

**TITLE XV UNIFIED DEVELOPMENT CODE  
CHAPTER 171: STREETS AND SIDEWALKS**

171.01 MISCELLANEOUS PROVISIONS ..... 3

171.02 INTERSECTIONS ..... 3

171.03 RESERVED ..... 4

171.04 CROSSWALKS TO BE ACCESSIBLE TO PHYSICALLY DISABLED ..... 4

171.05 PROCEDURE FOR CLOSING UTILITY EASEMENTS AND STREET RIGHTS-OF-WAY ..... 4

171.06 OCCUPATION OF STREETS AND HIGHWAYS BY PUBLIC UTILITIES ..... 4

171.07 MAINTENANCE AND CONSTRUCTION POLICIES ..... 6

171.08 ORDER OF CITY COUNCIL OR PERMIT REQUIRED ..... 6

171.09 APPLICATION FOR PERMIT ..... 6

171.10 STANDARDS FOR ISSUANCE OF PERMIT; EXPIRATION AND REMOVAL ..... 6

171.11 INSPECTION OF WORK; REPLACEMENT OF REJECTED WORK ..... 7

171.12 PROPERTY OWNER TO CONSTRUCT SIDEWALK OR CONTRIBUTE COST OF SIDEWALK 7

171.13 SIDEWALK, DRIVEWAY AND TRAIL SPECIFICATIONS ..... 8

171.14 EXCAVATIONS ..... 11

171.15 STREET IMPROVEMENT DISTRICTS ..... 12

171.16-171.99 RESERVED ..... 14



## CHAPTER 171: STREETS AND SIDEWALKS

### 171.01 Miscellaneous Provisions

(A) *Rules and regulations governing street improvements.* The City Engineer is hereby authorized to prepare such rules and regulations in connection with the standardization of the design, construction, and maintenance of street and alley paving, including driveways, sidewalks, storm sewers, culverts and bridges, material, and construction methods, including approval of all such work, and for other matters and things in connection with the construction and maintenance of such work, which lie within the jurisdiction of the city, as to him/her shall deem proper, necessary, or expedient. Upon the preparation of such rules and regulations, they shall be submitted to the City Council and upon approval by the City Council, either by motion or resolution, such rules and regulations shall govern the design, construction and maintenance of street improvements as stated in this section. Such rules and regulations, when approved by the City Council, shall have the same force and effect as law and violations thereof shall be punished as provided in Chapter 153.

(B) *Designation as streets or avenues.* All thoroughfares now or hereafter platted, which run in an east and west direction through the corporate limits of the city, shall be designated as "street," and all thoroughfares now or hereafter platted, which run in a north and south direction through the corporate limits of the city, shall be designated as "avenues." This section shall not be construed so as to prohibit the use of such descriptive names as "boulevard," "road," "way," "trail," and the like which might be used indiscriminately as a designation of the thoroughfare, and this section shall in no way be deemed applicable to any alleys or alleyways.

(C) *Retaining walls near sidewalk or right-of-way.*

(1) *Permit.* It shall be unlawful for any person to construct any retaining wall within two (2) feet of the inside of any sidewalk in the city or, if there is no sidewalk, within two (2) feet of the platted line of the city right-of-way, without first obtaining a permit to do so from the Mayor, or other official designated by the Mayor.

(2) *Established line.* In all cases where a permit is required under the terms of this section, the City Engineer shall establish the line upon which the retaining wall is to be built.

(D) Gated streets not allowed in most residential subdivisions.

No residential subdivision or apartment complex shall be constructed with a gate across a street without prior express approval by resolution of the City Council that finds that security considerations favoring a gate outweigh aesthetic considerations and the city's policies in favor of connectivity, openness and neighborliness.

(E) *Taxi Stands.* Taxi stand shall mean such portion or portions of the public street or highway designated by the City Council of the City of Fayetteville as a place in which taxis may stand or park.

(1) No unattended parking allowed. A taxi must remain attended by its driver and ready for service while located within a taxi stand.

(2) City Council Establishment of Taxi Stands:

(a) The City Council may establish taxi stands on portions of public streets or facilities or private areas if permitted by the owner.

(b) The establishment, enlargement, or removal of a taxi stand shall be by City Council Resolution after a public hearing. Adjoining property owners within the block of the street or abutting the parking lot in which the taxi stand is proposed shall be notified by mail by the Planning Division and a planning notification sign shall be placed near the taxi stand location two weeks before the public hearing at City Council.

(Ord. No. 845, 5-6-40; Ord. No. 1026, 6-23-52; Ord. No. 1262, 5-8-61; Code 1965, §18-1, 18-2, 18-7; Ord. No. 2623, 4-15-80; Code 1991, §98.01, 98.02, 98.06; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4579, 06-01-04; Ord. 4946, 11-21-06)

**Cross reference(s)**--Enforcement, Ch. 153.

### 171.02 Intersections

(A) Streets shall be planned and designed to provide a safe system for present and prospective traffic and shall be approved by the City Engineer.

(B) Proposed streets shall be planned in such a manner as to provide safe access to proposed lots.

(C) Design standards:

	Ordinary	Hilly
Approach	25 mph	20 mph
Sight distance	90 feet	70 feet
Grades within 100 ft.	Flat	4%
Minimum angle	75°	75°

Minimum Curb Radius		
Minor streets	30 feet	30 feet
Collector streets	50 feet	50 feet

Minimum Jog		
Minor streets	150 feet	150 feet
Collector streets	200 feet	200 feet

(Code 1965, App. C., Art. IV, §E; Ord. No. 2196, 2-17-76; Code 1991, §159.50; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**171.03 Reserved**

(Code 1965, App. C., Art. IV, §J; Ord. No. 2935, 8-2-83; Ord. No. 3302, 10-20-87; Code 1991, §159.55; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5296, 12-15-09)

**171.04 Crosswalks To Be Accessible To Physically Disabled**

At all pedestrian crosswalks on collector and arterial streets, in commercial zones, and on those streets financed by federal funds throughout the city, adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after the effective date of this section shall be provided.

(Code 1965, §18-14; Ord. No. 2267, 8-17-76; Code 1991, §98.12; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**171.05 Procedure For Closing Utility Easements And Street Rights-Of-Way**

The procedure for closing of streets and alleys shall hereafter be as follows:

- (A) *Information to City Clerk.* Petitioners shall present to the City Clerk in duplicate the following information before processing shall begin:
  - (1) *Petition/plat.* Petition to close and vacate street or alley, including a certified or photostatic copy of the plat on record in the Circuit Clerk's office.
  - (2) *Abstractor's certificate.* Abstractor's certificate of ownership.
  - (3) *Utilities comments.* Comments from owners or agents, of all utility companies concerning streets or alleys to be closed and its relationship to existing or planned utilities,

with recommendations, as to what action should be taken.

- (B) *Information to Zoning and Development Administrator/Planning Commission.* One copy of the above shall be presented by the City Clerk to the Zoning and Development Administrator who shall submit same for review and recommendation of the Planning Commission.

- (C) *Recommendation to City Council.* The recommendation of the Planning Commission shall be forwarded to the City Council.

- (D) *Record with Circuit Clerk.* If an ordinance is adopted closing or vacating the street or alley, it shall be published and reported in the Circuit Clerk's office.

- (E) *Exception.* The vacation request need not be presented to the Planning Commission before being submitted to the City Council if the City Council finds the following by a vote of at least two-thirds of its membership and the Mayor:
  - (1) The street, alley, or right-of-way to be vacated has not been constructed or has not been used by the public for at least five years or the easement does not contain any utilities within the area to be vacated; and
  - (2) Special circumstances exist which require prompt consideration of the vacation request and justify the bypass of the Planning Commission.

(Code 1965, §18-15; Ord. No. 1685, 7-7-69; Ord. No. 1898, 1-16-73; Code 1991, §98.13; Ord. No. 3925, §1, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5127, 4-01-08)

**Cross reference(s)**--Notifications and Public Hearings, Ch. 157, Fees, Ch. 159.

**171.06 Occupation Of Streets And Highways By Public Utilities**

Any public utility, as defined by state law, which occupies the streets, highways or other public places of the city under a franchise granted by the city or the state shall occupy said streets, highways or other public places subject to the following terms and conditions:

- (A) *Written approval.* A public utility shall not erect or place any facility more than seven (7) feet inside the right-of-way line for any street without the prior written approval of the Mayor, who shall grant such approval only if he determines that the facility will not impair or obstruct present or future vehicular and pedestrian traffic.
- (B) *Relocation.* Whenever public utility facilities which are located within a public right-of-way

## TITLE XV UNIFIED DEVELOPMENT CODE

must be relocated in order not to impair or obstruct vehicular or pedestrian traffic on any new or existing street, highway, road, or sidewalk, the public utility shall be required to relocate its facilities within a reasonable time from receipt of written notice from the Mayor, and shall bear its own relocation costs; provided, where any project is funded with federal or state funds and said funds are received by the city for the purpose of reimbursing utility relocation expenses, the utility shall receive such reimbursement. This division shall not be construed as requiring a utility to relocate its facilities within or from a private easement without payment of just compensation.

(C) *Policies.* The following policies approved by Arkansas State Highway Commission, Minute Order 70-300 shall apply to the accommodation and adjustment of utilities on street and alley right-of-ways within the city:

(1) *General criteria:*

- (a) *Underground utility construction.* Underground utility construction shall conform to all applicable codes, standards, and specifications.
- (b) *Depth.* The depth of bury for new or replacement utility installations shall be established by the utility on the basis of engineering and safety factors for the area; and in keeping with the degree of hazard or protection required for the line involved; provided, however, that the normal minimum depth of bury on all cross lines shall be 2 ½ feet below the low points of roadway cross section, or 3 ½ feet below the bottom of surfacing (top of subgrade), whichever gives the greater depth; and the normal minimum depth of bury on all parallel (longitudinal) lines shall be two (2) feet.
- (c) *Aboveground appurtenances.* Pedestals or other aboveground utility appurtenances shall be located at or near the right-of-way line well outside of the street maintenance operation area.
- (d) *City Engineer approval.* All proposed locations and utility designs shall be reviewed and subject to approval by the City Engineer to ensure that the proposed construction will not cause avoidable interference with existing or planned street facilities, or with street operation or maintenance. The procedure for submitting plans and information to the City Engineer for approval shall be developed and agreed

upon by each utility and the City Engineer.

- (e) *Expansion of underground utilities.* On both cased and uncased installations, particularly on crossings installed in advance of new street construction, consideration should be given by the utility for placing a spare conduit or duct to accommodate known or planned expansion of underground lines.
- (f) *Underground installations.* The controls for pipelines as apply to encasements, conduits, appurtenances, installations, trenched and untrenched construction, and adjustments shall be followed, as applicable, on underground installation of electric power and communication lines.

(2) *Location and alignment:*

- (a) *Crossings.* Crossings should be located as near normal to the street alignment as practical.
- (b) *Underground crossings.* Conditions which are generally unsuitable or undesirable for underground crossings should be avoided. These include locations such as deep cuts; near footings of bridges retaining walls; across intersections at grade or ramp terminals; at cross drains where flow of water, drift, or stream bedload may be obstructed; within basins of an underpass drained by a pump; land in wet or rocky terrain where it would be difficult to attain minimum bury.

(3) *Cased and uncased construction:*

- (a) *Without protective conduit.* Where acceptable to both the utility and the City Engineer on minor streets, underground crossings may be installed without protective conduit or duct. Normally, such installations should be limited to open-trenched construction or to small bores for pipe, wire or cable facilities where soil conditions permit installation by boring a hole about the same diameter as the pipe or cable and pushing the pipe or pulling the cable through.
- (b) *Encased in protective conduit.* Where crossings of underground lines are encased in protective conduit or duct, the encasement shall extend a suitable distance (minimum where practical

equal to the depth of bury) beyond the slope or ditch lines. On curbed sections, it should extend outside the outer curbs or sidewalk. Where appropriate, the encasement shall extend to the access control lines, to the outside of frontage roads, or to an indicated line that allows for future widening of the street.

- (c) *Other.* Consideration should be given to encasement or other suitable protection for any pipe, wire or cable facilities with less than minimum bury, near the footings of bridges or other street structures, or near other locations where there may be hazard.

- (4) *Street design.* When plans for street improvement and development are formulated, utility line locations should be recognized and the street designed so as to minimize conflict with existing utilities.

(Code 1965, §18-17.1; Ord. No. 2850, 8-17-82; Ord. No. 2926, 6-7-83; Ord. No. 3245, 3-3-87; Code 1991, §98.14; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**171.07 Maintenance And Construction Policies**

The city's policies concerning and regarding the maintenance and construction of streets, curbs, gutters, and sidewalks shall be as follows:

- (A) *Maintenance.* The city shall maintain roadways in the city which have been accepted by the city as city streets, or which have come under the jurisdiction of the city by or through annexation.

- (B) *Priorities.* The following factors shall be considered in establishing priorities for roadway resurfacing and rebuilding:

- (1) *Function.* The function of the street, that is, the streets which carry or are expected to carry heavy amounts of traffic shall have priority over lesser streets.

- (2) *Condition.* The condition of the pavement, in general, roadways which are more deteriorated shall have priority over those streets of lesser deterioration. However those streets of lesser deterioration may have priority when it is determined that the benefits of resurfacing the roadways of lesser deterioration may be greater.

- (C) *Sidewalks.*

- (1) *Repair/replacement.* Existing city sidewalks shall be repaired and replaced by the city, as needed.

- (2) *Priorities.* In establishing priorities for sidewalk repair or replacement, the factors to be considered shall include, but not be limited to the following:

- (a) The conditions of the sidewalk;
- (b) The expected level of pedestrian traffic; and,
- (c) The use of the sidewalk by school children.

(Code 1965, 18-47; Ord. No. 1725, 1-8-70; Ord. No. 2647, 7-15-80; Ord. No. 2655, 8-5-80; Ord. No. 2724, 5-19-81; Code 1991, §98.15; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**Cross reference(s)**--Sidewalks, §158.06.

**171.08 Order Of City Council Or Permit Required**

No person shall begin to construct, reconstruct, repair, alter or grade any sidewalk, curb, curb-cut, driveway or street on the public streets, unless the same has been properly ordered by the City Council, or plans for such have been approved by the city as site improvements for a subdivision, or a permit has been issued by the city's official charged with the administration of this chapter.

(Code 1965, §18-25; Ord. No. 1790, 3-15-71; Code No. 1991, §98.61; Ord. No. 4100, §2 (Ex.), 6-16-98)

**Cross reference(s)**--Penalty, §98.99; Sidewalks, §158.06.

**171.09 Application For Permit**

An applicant for a permit hereunder shall file with the city official an application showing:

- (A) Name and address of the owner, or agent in charge, of the property abutting the proposed work area;
- (B) Name and address of the party doing the work;
- (C) Location of the work area;
- (D) A plan or clear description of the work to be done;
- (E) Such other information as the city official shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(Code 1965, §18-26; Ord. No. 1790, 3-15-71; Code 1991, §98.62; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**171.10 Standards For Issuance Of Permit; Expiration And Removal**

TITLE XV UNIFIED DEVELOPMENT CODE

(A) The city official shall issue a permit hereunder when he/she finds:

- (1) That the plans have been approved.
- (2) That the work shall be done according to the specifications contained herein.
- (3) That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress to and egress from the property affected and adjacent properties.
- (4) That the health, safety, and welfare of the public will not be unreasonably impaired.

(B) Any permit issued shall expire three (3) months from the date of issue and may be renewed upon application.

(Code 1965, §18-29; Ord. No. 1790, 3-15-71; Code 1991, §98.64; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**171.11 Inspection Of Work; Replacement Of Rejected Work**

(A) The city official shall make all necessary inspections before, during and after the construction of all sidewalks, curbing and guttering to insure the work is being done in accordance with the plans and specifications. In the event any or part of any work is not done in a satisfactory manner or not in conformity with the plans and specifications, the city official shall notify the contractor and owner in writing of his/her nonacceptance of the work. All such rejected work shall be removed and replaced within 30 days of this notification.

(B) Advance notification must be given the city official for inspections under this section.

(Code 1965, §18-30; Ord. No. 1790, 3-15-71; Code 1991, §98.65; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**171.12 Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk**

(A) *Requirement.* The owner of any property abutting a public street or highway for which a sidewalk is required by the city's Master Street Plan, shall construct a sidewalk in accordance with §171.13 of this code, along said street or highway upon the receipt of notice issued at the time a building or parking lot permit is issued.

- (1) The property owner shall construct the sidewalk in accordance with §171.13. Sidewalk and driveway specifications.

(2) The property owner may request a waiver to §171.12(A)(1) requiring sidewalk construction. The sidewalk administrator shall review the following factors to determine whether or not to grant a waiver:

- (a) Pedestrian traffic generators such as parks and schools in the area.
- (b) The existence of a sidewalk network in the area.
- (c) The density of current and future development in the area.
- (d) The amount of pedestrian traffic likely to be generated by the proposed development.
- (e) Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover and natural areas would be adversely impacted by the construction of the sidewalk.
- (f) The overall need for a sidewalk to be constructed on the lot.

(3) If the Sidewalk Administrator grants the waiver to construct a sidewalk, the owner shall have an option to construct the sidewalk, or to contribute money in lieu of construction as set forth below:

- (a) The amount of money in lieu of construction to be dedicated shall be determined based upon the rough proportionality of the impact of the development upon the sidewalk infrastructure needs near the development including consideration of the persons served by the development and approximate pedestrian trip generation rates of the development.

(b) To facilitate administration of this ordinance for certain recurrent types of development, the City Council has determined that the city will accept, as the roughly proportionate impact, the amount shown below:

- (i) Single family house           \$630.00
- (ii) Duplex                           \$720.00

(c) Unless the developer presents evidence that the number of persons served by the development and the pedestrian trip generation rates of the development justify a reduced contribution in lieu of

the construction of sidewalks, all industrial, commercial, and multi-family developments shall make a cash contribution in lieu of the construction of the sidewalk at a rate of three dollars (\$3.00) per square foot of the sidewalk that normally would have been required. The amount per square foot and amounts for a single family house and a duplex shall be reviewed by the City Council at least every five (5) years.

- (d) Contribution in lieu of construction of sidewalks shall be paid or construction of the sidewalks shall be completed before receiving final plat approval, or issuance of a certificate of occupancy.
  - (e) Contributions must be expended within one (1) year to build a sidewalk close enough to serve the project being constructed.
  - (f) If the owner voluntarily consents in writing, the contributions may be used to construct sidewalk projects where most needed as determined by the sidewalk administrator.
- (4) An owner/builder may appeal the sidewalk administrator's refusal to grant a waiver or the administrator's determination of the amount of contribution in lieu of construction to the Planning Commission pursuant to §155.06(D).
- (B) *Application of provisions.* The provisions of this section shall only apply to the following property:
- (1) *New structure.* On which a new structure is being built;
  - (2) *Existing residential structure.* On which an existing residential structure is being modified so as to increase the number of dwelling units located therein or to change the use of the nonresidential use.
  - (3) *Parking lot/garage.* On which a parking lot, or parking garage having a minimum capacity of five (5) automobiles is constructed and/or improved or altered.
  - (4) *Additions.* Additions of 2,500 square feet or larger.
  - (5) *Conditional use.* Any development which requires conditional use approval.

(Code 1965, §18-31; Ord. No. 2653, 8-5-80; Ord. No. 2780, 11-17-81; Ord. No. 2917, 5-3-83; Ord. No. 3113, 9-3-85; Code 1991, §98.66; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4311, 5-1-01; Ord. No. 4387, 4-16-02)

### 171.13 Sidewalk, Driveway And Trail Specifications

(A) *Sidewalks.*

- (1) *Grades; establishment of property lines.* All sidewalks, access ramps, and driveway approaches shall be constructed in grades as approved by the City Engineer. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.
- (2) *Minimum width of sidewalks.* The minimum width of sidewalks shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan. In all cases, the effective width of the sidewalk shall be a minimum of 4 feet. Effective sidewalk width is the actual sidewalk width, less:

A shy distance of 2 feet where vertical barriers (walls, fences, signs, etc) greater than 3.5 feet in height are adjacent to the sidewalk and extend more than 4 feet in length parallel to the sidewalk. A shy distance of 1 foot is required for all other fixed obstacles.

- (3) *Sidewalk distances from the curb.* The sidewalk setback distance from the curb shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan.
- (4) *Minimum distance between sidewalk and slopes.* There shall be a minimum of one (1) foot between the sidewalk and the beginning of a slope as shown on the typical section detail.
- (5) *Cement-concrete requirements.* All sidewalks, access ramps, and concrete driveway approaches shall be constructed of a portland cement concrete mixture that includes at least 5.5 bags of cement per cubic yard and contains 4 to 7 percent air entrainment and that will produce a concrete of a compressive strength of 3,500 pounds per square inch after 28 days set under standard laboratory methods.
- (6) *Minimum thickness of sidewalks and driveway approaches.*
  - (a) *Sidewalks.* The minimum thickness of sidewalks shall be four (4) inches. Any fill materials required for residential or commercial sidewalks shall consist of approved compacted material.

TITLE XV UNIFIED DEVELOPMENT CODE

- (b) *Residential driveway approaches.* The minimum thickness of residential driveway approaches shall be six (6) inches with four inches of compacted base material or six-inch by six-inch 10-gauge reinforcing steel mesh.
- (c) *Commercial driveway approaches.* The minimum thickness of commercial driveway approaches shall be six (6) inches with six (6) inches of compacted base material or six-inch by six-inch 10-gauge reinforcing steel mesh.
- (7) *ADA guidelines.* Sidewalks shall conform to ADA guidelines.
- (8) *Continuous through driveway approach.* Sidewalks shall be continuous through driveways with an expansion joint at the edge of the sidewalk opposite the street.
- (9) *Edge adjacent to street.* The sidewalk edge adjacent to the street shall have at least one (1) inch deep grooved joint mark (cannot be a saw cut, however it can be a cold joint) to clearly define the sidewalk through the driveway and approach.
- (10) *Sidewalk elevation.* The back of sidewalk elevation shall be such that the slope from the back of sidewalk to the top of curb is 2%, unless otherwise approved by the City Engineer. This elevation shall be continuous through the driveway approach.
- (11) *Cross Slope.* Sidewalk cross slopes shall be a minimum of one (1) percent and a maximum of two (2) percent. Sidewalks that are to be constructed adjacent to the curb shall be so located at their intersection with the driveway approach the ADA requirement of the two (2) percent maximum cross slope is met.
- (12) *Joint material.* Wood shall not be acceptable in sidewalks for expansion joints. The joint material shall be asphalt impregnated fiberboard meeting the requirements of AASHTO M213, or other joint material meeting the requirements of the latest version of the Arkansas State Highway and Transportation Department Standard Specifications.
- (13) *Expansion joint.* Full depth expansion joints (four inches) shall be provided at intervals not greater than 50 feet, and where sidewalks abut drainage structures, retaining walls, building faces, and all other fixed objects. One-quarter depth (one inch) weakened plane joints, or saw-cut joints, shall be placed in sidewalk at regular intervals not greater than the width of the sidewalk. Maximum joint spacing shall not be greater than two times the thickness of the sidewalk. Saw joints shall be filled with self leveling sealant such as Sonneborn SL1 or equivalent.
- (14) *Inspection.* All sidewalks and curb cuts made for driveway approaches require an inspection prior to the concrete placement.
- (15) *Materials.* The material used for sidewalk construction shall be Portland cement concrete having a broom finish. The use of other materials must have the approval of the Sidewalk/ADA Administrator or the City Engineer.
- (16) *Edges.* All sidewalks shall have one-half (1/2) inch rolled edges.
- (17) *Removal/replacement.* Removal and replacement of broken sidewalks require vertical saw-cuts on both ends of the sidewalk being replaced.
- (18) *Curing compound.* All sidewalks and driveway approaches require the application of a concrete curing compound or the concrete is to be kept moist for seven (7) days.
- (B) *Driveway approaches.*
- (1) *Curb removal.* Curb, if existing, shall be removed for full width of the drive approach.
- (2) *Vertical curb cut.* Vertical curb cutting along the flow-line of the gutter is allowed.
- (3) *No vertical curb cut.* If no vertical curb cut is made, complete curb and gutter removal is required.
- (4) *Concrete removal.* All concrete to be removed shall be saw-cut.
- (5) *Driveway approach.* The area remaining between the sidewalk and the flow-line of the gutter, called the approach to the driveway, shall slope up to the elevation of the sidewalk.
- (6) *Broken edges of saw-cuts.* Broken edges of saw-cuts caused by demolition require a new saw-cut.
- (C) *Access ramps.*
- (1) *ADA requirements.* Access ramps shall conform to ADA requirements, including

Fayetteville Code of Ordinances

detectable warning devices such as truncated domes.

- (2) *Sidewalk intersections.* Access ramps shall be installed at all sidewalk intersections with the street.
- (3) *Raised crosswalk.* The raised or built-up access ramp shall not be installed on public streets without the approval of the City engineer.
- (4) *Minimum width.* The minimum width of a curb ramp shall be Forty-eight (48) inches. Sixty (60) inches is recommended, exclusive of flared sides.
- (5) *Slope.* The slope of the ramp shall not be greater than 8.33% (1:12).
- (6) *Slope of flared sides.* The slope of the flared sides shall not be greater than 10% (1:10).
- (7) *Broom finish.* Access ramps shall have a broom finish.

(D) *Multi-use Trails.*

- (1) *Minimum width of multi-use trails.* The minimum width of trails shall be 12 feet and shall follow the trail cross-section guidelines of the Master Transportation Plan.
- (2) *Trail materials.* Selection of trail surface materials depends upon site conditions. Generally, trails shall be constructed of asphalt except where they are located in floodprone areas or adjacent to vehicular traffic. Final determination of trail construction materials shall be made by the Trail Coordinator.
  - (a) *Asphalt.* Trails shall be constructed of asphalt in areas where the trail is located above floodprone areas and away from vehicular traffic. (Refer to detail in the Master Transportation Plan.)
  - (b) *Concrete.* Trails shall be constructed of concrete when located in or near floodprone areas, vehicular road crossings and access ramps. (Refer to detail in the Master Transportation Plan.)
- (3) *Grades.* All trails shall be constructed with a 2% maximum cross slope in the same direction as the existing grade unless otherwise designated. Longitudinal grade shall not exceed 5%. Longitudinal grade may be varied by the Trails Coordinator for sites

with difficult topography. In such cases the AASHTO longitudinal grade requirement for bicycles shall apply.

- (4) *Asphalt trail requirements.* Asphalt trails shall be constructed of asphalt concrete hot mix surface course. Type III surface course meeting the requirements of AHTD Specifications, 1996 Edition, shall be used unless otherwise approved. Asphalt trail sections shall be constructed to the following standards:
  - (a) *Surface.* Asphalt trail sections shall have a 3 inch thick surface.
  - (b) *Base Course.* Base course for asphalt trails shall consist of a 6 inch thickness of Class 7 aggregate compacted to 95% M.P.D.
  - (c) *Subgrade.* The top 24 inches of subgrade shall meet the requirements of City of Fayetteville Minimum Street Standards. Existing material not meeting these requirements shall be removed and replaced with approved select fill and compacted to 95% Standard Procter Density (S.P.D.) Specific site conditions may require the addition of 4 inch shot rock or other material in order to create a solid base.
- (5) *Concrete trail requirements.* All concrete portions of trails shall be constructed of a portland cement concrete mixture with a compressive strength of 3500 p.s.i. with 4 to 7 percent air entrainment. Concrete trail sections shall be constructed to the following standards:
  - (a) *Surface.* Concrete trail portions shall have a 4 inch fiber reinforced concrete surface with a medium broom finish.
  - (b) *Base Course.* Base course for concrete trails shall consist of a 4 inch thickness of class 7 aggregate compacted to 95% M.P.D.
  - (c) *Subgrade.* Subgrade for concrete trails shall meet the requirements of asphalt trail subgrade.
  - (d) *Expansion joints.* Full depth expansion joints (four inches) shall be provided at intervals not greater than 50 feet, unless slipform paving methods are used. If slipform paving methods are used, expansion joints shall be placed at the end of each day's placement, or as directed. Expansion joints shall also be

TITLE XV UNIFIED DEVELOPMENT CODE

- placed when concrete abuts existing structures.
- (e) **Contraction Joints.** One-quarter depth weakened plane joints, or saw-cut joints, shall be placed in sidewalk at regular intervals matching the trail width, but not greater than 12 feet apart.
  - (f) **Joint Sealant.** All expansion joints and saw joints shall be sealed with joint sealant meeting the requirements of ASTM C920, Type S. A self leveling sealant shall be used for horizontal surfaces. A non-sag sealant shall be used for vertical or nearly vertical surfaces.
- (6) **ADA guidelines.** Trails shall conform to ADA guidelines, to the extent possible.
  - (7) **Trail shoulders.** A two foot shoulder adjacent to the trail shall be graded smooth and should not exceed 2% cross-slope in the same direction as the trail. The Trail Coordinator shall determine the appropriateness and maintenance requirements of plants and grasses adjacent to trails.
  - (8) **Tie back slopes.** The ground beyond the shoulder shall meet the existing grade with a maximum slope of 3:1.
  - (9) **Bollards.** Bollards are required at trail intersections with streets. The Trail Coordinator will provide a bollard detail with standard requirements to the developer prior to construction.
  - (10) **Trail signage.** Trail signage shall comply with the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. The Trails Coordinator will provide a signage detail with standard requirements to the developer prior to construction.
  - (11) **Street Crosswalks.** Trails that intersect and cross public streets shall have a red colored concrete crosswalk with two foot wide white thermoplastic stripes on each side. For major streets, this crosswalk may be raised 2.5 inches above pavement surface. For newly paved lower traveled roads, a red thermoplastic brick pattern may be applied. The Trails Coordinator will provide a crosswalk detail with standard requirements to the developer prior to construction.
  - (12) **Striping.** Center line stripe and a diamond pattern stripe around the bollards shall be installed. Striping shall conform to the

Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. Additional striping may be required for increased safety. Trails Coordinator will provide a striping detail to the developer prior to construction.

- (13) **Variances.** The City of Fayetteville Trails Coordinator may vary the requirements of this section so long as the variance is within the allowances set forth in the Manual on Uniform Traffic Control Devices (MUTCD) or the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities.

(Code 1965, §18-28; Ord. No. 1790, 3-15-71; Ord. No. 2629, 5-6-80; Ord. No. 3117, 9-3-85; Code 1991, §98.67; Ord. No. 4005, §1, 11-19-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4919, 9-05-06; Ord. 5044, 8-07-07; Ord. 5270, 9-1-09; Ord.5333, 7-6-10)

**171.14 Excavations**

- (A) **Permit required.** It shall be unlawful for any person to make any excavation in any street, alley, sidewalk, road, highway, or other public way in the city without first obtaining a permit to do so from the Mayor, or his/her duly authorized representative. Such permit shall be granted only after written application has been filed and the deposit or bond required by §158.02 has been filed. The fee for each permit shall be paid in advance. Provided, however, that utility companies franchised by the city shall be billed monthly for all permits granted during the previous month.
- (B) **Lights and guards.** Every person making an excavation as provided for in this chapter shall place and maintain lights and guards around the same for the protection of the public. Such lights and guards shall be subject to the approval of the Mayor.
- (C) **Repairs of public property; return of cash deposit.**
  - (1) **Cost.** Each person making an excavation under this chapter shall repair the street or other public way at his own expense, and under the direction and supervision of the Mayor.
  - (2) **Standards.** Repair of the street or other public way shall be made to the following standards:
    - (a) **Backfill.** All excavations shall be back filled with SB-2 material applied in eight (8) inch lifts.

(b) *Lift.* Each lift shall be individually compacted.

(c) *Asphaltic surface streets.* In the case of asphaltic surface streets, six inches (6") of Portland concrete shall be placed and allowed to cure. The concrete shall have a layer of prime coat applied and followed by a minimum of three inches (3") of hot-mixed, hot-land asphaltic concrete placed to an elevation matching the existing finished grade.

(d) *Portland concrete surface streets.* In the case of Portland concrete streets, all excavations shall be resurfaced with nine inches (9") of Portland concrete. Joint sealer shall be placed in the area between the repaired surface and the original surface.

(e) *Asphaltic sealed streets/unpaved streets.* Asphaltic sealed streets or unpaved streets shall be resurfaced with a surface similar to that which existed before excavation.

(3) *Notice.* The permittee shall notify the Mayor, prior to beginning such repair, of the time and manner of repair and obtain the approval of the Mayor prior to beginning of such repair and afford the Mayor the opportunity of being present during the progress of such repair until completed.

(4) *Return of deposit.* When the repairs required by this section are completed, approved, and paid for, the Mayor shall authorize the return of any sum deposited under §171.14 above. In the event the permit holders shall fail, refuse, or neglect to make such repairs, the city may repair the street and deduct the cost therefrom from the amount on deposit with the city and the balance of the deposit, if any, shall be paid to the permit holder.

(D) *Street closings for excavation in excess of 24 hours.*

(1) *Prohibited without approval of Mayor.* It shall be unlawful for any person to cause a street to be closed for more than 24 hours due to the making of an excavation without the prior written approval of the Mayor. In granting such approval, the Mayor shall impose time limits and such other reasonable conditions as are necessary to minimize any inconvenience or danger to the public.

(2) *Exception.* This section shall not apply to emergency repairs.

(Code 1965, §18-40, 18-42, 18-44; Ord. No. 1829, 10-18-71; Ord. No. 2806, 4-20-82; Code 1991, §98.80, 98.82, 98.83, 98.84; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**Cross reference(s)**--Penalty, §98.99; Enforcement, Ch. 153; Bonds and Guarantees, Ch. 158; Fees, Ch. 159.

### 171.15 Street Improvement Districts

(A) *Petition to form street improvement district.* Any person desiring to initiate the formation of a street improvement district shall file with the City Clerk a petition requesting the organization of a street improvement district and signed by persons claiming to be a majority in value, as shown by the last county assessment, of the owners of real property in the proposed district. Forms of this petition shall be available to any person at the office of the City Clerk, and the City Engineer shall assist in the preparation of said petition by providing a legal description of the property to be included in the proposed district. Such petition may limit the cost of the improvement to either a fixed sum or to a percentage of the assessed value of the real property in the proposed district.

(B) *Notice of public hearing.* When persons claiming to be a majority in value, as shown by the last county assessment of the owners of real property in a proposed street improvement district file with the City Clerk a petition for the organization of such an improvement district, it shall be the duty of the City Clerk to give notice that such petition will be heard at a meeting of the City Council to be held more than 15 days after the filing of such petition. Such notice shall be published once a week for two (2) weeks, the last insertion to be not less than seven (7) days before the date fixed for the hearing. The Mayor, if he sees fit, may call a special meeting of the City Council for the purpose of hearing such petition, such called meeting to be held not less than 15 days after the date of the call and the notice of the hearing thereat to be published for the time and in the manner above stated.

(C) *Hearing on petition; ordinance establishing district.*

(1) At the time named in said notice, the City Council shall meet and hear all owners of real property within the proposed district who desire to be heard on the question of whether a majority in assessed value of property owners has signed the petition, and shall make a finding of whether the petition is signed by a majority in assessed value of such property owners. The finding of the governing body shall be expressed in an ordinance. If it finds that a majority has signed the petition, it shall then be its duty by the same ordinance to establish the district.

TITLE XV UNIFIED DEVELOPMENT CODE

The ordinance shall designate the boundaries of the district and shall also give the district a name descriptive of the nature of the proposed improvement and a number to prevent it from being confused with similar districts.

- (2) The ordinance shall be published within 30 days after its adoption for one insertion in some newspaper published in the city and the findings of the governing body shall be conclusive unless attached by a suit in the Chancery Court brought within 30 days after such publication.
- (D) *Appointment of Board of Improvement.* In the ordinance creating the district, the City Council shall appoint three (3) owners of real property therein as commissioners, who shall compose a Board of Improvement for the district. Such Board of Improvement shall have control of the construction of the improvements in the district.
- (E) *Plans for improvement.* Immediately after their qualification, the Board of Improvement shall form plans for the improvement as prayed in the petition, and shall procure estimates of the costs thereof. For this purpose, the board may employ such engineers and other agents as may be needful, and may provide for their compensation which, with all other necessary expenditures, shall be taken as a part of the cost of the improvement. If for any cause the improvement shall not be made, said cost shall be raised and paid by an ad valorem tax upon the real property in the district as assessed for state and county purposes, which shall be levied by the City Council on the application of any person interested, and shall be paid to the Board of Improvement, to be distributed amongst the creditors of the district.
- (F) *Appointment of Board of Assessment.* As soon as the Board of Improvement shall have formed said plan, and shall have ascertained the cost of the improvement, it shall report the same to the City Council who shall appoint three electors of the city, who shall constitute a Board of Assessment of the benefits to be received by each lot or block, or other subdivision of land within said district, by reason of said proposed improvement.
- (G) *Assessment of benefits.* The Board of Assessment shall at once proceed to inscribe in a book to be used for the purpose of description of each of said lots, blocks, or parcels of land and shall assess the value of the benefit to accrue to each of said lots, blocks, or parcels of land by reason of such improvement, which assessment of said benefits they shall enter upon said book opposite the description thereof; and they shall

then subscribe said assessment and deposit it in the office of the City Clerk, where it shall be kept and preserved as a public record. Provided, said assessment may be annually readjusted according to additional improvements placed upon the lands, when a succession of collections is necessary to pay for the improvements.

- (H) *Notice of filing of assessment.* Immediately on the filing of said assessments, the City Clerk shall insert in some newspaper published in the city, the following notice:

"The assessment of Street Improvement District No. \_\_\_\_\_, was filed in my office on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and the same is now subject to inspection.

\_\_\_\_\_  
Clerk of the City of Fayetteville, Arkansas."

- (I) *Appeal of assessments to City Council.* Anyone whose real estate is embraced in said assessment may at any time within 10 days from the giving of said notice, file with the City Clerk in writing his/her notice of appeal from the action of said Board of Assessment in making said assessment of his/her property, which appeal shall be heard and disposed of at the next regular meeting of the City Council, and on such appeal the matter shall be heard de novo on such evidence as may be adduced on either side.
- (J) *Finding of City Council.* The City Council shall enter on its minutes the results of its finding on any such appeal, and shall cause a copy of its finding to be certified to said Board of Assessment, which shall make its assessment conform thereto if any change has been made therein by said City Council.
- (K) *Assessments payable in annual installments.* It shall be provided by ordinance that the local assessment of benefits shall be paid in successive annual installments so that the tax levied in any one (1) year shall not exceed 25% of the assessed benefits accruing to real property.
- (L) *Publication of ordinance.* Within 30 days after the passage of the ordinance mentioned in subsection (C) above, the City Clerk shall publish a copy of it in some newspaper published and having a bona fide circulation in the city for one time. Within 30 days after such publication the district, or any property owner may bring suit in Chancery Court for the purpose of correcting or invalidating such assessment; but if such suit is not brought within the time, all objections to the creation of the district for the validity of the assessment shall be forever barred and precluded.

- (M) *Copy of assessment delivered to collector.* Within 40 days after the passage of the ordinance mentioned in (C) above, unless the time be extended by the City Council, the City Clerk shall deliver to the County Collector a certified copy of said assessment of benefits containing a description of said blocks, lots, and parcels of land in said district, and the amount assessed on each, duly extended against each lot, block, or parcel of land, and a certified copy of the ordinance fixing the percentum to be collected each year. At the same time the City Clerk delivers to the County Collector a certified copy of the assessment of benefits, and the certified copy of the ordinance fixing the percentum to be collected, he/she shall deliver like said copies to the County Clerk.
- (N) *Annual financial report required.* The commissioners of each street improvement district shall file an annual financial report with the City Clerk on or before the first day of March of each year, covering the financial affairs of their respective districts for the preceding year. Such financial statements shall be certified and filed as herein provided by the chief financial officer of each such improvement district.

(Code 1965, §§18.18, 18.19--18.22, 18-22.1--18-22.9; Ord. No. 2051, 9-17-74; Code 1991, §98.30, §98.43; Ord. No. 4100, §2 (Ex. A), 6-16-98)

**171.16-171.99 Reserved**