

CHAPTER 10
STREET SPECIFICATIONS

- Art. I. Scope and definitions, §§ 15-10-1--15-10-2
 Art. II. General requirements, §§ 15-10-3--15-10-13
 Art. III. Classified street segments and basic design criteria, § 15-10-14
 Art. IV. Geometric design criteria street specifications, §§ 15-10-15--15-10-24
 Art. V. Structural specifications, §§ 15-10-25--15-10-28
 Art. VI. Pavement cuts and utilities within rights-of-way, §§ 15-10-29--15-10-31
 Art. VII. Curb cuts and driveways, § 15-10-32
 Art. VIII. Variances and penalty, §§ 15-10-33--15-10-34

ARTICLE I. SCOPE AND DEFINITIONS

15-10-1. Scope.

15-10-1.1. Short title.

This ordinance may be referred to as the “Hot Springs Street Specifications Ordinance.”

15-10-1.2. Adoption of Street Specifications Ordinance.

In order to provide for the health, safety, and general welfare of the public, the city of Hot Springs board of directors does hereby adopt the street specifications contained hereinafter.

15-10-1.3. Minimum standards.

These street specifications shall be the minimum standards for design, construction, and maintenance for any and all work to be done on the public rights-of-way of any and all streets and roads within the city limits of the city of Hot Springs, Arkansas, and on any street within a proposed subdivision within the planning jurisdiction of the city of Hot Springs, Arkansas.

15-10-1.4. Approval required.

No public street shall be constructed, altered, paved, reconstructed, or extended within the planning jurisdiction of the city of Hot Springs, except in the case of an emergency, without first obtaining approval of the city of Hot Springs. All such construction shall meet or exceed the requirements of these street specifications.

Cross reference-Fee schedule, § 15-1-7; Subdivision Code, §16-4-1.

15-10-1.5. Related standards.

These street specifications shall be used in association with the latest adopted ordinances and regulations relating to; (1) subdivisions, (2) planning and zoning, (3) drainage, (4) utilities, and (5) sidewalks. Where two or more of these regulations conflict, the most restrictive specification shall govern.

15-10-1.6. Application.

The requirements of this ordinance shall apply to any and all utility work performed or proposed to be performed within or pertaining to any City of Hot Springs public right-of-way.

This ordinance shall be applied to any person, firm, partnership, corporation, utility or any other entity planning, constructing, altering, or reconstructing any utility work within or pertaining to any public rights-of-way within the city limits, and any such entity proposing to extend, plan, or construct any street or utility within the planning jurisdiction of the City of Hot Springs Planning Commission.

15-10-1.7. Application to existing public streets.

Any commercial or multi-family (4-plex or larger) project or development located adjacent to an existing "public street" for which a building permit meeting new construction standards is required shall comply with the requirements stated in these street specifications for the installation of new curbs and gutters, sidewalks, drainage improvements and pavement cuts. Any existing curbs and gutters, sidewalks or drainage structures shall be replaced or repaired as necessary to comply with these street specification standards. Unless specifically required by the Planning Commission or City Engineer, a separate street improvement permit and submittals, as otherwise required by Article II hereof, shall not be required if the project plans and specifications submitted with the building permit application contain sufficient detail to ensure compliance with the appropriate sections of these street specifications. Provided, further, that the Planning Commission may require compliance with additional provisions of these street specifications as appropriate to the proposed development. (Ord. No. 5108, §1, 7-1-02)

15-10-2. Definitions.

The following words, terms, phrases, abbreviations, or acronyms, when used in these specifications, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

AASHTO: American Association of State Highway and Transportation Officials.

Alley: A public or private right-of -way which is proposed or exist to serve as a secondary access to the side of or rear of properties whose principal frontage is on some other street. A public alley shall be considered a street for the purposes of these specifications.

AHTD: Arkansas Highway and Transportation Department.

AHTD Standards or AHTD Specifications: The latest edition of the "Standard Specifications For Highway Construction" as published by the Arkansas Highway and Transportation Department.

Applicant: The developer.

Approval by City, Submitted for Approval or Similar Terms: Shall refer solely to the action of the city in reviewing a street work construction plan submitted by a developer for the purpose of determining whether the proposal conforms with the requirements of these specifications. Such review and approval shall not be construed to indicate that the city has engineered the project, has independently examined or reviewed the engineering design of the project, that the city has thoroughly inspected construction, that purchasers or users should rely on the city's action as indicating the project is properly designed or constructed, nor to indicate any other level of review, inspection or supervision in excess or in addition to review of the project to determine that it meets the minimum requirements of these specifications. All acts of approval shall be accomplished only by the employees of the city expressly authorized by the city board or city manager to accomplish such tasks of approval. Further, in approving the proposed project as meeting the minimum requirements of these specifications, the city shall rely on the statements and representations made in the request for application, design, plans and specifications.

ASTM: American Society for Testing and Materials.

Board of Adjustments and Appeals: Any references to a Board of Adjustments and Appeals shall mean such appeals board as may now or hereafter exist and be designated by the board of directors to serve in that capacity for the purposes of this code. (Ord. No. 5533, §1, 2-5-07)

Board or Board of Directors: The duly elected governing body of the city of Hot Springs, Arkansas.

City: The words "the city" or "this city" shall be construed as if the words "of Hot Springs" follow it and shall extend to and include its several officers, agents and employees.

City Engineer: The employee of the city designated by the city manager as the city engineer or acting in the capacity of a city engineer (e.g., public works director).

Commercial Establishment: A unit whose function is to sell goods and/or services at wholesale or retail, where goods are not stored outside buildings, and offices of construction firms where neither materials nor equipment are stored, manufactured, or assembled on site. Establishments which would otherwise be considered within this definition but which have limited or incidental outside storage or assembly may be included in this definition.

Commission: The planning commission of the city of Hot Springs, Arkansas, as established by ordinance of the Hot Springs board of directors.

Comprehensive Plan: The officially adopted guide to the orderly, coordinated development of the community, i.e., the City of Hot Springs, Arkansas, Comprehensive Plan.

County: Garland County, Arkansas.

County Judge: The chief executive officer of Garland County, Arkansas.

Crosswalk: A strip of land dedicated for public use which is reserved across a street or a block of land for the purpose of providing pedestrian access to adjacent areas.

Cul-de-sac: A local street having only one outlet and having an appropriate terminus for the safe and convenient turnaround or reversal of vehicular traffic movement.

Developer: Any person, firm, partnership, corporation, utility or other entity planning, constructing, altering, or reconstructing any work within or pertaining to any street right-of-way within the city limits of the city, and any such entity proposing to extend, plan, or construct any street within the planning jurisdiction of the City of Hot Springs Planning Commission.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer: A professional engineer registered to practice in the State of Arkansas.

Engineer, Project: The professional engineer retained by the developer to design a specific street work project.

Extraterritorial Area: The area between the city limits and the outer boundary of the city planning area as adopted by the Hot Springs board of directors.

Extraterritorial Limits: The outer boundary of the city planning area as adopted by the Hot Springs board of directors.

Grade: The slope of a street, calculated by the vertical rise (+) or fall (-) of a segment divided the length of the segment, expressed in percentage terms.

Highway: A street or roadway which is part of the state highway system which is maintained and/or proposed by the Arkansas Highway and Transportation Department.

Industrial Establishment: A unit where a product is manufactured, fabricated, finished, or assembled on site, specifically including but not limited to: printing presses, construction firms where materials or equipment are stored outside, and wholesalers where products are stored outside buildings. Establishments which would otherwise be considered within this definition but which have limited or incidental commercial use may be included in this definition.

Maintenance Bond: A bond furnished by the developer to the city to cover the cost of maintenance, repair or replacement of a street work project for a specific period of time.

Master Street Plan: The official street plan for the city denoting street classifications, alignments and their design standards as defined in the Street Specifications Regulations as may now or hereafter be adopted by the Hot Springs board of directors.

Off-Site: Any premises not located within the bounds of a street work project.

Parking Lanes: That portion of the paved width of a street which is designated as and reserved for parking vehicles. Said lanes may become traffic lanes or bicycle lanes as required for future demand.

Paved Area: All areas which are or are proposed to be surfaced with gravel, asphalt, concrete, or similar surface treatment material, and specifically includes traffic lanes, turning lanes, access lanes, parking lanes, curbs, gutters and sidewalks.

Pavement Width: That portion of a street measured from the outer edge of a paved surface at a right angle with the center line of the street. The width of pavement on curbed streets shall not include the width of the curbs and/or gutters.

Performance and Payment Bond: A bond posted by the developer of a street work project to guarantee completion of the proposed work, and to guarantee payment of all charges for labor, material, equipment and all other items and services used or utilized in the project are paid.

Planning Area or Jurisdiction: The area within the city limits of the city of Hot Springs plus the extraterritorial area of the Hot Springs planning commission as established by the city board.

Public Street System: The total sum of the public streets within the planning area including local, minor collectors, major collectors, arterials and highways. The public street system shall include all streets whether by dedication (platted) or prescriptive use and whether or not accepted for maintenance by the city or county.

Right-of Way: A parcel or strip of land dedicated or deeded to the public or belonging to the public, and accepted by proper authority, by prescriptive rights for use as a street, walkway, railroad, utility or other public use.

Service Easement: A recorded easement used by public utilities for the purpose of installation and/or maintenance of facilities or used by the public as a means of vehicular access to commercial, office, industrial or multifamily developments.

Street: A right-of-way used or intended for use by vehicular traffic and either dedicated for public use or used by prescriptive right whether or not accepted for maintenance by the city or county.

Street, Arterial: Any street designed or used primarily to accommodate major traffic movement between cities or between various sections of the city, which forms a part of a network of through streets and which provides service and access to abutting properties only as a secondary function. Any street so designated by the city.

Street, Classified: Any street identified by the comprehensive plan as shown on Exhibit Number "T-3" thereof, Master Street Plan, Street Specifications, or otherwise designated by the city as highway, arterial, major collector, or minor collector.

Street, Commercial: A local street which serves one or more commercial establishments and no industrial establishments.

Street, Dead-End: A street other than a cul-de-sac with only one connection to the public street system.

Street, Existing: A street right-of-way on which a road bed and/or base or pavement has been placed and has been used by vehicular traffic.

Street, Expressway: Any divided street or highway with no access from abutting property and which has only separated or at-grade access from other public streets and highways.

Street, Freeway: Any divided street or highway with access control only through grade-separated interchanges.

Street, Frontage: A street parallel to and adjacent to an expressway or freeway which provides access to abutting properties.

Street, Industrial: A local street which serves one or more industrial establishments.

Street, Local: A street which serves only the properties which abut upon it, and: (1) which does or may provide access to not more than one hundred (100) single family residential units, (2) which does or may carry not more than an average of three (300) hundred vehicles per day.

Street, Loop: A street closed on either end with "T" intersections and which intersects the same street twice with no other access to the public street system.

Street, Major Collector: A street which function is to gather traffic from local streets, and minor collector streets and carry it to the highway and arterial system. Any street which does or may carry an average of 500 or more vehicles per day and not designated as arterial or highway. Any street so designated in the city's comprehensive plan.

Street, Minor Collector: A street which function is to gather traffic from local streets and carry it to the major collector, arterial, and highway system. Any street not classified as major collector, arterial, or highway and not meeting the definition of a local street.

Street, Prescription: A strip of land which has become a public street by prescription, independent of any grant or dedication, due to its continued and uninterrupted use as a street by the public generally for seven (7) or more years absent evidence showing that the use was permissive only. (Ord. No. 5052, §1(a), 1-22-02)

Street, Private: Any street or roadway not dedicated to the public and accepted by proper authority nor recognized as a public street by the city board or the county judge on the effective date of these regulations. Also any street specifically allowed as a private street by the planning commission.

Street, Public: A street which has been dedicated to the public and accepted by proper authority, and a street by prescriptive rights which has been accepted by proper authority.

Street, Residential: A street existing or designed to provide vehicular traffic within a residential subdivision or a street which serves only residential properties.

Street Work: Any work of designing, planning, or constructing any facility within or pertaining to any existing or proposed street right-of-way within the city of Hot Springs and its extraterritorial area.

Surveyor: A land surveyor registered in the State of Arkansas.

Traffic Lanes: That portion of the paved width of a street exclusively reserved for the movement of vehicles. Traffic lanes include those lanes designed for turn lanes and access lanes. A turn lane is a traffic lane designed to be used by vehicles to turn from a street without interfering with traffic proceeding straight through the turning point. An access lane is a traffic lane used by vehicles entering the street to merge with other traffic using the street.

Utility: Any part of a group of units which provides service to the public, specifically including; electrical power, telephone service, gas supply, television cable service, water and sanitary sewerage.

Utility Company: The owner of any utility facility which holds a valid franchise to operate such utility within the area of a street work project.

ARTICLE II. GENERAL REQUIREMENTS

15-10-3. Request for approval.

15-10-3.1. Request for approval - City.

Prior to beginning construction of any street work, including work on existing streets or street extensions or new streets within the jurisdiction of these street specifications, the developer shall submit a request for review and approval to the planning department. The planning department shall submit a copy to the city engineer for his consideration. All such requests shall be approved by the planning director and the city engineer in accordance with the provisions of this ordinance. Should the planning director or the city engineer determine that the request could have a significant impact on the city's master street plan, the request may be submitted to the planning commission for review and approval with recommendation from the planning director and city engineer.

15-10-3.2. Request for approval - County.

In addition to the above, a request for approval for any and all street work projects, within the extraterritorial planning area, shall be submitted to the county judge for consideration and approval in accordance with the county judge's policies and procedures.

15-10-3.3. Request requirements.

Three (3) copies of each request shall be submitted and shall include the following documents:

- (a) Letter requesting approval.
- (b) Plans and specifications for the proposed street work.
- (c) Vicinity map or other complete description of the location of the proposed street work, sufficient to clearly describe the location in such a manner as to enable the site to be easily located on city and/or county maps and in the field.
- (d) Additional information that the city engineer may consider appropriate to the review of the project, including flood information, downstream and/or upstream drainage structures, existing utility locations, soils information, etc.
- (e) Identification of ownership of the proposed project area and adjacent areas.

15-10-3.4. City engineer review and approval.

(a) The city engineer shall review all complete requests and approve, deny, or approve with conditions in writing any such request for approval of street work.

(b) The city engineer shall notify the developer, planning commission and/or county judge as required herein, in writing, within thirty (30) consecutive calendar days after he receives such complete request. Such approval shall be a statement that the city engineer finds that the proposed street work project, as presented in the submitted documents, meets the minimum requirements of these specifications. This approval shall be referred to as the approval of plans and specifications. A permit for construction must be issued by the city engineer prior to commencing construction for any street work on existing streets. Such written notification shall clearly state the city engineer's approval, denial, or approval with conditions. Any incomplete request will be returned to the developer and shall include a list of items which would be needed to complete the request. If no written response is made by the city engineer or planning director within the thirty (30) day period after receipt of a complete request for approval, the plans and specifications for the project shall be considered approved. No such approval shall absolve the developer from the other requirements of these street specifications.

(c) Written approval from the city engineer for a street work project on an existing street shall constitute acceptance of the plans and specifications as meeting the technical requirements of these specifications and related regulations and ordinances. Construction of the project can begin only after the developer has submitted to the city a performance and payment bond and a maintenance bond, each in the amount of one hundred percent (100%) of the estimated cost of the project. The performance and payment bond shall guarantee the

completion of the construction work as proposed and that all costs of the project are paid. The maintenance bond shall guarantee, for one year after acceptance of the completed construction by the city engineer, the repair or replacement of all or any portion of the project which may prove inferior due to materials or workmanship.

(d) After receiving the required bonds, the city engineer shall issue, within ten (10) calendar days, a permit to the developer to construct the proposed street work.

(e) The city engineer's approval of plans and specifications for new streets or street extensions shall be submitted to the planning commission for further consideration. The planning commission shall have sole authority and responsibility for final approval for new streets and street extension projects.

(f) If the proposed project is located within the extraterritorial area, the city engineer's approval, rejection, or approval with conditions shall be submitted to the county judge.

15-10-4. Requirements to extend streets in new developments.

(a) All new developments of any kind shall be required to provide, at the expense of the developer, streets within the development in accordance with planning and zoning regulations and these street specifications and in accordance with other regulations of the city governing the extension of streets. Such street work shall include all street work including earthwork, drainage, base, pavement, curbs, gutters, sidewalks, trails, utilities and erosion control.

(b) Streets adjacent to and leading to such development may also be required to be constructed or otherwise upgraded, at the expense of the developer, to meet the intent of these specifications.

(c) Streets within developments shall be extended to the edge of the property boundaries where required either to conform to the master street plan, the comprehensive plan, or to provide for the general circulation of traffic within the neighborhood. Such extensions to property boundaries shall be fully constructed complete with pavement, curbs, gutters, sidewalks, where required, drainage facilities, and permanent erosion control. A temporary cul-de-sac or other means of turn around may be required on such streets and, depending on timing of any extension, a permanent cul-de-sac may be required.

(d) The developer shall dedicate or otherwise transfer title for all required street rights-of-way to the public at no expense to the city.

15-10-5. City participation in street extension cost.

(a) The city may participate in the construction of streets within the city limits either adjacent to a development or on a street leading to a development if the need for such improvement is not totally caused by the development in question. The appropriateness of any

such cost sharing between the developer and the city shall be determined by the planning commission on recommendation of the city engineer. The city engineer shall base his recommendation on the prorata share of the need for the work as a result of the development versus the need for the work as a result of other factors.

(b) In no case shall the city participate in the cost of local or minor collector streets.

(c) Where streets classified as major collector or higher are required to be constructed as a part of a development, the developer shall be financially responsible for his share of the cost of the higher classified street. The developer's share shall be that cost which bears a rational nexus to the needs created by the development. In no case shall the developer be responsible for less than the cost of a standard local street. In all cases, regardless of cost share, the developer shall be responsible for the granting of all street rights-of-way required for the higher classified street.

(d) A formal traffic study may be required in connection with a development if, in the opinion of the city engineer and/or planning director, it is needed to properly determine future street loadings and/or to determine cost shares between the city and the developer.

(e) City participation in any cost sharing project shall be dependent upon the availability of funds and inclusion in the city's annual budget or otherwise approved by the board of directors.

15-10-6. Rights-of-way.

(a) Street rights-of-way in connection with required street extensions and improvements shall be granted to the public by the developer either by virtue of an approved and recorded final plat or by easement or warranty deed filed at the appropriate county office for such recordings. Such rights-of-way shall be controlled by the city and shall be utilized by the city for the purposes allowed by city and state law, including, but not limited to, the construction and maintenance of streets, utility lines, drainage facilities, and related appurtenances, and by private utility and television cable companies for the placement and maintenance of their lines.

(b) Additional rights-of-way may be required in certain instances where no street construction or improvements are proposed either for the eventual extension or improvements of the street or to bring the existing right-of-way into conformance with the master street plan and the comprehensive plan.

(c) Rights-of-way and pavement width shall be as required in these specifications. It shall be understood that the widths required in these specifications are minimum widths. Additional rights-of-way may be required where the need for wider rights-of-way is dictated by the topography or other features of the property.

15-10-7. Signs and ornamental structures.

(a) Subdivision signs proposed for installation by the developer for the benefit of a development shall be shown on the plans and be sized and located to meet the provisions of the city's sign ordinance.

(b) The location and size of all signs and ornamental structures constructed by the developer shall be approved by the city engineer. In addition, the need to conform to signage and zoning regulations shall be determined by the planning director.

(c) All structures over 30 inches high shall meet applicable setback requirements.

(d) Where subdivision signs and ornamental structures are proposed to be located on public right-of-way, an acceptable means for perpetual maintenance of such facilities shall be included in the covenants of the subdivision.

(e) Any relocation of such signs and structures necessitated by street widening, utility installation, or other authorized use of the right-of-way, shall be the financial responsibility of the entity established to provide maintenance of the sign or ornamental structure.

(f) Permanent street name signs on public streets within the city limits shall be placed and maintained at intersections by the city at the city's expense. Streets name signs outside the city limits but within the planning jurisdiction shall be placed as directed by the county judge. Street name signs on private streets shall be placed and maintained at intersections by the developer at the developer's expense. All street name signs shall meet standards and specifications of the city or county for such signs.

15-10-8. Submission documents.

(a) The letter of request shall be addressed to the planning director as required herein. It shall clearly state the purpose of the request, the conditions that created the need for the improvements, and the probable impact of the proposed project on the neighborhood. The letter shall include the name of the developer, the developer's address and the name, address, and telephone number of the developer's representative who will represent the developer in regard to the project.

(b) The plans shall be submitted on 24" by 36" or smaller drawing sheets. All sheets in any one street work project shall be of the same size, and shall be on one of the standard size sheets, i.e., "A" (8.5" x 11"), "B" (11" x 17"), "C" (18" x 24"), or "D" (24" x 36"). Plan drawings shall have a scale of one inch equals one hundred feet (1" = 100') or larger. Construction details shall have a scale of one quarter inch equals one foot (1/4" = 1') or larger. All plans and specifications for any project with a probable construction cost of \$25,000 or more shall have been prepared and bear the seal of a professional engineer registered to practice in the State of Arkansas. The city engineer may, when conditions warrant, require that the developer retain a professional engineer to prepare the plans and specifications for a project of smaller size. When required by the city engineer, an engineer's

report shall also be submitted. The engineer's report shall include the design calculations, soils investigations, and other information used to design the proposed street work. The plans and specifications shall include the following:

- (1) Layout plans of the proposed project at a scale of 1"=100' or larger. The layout plans shall include the following:
 - a. Layout of all elements of the entire street work project.
 - b. Horizontal bearings and distances of tangents.
 - c. Horizontal curve data with P.T., P.I., P.C., radius, internal angle, length of curve, and chord bearings and lengths.
 - d. Existing and proposed drainage and utilities within the right-of-way within twenty feet of the right-of-way and any nearby features or structures which have or may have an impact on the street's intended function.
 - e. Width of right-of-way at all points of street segments.
 - f. Existing structures within the setback area as set by the zoning regulations.
 - g. Ties to the state plane coordinate system.
 - h. Proposed super-elevation segments and transition segments.
 - i. Locations of any soils exploration points.
 - j. Existing and proposed sidewalks or structures.
 - k. A legend showing typical symbols used in the plans.
 - l. North arrow.
- (2) Profiles of all proposed new streets, street extensions, and any existing street segment on which it is proposed to change the profile, at a horizontal scale of 1" = 100' or larger and a vertical scale of 1"=10' or larger. The profiles shall include the following:
 - a. Existing ground elevations.
 - b. Proposed finished center line elevations.
 - c. Proposed vertical curve data; P.C., P.I., and P.T., including stations and segment lengths.
 - d. Proposed grades in percent rise (+) or fall (-) for each segment and stations at points of change in grade.
 - e. Proposed drainage and utility line crossings, including size, material, and location.
 - f. Existing drainage and utility line crossings including size, material, and location.
- (3) Profiles for extensions to existing streets shall include a profile of at least 400 linear feet of the existing street which is proposed to be extended. The 400 feet shall begin at the point of beginning of the extension. The city engineer may require an additional length of profile on the existing street if such information is required to determine adequate sight distance.
- (4) Where a proposed street connects with another street, the profile shall be extended to include the cross-section of the other street.

(5) All elevation data shown on the profiles shall be based on the United States Coast and Geodetic Survey and shall be relative to mean sea level.

(c) Typical cross-sections of each street segment of all proposed new streets, street extensions and any existing streets in which it is proposed to change the existing cross-section. The typical cross-sections shall include the following existing and proposed features:

- (1) Pavement type, width and thickness.
- (2) Base type, and thickness.
- (3) Cross slope and crown.
- (4) Curbs and gutters.
- (5) Right-of-way width.
- (6) Sidewalks or trails.
- (7) Landscaping.
- (8) Typical location and depth of utility lines.
- (9) Drainage channels and pipe.
- (10) Erosion control structures.

(d) Specific construction cross-sections may be required if it is determined necessary by the city engineer that slopes may affect the needed right-of-way width or access to the street by adjacent properties. Such specific cross-sections may be required at intervals of 100 feet or 50 feet as determined by the city engineer.

(e) Miscellaneous details showing, as a minimum, the following items with all dimensions:

- (1) Proposed curb and gutter cross-sections.
- (2) Proposed curb inlets.
- (3) Proposed catch basins.
- (4) Proposed head walls.
- (5) Proposed conduits.
- (6) Proposed trench details for drainage and utility lines.
- (7) Proposed valley gutters plan and cross-sections.

(8) Any special structures.

(f) Technical specifications shall be placed on the drawings or presented on bound and typed 8.5" x 11" bond paper and shall include the following:

- (1) Materials requirements.
- (2) Methods of construction.
- (3) Quality control requirements.
- (4) Sampling and testing procedures.

(g) The existing owners of properties within and adjacent to the project boundaries shall be included on the layout plan or on a separate drawing which can be related directly to the layout plan.

(h) Plans, specifications, and all data submitted in conjunction with the plans and specifications shall constitute a complete design. Any item not specifically included in these documents shall not be considered reviewed nor approved by the city engineer's approval based on these documents.

(i) The standard specifications for highway construction as promulgated by the AHTD, latest edition, and the standard drawings of the AHTD shall be the basis for the preparation of the detailed plans and specifications and shall apply in all cases except where these street specifications are in direct conflict with said state standards.

15-10-9. Responsibilities of developer.

(a) The developer shall be responsible for installation of the proposed street work including all design and construction, and for all costs associated therewith except in situations where cost sharing may be appropriate and is approved by the city.

(b) All formal agreements entered into by the city will be with the developer regardless of the developer's form of organization.

(c) The developer shall provide, at developer's expense, all engineering services required for planning, design, investigation, inspection, testing, and related activities necessary for street work, and shall be responsible for street work in accordance with the design approved by the city as satisfying the requirements of these specifications.

(d) When the proposed work is on existing streets, within the city limits, the developer shall provide a performance and payment bond and a maintenance bond with the city. Each bond shall be in the amount of at least one hundred percent (100%) of the estimated construction cost. The bonds shall be provided in one of the following forms:

- (1) A bond or bonds issued by a bonding company licensed to do business in the state of Arkansas. The bond shall be in the form approved by the city attorney. A certificate of the power of attorney for the individual executing such bond or bonds shall also be submitted.

- (2) Assignment of a bond or bonds from a licensed contractor to the developer for the construction of the project in the amounts of and in the form specified above. Such bond or bonds shall be assigned to the city by the developer.
 - (3) A cash deposit or cashier's check, in the full amount, made to the City of Hot Springs.
 - (4) An irrevocable letter of credit in the full amount. If a letter of credit is utilized, the letter shall be from a bank insured under the Federal Depositors Insurance Corporation, and the city shall have the right of approval for the terms of such letter of credit.
 - (5) Where street work may occur frequently by a utility company or a construction company participating in a construction of a project which requires street work at multiple locations, the developer may post the required bonds as permanent bonds to include all the projects as continuous work. The work in progress at any one time shall not exceed the aggregate sum of the bonds in place. The acceptance of permanent bonds by the city shall not relieve the developer from the requirements to request approval for each site and meet all the remaining requirements of these specifications.
 - (6) An escrow account established with a bank which is insured by the Federal Depositor's Insurance Corporation. Such escrow account shall be set up for the specific purpose of guaranteeing the performance and payment and/or maintenance of the project, and shall be in the amount of one hundred percent of the estimated project cost.
 - (7) The developer may provide a certificate of deposit, treasury bond or other negotiable government security. The instrument will be returned to the developer once improvements are completed and accepted by the city.
 - (8) The performance and payment bond shall remain in effect throughout the construction period and shall not be canceled or otherwise diminished prior to the final acceptance of the project by the city.
 - (9) The maintenance bond shall not be canceled or otherwise diminished throughout the full maintenance period.
 - (10) Where letters of credit or escrow accounts are used for bonds, the total amount shall not be drawn down or diminished in any way during the construction or maintenance period as applicable.
- (e) Where work is on street extensions or new streets, the developer may provide a performance and payment bond as specified above or he may construct the facilities after approval of the request for approval documents, complete the construction of the facilities, and then request final approval and acceptance of the street work upon completion of construction. In either case, the one year maintenance bond shall be provided by the developer to the city before final acceptance by the city can be granted.

(f) The developer shall provide to the city a set of reproducible record drawings after construction is complete, but prior to final acceptance by the city of the street work project. Such as-built drawings shall be submitted at the same scales and with the same requirements as required in the original submitted plans, and shall show the various elements as they were constructed.

(g) The developer shall afford city personnel the right of access to the site during the plan review and construction phases of the project. The developer shall schedule all activities to provide the city with adequate notice and review time.

(h) The developer shall be responsible for the preparation and submission of all documents required in these street specifications, including submission documents, bonds, and as-built drawings.

(i) The developer shall obtain and submit to the city the approval of the county judge for any street work project located within the extraterritorial area.

(j) The developer shall notify the city of any and all significant changes in the design or construction of the project. Significant changes in the plans and specifications shall be submitted to the city for approval. The city engineer shall be notified immediately of any and all significant field changes in order that a timely approval may be issued.

(k) The developer shall notify the city of the date construction is to commence at least five days prior to such date.

(l) The developer shall notify the city when construction is complete and arrange for a pre-final inspection. He shall also notify the city when any punch list items are complete and arrange for any necessary final inspection.

(m) In the case of an emergency, the developer shall proceed to construct the needed repairs to alleviate the emergency condition and shall notify the city engineer of such emergency as soon as practical, and not later than the end of the first work day after such emergency is discovered. For the purpose of these specifications, an emergency condition may be considered to exist when: (1) utility users are or may be out of service due to line conditions within a street right-of-way, (2) an existing condition presents a hazard to the health or safety of the public, and (3) existing conditions, if left immediately uncorrected, would result in additional future expenditures of funds in the amount of \$2,000 or more.

(n) In the case emergency street work, such repair or construction shall meet all requirements of these street specification except requirements for plans and specification approval and construction permit requirements.

(o) The developer shall be responsible for acquiring all permits necessary for construction of the street work project, including, but not limited to, permits for work on state highway rights-of-way, railroad rights-of-way, wetlands permits, and storm water permits.

15-10-10. Engineering services.

(a) All engineering services, for a street work project having a probable construction cost of \$25,000 or more, including, but not limited to, planning, design, investigations, inspections and testing shall be under the supervision of a professional engineer registered in the State of Arkansas.

(b) The city engineer may require that a professional engineer prepare the plans and specifications for a project of lesser size, if conditions warrant.

(c) The design data, plans specifications, and related information shall bear the name of and the seal of the project engineer. The registration seal and signature of the project engineer shall be placed on each sheet of the plans, and on each additional document submitted for approval.

(d) Soils investigations, materials testing, and quality control testing shall be performed by a laboratory approved by the city engineer. All reports submitted to the city shall bear the name of the project engineer.

(e) A detailed traffic study may be required in connection with a development if, in the opinion of the city engineer or planning director, it is necessary to properly determine future street loadings and/or to determine cost shares between the city and the developer.

15-10-11. Estimates.

Where estimates of construction costs are required to form the basis for bonding amounts or required for any other reason in these specifications, the developer shall have such estimates prepared and submitted to the city engineer. The city engineer shall review such estimates and approve or reject such estimates. If a disagreement as to the estimated cost should occur, the developer may present his justifications to the city engineer for consideration. The city engineer's decision regarding such estimates, after thorough consideration, shall be final.

15-10-12. City's responsibilities.

(a) After receiving an incomplete request for approval, the city planning department, with consultation of the city engineer, shall notify the developer giving notice of the incomplete request and listing the reasons for such incomplete determination.

(b) After receiving a complete request for approval, the city engineer shall conduct a thorough review of the submitted documents and the conditions in the proposed project area, and render a decision as to whether or not the proposed project meets the minimum requirements of these specifications.

(c) The city engineer may reject the plans and specifications for failure to meet the minimum specifications, approve the project as meeting the requirements, or approve the project with conditions. Such approval with conditions shall clearly state the changes necessary to bring the project into compliance.

(d) Approval with conditions shall constitute an approval of plans and specifications only if the developer incorporates the stated changes in the construction of the project.

(e) After the city engineer has received the required performance and maintenance bonds, the city engineer shall examine the bonds and, if he finds them in order, issue to the developer, within ten (10) business days, a permit to construct the street work project.

(f) Approval of the plans and specifications of a permit to construct shall remain in effect for a period of one (1) year from the date of approval. After that time, a new request for approval and all required submitted documents may be submitted for a new approval. Such documents shall be reviewed in accordance with the ordinances and regulations in effect at the time of the new submission.

(g) The city shall observe at various stages of the construction. The city reserves the right to observe the construction at all times.

(h) When the developer notifies the city that the construction is complete, and after the developer has submitted the required maintenance bonds, the city engineer shall conduct a pre-final inspection of the constructed project. The city engineer may accept the project, in writing, as conforming to the approved plans and specifications, or prepare a punch list of incomplete and unacceptable items.

(i) After the developer has corrected the items on the punch list, he shall notify the city engineer.

(j) The city engineer shall conduct a final inspection of the project and, if he determines that the construction conforms with the approved plans and specifications, he shall issue in writing a final acceptance of the project. If, upon inspection, the city engineer finds that the project still does not meet the requirements, a second punch list shall be prepared and submitted. This process shall continue until the constructed project conforms to the approved plans and specifications and all approved changes thereto.

(k) Where the street work project is on an existing street, the final acceptance of the city engineer shall be binding upon the city and no further approvals shall be required.

(l) Upon notification of emergency repairs or construction, the city engineer shall, as soon as practical, inspect such emergency street work. Emergency street work shall meet the minimum requirements of these specifications and require the same procedure for final acceptance as required for any other street work project.

15-10-13. Formal street acceptance.

(a) Where the street work project includes a street extension or new street, the city engineer's final acceptance shall be submitted to the city board. Acceptance by the city board by ordinance shall be required before any street extension or new street is accepted into the city's public street system for perpetual maintenance by the city.

(b) Where the street work project includes street extensions or new streets within the extraterritorial area, acceptance shall be in accordance with the Garland County's street acceptance policy and procedures. The county's formal acceptance shall be required before any street extension or new street can become part of the county's road system.

ARTICLE III. CLASSIFIED STREET SEGMENTS AND BASIC DESIGN CRITERIA

15-10-14. Street classifications.

15-10-14.1. Classification table.

The street segments shown in the following street classification table shall have the classification and basic design criteria shown. All proposed street names or numbers refer to the name or number shown on Exhibit No. T-3 of the City of Hot Springs Comprehensive Plan. Where the word "boundary" is used in the description of a street segment, it shall refer to the boundary of the extraterritorial limits of the planning commission.

STREET CLASSIFICATION TABLE HIGHWAYS

<u>Street Segment</u>	<u>No. of Traffic Lanes</u>	<u>Pavement Width (ft.)</u>	<u>No. of Parking Lanes</u>	<u>Curb & Gutter</u>	<u>Right-of- Way Width(ft)</u>
Hwy 7 (North boundary to Whittington)	4-T*	60	0	Yes	80
Hwy 7 (Whittington to Fountain)	4-D	66	2	Yes	100
Hwy 7 (Fountain to Grand)	4	60	1	Yes	80
Hwy 7 (Grand to Boundary)	4-T	60	0	Yes	80
Hwy 270 (West Boundary to Martin Luther King)	4-T	48	0	Yes	80
Hwy 270 (Albert Pike to Malvern)	4-F	48	0	No	200
Hwy 270B (Martin Luther King to Airport Rd.)	4-T	60	0	Yes	80
Hwy 70 (Boundary to Albert Pike)	4-T	60	0	Yes	80
Hwy 70/270 (Airport Road to Summer)	4-T	60	0	Yes	70
Hwy 270/70 (Hobson, Summer to Grand)	2(1-way)	42	2	Yes	70
Hwy 270/70 (Summer, Hobson to Grand)	4	48	0	Yes	70
Hwy 270/70 (Grand, Summer to Third)	4-D	48	2	Yes	100
Hwy 270/70 (Third to Malvern)	4-D**	48	0	Yes	125
Hwy 270B (Grand to Martin Luther King)	4-T	60	0	Yes	80
Hwy 270 (Martin Luther King to East Boundary)	4-T	60	0	Yes	80
Hwy 70 (Malvern to Border)	4-D	48	0	Yes	80
Hwy 70 (Board to Boundary)	4-F	48	0	No	200
Hwy 70B (Gorge Road)	2	24	0	Yes	60
Hwy 227 (Albert Pike to Black Snake Rd.)	4	48	0	Yes	80
Hwy 227 (Black Snake to Boundary)	2	24	0	No	60

**HOT SPRINGS CODE
STREET SPECIFICATIONS**

<u>Street Segment</u>	<u>No. of Traffic Lanes</u>	<u>Pavement Width (ft.)</u>	<u>No. of Parking Lanes</u>	<u>Curb & Gutter</u>	<u>Right-of- Way Width(ft)</u>
Hwy 227 (Hwy 70 to Sunshine)	4	48	0	No	80
Hwy 192 (West Loop to Hwy 7)	4	48	0	No	80
Hwy 290 (Hwy 7 to Boundary)	2	24	0	No	60
Hwy 128 (Hwy 290 to Hwy 270)	4	48	0	Yes	100
Hwy 128 (Hwy 290 to Boundary)	2	24	0	No	60
Hwy 88 (Hwy 7 to Hwy 7)	4	48	0	Yes	80
Hwy 171 (Hwy 270 to Boundary)	2	24	0	No	70

STREET CLASSIFICATION TABLE
ARTERIALS

<u>Street Segment</u>	<u>No. of Traffic Lanes</u>	<u>Design Speed (mph)</u>	<u>Pavement Width (ft)</u>	<u>No. of Parking Lanes</u>	<u>Curb & Gutter</u>	<u>Right-of- Way Width(ft)</u>
West Loop (Hwy 7 to Amity Rd)	4	60	48	0	No	80
West Loop (Hwy 270 to Hwy 227)	4	60	48	0	No	80
Harris Rd. (Hwy 70 to Hwy 192)	2	40	24	0	No	60
Old Bear Rd. (Hwy 270 to Brady Mt. Rd.)	2	40	24	0	No	60
Brady Mt. Rd. (Hwy 270 to Old Bear Rd.)	2	40	24	0	No	60
Crystal Hill Rd. (Hwy 270 to Treasure Isle Rd. To Hwy 270)	2	40	24	0	No	60
Treasure Isle Rd (Hwy 270 to Crystal Hill Rd.)	2	40	24	0	No	60
Oak Grove Rd. (Hwy 270 to West Loop)	4	40	48	0	No	80
N. Moore Rd. & ext'n (Hwy 70 to West Loop)	2	40	24	0	No	60
S. Moore Rd. (Hwy 70 to Hwy 192)	2	40	24	0	No	60
Spillway Arterial (Hwy 227 to Brady Mt. Rd.)	2	40	24	0	No	70
Rush Fork Rd. (S. Moore to Hwy 192)	2	40	24	0	No	70
Pittman Rd. (Hwy 70 to Marion Anderson Rd.)	2	40	24	0	No	70
Marion Anderson Rd. (S. Moore Rd. to Hwy 192)	2	40	24	0	No	70
Walkway (Hwy 192 to Hwy 192)	2	40	24	0	No	70
North Loop (Full length)	2	60	24	0	No	70
Black Snake Road (Full length)	2	40	24	0	No	70
Bull Bayou Rd. (Full length)	2	35	24	0	No	70
Whittington (Full length)	4-D	35	48	0	Yes	150

15-10-14.1

**HOT SPRINGS CODE
STREET SPECIFICATIONS**

15-10-14.1

<u>Street Segment</u>	<u>No. of Traffic Lanes</u>	<u>Design Speed (mph)</u>	<u>Pavement Width (ft)</u>	<u>No. of Parking Lanes</u>	<u>Curb & Gutter</u>	<u>Right-of- Way Width(ft)</u>
Cedar Glades Arterial (Whittington to Hwy 227)	2	40	24	0	No	70
Ouachita Ave. (Full length)	4	40	64	2	Yes	100
Fox Pass Cut-off (Hwy 7 to Hwy 7)	2	40	24	0	No	70
Quarry Mt. Rd. (Sleepy Valley to Martin Luther King)	2	40	24	0	No	70
Sleepy Valley Rd. (Hwy 7 to Quarry Mt. Rd.)	2	35	24	0	No	70
Grand Ave. (Summer to Mason)	4	40	48	0	Yes	80
Mason St. (Grand extn to Hwy 270)	4	40	48	0	Yes	80
Molly Arterial (full length)	2	35	24	0	Yes	60
Gardener Arterial (full length)	2	35	24	0	Yes	60
Mission St. (Hwy 270 to Hobson)	2	35	24	0	No	70
Hobson Ave. (Mission to Summer)	2	35	24	0	Yes	60
Hobson Ave. (Third to Central)	2	35	42	2	Yes	60
Richard St. (Albert Pike to McLeod)	2	35	24	0	Yes	60
St. Louis & Ext'n (Hwy 70 to Hwy 7)	4	35	48	0	Yes	80
Greenwood (Richard to Hwy 7)	2	30	24	0	Yes	60
Alcorn (Hwy 7 to Carson)	2	30	24	0	Yes	60
Carson (Alcorn to Belding)	2	30	42	2	Yes	80
Seventh (Greenwood to Emory)	2	30	24	0	Yes	60
Third (Hobson to Oaklawn)	2	35	24	0	Yes	60
Oaklawn (Seventh to Hwy 7)	2	30	24	0	Yes	60
Leonard (McLeod to Richard)	2	35	24	0	No	70
McLeod (Hwy 270 to Panama)	4	35	48	0	No	80
Panama (Lakeshore Dr. to Emory)	4	35	48	0	Yes	70
Emory (Panama to Higdon)	2	30	24	0	Yes	60
Lakeshore Dr. (full length)	2	35	24	0	No	70
Burchwood Bay Rd. (full length)	2	35	24	0	No	70
Rocky Reef Rd. (Full length)	2	35	24	0	No	70
Lake Hamilton Dr. (Hwy 7 to Lakeland)	2	30	24	0	No	70
Lakeland Dr. (Lake Hamilton to Hwy 7)	2	30	34	1	Yes	60
Files Rd. (Hwy 7 to Section Line)	2	35	24	0	Yes	60
Crawford & Extn (Higdon to Golf Links)	2	35	24	0	Yes	70
Golf Links (Hwy 7 to Hwy 270)	2	35	24	0	No	70
Belding & Ext'n (Hwy 7 to Hwy 270)	2	30	42	2	Yes	70
Valley (Grand to Belding)	2	30	42	2	Yes	70
Vermelle, Terry, Underwood & Hollywood (Hwy 7 to Hwy 270)	2	30	42	2	Yes	70
Shady Grove Rd. (Belding to Shady Heights)	2	35	24	0	No	70

**HOT SPRINGS CODE
STREET SPECIFICATIONS**

<u>Street Segment</u>	<u>No. of Traffic Lanes</u>	<u>Design Speed (mph)</u>	<u>Pavement Width (ft)</u>	<u>No. of Parking Lanes</u>	<u>Curb & Gutter</u>	<u>Right-of- Way Width(ft)</u>
Shady Heights (Shady Grove to Catherine Heights)	2	35	24	0	No	70
Catherine Heights (Shady Heights to Hwy 270)	2	35	24	0	No	70
Lakeside Rd. (Full length)	2	35	24	0	No	70
Bellaire Dr. (Hwy 270 to Ridgeway)	2	30	24	0	No	70
Ridgeway (Hwy 270 to Westinghouse)	2	35	24	0	No	70
Westinghouse (Hwy 270 to Hwy 70)	2	35	24	0	No	70
Morning Star Arterial (Hwy 270 to Hwy 70)	2	40	24	0	No	70
County Line Arterial (Hwy 270 to Hwy 70)	2	40	24	0	No	70
Crescent (Hwy 270 to Hwy 70)	2	35	42	2	Yes	70
Chattanooga St. & Extn (Hwy 270 to Hwy 70)	2	35	24	0	No	70
Spring St. (Hwy 7 to Hwy 70)	2	30	42	0	No	60
Spring St. (Hwy 70 to Westinghouse)	2	35	24	0	Yes	60
Spring St. (Westinghouse to Boundary)	2	35	24	0	No	70
Reserve (Hwy 7 to Spring)	2	30	42	2	Yes	60
Convention (Malvern to Laural)	4-D	45	64	2	Yes	120
Convention (Laural to Grand)	4-D	45	48	0	Yes	120
Broadway (Hwy 70 to Convention Blvd.)	2	35	34	1	Yes	70
Mill Creek Rd. (Spring to Hwy 70)	2	35	24	0	Yes	60
Indian Mt. Arterial (full length)	2	40	24	0	No	70

STREET CLASSIFICATION TABLE
MAJOR COLLECTORS

<u>Street Segment</u>	<u>No. of Traffic Lanes</u>	<u>Pavement Width (ft.)</u>	<u>No. of Parking Lanes</u>	<u>Curb & Gutter</u>	<u>Right-of- Way Width(ft)</u>
Treasure Isle Rd. (Crystal Hill to Buccaneer)	2	24	0	No	60
Clearcreek Rd. (Treasure Isle to Hwy 227)	2	24	0	No	60
Huddleston Springs Rd. (Hwy 227 to Lake Rix Rd.)	2	24	0	No	60
West Glazypeau Rd. (Hwy 227 to Boundary)	2	24	0	No	60
Walnut Valley Rd. (Lake Rix Rd. to Boundary)	2	24	0	No	60
Royal Oak Rd. (full length)	2	24	0	No	60
John Holt Rd. (full length)	2	24	0	No	60

15-10-14.1

HOT SPRINGS CODE
STREET SPECIFICATIONS

15-10-14.1

<u>Street Segment</u>	<u>No. of Traffic Lanes</u>	<u>Pavement Width (ft.)</u>	<u>No. of Parking Lanes</u>	<u>Curb & Gutter</u>	<u>Right-of- Way Width(ft)</u>
Breshears Rd. (Walnut Valley to Bearcat Mt. Rd.)	2	24	0	No	60
Bearcat Mt. Rd. (Wildcat Rd. to Breshears Rd.)	2	24	0	No	60
Blowout Mt. Rd. (full length)	2	24	0	No	60
Wildcat Rd. (full length)	2	24	0	No	60
Turkey Trot Lane (full length)	2	24	0	No	60
Sleepy Valley Rd. (Hwy 70B to Quarry Mt. Rd.)	2	24	0	Yes	60
Mill Creek Rd. (Hwy 70 to Boundary)	2	24	0	No	60
Cedar Creek Rd. (Hwy 70 to Boundary)	2	24	0	No	60
Bald Mt. Rd. (Westinghouse to Spring)	2	24	0	No	60
Deerpark Rd. (Mill Creek Rd. to Hwy 5)	2	24	0	No	60
Lodge Rd. (Hwy 270 to Kirchwood Dr.)	2	24	0	No	60
Kirchwood Dr. (Hwy 270 to Lodge Rd)	2	24	0	No	60
Fleetwood Dr. (Hwy 270 to West Pine Dr.)	2	24	0	No	60
West Pine Dr. (Hwy 270 to Fleetwood)	2	24	0	Yes	60
Thornton Ferry Rd. (Hwy 270 to Dakota Dr.)	2	24	0	No	60
Dakota Dr. (Thornton Ferry Rd. to Arrowhead Dr.)	2	24	0	No	60
Timberlake Dr. (full length)	2	24	0	No	60
Miles Clearcut Rd. (full length)	2	24	0	No	60
Rock Creek Rd. (Hwy 70 to River Bend Dr.)	2	24	0	No	60
Majestic Lodge Rd. (full length)	2	24	0	No	60
Springwood Rd. (Full length)	2	24	0	No	60
Kauffman Rd. (Hwy 70 to Enterprise)	2	24	0	No	60
Morphew Rd. (Hwy 192 to Sparling Rd.)	2	24	0	No	60
Northshore Dr. (Hwy 192 to Gene Bell)	2	24	0	No	60
Little Mazarn Rd. (West Loop to Oscar Grey Rd.)	2	24	0	No	60
Old Brundage Rd. (Hwy 192 to Osprey Dr.)	2	24	0	No	60
Thunder Rd. (Hwy 192 to Albright Rd.)	2	24	0	No	60
Albright Rd. (full length)	2	24	0	No	60
Echo Valley Rd. (Albright Rd. to Hwy 7)	2	24	0	No	60
Housley Point (Hwy 192 to Spurwink Ln.)	2	24	0	No	60
Winkler Rd. (full length)	2	24	0	No	60
Molly Springs Rd. (full length)	2	24	0	No	60
Marie Stover Ln. (full length)	2	24	0	No	60
Airway Dr. (full length)	2	24	0	No	60
Summer St. (Woodlawn to Albert Pike)	2	24	0	Yes	60
Prospect Ave. (full length)	2	34	1	Yes	70
Pecan Street (full length)	2	42	2	Yes	70
Quapaw Ave. (full length)	2	42	2	Yes	70
Garland Ave. (Lacy St. to Hwy 7)	2	42	2	Yes	70

**HOT SPRINGS CODE
STREET SPECIFICATIONS**

<u>Street Segment</u>	<u>No. of Traffic Lanes</u>	<u>Pavement Width (ft.)</u>	<u>No. of Parking Lanes</u>	<u>Curb & Gutter</u>	<u>Right-of- Way Width(ft)</u>
Woodlawn St. (Richard to Hwy 7)	2	34	1	Yes	70
Leonard St. (Richard to Hwy 7)	2	24	0	Yes	60
Columbia Hills Dr. (Full length)	2	24	0	Yes	60
Terry St. (Sunnyside St. to Indian Hills Dr.)	2	24	0	Yes	60
McMahan Dr. (Hwy 7 to Terry St.)	2	24	0	Yes	60
TV Hill Rd. (Hwy 7 to Southern Hills Dr.)	2	24	0	Yes	60
Section Line Rd. (full length)	2	24	0	Yes	60
Werner Rd. (full length)	2	24	0	No	60
Pakis Rd. (full length)	2	24	0	Yes	60
Buena Vista Rd. (Hwy 7 to San Carlos Dr.)	2	24	0	No	60
Lakeland Dr. (Lake Hamilton Dr. to end)	2	24	0	Yes	60
Robinhood Dr. (Lakeland Dr. to Lakeland Dr.)	2	24	0	Yes	60
Winans (Golf Links Rd. to Shady Grove Rd.)	2	24	0	Yes	60
Shady Grove Rd. (Shady Heights Rd. to Heritage Dr.)	2	24	0	No	60
Country Club Ln. (full length)	2	24	0	Yes	60
Mote St. (full length)	2	24	0	Yes	60
Lowery Ln. (Mote to Hwy 270)	2	24	0	Yes	60
Cones Rd. (Hwy 7 to Spring)	2	24	0	No	60
Grove St. (Malvern to Grand)	2	42	2	Yes	70
Cypress St. (Banks to Spring)	2	34	1	Yes	60
Wade St. (full length)	2	24	0	Yes	60
Pleasant St. (Convention to Malvern)	2	24	0	Yes	60
Gulpha St. (Malvern to Convention)	2	24	0	Yes	60
Silver St. (Malvern to Cypress)	2	24	0	Yes	60
Grand Point Dr. (Hwy 128 to End)	2	24	0	No	60
Bayshore Dr. (Hwy 128 to Peninsula Dr.)	2	24	0	No	60
Peninsula Dr. (Shady Grove to Shady Heights Rd.)	2	24	0	No	60
Akers Rd. (Hwy 270 to Merlin Dr.)	2	24	0	No	60
Industrial Park Rd. (Hwy 270 to Hutzel Dr.)	2	24	0	No	60
Couchwood Rd. (Hwy 270 to Couchwood Terrace)	2	24	0	No	60
Green Bay Dr. (Couchwood to Fairchild Pt.)	2	24	0	No	60
Grandstaff Dr. (Hwy 270 to Grandstaff Terrace)	2	24	0	No	60
Red Oak Cutoff (Hwy 290 to Hwy 290)	2	24	0	No	60
Arkrige Rd. (Hwy 128 to Long Point Rd)	2	24	0	No	60
Red Oak Dr. (Hwy 290 to Burkwall Loop)	2	24	0	No	60
Longview Pt. (Hwy 128 to Cabe Ct.)	2	24	0	No	60
Twin Oaks Dr. (Arkrige to Red Oak Dr.)	2	24	0	No	60
Warwick Rd. (Hwy 290 to Red Oak Dr.)	2	24	0	No	60
Fish Hatchery Rd. (Hwy 290 to Fish Hatchery)	2	24	0	No	60

15-10-14.1

**HOT SPRINGS CODE
STREET SPECIFICATIONS**

15-10-16.1

<u>Street Segment</u>	<u>No. of Traffic Lanes</u>	<u>Pavement Width (ft.)</u>	<u>No. of Parking Lanes</u>	<u>Curb & Gutter</u>	<u>Right-of- Way Width(ft)</u>
Mt. Carmel Rd. (Hwy 290 to Hwy 290)	2	24	0	No	60
Sundown Mt. Rd. (Hwy 128 to Boundary)	2	24	0	No	60
Cooper Creek Rd. (Hwy 290 to Boundary)	2	24	0	No	60

* “T” indicates an additional continuous center turn lane.

** “D” indicates a divided street with a protected island space of at least eight feet between opposing traffic lanes.

15-10-14.2. Shoulders.

Where street segments are shown without curbs and gutters, a minimum of four foot shoulders shall be required on each side of the paved traffic lanes. Such shoulders shall not be considered part of the required pavement width.

15-10-14.3. Frontage roads.

All frontage roads, not otherwise classified, shall be major collectors.

**ARTICLE IV. GEOMETRIC DESIGN CRITERIA
STREET SPECIFICATIONS**

15-10-15. General.

(a) The minimum standards for the geometric design of the various classes of streets shall be as presented hereinafter in this Article.

(b) These geometric standards are established to and shall be interpreted to provide for the best practical traffic movement and safety.

(c) Design factors shall include consideration of design speed, sight distance, type of vehicles expected, travel time, convenience and traffic congestion.

15-10-16. Street alignment.

15-10-16.1. Horizontal curves.

Horizontal curves for each class and design speed of any street segment shall have centerline radii equal to or greater than that shown in the minimum horizontal curve table. Where a street segment may be rated in two or more categories, the more restrictive specification shall govern.

MINIMUM HORIZONTAL CURVE RADII		
Street Class	Rated Speed (MPH)	Radius (Feet)
Arterial	30	500
Arterial	35	600
Arterial	40	700
Arterial	45	800
Arterial	50	900
Arterial	55	1100
Arterial	60	1200
Major Collector	30	500
Major Collector	35	600
Major Collector	40	700
Major Collector	45	800
Major Collector	50	900
Minor Collector	30	200
Local	25	150*
Industrial	30	200*
Residential	25	150*
Commercial	30	200
Alley	10	150

*May be reduced to 75 feet within 200 feet of an intersection, if required to effect a ninety degree (90°) intersection with another street.

15-10-16.2. Reverse curves.

A tangent distance of at least 100 feet shall separate reverse curves.

15-10-16.3. Compound and spiral curves.

Compound and spiral curves will be allowed, if the maximum radii meets the minimum requirements and if the city engineer determines that the intent of these specifications can be met with the said compound or spiral curve.

15-10-17. Vertical curves.

(a) All vertical curves shall be symmetrical parabolic type curves. Vertical curves shall be designed at all changes in vertical alignment in which the grade change exceeds one percent on arterial or major collectors, two percent on minor collectors, or three percent on local streets.

(b) The minimum length of vertical curves shall depend on the design speed and shall be equal to "K" times "A," where "K" equals the coefficient shown in the vertical curve coefficient table, and "A" equals the algebraic different in grades when the grades are expressed as a percentage.

VERTICAL CURVE COEFFICIENT		
Design Speed	Crest	Sag
30	30	40
35	35	45
40	40	50
45	45	55
50	50	60
55	55	65
60	60	70

15-10-18. Sight distance.

(a) Irrespective of the minimum curve data for horizontal and vertical curves, the design of any street segment shall provide for the minimum sight distance required under this section.

(b) The design shall take into account the passing sight distance and the stopping sight distance.

(c) The stopping sight distance shall be calculated using an observers eye level of 4.5 feet above the street surface and an object level of six inches above the street surface.

(d) The passing sight distance shall be calculated using an observers eye level of 4.5 feet above the street surface and an object height of 4.5 feet above the street surface.

(e) The minimum sight distance for the various classes and rated speeds of street segments shall be as given in the minimum sight distance table.

MINIMUM SIGHT DISTANCE			
Street Class	Design Speed (MPH)	Stopping Distance (ft.)	Passing Distance (ft.)
Arterial	30	200	800
Arterial	35	250	1000
Arterial	40	275	1300
Arterial	45	300	1500
Arterial	50	350	1700
Arterial	55	400	1900
Arterial	60	476	2000
Major Collector	30	200	800
Major Collector	35	250	1000
Major Collector	40	275	1300
Major Collector	45	300	1500
Major Collector	50	350	1700
Minor Collector	30	200	N/A
Local	30	200	N/A
Alley	10	50	N/A

(f) The passing sight distance shall govern, except in locations specifically approved by the city engineer as a no passing zone. In no case may the sight distance be reduced below the stopping sight distance shown in minimum sight distance table above.

15-10-19. Intersections.

(a) Intersections shall be designed to provide a safe system, for present and prospective traffic, to cross and/or enter and exit from one street to another.

(b) Intersections of crossing streets shall be aligned, in so far as practical, without centerline offsets (jog).

(c) The geometric design of intersections shall comply with the minimum criteria shown in the intersection design criteria table.

INTERSECTION DESIGN CRITERIA		
Design Parameter	Street Class	Criteria
Maximum Grade within 100 Feet	All	6%
Minimum Angle (Degrees)	All	85
Minimum Curb Radius*	Arterial	30'
Minimum Curb Radius*	Major Collector	30'
Minimum Curb Radius*	Minor Collector	25'
Minimum Curb Radius*	Local	25'
Minimum Curb Radius*	Industrial	30'
Minimum Curb Radius*	Commercial	30'
Minimum Curb Radius*	Residential	25'
Minimum Curb Radius*	Alley	25'
Minimum Jog	Arterial	500'
Minimum Jog	Major Collector	300'
Minimum Jog	Minor Collector	200'
Minimum Jog	Local	200'

*Where curbs are utilized, the radius shown shall apply to the back of the curb. Where curbs are not utilized, two feet shall be added to the radius shown and shall apply to the edge of pavement.

(d) Intersections shall be designed to provide for a minimum sight distance from each leg of the intersection to points on the cross street on either side of the intersection. Such sight distance shall be in accordance with that given in Section 15-10-18, based on the stopping sight distance for the class of the cross street being entered.

(e) Grade crossings at railroads shall be designed to provide for a minimum sight distance of 800 feet along the railroad on either side of the crossing.

(f) Approaches to railroad crossings shall be designed to provide a minimum of 200 percent of the stopping sight distance given in the minimum sight distance table for the class of street. The minimum distance shall be measured from the nearest rail along the approach street.

15-10-20. Street grades.

(a) The minimum street grade shall be the grade required to provide adequate drainage for the street. The minimum centerline grade for street segments with curbs and gutters shall be 0.50 percent.

(b) The maximum centerline grades for the various classes of street shall be as shown in the maximum street grade table.

MAXIMUM STREET GRADES	
Street Class	Maximum Grade
Arterial	8%
Major Collector	8%
Minor Collector	10%
Local	10%
Industrial	8%
Commercial	8%
Residential	10%
Alley	8%

(c) Where steep natural topography may affect access to and from adjoining properties, the maximum grades may be increased by fifty percent (50%) in street segments of 300 feet or less with specific approval of the city engineer.

15-10-21. Cross-sections.

(a) Street cross-sections shall conform to the details included in Appendix A to these street specifications which is attached hereto. Skewed street cross sections will not be allowed without specific approval of the city engineer.

Editor's note-Appendix A to the Hot Springs Street Specifications Ordinance is on file in the Office of the City Clerk.

(b) Pavement cross slopes for all streets shall be a minimum of two (2) percent with a crown height of a minimum of six (6) inches.

(c) Gutters shall be sloped to match the street slope.

(d) Cross-sections on arterial and major collector streets shall be super-elevated in accordance with AHTD standards.

(e) The required width of a traffic lane shall be twelve feet (12') for all classes of streets, excluding curb and gutter, if any. The lane width may be reduced to ten feet (10') in areas where severe restrictions to construction are present upon approval by the city engineer. In considering any plans proposing to utilize a lane width of less than twelve feet (12'), only clear, obvious and practically in-correctable conditions should be considered. In no case shall the lane width be less than ten feet (10').

(f) The minimum width of a parking lane shall be nine feet (9').

(g) Each curb and gutter section shall have a minimum width of twenty four inches (24").

(h) The minimum radius to edge of pavement in a cul-de-sac shall be twenty-eight feet (28') on residential streets, forty feet (40') on commercial streets, and fifty feet (50') on industrial streets.

(i) The minimum pavement width for an alley shall be fifteen feet (15').

(j) The minimum width of sidewalks shall be four feet (4') on local, residential and minor collector streets and five feet (5') on commercial and industrial streets.

(k) Curbs and gutters on streets with concrete surface shall be placed independently or integral with the street pavement. In such case, the outer twenty-four inches (24") of the section shall be considered the curb and gutter and shall not be considered as part of the minimum required pavement width.

(l) Cul-de-sac streets shall be no greater than 800 feet in length.

15-10-22. Street right-of-way.

(a) The minimum street right-of-way width for the various street classes are given in the minimum right-of-way table.

MINIMUM STREET RIGHT-OF-WAY WIDTH		
Street Class	Right-of-Way Width	Cul-de-sac Radius
Arterial	70	N/A
Major Collector	60	N/A
Minor Collector	60	N/A
Local with Curbs & Gutters	40	40
Local without Curbs & Gutters	50	50
Industrial	60	60
Commercial	50	50
Residential	50	40
Alley	20	N/A

(b) Wider right-of-way widths may be required as shown in the street classification table in Article II of these street specifications or due to any of the following:

- (1) When necessary, cut or fill slopes may require additional right-of-way.
- (2) Where existing or projected future traffic conditions may require three or more lanes including traffic lanes, parking lanes, turn lanes, or access lanes.

15-10-23. Utilities and drainage.

(a) Utility and drainage lines crossing streets shall be installed at a 90 degree angle with the street centerline, unless specifically approved otherwise by the city engineer.

(b) Utility and drainage lines running parallel with the street centerline should be placed on a dedicated utility easement outside the street right-of-way where practical, or, if necessary, between the right-of-way line and the back of curb. Location of parallel utility lines under paved sections shall not be allowed without specific approval of the City Engineer.

(c) Encasements for utility lines shall be continuous under the paved section and shall extend to a point at least three feet (3') outside the back of curb. Where curbs do not exist or are not proposed, it shall be assumed that curbs may be installed in the future. In this case, the encasement pipe shall be extended to a point at least five feet (5') outside the edge of pavement.

(d) The city engineer may require further extensions of encasement pipe if widening of the street may be expected within the following ten year period.

(e) All utility lines shall be installed with a minimum of two feet (2') of cover between the top of the line and the finished surface of the street. When encasement pipe is utilized, the minimum depth shall be measured between the top of the easement pipe and the finished surface of the street.

(f) All drainage lines shall be installed with a minimum of eighteen inches (18") between the top of the line and the finished surface of the street.

(g) Additional depths may be required by national codes, state or federal regulations, or utility owners requirements. All such codes, laws, regulations, and requirements shall be met.

15-10-24. Curbs, gutters and sidewalks.

(a) Concrete curbs and gutters shall be installed on all new streets and street extensions within the city limits with the exception of areas zoned R-1.

(b) Minor collector streets shall have a minimum four feet (4') wide sidewalk continuous on one side of the street.

(c) Major collector and arterial streets shall have minimum four feet (4') wide sidewalks on each side of the street.

(d) Commercial streets shall have minimum five feet (5') wide sidewalks on each side of the street.

(e) All streets within 500 feet of a church, school or any assembly building with a capacity of 100 or more people shall have a minimum of five feet (5') wide sidewalks on both sides of the streets.

(f) Curbs and gutters shall be designed and constructed with the dimensions and cross-sections given in Appendix A.

Editor's note-Appendix A of the Hot Springs Street Specifications Ordinance is on file in the Office of the City Clerk.

(g) Wheelchair ramps shall be constructed at all crosswalks. Ramps shall be designed to provide a maximum grade of eight per cent (8%) for transition from one elevation level to another. Minimum width shall be three feet (3'). All provisions of the Americans With Disabilities Act (ADA) shall be complied with.

ARTICLE V. STRUCTURAL SPECIFICATIONS

15-10-25. Clearing, grubbing, removal of existing structures, and earthwork.

(a) Clearing, grubbing, removal of existing structures, and earthwork shall be in accordance with the AHTD standards.

(b) The finished sub-grade shall be approved by the city engineer prior to commencing placement of base course.

(c) Fill sections shall be compacted to 90% of the maximum density as determined by the modified proctor test.

(d) The city engineer may, if questions arise regarding the suitability of the sub-grade soils, require the developer to retain a geotechnical firm to test sub-grade material to determine its adequacy to support the street surface and anticipated traffic loads. Such geotechnical firm shall be paid by the developer and shall submit copies of its reports and test results to the city engineer.

(e) The investigation and testing of soils shall conform to the latest revision of AASHTO T86. The sampling of in-situ sub-grade soils may be accomplished by boring or excavation of test pits. The depth of sub-grade sampling and testing shall be a minimum of four feet (4') below the top of the final compacted sub-grade. Additional depths may be required by the city engineer.

(f) Sub-grade soils shall be classified in accordance with the AASHTO system and the unified soil classification system.

(g) Load bearing strength of soils shall be determined by the California Bearing Ratio (CBR) test in accordance with AASHTO T 193.

(h) The minimum finished slopes on earthwork within street right-of-way shall be one vertical to three horizontal in areas where access to adjoining property is not a factor, such as creek beds, and one vertical to four horizontal where access to adjoining property is desirable.

15-10-26. Base course.

(a) The base course for a street shall be either an aggregate base course or a bituminous base course.

(b) Materials for aggregate base courses shall meet the requirements of AHTD specifications Class 7 or an approved equal.

(c) Materials for bituminous base course shall meet or exceed the AHTD standards for asphalt concrete hot mix stabilized base course.

(d) Installation of base courses shall meet or exceed the requirements of the AHTD standards.

15-10-27. Pavement.

(a) Street pavement sections shall be either flexible type with asphalt concrete surface or rigid type consisting of a Portland cement concrete surface.

(b) Pavement sections shall be designed in accordance with the procedures and criteria of the AASHTO Guide For Design of Pavement Structures, latest edition, and the criteria contained herein. Should any conflicts exist, the method resulting in the deeper, stronger pavement section shall govern.

(c) All pavement sections shall be designed using a design period of 20 years, an initial serviceability index factor of 4.5, and a terminal serviceability index factor of at least 2.5.

(d) The minimum street pavement sections are given in the minimum pavement and base table.

MINIMUM DEPTH PAVEMENT AND BASE				
Street Class	Flexible Pavement		Rigid Pavement	
	Base Course (in)	Asphalt Surface (in)	Base Course (in)	Concrete Surface (in)
Arterial	8	4	6	6
Major Collector	8	3	4	5
Minor Collector	8	2	2	5
Local	6	2	0	5
Industrial	8	3	4	5
Commercial	6	3	3	5
Residential	6	2	2	5

(e) The pavement and base depths given in minimum depth pavement and base are minimums and are not to be used in lieu of pavement design depths. The depth calculated by the required procedure shall determine the specific depth of any specific street segment.

(f) All pavement materials, construction methods, standards, time and temperature constraints, seasonal constraints, and performance requirements shall be in accordance with the latest edition of the AHTD standard specifications for highway construction, and these street specifications.

(g) Sub-grade shall be all materials used for sub-grade including in-situ materials and fill materials. Sub-grades for pavement shall be stabilized by mechanical compaction or by other methods approved in writing by the city engineer. Stabilization methods such as fabrics and chemical stabilization may be submitted for approval when supported by engineering data and calculations to substantiate the adequacy of the stabilization procedure.

(h) The top twenty-four inches (24") of the sub-grade shall be a material not susceptible to frost action unless modified with cement, lime or another method approved specifically by the city engineer to resist frost action.

(i) The adequacy of in-situ soils and fill material as pavement sub-grade shall be evaluated based upon the soils classifications, liquid limits, plasticity index, and California bearing ratio (CBR).

(j) All soils with a liquid limit greater than 40, or a plasticity index greater than 15, or a CBR value of less than 8, shall be under cut and removed from the street section or improved by a designed method of stabilization accepted by the city engineer.

(k) Sub-grade compaction requirements shall be shown on the plans or in the specifications.

(l) The surface course for flexible pavement sections shall be Asphalt Concrete Hot Mix Type 2 or 3 as specified in the AHTD standard specifications. Other mix designs may be considered if design data is submitted to the city engineer at the time of plans submission.

(m) The requirements for sub surface drainage layers and/underdrains shall be evaluated by the design engineer on an individual project basis.

(n) Pipe underdrains or drainage layers shall be installed at all locations where subsurface moisture may affect the stability of the sub-grade or result in unsatisfactory pavement performance

15-10-28. Curbs and gutters, sidewalks and drainage.

(a) Curbs and gutters shall be constructed in accordance with the details shown in Appendix A of these specifications.

Editor's note-Appendix A of the Hot Springs Street Specifications Ordinance is on file in the Office of the City Clerk.

(b) Curbs and gutters shall be constructed of concrete with a minimum 28 day compressive strength of 2,500 pounds per square inch.

(c) Sub-grade soils under curbs and gutters shall be stabilized in the same manner as those under the paved section.

(d) Vertical curbs shall be used in all commercial zones and at all points where the edge of the sidewalk or any other structure is located within five feet of the back of the curb or any building is located within fifteen feet of the back of the curb..

(e) Vertical or rolled curbs may be utilized in residential and industrial zones where the clearance limits given in paragraph (d) above can be maintained.

(f) Where rolled curbs are used, the street section shall be designed to develop future driveways to adjacent properties at any point on the street segment without curb cuts.

(g) Sidewalks shall have a minimum of four inches depth of Portland cement concrete. The concrete shall have a minimum 28-day compressive strength of 2,500 pounds per square inch.

(h) Sidewalks shall have construction, sawed or tooled transverse joints at intervals not exceeding ten feet.

(i) Drainage design shall be in accordance with the Hot Springs Drainage Specifications Ordinance.

ARTICLE VI. PAVEMENT CUTS AND UTILITY WORK IN PUBLIC RIGHTS OF WAY

15-10-29. General.**15-10-29.1 Title.**

This ordinance shall be known and may be referenced as the pavement cut and work in public rights of way ordinance.

15-10-29.2 Jurisdiction and Management of the Public Rights of Way.

(a) The City has jurisdiction and exercises regulatory management over all rights of way within the City under authority of the City code of ordinances and state law.

(b) The City has jurisdiction and exercises regulatory management over each right of way whether the City has a fee, easement, or other legal interest in the right of way, and whether the legal interest in the right of way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

(c) The exercise of jurisdiction and regulatory management of a right of way by the City is not official acceptance of the right of way, and does not obligate the City to maintain or repair any part of the right of way.

(d) The provisions of this ordinance are subject to and will be applied consistent with applicable state and federal laws, rules and regulations, and, to the extent possible, shall be interpreted to be consistent with such laws, rules and regulations.

15-10-29.3 Definitions.

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words “shall” and “will” are mandatory and “may” is permissive.

“*Board or Board of Directors*” means the duly elected governing body of the city of Hot Springs, Arkansas.

“*City*” shall be construed as if the word “of Hot Springs” followed it and shall extend to and include its several officers, agents and employees.

“*City Engineer*” means the employee of the City designated by the City Manager as the City Engineer, or acting in the capacity of a City Engineer for purposes of this Code, or that person’s designee.

“*City facilities*” means City or publicly-owned structures or equipment located within the right of way or public easement used for governmental purposes.

“*Person*” means and includes any individual, firm, sole proprietorship, corporation, company, partnership, co-partnership, joint-stock company, trust, Limited Liability Company, association or other organization, including any natural person or any other legal entity.

“*Public utility easement*” means the space in, upon, above, along, across, over or under an easement for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of utilities facilities.

“*Right of way*” means and includes, but is not limited to, the space in, upon, above, along, across, over or under the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, public utility easements and all other public ways or areas, including the subsurface under and air space over these areas.

“*Right of Way User or Service Provider*” means any service provider, utility, operator, contractor, subcontractor, or other individual or entity using or seeking to use public rights of way for any purpose.

“*State*” means the State of Arkansas.

“*Utility facility*” or “*facility*” means any physical component of a system, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, fiber, transmitters, plant, equipment and other facilities, located within, under or above the rights of way, any portion of which is used or designed to be used to deliver, transmit or otherwise provide utility service.

“*Utility operator*” or “*operator*” means any person who owns, places, operates or maintains a utility facility within the City.

“*Utility service*” means the provision, by means of utility facilities permanently located within, under or above the rights of way, whether or not such facilities are owned by the service provider, of electricity, natural gas, communications services, cable services, water, sewer, and/or storm sewer to or from customers within the corporate boundaries of the City, and/or the transmission of any of these services through the City whether or not customers within the City are served by those transmissions.

“*Work*” means the construction, demolition, installation, replacement, repair, maintenance or relocation of any utility facility, including but not limited to any excavation and restoration required in association with such construction, demolition, installation, replacement, repair, maintenance or relocation.

15-10-29.4 Regulatory Fees and Compensation.

(a) The fees and costs provided for in this ordinance, and any compensation charged and paid for use of the rights of way provided for in this ordinance, are separate from, and in addition to, any and all other federal, state, local, and City charges as may be levied, imposed, or due from a utility operator, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of utility services.

(b) The fees and costs provided for in this ordinance are subject to applicable federal and state laws.

(c) Permit Fee: \$75.00 per application for utility cut(s) or boring, plus \$75.00 for each additional 400 feet.

(d) Borings and Utility Cuts \$0.50 per linear foot for trenching or boring outside of paved areas or sidewalks \$1.00 per linear foot for trenching or boring in paved areas or sidewalks. A minimum inspection fee is \$100.00.

15-10-29.5 Construction and Restoration.

(a) Construction Codes. Utility facilities shall be constructed, installed, operated and maintained in accordance with this Ordinance and all applicable federal, state and local codes, rules and regulations, including the National Electrical Code and the National Electrical Safety Code. A right of way user or service provider may authorize a qualified contractor to perform any of the work required in this Ordinance on the right of way user or service provider's behalf. Any contractor performing work on behalf of a right of way user or service provider shall be subject to provisions of this Ordinance. In the event a right of way user or service provider authorizes a contractor to perform work on its behalf, the right of way user or service provider shall remain responsible and liable for compliance with the provisions of this Ordinance.

(b) Permit Required:

- (1) Except as hereinafter provided, any work within the rights of way shall require a permit and shall meet or exceed all requirements for approval, submission of plans, and bonding.
- (2) Exceptions. Permits shall not be required for the following:
 - (i) Overhead service drops or service lines from existing poles.
 - (ii) Underground service drops or services from existing meter boxes, pedestals, transformers, service taps, or other utility appurtenances if those service drops or services do not require cutting or boring across the pavement or sidewalks.
 - (iii) Replacing overhead poles in the same location or immediately adjacent to an existing pole in the event of an emergency in order to restore services and protect public health and safety. However, if in a sidewalk, trail, or other public route, the new pole or guy location shall comply with ADA accessibility codes and requirements.
 - (iv) Related to the work in (a), (b), (c), above, restoration of lawns and property shall still be required of the person or entity performing the work.
- (3) Emergencies. The requirements for obtaining a permit in advance of the work is waived when the work is necessary in response to an emergency situation in which the destruction of life or property is imminent or is necessary to restore basic service. If the work would have required a permit, a permit is still required for these situations, but may be obtained after the work is initiated, in which event it shall be obtained as soon as reasonably possible during or after the emergency. Bonds, fees, street repair requirements, and other parts of this ordinance remain in effect for emergency repairs.
- (4) Applications for permits to work in the rights of way shall be submitted upon forms to be provided by the City and when required by the City Engineer shall be accompanied by drawings, plans and specifications, including electronic digital copies, in sufficient detail to demonstrate:

- (i) The location and route of all utility facilities to be installed aboveground or on existing utility poles, including the location of poles, guys, transformer pedestals and other equipment.
- (ii) The location and route of all utility facilities on or in the rights of way to be located under the surface of the ground, including the line, depth of cover, and location of valves, meters, hydrants, manholes, and other appurtenances.
- (iii) Applicants existing utility facilities shall be differentiated on the plans from new construction.
- (iv) Required horizontal and vertical separation shall be provided between utilities and shall be shown or noted on the plans.
- (v) A typical cross section or plan shall be provided showing new utility facilities in relation to the street, curb, sidewalk, right of way, and existing or other proposed utilities.
- (vi) If applicable, the construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the rights of way.
- (vii) If applicable, a description of any improvements that applicant proposes to temporarily or permanently remove or relocate.
- (viii) Where applicable, a drawing depicting the proposed street cut repairs, including the location, width, and length. The minimum dimension of the repairs shall conform to the requirements of this City Code. Standard City Repair Plans provided in this Code may be referenced by type.
- (ix) Where applicable, traffic control plans that provide for pedestrian and vehicular safety and alternative routes.
- (x) Permit requests may be grouped together to simplify the permitting and record keeping process. If the amount of the permit fees exceed the minimum fees the amount of the permit fees shall be determined and paid on a per linear foot basis even if the work is grouped together under one permit number. The city may, in its sole discretion, deny any portion of a permit request grouped together or reject the group permit request and require submittal of separate permits.

- (xi) If satisfied that the applications, plans, bonds, insurance certificates, and other documents submitted comply with all requirements of this Ordinance, and that the repair plan, cost estimate, and bond are approved by the City, the City Engineer shall issue a permit authorizing work in the rights of way, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they may deem necessary or appropriate.
 - (xii) After the permit is issued, if the City Engineer determines that the scope of the work has increased by 20% or more of the amount submitted at the initial payment of the permit fee or the initial setting of the bond value, then the permit fee amount and bond amount shall be adjusted to match the revised scope of work.
 - (xiii) Issuance of new permits to any applicant will be held in abeyance until any outstanding fines, permit fees, inspection fees and franchise fees are paid to the city and valid, current permits are issued for any work in progress.
- (c) Bonds:
- (1) For longitudinal cuts along a street, the permittee shall provide a performance assurance to cover a two (2) year warranty of the full cost of compliance with this ordinance including the backfill, concrete T Cap, and pavement. The two-year warranty shall not be required for service repairs of new service installations if they are installed according to the standards of this ordinance and are inspected by the City.
 - (2) When a two (2) year performance assurance is required, it shall be provided in favor of the City for one hundred percent (100%) of the cost of the project street repairs. The cost of the repairs and the amount of the assurance shall be submitted by the permittee to the City with quantities and unit costs. The City reserves the right to adjust the required amount of the assurance to the amount they determine to be adequate for the repairs. If the permittee conducts repeated street cuts and repairs within a calendar year, the permittee may choose to post a running bond for the two (2) year period. However, the bond amount shall be adequate to cover the cost of all the street cuts anticipated within the two (2) year warranty period.
 - (3) Performance assurance shall not be required for work performed by City staff. However, contractors performing work for the city shall include the required two-year performance assurance in their contracts.
 - (4) Plumbers, electricians, or other contractors who do not regularly work in the right of way may choose to subcontract pavement repair to a company who maintains a street repair bond with the City. However, a performance assurance bond is not required for service repairs or new service installations if they are installed according to the standards of this ordinance and are inspected by the City.

- (5) When required, the performance assurance shall be provided in one of the following forms:
- (i) A bond issued by a bonding company licensed to do business in the state of Arkansas. The bond shall be in the form approved by the city attorney. A certificate of the power of attorney for the individual executing such bonds shall also be submitted.
 - (ii) A cash deposit of a cashier's check, in the full amount, made to the City of Hot Springs.
 - (iii) An irrevocable letter of credit in the full amount. If a letter of credit is utilized, the letter shall be from a bank insured under the Federal Depositors Insurance Corporation, and the city shall have the right of approval for the terms of such letter of credit.
 - (iv) An escrow account established with a bank which is insured by the Federal Depositors Insurance Corporation. Such escrow account shall be set up for the specific purpose of guaranteeing the performance of the repair.
- (d) Work Requirements:
- (1) All work shall be in accordance with the permit and approved final plans and specifications. The City Engineer shall be provided access to the work site and such further information as may be required to ensure compliance with the permitted plans.
 - (2) All work which does not comply with this permit, the approved or corrected plans and specifications for the work, or the requirements of this ordinance, shall be removed at the sole expense of the permittee. The City is authorized to stop work in order to assure compliance with the provisions of this ordinance.
 - (3) Any opening made in the street shall be no larger than is reasonably necessary to accomplish the purpose for which the cut was intended.
 - (4) Any work in an open excavation shall be completed and the excavation backfilled and restored in the shortest practical time. A phased restoration plan shall be submitted for projects with more than four hundred (400) feet of street cuts, unless expressly waived by the City Engineer. The work may not advance to the next phase unless street cuts are restored or covered with plates or temporarily filled with cold mix or re-grind asphalt. Temporarily filling to the top of street level with gravel or crushed stone is not acceptable.
 - (5) The Contractor is responsible for maintenance of incomplete cuts and repairs over weekends and at night. The Contractor shall provide the city a 24-hour phone contact.

- (6) In addition to the requirements of this ordinance, traffic control, stormwater best management practices, sidewalk, curb, and driveway repairs, street cleanliness, removal and proper disposal of construction debris, restoration of surfaces, permits, and public notice shall be provided as required by applicable City ordinances.
 - (7) A pre-construction conference shall be required by the city if the overall project length exceeds six hundred (600) feet, and may be required for smaller projects or for other projects at the discretion of the City Engineer.
 - (8) The permittee shall contact the local One Call for utility locations a minimum of two (2) working days prior to the proposed start of work.
 - (9) The permittee shall preserve and protect from injury or damage other right of way users or service providers' facilities in the rights of way, the public using the rights of way, existing street and alley surfaces, property pins, corners and survey control monuments and any adjoining property, and take the other necessary measures to protect life and property, including but not limited to buildings, walls, mailboxes, fences, trees, landscaping, driveway culverts and approaches, street sidewalks and other facilities that may be subject to damage from the permitted work.
 - (10) The permittee shall provide the city with photo documentation or video of the conditions before work begins. The permittee and right of way user or service provider shall be responsible for all injury to persons or damage to public or private property resulting from the failure to properly protect people and property while performing the work. Property or construction survey pins and monuments destroyed or damaged by the Contractor's work shall be restored by the Contractor at the Contractor's expense.
- (e) Restoration and Repair:
- (1) When any person or entity does any work in or affecting any rights of way, it shall, at its own expense, promptly restore such rights of ways or property as required in this Section, unless otherwise directed by the City and as determined by the City Engineer. If weather or other conditions beyond the utility operator's control do not permit the complete restoration required by the City, the right of way user or service provider shall temporarily restore the affected rights of way or property. Such temporary restoration shall be at the right of way user or service provider's sole expense and the right of way user or service provider shall promptly undertake and complete the required permanent restoration when the weather or other conditions permit such permanent restoration. Any corresponding modification to the construction schedule may be subject to approval by the City.

- (2) Restoration of cuts or other work within the rights of way shall be in accordance with the permit issued by the City and the City's Standard Details and Specifications for Work in the Rights of Way. Where required, the permittee shall provide compaction proctor tests and conduct compaction tests and any other required tests, and contact the City for inspections.
- (3) If the right of way user or service provider fails to restore rights of way or property as required in this ordinance, the City shall give the right of way user or service provider written notice and provide the right of way user or service provider a reasonable period of time not less than ten (10) days, unless an emergency or threat to public safety is deemed to exist, and not exceeding thirty (30) days, to restore the rights of way or property. If, after said notice the right of way user or service provider fails to restore the rights of way or property as required in the ordinance, the City shall cause such restoration to be made at the expense of the right of way user or service provider. Additional work in the right of way by that user or service provider shall be held in abeyance until the repairs are complete and payments have been made to the city.

(f) **Inspection.** All facilities of any rights of way user or service provider shall be subject to the right of periodic inspection by the City to determine compliance with the provisions of this ordinance and all other applicable State and City codes, ordinances, rules, and regulations. Every rights of way user or service provider shall cooperate with the City in permitting the inspection of utility facilities. The rights of way user or service provider shall perform all testing required by the City, or permit the City to perform any testing at the utility operator's expense, to determine that the installation of their facilities and the restoration of the right of way comply with the terms of this ordinance and applicable state and City codes, ordinances, rules and regulations.

(g) **Coordination of Construction.** All rights of way users and service providers are required to make a good faith effort to both cooperate with and coordinate their construction schedules with those of the City and other users of the rights of way.

- (1) Each year rights of way users and service providers with proposed projects of \$100,000 or more shall provide the City with a schedule of known proposed construction activities for that year that are in, around or that may affect the rights of way.
- (2) All construction locations, activities and schedules within the rights of way shall be coordinated as ordered by the City Engineer where necessary to minimize public inconvenience, disruption, or damages, and to minimize disruption to traffic and assembly related to parades, conventions, holidays, racing events and other area events and celebrations.

15-10-29.6 Location of Facilities.

(a) Interference within the Rights of Way. No right of way user or service provider or other person or entity may locate or maintain its facilities so as to unreasonably interfere with the use of the rights of way by the City, by the general public or by other persons authorized to use or be present in or upon the rights of way. All use of the rights of way shall be consistent with City codes, ordinances, rules and regulations. Placement of above ground utility appurtenances and vaults or meters with at grade plates or covers, in the public right of way or in the public walkways shall require approval of the City and shall provide accessibility in compliance with Americans with Disabilities Act and all other applicable city and state codes. If necessary to maintain required accessibility clearance, the permittee may be required to add to the width of the existing sidewalk.

(b) Engineering Designs and Plans. The right of way user or service provider shall provide the City with plans in a form acceptable to the City showing the location of its utility facilities in the rights of way. The right of way user or provider shall provide updated as built plans upon request of the City, but not more than once per year.

15-10-29.7 Insurance and Indemnification.

(a) Indemnification.

- (1) Each right of way user or service provider shall defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all liability, causes of action, claims, damages, losses, judgments and other costs and expenses, including attorney fees and costs of suit or defense (at both the trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity in any way arising out of, resulting from, during or in connection with, or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failure to act, or other misconduct of the right of way user or service provider or its affiliates, officers, employees, agents, contractors, subcontractors, or lessees in the construction, operation, maintenance, repair, or removal of its facilities, and in providing or offering utility services over the facilities, whether such acts or omissions are authorized, allowed, or prohibited by this ordinance or by a franchise agreement. The acceptance of a franchise with the City shall constitute such an agreement by the applicant whether the same is expressed or not. Upon notification of any such claim the City shall notify the right of way user or service provider and provide them with an opportunity to provide defense regarding any such claim.
- (2) Every right of way user or service provider shall also indemnify the City for any damages, claims, additional costs or expenses assessed against or payable by the City arising out of or resulting, directly or indirectly, from the right of way user or service provider's failure to remove or relocate any of its facilities in the rights of way or easements in a timely manner, unless the right of way user or service provider's failure arises directly from the City's negligence or willful misconduct.

- (3) Notwithstanding anything to the contrary, nothing herein shall be construed as a waiver or limitation of the City's immunity under the public policy expressed in Arkansas Code 21-9-301.

(b) Insurance.

- (1) Unless otherwise provided in a franchise, all right of way users or service providers, other than right of way users or service providers subject to Arkansas Code 21-9-301, shall maintain in full force and effect the following liability insurance policies that protect the utility operator:
- (i) Comprehensive general liability insurance with limits equal to or greater than the amount of the project contract but not less than:
 - (A) One hundred thousand dollars (\$100,000.00) for bodily injury or death to each person;
 - (B) One hundred thousand dollars (\$100,000.00) for property damage resulting from any one accident; and
 - (C) One hundred thousand (\$100,000.00) for all other types of liability.
 - (ii) Motor vehicle liability insurance for owned, non-owned and hired vehicles with a limit equal to or greater than the amount of the project contract but not less than of one hundred thousand dollars (\$100,000.00) for each person and one hundred thousand dollars (\$100,000.00) for each accident.
 - (iii) Worker's compensation within Arkansas statutory limits and employer's liability.
 - (iv) Where applicable, comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits at least equal to the project value but of not less than one hundred thousand dollars (\$100,000.00).
- (2) The policy shall provide that the insurance shall not be canceled or materially altered without thirty (30) days prior written notice first being given to the City. If the insurance is canceled or materially altered, the right of way user or service provider shall obtain a replacement certificate of insurance. The right of way user or service provider shall maintain continuous uninterrupted coverage, in the terms and amounts required. The right of way user or service provider may self-insure, or keep in force a self-insured retention plus insurance, for any or all of the above coverage.
- (3) The right of way user or service provider shall maintain on file with the City a certificate of insurance, or proof of self-insurance acceptable to the City, certifying the coverage required above.

15-10-29.8 Compliance.

Every right of way user or service provider shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all applicable ordinances, resolutions, rules and regulations of the City, heretofore or hereafter adopted or established during the term of any franchise.

15-10-29.9 Confidential/Proprietary Information.

If any person or entity is required by this ordinance to provide books, records, maps or information to the City that the person or entity reasonably believes to be confidential or proprietary, the City shall take reasonable steps to protect the confidential or proprietary nature of the books, records or information, to the extent permitted by the Freedom of Information Act of 1967, provided that all documents are clearly marked as confidential by the person at the time of disclosure to the City. The City shall not be required to incur any costs to protect such document, other than the City's routine internal procedures for complying with the Freedom of Information Act of 1967.

15-10-29.10 Penalties.

- (a) Any person or entity found guilty of violating any of the provisions of this ordinance shall be subject to 1-1-15 of the Hot Springs Code of Ordinances. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.
- (b) In addition to the provisions contained within subsection A of this section, the City Engineer may impose a penalty of two hundred fifty dollars (\$250) per day for first time offenders and \$500 per day for repeat offenders for any person or entity who fails to obtain a permit as required in this ordinance, or who otherwise fails to follow the requirements of this ordinance. The number of days for the fine shall be the number of days that work has been performed without a permit.

15-10-30. Repairs.**15-10-30.1 Standard Specifications and Details.**

(a) General. Standard specifications and standard details are adopted by the City of Hot Springs to establish a standard of quality for the installation of utilities in city rights of way. These standards describe acceptable construction practices related to damages within the rights of way, including but not limited to, street pavements, curbs, and sidewalks.

- (b) Trench Compaction and Depth.
 - (1) When the trench has been properly backfilled, the permittee shall conduct a compaction test of the trench backfill. Compaction tests shall be performed at the top of the compacted backfill for street cuts. Trench backfill shall meet ninety-five percent (95%) maximum dry density per AASHTO T-180. For pavement replacement repairs longer than two hundred (200) linear feet or if several repairs total more than two hundred

(200) linear feet in any one block, at least one test shall be completed per every two hundred (200) linear feet or fraction thereof. For spot repairs, compaction tests shall be required for repairs where a T Cap is not required. If test results do not meet the standards, or if compaction effort does not follow standard construction practice, the City Engineer may require more frequent tests. If test results consistently meet the standards, and the same compaction effort and method is consistently being used, and if a T Cap repair is being used, then the city engineer may reduce the frequency of testing to one per every six hundred (600) linear feet.

- (2) When a passing compaction test has been obtained, the permittee shall contact the City for an inspection. The permittee shall contact the City twenty-four (24) hours before the expected need for an inspection and then re-schedule as necessary. A copy of passing compaction tests shall be provided to the City. No concrete or asphalt shall be placed until completion of the passing compaction test and inspection.
- (3) Pipes, cables, and conduits shall be placed a minimum of 18" below the bottom of drainage ditches, pipes, culverts and drainage structures.

(c) Standard of Acceptance. Failure of a street repair shall be defined as any one of the following conditions:

- (1) Failure of the backfill to meet ninety-five percent (95%) Modified Proctor Density according to AASHTO T-180.
- (2) Depth of asphalt more than one quarter inch (1/4") less than the specified depth of two inches (2") minimum (or match existing). However, consistent "shaving" of the pavement minimum will be cause for rejection.
- (3) Depth of T Cap concrete less than one half inch (1/2") less than the required minimum depth of eight inches (8"). However, consistent "shaving" of the eight inch (8") minimum will be cause for rejection.
- (4) The completed wearing surface shall not vary more than one quarter inch (1/4") from the lower edge of a ten (10) foot straight edge placed across the repair.

(e) Restoration of Unpaved Rights of Way. Restoration of cuts within the rights of way and not under any paved section, or section to be paved, shall be backfilled in accordance with the city utility trench backfill section included in this specification, unless the permitted utility operator's requirements are more stringent. The backfill shall be maintained by the permittee until final settlement has occurred. After final settlement has occurred, the area above excavations outside of paved sections shall be repaired with the same type and quality of materials as existed prior to the beginning of excavation. Lawns or other sod or turf areas

disturbed by the work shall be replaced with sod or turf of the same plant variety and quality as that removed. Damage to drainage structures or culverts shall be reported to the City and repairs shall be made by the Contractor at the Contractor's expense.

(e) Restoration of Sidewalks and Curbs. Damage to sidewalks and curbs shall be repaired and repairs shall comply with ADA regulations. Sidewalk repairs shall be saw cut, rectangular, full width repairs. For sidewalks more than six feet wide, the minimum length of sidewalk replacement shall be four feet. The minimum remaining section of existing concrete shall be two feet to the next joint. If less than two feet, remove and replace to the joint. If work damages a ramp then ADA ramps shall be installed at street intersections. Driveway repairs shall be constructed to provide an ADA accessible pedestrian path.

(f) Restoration of Paved Areas- General Instructions.

- (1) Materials. Repairs for paved areas shall be accomplished in accordance with the City details that are included in this specification by backfilling the entire depth and width of the excavation with crushed stone which meets or exceeds the requirements for class seven (7) Aggregate Base Course of the latest edition of the Arkansas Department of Transportation, "Standard Specifications for the Highway Construction." Other materials may be proposed for consideration, but are not accepted without approval of the City Engineer. Submittals of other materials by the permittee shall include soils testing data adequate for testing proper compaction, a sieve analysis, and a written recommendation from a geotechnical engineer.
- (2) Timing. The aggregate backfill shall be maintained by the permittee until the repair concrete cap and pavement is placed. The replacement pavement shall be installed in the earliest reasonable time. A phased restoration plan shall be submitted for city approval for projects with more than one quarter (¼) mile of street cuts. The work may not advance unless proper traffic control measures are in place; and cuts are covered with plates or temporarily filled with cold mix. Plates shall be anchored in place with cold mix. If multiple plates are required, they shall be tack welded together, unless waived by the City Engineer.
- (3) Concrete Cap. The backfill under asphalt surface streets shall be capped with eight (8) inches of concrete by the permittee allowing minimum of two (2) inches for the final asphalt surface (or match existing asphalt depth). Concrete shall have a light broom finish and shall cure a minimum of twenty four (24) hours before the asphalt surface is installed. Longer cure times may be required by the city if the twenty-four (24) hour cure is not adequate for the structural integrity of the repair.
- (4) Alternate Detail. If the width of the trench wall is five feet or more, requiring the concrete T cap to be seven feet wide or more, then, with the prior approval of the City Engineer, an alternate detail of compacted Class 7 base may be used rather than the concrete T Cap. A compaction test at each street crossing or compaction tests every 100 feet are required for the alternate repair detail.

- (5) Concrete Streets. Resurfacing of concrete streets shall be accomplished by the permittee with materials and methods meeting the specifications of the city street code for concrete streets. The final surface shall be of the same materials and depth as the existing concrete pavement.
- (6) Separations. Unless otherwise approved by the City Engineer, the following minimum separations shall be maintained for new installations. A minimum of 5 feet horizontal and 2 feet vertical shall be maintained between water or sewer mains and electrical services. A minimum of 2 feet horizontal and 18 inches vertical shall be maintained between water or sewer mains and gas mains or cable or telephone services. A utility that must cross another utility should do so as close to perpendicular as possible but not less than 45 degrees. A minimum of 10 feet horizontal shall be maintained between water or sewer mains and buildings, retaining walls, masonry fences, gates, masonry mailboxes, air conditioning units, generators or other such obstructions. A minimum of 10 feet horizontal, and 1.5 feet vertical shall be maintained between water mains and sewer mains with the water mains passing above. If conditions limit these separation requirements, then that utility shall be encased in concrete or an approved carrier pipe for a distance of 5 feet each side of the water or sewer main.
- (g) Width of Pavement Repairs
- (1) The minimum width of a repair is shown in the standard details. Trenches shall be located away from curbs, other utility trenches, foundations, walls, sidewalks, etc., with enough separation to allow space for the installation of the concrete T Cap, including a solid undisturbed soil wall between two parallel trenches. Pavement replacement wider than those shown in the standard details shall be required under the conditions described in the following sections.
- (2) **TRANSVERSE CUTS FOR SERVICES AND PIPES 2" IN DIAMETER OR LESS IN RECENTLY PAVED STREETS.** If a street has been paved within the previous five (5) years of the proposed cut, then transverse cuts across a street for service lines and 2" diameter or smaller pipes shall not be permitted. Boring shall be used to install service lines and these smaller lines. Service lines are defined as any cable, wire, pipe, tubing, or conduit less than two inches (2") in diameter. If attempts have been made to install services and they have failed, then the open cut described for mains may be used if approved by the City Engineer. If the boring operation causes an uplift in the pavement, then the area shall be cut out and repaired in accordance with the standard trench cut repair detail. If the main line is under the street, and a boring pit is required in the street, then an open cut may be utilized if approved in advance by the City Engineer.

- (3) **CUTS FOR LARGER PIPES IN RECENTLY PAVED STREETS.** If a street has been paved within the previous five (5) years of the proposed cut, no longitudinal cuts will be permitted and the proposed project shall be postponed and rescheduled. If an emergency exists or the City Engineer determines, in his or her sole discretion, that a cut is necessary, then the City Engineer may approve boring or an open cut exception. However, if longitudinal cuts are approved, the entire full lane width of the street shall be completely milled and repaved for the entire length of the cut plus 10 feet on each end.
- (4) **TRANSVERSE CUTS FOR ALL OTHER STREETS.** If the pavement has been in place more than five (5) years, then open cuts may be used for transverse cuts for services, mains, cables, or conduits. The pavement replacement shall be straight and of uniform width. If spalling or breaking of the cut edges occur, the replacement pavement width shall continue to be increased until a uniform straight edge can be provided. If two transverse cuts are located closer than ten (10) feet apart, then the pavement replacement shall be combined and made continuous for the entire space between the two.
- (5) **LONGITUDINAL CUTS.** Longitudinal cuts in city streets are discouraged and the utility is encouraged to locate their installation outside the paved area. Prior approval of the city is required for longitudinal cuts. If longitudinal cuts in the paved area are necessary, and if the pavement has been in place for more than five (5) years, then longitudinal cuts shall be compacted and have a concrete cap installed according to the standard details. However, the milling and asphalt replacement shall have a minimum width of one half of the travel lane or parking lane. If the longitudinal trench meanders along the street and crosses the half lane strip, then the repair shall be a full lane width for a minimum distance of twenty-five (25) feet either side of the crossover point. If the trench is located closer than four (4) feet from the edge of the

shoulder, sidewalk, or curb, then the asphalt repair shall also extend to the edge of the shoulder, sidewalk, or curb.

(h) **Unstable Subgrade or Trench Walls.** Street pavement repairs shall have straight saw-cut edges and a uniform width. If the edges break off or collapse so that the straight edge is compromised, then the repair edge shall be increased in width to encompass the widest section. If the resulting concrete T Cap is more than six (6) feet wide, then the City Engineer shall be consulted and alternate repair methods may be approved. Additional compacted fill and testing, geotextile fabric, soil additives, soil cement, larger aggregate, flowable fill, soft concrete, and other alternate methods may be proposed by the permittee to remedy unstable subgrade and trench wall conditions. The final pavement replacement shall not be made until the City Engineer has approved the subgrade or trench wall repair.

(i) Spot Repairs and Patches. Patches are defined as the spot repairs required for manhole, valve, meter box, or spot excavation type repairs. The backfill compaction and T Cap repair method with a 12" ledge are the same for spot repairs as for other repairs. However, as an alternate method, full depth flowable fill may be used rather than compacted Class 7 and the concrete T Cap. The edges of the repair shall be sawn straight and smooth. The repair shall be square or rectangular in shape with no outlying points or irregular shapes. The edges of the repair shall be parallel and perpendicular with the direction of the traffic lane. If the patch is within four (4) feet of another proposed patch repair, then the new pavement patch shall be extended to the adjacent patch line.

(j) Standard Details. Standard details and illustrations are an integral part of the city street repair specifications. They are included within this ordinance, and are placed for convenience on the pages following the text and are depicted as Appendix I and II. They include standard details and illustrations of proper pavement repair. Please use the links below to access Appendix I and II:

- <https://www.cityhs.net/DocumentCenter/View/8557/Ordinance-6250-Appendix-I>
- <https://www.cityhs.net/DocumentCenter/View/8556/Ordinance-6250-Appendix-II>

(Ord. No. 6250, §1,8-21-18)

15-10-31. Traffic control and protection.

(a) Traffic lanes shall be left open and maintained on streets while work is in progress. Blocking or barricading of streets and intersections will not be permitted without the approval of the city engineer, who shall in turn notify other departments of the city, including the fire and police departments. Persons excavating in streets will be required to provide facilities enabling the use of intersections by pedestrians and driveways by residents located on streets where work is in progress.

(b) As a protection to traffic and pedestrians, barricades or dirt excavated shall be maintained adjacent to the excavation. When work concerned is a public hazard, signs signifying the same shall be exhibited. Amber lights or flares shall be maintained on excavations from dusk to daybreak. Such equipment, shall be located at each end and along the entire length of the excavation. Unless lights can be observed from any direction, additional lights or flares shall be provided. Lights shall also be maintained on tool boxes, machinery or other equipment left on public streets or alleys.

ARTICLE VII. CURB CUTS AND DRIVEWAYS

15-10-32. General.

(a) Curb cuts and driveway construction within street right-of-way shall first require a permit from the city. Request for approval, plans and specifications and other requirements of these street specifications shall apply to curb cuts and driveway construction.

- (b) The submitted plan shall include:
- (1) existing street curbing, street right-of-way, other driveways, entrances and intersections of streets within one hundred (100) feet of the proposed construction;
 - (2) the horizontal dimensions necessary to accurately locate and size existing pavement, curbs and gutters, sidewalks, rights-of-way and storm drains;

- (3) the elevations of the existing top of curb and gutter flow line at the centerline of the proposed drive and 50 feet either side of the proposed drive; and
- (4) the elevations necessary to indicate the grades of the proposed drive.

(c) Driveways shall have an intersection radius of the back of the curb of five feet for single family residential driveways, ten feet for multi-family residential, and fifteen feet for commercial and industrial driveways.

(d) Driveways shall be located such that no part of the driveway apron is closer than forty feet to a point in the nearest street intersection. Said intersection point shall be the point of intersection of the extended lines of the back of curbs of the two intersecting streets. In no case shall the intersecting driveway radius encroach upon the intersection radius of a street or another driveway.

(e) The minimum tangent length of curb between driveways on the same property shall be twenty feet.

(f) The maximum grade from the street gutter line to the street right-of-way line shall be twelve percent.

(g) The minimum width of a single family residential driveway shall be ten feet which shall not include the required five feet intersection radius, and the maximum width shall be twenty-four feet.

(h) The minimum width of a driveway for all properties other than single family residential shall be twelve feet and the maximum width shall be forty-eight feet.

(i) Driveways for single family properties may be surfaced with asphalt or concrete between the gutter line and the right-of-way.

(j) Driveways for all properties other than single family residential shall be surfaced with concrete between the gutter line and the right-of-way.

(k) Asphalt surface shall include a minimum of two inches deep surface course of hot mix asphalt concrete type 2 or 3 meeting the requirements of the AHTD standards. The asphalt surface shall be placed over a six-inch deep base course of Class 7 aggregate meeting the material and construction requirements of the AHTD standards.

(l) Concrete surface shall have a minimum of six inch deep Portland cement concrete reinforced with ten-gauge wire fabric at six inches on center or equivalent reinforcing.

(m) Concrete for driveways shall have a minimum 28-day compressive strength of 3000 pounds per square inch.

(n) Where curbs are proposed to be installed on driveways or where the grade of the driveway is at a different elevation than an adjacent sidewalk or crosswalk, handicap ramps shall be installed in accordance with the Americans With Disabilities Act (ADA).

(o) Upon request, the City may install driveway culverts in residential areas within the right-of-way of existing public streets, where the property to be accessed by the driveway is either a pre-existing residential unit or a vacant property for which there is no active building permit or other development planned. The property owner shall be responsible for the costs of the culvert material which shall be paid prior to installation. The City shall be responsible for costs associated with installation of the culvert. The culvert material and installation must conform to the requirements of the Drainage Ordinance. The City shall not install driveway culverts for commercial or industrial developments or property nor in active residential developments (e.g., subdivisions under construction) or other residential property for which a building permit is active or planned. (Ord. No. 5187, §1, 5-5-03)

ARTICLE VIII. VARIANCES & PENALTY

15-10-33. Variances.

(a) The rules and regulations set forth in these regulations are the standard requirements of the city. Where the applicant alleges that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, the city engineer shall review such requests for variances and shall forward his recommendation to the board of adjustments and appeals for final action so that substantial justice may be done and the public interest secured. Such variances, however, shall not have the effect of nullifying the intent and purpose of these regulations. The following criteria shall be used to determine whether a variance shall be granted:

- (1) The conditions upon which the request for variance is based are unique to the property because of its particular physical surroundings, shape or topographical conditions.
- (2) The granting of the variance will not be detrimental to the public safety, health or welfare of, or injurious to, other property.

(b) No variance shall be granted except upon written petition by the developer when the request for approval is filed with the city. The petition shall state fully the grounds for the variance and all of the facts upon which the petition is made. In approving variances, the board of adjustments and appeals may, at its option, require special conditions to ensure construction in accordance with objectives, standards and requirements of this Ordinance. (Ord. No. 5533, §2, 2-5-07) **Cross reference-**Board of adjustments and appeals, §2-8-14.

15-10-34. Penalty.

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, § 18, 3-5-01)

Cross reference-Violation of building and development codes - disconnection of water service, §15-1-8. (Ord. No. 4835, § 1, 12-6-99) **Editor's note-** Ordinance 4851 (1-17-2000) was replaced by Ordinance 4835 (8-21-2018).

15-10-35. Alternative material and methods.

Developers may propose alternative materials, methods and designs in accordance with the U.S. Green Building Council, Leadership Energy and Environmental Design (LEED) voluntary rating system. Such proposals must include documented evidence from professional engineers, architects, or environmental planners demonstrating the effectiveness of the proposed alternative materials, methods and designs in meeting the intent and purpose of these regulations. For purposes of this section a LEED consists of a long-term, integrated, systems approach to developing and achieving a healthy community by jointly addressing economic, environmental, and social issues. Any such proposals must be specifically approved by the Planning Commission and the City Engineer. (Ord. No. 5052, §1(b), 1-22-02)