

APPENDIX D – COUNTY ORDINANCE 86-4

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO ESTABLISH POLICIES AND PROCEDURES TO GUIDE THE ALLOCATION AND USE OF AVAILABLE FUNDS FOR THE MAINTENANCE, REPAIR, AND CONSTRUCTION OF COUNTY ROADS. THIS ORDINANCE MAY BE CITED AS “THE BENTON COUNTY ROAD PLAN OF 1986.”

ARTICLE 1 – GENERAL PROVISIONS

Section A – PRIORITY

Since county government has the responsibility to provide roads for the benefit of all residents of the county, and since the funds available for that purpose are limited, it becomes necessary for the governing body to establish priorities for the use of road funds.

Because a great many residents of rural areas hold jobs in town and must commute each day, and because livestock and poultry industries require daily deliveries an/or pickup of feed, livestock and poultry, and because of the school busses and mail routes, the need for a road system that can be used under all weather conditions is evident. Therefore, the first and highest priority of road funds shall be to provide, to the fullest extent possible, a network of county roads that are passable under all weather conditions.

Section B – TIME PROJECTIONS

Because of the uncertainty of funding, the uncertainty of weather damage to roads, and the impossibility of projection future needs, no attempt will be made in this ordinance to make time projections for any road project.

Section C - WORK FOR MUNICIPALITIES

Municipalities of the county have the responsibility of construction, repair, and maintenance of roads and streets within their city limits. Any road work done by the county for cities owning road equipment may be paid for in cash or by reciprocity as arranged by the city officials and the County Judge. Road work done by the county for towns not having the necessary equipment, must be paid for by specific agreement between the town officials and the County Judge.

Section D – SPEED ZONES

Specific sections of roads designated by resolution of the Quorum Court may have maximum speed limits as stated in the resolution. Residents living along designated roads are responsible for purchasing and maintaining the speed limit signs.

Section E – RIGHT OF WAY

Because of limited road funds, the county is unable to pay for any additional right-of-way needed for widening or new construction of county roads. Therefore, it will be necessary for landowners to give the necessary right-of-way to county, and to remove fences and other made made obstacles before construction begins.

Section F – JUDGE’S REPORT

In order that the Quorum Court may be advised of the current status of road problems and needs, the county Judge shall make monthly reports to the Court. The first report in January should include proposed improvement and new construction and their projected costs for the following year. Each month thereafter the report should include current action of the Road Department as well as an update on purposed improvement projects and their projected costs. In this way the Quorum Court will be able to work with the County Judge to make the most beneficial use of available funds.

Section G – ROAD ENGINEER

1. A road engineer should be hired on a part-time basis for specific jobs requiring his expertise. This engineer should design and supervise assigned projects in accordance with generally accepted engineering practices.
2. The County Road Department shall cooperate with the County and State program to perpetuate and remonument corners of the United States Public Land Survey. For guidance, see the basis for Quorum court appropriations shown in the “Benton County Surveyor’s Report, 1977.”

Section H – PRIVATE DRIVES AND OTHER ROAD ACCESSES

Property owners constructing private driveways or other accesses connecting to a county road shall furnish a drainage tile of appropriate size and length as determined by the county Road Supervisor. Tile may be purchased from the County at cost with payment in advance of installation or from commercial sources. Installation will be done by the County Road Department at no cost to the property owner. Property owners are requested to assist in keeping tiles open and free from obstruction. Property owners and/or other persons shall not obstruct a ditch with dirt or gravel or other material to gain access to a county road. Violation of this provision shall result in a fine of \$50.00 per day for failure to correct a violation after written notice form the County Judge.

Section I – DITCHING ACROSS ROAD

Any individual, organization, business, corporation or public utility desiring to cut a ditch or trench across any county road or highway for any purpose shall notify the County Judge or the proper entity and post bond in the amount of \$300.00. This bond will be returned upon the proper restoration of the road bed as determined by the County Road Department. Violation of this provision shall result in a fine of \$250.00 for each offense, each day shall constitute a new offense.

Section J – ROADSIDE DITCHING

Any individual, organization, business, corporations or public utility desiring to cut trenches, ditches, lay cable or pipe or other device, or otherwise disturb the existing right-of-way surfaces along any county road shall first notify the County Judge or entity and post a bond in the amount of \$2,000.00 for each mile. The bond will be returned upon the proper restoration of said right-of-way as determined by the County Judge or designated authority. Violation of this provision shall result in a \$250.00 fine for each offense, and each day shall constitute a new offense.

All cable or pipe or other devices buried on County right-of-way must be placed at least thirty-six (36) inches below the ground at point of entrenchment.

Section K – LOAD LIMITS

The County Judge shall determine and post the load limits of all hard surfaced roads built or maintained by the County if deemed necessary for maintenance of the road. Limits may vary according to conditions. Violation of the load limits shall result in a fine of \$250.00 for each offense. The County Judge may issue an overweight permit if he determines there is sufficient justification. Cost of said permit shall be \$100.00 per day.

Section L – BRUSH AND VEGETATION

1. Brush and vegetation on corners create a driving hazard. Private owners are encouraged to cooperate with the County in removing the brush so that traffic is visible in all directions thereby making it safe for all who travel the road.
2. Brush and vegetation growing along the side of the road and extending into the driving lane is a serious problem. A minimum cleared width of 40 feet will be utilized where necessary to assure a safe roadway.

Section M – NEW SUBDIVISIONS

Streets in new subdivisions shall be built in accordance with the standards of the “Benton County Subdivision Regulations.” The construction and paving specifications set out in this ordinance shall apply. It shall be the policy of the County not to accept said streets into the County System for maintenance until construction is approved by the County Judge.

Section N – ENFORCEMENT

Enforcement of the preceding provisions is the responsibility of the Benton County Sheriff's Department.

ARTICLE II – STANDARDS FOR COUNTY ROADS

Section A – REQUIREMENTS

1. Right-of-way for existing county collector roads shall be 50 feet. Right-of-way for existing County local roads shall be 40 feet to be measured from the center of the existing road or right-of-way, or to be determined by the County Judge or his agent.
2. Minimum right-of-way for new construction and/or upgraded County roads shall be 50 feet.
3. U.S. Highways shall be designated as “arterial” highways. Required right-of-way shall be as determined by the U.S. Bureau of Roads, minimum right-of-way for all Federally aided roads shall be 80 feet.

Arkansas State Highways shall be designated as “collectors.” Right-of-way widths shall be as required by the Arkansas State Highway Commission. Minimum right-of-way width for State aided road shall be 60 feet.

4. Bridges and culverts should be a minimum of 4 feet wider than the traveled surface, and minimum capacity of 20 tons. Bridge approaches should have guard rails designed and installed according to standard road engineering practices as determined by the County Judge.
5. Roads shall not be constructed with grades in excess of 12% except for short distances.
6. Flexibility in the application of standards is necessary because of special problems and situations. The standards will apply unless, in the judgment of the County Judge, a reasonable exception needs to be made.
7. The base course and surfacing shall be placed on a firm foundation that is thoroughly stable. The top six inches of the subgrade shall be compacted to a density not less than 95% of the maximum density obtained by the Standard Method of Test for the Compaction and Density of Soils, AASHO Designation T-99. Areas of soft unsuitable material shall be completely excavated and replaced with good embankment material.

8. The Base Course shall be either gravel or crushed stone. The base course may be deleted for portions of a road where the subgrade meets the requirements as outlined below for compaction, gradation, and shaping.

Gravel – This material shall consist of a natural or artificial mixture of gravel and soil mortar uniformly well graded from coarse to fine. The gravel shall consist of crushed or uncrushed hard pebbles or crushed boulders, and the material shall be reasonably free from objectionable or injurious matter. The grading of the material shall conform as closely as is deemed feasible to GB2 or GB3 “Standard Specifications for Highway construction,” Arkansas State Highway Commission, Edition of 1978.

Crushed Stone – This material shall consist of crushed run stone or a mixture of crushed stone and soil mortar uniformly mixed. The stone shall be hard and durable and the mixture shall be free from objectionable, injurious matter. The grading of the material shall conform as closely as is deemed feasible to Class SB-2 “Standard Specifications for Highway Construction,” Arkansas State Highway Commission, Edition of 1978.

Construction Methods – The base course material shall be placed on a completed and approved subgrade that has been bladed smooth and uniform, and conforming to the typical section shown. Base course material shall not be placed on a frozen subgrade.

The base course shall be placed on the subgrade and spread uniformly to such depth and lines that when compacted, it will have the thickness, width and cross section shown on the plans. When the compacted depth of the base course as shown on the typical section exceeds six inches, the material shall be placed in two or more courses of approximately equal depths. No course shall exceed six inches in compacted thickness.

Each course shall be compacted by any satisfactory method that will obtain a density of 95% of a laboratory run Proctor Density Test on the material.

Section B – BLACKTOP SPECIFICATIONS

1. Prime Coat – A single application of bituminous material, generally a medium curing cut black asphalt, shall be applied to the approved base course prior to surfacing. Immediately preceding the prime coat application, the surface to be treated shall be swept free of foreign material. After the surface to be treated has been prepared, the prime coat shall be sprayed uniformly over the surface by means of an approved mechanical pressure distributor at a rate of application between 0.25 and 0.30 gallons per square yard.

Following the application of the prime coat, where practical, the road shall be closed to traffic for a period of time sufficient to allow the proper curing of the bituminous material. Prime coat shall not be applied when the air temperature is below 50 degrees F., nor shall it be applied to a surface having excess moisture. The distributor shall be so adjusted and operated at all times as to distribute the bituminous material evenly.

2. Asphaltic Concrete Hot Mix Surface Course – This item shall consist of an asphaltic concrete wearing surface composed of a compacted mixture of mineral aggregate and asphalt cement, constructed on the completed and accepted base course.

The wearing surface shall be composed of a mixture of mineral aggregate and asphalt cement as shown for Type II, “Standard Specifications for Highway Construction,” Arkansas State Highway Commission, Edition of 1978.

The mineral aggregate for asphaltic concrete hot mix surface course shall consist of a combination of coarse aggregate, fine aggregate and mineral filler. The coarse aggregate shall be crushed gravel or crushed stone. The coarse aggregate is that fraction retained on the number 10 sieve. Crushed stone shall consist of hard, tough, durable fragments of rock of uniform quality, free from an excess of soft particles. Gravel shall consist of hard, durable pebbles free from an excess of soft particles. Crushed gravel is that gravel of which one hundred percent of the particles have been produced from larger particles.

Asphalt cement shall be prepared from petroleum, shall be homogenous, free from water, shall not foam when heated to 347 degrees F., and shall comply with specifications show in “Standard Specifications for Highway Construction,” Arkansas State Highway Commission, Edition of 1978.

The mixture shall be compacted while in a plastic condition as soon after being spread as it will bear the weight of the rollers without undue displacement. No roller shall be operated at a speed greater than 3 miles per hour. The finished surface coarse shall be compacted to not less than 92% of the theoretical density. Hot mix bituminous material shall not be mixed or placed when the air temperature is below 40 degrees F. or when there is frost on the base or subgrade.

3. Double Bituminous Surface Treatment

Prime Coat – See Number 1 above.

Seal Coat – This item shall consist of two applications of a rapid curing cut black asphalt, each application be covered with aggregate conforming as closely as feasible to Class 8 or 9 mineral aggregate, in the “Standard Specifications for Highway Construction,” Arkansas State Highway Commission, 1978 Edition. The rate of application of the bituminous material shall be 0.3 gallons per square yard for the first application and 0.4 gallons per square yard for the second. Aggregate application rate shall be between 30 and 40 pounds per square yard.

Immediately following the placing of aggregate, the surface shall be rolled until the aggregate is thoroughly imbedded. After the second coat is rolled, surface should be swept. After roadway has been subjected to traffic for a period of one to two weeks, all excess cover material shall be removed from the roadway and properly disposed.

ARTICLE III – PROCEDURES FOR BLACKTOPPING

Section A – PRIORITY

The specific road or section of road to be blacktopped shall be determined primarily by a traffic count of at least one week. A new development in the process of construction could be a factor in making a decision that a particular road be blacktopped. This determination will be made by the County Judge.

Section B – CONTRIBUTIONS

Contributions made to cover the cost of blacktop materials for a specific section of county road shall be deposited with the County Treasurer prior to the start of work, in an amount to be determined by the County Judge, based upon the estimated cost of the project.

ARTICLE IV – ROAD CONSTRUCTION SPECIFICATIONS

The TYPICAL CROSS SECTION, attached as a part of this ordinance, and the following specifications shall govern the construction of new roads (gravel or blacktop) and the upgrading of existing roads to meet the standards as set forth herein.

Section A – BASE

1. Roadway Excavation

Roadway excavation shall include the removal and satisfactory disposal of all material taken within the limits of the typical cross section in excavation. All suitable material removed from the excavation for roadways shall be used as far as practicable in the formation of embankments and subgrades. Excavated material in excess of the quantity that can be placed in the embankment section shall be hauled away and disposed in an acceptable manner.

In the construction of embankments, grading operations shall be conducted so that the most suitable soil is placed in the top layer of the embankment in order to form an acceptable subgrade.

When detached boulders or rock is placed in an embankment, all voids shall be filled with embankment material. No rock greater than six inches in size will be permitted higher than one foot below finished subgrade or one foot from a drainage structure.

2. Drainage

Ditches shall be constructed to the sides of the roadbed as required to handle storm water runoff and should be sized according to good engineering practices. Normal ditch shall be a V-bottom with eight inches minimum depth below the base course. Maximum side slopes shall be 2.1, ditch bottom slope shall be 1.0 percent minimum to prevent ponding of water.

Drainage structures such as culverts and bridges shall be sized and located according to good engineering practices to divert water under roads and driveways. Minimum cover over culverts shall be twelve inches.

3. Embankment Material

Embankment material shall consist of a satisfactory soil, or a mixture of soil and stone or gravel, or other acceptable material free from sod, stumps, logs, roots or other perishable or deleterious matter and capable of forming a stable embankment when compacted.

ARTICLE V – MAINTENANCE AND REPAIRS

Section A – GRAVEL ROADS

1. Because regular and frequent maintenance of county roads is necessary to provide a road system which is passable under all weather conditions, and can prevent or defer costly repairs, maintenance shall be the top priority of the County Road Department. When repairs are necessary, they will be performed as soon as possible. Personnel will be utilized in such a way as to not delay the regular maintenance of any particular area for an extended period of time.
2. Portions of county roads that break through during the spring thaw should be recorded and special effort should be made to secure proper drainage and base before the next winter. If proper drainage requires a wide right-of-way, this must be secured before the base is built.
3. Since the durability of roads depends on keeping water out of the base, it follows that proper drainage is of highest priority for the efficient maintenance of existing gravel roads. Local residents desiring to have the best roads possible with the least cost will want to assist the county in keeping all culverts and bridges open. Property owners are prohibited from draining septic tanks or other similar type drainage into county road ditches or right-of-ways. Violation of this provision shall result in a fine of \$100.00 for each offense or \$100.00 per day for failure to correct a violation after written notice from the County Judge.
4. Since regular and frequent blading is necessary to maintenance of gravel roads, an adequate fleet of graders and support equipment in good working condition shall be maintained.

Section B – BLACKTOP ROADS

The cause of blacktop failure needs to be determined before repairing starts so that the cause may be attended to. If poor drainage causes the base to become saturated, then the drainage must be improved. A base that is not thick enough for the type of soil must be made thicker. Imperfections in the blacktop surface will allow water into the base and cause the base to break through. Repairing blacktopped roads is very expensive, therefore, every effort must be made to eliminate the cause of failure before expending funds for repair. If proper drainage requires a wider right-of-way, this must be secured before the base is built.

ARTICLE VI – COUNTY ROAD MAPS

The 1978 Traffic Volumes and County road Number Map of Benton County (prepared by the Arkansas Highway and Transportation Department) is attached to and made part of this ordinance. This map shows the location, inventory and classification of the roads in Benton County.

U.S. Highways shall be designated as “arterial” highways, Arkansas State Highways shall be designated as “state collectors,” and all county roads shall be designated as “county collector” or “local” roads.

ARTICLE VII – REPEALER

Ordinance No. 80-13 is hereby repealed.

ARTICLE VIII – SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

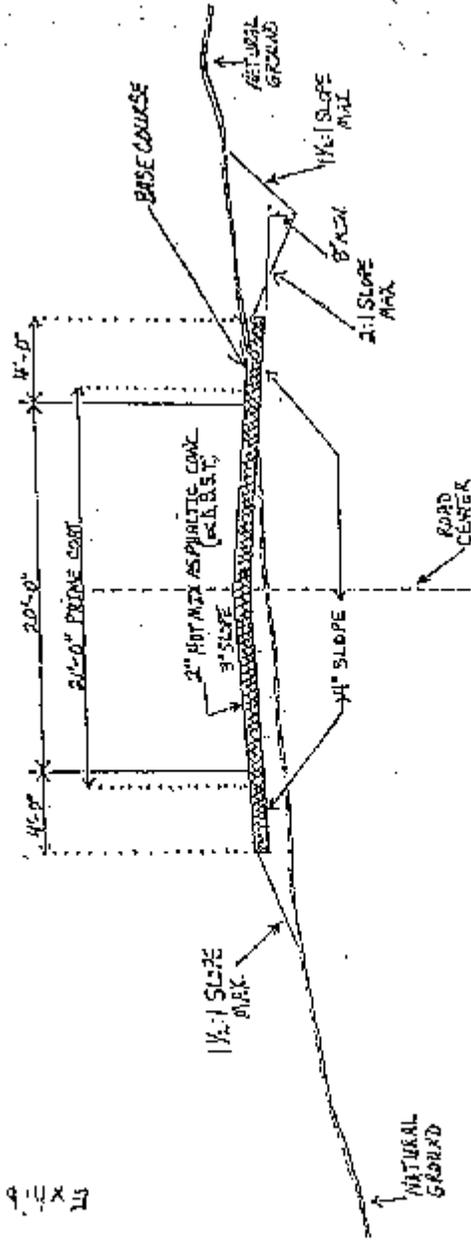
ATTEST:

Mary L. Slinkard
Date: March 13, 1986
Sponsor: Road Committee

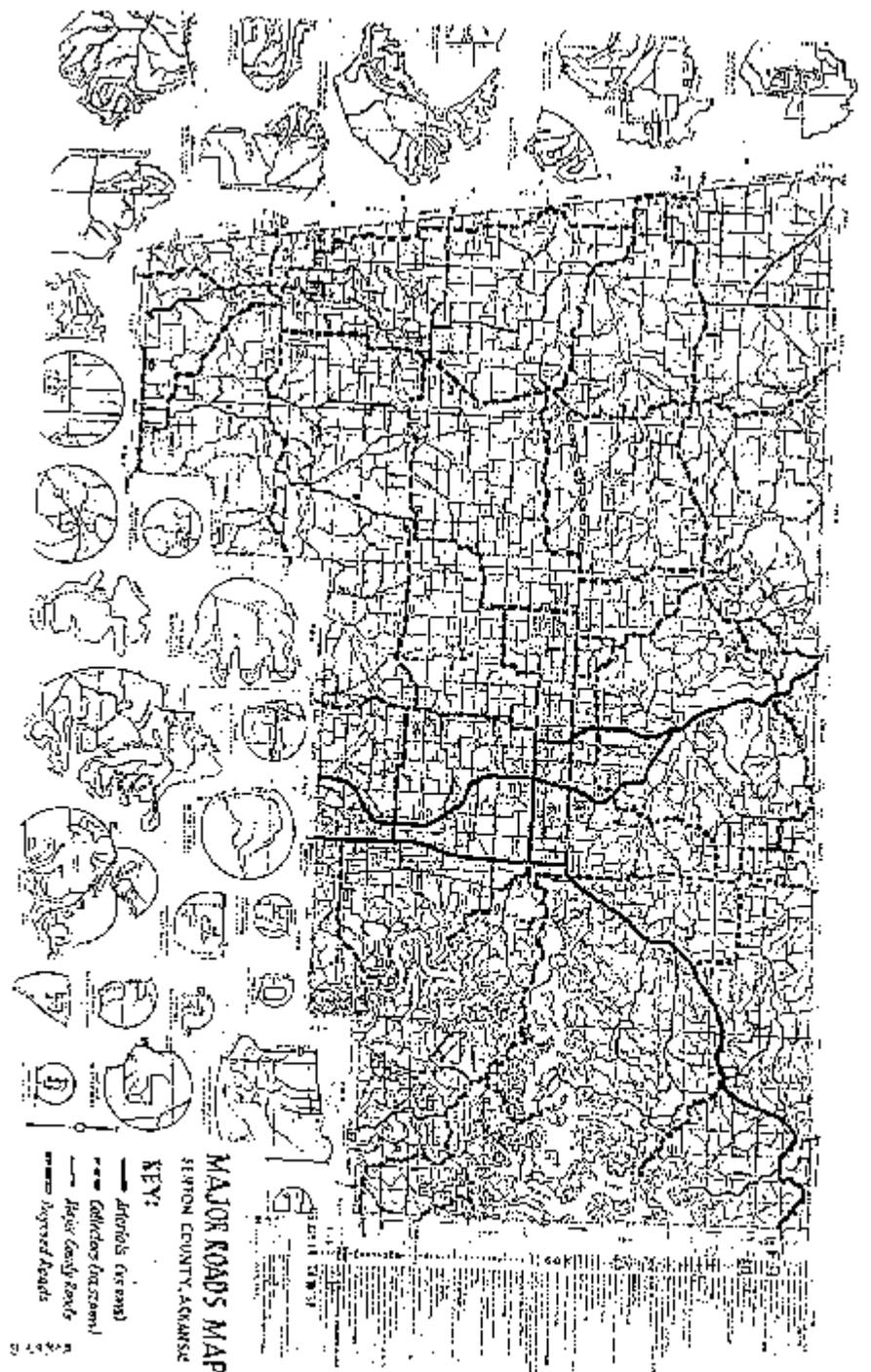
APPROVED:

A.E. Norwood, County Judge

Exhibit A



TYPICAL CROSS SECTION



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