ORDINANCE NO. ________

AN ORDINANCE TO ESTABLISH STANDARDS AND SPECIFICATIONS
FOR THE RESTORATION OF EXCAVATIONS AND CUTS IN STREETS
OR ALLEY RIGHTS-OF-WAY; TO PROVIDE FOR A PERMIT
PROCESS; TO ESTABLISH FEES, PENALTIES AND PERMANENT
RESTORATION REIMBURSEMENT COSTS; TO PROVIDE FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE PROCESS; AND
FOR OTHER PURPOSES.

WHEREAS, it is necessary periodically for various companies, including, but not limited to, utilities,
to make excavations in City streets in order to adequately bury and secure pipe, fiber optics or other
materials; and,

WHEREAS, the City has the authority under Arkansas State Law to take appropriate actions to
safeguard its streets, property and rights-of-way; and,

WHEREAS, a uniform process needs to be in place which assures that no such excavations are made
without the proper notice to the relevant City Departments; and,

WHEREAS, there should also be in place proper enforcement mechanisms in the event the repair of
these excavations does not meet City Standards; and,

WHEREAS, without such enforcement there is a potential for future collapse of the streets which will
not only create serious risks of injury to persons or property, but could also cost taxpayers considerable
sums of money.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY
OF LITTLE ROCK, ARKANSAS:

Section 1. Definitions.

“Applicant” means any person, firm, corporation, partnership or association of any nature
whatsoever, including any governmental entity, seeking a permit to make, or cause to be made, any
excavation, cut or boring in any City street, alley or other public property.

“City Manager” means the City Manager, or designee, responsible for enforcing the terms of
this ordinance.

“Minor Maintenance Work” means work done by a permit holder that involves 400
continuous linear-feet or less of the paved portion of the public right-of-way.

“Major Maintenance Work” means work done by a permit holder that involves more than 400
linear-feet of the paved portion of the public right-of-way and includes the resurfacing requirement
of Section 5 (B).
“Permit Holder” means any applicant that has been granted a permit pursuant to the terms of this ordinance.

“Public Rights-of-Way” means any City street, alley, sidewalk, grass areas or other public property adjacent to the street or alley.

Section 2. Findings and Purpose.

(a) The Board of Directors finds the City has experienced development, construction and maintenance operations by utilities and other entities, which require excavations and cuts in public streets, alleys and other properties.

(b) These excavations, or cuts, occur because of such things as the installation of water lines, sanitary sewers, drainage structures, fiber optics, telephone lines, gas lines, other utilities, or the replacement, improvement or maintenance of such systems.

(c) When these excavations or cuts occur, significant problems can face the City due to the vast number of cuts, the occasional poor restoration techniques, or the multiple cuts in the same area by different entities because of a failure to contact other utilities.

(d) As a result, there is a real potential for serious deteriorations of the paved public rights-of-way, or a hidden threat to the public safety, or both.

(e) As a result, an ordinance is required that sets forth in detail the responsibilities of any entity that utilizes the public rights-of-way, through Franchise or other legal authority, and causes excavations or cuts to occur.

Section 3. General Permit Requirement.

(a) Except as set forth in Subsection (B), it shall be unlawful for applicant, to make or cause to be made any excavation, bore or cut in the public right-of-way without having first obtained a written permit from the City.

(b) A written permit is not required prior to an excavation, cut or boring of any public right-of-way if, and only if:

(1) The excavation, cut or bore is made as a result of an emergency situation in which the destruction of life or property is imminent or is necessary to restore basic service; and,

(2) The City Manager is notified at the earliest possible moment of such a situation, provided that in any event, a permit must be obtained for the emergency work no later than the first business day after excavation, cut or bore is made.

(c) The Permit Holder shall obtain a Traffic Barricade Permit in accordance Chapter 30 Article IV of this Code for any lane closures or restrictions on collector or arterial streets and for all full street closures. For emergency work, the Traffic Barricade Permit shall be obtained no later than the first business day after excavation, cut or bore is made.
(d) The provision of this ordinance that requires notice to other utilities or entities before a permit can be granted for Major Maintenance Work shall not apply to work which meets the definition of Minor Maintenance Work or emergency restoration of services.

Section 4. General Standards

(a) The process for obtaining permits to make excavations, cut or bores in the public right of way shall include, among other things:

(1) The Public Works Department shall be contacted in order to obtain a permit, or to report an emergency excavation or cut;

(2) The Public Works Department will be responsible for the day-to-day administration and enforcement of this ordinance;

(3) The requirement and process for notifying other public utilities of an intent to make an excavation, bore or cut in the public right-of-way in order to participate in the excavation, bore or cut;

(4) The time frame for submitting plans to the appropriate Department for the work to be done, including the restoration work required, with notice that no permit shall be issued until the review process has been completed for Major Maintenance Work Permits;

(5) The Public Works Traffic Engineering Division is responsible for approving the Traffic Barricade Plan to be in place while the excavation, cutting or boring occurs;

(6) The temporary and permanent restoration requirements to be met during the course of, or the completion of, the excavation, cutting or boring shall be in accordance with this ordinance unless written approval is obtained from Public Works to use alternative restoration methods.

(b) **Boring Preferred.** Notwithstanding any other provision of this ordinance, it is the preference of the City that boring or pushing of utility services under City streets, alleys, or other public property, occur instead of excavations or cuts. Even so, the permitting process set in this ordinance for excavations, cuts or bores shall be met, and all tunneling or boring plans shall be subject to approval by the City Manager.

(c) **Surety Bond.** If a bond requirement is not set forth in the applicant’s Franchise Agreement, the City Manager shall determine the amount of any Surety Bond that is appropriate to ensure the completion of a project and fulfillment of all requirements set forth in this ordinance and the procedures adopted pursuant to this ordinance. The City Manager has in his discretion the authority to waive any Surety Bond if past experience with a utility so warrants.

(1) The applicant shall post the required bond as an additional condition to the issuance of a permit to excavate, cut or bore in the public right-of-way; and,
(2) The failure to post this Bond in a timely manner shall be the basis for denying a permit, 
or the basis for revoking a permit previously issued, and shall serve as a basis to 
demand that the entity cease and desist all work immediately; and,

(3) This Surety Bond shall remain in place at least for the period of time necessary to 
complete the work set forth in the permit and such additional period of time as deemed 
appropriate by the City Manager to assure that all work and restoration has occurred in 
a satisfactory manner and no further restoration is required; and,

(4) Notwithstanding the above listed requirements, if the permit application is only for 
Minor Maintenance Work, a permit may be issued to an applicant without further 
review if the applicant who has a Ten Thousand Dollars ($10,000.00) Corporate Surety 
Bond on file with the City Clerk, provided that after the issuance of the permit, 
additional surety may be required if the City Manager determines that such security is 
necessary to ensure proper completion of the project.

(d) **Fees, Penalties and Permanent Restoration Reimbursement Costs.** The applicant for a 
permit to excavate, cut or bore in the public right-of-way shall, as a condition of any permit, pay 
fees, penalties and permanent restoration reimbursement costs according to the provisions of 
Sections 5 and 6 of this ordinance. There will be no permit fees or inspection fees charged to a 
permit if the Permit Holder has a Franchise Agreement with the City of Little Rock which states 
the permit fees and inspection fees are included in the Franchise Agreement.

(e) **Limitations on Applications by Mail.** The City Manager may permit applications for 
permits to be made by mail, provided that no mail-in permit request shall be accepted in the 
following instances:

(1) Excavations, cut or bores in street intersections for which there are traffic signals in 
place or under construction; or,

(2) Excavations, cuts or bores in a part of the public right-of-way that is the subject of a 
major construction, maintenance, or replacement project currently under review by the 
City; or,

(3) Excavations, cut or bores in an Arterial or Collector Street, as defined in the Master 
Street Plan, if at any time during the construction process, the work requires a total 
street closure.

(f) **Paint or Marking Compounds.** No permanent paint or marking compound shall be used 
to locate the right-of-way, or for any other purpose associated with boring, excavation or cuts to 
the public streets, alleys, or public property. Any temporary paint or marking compound used shall 
be of a type that will deteriorate over time, but in any event, will not be discernible thirty (30) days 
after it is applied regardless to the date that work under any permit is completed.
(g) **City Signs, Conduits or Facilities to be Undisturbed.** No work done under a permit issued pursuant to this ordinance shall disturb any City signs, conduits, pipes or other facilities unless expressly authorized in writing by the City Manager.

(h) **Minimum Width.** All excavations or cuts in paved surfaces shall have a minimum uniform width of twelve (12) inches unless a different width is expressly authorized in writing by the City Manager. All excavations, or cuts in paved surfaces shall be smoothly cut or sawed in straight lines and shall have a neat appearance.

**Section 5. Restoration.**

(a) **Restoration Required.** Any boring, excavation, or cut, made pursuant to the terms of this ordinance shall be restored. Temporary restoration shall occur immediately upon completion of the work for which the permit is issued. Permanent restoration shall be completed by the Permit Holder.

(b) **Resurfacing.** Street cuts which exceed 400 continuous linear-feet require resurfacing and replacement of pavement markings of the full width of the travel lane along the excavation by the Permit Holder. Multiple street cuts by a Permit Holder which are not continuous, but the total length of street cuts exceed 400 linear-feet within a twelve (12)-month period and the street cuts are located less than 300 feet apart, will be considered a continuous Major Maintenance Work Project. Street cuts which are determined to be a continuous Major Maintenance Work Project will require resurfacing and replacement of pavement markings for the full length and width of the travel lane for the full length of the continuous Major Maintenance Work Project as determined by City Manager. Street cuts by a Permit Holder will not be considered part of a continuous Major Maintenance Work Project if there is more than 300 feet between the street cuts or if more than twelve (12) months of time has passed between the issue dates of the Street Cut Permits.

If the Permit Holder performs multiple street cuts on a section of street within a twelve (12)-month period and the street cuts in the travel lane are adjacent to more than 50% of the properties along the street, then the Permit Holder shall resurface the street lane along the section of street as directed by City Manager. The section of street with multiple street cuts evaluated by the City Manager for resurfacing will be between the nearest intersecting side streets.

If the City has scheduled a resurfacing project which included the Permit Holder’s permitted area, the applicant and the City Manager may contractually agree for the Permit Holder to pay a proportionate share of the City’s costs of resurfacing rather than requiring the Permit Holder to resurface the street travel lane. Resurfacing of the street travel lane shall not be required for minor maintenance where the street cuts were 400 continuous feet or less if the minor maintenance street cuts do not meet the continuous Major Maintenance Work Project resurfacing requirement listed above.
(c) **Temporary Restoration.**

(1) No materials removed from a boring, excavation, or cut shall be used as backfill material in the paved portion of the street or alley.

(2) The top six (6) inches of backfill material shall be compacted to 95% of maximum density as determined by the Modified Proctor Compaction Test.

(3) The surface course shall consist of a two (2)-inch application of cold-mix asphalt for asphalt streets, concrete streets or streets with single or double penetration surface treatments. For gravel streets and alleys, the top six (6) inches of backfill material shall meet Class 7 of the most current Arkansas State Highway Commission Standard Specifications, and shall be compacted to conform to the surrounding surface.

(4) The applicant is permitted to use any or all of the following as backfill material:

   (a) Crushed rock and natural fines uniformly mixed and so proportioned as to meet the specifications for Class 7 as reflected in the most recent edition of Arkansas State Highway Commission Standard Specifications;

   (b) Crushed rock, or other selected material approved by the City Manager or his designee, that is free of debris and excess moisture, when compacted to a minimum of 90% density as determined by the Modified Proctor Compaction Test;

   (c) Compacted river sand or lean-mix concrete, if the use of this material has been previously-approved by the City Manager.

(5) The applicant is wholly responsible for making temporary restorations consistent with the standards set forth in this ordinance. Any temporary restoration must be flush with the surrounding surface and be of sufficient quality, as determined by the City Manager, to bring the City street, alley or public property, back to its original usefulness and must be capable of supporting traffic use until permanent repairs are completed.

(6) Inspections shall be made by the City of any temporary restorations. If the temporary restoration is not acceptable to the City Manager, then the permit holder shall be required to correct the situation within twenty-four (24) hours. Temporary restorations which are not maintained and are deemed by the City to be unsafe, or not in compliance with this ordinance, may be immediately repaired by the City and cost of such repair shall be paid by the Permit Holder or shall be claimed from the Surety Bond required pursuant to this ordinance.

(7) Any temporary restoration of Minor Maintenance Work shall be replaced by the Permit Holder with the appropriate permanent restoration within thirty-five (35) calendar days of the date of issuance of permit. Street cuts, excavations and bores in the right-of-
way on Minor Maintenance Work Permits which have not been permanently restored within thirty-five (35) calendar days will be charged a daily penalty in accordance with Section 6 Permits and Fee: Basis for Assessment. Any temporary restorations which have not been permanently restored within sixty (60) calendar days of issuance of the permit may be repaired by the City and the cost of such repair shall be in accordance with permanent restoration reimbursement costs shown in Section 6 and shall be paid by the Permit Holder or shall be claimed from the Surety Bond required pursuant to this ordinance. The Permit Holder will be responsible for temporary repairs until permanent restoration is in place.

(8) Any temporary restoration of Major Maintenance Work which requires resurfacing of the street surface in accordance with Section 5 (b) shall be replaced by the Permit Holder with the appropriate permanent restoration within sixty (60) calendar days of the date of issuance of permit. Street cuts, excavations and bores in the right-of-way on Major Maintenance Work Permits which have not been permanently restored within sixty (60) calendar days will be charged a daily penalty in accordance with Section 6 Permits and Fee: Basis for Assessment. Any temporary restorations which have not been permanently restored within sixty (60) calendar days of issuance of the permit may be repaired by the City and the cost of such repair shall be in accordance with permanent restoration reimbursement costs shown in Section 6 and shall be paid by the Permit Holder or shall be claimed from the Surety Bond required pursuant to this ordinance. The Permit Holder is responsible for temporary repairs until permanent restoration is in place.

(d) **Permanent Restoration.**

(1) Unless otherwise agreed to in writing by the City Manager and the Permit Holder, the Permit Holder shall make all permanent restorations of any street or alley pavement in which there has been a boring, excavation, or cut made pursuant to this ordinance.

(2) **Arterials and Collectors.** Permanent restoration of concrete or asphalt streets designated as arterials or collectors by the Master Street Plan shall be as follows:

(a) Except as set forth in the Subsection, all backfill and compaction requirements shall comply with Section (C) concerning temporary restorations; and,

(b) Backfill material shall be removed to a depth of eight (8) inches for concrete streets and ten (10) inches for asphalt streets. Further,

(i) If the street is concrete, eight (8) inches of 3,000 Pound Per Square-Inch (PSI) Concrete, meeting the specifications of the Arkansas
Department of Transportation (ArDOT) with crack control and expansion joints matching the existing street shall be placed to provide the final restored surface;

(ii) If the street is asphalt, eight (8) inches of 3,000 PSI Concrete shall be placed to within two (2) inches of the street surface and, as soon as the concrete has cured, a bituminous tack coat shall be applied to the concrete and the sides of the cut, and then two (2) inches of Hot-Mix Asphaltic Concrete, meeting ArDOT Specifications, shall be applied.

(3) Streets and Surfaces Other than Arterial and Collector Streets. The permanent restoration of surfaces other than those of Arterial and Collector Streets shall be made as follows:

(a) Except as set forth in the Subsection, all backfill and compaction requirements shall comply with Section (C) concerning temporary restorations;

(b) If the surface is concrete, the top six (6) inches of backfill shall be removed and replaced with six (6) inches of 3,000 PSI Concrete, and then finished to conform with the surrounding surface with crack control and expansion joints matching the existing street;

(c) If the surface is asphalt or single or double penetration surface treatment, the top eight (8) inches of backfill shall be removed and replaced with six (6) inches of Hot Binder Asphaltic Concrete in two (2)-inch compacted lifts, with the final two (2) inches consisting of asphaltic concrete surface course compacted to conform with the surrounding surface;

(d) If the surface is gravel, gravel shall be added as required and compacted to conform to the surrounding surface.

(e) Notice. Permit Holders authorized, or required, to make permanent restorations pursuant to this ordinance shall notify the City Manager on the first business day after the completion of the permanent restoration for each permit.

(f) Sidewalks, Driveways or Curbs. All removed or undercut sidewalks, driveways and curbs shall be restored by the Permit Holder in accordance with this ordinance and any other applicable ordinance. The Permit Holder shall be responsible for protecting any shoulders, ditches and other drainage structures in the work area and, if damaged in any way whatsoever during the time of the permit, shall make all necessary repairs. Notification of completion shall be in compliance with standards established by the City Manager.
(g) **Grasses and Vegetation.** To the extent possible, the Permit Holder shall restore or replace all planted grasses and vegetation with the same type of grass and vegetation as was removed from the right-of-way. A Permit Holder which removes trees from the right-of-way shall ask the Public Works Department to determine if the tree needs to be replaced. Trees which are removed due to interference with above ground utilities will not have to be replaced by the Permit Holder. If the City Manager determines a tree removed by the Permit Holder does need to be replaced, the Permit Holder shall replace the tree using local nursery stock as directed by City Manager. The City Manager shall permit modifications to this aspect of the restoration plan in appropriate cases. Notification of completion shall be in compliance with the standards established by the City Manager.

(h) **Excess Material or Debris.** When any temporary or final restoration is completed, all excess material, debris, mud, or other foreign materials shall be removed from the street, alley or other public property involved in the permit, and the surface shall, to the satisfaction of the City Manager, be restored to its original condition.

(i) **Agreements for Final Restoration not Prohibited.** Nothing in the ordinance shall prohibit the City Manager from entering into written agreements with any Permit Holder concerning the final restorations, provided that the terms of any such agreements shall comply with the requirements of this ordinance or shall be determined by the City Manager to utilize new procedures that comply with the purposes of this ordinance, and provided further, that the City shall receive an inspection fee for the final inspection of any work done pursuant to such an agreement.

**Section 6. Permits and Fee: Basis for Assessment.**

(a) The Public Works Department shall issue all permits for boring, excavations, or cuts in the public right-of-way. Permit limits shall not exceed 1,000 total linear-feet including boring, excavations or street cuts per permit.

(b) Permit fees for the excavation or cut shall be Two Dollars ($2.00) per foot for the first fifty (50) feet of the excavation or cut, or any fraction thereof, and One Dollar ($1.00) per each additional foot, or any fraction thereof.

(c) Permit fees for boring that does not break the street or alley surface shall be Fifty Cents ($0.50) per foot.
(d) Inspection fees shall be Thirty Dollars ($30.00) for the first 500 feet, or fraction thereof, of restoration. The inspection fee will be Sixty Dollars ($60.00) for permits with a total length between 501 feet and 1,000 feet.

(e) There will be no permit fees or inspection fees charged to a permit if the Permit Holder has a Franchise Agreement with the City of Little Rock which states the permit fees and inspection fees are included in the Franchise Agreement.

(f) If the Permit Holder does not do the final restorations of Minor Maintenance Work Permits within thirty-five (35) calendar days of issuance of the permit, then in addition to any other fee set forth in the ordinance, the City shall bill the Permit Holder a penalty of One Hundred Dollars ($100.00) per day for each day past thirty-five (35) calendar days from permit issuance until permanent restorations are completed. If the Permit Holder does not complete the final restorations within sixty (60) days, the City may complete the permanent restorations and bill the Permit Holder a Permanent Restoration Reimbursement Cost of One Hundred Dollars ($100.00) per square-yard of restoration or the Actual Cost of Restoration or a Minimum Permanent Restoration Reimbursement Cost of Five Hundred Dollars ($500.00), whichever is greater, in addition to the penalty of One Hundred Dollars ($100.00) per day for each day past thirty-five (35) calendar days until permanent repairs are completed and payment shall be due upon receipt of this bill. For Minor Maintenance Work Permits which exceed thirty-five (35) calendar days for permanent restorations, the Permit Holder must notify the City in writing the date permanent restorations were completed.

(g) If the Permit Holder does not complete the final restorations of Major Maintenance Work Permits within sixty (60) calendar days of issuance of the permit, then in addition to any other fees set forth in the ordinance, the City shall bill the Permit Holder a penalty of One Hundred Dollars ($100.00) per day for each day past sixty (60) calendar days from permit issuance until permanent restorations are completed. If the Permit Holder does not complete the final restorations within sixty (60) days, the City may complete the permanent restorations and bill the permit holder a Permanent Restoration Reimbursement Cost of One Hundred Dollars ($100.00) per square-yard of restoration or the Actual Cost of Restoration or a Minimum Permanent Restoration Reimbursement Cost of Five Hundred Dollars ($500.00), whichever is greater, in addition to the penalty of One Hundred Dollars ($100.00) per day for each day past sixty (60) calendar days until permanent repairs are completed and payment shall be due upon receipt of this bill. For Major Maintenance Work Permits which exceed sixty (60) calendar days for permanent restorations, the Permit Holder must notify the City in writing the date permanent restorations were completed.

(h) The thirty-five (35) calendar days to complete permanent restoration on Minor Maintenance Work Permits and sixty (60) calendar days to complete permanent restoration on Major Maintenance Work Permits may be extended by the City Manager if the delay was caused
by excessive inclement weather or if the delay was the result of unpreventable circumstances.

Excessive inclement weather days are defined as more than five (5) days in a thirty (30)-day period if the maximum daily temperature in Little Rock is less than 45° or if more than five (5) days in a thirty (30)-day period the Little Rock rainfall amount exceeds one tenth (0.1) inch per day of rain according to National Weather Service records. To request a time extension on a permit, the Permit Holder shall submit a written Time Extension Request to the Public Works Department. The written Time Extension Request shall state the permit number, permit location, number of days requested to extend and the reason the Permit Holder believes a time extension should be granted by City Manager. The Public Works Department will reply to the Permit Holder in writing with the City Manager’s decision to extend permit completion days or reject the request for a time extension.

Section 7. Shared Excavations or Cuts. The City has a vested interest in assuring that any disruption of the flow of traffic, or the digging of any trench, excavation, or cut, in the paved portion of the public right-of-way, is kept to a minimum. In order to facilitate this interest, at least once a year, utility companies shall submit any known construction projects in the public right-of-way planned to be started within the next twelve (12) months to the Public Works Department so the projects can be coordinated with City infrastructure projects and other planned utility work when possible. When the Permit Holder has a project which is not minor maintenance or emergency work and the work will require resurfacing of the travel lane in accordance with Section 5 (b), the Permit Holder shall notify Public Works Department prior to construction. The City shall provide notice to any other utility or entity known to seek permits under this ordinance that an application for a permit for other than minor maintenance has been made. Any other utility or entity that desires to do so may make arrangements with the Permit Holder to simultaneously excavate, cut, lay conduit, or place equipment in the paved portion of the public right-of-way prior to the Permit Holder resurfacing the street in accordance with Section 5 (b). The City Manager may give additional days in addition to the sixty (60) days to complete permanent restoration after issuance of permit for major projects exceeding 400 linear-feet of street cut which are shared street cuts by multiple utilities or entities so they can coordinate utility work prior to the Permit Holder resurfacing the street.

Section 8. Premiums. For minor maintenance only, in addition to any other cost for fees, penalties or permanent restoration reimbursement costs set forth in this ordinance, whenever an applicant seeks a permit pursuant to the terms of this ordinance that involves the excavation or cut in the paved portion of the public right-of-way that has been improved by paving, reconstruction, or resurfacing within the immediately preceding five (5)-year period, the Permit Holder shall be required to pay the City a penalty in an amount of the larger sum of Two Hundred Dollars ($200.00) per square-yard of excavation, or cut, or a minimum penalty of Five Hundred Dollars ($500.00) for each excavation or cut made within twelve (12)
months of the date the surface was paved, reconstructed or resurfaced. In the subsequent twelve (12)-month periods, this penalty shall be:

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**Section 9. Penalties.** The failure of any person, firm, corporation, governmental entity or association of any kind to comply with this ordinance, shall result in a penalty of Five Hundred Dollars ($500.00) in addition to the amount of any permit fees, penalties or permanent restoration reimbursement costs required by this ordinance.

**Section 10. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

**Section 11. Certain Provisions Supplemental.** The providers of this ordinance that relate to Barricade Plans and street closures shall be supplemental to all existing ordinances and code provisions relating to these topics.

**Section 12. Repealer.** Except as set forth in Section 11 above, all ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**Section 13. Effective Date.** This ordinance will go in to effect on January 1, 2019.

PASSED: October 16, 2018

ATTEST:                                   APPROVED:

_______________________________________       _____________________________________

Susan Langley, City Clerk                  Mark Stodola, Mayor

APPROVED AS TO LEGAL FORM:

_______________________________________

Thomas M. Carpenter, City Attorney