

ORDINANCE NO. 149

AN ORDINANCE AMENDING ORDINANCE NO. 77, SUBDIVISION ORDINANCE

Whereas, the City Council of the City of Bethel Heights, Arkansas has determined that in the best interest of the citizens and the welfare of the city to include the follow amendments:

**Section 1:** Amending Ordinance No. 77, **5. IMPROVEMENTS, B. Streets**, to include street light standards.

**Street Lights:** The most energy efficient streetlights provided by the electric utility at the time of installation, or as directed by the planning commission or his/her designated representative, shall be installed at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street and paid for by the developer.

If standard streetlights and poles provided by the electric utility are not used, the planning commission or representative must approve proposed lights and poles.

The minimum initial rating of the streetlamp shall be based upon the classification of the street along which the streetlight is located, or in the case of intersections, the highest street classification in accordance with the following, or as directed by the planning commission or his/her designated representative.

Street Classification	Lumens (Minimum Initial Rating)
Local	6,800
Collector	11,000
Arterial	20,000

**Section 2:** Amending Ordinance No. 77, **5. IMPROVEMENTS**, adding section **D.**, to include sidewalk standards.

**Sidewalks:** Subdivisions and new development generally.

- A. Sidewalks shall be installed according to city standards and specifications, as adopted by the city council, along both sides of all city of public streets in all subdivisions platted after July 15<sup>th</sup> 2003 and along all adjacent public streets, in all other new development which is required to submit a large-scale development plan.
- B. All sidewalks shall be constructed to the following specifications:
  - 1. Sidewalks shall be located at the back of the curb or up the five feet from, the back of the curb.

2. Handicapped curb ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways and street intersections.
3. Sidewalks shall be constructed on a compacted sub grade, which is free from dust pockets, ruts and other defects.
4. Sidewalks shall be constructed of Portland cement concrete with a minimum 28-day compressive strength of 3,000 pounds per square inch.
5. Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch per foot, sloped towards the street.
6. Sidewalks shall be 48 inches wide.
7. The concrete shall be four inches thick. The planning authority or street authority may require a four-inch base if the sub grade is not compacted.
8. Expansion joints shall be 25 feet apart.
9. Transverse joints between expansion joints shall be scored at five-foot intervals.
10. Sidewalks shall be finished with a float to a smooth and even surface.
11. Sidewalk sub grade shall be inspected prior to pouring the sidewalk.
12. The city planning authority or street authority shall have the discretion and authority to grant exceptions in order to accomplish reasonable continuity in sidewalks.
13. The property owner shall be responsible for repair and maintenance of the sidewalk, and this requirement shall be included in the protective covenants and on the face of the plat.
14. In existing subdivisions that are covered by this section, the developer shall submit suggestions pertaining to sidewalk location to the planning commission. The developer and the planning commission shall make the final decision on the location.
15. If there is a strip between the sidewalk and the curbing, it shall be set in grass and be graded to a level with both the sidewalk and the curb.
16. In new subdivisions, sidewalks shall be laid out by the developer on the plat and presented to the planning commission for approval at the same time as the streets. The developer will have the flexibility to choose where the sidewalks are located and to design his sidewalk system based on the terrain, necessity, functional utility, etc. Final approval location cannot be changed without approval of the planning commission.
17. In addition to the above requirements of this article, sidewalks shall be constructed in accordance with the American National Standards Institutes' Accessibility Requirements (ANSIA 117.1). (Code 1982, § 51-24)

C. Penalties and fine.

1. If the sidewalk is not installed per the large-scale development plan or subdivision plat as required above, the record owner of the land shall be subject to a fine not to exceed \$250.00; and each day that the violation exists shall constitute a separate offence. In addition, the city shall have the right to install the sidewalk and charge the cost thereof to the owner; and the city shall have a lien against the land for such costs.

**Section 3:** Amending Ordinance No. 77, 3., **LARGE SCALE DEVELOPMENT, I.** to read as follows:

Fee. The developer shall be required to pay the following filing fee to cover the cost of expenses incurred in connection with processing of the large-scale development.

Acreage                      Review Fee

0-1.0	\$500.00
1.0 -3.0	\$750.00
3.0 & over	\$1000.00

**Section 4:** Amending Ordinance No. 77, 6 ADMINISTRATION G. Fees, to read as follows:

**Fees**

a. Lot Split Procedures: For each lot split application submitted, the Planning Commission shall collect a fee of \$50.00.

b. Preliminary Plat & Final Plat:

<u># LOTS</u>	<u>REVIEW FEE</u>
0-50	\$500.00
51-100	\$600.00
101-250	\$750.00
251-500	\$1,000.00
501 & over	\$2,000.00

c. Section c. has been included in section b and is no longer needed.

**Section 5: Emergency Clause:** For the reason of improving street light and sidewalk standards and the increasing cost of development, it is hereby declared that an emergency exist and this ordinance being necessary for the preservation, health, and development of the citizens of the City of Bethel Heights, Arkansas and shall become effective immediately upon its passage, approval, and publication.

**Section 6:** NOW THEREFORE, that the remainder of Ordinance No. 77 shall remain in full force and effect.

Passed and Approved this 19<sup>th</sup> day of August 2003.

APPROVED: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

Clerk / Recorder / Treasurer