

ORDINANCE NO. O-2004- 11

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON,
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

AN ORDINANCE AMENDING ARTICLE II, SECTION 58 OF THE CODE OF
ORDINANCES OF BENTON COUNTY REGARDING THE ROAD PLAN

WHEREAS, adoption of a road plan is a prerequisite for the exercise of county
subdivision regulations; and

WHEREAS, certain portions of the Benton County Road Plan, which was adopted in
1986, are in need of updating; and

WHEREAS, pursuant to A.C.A. §14-17-208, the County Planning Board has
recommended adoption of certain revisions to said Plan, which is codified in Section 58
of the County Code.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE
COUNTY OF BENTON, STATE OF ARKANSAS:

SECTION 1. Section 58-26 of the Code of Ordinances of Benton County, Arkansas is
amended to read as follows: “This article may be cited as the “Benton County Road
Plan.”

SECTION 2. Section 58-28 of the Code of Ordinances of Benton County, Arkansas is
amended to read as follows: “(a) The Highway Functional Classification Map for Benton
County, dated 9/11/92, prepared by the Arkansas State Highway & Transportation
Department, is incorporated by reference and made a part of this article, and shall, as
permitted by A.C.A. 27-66-308, satisfy the road plan requirements for county planning.
All county roads not classified on said Map shall be considered local roads.

SECTION 3. Section 58-37 of the Code of Ordinances of Benton County, Arkansas is
amended to read as follows: “Property owners wishing to construct private driveways or
other accesses connecting to a county road shall file a request with the County Judge and
an application with the County Planning Office. Applications shall be processed and
reviewed, the site inspected, and a permit issued within 10 working days, if approved.
The applicant shall furnish drainage culverts of appropriate size, length, and type as
determined by the County Road Department. Installation shall be done by private
interests in accordance with county specifications, or by the Road Department on an at-
cost basis. Installation shall be accomplished within 30 days of issuance of the permit,
and a Road Department inspection shall be conducted within 5 days thereafter. Should
said installation fail inspection, the applicant shall have 10 days to correct stated
deficiencies. Violation of this section shall result in punishment as provided in Section 1-

9 for each failure to correct a violation after written notice to comply from the County Judge.”

SECTION 4. Section 58-38 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “All road crossings for any purpose shall be done by boring unless prior approval has been given by the County Judge. There must be a compelling reason for approval of an open cut across a county road. For approved cuts, a bond in the amount of \$500.00 shall be posted. This bond will be returned upon the proper restoration of the roadbed as determined by the County Road Department. Violation of this section shall result in punishment as provided in Section 1-9 for each offense, and each day shall constitute a new offense. A violation occurs when a ditch or trench is cut without first posting the bond required or receiving the required permission. However, when ditching or trenching is to be done on lands, roads, easements or rights-of-ways that have been dedicated to the county, but the county has not accepted the responsibility to maintain such, the procedures of this section shall still apply, including notice to the County Judge, but the bond shall be posted with the individual, organization, business, corporation or public utility who has or who retained the responsibility for maintenance and notice shall also be given to them. In those situations where the bond is posted with such other entity, that entity shall make the proper restoration determination. Prior Arkansas Highway & Transportation Department approval shall be required for all bores or cuts involving State roads or rights-of-ways.”

SECTION 5. Section 58-40 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “All cable, pipe or other devices buried on county right-of-way must be placed at least 36 inches below the ground at the point of entrenchment, and shall be clearly marked. When laying cable, pipe or other devices, such shall be laid as far back from the roadbed as possible, not to exceed the limits of the right-of-way.”

SECTION 6. The Code of Ordinances of Benton County, Arkansas is amended by adding a section to read as follows: “**Sec. 58-41. Road obstructions.** There shall be no types of obstructions that would limit or hamper the County Road Department’s abilities to maintain or repair a county road. Public access roads that have a gate across them shall be considered a private drive beyond the point of obstruction.”

SECTION 7. Section 58-57 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “(a) Right-of-way, whether for additional dedication purposes, or for new construction or upgrading of local roads shall be 50 feet. (b) Right-of-way, whether for additional dedication purposes, or for new construction or upgrading of collector roads shall be 60 feet. (c) Right-of-way, whether for additional dedication purposes, or for new construction or upgrading of arterial roads shall be 80 feet. (d) Right-of-way dedications for existing roads shall be measured from the center of the existing road or right-of-way.”

SECTION 8. Section 58-58 of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “Bridges and culverts shall be a minimum of four feet wider than the traveled surface, terrain permitting, and have a minimum weight capacity of 20

tons. Bridge approaches should have guardrails designed and installed according to standard road engineering practices.”

SECTION 9. Section 58-65 (c) (2) of the Code of Ordinances of Benton County, Arkansas is amended to read as follows: “a. This item shall consist of an asphalt concrete hot mix (ACHM) wearing surface composed of a compacted mixture of mineral aggregate and asphalt binder, constructed on the completed and accepted base course. b. The wearing surface shall be composed of a mixture of mineral aggregate and asphalt binder as shown for ACHM surface course (half inch) in the Standard Specifications for Highway Construction, Arkansas State Highway and Transportation Department Edition 2003, Section 400. c. The mineral aggregate for asphalt concrete hot mix surface course shall consist of a combination of coarse aggregate, fine aggregate and mineral filler. The coarse aggregate shall be crushed gravel or crushed stone. The coarse aggregate is that fraction retained on the number 10 sieve. Crushed stone shall consist of hard, tough, durable fragments of rock of uniform quality, free from an excess of soft particles. Gravel shall consist of hard, durable pebbles free from an excess of soft particles. Crushed gravel is that gravel of which 100 percent of the particles have been produced from larger particles. d. Asphalt binder shall be prepared from petroleum, shall be homogeneous, free from water, shall not foam when heated to 347 degrees Fahrenheit and shall comply with the specifications shown in the Standard Specifications for Highway Construction, Arkansas State Highway and Transportation Department Edition of 2003, Section 400. e. The finished surface course shall be compacted to not less than 92 % of the maximum theoretical density. Hot mix bituminous material shall not be mixed or placed when the air temperature is below 40 degrees Fahrenheit or when there is frost on the base or subgrade.”

SECTION 10. The Code of Ordinances of Benton County, Arkansas is amended by adding a section to read as follows: “**Sec. 58-83. Signage of roads.** (a) Green sign roads. A county maintained road—if accepted, and signed-off on by the County Judge. All signs will be maintained and replaced by the County Road Department. (b) Blue sign roads. Limited public access road—must have a minimum of 3 houses, and will be graded twice a year by the County Road Department. All such signs will be maintained, and will be replaced by the Road Department. (c) White sign roads. Requested private drive—will not be maintained by the County. All signs must be maintained and replaced by the property owner, or a representative of all property owners on the requested road. The cost for a new, or replacement sign shall be assessed for all white signs by the County Judge. (d) Road signs. Speed limit signs, curve signs, arrow signs, and signs relative to highway safety will be replaced and maintained by the County. All other signs may be maintained and replaced by the adjoining property owner. A cost will be assessed for these signs.

PASSED AND APPROVED THIS 8th DAY OF April, 2004.

APPROVED:

/s/ Gary D. Black
GARY D. BLACK, COUNTY JUDGE

ATTEST:

/s/ Mary L. Slinkard
MARY L. SLINKARD, COUNTY CLERK
SPONSOR: JP Jerry Sheridan
DATE ADOPTED: April 8, 2004
Votes For: 12 Votes Against: _____
Abstain: _____ Present: _____ Absent: _____
Vacant: 1