

**CHAPTER 24
STREETS, CURBS AND SIDEWALKS**

Art. I. In General, §§ 24-1 - 24-26

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ARTICLE I. In General

Sec. 24-1. Display of Merchandise in Specified Area Prohibited.

Display of Merchandise in Specified Area Prohibited. It shall be unlawful for any person, firm or corporation to park or place any vehicle, trailer, conveyance or other object upon the streets, alleys and other public ways of the City within a radius of three (3) blocks from the courthouse square, for the purpose of offering any produce, goods or other merchandise for sale without having first obtained a permit authorizing such activity from the Mayor of the City of Searcy. (*Ord. No. 445, § 1, 4-3-62; Ord. No. 2013-10 § 1*)

Sec. 24-2. Same -- Penalty.

Same -- Penalty. Any person violating the provisions of section 24-1 shall be deemed guilty of a misdemeanor and, upon conviction, may be fined in any sum not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), each day's violation to be considered a separate offense. (*Ord. No. 445, § 2, 4-3-62; Ord. No. 2013-10 § 12*)

Sec. 24-3. Duties of Street Committee.

The Committee on Streets and Alleys shall superintend the work and improvements of the streets and alleys and perform such other duties as are required of them by the Council. They shall, from time to time, recommend such work and improvements as they may think necessary. (*Code 1938, § 31*)

Sec. 24-4. Property Owners to Build Sidewalks.

The sidewalks along the public streets in the City shall be built and kept in repair by the owners of the lots and blocks abutting said sidewalks. (*Code 1938, § 540*)

Sec. 24-5. City Council to Order Sidewalks.

Whenever it may become necessary for the safety and convenience of travel for a sidewalk to be built or repaired along any of the streets of the City, the Council shall by resolution determine and designate the kind of sidewalk or improvements to be made and the kind of material to be used by the owner or occupant of the abutting lots or blocks and the time within which such

improvements are to be completed. The kind and character of said walk improvement for each block shall be uniform. *(Code 1938, § 541)*

Sec. 24-6. Notice.

Whenever it shall be determined by the City Council that a sidewalk shall be built or repaired along any street in said City and that time within which the same shall be so built or repaired, it shall be the duty of the Chief of Police to at once notify the owner or occupant of the lots abutting said sidewalks to build or repair the same in accordance with such resolution, and the time within which the same shall be completed, thereupon it shall be the duty of such owner or occupant to build or repair said sidewalk in the manner and within the time required by said resolution of the City Council. *(Code 1938, § 542)*

Sec. 24-7. City to Build, When.

If after the City Council shall have determined by resolution that it is necessary to build or repair the sidewalk along any street in the City, and the owner or occupant had been duly notified in accordance with such resolution to build or repair the same and such owner or occupant shall fail or refuse to build or repair the same as cheaply as it can be done in accordance with the requirements of said resolution, the City shall build or repair such sidewalks and the cost of such work shall be a charge upon the abutting lots and the owner thereof, and it shall be the duty of the City Attorney to at once institute an action in the proper court to collect the same. *(Code 1938, § 543)*

Sec. 24-8. Houses and Buildings to be Numbered.

All owners of real estate in the City are hereby required to place numbers on the houses and buildings within the City. *(Code 1938, § 599)*

Sec. 24-9. Beginning Point for Numbers.

Center Street is hereby declared the starting point for all numbers running North and South, and Spring Street for all numbers running East and West, and all contractors are required to start the numbering of said lots and buildings in accordance with this section.

The expense of placing numbers on all buildings shall be borne by the property owners, and the street signs shall be borne by the City. *(Code 1938, § 601)*

Sec. 24-10. Permitting Oils, Unclean Liquids or Other Harmful Liquids to Flow into Streets Prohibited.

No person shall conduct, or permit to be conducted, into the streets, alleys or other public places of the City any filth, unclean water or other liquids, including oils or derivatives thereof, harmful to said streets or dangerous to health and sanitation. *(Ord. No. 375, § 1, 3-5-57)*

Sec. 24-11. Accumulations in Gutters, Curbs or Ditches Prohibited; Duty of Owner or Occupant of Property Facing.

No person shall allow any dirt, filth, or other obstructions of any kind to accumulate in the ditches, gutters or curbs in front of his property and all owners and occupants of property, in front of which curbs and gutters have been constructed, or ditches made, shall keep them free and clean of dirt, filth, trash, mud, gravel or other obstructions to the easy and rapid flow of water through them. *(Ord. No. 375, § 2, 3-5-57)*

Sec. 24-12. Penalty for Violation of Sections 24-10, 24-11.

Any person, firm or corporation, or their agents or employees who shall violate the provisions of Sections 24-10 and 24-11, shall be subject to a fine of not more than twenty-five dollars (\$25.00) for the first offense, and not more than fifty dollars (\$50.00) for each violation thereafter. *(Ord. No. 375, 3, 3-5-57)*

Sec. 24-13. Driving Over Curbs and Sidewalks.

It shall be unlawful for any person to drive any vehicle over or across any sidewalk, curb or gutter on or along any of the streets or alleys of said City except where the proper driveway or approach is provided therefor as herein provided. *(Code 1938, § 592)*

Sec. 24-14. Penalty.

Any person violating any of the provisions of Section 24-13 shall be deemed guilty of a misdemeanor and on conviction thereof may be fined in any sum not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). *(Code 1938, § 598)*

Sec. 24-15. Trash on Sidewalks.

Every owner or occupant is required to keep all pavement or sidewalks abutting his premises in whatsoever part of the City clear of filth, wood, timber, lumber, chips, boxes, barrels, goods, wares, merchandise or anything that may obstruct the walk and when no pavement is required, every owner or occupant shall put the walk in such a condition as shall afford a safe or convenient footway of sufficient width to accommodate the public; every owner or occupant who shall omit the discharge of any duties hereunto imposed, after verbal notice by the Chief of Police or any police officer shall be fined for every offense not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and every twenty-four (24) hours that he shall fail to comply with the requirements of this section shall constitute a separate offense. *(Code 1938, § 602)*

Sec. 24-16. Obstruction or Encroachments Upon Streets, Sidewalks Prohibited, Penalty.

1. It shall be unlawful for any person or other entity within the corporate limits of the City of Searcy, Arkansas, to cause any obstruction or encroachments upon any of the streets, sidewalks or alleys of the City of Searcy, Arkansas, by buildings, fences, or structures of any kind, posts, trees, or any other matter or thing whatsoever.
2. Any person or other entity violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00)
3. Each day an encroachment or obstruction exists in violation of this section shall be deemed a separate offense. (*Ord. No. 560, §§ 1-3, 8-14-73*)

Sec. 24-17 -- 24-26. Reserved.

ARTICLE II. Excavations, Alterations, Removal or Repair

Sec. 24-27. Application.

Except as provided by Section 22-6 et seq., all persons desiring to cut, alter, remove or repair any street, gutter, curb, or roadway within the City, shall first be required to file an application with the Mayor, or his designated representative, therein specifying in reasonable detail the general nature of the work to be done and the purpose therefor, together with an accurate description or address of the location where the proposed work is to be done. (*Ord. No. 420, § 1, 5-5-59*)

Sec. 24-28. Bond of Applicant.

Upon the filing of an application, the applicant will also deposit an acceptable cash or surety bond, in an amount based upon the schedule or charges hereinafter more specifically set forth, said deposit to cover the cost of making and closing the cuts, and all administrative expenses in connection therewith. (*Ord. No. 420, § 2, 5-5-59*)

Sec. 24-29. Same -- Granting; Duty of City.

The Mayor, or his designated representative, shall grant the application within three (3) days after the filing of the application and bond unless, in his opinion, there is reason to believe the proposed cut, alteration, removal or repair may be detrimental to the public welfare or safety. If the application is granted, the City, by its designated agents, employees or contractors, shall within a reasonable time thereafter, make or cause to be made the cut, alteration, removal or repair in accordance with the standards prescribed by the City. (*Ord. No. 420, §§ 3, 5, 5-5-59*)

Sec. 24-30. Denial of Application; Appeal.

If the application is denied, or is not acted upon within the period prescribed, the applicant may appeal to the City Council at its next regular meeting, in which event the allowance or denial of the application shall be determined by a vote of a majority of the City Council. (Ord. No. 420, § 4, 5-5-59)

Sec. 24-31. Responsibility of City and Applicant.

The City shall not be responsible for the excavation or the dirt fill, but this shall be the responsibility of the applicant, and the responsibility of the City shall be limited to the cutting and removing of the surfacing material, and to the resurfacing of the street, gutter, curb or roadway. (Ord. No. 420, § 6, 5-5-59)

Sec. 24-32. Exemption of City.

The City of Searcy, its agencies, boards and commissions shall be exempt from the provisions of this article requiring the filing of an application and bond, but shall be responsible for all costs incurred pursuant to this Article. (Ord. No. 420, § 8, 5-5-59)

Sec. 24-33. Penalty.

It shall be unlawful for any person to engage in the cutting, alteration, removal or repair of any street, gutter, curb or roadway, unless authorization to do so has first been obtained from the Mayor or his designated representative. Any person who shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one hundred dollars (\$100.00). Each day that such a violation continues to exist shall constitute a separate offense. (Ord. No. 420, § 7, 5-5-59)

Sec. 24-34. Fees and Charges.

The following schedule of fees and charges shall be paid by applicants under the provisions of this article:

SCHEDULE OF CHARGES

1. *Streets and highways*
 - Cuts of two (2) feet wide, or less:
 - \$8.00 per foot for twelve (12) foot length, or less.
 - \$5.00 per foot for cuts in excess of twelve (12) feet.
 - \$50.00 for cuts of six (6) foot length, or less.
 - Cuts in excess of two (2) feet wide:
 - \$2.00 per foot of width, in addition to charges set forth above.

2. *Seal-coat streets*

\$2.50 per foot of length. Minimum charge of \$20.00.

3. *Dirt of gravel streets*
\$10.00 per cut.
4. *Curbs*
\$3.00 per foot of length.
5. *Gutters*
\$3.00 per foot of length.
(*Ord. No. 420, 5-5-59*)

Sec. 24-35 -- 24-44. Reserved.

ARTICLE III. Land Use Plan and Master Street Plan

Sec. 24-45. Purpose.

The purpose of this article is to achieve a planned street pattern and to help insure that buildings will not be erected in the projected streets or the potential street widenings. (*Ord. No. 399, § 1, 5-21-58*)

Sec. 24-46. Authority.

This article is in accordance with the authority granted under Sections 19-2825 through 19-2831, Arkansas Statutes, which established the state law on City planning. (*Ord. No. 399, § 2, 5-21-58*)

Sec. 24-47. Adoption.

The revised and restated master street plan as approved by the City Planning Commission June 21, 1994, and identified as the Searcy Land Use and Master Street Plan, 1993 - 2013, is hereby adopted. Three copies of same being on file in the office of the City Clerk-Treasurer. (*Ord. No. 399, § 3, 5-21-58; Ord. No. 88-29, 12-13-88; Ord. No. 94-20, 7-12-94*)

Sec. 24-48. Enforcement.

Hereafter no building permit shall be issued to any person, persons, corporation, or other owner of land, bordering on any street in the City to construct, erect, reconstruct or alter any building closer to the right-of-way than designated by the type and standards for all City streets as fixed by the master street plan maps and supporting document, together with any amendments or additions thereto, when the same shall have been adopted by the City Council. (*Ord. No. 399, § 4, 5-21-58*)

Sec. 24-49. Penalties.

Any person violating any provision of any part of the foregoing article, or who shall fail to comply with any order made thereunder, or who shall continue to work upon any structure after having received notice from the administrative official to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed twenty-five dollars (\$25.00) for each offense; and each day such violation shall be permitted to exist shall constitute a separate offense. (*Ord. No. 399, § 5, 5-21-58*)

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