

ORDINANCE NO. 2017-173

**AN ORDINANCE ESTABLISHING A RIGHT OF WAY PERMIT FOR THE CITY OF BENTONVILLE STREET DEPARTMENT.**

WHEREAS, The City of Bentonville has determined it necessary to review the current fees and permits for the Street Department;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.**

Section 1: That the attached Right of Way permit requirements, 3 copies of which are on file with the City Clerk and which have been advertised and made available for public review and inspection prior to passage, are hereby adopted by reference as though they were copied herein fully.

Section 2: That all ordinances or parts of ordinances in conflict herewith should be and the same are hereby repealed.

Section 3: This ordinance shall be in full force and effect from and after the 1<sup>st</sup> day of January, 2018.

PASSED and APPROVED this 24th day of October, 2017.

APPROVED:

Bob McClinton

MAYOR

ATTEST:





## EXHIBIT A – RIGHT OF WAY/WORK ZONE PERMIT

**Establishment of Work Zones and Construction in Public Right-of-Way.** At all times and periods during which any work upon, in, under or above or about any street, alley, curb, gutter, sidewalk, or any public right-of-way within the City of Bentonville, the person or persons performing the work shall display a right of way permit visible from the road and establish a work zone in accordance with the requirements of the current Municipal on Uniform Traffic Control Devices (MUTCD) code. The work zone shall include all necessary and proper barriers and other safeguards, including personnel as necessary.

**General authority of the City Department designated by the Mayor.** The City Engineer is hereby designated by the Mayor to enforce the provisions of this article. The City Engineer or his/her designated representative may issue a stop order and suspend work pursuant to this article when necessary to ensure the safety of the public. Stop orders, Notices and instructions may be given to the contractor or his agent or to any person in charge of the work on the ground.

**Requirements of Work Zone Plans.** The City Engineer, as designated by the Mayor, shall have the power to make reasonable regulations. The City Engineer may require that work be done only at certain hours during the day or night, that materials or equipment used in such work and dirt and materials removed from an excavation be located other than adjacent to the work area. In addition, the City Engineer may require that any excavation be covered with materials of sufficient strength and construction to permit vehicular traffic to pass over such excavation at peak traffic hours, where such requirements are necessary in the interest of safety and to avoid traffic congestion.

Work zone plans shall be developed by the applicant and shall be in compliance with the current Manual on Uniform Traffic Control Devices for Streets and Highways.

**Fees.** The Right of Way Permit Application fee, as set by City Council, shall be paid in the form of a cashier's check made out to the City of Bentonville. The fee shall be paid at the City of Bentonville's Street Department office along with a completed right of way work permit application. A performance guarantee in the form of a performance bond, cashier's check, or letter of credit, shall be submitted to the City of Bentonville for 150% of the estimated cost to restore the public infrastructure to pre work conditions. Additional fees will be charged on top of this permit according to established ordinances, city codes, federal, state and local laws.

**Inspections.** Permittee shall call in inspections as needed. Any work performed without an inspection is subject to removal. Re-inspections will be billed at the current rate. In order for a permit to be closed, a final inspection is required.

**Action by City to correct deficiencies.** In the event a stop order is issued, the person holding the permit and engaging in the work shall immediately cease work and restore the work area to its proper condition as called for in the traffic control plan and permit upon demand by the City. In the event such is not done within twenty-four (24) hours from receipt of notice to do so, the City shall be authorized to and may, at its election, take charge of the work and restore the premises to the condition called for in the traffic control plan and permit. Expenses shall include, but not limited to, cost of labor, materials, overhead, and reasonable rental of any equipment used by the City in restoring the site, and for such purposes. The City shall be reimbursed through the performance guarantee.

**Work Zone Plan.** The applicant will need to provide a work zone layout and/or Traffic control plan for approval by the City, with the right of way permit application.