

AN ORDINANCE PROVIDING FOR THE OPENING AND REPAIR OF STREETS OF THE CITY OF CONWAY, ARKANSAS, REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

SECTION ONE (1). Before any opening is made in the pavement of any street or in any unpaved street of the City of Conway, Arkansas for the purpose of laying, re-laying, removing, replacing, repairing or servicing any line, pipe, cable or other utility service facility which is, or is to become, the property of any privately owned utility company, the person, firm or corporation desiring to make such opening shall apply to the Superintendent of the Department of Public Works of the City of Conway for a permit. The Superintendent shall make an estimate of repairing the pavement after the excavation shall have been made and shall issue such permit showing such estimate. Provided, however, any emergency excavation that is required between the hours of 5 P.M. and 8 AM or on any legal holiday, may be commenced without the obtaining of a permit providing an application for a permit is made prior to 9 AM. on the morning following the commencement of the excavation.

- (a) Any person, firm or corporation representing a privately owned utility company and desiring to make an excavation, in any street or street right-of-way in the City of Conway, Arkansas shall apply to the City Engineer for a permit, and at the time the permit is issued, and before any excavation is made, shall pay to the city engineer a fee of \$5.00.
- (b) Any person, firm, or corporation representing a privately owned utility company making an excavation in any paved or unpaved street in the City of Conway, Arkansas shall, within five (5) days after said excavation shall have been made, unless the time therefor has been extended by the city engineer or his representative, replace and relay the said street in accordance with the following:

Where streets or alleys are cut, regardless of type of street or alley, the excavation shall be repaired as follows:

1. CONCRETE PAVEMENTS. The fill shall be tamped in six (6) inch layers so as to obtain maximum compaction. The fill shall be tamped to within seven (7) inches of the top of original pavement. The width of concrete replaced shall be at least twelve (12) inches wider than the trench width so as to allow at least six (6) inches overlap of slab over trench walls. The concrete replaced shall be reinforced with double layer 6"x6"

- 10 gauge **wire** mesh or  $3/8''$  round reinforcing rods spaced on ten (10) inch centers both ways, Concrete is to conform to proper grade and alignment.
2. **ASPHALT PAVEMENT.** The fill shall be tamped in six (6) inch layers so as to obtain the maximum compaction. The fill shall be tamped to within seven (7) inches of the top of original pavement. Then five (5) inches reinforced concrete shall be placed on the fill. The concrete replaced shall conform to the same requirements as outlined in sub-section (1) concrete pavement above. After the concrete has been placed on the fill, then two (2) inches of hot mix or cold asphalt shall be placed on the ~~concrete~~ so as to conform to the proper grade and alignment.
  3. **GRAVEL AND/OR DIRT STREETS.** The fill shall be tamped in six (6) inch layers so as to obtain maximum compaction. The fill shall be tamped to within twelve (12) inches of the top of original road bed. The remaining twelve (12) inches must be compacted red clay gravel or crushed SB2 stone.
  4. **ALLEYS.** Alleys shall be treated the same as streets with comparable surface, except when the alley is unopened and unused by the public, the provisions of this ordinance shall not apply.
  5. **PARKING AREAS.** Cuts made within the public right-of-way and outside of asphalt or concrete surface shall be back filled and tamped in six (6) inch layers to within 7" of surface and then filled with SB2, or in lieu of the foregoing, the complete excavation shall be filled with SB2 material and rolled.
- (c) **If any** person, firm or corporation representing a privately owned utility company makes an excavation during the day, they must, if at all possible, repair the excavation the same day. If, however, it is impossible to finish repairs the same day, they must leave said excavations properly lighted and barricaded. Said barricades and lights shall bear an identification mark identifying the person, firm, or corporation excavating and repairing said street. Said identification mark of each firm, person, or corporation shall be registered with the city engineer and said barricades and lights shall be approved by the city engineer. Said barricades and lights shall be maintained without interruption until the repair has been completed and approved by the city engineer.
- (d) The work of making all repairs as herein provided, shall be done under the supervision and direction and to the satisfaction of the city engineer, or his representative who shall prescribe by regulations the manner of such refilling and repairs.

(e) The person, firm, or corporation responsible for such street excavations shall be responsible for excess fill dirt, dust or any foreign matter caused by said excavation. The person, firm or corporation that has made an excavation shall control the above mentioned items by whatever means that are necessary in order to preserve the health, safety and peace of the citizens of Conway, Arkansas.

(f) Any person, firm or corporation representing a privately owned utility company having secured a permit and having the same approved as provided for under said provisions shall, before commencing said work of excavating, file with the city clerk a bond to the City of Conway in double the amount of the estimate made by the city engineer or his representative of the cost of making such repair. The said bond shall be approved by the city attorney and shall be conditioned that the said street shall, with five (5) days after such excavation shall have been made, or within any extension of such time by the city engineer, as herein provided, be repaired in manner as outlined above, and said repair shall thereafter be maintained in good condition, for a period of two (2) years after it is replaced as provided herein. Said bond shall be a corporate surety bond.

1. The bond provided for above may be made for a specified term and shall cover the replacing and maintenance of all streets in which excavations may be made during the term thereof by the person, firm or corporation filing said bond, and, in that case, the said bond shall be in double the amount of the estimated cost of all repairs which may be made by such person, firm or corporation at any one time during the said term, and in such case said bond must be a corporate bond.
2. In lieu of filing a bond as herein provided, any person, firm or corporation to whom a permit is issued to make repairs, may deposit with the Clerk-Treasurer of the city an amount of money equal to the amount of the bond required.

SECTION TWO (2) Before any opening is made in the pavement of any street or in any unpaved street of the City of Conway by, for, or on behalf of any person, firm or corporation other than a privately owned utility, the person desiring to make the opening shall file with the Conway Corporation, as agent for the City, his, their, or its application for a permit to make such opening. Thereupon the Conway Corporation shall make such opening and shall refill the same and make all repairs necessitated by such opening. Upon completion of all such repairs the Conway Corporation shall render to said applicant a complete statement of all costs and charges incurred and/or expended for labor and materials in making such opening and in repairing the same, and such applicant shall pay the same forthwith. It is the intention of the City Council in adopting this ordinance that no person, firm or corporation other than the City of Conway or its duly designated agents, servants or employees shall make or attempt to make any street opening or to repair or attempt to repair the same, except as is specifically set forth in Section One (1).

SECTION THREE (3) All ordinances in conflict herewith, and especially Ordinance No. A-231, adopted December 9, 1947, and Ordinance No. A-299, adopted November 23, 1954, and Action Six-B of Ordinance No. A-225, adopted December 11, 1953, and Ordinance No. A-332, adopted March 29, 1955, and Ordinance No. A-366, adopted August 3, 1961 are hereby repealed.

SECTION FOUR (4) Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$25.00 not more than \$100.00, and each day of violation or evasion of these sections shall constitute a separate offense and be punished as such.

SECTION FIVE (5) It is ascertained that the foregoing ordinance is necessary for the preservation and protection of the public peace, safety and welfare; that an emergency is declared to exist and this ordinance shall take effect and be in force from and after its passage and publications.

APPROVED: W. H. Conway  
Mayor

ATTEST: [Signature]

Clerk-Treasurer

DATE: 3-12-68