

ORDINANCE NO. A-304

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AN ORDINANCE TO REQUIRE THE PLACING OF DRAINAGE TILES OR CULVERTS UNDER DRIVEWAYS; REGULATING THE SIZE THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS :

SECTION 1. Any person, firm or corporation desiring to move, construct, build, alter or repair any road bed, roadway, driveway or other public or private thoroughfare on, over, under or through any public street, alley, roadway, sidewalk or other public grounds within the City of Conway, Arkansas, shall do so only as provided in this ordinance.

SECTION 2. Any person, firm or corporation desiring to move, construct, build, alter or repair any road bed, roadway, driveway or other public or private thoroughfare on, over, under or through any public street, alley, roadway, sidewalk or other public grounds within said City shall apply to the Superintendent of Public Works of said City for a permit so to do, setting out the type of work to be done and the site and location thereof. Such permit, if issued, shall set out clearly the size or diameter of any and all pipes, drainage or culverts, if any, required to be laid, set or placed, and the position, depth, grade, and the manner in which same shall be laid, placed, set and covered.

SECTION 3. Any person, firm or corporation violating any of the provisions of this ordinance or who shall attempt to move, construct, build, alter or repair any road bed, roadway, street, alley, sidewalk, driveway or other public or private thoroughfare on, over, under or through the streets, alleys, or other public grounds within the City of Conway, Arkansas, without first obtaining said permit, upon conviction thereof, shall be fined in any sum not less than \$5.00 nor more than \$25.00, and each day such violation or evasion of this ordinance shall exist shall constitute a separate offense and be punished as such, Provided, however, that nothing contained herein shall prevent the said City of Conway, Arkansas, from digging, grading, cleaning, widening, deepening, altering or constructing any ditch or canal for the purpose of draining surface water from any area within the said City, and in the course thereof,

breaking, cutting, digging or excavating over, under, on or through any roadbed, roadway, driveway, or other public or private thoroughfare, including removing, altering, changing or tearing out of any pipe, drainage tile or culvert which is a part thereof, on, under, over or through any street, alley, or other public grounds within the said City. And, provided further, that nothing herein contained shall prevent said City from ordering and requiring the removal, alteration, repair, replacement, construction or installation of any pipe, drainage tile or culvert on any street, sidewalk, alley or other public grounds within said City in order to better aid and facilitate the drainage of surface waters from any area within the said City of Conway.

SECTION 4. If any clause, sentence, paragraph, section or other portion of this ordinance be found to be unconstitutional, or invalid, or inoperative by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of these sections, nor shall any proceeding attacking any portion of these sections operate to affect any portion of the remainder of said sections not specifically attacked in said proceeding.

SECTION 5. It is ascertained and declared that it is necessary for the protection and preservation of the public health and safety, and for the protection of the property of the citizens of the City of Conway, Arkansas, that the foregoing ordinance be passed and adopted; that an emergency exists; and that this ordinance shall take effect and be in force from and after its passage and publication.

PASSED: May 24, 1955.

APPROVED:

M. M. Datterfield
Mayor

ATTEST:

Walter Dumas
City Clerk

(SEAL)