

ORDINANCE 2004-3

AN ORDINANCE ADDRESSING EXCAVATIONS AND ALTERATIONS TO CITY STREETS, ALLEYS AND SIDEWALKS IN THE CITY OF POTTSVILLE, ARKANSAS.

WHEREAS, there does not exist an Ordinance in the city of Pottsville pertaining to the excavation and alternation to city streets, alleys and sidewalks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTTSVILLE, ARKANSAS:

Section 1. Excavations - Permit. No person, firm or corporation shall cut into, tunnel under or in any manner disturb the surface or any street, alley or sidewalk in the city without first applying for and obtaining from the city of Pottsville a written permit to do so, which shall be dated and shall give the name and address of the person to whom the permit is granted and the location of the place where the street, alley or sidewalk is to be cut into, tunneled under and the purpose for which said permit is granted.

Section 2. Application for Permit-Deposit. Any person, firm or corporation applying for said permit shall estimate in writing the number of square feet to be cut or tunneled. Before such permit is granted the applicant shall deposit with the city of Pottsville for the purpose of insuring that the street is properly restored the sum of Fifteen Dollars (\$15.00) per square foot for cutting concrete or other bituminous surface and Ten Dollars (\$10.00) per square foot for cutting into gravel surfaces; provided the minimum deposit shall be \$500.00, irrespective of the estimate. In the event the mayor determines the deposit, based upon the above referenced dollar amount per square foot is not sufficient to adequately cover potential damage to the street, he shall, at his discretion, set an amount more than that formula set out above. If the person applying for the permit disagrees with the mayor, he shall have the opportunity to appeal the mayor's decision to the City Council to

determine the cash amount. The mayor's decision can only be overridden by 2/3's vote of the City Council.

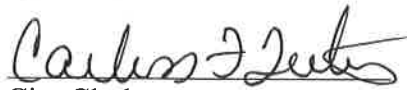
Section 3. Excavations to be restored. All excavations made are to be restored to their original condition to the satisfaction of the mayor or his appointee before the deposit shall be returned.

Section 4. Emergency Clause. This ordinance being necessary for the health, safety, and welfare of the citizens of Pottsville, Arkansas, based upon the reasons stated above, an emergency is declared to exist, and this Ordinance shall take effect and be enforced from and after its passage, approval and publication as provided by law.

Passed this 28 day of June, 2004.


JERRY DUVALL, MAYOR
CITY OF POTTSVILLE

ATTEST:


City Clerk