

**DYER, ARKANSAS**

**ORDINANCE NO. 2023-02-28-02**

AN ORDINANCE REQUIRING PERMITS FOR ANY PERSONS PERFORMING WORK IN ANY CITY STREET OR RIGHT OF WAY; AND PROVIDING A PENALTY FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.

WHEREAS, the City of Dyer is working to secure resurfacing of all of the City's streets;

WHEREAS, one of the factors causing deterioration of the City's streets is excavation or cuts into the streets for utility work; and

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

**SECTION 1:** It is the express preference that all utility work within the City right of ways be done by boring or pushing of utilities rather than excavation or cutting.

**SECTION 2:** Any work within the City's right of ways shall require a permit issued by the mayor or the mayor's representative. The permit fee for street cuts and/or street excavations shall be \$2,500.00. The permit fee for boring or pushing under a street shall be \$250. A surety bond shall also be required to ensure the restoration of streets, bond in the amount of \$5,000 shall be required for excavations or cuts and \$500 for boring. The bonds shall be required for 1 year following the completion of the work. All cuts and excavations shall be 24" in width uniformly with smooth saw cut edges.

**SECTION 3:** Any street damaged during the work shall be permanently restored no more than thirty (30) days after the completion of work. The base shall be compacted to 95% and the surface shall be of the same material as the original street. Gravel shall be prohibited. The permittee shall guarantee the restoration not to change vertically more than 3/8" for every four feet of length. The restoration shall be guaranteed for one year.

**SECTION 4:** Any person failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction in any sum not less than five hundred dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00), and each day that said condition shall exist shall be considered a continuing offense subject to an additional fine of

not less than five hundred dollars (\$500.00) nor more than Two Thousand Five Dollars (\$2,500.00) per day.

**SECTION 5:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6:** This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Dyer, Arkansas, because this ordinance protects the investment in paving city streets and roads that has been expended in the past month and protects newly paved roads from unnecessary damage. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED ON THIS THE 28<sup>TH</sup> DAY OF FEBRUARY, 2023.

APPROVED:

  
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Mayor

ATTEST:

  
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Recorder/Treasurer