ORDINANCE NO. 2023-____

AN ORDINANCE LIMITING THE AMOUNT OF OPEN RIGHT-OF-WAYS PERMITS A COMPANY, CONTRACTOR, OR SUBCONTRACTOR MAY HAVE OPEN AT ONE TIME IN THE BRYANT CORPORATE CITY LIMITS WITH EMERGENCY CLAUSE.

WHEREAS, The City of Bryant finds it necessary to ensure public health, public safety and quality of life;

WHEREAS, The City of Bryant finds it necessary to ensure minimal loss and damage to our city infrastructure;

WHEREAS, The City of Bryant finds it necessary to comply with Arkansas One-Call positive response locate timing;

WHEREAS, The City of Bryant finds it necessary to keep the best interest of it departments and employees safe and forward moving;

SECTION I: Due to the high demand of locates, active boring, and construction within the Bryant Corporate City Limits. The City of Bryant deems it necessary to limit the amount of active Right-of-Way Permits a company, contractor or subcontractor may have open at one time. Limiting said permits will allow the City of Bryant to maintain public health, public safety, help protect city infrastructure and to give the highest quality of locates that we can provide, along with complying with Arkansas One-Call positive response timing.

SECTION II: Bryant Minimum Street Specifications Part 6.1 Section H currently states "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 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." The City of Bryant Deems it necessary to still conform with the instruction laid out in section Part 6.1 Section H of the Bryant Minimum Street Specifications.

SECTION III: The City of Bryant Public Works may work with a company, contractor, or subcontractor if an extenuating circumstance arises that is deemed necessary for a variance from this ordinance.

SECTION IV: Permits 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.

SECTION V: Failure to comply with this ordinance will result in a stop working order being issued.

SECTION VI: The Provision of this ordinance are hereby declared to be severable, and if any provision shall for any reason be held illegal or invalid, it shall not affect that validity of the remainder of the ordinance.

SECTION VII: All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION VIII: This Ordinance is necessary to preserve the public 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.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bryant, Arkansas:

The City of Bryant hereby limits the amount of open Right-Of-Way Permits a Company, Contractor, or Subcontractor may have open at once time in the Bryant Corporate City Limits.

PASSED AND APPROVED this _____day of SEPTEMBER, 2023.

APPROVED:

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Allen E. Scott, Mayor

ATTEST:

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Mark Smith, City Clerk