

Chapter 12: ROADS / TRANSPORTATION

Article

- I. ROADS, BRIDGES, AIRPORTS, AVIATION**
- II. FERRIES, WHARVES, DOCKS, MARINE SERVICES**
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Article I. ROADS, BRIDGES, AIRPORTS, AVIATION**A.C.A. § 27-66-101. Construction and maintenance contracts between state and county.**

- (a) (1) The State Highway Commission is authorized and empowered to enter into contracts with as many as two (2) counties of this state under the terms of which, in consideration of the sum agreed to be paid by the particular county, the commission will be authorized, permitted, and required to assume the work of construction, repair, and maintenance of all the county roads in the particular county or, part thereof that may be agreed upon in the contract.
- (2) The counties are authorized and empowered to enter into contracts with the commission.
- (b) The contracts authorized by this section may provide for the use of the machinery and equipment belonging to the county, or of the machinery and the equipment belonging to the commission, or the machinery and equipment of both, in the construction, repair, and maintenance of county roads.
- (c) No contract herein authorized shall be for a period extending beyond the end of the term for which the county judge of the contracting county was elected.
- (d) Nothing contained in this section shall have the effect of adding any county roads to the state highway system, nor shall any contracts remove from the county court of the contracting county exclusive jurisdiction over the roads within that county.
- (e) Nothing in this section shall reduce or diminish, or have any effect upon, the amount of money now paid by the state to the various counties for road purposes.

A.C.A. § 27-72-320(a). Advance transfers to county highway funds---Definition.

- (a) (1) Advance transfers may be made to each of the several county highway funds from time to time during the fiscal year in amounts as may be requested by the several county courts and approved by the Chief Fiscal Officer of the State.

. . .

A.C.A. § 14-358-101. Authorization.

Any county in this state may acquire, own, operate, and maintain an airport or flying field in that county and may make, build, and construct all improvements at the airport or flying field as may be deemed necessary for the proper operation thereof.

Section

1200.00	Prohibiting skidding, loading, or dragging logs, poles, pulpwood, or trees on county roads and rights-of-way.
1200.01	Prohibiting persons from digging, crossing, or placing utilities, drains, or other devices, on, in, or across county-maintained roads and rights-of-way without a permit.
1200.02	Numbering buildings and road frontage; naming roads.
1200.03	Construction permits; bonds for insurance compliance; penalties for violations.
1200.04	Penalty provisions for protection and maintenance of county roads and rights-of-way.
1200.05	Minimum specifications for county road system.

§ 1200.00 PROHIBITING SKIDDING, LOADING, OR DRAGGING LOGS, POLES, PULPWOOD, OR TREES ON COUNTY ROADS AND RIGHTS-OF-WAY.

1) DEFINITIONS:

- a. “Persons” includes an individual, a corporation, or other legal entity, a partnership, and any unincorporated association, and shall include both singular and plural.
- b. “Skidding” shall mean the movement of all logs, poles, pulpwood or trees to include the loading by any mechanical means.
- c. “County Maintained Road” shall include all road beds, ditches and adjacent rights-of-way upon which the Clark County Road Department is responsible to perform maintenance on.

- 2) It is hereby declared unlawful for any person to skid or skid across any county-maintained roads.
- 3) PENALTY: Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each specific violation or on which a violation occurs or continues.
- 4) EMERGENCY CLAUSE. Due to the conditions of the roads and rights-of-way in Clark County and the unnecessary abuse being inflicted thereon, there is declared an emergency and this ordinance being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval. ([Ord. 1979-091](#), passed 3-14-1979)

§ 1200.01 PROHIBITING PERSONS FROM DIGGING, CROSSING, OR PLACING UTILITIES, DRAINS, OR OTHER DEVICES ON, IN OR ACROSS COUNTY MAINTAINED ROADS AND RIGHTS-OF-WAY WITHOUT A PERMIT.

- 1) DEFINITIONS:
 - a. "Persons" includes an individual, a corporation, or other legal entity, a partnership, and any unincorporated association, and shall include both singular and plural.
 - b. "Digging, Crossing, or Placing" shall mean the placement of any permanent or temporary device, pipe or utility service to include drains and road access culverts.
 - c. "County Maintained Road" shall include all road beds, ditches and adjacent rights-of-way upon which the Clark County Road Department is responsible to perform maintenance on.
 - d. "Permits" shall be prior authorization obtained from the County Court by presentment of plans and specification of the proposed installation or improvement and written authorization to proceed prior to any modification or project being commenced. The County Court shall require a bond sufficient to protect the County in event conditions of the permit are not met. If the permit is denied upon _____⁶.

⁶ Ordinance cuts off here and picks up again at Section 2.

- 2) It is hereby declared unlawful for any person to dig, cross or place utilities, drains or other devices on, in or across Clark County maintained roads and rights-of-way without a permit.
- 3) **PENALTY:** Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each specific violation or on which a violation occurs or continues. Civil liability shall be incurred by those persons responsible for all damage caused by violation of this Ordinance.
- 4) **EMERGENCY CLAUSE:** Due to the conditions of the roads and rights-of-way in Clark County and the unnecessary abuse being inflicted thereon, there is declared an emergency and this ordinance being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval. [\(Ord. 1979-093, passed 5-16-1979\)](#)

§ 1200.02 NUMBERING BUILDINGS AND ROAD FRONTAGE; NAMING ROADS.

- 1) There is hereby established a uniform system for numbering the property frontage on all county, private and company owned roads and naming of these roads in the incorporated portions of the County of Clark. All houses, other buildings and roads will be named and numbered in accordance with the provisions of this ordinance.
- 2) a. All roads within the unincorporated areas of the county shall be surveyed by the 911 Coordinator's Office to ensure there is no duplication of road names, no road names that sound alike and to determine which roads are unnamed or unnumbered. The purpose of this survey is to ensure that every county road have a name and a number that is unique to it and it alone.
 - b. Developers of property are required to propose road names on plats containing new roads under the guidelines of this ordinance. All such names are subject to review by the County Judge's Office and the Quorum Court to ensure compliance with this ordinance.
 - c. The Quorum Court shall approve all road names and numbers prior to any changes. If problems arise during actual field work the 911 Coordinator shall be authorized to make on-the-spot decisions as required. The 911 Coordinator shall keep the County Judge and the Quorum Court advised of any changes made in the field and of any anticipated problems associated with these changes. The Quorum

Court shall override the 911 Coordinators field decisions if they deem it necessary to do so.

- d. Any private driveway with one or more houses on that driveway and not visible from the main road shall be named and numbered.
- 3) a. The property numbers will be determined by the use of a metering device mounted in a county vehicle using the equal interval system. To allow for flexibility and growth in the future, all numbers assigned to property and buildings shall be assigned on the basis of one for each 26.4 feet of road frontage. Where a lot of record is in excess of 26.4 feet of road frontage, with single building occupancy, the building number shall be the nearest number within the sequence of 26.4 feet assignment.
- b. The property number shall be determined by measuring the distance from a base point, usually the beginning of a road. In such cases, where the road begins in the city limits of an incorporated city, the base point shall begin at the last known address along that same road within the city limits.
- 4) a. All houses and buildings on the south and west sides of each road shall bear odd numbers. All houses and buildings on the north and east side of each road shall bear even numbers.
- b. Where any house or building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant, providing said building occupies a lot, parcel, or tract having a frontage equal to 26.4 feet for each such entrance. If the house or building is not located on a lot, parcel, or tract which would permit the assignment of one number to each such entrance, numerals and letters shall be used, as set forth in Section 6 herein.
- 5) a. The 911 Coordinator's Office shall cause the necessary survey to be made and completed to determine the address of property requiring the assignment of an address or requiring a change of address of under the terms of this ordinance. Thereafter, there shall be assigned to each house and other residential, commercial, industrial, or public building located on or gaining access to any county road in Clark County, its respective number under the uniform system provided for in this ordinance according to said survey.
- b. When the said survey shall have been completed and each house or building has been assigned its respective number or numbers, the County shall notify or cause to be notified:

- i. The owner, occupant, or agent of affected house or building.
- ii. The U.S. Postal Office and the major utilities serving the address area, i.e., electric, gas, telephone, water, sewer and all emergency services (ambulance, fire, police, etc.).
- c. The owner, occupant, or agent of the affected house or building shall place or cause to be placed upon each house or building, the number or numbers assigned under the address system as provided in this ordinance.
- d. Such number or numbers shall be placed on existing buildings within thirty (30) days from the date of notification. The cost of the number or numbers shall be paid for by the property owner. Replacement of numbers shall be procured by the owner. The numbers used shall not be less than three (3) inches in height for commercial and/or residential and shall be made of durable and clearly visible material.
- e. The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street on which the number is based.
- f. Whenever any building is situated so that the number is not clearly discernible from the street, or vision of the building from the street is otherwise obscured, the number or numbers assigned shall be placed near the walk, driveway or common entrance to such building, and affixed upon a gate post, fence post, or other appropriate place nearest to the driveway entrance so as to be easily discernible. Numbers painted or stenciled on the curb shall not be a lawful substitute for the display of address numbers as prescribed by this ordinance.

6) Where only one number can be assigned to any house or building; the owner, occupant, or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any house of building, or for any part of any such house or building fronting on any county road; such owner, occupant, or agent shall be assigned the suffix (A), (B), (C), etc., as may be required. Fractional numbers shall not be used as an alternative to alphabetical designations.

7) It shall be the duty of the County Judge to inform or cause to be informed any party applying for address numbers therefore of the number or numbers belonging to or embraced within the limits of any said lot or property as provided in this Ordinance. In

the case of conflict as to the proper number to be assigned to any building, the County Judge shall determine or cause to be determined the number of such building.

- 8) a. The owner or agent proposing to locate any house, building, or structure in need of an address in the unincorporated area of Clark County shall apply to the County Judge's Office who will cause the assignment of the correct number or numbers. The address must be known by the owner or agent before mail service or utility service is extended to the proposed building site.
 - b. Final approval of any structure erected, repaired or altered for occupancy after the effective date of this ordinance shall be withheld or caused to be withheld by the County Judge and no mail shall be delivered until permanent and proper numbers have been affixed within thirty (30) days to said structure or otherwise in accordance with the procedures of this ordinance.
- 9) **REPEALER.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.
- 10) **SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of this ordinance are declared to be severable.
- 11) **EMERGENCY CLAUSE.** To prevent the possibility of house numbers being numbered with a 5 or 6 digit number, using 26.4 feet will result in lower house numbers but still allow for sufficient growth in the future. An emergency is therefore declared and this ordinance being necessary for the preservation of the peace, health and safety shall be in full force and effect from and after its passage and approval.
([Ord. 1994-005](#), passed 7-12-1994; Am. [Ord. 1994-012](#), passed 11-15-1994)

§ 1200.03 CONSTRUCTION PERMITS; BONDS FOR INSURANCE COMPLIANCE; PENALTIES FOR VIOLATIONS.

- 1) Any person, firm or corporation desiring to install or do any other work within the right-of-way of any county road of this county shall first obtain a permit to do such installation or maintenance work from the County Judge. There shall be no fee charged for the issuance of such permits, and any person, firm or corporation desiring a permit must agree in writing before the permit will be issued to repair any damage done to the county road during such maintenance or installation work and to restore the surface of the roadway upon completion of the work. Before he issues any permit to such installation of maintenance work the County Judge shall require the applicant for the permit to secure

the appropriate paper bond that shall be approved by the County Judge. The minimum bond amount for the issuance of a permit for such work including cuts on a gravel roads surface up to 4" in width shall be \$200.00, for a permit to make cuts in roads surface between 4" and 8" in width the bond shall be \$300.00, for a permit to make cuts in the road's surface between 8" and 12" in width the bond shall be \$400.00 and for a permit to make cuts in the road's surface between 12" and 16" in width the bond shall be \$500.00. If the surface of the road is anything other than gravel, the bond amount shall be doubled with respect to the size of the cut of a gravel road. That is 4" in width shall be \$400.00; 4" to 8" in width shall be \$600.00; 8" to 12" in width shall be \$800.00; 12" to 16" shall be \$1,200.00. The bond amount required for a utility to be installed along a county road (that is parallel to the county road, on the back slope of the 60ft. right-of-way) shall be based on \$4,000.00 per mile. This bond shall be treated in all ways the same as the road cut bond. Upon completion of the work, the County Judge or his road foreman shall inspect the same and if he finds the surface to have been properly restored, he shall cancel the bond.

- 2) A copy of plans detailing what the utility is, the proposed depth of the utility, the size of the utility and its proposed route shall be filed with the County Judge at the time that a permit is applied for.
- 3) The road surface of any county road other than gravel road should not be cut, but the work should be accomplished by drilling under the road surface. If drilling under the road is not feasible, the County Judge should be notified to allow a cut of the surface (filed places should call for drilling under paved or sealed county road). All utilities should be buried at least 24" below the depth of the closest and deepest road ditch to the site of the proposed utility work. All cuts shall be perpendicular to the center line of said road to reach the existing lines. The repair of cuts shall be accomplished according to the attached sketch. The edge of all bore pits should not be within 3' of the county road.
- 4) Any person, firm or corporation receiving a permit to work upon the right-of-way on the county road must keep the permit available for inspection at the job site at all times while the work is in progress. If traffic along a county road will be hindered for any length of time, the proper emergency personnel should be notified that is the First Department, the Sheriff's Office, and the Ambulance Service.
- 5) Any person, firm, or corporation who violates this ordinance is guilty of a misdemeanor and upon conviction shall be fined not more than One Hundred and Fifty Dollars (\$150.00) a day.

- 6) If at any time the permit holder does not abide by the plans that he had filed with the County Judge and/or the provisions of this ordinance, the County Judge will halt the work.
- 7) It is found by the Quorum Court that many individuals and entities are currently engaged in construction work, especially the installation of utilities, and the connection of utility lines to those already existing upon county road right-of-way. It is found that this work often results in damage to the surface, the expense of which must often be borne by the County rather than the party responsible of causing the damage. It is found that the need exists for the county to know who is doing such work on county road rights-of-way and to regulate the same before the county road system is further damaged.
- 8) The type of equipment the utilities contractors are planning on using must first be approved by the County Judge. No type of track equipment will be allowed on any paved roadways. The only place track equipment will be allowed will be off the roads on the back slope of the designated right-of-way of the road the work is being done on.
- 9) REPEALER. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

(Ord. 1994-007, passed 9-12-1994)

§ 1200.04 PENALTY PROVISIONS FOR PROTECTION AND MAINTENANCE OF COUNTY ROADS AND RIGHTS-OF-WAY.

- 1) It shall be unlawful for any person to throw or dump any item or items onto a County Road, or onto or into the Right-of-Way, including, but not limited to, the road bed, shoulder, ditch, and ditch backslope of any County Road located within the County of Clark, State of Arkansas.
- 2) It shall be unlawful for any person to alter the normal and natural flow of drainage of any County Road, including, but not limited to, the dumping of leaves, trees, brush, trash, rock, and foreign debris and objects onto or into the Right-of-Way of any County Road located within the County of Clark, State of Arkansas.
- 3) It shall be unlawful for any person to burn any object or any material upon or within the Right-of-Way of any County Road located within the County of Clark, State of Arkansas.
- 4) It shall be unlawful for any person to park a motor vehicle or any other large item or items, including, but not limited to, a tractor, trailer, mobile home, or any piece of equipment or farming equipment on the driving surface or within the Right-of-Way of any County Road located in the County of Clark, State of Arkansas.

- 5) It shall be unlawful for any person to cut, dig, or otherwise deface a County Road or Right-of-Way in any way, for any reason without first obtaining authorization from the County Judge of the County of Clark, State of Arkansas, who, when necessary, shall require the posting of a bond in the amount sufficient to cover the estimated cost of repair or damages.
- 6) Violation of any of the provisions as set forth by any Section of this Ordinance by any person shall be punishable by a fine of from \$100.00 to \$2,500.00 for each violation.
- 7) Where it is possible, and is the best interest of the County of Clark, State of Arkansas, as determined by the County Judge, it shall be the policy of the County to seek to have the person or persons charged with violating any of the provisions as set forth in this Ordinance to be required to pay the costs of repairing or correcting the damage done by their violation or violations in lieu of payment of the fine for such offense as designated above in Section Six of this Ordinance.
- 8) **EMERGENCY CLAUSE.** It is hereby found and determined by the Quorum Court of the County of Clark, State of Arkansas, that substantial damage is being done to the County Roads and Right-of-Ways of this County by the acts and violations as set forth by the provisions of this Ordinance and that the adoption of this Ordinance is necessary. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare shall be in full force and effect upon passage and adoption.
(Ord. 1996-002, passed 2-13-1996)

§ 1200.05 MINIMUM SPECIFICATIONS FOR COUNTY ROAD SYSTEM.

- 1) There shall be a minimum right-of-way of fifty (50) feet on each county road, with thirty-six (36) to thirty-eight (38) feet from the center of the ditch to the opposite ditch.
- 2) There shall be twenty-eight (28) feet of crown, with a height of three (3) inches, except in curves.
- 3) There shall be twenty-four (24) feet width of gravel base six (6) inches deep.
- 4) A one (1) foot and six (6) inches minimum depth ditch shall be constructed to the planned grade and minimum of a two (2) to one (1) slope shall be constructed.
- 5) A six (6) foot road slope shall be constructed with a four (4) foot back slope. Two (2) feet shall be allotted from the back slope to the right-of-way.

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- 6) Installations of all utilities on County road right-of-way must be approved and permitted by the Clark County Road Department and be installed to the following specifications:
 - a. All utilities installed in the road ditch or crossing the road ditch must be installed at a minimum of three (3) feet below the bottom of the ditch.
 - b. All utilities installed on the shoulder of the road must be a minimum of two and a half (2 ½) feet below the shoulder.
- 7) Any culvert or drainage structure installed by the developer or property owner must conform to County specifications. Drainage pipes and culverts must be a minimum of eighteen (18) inches and must be six (6) feet outside the shoulder of the road. Side culverts or driveway culverts must be a minimum of twelve (12) inches. Refer to Section 10.
- 8) Any variances made in these applications shall be submitted in writing, to the Clark County Judge for his approval. If construction has not started within a period of six (6) months, after the variance is approved, the approval is void and a new application must be made to the Clark County Judge.
- 9) All road plans must be approved by the Clark County Judge or his designee prior to any construction. All plans will be retained on file at the Office of the Clark County Judge or at the Clark County Road Department. Any variance granted by the Clark County will be attached to said plans.
- 10) The Clark County Road Department will perform on-site inspections during each phase of construction, and each phase/inspection must be documented on an inspection list kept by the County Judge or his designee. In order to obtain the required documented inspections, the developer must notify the Clark County Road Department seventy-two (72) hours prior to performing each phase. Modifications will be considered upon approval by the County Judge or his designee.
- 11) The Grantor or Grantors must submit a dedication deed along with a centerline description of fifty (50) feet road according to A.C.A. § 27-66-2077.
- 12) Clark County reserves the right to refuse or delay acceptance of any road when the phases of construction are not followed or if inspections are not documented.

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13) When road construction is completed, a final inspection will be made and results given to the Clark County Judge for approval.

([Ord. 2005-002](#), passed 2-15-2005; Am. [Ord. 2005-006](#), passed 2-14-2005)

Article II. FERRIES, WHARVES, DOCKS, MARINE SERVICES**A.C.A. § 27-87-103. Public ferry on private stream.**

- (a) Where a public road crosses any private stream which has not been meandered as a navigable stream, the bed of which may belong to any individual, if in the opinion of the county court, the public convenience will be promoted thereby, the court may make an order upon its record to that effect, declaring the crossing to be a public ferry.
- (b) And when so declared by the county court, the ferry shall be and remain a public ferry during the pleasure of the court and be subject to all the regulations and restrictions that are made by law applicable to public ferries or navigable streams.

Section

Reserved.

Article III. PARKING**A.C.A. § 14-304-101. Legislative findings. (Parking Authorities)**

The General Assembly determines and declares that:

- (1) Excessive curb parking of motor vehicles on roads and streets in the cities and towns of the State of Arkansas and the lack of adequate off-street parking facilities create congestion, obstruct the free circulation of traffic, diminish property values, and endanger the health, safety, and general welfare of the public;
- (2) The provision of conveniently located off-street parking facilities is therefore necessary to alleviate those conditions; and
- (3) The establishment of public off-street automobile parking facilities is deemed to be a proper public or municipal purpose.

Section

Reserved.

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Article IV. PUBLIC TRANSPORTATION

A.C.A. §§ 14-334-101-116. Public Transit System Act.

Section

Reserved.