line with the top six inches to be cut two foot wider (one foot each side of the ditch) than the edges of the trench or the damaged area. All spoil materials shall be removed from site.
3. All excavations made in streets and shoulders shall be completely restored with approved crushed stone (except bedding material around pipe) and compacted to a 98% mod. density.
4. The top six inches of the ditch and one foot on each side shall have concrete. After the concrete has had time to cure, an overlay shall be required. The overlay shall be the full width of the paved surface, a minimum of twenty feet long and two inches thick.
5. If in the opinion of the County Road Supervisor, riding quality, safety or appearance of the finished roadway has been impaired or sub-grade failures are caused by the operation of heavy equipment, the roadway shall be restored by reconstructing the sub-grade layers and replacing the sub-base, base and paving.
6. The roadway shall be finished within thirty (30) days after acceptance of the backfill by the Saline County Road Department. In the event that weather conditions preclude restoration by permanent hot bituminous pavement, temporary repairs may be made by tamping and rolling into place cold mix asphalt. Such cold mix patches shall be removed and replaced by a permanent hot bituminous pavement within thirty (30) days or as weather and availability of materials permit.

**SEE PAVEMENT REPAIR DETAIL FOR ROAD CUTS DIAGRAM**



347