

TITLE 9
STREETS AND SIDEWALKS

Chapters:

- 9.04 Deposit On Streets of Decayed Meats, Lumber, Trash or Other Materials
- 9.06 Spilling of Loads
- 9.08 Excavation of Streets and Sidewalks
- 9.12 Permits to the Streets
- 9.16 Polk Bayou Crossing Signal
- 9.20 Private Crossing of Any Drain, Ditch, Sidewalk or Watercourse
- 9.24 Sidewalk and Driveway Construction
- 9.28 Street Obstructions
- 9.32 Street Names
- 9.36 Street Lights
- 9.40 Street Construction
- 9.44 Master Street Plan
- 9.48 House Numbers

CHAPTER 9.04
DEPOSIT ON STREETS OF DECAyed MEATS, LUMBER, TRASH OR OTHER MATERIALS

Sections:

- 9.04.01 Unlawful to deposit decayed meats, lumber, trash or other materials on streets

9.04.01 Unlawful to deposit decayed meats, lumber, trash or other materials on streets.

It shall be unlawful for any person to place or deposit upon any street, alley or sidewalk or upon any vacant lot within the limits of the city of Batesville, Arkansas, any decayed eggs, fruit, vegetables, meat or the dead body of any animal, fish or fowl or other refuse matter, trash, rubbish, sweepings, brush, timber, stone boxes, barrels, crates, lumber, logs, wood, bales, bags, shingles, skids, planks, bricks, stone, coal, scales, plows, implements, hogshead, casks, packages or any rubbish or obstructions; also wagons or vehicles of any kind upon or in any other manner to obstruct or inconvenience or to hinder any person in the full and free enjoyment of said streets, alleys or sidewalks

CHAPTER 9.06
SPILLING OF LOADS

Sections:

- 9.06.01 Prohibited
- 9.06.02 Penalty

9.06.01 Prohibited.

No vehicle shall be driven or moved on any street or highway within the corporate limits of the city of Batesville unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, spilling or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway. ¹

9.06.02 Penalty.

Any person, firm, company or corporation convicted of driving or having caused to be driven a vehicle upon the streets and highways within the corporate limits of the city of Batesville, Arkansas, in violation of Section 9.06.01 shall be deemed guilty of the commission of a misdemeanor and shall be fined not less than ten dollars, (\$10.00) nor more than one hundred dollars, (\$100.00). ²

¹ Ordinance Number 910, Section 1.

² Ibid, Section 2.

CHAPTER 9.08
EXCAVATION OF STREETS AND SIDEWALKS

Sections:

- 9.08.01 Regulations for the excavation of streets and sidewalks; permits required; city to repair; safeguards while under construction

9.08.01 Regulations for the excavation of streets and sidewalks; permits required; city to repair; safeguards while under construction.

Any person, firm, corporation or company desiring to cut or make excavation of any street or sidewalk in the city of Batesville, Arkansas shall first apply to the City Clerk/Treasurer for a permit, and in such application shall state the location, the time when such cut is to be made, and the purpose thereof, and the size of such proposed cut or excavation.

Before any such permit is issued the person, firm, corporation or company making an application for a permit must post a deposit in the amount of Three Hundred Dollars (\$300.00) with the City Clerk/Treasurer.

The person, firm, corporation or company granted the permit (hereinafter called PERMITTEE) shall be responsible for the repair of the cut or excavation and said repair shall be made within ten (10) days of the completion of work. If said repair has not been made within ten (10) days of the completion of the work the city shall have the right to repair the cut or excavation and the deposit made at the time of the application shall be forfeited. The permittee shall be liable to the city for the cost of repair that exceeds the deposit. The permittee failing to repair shall not be granted a permit for further cuts or excavations until the city has been paid in full for any repairs the city has made for that applicant.

All repairs shall consist of the following:

- (1) Compacted SB-2, up to six (6) inches of top surface of the street or sidewalk level.
- (2) Six (6) inches of reinforced concrete.

All repairs shall be done in a professional, responsible and workmanlike manner.

In case an emergency cut or excavation is necessary between the hours of 5:00 p.m. and 8:00 a.m., or on Sunday or legal holiday, same may be commenced without first securing a permit, provided application and deposit therefore is made prior to 9:00 a.m. of the next work day.

All cuts, excavations and openings shall be marked by and safeguarded with sufficient barriers, shall be made whereby the public shall be the least inconvenienced with maximum regard for public safety, and the city shall be held harmless for the negligence of said permittee. Flares or red lamps shall be maintained around such openings at night and all other safeguards and precautions shall be taken by permittee to protect the public from damage to person or property.

Any person, firm, corporation or company violating any provision hereof shall be deemed guilty of a misdemeanor and upon conviction fined in an amount not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).³

³ Ordinance No. 981, Sections 1 – 7

CHAPTER 9.12
PERMITS TO USE STREETS

Sections:

- 9.12.01 Issuance of permits by mayor
- 9.12.02 Fees for permits - Penalty for violation

9.12.01 Issuance of permits by mayor.

Upon application in writing made by any person to the mayor, setting forth his intention of carrying on building, improving or repair work, the location, and nature of the work to be done, the necessity for the use of some portion of a street, sidewalk or alley, described in the application for the performance of the work; the length of time the use of same is desired, and the space to be occupied thereon, the mayor, if he deems it reasonable or necessary, shall grant to said party a permit to carry on said work, and to use, and occupy a portion of the street, alley or sidewalk applied for, but in no case exceeding in width one half (1/2) of the street, sidewalk or alley.

Said permit shall be in writing, specifying the portion of the street to be used, the kind of work to be done, and the date the permit will expire, upon the condition that the party to whom the permit is granted shall on every night from sunset to sunup, during the performance of the work, keep a red light in such a manner exhibited as will be full notice or warning of the place of obstruction to all persons passing along said street, sidewalk or alley. (Sec. 31, Reeder's Digest)

9.12.02 Fees for permits - Penalty for violation.

The mayor shall keep a record of the permits granted in a book to be provided for that purpose, and shall receive a fee of Fifty Cents (\$.50) for issuing each permit, to be paid by the applicant, and no person shall be liable under these provisions while pursuing work under such a permit granted by the mayor, and acting in conformity with its terms and conditions. But any violation of its terms and conditions shall subject the party to a penalty of not less than Two (\$2.00) Dollars, nor more than Fifteen (\$15.00) Dollars, and to have his permit revoked. (Sec. 32, Reeder's Digest)

CHAPTER 9.16
POLK BAYOU CROSSING SIGNAL

Sections:

- 9.16.01 Central Avenue flash signal
- 9.16.02 Penalty for violation of Sec. 9.16.01

9.16.01 Central Avenue flash signal.

When and after the Missouri Pacific shall have installed a Missouri Pacific Standard Highway Flashing Signal at the end of Polk Bayou Bridge on Central Avenue, it shall not be necessary for said railroad company to keep a flagman at said crossing or to flag said trains across said crossing, except when said signals shall fail to work, then the trains crossing Spring Street shall be flagged as though said signals had not been installed; provided, said trains shall not cross said crossing faster than ten (10) miles per hour.⁴

9.16.02 Penalty for violation of Sec. 9.16.01.

Any person who shall pass over said crossing on Spring Street at the end of Polk Bayou Bridge when said signals show red shall upon conviction be fined not less than One (\$1.00) Dollar, nor more than Twenty-five (\$25.00) Dollars.⁵

⁴ Ordinance No. 510

⁵ Ibid.

CHAPTER 9.20
PRIVATE CROSSING OF ANY DRAIN, DITCH, SIDEWALK, OR WATERCOURSE

Sections:

- 9.20.01 Permit to construct
- 9.20.02 Penalty for violation of Sec. 9.20.01

9.20.01 Permit to construct.

When any person, firm or corporation shall desire to place any private crossing across any drain, ditch, sidewalk or watercourse in the city of Batesville, he shall apply to the city council of the city of Batesville for a permit. (Sec. 256, Reeder's Digest)

9.20.02 Penalty for violation of Sec. 9.20.01.

Any person, firm or corporation violating Sec. 9.36.01 shall be fined in any sum not exceeding Twenty-five (\$25.00) Dollars. (Sec. 257, Reeder's Digest)

CHAPTER 9.24
SIDEWALK AND DRIVEWAY CONSTRUCTION

Sections:

- 9.24.01 Property owners must construct and maintain sidewalks
- 9.24.02 Ground should be graded
- 9.24.03 Consistency of concrete; curbing
- 9.24.04 Dimensions
- 9.24.05 Sidewalk Committee
- 9.24.06 Notice served by City Marshal
- 9.24.07 Notice
- 9.24.08 Owner will be penalized
- 9.24.09 Property owner may bring suit
- 9.24.10 Existing sidewalks may absolve owner
- 9.24.11 Repair will be enforced
- 9.24.12 Injury to sidewalks
- 9.24.13 Penalty for violation of Section 9.24.01
- 9.24.14 Driving over sidewalk - penalty
- 9.24.15 Additional penalty for violation of Sections 9.24.01 and 9.24.03
- 9.24.16 Weeds on sidewalks
- 9.24.17 Drainage tile required in driveways

9.24.01 Property owners must construct and maintain sidewalks

All owners of real property within the city of Batesville, adjacent to or abutting on any street, public square or park now existing, or that may be hereafter opened or laid out within said city, be and they are hereby required to construct and maintain sidewalks or foot pavements, with suitable curbing thereto on all sides of such real property, where the same abuts any such street, public square or park, in the manner hereinafter provided. And if, in the opinion of the Sidewalk Committee of the City Council, it shall be deemed necessary, any property owner may at any time be required to construct retaining walls to prevent soil, drift or other objectionable matter from washing on, over or across such sidewalks. ⁶

9.24.02 Ground should be graded

Before any such sidewalk is constructed the surface of the ground shall, by the property owner, be graded so as to conform as nearly as practicable to the grade of the street adjacent thereto, and in such manner as to be free from sudden changes in grade or elevation, such as would necessitate the use of steps, etc., such grade to be established by the sidewalk committee of the City Council. All fills shall be made of earth free from large stones and carefully packed, before laying such sidewalks. ⁷

9.24.03 Consistency of concrete; curbing

All such sidewalks shall be constructed with a substantial base consisting of not less than four (4) inches of concrete composed of one part cement, two parts clean sand, free from loam, and three parts of clean gravel, well mixed and tamped, and surfaced off with not less than three-quarters of an inch of topping, to consist of one part cement and one and one-half parts clean sand--only the best grade of Portland cement to be used, such walks to be inclined slightly toward the gutter or outside, so as to shed water readily, and the surface shall nowhere be lower

⁶ Ordinance No. 347, Section 1

⁷ Ibid, Section 2

than the level of the street adjacent thereto at the corresponding point.

All sidewalks shall be provided with a concrete curbing, and when expressly ordered, with a retaining wall, mixed in the same proportions above set out, and overlaid on all exposed surfaces same as sidewalks, well smoothed, the top edge to be neatly rounded and surfaced off with cement and sand, same as sidewalk, not less than three-quarters of an inch thick. Such curbing shall be not less than six inches thick and of sufficient depth to extend to the bottom of the gutter adjacent, and to provide a substantial support for the sidewalk. Provided, that where stone curbing or retaining walls now exists along any such sidewalks the Council, through its Sidewalk Committee, may accept the same in lieu of concrete curbing or retaining walls, so long as placed and maintained in proper condition.⁸

9.24.04 Dimensions

All sidewalks on Main Street between Locust and First Streets shall be not less than eight feet wide, including the curbing, with no ground space between the walks and curbing. All sidewalks on Chestnut Street, Central Avenue, Broad Street and Church Street between the points where said streets intersect Boswell Street and Water Street (except the east side of Church Street), shall be not less than six feet in width, including the curbing, with no ground space between the walk and the curbing. The sidewalk on the east side of Church Street, between Boswell and Water Streets, shall be four feet wide, including the curbing, with no ground space between the walk and the curbing. All sidewalks other than hereinabove mentioned shall be not less than four and one-half feet wide, the center line thereof to be the center line of the space between the property line and the gutter, leaving a ground space of none inches between the pavement and the property line, and a like space between the pavement and the curbing.⁹

9.24.05 Sidewalk Committee

It is made the duty of the Sidewalk Committee of the City Council to investigate from time to time, and recommend to the Council the necessity for the construction or repair of sidewalk, curbing, or retaining walls on any of the streets of the city under the provisions of this Ordinance, and immediately upon the report or recommendation of such Committee being filed with the Council, the Council may, by resolution, order and direct that the property owners abutting upon any of the streets covered by such recommendation shall immediately construct or repair sidewalks or curbing or retaining walls, or all, as the case may be, in front or along the side of their property of the kind and character hereinabove provided, subject to the approval of the Sidewalk Committee.¹⁰

Such Resolution may be in the following form, viz: "Whereas, the Sidewalk Committee of the Council has filed its report to the effect that a necessity exists for the construction (or repair) of sidewalks (curbing and retaining walls) adjacent to the following property within the city, to-wit: (Here describe the property and give names of streets upon which it abut.) Therefore, Be It Resolved by the City Council that the public welfare and convenience necessitates the immediate construction (or repair) of such sidewalks) and curbing and retaining walls), and that notice issue at once against the owner of such property requiring them to construct said sidewalks, and curing as required by Ordinance No. _____, and in case such property owners shall fail to construct such walks (and curbing and retaining walls) within the time prescribed in such Ordinance to the satisfaction of the Sidewalk Committee, that such Committee, on behalf of the City, contract for the construction of such improvement and report their action to the Council."¹¹

⁸ Ibid, Section 3

⁹ Ibid, Section 4

¹⁰ Ibid, Section 5

¹¹ Ibid, Section 5

9.24.06 Notice served by City Marshal

Immediately after the passage of any such resolution by the Council a notice in writing shall be served by the City Marshal upon the owner or owners of real property embraced in such resolution, to construct (or repair) such sidewalks, curbs or retaining walls, or all of same, as the case may be; and if any of the owners are non-residents of the County, or are absent therefrom, then such notice shall be served upon the agent in charge of such property. In case there be no agent in charge known to the City authorities and the property owner be a resident of some other County in this State, then such notice shall be served upon such property owner wherever found in this State, by some officer authorized to serve summons in legal proceedings. In case such property owner be a non-resident of this State or if his resident be unknown and there is no resident agent in charge of such property known to the City authorities, or if the owner of such property be unknown, then such notice shall be given by publication thereof for thirty days in some newspaper having a general bona fide circulation in the county. The City Marshal or other officer serving such notice shall make return thereof, showing the time and manner of service, to the Recorder, who shall report the same to the Council, and a minute thereof shall be made on the Record of Council Proceedings and the original notice preserved; and a like proceeding shall be had in case of notice by publication.¹²

9.24.07 Notice

The notice above provided for shall be substantially in the following form, viz: "To _____
"You are hereby notified that by order of the City council of the city of Batesville, Ark., you are required, within thirty days from this date, to construct (or repair) sidewalks with suitable curbing and retaining walls thereto, adjacent to your real property in Block No. _____ in the _____ addition to the City of Batesville, said property abutting on _____ Street, under the provisions and subject to the penalties of Ordinance No 347, adopted by said Council on the 20th day of March, 1916. In case of your failure to construct said improvement within the time mentioned, the same will be constructed by the City of Batesville, and the cost thereof, together with six per centum penalty, will become a charge against you and also a lien against said property, to be collected by a suit at law or in equity, at the option of said city. The specifications of said improvement are to be found in Sec. 3 of said Ordinance."

Issued this _____ day of _____ 19____.

City Recorder

In case where personal service of such notice is had, a copy of this Ordinance shall be attached to such notice.¹³

9.24.08 Owner will be penalized

Within thirty days after service of the notice upon the property owner as aforesaid, such owner shall cause to be constructed (or repaired) such sidewalk, curbing or retaining wall, or all of same, as the case may be, as directed in such resolution, and in accordance with the specifications above set forth. If the owner of any such property fails to construct the improvement required within thirty days from the service of such notice, then in every such case the city of Batesville may contract with some suitable person for the construction of such sidewalks and curbing and retaining wall on the best terms that can be had. When any such improvements are constructed under contract with the City as herein provided, the City may pay for the same and the amount so paid, together with six per centum penalty added thereto shall constitute a charge against the owner of said property and shall be a lien upon said property from the date of the commencement of said work, and such lien and charge shall be assignable.¹⁴

¹² Ibid, Section 6

¹³ Ibid, Section 7

¹⁴ Ibid, Section 8

9.24.09 Property owner may bring suit

Such charge against the property owner may be recovered in an ordinary action at law against him by the city of Batesville, or its assignee; or said lien may be foreclosed by the city or its assignee, by an action in equity in a court having jurisdiction for the enforcement of liens upon real estate, and the decree shall be for the condemnation of the property for the payment of the sums so paid out by the city of Batesville, together with the interest, penalty and costs of suit; and such suits in equity shall be brought in the manner and, under the terms now provided by law for the foreclosure of property by improvement Districts, so far as applicable.¹⁵

9.24.10 Existing sidewalks may absolve owner

In cases where sidewalks or curbing or retaining walls already exist, made of material and according to specifications set forth in this ordinance the obligation of the property owner under this ordinance shall be discharged by their maintaining them in good condition and to the approval of the sidewalk committee.¹⁶

9.24.11 Repair will be enforced

In the event any sidewalks, curbs or retaining walls provided for under this ordinance shall be in need of repair, its repair may be enforced by the City in the same manner that is herein provided for the original construction of such improvement, with like penalties for failure on the part of the property owner.¹⁷

9.24.12 Injury to sidewalks.

It shall be unlawful for any person to willfully, wantonly or maliciously injure, deface or destroy any sidewalk or any portion thereof, either before or after completion.

9.24.13 Penalty for violation of Sec. 9.24.01.

Any person convicted of violating Sec. 9.24.01 shall be fined in any sum of not less than one dollar (\$1.00), nor more than twenty-five dollars (\$25.00), one-half (½) of which amount, when collected, shall be paid to the person furnishing evidence of the guilt of the defendant. (Sec. 443, Reeder's Digest)

9.24.14 Driving over sidewalk - penalty.

Any person who, through gross negligence or carelessness, shall injure, deface, or destroy any sidewalk by riding or driving over, across or against same, or otherwise, shall be fined in any such case not less than one (\$1.00) Dollar, nor more than Ten (\$10.00) Dollars. (Sec. 444, Reeder' s Digest)

9.24.15 Additional penalty for violation of Secs. 9.24.01 and 9.24.03.

Sections 9.24.01 and 9.24.03 shall, in addition to the penalties therein provided, be liable to the owner or builder of such sidewalk, as the case may be, for such damages as may have been sustained by him. (Sec. 445, Reeder's Digest)

9.24.16 Weeds on sidewalks.

It shall be the duty of the occupant of such piece of real estate within the corporate limits of the city to keep the sidewalk bordering on such property clear of weeds for the full width of the sidewalk; and in case any piece of real estate is not occupied, then this duty shall devolve upon the owner of such property.

¹⁵ Ibid, Section 9

¹⁶ Ibid, Section 10

¹⁷ Ibid, Section 11

The word "sidewalk" in this section is to be construed as meaning each strip of land of the prescribed width immediately adjoining each side of the various blocks. (Sec. 448, Reeder's Digest)

9.24.06 Drainage tile required in driveways.

It shall henceforth be unlawful for any person, firm, entity, or corporation to construct or repair a driveway on any property within the corporate city limits without installing drain tile to accommodate water flow commensurate with reasonable standards approved by the City Building Inspector. ¹⁸

¹⁸ Ordinance No. 880, Section 1

CHAPTER 9.28
STREET OBSTRUCTIONS

Sections:

- 9.28.01 Forbids falling trees across streets
- 9.28.02 Failure to remove after notice
- 9.28.03 Signs over sidewalks
- 9.28.04 Trimming shade trees
- 9.28.05 Discharging water on sidewalks
- 9.28.06 Abatement
- 9.28.07 Notice defined

9.28.01 Forbids falling trees across streets.

It shall be unlawful to obstruct any street, alley or sidewalk in the ccity of Batesville by falling any tree across the same or by placing any obstruction thereon.¹⁹

9.28.02 Failure to remove after notice.

Any person, firm or corporation who shall place any obstruction across any street, alley or sidewalk in the city of Batesville, and fail to remove the same within three (3) days after being notified to do so shall be deemed guilty of a misdemeanor.²⁰

9.28.03 Signs over sidewalks.

It shall be unlawful for any person, firm or individual owning any building or controlling same as agent, lessee, or tenant, to maintain or erect any sign or other advertising matter made of wood, cloth or metal of any size whatever, directly over or across the sidewalk in front of any such building, or elsewhere, over or across any of the streets or sidewalks of the city of Batesville.

9.28.04 Trimming shade trees.

All trees, shrubs and other growths in the city of Batesville upon which any limb or limbs grow or protrude over the sidewalk and streets, and within nine (9) feet of the surface thereof, are hereby declared to be a nuisance, and the owners of the property upon which the same is situated, the tenants, agents or lessees in possession thereof are hereby required to remove and abate same. (Sec. 350, Reeder's Digest)

9.28.05 Discharging water on sidewalks.

All pipes emptying or leading water upon the sidewalks of the city of Batesville are hereby declared to be a nuisance. Provided, that nothing herein shall be construed as to prevent the owner of any building from constructing a ditch or underground pipe under each sidewalk in such manner as will not interfere with the free use of the same by the public. (Sec. 345, Reeder's Digest)

9.28.06 Abatement.

If the owner of any such pipes shall fail or refuse to remove the same after notice has been served upon him thirty

¹⁹ Ordinance Number 472

²⁰ Ibid

(30) days, ordering to abate such nuisance, the city police may abate such nuisance in any manner that may be necessary with as little injury to the property as possible. (Sec. 346, Reeder's Digest)

9.28.07 Notice defined.

The notice provided for in Sec.9.28.06 shall be a copy of a resolution of the council ordering such removal. (Sec. 347, Reeder's Digest)

CHAPTER 9.32
STREET NAMES

Sections:

9.32.01 Street names

9.32.01 Street names.

There is an official system of street names in the city of Batesville, Arkansas as shown on the map entitled "Street Names Map of Batesville, Arkansas", dated March 7, 1961 as certified and filed by the city planning commission, a copy of which is filed with the clerk/treasurer.

Names of public ways in the city of Batesville, Arkansas shall remain as shown on said map, unless officially changed by specific ordinance passed subsequent to this code.

No new public ways shall be accepted by the city until such public ways have been named. If there are extensions of existing public ways, the existing names shall be continued; and if not extensions, new names recorded shall not duplicate or closely proximate public way names already assigned. ²¹

²¹ Ordinance Number 684

CHAPTER 9.36
STREET LIGHTS

Sections:

9.36.01 Street lighting agreement

9.36.01 Street lighting agreement.

The Mayor and Clerk/Treasurer are hereby authorized, empowered, and directed to make and enter into a contract for and on behalf of the city of Batesville with the Arkansas Power & Light Company pursuant to proper action and approval by the City Council.²²

²² Ordinance Number 732, Section 1

CHAPTER 9.40
STREET CONSTRUCTION

Sections:

- 9.40.01 Minimum standards for street construction
- 9.40.02 Penalty

9.40.01 Minimum standards for street construction. ²³

Any person, firm, corporation or company constructing a street, road or highway designed for use by motor vehicles and to be open to the public use, and/or hereinafter dedicated to the public, and/or platted as public streets or otherwise to be opened to the public, shall see that the street, road or highway is built to comply with the following minimum standards:

A. Each traveled portion of each street shall be at least twenty five (25) feet in width and consist of five (5) inches of compacted SB-2 covered with two (2) inches of hot mix asphalt with a four (4) inch crown. The furthest point of each side of said street shall be the traveled portion of the street's lowest point to allow for water drain off.

B. Curb standards

(1) For all streets, except those in residential subdivisions, the minimum required curb shall be as follows:

Directly adjacent to and connecting with each side of the traveled portion of the street, there shall be a curb. The curb shall be constructed as follows: Each curb shall consist of a six inch (6") concrete base. Each curb shall be twenty-four inches (24") in width. Eighteen inches (18") of said curb width shall be consistent with the height of the street and drop from crown in the middle of the street to the edge of the street side to allow for water drain off. The remaining six inches (6") of said curb width shall form a lip six inches (6") in height greater than the above described curb surface and twelve inches (12") in height from said base.

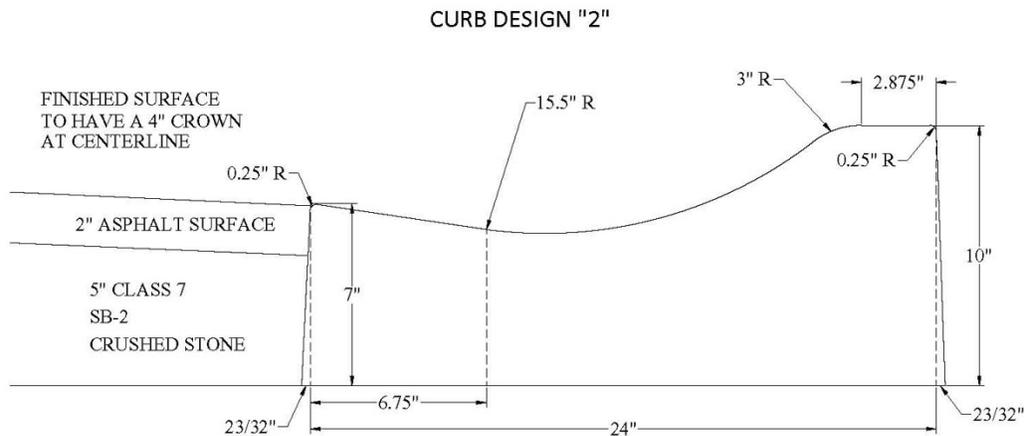
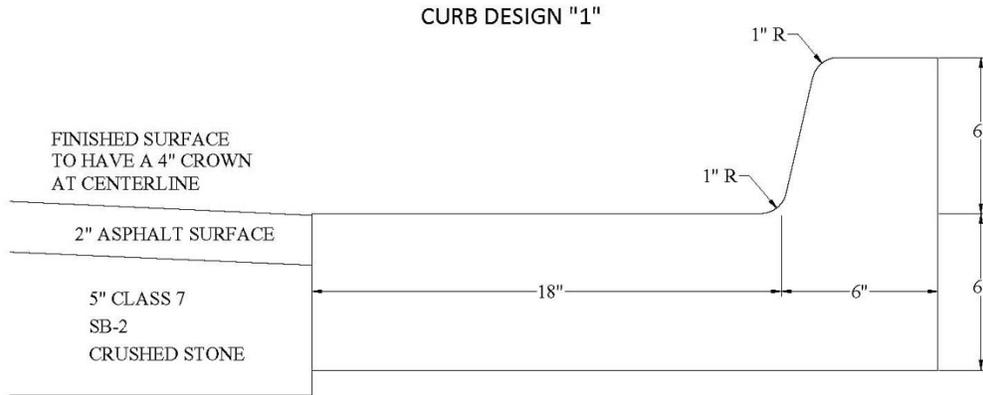
(2) For streets in residential subdivisions, the minimum required curb shall be as follows:

Directly adjacent to and connecting with each side of the traveled portion of the street, there shall be a curb. The curb shall be constructed as follows: each curb shall consist of a six inch (6") concrete base. Each curb shall be twenty-four inches (24") in width. Twelve inches (12") of said curb width shall be consistent with the height of the street and drop from the crown in the middle of the street to the edge of the street side to allow for water drain off. The remaining twelve inches (12") of said curb width shall form a lip four inches (4") in height greater than the above described curb surface and ten inches (10") in height from said base.

Further, the Planning Commission of the City of Batesville may require curbs on some streets in residential subdivisions to be built to the standard of (1) above because of drainage or traffic concerns.

²³ Ordinance 2005-09-03 revised subsections B. and C.

C. The following diagram illustrates the requirements for curb construction as previously set forth in this section. ²⁴



D. All street construction must be done in a professional, responsible and workman-like manner. ²⁵

9.40.02 Penalty.

Any person, firm, corporation or company violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction fined in an amount not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Each day that a violation of this ordinance is allowed to continue shall be considered and is deemed a separate offense. ²⁶

²⁴ Ordinance 2005-09-03, Section 1.C. reads as follows: "That attached herein and marked AMENDED EXHIBIT "A" and made a part of this ordinance as though set out herein in full, word for word, item for item, is a diagram of the method of construction for (a) and (b) above which must be adhered to."

²⁵ Ordinance 986, Section 1

²⁶ Ordinance 986, Section 2

CHAPTER 9.44
MASTER STREET PLAN

Sections:

- 9.44.01 Plan adopted
- 9.44.02 Three copies to be filed

9.44.01 Plan adopted.

That the Batesville, Arkansas, Master Street Plan - Year 2010 as approved by the Batesville City Council on March 10, 1992, is hereby adopted as the Master Street Plan for the city of Batesville, Arkansas, and should constitute the Master Street Plan until revised. ²⁷

9.44.02 Three copies to be filed.

The City Clerk is directed to maintain three (3) complete copies of the said Master Street Plan on file in the office of the said City Clerk at all times for inspection by the general public. ²⁸

²⁷ Ordinance 92-4-1, Section 1 [Note: Master Street Plan revised by Resolution Number 2009-02-03-R]

²⁸ Ordinance 92-4-1, Section 3

CHAPTER 9.48 HOUSE NUMBERS

Sections:

- 9.48.01 Visible house numbers
- 9.48.02 Responsibility
- 9.48.03 Placement of numbers
- 9.48.04 Height of numbers
- 9.48.05 Location
- 9.48.06 Fine

9.48.01 Visible house numbers

It is hereby determined a need exists for clearly visible building numbers primarily for the protection of the public by emergency services such as fire, ambulance and law enforcement.²⁹

9.48.02 Responsibility

The owner, occupant or agent of the affected structure shall place or cause to be placed the number or numbers assigned to each building or structure. If the occupant or agent does not comply, liability shall be upon the owner.³⁰

9.48.03 Placement of numbers

The number shall be conspicuously placed so the number can be seen plainly from the street. Whenever any building is situated so that the number is not clearly discernible from the street, the number or numbers assigned shall be placed near the walk, driveway, or common entrance to such buildings, or other appropriate place such as a mailbox. Although permitted, numbers painted or stenciled on the curb shall not be a lawful substitute for the display of address numbers.³¹

9.48.04 Height of numbers

The numbers used shall not be less than four (4) inches in height for residential structures and not less than six (6) inches in height for non-residential structures and shall be made of a durable and clearly visible reflective material.³²

9.48.05 Location

Every attempt shall be made to place numbers in an appropriate attractive manner.³³

9.48.06 Fine

Enforcement of this ordinance shall be among the responsibilities of the city of Batesville Code Enforcement Office and non-compliance could result in a fine of Fifty Dollars (\$50.00) nor more than One Hundred Fifty Dollars (\$150.00) as determined by the court.³⁴

²⁹ Ordinance Number 2003-04-01, Section 1

³⁰ Ibid, Section 2

³¹ Ibid, Section 3

³² Ibid, Section 4

³³ Ibid, Section 5

³⁴ Ibid, Section 6