

TITLE 9

STREETS AND SIDEWALKS

Chapters:

- 9.04 Numbering
- 9.08 Excavations and Alterations
- 9.12 Prohibited Acts
- 9.16 Construction of Sidewalks
- 9.18 Sidewalk displays
- 9.20 Obstructing View
- 9.24 Drainage Ditches and Laying of Culverts
- 9.28 Gutters
- 9.30 Vacating and Naming

CHAPTER 9.04

NUMBERING

Sections:

- 9.04.01 Required
- 9.04.02 Penalty
- 9.04.03 Number designated
- 9.04.04 Identification

9.04.01 Required.

- A. It shall be the duty of the owners and occupants of every house, building, or other structure in the City of Blytheville, to have placed thereon, or on another structure located on said property, in a place clearly visible from the street, either block figures or script style letters at least 4 inches high, showing the distinctive number of the house, building, or other structure, providing the structure is less than 150 feet from the street. Whenever more than one residence is located within the building or house, each entry shall be marked with the proper building and apartment/unit number. The numbering shall be placed in such a position as to be clearly visible to all street traffic coming to the premises from both directions. Said numbering shall be in contrasting color to the structure they are placed upon. Furthermore, any residence or structure more than 150 feet from the street shall have block figures or script style letters at least 6 inches high, showing the number of the house, building or other structure. This requirement in no way restricts the owner or occupant of said house, building or other structure to place additional numbers on said property designating the official number of the said property. (Ord. No. 1715, Sec. 1.)

- B. It shall be the duty of the owners and occupants of every commercial structure in the City of Blytheville, to have placed thereon, or on another structure located on said property, in a place clearly visible from the street, block figures at least 6 inches high, showing the number of the commercial structure. Said numbering shall be in a contrasting color to the structure they are placed on. This requirement in no way restricts the owner or occupant of said building or other structure to place additional numbers on said property designating the official number of the said property. (Ord. No. 1715, Sec. 2.)

9.04.02 Penalty. Any person, firm, or corporation failing to so number any house, building, or other structure either owned or occupied by them as set out above, or if after receiving 10 days' notice by certified mail, return receipt requested, from the Office of Code Enforcement, shall continue in failure to so number such house, building, or other structure, shall be deemed in violation of this ordinance and upon conviction thereof, shall be punished by a fine of not less than \$25.00. Each day such violation of this Ordinance occurs or continues constitutes a separate offense. (Ord. No. 1715, Sec. 3.)

9.04.03 Number designated. All numbering shall be numbered in accordance with the number designated by the Office of Code Enforcement of the City of Blytheville as the official number of said house, building, or other structure. (Ord. No. 1715, Sec. 4.)

9.04.04 Identification Such numbering system will enable police, fire, ambulance services, public utilities, postal services, city officials, and other necessary services to more rapidly identify and locate properties with the City of Blytheville. (Ord. No. 1715, Sec. 5.)

CHAPTER 9.08

EXCAVATIONS AND ALTERATIONS

Sections:

9.08.01	Excavations-permit
9.08.02	Application for permit-deposit
9.08.03	Excavations to be restored
9.08.04	Work plan and advancement payment required
9.08.05	Penalty

9.08.01 Excavations-permit. No person, firm or corporation shall cut into, tunnel under, or in any manner disturb the surface of any street, alley or sidewalk in the city without first applying for and obtaining from the City Engineer a written permit to do so, which shall be dated, and shall give the name and address of the person to whom the permit is granted, and the location of the place where the street, alley or sidewalk is to be cut into, tunneled under, and the purpose for which said permit is granted.

9.08.02 Application for permit-deposit. Any person, firm or corporation applying for said permit shall estimate in writing the number of square feet to be cut or tunneled. Before such permit is granted the applicant shall deposit with the City Clerk or the purpose of insuring that the street is properly restored the sum of Five (\$5.00) Dollars per square foot for cutting concrete or other bituminous surface and Two (\$2.00) Dollars per square foot for cutting into gravel surface; provided the minimum deposit shall be Twenty-five (\$25.00) Dollars irrespective of the estimate.

9.08.03 Excavations to be restored. All excavations made are to be restored to their original condition to the satisfaction of the mayor or his appointee before the deposit shall be returned.

STATE LAW REFERENCE-see Ark. Stats. 19-3801; Hdbk. 11-1.1

9.08.04 Work plan and advance payment required. That from and after the approval of this ordinance, it shall be unlawful for any contractor or individual to erect or remove any sign or structure, or to excavate, tear out, fill in or alter in any manner any city street, alley, right-of-way or easement before filing a work plan with the Superintendent of Public Works at least one (1) day in advance, and paying any fee or license required by city ordinance. (Ord. No. 1055, Sec. 1)

9.08.05 Penalty. Any violation of this ordinance shall be deemed a misdemeanor, and upon conviction shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), and each day such violation occurs shall be considered a separate offense. (Ord. No. 1055, Sec. 2)

CHAPTER 9.12

PROHIBITED ACTS

Sections:

9.12.01	Barbed wire fencing
9.12.02	Notice to remove
9.12.03	Failure to remove
9.12.04	Displaying merchandise
9.12.05	Driving on sidewalks
9.12.06	Driving over uncovered gutters
9.12.07	Go-karts
9.12.08	Littering

9.12.01 Barbed wire fencing. It shall be unlawful for any person to erect any fence commonly known as a barbed wire fence, or fence partly composed of barbed wire, along or beside any of the sidewalks, streets or alleys of the city. (Ord. No. 40)

9.12.02 Notice to remove. It shall be unlawful for any person to maintain any fence, mentioned in Section 9.12.01, after the expiration of two (2) days from the time he has been notified by the city to remove it. (Ord. No. 40)

9.12.03 Failure to remove. If, after due notice by the city to remove the fence mentioned in Section 9.12.01, the party notified refuses or neglects to remove such fence on or before the expiration of two (2) days, the same may be done by the city, at the expense of the party maintaining such fence. (Ord. No. 40)

9.12.04 Displaying merchandise. It shall be unlawful for any person to store merchandise, or display merchandise for sale upon any street, sidewalk or alley of the city. (Ord. No. 377)

9.12.05 Driving on sidewalks. It shall be unlawful for any person to drive any vehicle on any of the sidewalks of the city. (Ord. No. 41)

9.12.06 Driving over uncovered gutters. It shall be unlawful for any person to drive any vehicle in, along or across any of the gutters, ditches or surface drains (except where same are crossed by streets or alleys), constructed by the city. (Ord. No. 139)

9.12.07 Go-karts.

(a) It shall be unlawful for any person to ride, drive or operate any motor propelled vehicle commonly termed a "Go-Kart" upon any of the streets or sidewalks within the corporate limits of the city.

(b) It is the intention of this section to prohibit the operation of any motor propelled vehicle of the type and kind commonly known as a "Go-Kart" whether so named commercially or by any other name.

(c) The term "Go-Kart" shall be held to include all motor propelled vehicles where the seat of the driver is twelve (12") inches or less above the pavement or roadway. (Ord. No. 696, Secs. 1-2, 5-12-64)

CHAPTER 9.16

CONSTRUCTION OF SIDEWALKS

Sections:

9.16.01 Duty

9.16.02	Resolution providing for sidewalks
9.16.03	Permit, building requirements
9.16.04	Supervision
9.16.05	Inspection
9.16.06	Failure to construct
9.16.07	Recovery of construction cost

9.16.01 Duty. It shall be the duty of every person owning any lot or part of a lot or block adjoining or abutting any public street or highway in the city to construct sidewalks in front of and alongside of the lot or part of lot or block owned by him, when notified by the city to do so, at his own expense and according to the specifications on file in the office of the city engineer.

9.16.02 Resolution providing for sidewalks. Whenever the City Council or the Street Committee determines that sidewalks shall be built upon and along any of the streets of the city they shall so declare by order or resolution, which order or resolution shall designate the point of beginning and terminus of such walks, the street upon which they are to be built, the width of said sidewalks and the time within which they shall be completed, not later than ninety (90) days after the passage of the order or resolution. A copy of the order or resolution shall, within thirty (30) days from the passage thereof be served upon the owner or tenant of the property abutting upon such proposed sidewalk by delivering a copy of the order or resolution to the owner of said property, if residing within the city or upon the tenant of the property. If there be no tenant upon the property and the owner thereof resides without the city or cannot be found therein, then the service shall be made by publishing the order or resolution for two (2) weeks consecutively in some newspaper published in the city.

9.16.03 Permit, building requirement. The property owner or lessee before constructing any sidewalks in the city, either upon his own initiative or in accordance with an ordinance or resolution of the City Council, shall apply to the City Engineer for a permit. It shall be the duty of the City Engineer to furnish such owner or lessee with specifications for the sidewalks in accordance with the ordinance of the city regulating such matters, and within a reasonable time after such application is made shall give to the property owner or lessee the proper grade and line for such sidewalk, and such sidewalks shall be built in accordance with the specifications furnished by the City Engineer and according to the grade and line established by him.

9.16.04 Supervision. Location of sidewalks, together with grades upon which they are to be built and locations of drainage pipe shall be fixed and located by driving stakes or otherwise, by a competent engineer under the supervision of the City Engineer. Such work shall be done within thirty (30) days after the passage of the order or resolution requiring the building of such sidewalks; provided, that the failure of the City Engineer to so locate said walks and establish grade for the same within the time above set out shall not release any person from building the walks if the work is done within a reasonable time after the passage of the order or resolution.

9.16.05 Inspection. The City Engineer shall have the authority and shall be charged with the duty to inspect all sidewalks built under the provisions of this chapter, and if the same are not in substantial compliance therewith, he may condemn the same and order them replaced or reconstructed properly.

9.16.06 Failure to construct. If any person owning property along or abutting upon any of the streets within the corporate limits of the city, upon which sidewalks have been ordered built by order or resolution of the City Council or street committee, and after service of said order or resolution, shall fail or refuse to construct said walks and within the time mentioned in said order or resolution, the Street Committee is empowered and it is made their duty to contract with some suitable person to construct the sidewalks as hereinafter set out. It shall be the duty of the Street Committee upon any person failing to construct said sidewalks in compliance with the provisions of this chapter, to immediately or as soon as may be convenient, to advertise the contract for the construction of said sidewalks by inserting notice of the letting of same in some newspaper published in the city, and on the day designated in said advertisement shall open all bids received for the work and shall let the same to the lowest and best bidder, the committee having the right, for any reason deemed sufficient by them, to reject any and all bids received; provided that no contract shall be let to any person until said person shall have executed bond as hereinafter set out.

9.16.07 Recovery of construction cost. For the building of sidewalk improvements by the city, or procuring the same to be done, and the paying therefor, together with six (6%) percent penalty added thereto, the city shall have a charge against the owner of the property. The city shall have a lien upon the property for the cost of same and shall be charged against the owner of said property, which said charge and lien shall attach upon the date of the commencement of the work. The amount of the lien may be recovered in any ordinary suit at law against the owner, or the lien be foreclosed by the city in a court of equity for the condemnation and sale of the property for the payment of the sum paid out by the city, together with interest, penalty and cost of suit, to be brought in the manner and under the rules now provided by law for the foreclosure of property for improvement district, so far as applicable. (Ord. No. 140)

CHAPTER 9.18

SIDEWALK DISPLAYS

Sections:

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| 9.18.01 | Unsightly displays |
| 9.18.02 | Clearance for walkway |
| 9.18.03 | Penalties |

9.18.01 Unsightly displays The unkempt display of merchandise, exhibits or any other objects causing unsightly or unsanitary conditions upon sidewalks, public property or other property, is hereby declared to be a nuisance and prohibited. (Ord. No. 1577, Sec. 1.)

9.18.02 Clearance for walkway Any merchandise exhibits or any other objects displayed on a city sidewalk, street or other property must be clearly visible and un-boxed only. Any merchandise exhibits or any other objects on a sidewalk will be displayed in an orderly fashion allowing five (5) feet clear walkway between any building and the street. All merchandise exhibits or any other objects will be displayed only during regular operating hours if a merchant and daylight hours if otherwise. Any displays on the street side of any sidewalk are to be no more than four (4) feet tall. All merchandise exhibits and any other objects will be confined or displayed only in front of the merchant's business displaying the product. Displays on city streets or parking areas will be limited to public events sponsored by non-profit organizations as regulated by the City of Blytheville. (Ord. No. 1577, Sec. 2.)

9.18.03 Penalties

- A. **Fines** Any person, firm, corporation, partnership or any other entity violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars.
- B. **Written warnings** Prior to receiving a citation for violation of this ordinance, the Code Enforcement Officer or other city official shall give written notice to the offender and allowed two (2) hours to correct the violation.
- C. **Separate Offense** For each day this ordinance is violated, it will be deemed a separate offense. (Ord. No. 1577, Secs. 3, 4, and 5.)

CHAPTER 9.20

OBSTRUCTING VIEW

Sections:

9.20.01	Unlawful
9.20.02	Penalty

9.20.01 Unlawful. It shall be unlawful for any owner or occupant of a residential or business building, structure or property to place or allow to grow within twenty (20) feet of the property line at any street intersection or alley-street intersection any shrubbery, trees, planting or other obstacles to clear visibility in excess of three (3) feet higher than street level. Existing shrubbery, planting, trees, or other obstacles more than three (3) feet higher than street level within twenty (20) feet of the property line at any street intersection or alley-street intersection shall constitute a violation of this chapter if not removed within twenty (20) days of notification in writing by the City Code Enforcement officer.

9.20.02 Penalty. Any violation of this chapter shall be upon conviction punishable by a fine of not more than Fifty (\$50.00) Dollars, and each day that the violation remains shall constitute a separate offense. (Ord. No. 889)

CHAPTER 9.24

DRAINAGE DITCHES AND LAYING OF CULVERTS

Sections:

9.24.01	Permit required
9.24.02	Specifications
9.24.03	Obstruction of water
9.24.04	Littering
9.24.05	Penalty

9.24.01 Permit required. It shall be unlawful for any person, firm, corporation or association to construct or cause to be constructed a driveway across a drainage ditch or install a culvert and cover same in a drainage ditch within the corporate limits of the city without having first secured a permit from the Superintendent of Public Works. There shall be no cost assessed for said permit.

9.24.02 Specifications. Any and all drainage culvert installed shall be a minimum of twelve (12") inches in diameter or the equivalent of 0.78 square feet of opening or a greater size as designated by the Superintendent of Public Works upon application for permit. The grade and type culvert to be used shall be established by the Superintendent of Public Works following an investigation of the location of the project. No continuous line of culvert shall be installed and covered without having an opening for a catch basin or grated drainage inlet every forty (40) feet.

9.24.03 Obstruction of water. Any driveway, bridge or culvert that obstructs the free flow of water in any drainage ditch within the city shall be removed by the Department of Public Works and the property owner is hereby required to install a driveway, culvert or bridge at his or her own expense in accordance with this chapter.

9.24.04 Littering. It shall be unlawful for any person to dump or throw garbage, trash, refuse, leaves or accumulation of same into any drainage ditch within the corporate limits of the city.

9.24.05 Penalty. Any person, firm, corporation or association violating the provisions hereof shall upon conviction be fined in any amount not less than Five (\$5.00) Dollars nor more than Twenty-Five (\$25.00) Dollars. (Ord. No. 820)

CHAPTER 9.28

GUTTERS

Sections:

- 9.28.01 Obstruction
- 9.28.02 Penalty

9.28.01 Obstruction. The owners, or occupants of any block or lot or part of a block or lot in the city, abutting on any gutter or any street of said city shall be and are hereby required to keep the said gutter or gutters upon which the premises owned or occupied by them may abut, clean and clear of all obstructions to the free flow of water therein, and any and all persons are hereby prohibited from depositing or permitting any deposit in any street, gutter or gutters of said city, and matter or things that will obstruct or cause to be obstructed the free flow or water therein, provided that nothing herein contained shall be so construed as to apply to obstructions caused by the natural flow of water.

9.28.02 Penalty. Any person violating the provisions of this chapter shall upon conviction be fined in any sum not less than Five (\$5.00) Dollars nor more than Twenty-Five (\$25.00) Dollars. (Ord. No. 842)

CHAPTER 9.30

VACATING AND NAMING

Sections:

- 9.30.01 Vacating by reference
- 9.30.02 Naming and renaming

9.30.01 Vacating by reference

- Ord. No. 1185 An Alleyway adjacent and contiguous to Lots 1 through 9 inclusive & a portion of Lot 14, J.W. Bader's Addition
- Ord. No. 1315 Vacating a portion of Nineteenth Street
- Ord. No. 1316 Vacating a portion of Holland Street
- Ord. No. 1390 Vacating a portion of Banks Avenue
- Ord. No. 1398 The City abandons an easement in Moultrie Commercial Park
- Ord. No. 1513 Portion of right-of-way Lot 8, 9, 10, Block 3 Bugg Addition
- Ord. No. 1522 Burlington No. Railroad authorized to close crossing on Cherry St. after new crossing on Highland St, extended is complete.
- Ord. No. 1539 Burlington No. Railroad authorized to close crossing on Cherry St.
- Ord. No. 1690 Alley between Holly and Willow Streets

9.30.02 Naming and renaming

Ord. No. 1538 Cherokee Street renamed to Eldorado Drive.