

ORDINANCE 2022-2

BE IT ORDAINED BY THE CITY COUCIL OF THE CITY OF OZARK, ARKANSAS AN ORDINANCE ENTITLED:

“AN ORDINANCE TO REQUIRE A PERMIT AND BOND FOR THE CUTTING, DIGGING, OR DISTURBING THE SURFACE OF ANY CITY STREET, PROVIDING PUNISHMENT FOR VIOLATION THEREOF AND FOR OTHER PURPOSES”

Section 1. No person, firm, corporation, partnership or other entity shall cut, dig or otherwise disturb the surface of any City Street, without having made application for and received a permit for such activity as provided herein.

Section 2. Any such entity desiring to apply for a permit to cut, dig or otherwise disturb the surface of any City Street shall present to the City Office a detailed plan for such activity, reflecting the particular location of the surface area to be disturbed the purpose of such work, and an estimate of time between the cutting, digging or disturbing of such surface, and the repair of same. An application and bond form shall be supplied by the City. Upon filing such application and posting such bond, each applicant shall pay an application/bond fee of \$50.00.

Section 3: Before any such application is approved, the proposed site shall be inspected by the City Street Department Manager, who shall report his recommendation concerning the project to the Mayor within two (2) days. Upon receipt of such report and review of the plan, application, and commercial bond, if approved, the Mayor shall direct the City Office to issue the permit.

Section 4: The amount of the bond shall be calculated at the reasonable cost of repairs to the City's objective standards, plus an amount equal to twenty five percent (25%) in addition thereto to cover unexpected contingencies or increased supply costs.

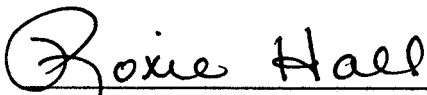
Section 5: The project shall be completed by the applicant with appropriate safety signage. All work should be scheduled so as to minimize the disruption of traffic upon the city street affected, and should be scheduled so as to avoid any open hole in any such roadway after the hours of sunset and if the city street is not made whole by sunset of the day in which it is cut, dug or opened, lighted signs shall be erected to warn motorists of the condition of the roadway.

Section 6: Upon completion of the work and repair of the city street involving the cutting, digging or otherwise disturbing the city street, the applicant shall notify the City's street department manager of the termination of such work or repairs, and such manager shall thereupon inspect the repairs performed to the city street. If such repairs are satisfactory to the City's street department manager, then the bond posted by such applicant shall be returned. If such repairs are not found to be satisfactory by a reasonable objective standard, the said manager shall provide notice in writing of the deficiency or deficiencies, and the applicant shall correct such deficiencies within 48 hours. If the applicant disagrees with or is not satisfied by the

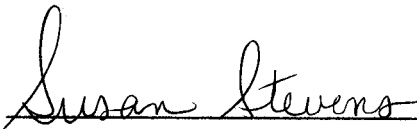
decision of the Street Department Manager, then he shall notify the Mayor, who shall review the matter and inspect the work. The decision of the Mayor shall be final. If the applicant fails or refuses to cure any deficiency noted by the Street Department Manager or the Mayor, then the Mayor shall make demand upon the applicant for payment of the bond amount, which shall be promptly paid by such applicant within five (5) business days. Should such bond be not paid upon lawful demand therefore, the same shall be subject to collection in an appropriate court having jurisdiction of such claim.

Section 7: This ordinance being necessary for the preservation of the public peace, health and safety, and emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage.

PASSED this 10th day of January, 2022.



Roxie Hall, Mayor of Ozark



Susan Stevens, City Clerk