

**TITLE 12**  
**PUBLIC WORKS**

CHAPTER.

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## CHAPTER 1

### PUBLIC WORKS IN GENERAL

#### 12-1-1. Fee schedule for certain public works activities.

##### 12-1-1.1. Public works service reimbursement policy.

The Hot Springs public works departments are hereby authorized to seek reimbursement for any of the following services in accordance with the public works service fee schedule:

- (a) Cleanup of vehicle accidents on public streets;
- (b) Activities associated with property clearance as authorized by property clearance and condemnation ordinances;
- (c) Emergency incidents involving hazardous/toxic materials or conditions associated with incident abatement, mitigation and cleanup, including any related third-party activities necessary to ensure the safety of the general public; and
- (d) Other nonemergency incidents or activities necessitating the use of public works departments' personnel and equipment of a public nature but for which reimbursement may be sought from other responsible parties.

Said reimbursement shall not be authorized for any service rendered by the public works departments as the result of normal and routine activities nor shall this ordinance be construed to authorize service by any public works departments or personnel for activities of a nonpublic nature or benefit. (Ord. No. 4339, § 1, 9-7-93)

##### 12-1-1.2. Public works fee schedule.

The fee schedule for any services performed by the public works departments of the city of Hot Springs, for which reimbursement may be collected, shall be the actual per hour personnel wage rates for each employee involved in providing the service, including wages and benefits, plus the rate for each item of equipment used pursuant to the latest equipment rate chart published by the Federal Emergency Management Agency for similar equipment.

The personnel and equipment time allocation shall be rounded to the nearest quarter hour for purposes of calculation of the total service charges.

Provided, further, that the city manager or board of directors may waive the service fees when it is in the best interest of the public or the city to do so. (Ord. No. 4339, § 2, 9-7-93)

## CHAPTER 2

### STREETS AND SIDEWALKS

#### **12-2-1. Authority of city engineer to close streets; alternate routings; violation.**

(a) From and after the date of the passage of this section the Hot Springs city engineer shall have the authority to temporarily close any public street or alley within the corporate limits of this city for purposes of repair or construction. The Hot Springs city engineer is further authorized to designate alternate traffic routings where street closures are made.

(b) Appropriate signs and barricades shall be placed on streets that are closed, and appropriate signs designating alternate traffic routings shall be erected by the Hot Springs street department, when so authorized by the Hot Springs city engineer. (Ord. No. 3237, §§ 1, 2, 5-6-74)

(c) The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. (Ord. No. 4960, § 9, 3-5-01)

#### **12-2-2--12-2-4. Reserved.**

#### **12-2-5. Naming or renaming of city streets and certain other city-owned facilities.**

(a) *New or unnamed streets and roads.* City streets which shall hereinafter be platted, developed and/or constructed may be named by the person, firm or corporation platting, developing and/or constructing said street. Any new streets which may hereinafter be platted, developed and/or constructed by the city or any streets which may be unnamed for whatever reasons may be named by the board of directors upon recommendation by the city manager.

(b) *Existing named streets and roads.* It is the policy of the city to avoid renaming existing named streets and roads except in unusual circumstances or whenever said renaming is in the best interest of the city and its citizens. Provided, however, that the board of directors may consider requests for such renaming upon receipt of a petition to that effect signed by not less than sixty-six (66) percent of the 911 addressed property owners adjoining the street or road to be renamed. The petition requesting the renaming shall state the proposed new name and the necessity for the name change. (Ord. No. 6017, §1, 4-15-2014)

(c) *Other public facilities.* Any public facilities which require an official name (e.g., parks) shall be named by the board of directors upon recommendation by the city manager. Such public facility names should:

- (1) Be named in honor of a local individual or native who has made a direct and significant contribution to the Hot Springs community; or
- (2) Generally reflect the location or some other identifiable characteristic of the facility to be named.

Once named, such facilities may be renamed by the board of directors only upon the presentation of clear and convincing evidence that said name change is in the best interest of the city and its citizens.

(d) *Public hearing.* Prior to naming or renaming any street, road or public facility by the board of directors, the board shall hold a public hearing on said naming or renaming.

(e) *Duplicate names prohibited.* Prior to naming or renaming a street or road, the city planning department shall be contacted to ascertain whether or not the proposed new name is identical to any existing street or road name. Duplicate street or road names are hereby prohibited.

(f) *Board of directors permitted to name/rename.* Nothing in this section shall prohibit the naming or renaming of streets or roads by the board of directors when such naming or renaming is necessary or required for a legitimate governmental purpose. (Ord. No. 4012, §§ 1--6, 8-7-89)

**Cross reference-**Street naming policy, § 12-2-6.

### ***12-2-6. Street naming and property numbering guide.***

*The following street naming and property numbering guide is hereby adopted:*

(a) *Introduction*

*On November 8, 1988, the citizens of Hot Springs and Garland County approved the 911 emergency services program. Proper implementation of this program requires the use of a standardized and consistent street naming and numbering system. The principles and procedures enumerated hereinafter were developed to accomplish this purpose. In addition to the needs of our emergency services personnel, the street location and identification concerns of our citizens, visitors and tourists, and the U.S. Postal Service were evaluated. The system was developed without regard to jurisdictional boundaries as such boundaries can change through the years. The system is continuous along major thoroughfares to the county lines.*

*Implementation of these principles will require the renaming and renumbering of some existing streets. In establishing these initial principles, substantial effort was made to honor local history and tradition by not creating circumstances requiring the changing of well known or historical street names. Preservation of all names, however, is not possible due to the existence of duplication, poor name selection and misapplication of names (e.g., Main Street in south Hot Springs).*

*These rules have general applicability and shall be used when reviewing proposed new street names as well as required renaming. It is also anticipated that occurrences will arise when strict application of these principles would be detrimental to the general public for whom they are designed to assist and protect. In such cases common sense and public necessity should prevail.*

*This document is the combined work of the Hot Springs board of directors, city staff, the Garland County emergency services coordinator, fire service volunteers, U.S. Postal Service, ambulance service and the 911 consulting engineer. It is based in part on a similar work published by the Metropolitan Area Planning Commission in Pulaski County.*

(b) General Principles of Street Naming

*Several street naming principles should be followed in the Hot Springs area, affected communities and planned developments.*

*PRINCIPLE NO. 1. Standard Elements. Establish a standard street or road name which shall consist of the following three parts; directional prefix, principle name (simple or compound) and a suffix (thoroughfare designation). Through streets should use suffix identifiers denoting traffic classes.*

*PRINCIPLE NO. 2. Avoid duplication. There should be no duplication of street names or numbers used as principle names among an incorporated area. Incorporated areas in Garland County are Hot Springs, Mountain Pine and Lonsdale. Hot Springs Village and Diamondhead are planned developments that should follow these same guidelines. The remaining portions of the county will be treated as one incorporated area and should have no duplication of names. If, for example, Hot Springs and Hot Springs Village both have a Cherokee Drive, one must be changed; however, if Hot Springs and Mountain Pine both have a Ouachita Avenue, then both can remain since they are in separate incorporated areas.*

*Note: Due to the predominance or exclusive use of Spanish names in the Hot Springs Village development, the use of similarly derived names in the balance of the county and in the city is discouraged and duplication shall not be permitted.*

*An exception to the duplication rule will allow a branching street or cul-de-sac to have the same name as the street from which it originates. In this case, a suffix would be used to differentiate between the street of origin and a branching street. Branch suffix designations such as "place", "circle", "loop", "court" or "trail" may be used in the same manner but only where near waterfront properties.*

*PRINCIPLE NO. 3. Avoid confusion. Street names that sound very similar or offer only a variation in spelling, should be avoided (i.e., Cherry and Cheery, Lynwood and Linwood). Compound principle names shall not be duplicated even if written as one word versus two words, e.g., Pinewood vs. Pine Wood or Mary Lou vs. Marylou.*

*PRINCIPLE NO. 4. Establish continuity. A street running in one direction should have one name only and should have the same name throughout its entire length. However, if a street jogs sharply, 90 degrees or more, for a distance of more than 315 feet, successive portions of the street should be given a different name. However, there are many streets that run for long distances, and/or change direction radically which have had their name for many years. In such cases renaming all sections that change direction even when the directional change exceeds 90 degrees and 315 feet is not required unless there is a compelling public safety reason to do so. The suffix "Drive" or "Road" may be used in such cases to denote the meandering nature of such streets.*

*PRINCIPLE NO. 5. Base line extensions. Streets that cross the baselines may continue across baselines but should be designated east-west or north-south or change names. Therefore, if a "north" prefix occurs, it should be matched with the street bearing a "south" prefix, (e.g., North Patterson and South Patterson). A typical exception would be West Mountain Drive where "West" is part of the principle name. However, the use of directional words as principle names should be avoided whenever possible.*

*PRINCIPLE NO. 6. Interrupted streets. Streets that are permanently interrupted by parks, cemeteries, platted and developed land should have separate names attached to the segments, even though they line up geographically. If the land block interruption is not platted or developed such that the road could continue in the future, the street name may be continued.*

*PRINCIPLE NO. 7. Intersections. Street names should not change at intersections where there is no offset unless crossing a baseline or major geographical boundary.*

(c) Prefixes and Suffixes

*Address prefixes are words preceding a street name and indicating a direction such as north, south, east and west. Address suffixes are words following a street name and may indicate only a type of street. The latter type of suffix is also called a thoroughfare designation. Attachment A contains a list of authorized suffix designations and their corresponding abbreviations and usage groupings. Streets are sometimes ranked by function and size, and each category is assigned a specific name suffix (thoroughfare designation) accordingly.*

*Editor's note: Attachment A has been amended by Resolution No. 6424 dated 11-6-06 which adopts the Postal Service Standard Suffix Abbreviations as published by the U.S. Postal Service and is on file in the office of the city clerk.*

*The following is a list of definitions with synonyms that are permitted to be used throughout the city, and general rules for suffix usage:*

*Boulevard. A street with a median reflecting the boulevard character implied in the name. Unusually wide thoroughfares in residential sections with shade trees or shrubbery in the center plot and the name can even be used with numbered thoroughfares. Synonyms are parkway, expressway.*

*Circle. A circle is a secondary road that begins and circles back to terminate on the same road, street or drive. "Square" may be used if applicable to the geometry of the street layout as part of the principle name but "Square" may not be used as a suffix.*

*Court. Permanently closed streets such as cul-de-sacs or a minor street less than 1000 feet in length, ending in a turnaround. Synonyms are place, plaza, point, cove, trail.*

*Drive. Winding thoroughfares or curving streets longer than 1,000 feet with intersecting roads, streets and drives. Roads that meander about and continue through to other rights-of-way. Synonyms are avenue, way, street, road, cut-off.*

*Highway. Designated and numbered street or federal highways.*

*Interstate. Roads of the highest order characterized by limited access. Synonyms are freeway, expressway, thruway, turnpike.*

*Lane. Private rights-of-way, streets or roads not maintained as public streets by the city of Hot Springs. Other authorized suffixes may be used in lieu of lane where such suffix is more appropriate or descriptive (e.g., cove, point, bay, etc.). All private street signage shall bear the additional notation of "(pvt.)" as specified in § 12-1-11 (c) (5) of the city's street acceptance policy; however, the "pvt." notation shall not be considered as a street name suffix. (Res. No. 2576, 1-22-91)*

*Loop.* Loops shall be short drives that begin and end by intersecting upon itself and generally of a curving nature.

*Parkway.* (See also boulevard.) A special scenic route or park drive designated by a name and generally a highway.

*Roads.* Limited thoroughfares that are frequently used, have moderate traffic volume, and run in any direction. Secondary facilities generally connecting with a U. S. or state primary highway. Synonyms are crossway, cutoff, street, avenue, drive, way.

The standard suffixes, avenue, boulevard, causeway, cutoff, drive, road, street, way, etc. cannot be attached to a road that dead ends. From the last branching road the following dead end suffixes are to be used: court, place, plaza, trail, extension, tram and lane. "Lane" shall be applied to a private roadway that is either undedicated or dedicated but unaccepted for city maintenance but which may become a public road in the future. Once a "lane" is accepted by the city the "Lane" is dropped, and it becomes a regular street name without a suffix. The suffix grouping for major roads includes expressway, freeway, highway, parkway, roadway, thruway and turnpike.

The suffix names circle, terrace and loop are generally applied to roads that either start, wind around and end on the same road or an adjacent road. Loop is a road that starts and loops back on itself with platted or private property in the middle of the roadway. If there is no private property in the middle of such a road, it is to be considered as a regular cul-de-sac. The loop can be in the form of a circle or square. A terrace is a suffix that could apply to a dead end but generally applies to either a back access to lots that face in the opposite direction. The suffixes point and cove are to be applied only in lake areas. Suffixes should be applied only in accordance with these rules.

(d) Naming Major Routes, Thoroughfares and Numbering Baselines

(1) Major thoroughfare designations.

The following thoroughfares shall be named as follows:

- a. Albert Pike designation shall originate at Summer Street (Jewish Rest Cemetery) and continue to the Ouachita River Bridge past Treasure Isle Road.
- b. Airport Road designation shall originate at the West Hwy. 70/West Hwy. 270 intersection junction and continue to the junction of Hwy. 227 (Sunshine Road).



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- c. *Central Avenue shall commence at the Whittington-Park junction and continue to the county line, south of the city.*
- d. *Park Avenue shall commence at the Central-Whittington junction and continue to the intersection of U.S. Hwys. 5 and 7 northeast of the city.*
- e. *Malvern Avenue shall commence at Spring Street and continue to the county line east of the city.*
- f. *East Grand Avenue shall commence at railroad tracks (Valley Street) and continue to the Cedar Creek Bridge where it becomes East Hwy. 70.*
- g. *Whittington Avenue shall commence at Central Avenue-Park junction and continue to the crest of the mountain where Black Snake Road begins.*
- h. *Broadway shall commence at Bridge Street and continue to its intersection with East Grand Avenue.*

(2) *Base Lines.*

*For purposes of numbering streets, the following base lines are established and numbering shall generally increase in distance away from the base lines:*

- a. *The principle intersections shall be West Grand Avenue at Central Avenue. The east base line shall be East Grand Avenue.*
- b. *The west base line shall be West Grand to Summer Street and Albert Pike west of Summer Street.*
- c. *The north base line shall be Park Avenue from Whittington.*
- d. *The south base line shall be Hot Springs Creek to Winona Street (MDGRR) and Central Avenue from Winona Street southward.*
- e. *Malvern Avenue shall be a supplementary base line for numbering streets in the southeast quadrant of the city.*

(e) Property Numbering

(1) *General Principles.*

*PRINCIPLE NO. 1. Uniform. Property numbering should be uniform, based generally on street frontage, providing at least one number for each 25 feet on either side of the street.*

*PRINCIPLE NO. 2. Consecutive. Numbering should be consecutive away from major thoroughfares.*

*PRINCIPLE NO. 3. Even/Odd numbering. Even numbers should always be on the right side of the road and odd numbers should be on the left side in the direction of ascending numbers and without regard to designated traffic flow on one-way streets.*

*PRINCIPLE NO. 4. Expansion. The numbering system should allow for expansion to accommodate future growth.*

*PRINCIPLE NO. 5. City/County streets. Roads beginning in the incorporated areas of the city and continuing into the county will be numbered continuously from its origin in the city continuing into the county. The numbers will continue throughout the entire road at 25 foot intervals wherever practical but blocks shall not exceed 1/4 mile.*

*PRINCIPLE NO. 6. Number sequence. Newly numbered roads will begin at 100 and will be numbered sequentially every 25 feet throughout with odd and even numbers on opposite sides of the street.*

*PRINCIPLE NO. 7. Single digit numbering. Street numbers of less than three digits shall be prohibited on public streets. Section (e)(3) "Private Developments" hereby pertains to the use of single and double digits in privately owned and operated developments. (Res. No. 2576, 1-22-91)*

*PRINCIPLE NO. 8. Measurements. When measuring roads to assign numbers, do not skip across streets on one side of a tee intersection only, utility easements, railroads, streams. As time brings change, this method will assure that the numbers will be available to assign. Vacant property shall not be assigned a number until it is developed. At tee intersections in rural or unplatted land, there shall be a block change. In urban and platted land, block numbers need not change across a tee intersection if the potential for making a thru street is greatly diminished by the existing conditions.*

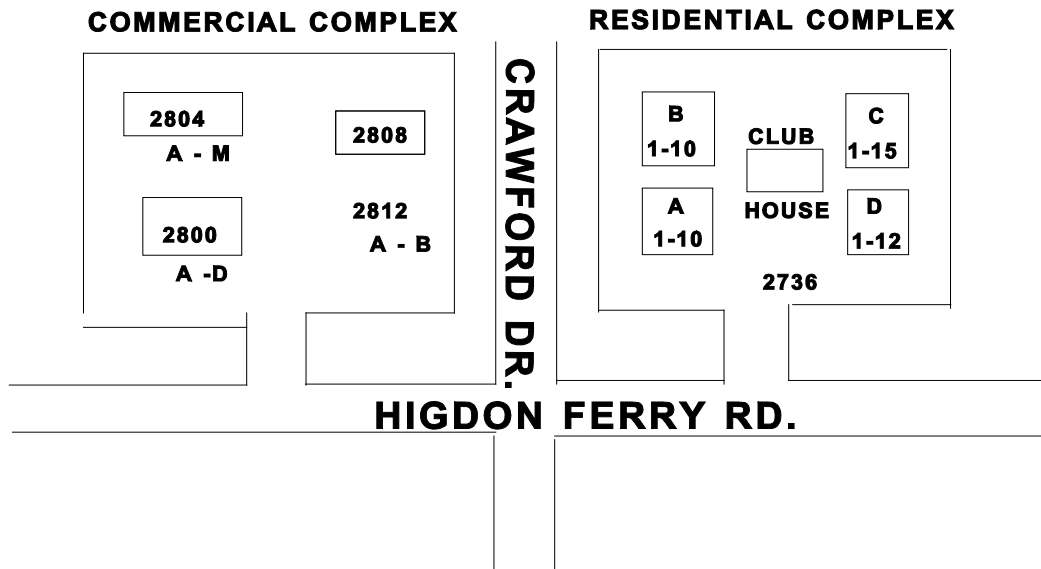
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*PRINCIPLE NO. 9. Vacant property. In the event the land is platted into lots and blocks but vacant, each lot shall be numbered generally according to the 25-foot rule (100-foot-wide vacant lots could have 4-number spacing such as 16, 24, 32 and 40). If the platted land is occupied, the number spacing should go by twos.*

*PRINCIPLE NO. 10. Name/Number assignment. All street names and numbering schemes should be approved and assigned by the proper city official. In newly platted developments, this shall be accomplished prior to all water or sewer connections. All street names/numbers shall be assigned/approved before a plat is accepted for filing by the circuit clerk.*

(2) *Group Buildings Numbering Principle.*

*An example of numbering encountered in apartment complexes, shopping centers, or office parks is shown in the following illustration:*



*One of the designation problems involves making a decision as to which of two streets to use in giving the unit an address when a corner location is encountered. The building apartments, office or shopping centers are grouped around parking bays and the units or lots may actually face neither street. The sketch shows how one case may be handled. In the case of the residential building complex, the entire complex has only one number comprised of the block number and the front footage number (even or odd) falling closest to the entryway.*

*Separate internal units of condominiums and apartments should have an alphabetical designation for a multi-unit building with sub-numbers for individual dwelling units. The same consideration will apply to mobile home parks with the exception that the alphabetical designation for a multi-unit building would not be required. Each mobile home should receive a numerical designation such as Lot 1, Lot 2, Lot 3 (or space A, B, C) in addition to the general number. The end result is that the building complexes do not have street frontage numbers for each individual dwelling unit.*

*As shown on the illustration, non-residential building complexes do have street frontage property numbers for each building, but have an alphabetical suffix for the individual units or suites.*

*The distinction between residential and non-residential numbering is made due to a U. S. Postal Service policy concerning mail delivery. For the residential complex, mail delivery is made to a central point but mail delivery is made to each unit or suite in a non-residential complex.*

*A separate building (such as #2808 shown on sketch) will not be addressed off the side street unless accessed through a curb cut.*

(3) *Private Developments.*

*As stated above, private multifamily housing developments will be given a single address for the total complex such as a large condominium site, retirement village, mobile home park, or cluster of apartments. The single address will be the official address with each occupancy being assigned a unit or space numbers (apt. 44) or a combination of building numbers - unit numbers (such as 8-6). Space assignments shall consist of a number (less than 99) or a letter and a number.*

*For the convenience of P.O.A. or management, streets or drives within the development may be named but such names shall not duplicate any other name within Garland County.*

*If street names are referenced for convenience, all unit or space numbers shall be less than 99. The official addresses shall be assigned by 911 operations.*

(4) *Number Assignments.*

*The process of assigning numbers is as follows:*

- a. *Field work - measurements of houses and roads will be done in a systematic manner.*
- b. *Field work will be taken to office and house or building numbers will be assigned.*
- c. *The newly assigned addresses will be delivered to the residents as soon as possible in a package containing the occupant's new address, a change of address form, and a letter of explanation.*

(5) *Base Maps.*

*Base maps used for the purpose of naming and numbering roads in Hot Springs/Garland County are:*

- a. *General Highway Map of Garland County, Arkansas, prepared by the Arkansas State Highway and Transportation Department, Revised 1988.*
- b. *Transportation Boundary Map for Hot Springs, Garland County, Arkansas prepared by the Arkansas State Highway and Transportation Department.*
- c. *Other specifically prepared maps such as Atlas Sheets, improvement district ownership maps, aerial photogrammetry, or other reliable systems.*

(6) *Private Drives.*

*Private drives are not usually considered for numbering purposes. If access to a business or industrial establishment is not approached on any public street, the address is assigned using the interval where the drive joins the public street. If principle access to the structure is from the private drive but is hidden behind other structures or is located on the interior of the block, the centerline of the driveway is used to assign the number.*

(7) *Corner Lots.*

*The general rule to apply when assigning a number to a building on a corner lot is to assign a number from the street upon which the front entrance faces. Dual addresses should not be assigned, a choice must be made. If a corner building has two entrances, for one entity and both look like front entrances, the decision about which number to assign is based on the general site layout.*

(8) *Rear Houses and Buildings on Interior Lots.*

*For landlocked parcels having rear dwellings, a subordinate designation can be assigned that is alphabetical. The only exception to the rule is that if a structure is hidden or plainly subsidiary or auxiliary in nature to a primary structure, or when there are two or more entrances to a separate unit of the same structure, each unit shall be duplicated alphabetically. In all such cases, only one number should be assigned.*

*If there is a rear entrance or a hidden residential structure, a post should display the number on the path leading to the entrance, even if it is reached through another structure. For units on alleys or interior malls where there is no access to a street paralleling the alley, the address number is assigned based on the intersection of that alley with the named street. Numbers are assigned from the series on that street.*

*In the case of commercial or industrial facilities, auxiliary buildings would not be assigned separate numbers, but the main building - where the mail is received and business is transacted - would receive a building number.*

(f) *System Implementation*

*The Hot Springs board of directors adopts this policy that effectuates the system, and that authorizes the city manager to administer the program. The following is a list of steps to institute the system.*

- (1) *Street names are inventoried and reviewed for duplications, and thoroughfare designations, and prefix/suffix adjustments are made. Unnamed streets and private streets are named.*
- (2) *Citizens are informed of the proposed changes that are under review.*

- (3) *Field measurements are taken and the numbering is recorded on the prepared maps.*
- (4) *The assignment of numbers to structures are made and the occupants are informed.*
- (5) *Notice of the new street and number changes are sent to all affected residences and businesses, city departments, the U. S. Postal Service, the public utilities, the newspapers, the sheriff's department and other appropriate agencies. It is important that enough lead time be given so that residents and businesses can make appropriate changes in stationery, labels, advertising, etc.*
- (6) *As new streets are added in future years, this policy shall be applied on a case by case basis.*

(g) Conclusion

*While these general principles and rules for numbering structures provide guidance in constructing a street naming and numbering system, it is not possible to develop rules for all of the problems that will be encountered in perfecting such a numbering system. There is no substitute for good judgment in applying these guidelines. (Res. No. 2524, §1, 5-21-90)*

*Editor's note-§ 12-2-6 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.*

*Cross reference-Building address placement and assignment, § 15-1-2; curb painting and marking, § 10-8-3.*

**12-2-7--12-2-9. Reserved.**

**12-2-10. Street acceptance-Master street inventory.**

The attached list of streets is hereby accepted and confirmed as public streets under the care and control of the city. Provided, however, that such acceptance extends only to those portions of such streets as are presently in existence and in public use. Undeveloped portions or future extension of any listed street are specifically not accepted or confirmed until constructed in accordance with such street acceptance policies as may now or hereafter be adopted by the board of directors. (Ord. No. 4062, § 1, 4-30-90)

**Editor's note-**Ordinance No. 4062 established an initial master street inventory and for that reason has been codified herein. Subsequent additions to the master inventory have not been codified but are added to the inventory as streets are accepted. The master street inventory is on file in the office of the city clerk and in the city engineering department.

**State Law Reference-**A.C.A. 14-301-102.



**12-2-11. Street acceptance policy.**

The following street acceptance policy is hereby adopted and shall govern the acceptance of streets as part of the official street system:

- (a) *Purpose statement.* The primary mission of the city of Hot Springs in the area of streets and roads is the continued maintenance and reconstruction of the city's official street system. To this end it is not the city's intention to engage in initial street construction. However, it is the city's responsibility to continually upgrade those streets which are a part of the city's official public street system through an ongoing and consistent program as approved annually by the board of directors. The following policies and procedures shall govern the methods and circumstances under which the city of Hot Springs shall accept streets for perpetual maintenance.
- (b) *Definitions:* The following words and phrases have the following meanings for purpose of this policy:
  - (1) Public Street. A roadway open for the common use of all citizens not limited or restricted to any particular group. "Public Streets" are either dedicated or prescription right-of-ways which have been accepted for perpetual maintenance by the board of directors.
  - (2) Dedicated Street. Specific right-of-way set apart by a property owner(s) for use as a public street by means of a recorded plat so designating the right-of-way. "Dedicated Streets" are not "Public Streets" until accepted by the city (A.C.A. 14-301-102).
  - (3) Prescription Street. A roadway which has become a street due to open, continuous and exclusive use as a public right-of-way over a period of time as per Arkansas law.
  - (4) Private Easement. A roadway created by specific action or common consent of one or more property owners for their restricted enjoyment and use.
  - (5) Private Driveway. An entrance to one or more properties created by the owner(s) thereof for the exclusive use and enjoyment of such properties and under the total control of such owner(s).
- (c) *General policies.*
  - (1) Official City Street System. Those streets listed in Ordinance No. 4062 shall constitute the initial list of city streets accepted for routine perpetual maintenance. Additional streets may be added to the city's street system only after acceptance by ordinance adopted by the board of directors in accordance with the policies enumerated in Section (d) or (e) hereof.

- (2) Street Improvements. Routine perpetual maintenance includes repaving, patching, ditch cleaning and other related work on existing street base. Improvements, beyond routine maintenance and resurfacing (e.g., widening, shoulder improvements, drainage improvements, curb and gutter, etc.), to streets which are part of the official street system shall only be accomplished in those instances where adequate right-of-way exist through dedication and specific funding allocations are received and approved by the board of directors (e.g., grants-in-aid, street improvement district funding, property owner funding, etc.). If adequate dedication does not exist, adjacent property owners must provide such dedication. Provided, however, that in the case of major public thoroughfares, the city may undertake such improvements as approved by the board of directors.
- (3) Annexation. In the event areas are annexed to the city, the engineering department shall conduct an inventory of all streets and roads within the newly annexed area and report to the board of directors the condition and apparent use of all known streets and roads. The board of directors shall by ordinance accept for routine perpetual maintenance those streets and roads which are used by the public generally, which are currently paved (regardless of present condition and right-of-way) and which are readily recognized as public streets. Roadways not qualifying for initial acceptance shall be accepted in accordance with Section (c) or (d) hereof. Streets so accepted shall be part of the official street system and subject to the policies and procedures enumerated herein.
- (4) Records. The city's planning department shall keep accurate records concerning all streets which have been officially accepted for perpetual maintenance by the board of directors.
- (5) Signage. Whenever street name signage for 911 emergency service or other purposes is installed by city forces on any street, lane or drive which has not been accepted by the city for routine perpetual maintenance, said signage shall bear the notation of "(pvt.)" to designate that such street, lane or drive is of a private nature and not the maintenance responsibility of the city.

- (6) Street Naming. All streets accepted for perpetual maintenance shall be named in accordance with Ordinance 4012 and/or the "Street Naming and Property Numbering Guide" adopted by Resolution of the board of directors pursuant to the 911 emergency services program.
- (d) Acceptance procedures.
- (1) Platted Streets. Streets within recorded subdivisions, planned developments, or commercial properties must be constructed in accordance with Ordinance 4836 (§ 16-4-1 et seq.), as amended and/or Ordinance 4835 (§ 15-10-1 et seq.), as amended prior to acceptance by the city. Once constructed said streets shall be accepted for routine perpetual maintenance by the city only after passage of an Ordinance for that purpose by the board of directors. Filing of an instrument of dedication (e.g., development plat) does not constitute acceptance by the city. Provided, however, in the event a street was officially recorded but never developed following the recording and it is no longer within an active development area (e.g., a subdivision no longer under construction by the original developer), such street may be constructed in accordance with paragraph 2 below.

*Amendment note-§ 12-2-11 (d)(1) formerly referred to street construction requirements of Ord. Nos. 3236 and 3309. Ord. Nos. 3236 and 3309 have subsequently been superceded by Ord. Nos. 4836 and 4835, respectively.*

- (2) Underdeveloped Streets. Those streets, lanes, etc. which have evolved through public and/or private use or other circumstances, other than recorded dedication, over a period of years and which are not part of a platted subdivision, or a residential or commercial planned development or platted streets in nonactive subdivision as described in paragraph (d) (1), shall be accepted by ordinance only after completion of the following by the adjacent property owner(s):
- a. dedication of not less than forty foot of right-of-way.
  - b. initial construction (in accordance with the current standards of the city's engineering department) of an adequate street base, application of an appropriate hard surface treatment (e.g., pea seal/hot mix asphalt) and provision of adequate drainage improvements including curb and gutter. Provided, however, that curb and gutter may not be required where adequate underground drainage structures are not otherwise available in the adjacent area to support the storm water runoff created by the installation of curb and gutter. The city manager shall determine when curb and gutter is not required upon recommendation of the engineering and planning/zoning departments. (See paragraph (c) (2) regarding improvements after acceptance by the city.)

- c. *payment for the initial improvements in one of the following methods:*
- i. *direct payment by the property owner(s) to those accomplishing the work (e.g., a private contractor) or through formation of a street improvement district per Arkansas law. In this case, the city's engineering department will provide contract supervision and inspection services at no cost if so requested by the property owner(s); or*
  - ii. *deposit with the city of an amount equal to the projected costs of all materials necessary to construct the street base, surface treatment and drainage improvements as estimated by the city's engineering department. In this case, the city will accomplish the work with no charge for labor to the property owner(s) provided the project is within the scope of the city's resources (funding, time and personnel) to accomplish;*
  - iii. *in the event upfront deposit of the material costs is not possible and the development costs are within the scope of the city's abilities to fund, the city may perform the street construction and be reimbursed by the property owner(s) through a cooperative agreement (e.g., addition to the monthly municipal utility bill) or by formation of a street improvement district. Street improvement districts must be formed in accordance with appropriate state statutes. If a cooperative agreement is utilized, the following policies shall apply:*
    - 1) *property owners on each side of the street will be assessed a prorated share of the cost of materials on a front foot basis;*
    - 2) *improvement costs plus simple interest at the rate of ten percent (10%), may be paid over three years; provided however, should all costs be paid within the first year no interest will be charged. Street improvement projects may not be paid out for more than three years; and*
    - 3) *nothing herein shall prohibit additional arrangements among the parties involved (e.g., payment of all charges by a single owner in multi-owner situations).*

- (e) *Policy waiver. The board of directors reserves the right to waive any provisions of this policy in unusual or unique circumstances when strict adherence would not be in the best interest of the public generally. (Res. No. 2519, § 1, 5-7-90)*

*Cross reference-Construction of facilities in public rights-of-way, § 15-11-1 et seq.*

*Editor's note-§ 12-2-11 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.*

**12-2-12. Alley acceptance policy.**

(a) *Purpose statement. Alleys within the city of Hot Springs are currently used for a variety of purposes including public roadways, private roadways and utility easements. In addition, many alleys have been platted but have never been opened or developed for use. State statute specifies that alleys are not under the care and control of city government until and unless they have been specifically accepted by ordinance of the governing body (A.C.A. 14-301-102).*

*It is necessary, therefore, that the city have an accurate and consistent inventory of alleys which are accepted and maintained by the city and over which the city excises care and control for the benefit of the general public. In this regard, the following policies and procedures shall govern the methods and circumstances under which the city shall accept and maintain alleys within the corporate limits of Hot Springs.*

(b) *Definitions. The following words and phrases have the following meanings for purposes of this policy:*

- (1) *City alley. A narrow roadway designed for the special accommodation of the property it reaches and open for the common use of all citizens not limited or restricted to any particular group or property owner. "City Alleys" may be either dedicated or prescription right-of-ways which have been accepted for perpetual maintenance by the board of directors. An alley is not a "city alley", for purposes of this policy, until and unless it has specifically been accepted by ordinance of the governing body.*
- (2) *City utility alley. A platted but undeveloped roadway accepted by ordinance of the city for use as an alley for the construction and maintenance of water, sewer, storm drainage or other public utilities under the care and control of the city.*
- (3) *Dedicated alley. Specific right-of-way set apart by a property owner(s) for use as an alley by means of a recorded plat so designating the right-of-way whether or not said right-of-way has ever been developed and used as a roadway.*

- (4) Prescription alley. *A narrow roadway which has become an alley due to open, continuous and exclusive use as a public roadway over a period of time as per Arkansas law.*
  - (5) Private alley. *A narrow roadway created by specific action or common consent of one or more property owners for their restricted enjoyment and use and all "dedicated or prescription alleys" which have not been specifically accepted for perpetual maintenance by ordinance of the city's governing body.*
  - (6) Private driveway. *An entrance to one or more properties created by the owner(s) thereof for the exclusive use and enjoyment of such properties and under the total control of such owner(s).*
- (c) General policies.
- (1) Official city alley system. *Only those alleys which may be accepted by ordinance of the board of directors shall constitute the official city alley system. In this regard, alleys shall be accepted in one of two classes -- city alley (roadway) or city utility alley.*
  - (2) City alley (roadway) improvement and maintenance. *For those alleys that are accepted as city alleys, the city shall provide routine perpetual maintenance. Routine perpetual maintenance shall include re-paving, paving, patching, grading and limited related roadway base improvements. The city shall not engage in initial roadway construction for previously unopened or unused alleys. Initial roadway construction shall be the responsibility of the adjacent property owners or, in the case of active subdivision developments, the developer. City alleys shall be maintained on an as needed basis in a lower priority status than other street work and subject to the available of sufficient city resources.*
  - (3) City utility alley improvement and maintenance. *For those alleys that are accepted as city utility alleys, the city shall provide limited routine perpetual maintenance. Routine perpetual maintenance shall include clearing, mowing and limited grading necessary to provide access to the city owned utility lines or city owned drainage structures. City utility alleys shall not be improved as city alleys (roadways) unless and until specifically accepted as city alleys by the board of directors. City utility alleys shall be maintained on an as needed basis in a lower priority status than other street work and subject to the available of sufficient city resources.*
  - (4) Annexation. *In the event areas are annexed to the city, the city's engineering department shall conduct an inventory of all alleys within the newly annexed area and report to the board of directors the condition and apparent use of all known streets. The board of directors shall then, by ordinance, accept for routine perpetual maintenance those alleys which are readily recognized and used as public alleys or are needed for public utility easements.*

- (5) Records. *The city's planning department shall keep accurate records concerning all alleys which have been officially accepted by the city by class of alley (city alley or city utility alley).*
- (6) Alley signage and naming. *Names may be assigned to alleys and signage installed when necessary for 911 response or other governmental purposes. City installed signs may be placed on unaccepted alleys if such signage bears the notation "pvt" indicating that the alley is private in nature and not the maintenance responsibility of the city.*
- (d) Acceptance procedures.
- (1) Existing alleys. *Alleys which currently exist **and** are utilized as either public roadways or public utility easements may be presented to the board of directors for consideration for acceptance on a case by case basis. The determining factor in presenting such alleys is their benefit for public use and/or benefit to the city generally. The board of directors shall review the circumstances surrounding each alley presented and determine if the alley should be accepted by ordinance as a city alley (roadway) or city utility alley, or the board shall deny the acceptance for city maintenance. Existing alleys which have limited public use or vehicular access may be accepted after construction of the initial roadbase by the adjacent property owner.*
- (2) Alleys in new developments. *All alleys in new developments shall be constructed in accordance with the alley construction standards of the city by the developer or development/property owner(s) and, once so constructed, shall be accepted for perpetual maintenance by ordinance of the board of directors.*
- (3) Platted-non-existent alleys. *Alleys which have been platted but never opened or utilized as alleys shall not be accepted by the city until such alleys are constructed in accordance with the following construction standards by the adjacent property owner(s) or other authorized party:*
- a. *dedication of not less than 20 foot of right-of-way.*
  - b. *initial construction (in accordance with the standards of the city's engineering department) of an adequate street base and application of an appropriate hard surface treatment (e.g. pea seal/hot mix asphalt).*
  - c. *provision of adequate drainage improvements. In some cases, open ditches may be acceptable if all connecting drainage is open ditch; however, closed drainage or curb and gutter may be required if all connecting drainage is enclosed. The city engineer shall determine if drainage improvements are needed and the type needed based on other similar circumstances.*

*Once constructed, the alley shall be accepted for perpetual maintenance by ordinance of the board of directors. Platted alleys needed as public utility alleys may be accepted as such by the city upon presentation and recommendation by the appropriate city department, in which case the initial construction of the utility alley shall be accomplished by the city to the extent necessary for the intended utility purpose .*

- (4) Payment methods. *Payment for the initial improvement, when required of a third party, may be accomplished in one of the following methods:*
- a. *direct payment by the property owner(s) to those accomplishing the work (e.g., a private contractor) or through formation of a street/alley improvement district per Arkansas law. In this case, the city's engineering department will provide contract supervision and inspection services at no cost if so requested by the property owner(s); or*
  - b. *deposit with the city of an amount equal to the projected costs of all materials necessary to construct the alley base, surface treatment and drainage improvements as estimated by the city's engineering department. In this case, the city will accomplish the work with no charge for labor to the property owner(s) provided the project is within the scope of the city's resources (funding, time and personnel) to accomplish;*
  - c. *in the event upfront deposit of the material costs is not possible and the development costs are within the scope of the city's abilities to fund, the city may perform the alley construction and be reimbursed by the property owner(s) through a cooperative agreement (e.g., addition to the monthly municipal utility bill) or by formation of a street/alley improvement district. Street/alley improvement districts must be formed in accordance with appropriate state statutes. If a cooperative agreement is utilized, the following policies shall apply:*
    - 1) *property owners on each side of the alley will be assessed a prorated share of the cost of materials on a front foot basis;*
    - 2) *improvement costs plus simple interest at the rate of ten percent (10%), may be paid over three years; provided however, should all costs be paid within the first year no interest will be charged. Alley improvement projects may not be paid out for more than three years; and*
    - 3) *nothing herein shall prohibit additional arrangements among the parties involved (e.g., payment of all charges by a single owner in multi-owner situations).*



(e) *Policy waiver. The board of directors reserves the right to waive any provisions of this policy in unusual or unique circumstances when strict adherence would not be in the best interest of the city or the public generally. (Res. No. 2882, 10-18-93)*

*Editor's note-§ 12-2-12 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.*

### **12-2-13. Long-term limited use easement policy.**

#### **12-2-13.1. Purpose statement.**

*The purpose of this section is to establish a policy for granting of long-term limited use easements within portions of certain public rights-of-way which are not needed for public purposes. This policy is intended to cover those situations where a property owner adjoining a public right-of-way desires to use the right-of-way for a private purpose of a permanent nature and establishes the conditions and procedures for such requests.*

#### **12-2-13.2. Definitions.**

*The following words and phrases have the following meanings for the purpose of this policy:*

- (a) *Public rights-of-way. Specific rights-of-way set apart by a property owner(s) for use as a public street, roadway or other such public use by means of a recorded plat so designating the right-of-way and which has been accepted by the city for perpetual maintenance.*
- (b) *Limited use easement. An agreement between a property owner and the city whereby the city grants to the property owner the right to use a specific portion of a public right-of-way for a specific purpose.*
- (c) *Improvement. The specific purpose for which a property owner desires a limited use easement, for example, construction of a fence.*
- (d) *City. The municipal corporation known as the city of Hot Springs, Arkansas, as represented by the official(s) so designated by the Hot Springs board of directors.*
- (e) *Property owner. The person, firm or corporation who is the owner of record of real property adjoining a public right-of-way and who is requesting a limited use easement.*

**12-2-13.3. General policies.**

*The following general policies shall apply to requests for limited use easements:*

- (a) *Limited use easement request. A limited use easement must be at the request of a property owner. Requests may not be submitted by a tenant or other agent. Requests shall be in writing and shall be submitted to the office of the city clerk. Any such request must be accompanied by a plat describing the private property and the portion of the public right-of-way for which the owner desires the limited use easement.*
- (b) *Departmental review. The office of the city clerk shall distribute the limited use easement request to all city departments which may be affected by the granting of the request. The departments shall inform the city clerk of any concerns regarding the request. Should any city department identify a public purpose, which would preclude the granting of an easement, the requests shall be denied by the city manager.*
- (c) *Board of directors review. Any request which does not preclude a public purpose shall be forwarded to the board of directors for consideration. The board of directors may either approve, deny or modify the request.*
- (d) *Request criteria. No limited use easement request shall be granted unless the following conditions are met:*
  - (1) *A minimum width of 40 feet remains unencumbered by the easement along a public street. (Hence, a street must have a dedicated right-of-way width of more than 40 feet before an easement could be considered.);*
  - (2) *There is no known public purpose for the area for which an easement is sought;*
  - (3) *In the case of a street right-of-way, the easement line nearest the street shall not be less than six feet from the outside edge (yard side) of the ditch line or curb;*
  - (4) *The desired improvement is to be of a nature such that it can be removed upon short notice. Permanent buildings or other such improvements which require a foundation or other installations which cannot be easily be removed shall not be permitted; and*
  - (5) *The owner executes a limited use easement agreement as approved by the board of directors.*

- (e) *Easement instrument. The agreement, attached hereto as Exhibit A,\* shall be executed for each limited use easement granted by the board of directors.*

*\*Note-Exhibit A is on file in the office of the city clerk.*

**12-2-13.4. Policy waiver.**

*The board of directors reserves the right to waive any provisions of this policy in unusual or unique circumstances when strict adherence would not be in the best interest of the public generally. (Res. No. 3258, 9-11-95)*

*Editor's note-§ 12-2-13 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.*

**12-2-14--12-2-15. Reserved.**

**12-2-16. Street light placement policy.**

*The street light placement policy enumerated hereinafter shall serve as the guideline for the placement of street lights within the corporate limits of Hot Springs. The following sections describe the policy purpose, goals, request evaluation procedure, and placement criteria:*

- (a) *Policy purpose. The purpose of this policy is to:*
- (1) *ensure proper and consistent placement of street lights;*
  - (2) *correct deficiencies in past placement wherever possible; and*
  - (3) *assist in the management of the city's limited financial resources for street lighting.*
- (b) *Policy goals. Street lighting should be installed in accordance with the following specific goals in order to achieve the maximum benefit for the citizens and visitors of Hot Springs. The following goals and related objectives are listed in order of priority and shall be consulted in streetlight location and relocation decisions:*
- (1) *Improve visibility upon the streets of Hot Springs for vehicular and pedestrian traffic during evening hours.*
    - a. *Install street lights at all intersections beginning with major roadways and collector streets.*
    - b. *Create adequate light levels on all major thoroughfares within the city.*
    - c. *Place street lights mid-block whenever the distance between existing street lights exceeds 500 feet.*

- (2) *Deter crime through the provision of illuminated streets and roadways wherever possible and feasible, but not to serve as private security lighting.*
  - (3) *Create orientation and definition of streets, intersections, roadways, hazardous conditions, crosswalks, etc.*
  - (4) *Enhance community pride through the provision of well-lit entrances to the city and various commercial and high traffic areas or districts (e.g., downtown, shopping complexes).*
- (c) *Placement request and evaluation procedure. In order to effectively review and evaluate the placement of new and existing street lights, the following procedure is hereby established:*
- (1) *Review committee. The city manager shall appoint a review committee consisting of the city engineer, public works director and such other individual as he/she may name. It shall be the responsibility of this committee to review and evaluate all requests for any new street light installations as well as monitoring existing placement conditions.(Res. No. 8306, §1, 9-17-2013)*
  - (2) *New requests. All requests for new street light installations shall be submitted to the office of the city engineer. The city engineer shall refer such requests to the review committee, who shall formulate a recommendation utilizing the criteria outlined in Section (d) and in accordance with the policy goals in Section (b) hereof. The committee's recommendation shall be submitted to the city manager (or his designee) for approval, denial or modification. The city manager's (or designee) decision shall be accomplished by the appropriate agency as directed by the city manager (or designee). (Res. No. 8306, §2, 9-17-2013)*
  - (3) *Existing conditions. The review committee shall monitor the existing street light inventory and placement on an ongoing basis. The committee may recommend to the city manager that existing street lights be eliminated or relocated as dictated by this policy and the needs of the community. The city manager may direct that such elimination or relocation be accomplished.*
  - (4) *Acceptance of lights installed by others. The city shall accept maintenance of street lights installed by others when said lights are part of the city's acceptance for maintenance of streets or other public improvements within a development or subdivision. Provided, however, that such acceptance shall be subject to the placement criteria enumerated hereafter (Section (d)).*

- (5) Placement decision appeal. Decisions of the city manager regarding the placement of new street lights, elimination or relocation of existing lights or the acceptance of lights installed by others may be appealed to the board of directors. Such appeal shall be effected by filing a written notice with the office of the city clerk.
- (d) Placement criteria. The following criteria, together with the policy goals stated in Section (b), shall govern the placement of street lighting within the city of Hot Springs:
- (1) Professional standards. In evaluating the placement of street lighting, such commonly accepted professional standards as may be appropriate shall be consulted. This includes standards from the American Association of State Highway and Transportation Officials, the Arkansas State Highway and Transportation Department, the U.S. Department of Transportation, the Illuminating Engineering Society and Arkansas Power and Light Company. The attached "Basic Street Lighting Design" published by the Illuminating Engineering Society may also be used as a basic reference in determining street lighting needs and types.\*

\*Editor's note-The Basic Street Lighting Design mentioned above is on file in the office of the city clerk.

- (2) Basic criteria. The following criteria shall be used to establish priorities for street light placement:
- a. Total financial resources available for street lighting (the total number of street lights within the city shall be established by the amount of funds appropriated for street lighting each year. Hence, street lights may only be added to the system when such additions can be achieved within the total funds available for street lighting.
  - b. Accident occurrence during evening hours.
  - c. Traffic engineering study of area.
  - d. Volume of vehicular and pedestrian traffic.
  - e. Present level of street lighting.
  - f. General conditions and environment of area to be lit as related to street lighting.

- (3) *Street classification priority. The classification of a street shall be considered in the placement of street lights in the following priority:*
- a. major roadway and principal arterial streets;*
  - b. minor arterial streets;*
  - c. collector streets;*
  - d. residential streets;*
  - e. alleys.*

*(Res. No. 2342, 2-1-88)*

*Editor's note-§ 12-2-16 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.*

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## CHAPTER 3

### DRAINAGE MAINTENANCE POLICY

#### ***12-3-1. Storm water drainage maintenance policy.***

##### ***12-3-1.1. Purpose.***

*The purpose of this policy is to provide guidance to city staff regarding the acceptance and maintenance of drainage systems located on private property. For purposes of this policy, the term “drainage system” means any creek, branch, stream, brook, tributary, channel, open ditch or other such conveyance facilities, such as pipe, culverts and arches, which transports storm water runoff.*

##### ***12-3-1.2. Acceptance criteria.***

*In order to be considered for perpetual maintenance by the city, a drainage system must have a significant and consistent impact on public streets, roads, alleys or public lands or otherwise be directly related to the public storm water drainage system. The mere existence of a drainage system does not constitute a public impact qualifying it for acceptance.*

##### ***12-3-1.3. Requests for maintenance.***

*Any property owner(s) desiring that a drainage system on their property be accepted for city maintenance must submit a request, in writing, to the city engineer. The request must state that the property owner will comply with this policy including the provision of a maintenance easement if the drainage system is accepted by the board of directors. Upon receipt, the city engineer shall evaluate the request and if it is determined that the request meets the criteria for acceptance, the city engineer shall prepare a report for presentation to the board of directors. The city engineer’s report shall confirm the nature of the private drainage system’s impact upon the public storm water drainage system. Should the city engineer determine that the request does not have a significant impact on the public storm water drainage system, the city engineer shall so inform the requestor. The requestor may appeal the city engineer’s denial to the board of directors. Requests may also be initiated by the city engineer in which case the city engineer will obtain from the property owner(s) a statement indicating that the property owner(s) will grant the required easement if the drainage system is accepted by the board of directors.*

##### ***12-3-1.4. Board action required.***

*City crews may maintain only those drainage systems located on private property which have been individually and specifically accepted for perpetual maintenance by resolution of the board of directors and for which easements have been obtained. Any such acceptance by the board of directors shall be contingent upon property owner compliance with this policy (e.g., provision of easement).*



**12-3-1.5. Easement.**

*Once a drainage system has been accepted for perpetual maintenance by resolution of the board of directors, the city engineer shall prepare an easement for execution by the property owner. Such easement must provide permanent "free use" access in favor of the city. Easements shall state the city is not responsible for removal or restoration of fences, grass, sod, shrubs or other such improvements placed on the easement by the property owner. No buildings or other structures of any kind or nature may be placed on the easement. Easements must have a minimum width of twenty (20) feet; however, the width may be increased if field conditions require additional width to effectively maintain the drainage system. The easement, or a series of easements in combination, must extend to an existing public right-of-way (e.g., street or alley) such that access to the drainage system can be gained without crossing private property. Temporary easement may be requested for ease of access to the drainage systems. The permanent easement must be marked or otherwise tied to known references (e.g., property corners) such that it can be identified on site. Survey costs, if required to establish the easement, must be paid by the property owner(s) unless the request was initiated by the city engineer in which case the survey costs will be paid by the city. All permanent easements shall be filed with the city clerk and recorded with the Garland County Circuit Clerk.*

**12-3-1.6. Drainage system improvement and maintenance costs.**

*The construction, improvement and maintenance of accepted drainage systems on private property shall be subject to such financial resources as may be appropriated for such purposes annually by the board of directors. The city will not be responsible for any costs which may be aesthetic in nature and not directly related to the provision of effective storm water control. In this regard, the property owner(s) shall be solely responsible for any such aesthetic costs (e.g., rock covered head walls; landscaping; pipe to close ditches, if not required by city engineer; non essential curbing; etc.).*

**12-3-1.7. Policy waiver.**

*The board of directors reserves the right to waive any provisions of this policy in unusual or unique circumstances when strict adherence would not be in the best interest of the public generally.*

*(Res. No. 4819, 1-22-02)*

*Editor's note - §12-3-1 was adopted by Resolution but included in the Code of Ordinances due to its permanent nature.*