AGENDA ITEM HISTORY SHEET

ITEM TITLE	**AGENDA NO.** 13
Ordinance 2026-13	**AGENDA DATE:** 7/28/26

FUNDING CERTIFICATION (Finance Director) (Signature, if applicable)

MANAGEMENT STAFF REVIEW (Signature)

MAYOR (Signature)

ITEM HISTORY (Previous Council reviews, action related to this item, and other pertinent history)

N/A

ITEM COMMENTARY (Background discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

Amending Bryant Minimum Street Specifications Section 6: Utilities and Utility Crossings to protect all forms of city infrastructure within the Corporate City Limits of the City of Bryant, to protect public safety and quality of life. We feel it is necessary place more stringent safety requirements for contractors working within the City of Bryant Street right-of-way and mandating operating hours due to a number of recent events that have taken place.

(This section to be completed by the Mayor)

ACTION PROPOSED (Motion for Consideration)

Propose to call for a motion to approve with emergency clause by Bryant City Council.

ORDINANCE NO. 2026- ___
AN ORDINANCE AMENDING THE CITY OF BRYANT MINIMUM STREET SPECIFICATIONS SECTION 6: UTILITIES AND UTILITY CROSSINGS, FOR THE PURPOSE OF PROTECTING CITY INFRASTURE, BRYANT CITIZEN, PUBLIC SAFETYAND MANDATING WORK HOURS.

WHEREAS, the City of Bryant must protect all forms of city infrastructure within the Corporate City Limits of the City of Bryant; and

WHEREAS, the City of Braynt must protect Bryant citizens, property of Bryant citizens and ensure public safety and increase safety regulations; and

WHEREAS, The City of Bryant will regulate hours worked within the street right-of-way for contractors to match the operation hours for the City of Bryant Public Works Department, eliminating after-hours occurrences, overtime cost and oversight of all work being performed.

SECTION 6

UTILITIES AND UTILITY CROSSINGS

PART 6.1 GENERAL

A. The Developer/Owner shall be responsible for coordinating the installation of franchise utility lines and water, wastewater, and storm drain lines relative to street development.

B. Design and installation of water, wastewater and storm drainage facilities shall conform to the current design criteria and related regulations for those facilities.

C. All utilities shall be designed and installed in a manner that minimizes utilities under streets and curbs. All utilities crossing streets shall be near perpendicular to the street. Utilities located parallel to the street shall remain outside of the limits of the street section unless crossing perpendicular to the street. Utilities shall ensure that parallel utilities do not cross into the limits of the street around curves, corners, or cul-de-sacs unless otherwise approved by the Public Works Department.

D. All non-metallic buried facilities placed within public right-of-way either parallel to or crossing the roadway, shall have an approved identification wrap of detectable tape or wire in order that the facility can be located by metal locators or other suitable devices.

E. All underground electrical lines within public right-of-way either parallel to or crossing the roadway shall include 3-inch minimum width underground detectable warning tape with red background and black letter stating, "CAUTION BURIED ELECTRIC LINE BELOW". This tape shall be detectable, durable, highly visible, resistant to elements, and meeting or exceeding all industry standards.

F. All work within public right-of-way shall meet the requirements of these standards, Ordinance 2012-11, and all other applicable city ordinances, unless otherwise modified herein. All applicable permits shall be obtained by the Utility for any work taking place within public right-of-way.

G. No new excavations or bores shall be allowed after 1:00 PM on Fridays or on weekends. No work shall be permitted within the City of Bryant Street Right of Way after 4 p.m. No work shall be permitted within the City of Bryant Street Right of Way on holidays or inclement weather days. No work shall be permitted within the City of Bryant Street Right of Way on the weekends (Saturday & Sunday). Emergency work that has been called in through #811 Arkansas One-Call

following State Laws will be allowed. City of Bryant may also allow for after-hours or night work on a case-by-case basis. The City of Bryant has full authority to shut down all work within the City of Bryant as needed for emergency purposes or as needed.

H. Permits – A permit shall be issued for a maximum of 1000 linear feet. Permits shall be valid for 6 months from the date of issuance. The contractor shall notify the Streets department locator at least five working days in advance of the anticipated start of construction. A pre-construction meeting is required to be held with the City of Bryant Public Works Department before any work is commenced. A permit shall not be issued to any company, contractor, or subcontractor that is not in good standing with the City; including, but not limited to, is under a stop work order or has unpaid fines or restitution to the City.

I. Yard and Landscaping – All surfaces including lawns, pavements, sidewalks, curbs, berms, and other surfaces disturbed during the construction of this project shall be restored by the contractor to the original or better condition. All restorations, including lawns, pavements, sidewalks, curbs, berms, trees, and shrubs shall be warranted for a period of one year from the acceptance of restoration. It is the City's expectation that restoration shall be completed within no more than 15 days after the completion of construction.

J. Trees – It is the intent that trees shall be preserved. The contractor will be responsible for any claim for damage to trees. Trees needing to be removed require the prior approval of the City.

K. Private Utilities – Privately owned utilities may be located within the city-owned ROW and easements. These improvements include (but are not limited to) sanitary sewer laterals and water services. These private utilities are not located by the City of Bryant; it is the Contractor's responsibility to locate these utilities prior to work being done. The Contractor is responsible for any damage to private utilities and shall begin restoration immediately upon discovery.

L. City-Owned Utilities – Any damage to City Utilities shall be reported to the Bryant Public Works Department immediately. Bryant Public Works shall be reimbursed for any and all costs associated with repairing said damages.

M. Stop Work Order – The Director of Public Works, the Street Department Superintendent or the Director of Planning and Development, or their designees has the authority to issue a stop work order. A stop work order will be issued in the following circumstances:

   a. Working without a permit or with an expired permit.
   b. Disruption of service of private utilities (including but not limited to water, sewer, gas, electrical, and communications) without immediate restoration.
   c. Any violation of this ordinance.
   d. Unsafe working conditions or unsafe site management.
   e. Failure to pay invoices to the City of Bryant for damage incurred.

N. Fine – A five hundred ($500) fine shall be imposed for any company, contractor, or subcontractor working after a stop work order has been issued. For every subsequent violation, the fine shall be doubled the price of the previous fine. The Director of Public Works, the Street Department Superintendent or the Director of Planning and Development has the authority to issue fines.

O. For any road or lane closures within the Corporate City Limits of Bryant Maintenance of a Traffic plan must be submitted for review and approved by the Bryant Street Department Superintendent, Street Department Field Supervisor, Public Works Engineer or Public Works Director. All Maintenance of Traffic Plans shall meet Manual for Uniform Traffic Control Devices (MUTCD) and International Municipal Signal Association standards.

P. A minimum of 4-foot-tall orange construction safety fencing shall be placed around every open hole upon the completion of work each day. All holes shall be covered with a solid covering such

as plywood or plates. Cones and caution tape are strictly prohibited as it still allows for easy and immediate access to a hole and does not meet state safety requirements. This is to help prevent or deter someone from accessing the hole.

PART 6.2 FRANCHISED UTILITY LINES

A. All franchised utility lines, which are underground, shall be installed in an encasement pipe under streets. The encasement pipe shall be installed by either the Developer/Owner or the utility before the subgrade is completed.

a. *Encasement Length* – The encasement length shall extend a minimum of six (6) feet beyond the back of curb or edge of pavement if no curb is present.
b. *Encasement Depth* The minimum depth of cover for encasement pipe shall be thirty-six (36) inches measured from the top of the encasement pipe to the top of the subgrade or forty-eight (48) inches measured from the top of encasement pipe to the top of pavement, whichever provides the greatest depth.

PART 6.3 WATER, WASTEWATER, AND STORM DRAIN LINES

A. Water, wastewater, and storm drain lines shall be installed before the subgrade is complete.

PART 6.4 BORING AND JACKING

A. All street, alley, sidewalk, road, highway or other public way, or curb and gutter crossings by utilities and other parties shall be required to be bored unless an open cut is approved by the City Engineering Department or Public Works Department. Open cut approvals shall not be withheld unreasonably and if required, shall meet the requirements of Section 6.5 or Section 6.6.

B. The depth of bury on installations which are jacked or bored under any street shall have a minimum depth of bury of thirty-six (36) inches measured from the top of the pipe or casing to the top of the subgrade or forty-eight (48) inches measured from the top of pipe or casing to the top of pavement, whichever provides the greatest depth. In the case of a street section with a ditch section, the bury shall be a minimum of twenty-four (24) inches below flow line, but still a minimum of the above referenced depth below street section, whichever is greater. If the pavement or curb and gutter structure is damaged by the jacking or boring installation, it shall be repaired in a manner approved by the City Engineering Department or Public Works Department.

C. Prior to any directional drilling operation, the contractor shall Pothole any utility mainline, service line, or storm drain that crosses the planned drill path. Pothole depth shall go to the planned drill path's depth even if that depth is beyond the deepest known utility line. At pothole locations, the contractor shall visually observe the drill stem and drill head during drilling to ensure the directional drilling machine operator avoids striking utility lines or storm drains along the drill path. Additionally, the contractor shall pothole at 50 foot intervals along the planned drill path to ensure proper alignment and grade are maintained. Unlocatable utilities within the City of Bryant shall be potholed at every 50 foot intervals by the contractor before any work is performed, no exceptions. Potholing must be performed by hydro excavation or hand digging, this may not be performed with excavators.]

PART 6.5 PAVEMENT CUTS- EXISTING STREETS

A. Pavement cuts for drainage and/or utility lines under existing streets shall be repaired in accordance with the typical detail included in these specifications. Cuts within the City of Bryant roadway shall be plated to ensure no damage is caused to vehicles or possible washouts during rain events. All open cuts must be permanently restored by the contractor within seven business days upon completion of work.

B. Backfill material shall meet the requirements of AHTD Class 7 aggregate base course as specified in the latest edition of AHTD Standard Specifications.

C. Backfill material shall be compacted to 98 percent modified proctor density minimum. Backfill material shall be compacted in maximum 12 inch lifts.

PART 6.6 DRAINAGE AND/OR UTILITY CUT BACKFILL ON STREET UNDER CONSTRUCTION

A. Trench backfill for storm drains and/or utility lines for all trenches excavated in areas to be paved shall be in accordance with the typical detail included in these specifications.

B. Backfill material shall meet the requirements of AHTD Class 7 aggregate base course as specified in the latest edition of AHTD Standard Specifications.

C. Backfill material shall be compacted to 98 percent modified proctor density minimum. Backfill material shall be compacted in maximum 12 inch lifts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, AS FOLLOWS:

SECTION I: Due to the high demand of active boring and construction within the Bryant Corporate City Limits. Due to increased safety issues, after-hours occurrences, damage to public infrastructure and for the safety of the citizens of the City of Bryant. The City of Bryant does deem it necessary to increase safety requirements and contractor work hours within the City of Bryant Street Right-of-Way to protect public infrastructure, increase project oversight and to maintain public health and safety.

SECTION II: The City of Bryant Public Works may work with contractors on a case-by-case scenario to perform night work, weekend work or after-hours work when deemed necessary for variance from this ordinance. This ordinance does not affect Emergency situation that meet state requirements for emergency work.

SECTION III: Failure to comply with this ordinance will result in a stop work order or non-issuance of further right-of-way permits.

SECTION IV: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION V. EMERGENCY DECLARED

This Ordinance is necessary to preserve the public peace, health, safety and welfare, an emergency is declared to exist, and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this _____day of July, 2026.

APPROVED: ATTEST:

_____ _____

Chris Treat, Mayor Mark Smith, City Clerk

ORDINANCE NO. 2026- ___
AN ORDINANCE AMENDING THE CITY OF BRYANT MINIMUM STREET SPECIFICATIONS SECTION 6: UTILITIES AND UTILITY CROSSINGS, FOR THE PURPOSE OF PROTECTING CITY INFRASTURE, BRYANT CITIZEN, PUBLIC SAFETYAND MANDATING WORK HOURS.

WHEREAS, the City of Bryant must protect all forms of city infrastructure within the Corporate City Limits of the City of Bryant; and

WHEREAS, the City of Braynt must protect Bryant citizens, property of Bryant citizens and ensure public safety and increase safety regulations; and

WHEREAS, The City of Bryant will regulate hours worked within the street right-of-way for contractors to match the operation hours for the City of Bryant Public Works Department, eliminating after-hours occurrences, overtime cost and oversight of all work being performed.

SECTION 6

UTILITIES AND UTILITY CROSSINGS

PART 6.1 GENERAL

A. The Developer/Owner shall be responsible for coordinating the installation of franchise utility lines and water, wastewater, and storm drain lines relative to street development.

B. Design and installation of water, wastewater and storm drainage facilities shall conform to the current design criteria and related regulations for those facilities.

C. All utilities shall be designed and installed in a manner that minimizes utilities under streets and curbs. All utilities crossing streets shall be near perpendicular to the street. Utilities located parallel to the street shall remain outside of the limits of the street section unless crossing perpendicular to the street. Utilities shall ensure that parallel utilities do not cross into the limits of the street around curves, corners, or cul-de-sacs unless otherwise approved by the Public Works Department.

D. All non-metallic buried facilities placed within public right-of-way either parallel to or crossing the roadway, shall have an approved identification wrap of detectable tape or wire in order that the facility can be located by metal locators or other suitable devices.

E. All underground electrical lines within public right-of-way either parallel to or crossing the roadway shall include 3-inch minimum width underground detectable warning tape with red background and black letter stating, "CAUTION BURIED ELECTRIC LINE BELOW". This tape shall be detectable, durable, highly visible, resistant to elements, and meeting or exceeding all industry standards.

F. All work within public right-of-way shall meet the requirements of these standards, Ordinance 2012-11, and all other applicable city ordinances, unless otherwise modified herein. All applicable permits shall be obtained by the Utility for any work taking place within public right-of-way.

G. No new excavations or bores shall be allowed after 1:00 PM on Fridays or on weekends. No work shall be permitted within the City of Bryant Street Right of Way after 4 p.m. No work shall be permitted within the City of Bryant Street Right of Way on holidays or inclement weather days. No work shall be permitted within the City of Bryant Street Right of Way on the weekends (Saturday & Sunday). Emergency work that has been called in through #811 Arkansas One-Call

following State Laws will be allowed. City of Bryant may also allow for after-hours or night work on a case-by-case basis. The City of Bryant has full authority to shut down all work within the City of Bryant as needed for emergency purposes or as needed.

H. Permits – A permit shall be issued for a maximum of 1000 linear feet. Permits shall be valid for 6 months from the date of issuance. The contractor shall notify the Streets department locator at least five working days in advance of the anticipated start of construction. A pre-construction meeting is required to be held with the City of Bryant Public Works Department before any work is commenced. A permit shall not be issued to any company, contractor, or subcontractor that is not in good standing with the City; including, but not limited to, is under a stop work order or has unpaid fines or restitution to the City.

I. Yard and Landscaping – All surfaces including lawns, pavements, sidewalks, curbs, berms, and other surfaces disturbed during the construction of this project shall be restored by the contractor to the original or better condition. All restorations, including lawns, pavements, sidewalks, curbs, berms, trees, and shrubs shall be warranted for a period of one year from the acceptance of restoration. It is the City's expectation that restoration shall be completed within no more than 15 days after the completion of construction.

J. Trees – It is the intent that trees shall be preserved. The contractor will be responsible for any claim for damage to trees. Trees needing to be removed require the prior approval of the City.

K. Private Utilities – Privately owned utilities may be located within the city-owned ROW and easements. These improvements include (but are not limited to) sanitary sewer laterals and water services. These private utilities are not located by the City of Bryant; it is the Contractor's responsibility to locate these utilities prior to work being done. The Contractor is responsible for any damage to private utilities and shall begin restoration immediately upon discovery.

L. City-Owned Utilities – Any damage to City Utilities shall be reported to the Bryant Public Works Department immediately. Bryant Public Works shall be reimbursed for any and all costs associated with repairing said damages.

M. Stop Work Order – The Director of Public Works, the Street Department Superintendent or the Director of Planning and Development, or their designees has the authority to issue a stop work order. A stop work order will be issued in the following circumstances:

a. Working without a permit or with an expired permit.
b. Disruption of service of private utilities (including but not limited to water, sewer, gas, electrical, and communications) without immediate restoration.
c. Any violation of this ordinance.
d. Unsafe working conditions or unsafe site management.
e. Failure to pay invoices to the City of Bryant for damage incurred.

N. Fine – A five hundred ($500) fine shall be imposed for any company, contractor, or subcontractor working after a stop work order has been issued. For every subsequent violation, the fine shall be doubled the price of the previous fine. The Director of Public Works, the Street Department Superintendent or the Director of Planning and Development has the authority to issue fines.

O. For any road or lane closures within the Corporate City Limits of Bryant Maintenance of a Traffic plan must be submitted for review and approved by the Bryant Street Department Superintendent, Street Department Field Supervisor, Public Works Engineer or Public Works Director. All Maintenance of Traffic Plans shall meet Manual for Uniform Traffic Control Devices (MUTCD) and International Municipal Signal Association standards.

P. A minimum of 4-foot-tall orange construction safety fencing shall be placed around every open hole upon the completion of work each day. All holes shall be covered with a solid covering such

as plywood or plates. Cones and caution tape are strictly prohibited as it still allows for easy and immediate access to a hole and does not meet state safety requirements. This is to help prevent or deter someone from accessing the hole.

PART 6.2 FRANCHISED UTILITY LINES

A. All franchised utility lines, which are underground, shall be installed in an encasement pipe under streets. The encasement pipe shall be installed by either the Developer/Owner or the utility before the subgrade is completed.

a. *Encasement Length* – The encasement length shall extend a minimum of six (6) feet beyond the back of curb or edge of pavement if no curb is present.
b. *Encasement Depth* – The minimum depth of cover for encasement pipe shall be thirty-six (36) inches measured from the top of the encasement pipe to the top of the subgrade or forty-eight (48) inches measured from the top of encasement pipe to the top of pavement, whichever provides the greatest depth.

PART 6.3 WATER, WASTEWATER, AND STORM DRAIN LINES

A. Water, wastewater, and storm drain lines shall be installed before the subgrade is complete.

PART 6.4 BORING AND JACKING

A. All street, alley, sidewalk, road, highway or other public way, or curb and gutter crossings by utilities and other parties shall be required to be bored unless an open cut is approved by the City Engineering Department or Public Works Department. Open cut approvals shall not be withheld unreasonably and if required, shall meet the requirements of Section 6.5 or Section 6.6.

B. The depth of bury on installations which are jacked or bored under any street shall have a minimum depth of bury of thirty-six (36) inches measured from the top of the pipe or casing to the top of the subgrade or forty-eight (48) inches measured from the top of pipe or casing to the top of pavement, whichever provides the greatest depth. In the case of a street section with a ditch section, the bury shall be a minimum of twenty-four (24) inches below flow line, but still a minimum of the above referenced depth below street section, whichever is greater. If the pavement or curb and gutter structure is damaged by the jacking or boring installation, it shall be repaired in a manner approved by the City Engineering Department or Public Works Department.

C. Prior to any directional drilling operation, the contractor shall Pothole any utility mainline, service line, or storm drain that crosses the planned drill path. Pothole depth shall go to the planned drill path's depth even if that depth is beyond the deepest known utility line. At pothole locations, the contractor shall visually observe the drill stem and drill head during drilling to ensure the directional drilling machine operator avoids striking utility lines or storm drains along the drill path. Additionally, the contractor shall pothole at 50 foot intervals along the planned drill path to ensure proper alignment and grade are maintained. Unlocatable utilities within the City of Bryant shall be potholed at every 50 foot intervals by the contractor before any work is performed, no exceptions. Potholing must be performed by hydro excavation or hand digging, this may not be performed with excavators.]

PART 6.5 PAVEMENT CUTS- EXISTING STREETS

A. Pavement cuts for drainage and/or utility lines under existing streets shall be repaired in accordance with the typical detail included in these specifications. Cuts within the City of Bryant roadway shall be plated to ensure no damage is caused to vehicles or possible washouts during rain events. All open cuts must be permanently restored by the contractor within seven business days upon completion of work.

B. Backfill material shall meet the requirements of AHTD Class 7 aggregate base course as specified in the latest edition of AHTD Standard Specifications.

C. Backfill material shall be compacted to 98 percent modified proctor density minimum. Backfill material shall be compacted in maximum 12 inch lifts.

PART 6.6 DRAINAGE AND/OR UTILITY CUT BACKFILL ON STREET UNDER CONSTRUCTION

A. Trench backfill for storm drains and/or utility lines for all trenches excavated in areas to be paved shall be in accordance with the typical detail included in these specifications.

B. Backfill material shall meet the requirements of AHTD Class 7 aggregate base course as specified in the latest edition of AHTD Standard Specifications.

C. Backfill material shall be compacted to 98 percent modified proctor density minimum. Backfill material shall be compacted in maximum 12 inch lifts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, AS FOLLOWS:

SECTION I: Due to the high demand of active boring and construction within the Bryant Corporate City Limits. Due to increased safety issues, after-hours occurrences, damage to public infrastructure and for the safety of the citizens of the City of Bryant. The City of Bryant does deem it necessary to increase safety requirements and contractor work hours within the City of Bryant Street Right-of-Way to protect public infrastructure, increase project oversight and to maintain public health and safety.

SECTION II: The City of Bryant Public Works may work with contractors on a case-by-case scenario to perform night work, weekend work or after-hours work when deemed necessary for variance from this ordinance. This ordinance does not affect Emergency situation that meet state requirements for emergency work.

SECTION III: Failure to comply with this ordinance will result in a stop work order or non-issuance of further right-of-way permits.

SECTION IV: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION V. EMERGENCY DECLARED

This Ordinance is necessary to preserve the public peace, health, safety and welfare, an emergency is declared to exist, and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this _____day of July, 2026.

APPROVED: ATTEST:

_____ _____

Chris Treat, Mayor Mark Smith, City Clerk