ORDINANCE NO. 86-4

AN ORDINANCE AMENDING CHAPTER 9.08 OF THE ATKINS MUNICIPAL CODE REQUIRING THE OBTAINING OF A PERMIT BY ANY PERSON BEFORE EXCAVATING ANY STREET OR DITCH MAINTAINED BY THE CITY OF ATKINS, AND FOR OTHER PURPOSES.

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

SECTION 1. Chapter 9.08 of the Atkins Municipal Code is hereby amended to read as follows:

9.08.01 Excavations of streets and ditches - permit. Any person, firm, partnership, corporation, agency or commission wishing to cut an opening in any street or wishing to lay, repair, or maintain any pipe, line, wire, cable, or any part or apparatas attached or to be attached thereto, in any ditch or across any street maintained by the City shall first obtain a permit for such purpose from the Atkins Public Works Director.

9.08.02 Cost. Any person, firm, partnership, corporation, agency or commission obtaining a permit for any of the purposes outlined in Section 9.08.01 shall first post a $200.00 cash bond with the city. A separate bond shall be required for each separate cut made in a street. It shall be the responsibility of the person, firm, partnership, corporation, agency or commission obtaining the permit to make the necessary repairs to put the street or ditch back in the condition that it was in before the cutting or digging. Such repair work shall be subject to the inspection and approval of the Public Works Director. After the street or ditch is repaired pursuant to the specifications and directions of the Atkins Public Works Director, the bond shall be returned to the person who posted the bond. In the event the street or ditch is not repaired or is not repaired according to the specifications and directions of the Public Works Director, the $200.00 bond will be forfeited and the person, firm, partnerhip, corporation, agency or commission obtaining the permit shall pay to the City any cost of such repairs exceeding the amount of the bond previously posted.

9.08.03 Penalty. Any person, firm, partnership, corporation, agency or commission violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall on conviction be fined in a sum not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00).

SECTION 2. Ordinance No. 290 adopted August 5, 1969, is hereby repealed.

SECTION 3. This ordinance being necessary for the preservation of the health and safety of the residents of Atkins, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon and after its passage and approval, this 10th day of June, 1986.

DALLAS L. SWAIN, MAYOR

ATTESTED:

SYBLE MARPLE, CITY CLERK