

CEDARVILLE, ARKANSAS
ORDINANCE NO. 2017-08-15-1

**AN ORDINANCE ESTABLISHING THE PROCEDURE FOR MUNICIPAL
MAINTENANCE of "RED" ROADS LOCATED WITHIN THE CITY OF
CEDARVILLE, ARKANSAS.**

WHEREAS, the City of Cedarville has several streets within the city that are identified as "red roads";

WHEREAS, a "red road" is a road on which more than one person resides, but the road has never been dedicated and accepted by the City as a city street, and therefore officially remains a private driveway;

WHEREAS, prior to the incorporation of the city, the county graded these red roads no more than twice per year;

WHEREAS, it is current practice for the county to grade red roads located in the county no more than twice per year provided all road residents execute a waiver and release;

WHEREAS, upon incorporation of the City of Cedarville, the city took all public county roads as city streets and left red roads as red roads;

WHEREAS, the City of Cedarville, Arkansas, has in the past followed the county practice and graded red roads located within the City no more than twice per year;

WHEREAS, numerous citizens living on red roads have requested various levels of maintenance for their roads;

WHEREAS, numerous public agencies including but not limited to emergency responders, public school buses, meals-on-wheels, postal carriers, parcel delivery services may travel on these roads;

WHEREAS, a total lack of maintenance on some of these red roads has caused delays in police and fire response and damage to municipal emergency vehicles;

WHEREAS, the City of Cedarville, has determined that it is in the best interests of the city to establish a procedure for maintenance of red roads that complies with state law; e.g. the public purpose doctrine;

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

SECTION 1. For the purposes of this ordinance "red roads" shall be those roads, streets, driveways, lanes, passes, etc. that are currently identified with a red colored road sign and registered or otherwise appearing on maps by Western Arkansas Planning and

Development, Inc. ("WAPADI") as named streets within the current city limits of the City of Cedarville, Arkansas as of the date of the passage of this ordinance.

SECTION 2. There shall be two alternate procedures for municipal maintenance of city red roads:

1. Red roads may be dedicated to the City of Cedarville and established as public streets and thereby turned into green roads.
2. Red roads may be graded up to twice per calendar year with no material or labor supplied by the city other than road grading. The timing and amount of grading shall be determined in the sole discretion of the mayor with consultation by the head of the street department.

SECTION 3. Citizens desiring to dedicate a red road and turn it into a green road shall at their own expense obtain a survey and easements/dedication deeds ready for recordation from all necessary property owners for the desired city street. The proposed street shall meet all current requirements for width, curve radius, etc. as is required for a new subdivision street at the time of the request. The citizens shall then submit a dedication deed to the city council for its consideration. The city council may accept or decline the proposed street dedication after reviewing the following factors: the survey, the easements, the proposed dedication deed, the condition of the road, the location of the road, the anticipated maintenance needs of the road, the anticipated street budget of the city, the number of citizens living on the road, the benefit to the public of making it a city street, the number and type of public agencies/entities using the road. If denied, the road shall remain a red road. If accepted, the city council shall by resolution accept the dedication deed(s) and shall cause all necessary papers to be filed in the records of Crawford County, Arkansas, and shall then cause the street sign to be changed from red to green. The city shall then maintain the road as it sees fit in the discretion of the responsible city officials.

SECTION 4. Citizens desiring to have a red road graded up to twice per year with no material supplied by the city shall submit a written request to the city council. The request shall contain the name and location of the red road as well as a list of all the property owners on the road. The written request shall include consent and waiver forms executed by all property owners and residents on the road. Blank consent and waiver forms shall be provided by the office of the mayor. The request shall also include a list of all public agencies that utilize the road. The city council shall then review the request at the first regular meeting following submission of a complete request. The city council may accept or decline the proposed red road grading request after reviewing the following factors: the written request, the written consent/waivers, the condition of the road, the location of the road, the anticipated maintenance needs of the road, the anticipated street budget of the city, the number of citizens living on the road, the benefit to the public of grading the road, the number and type of public agencies/entities using the road. If denied, the road shall not be provided any grading by the city. If approved, the city shall grade the road up to twice per year but shall under no circumstances provide

any other labor or material for the road. The timing and other grading operations shall be determined by the mayor in conjunction with the head of the street department.

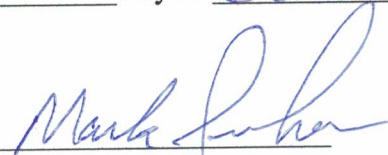
SECTION 5. This ordinance is intended to comply with Arkansas constitutional requirements for municipal expenditures including the doctrine of public purpose.

SECTION 6. All Ordinances and parts of Ordinances in conflict within the provisions of this Ordinance are hereby repealed. Unless specifically amended herein, all other portions of Ordinances shall remain in full force and effect.

SECTION 7. If any court of competent jurisdiction should determine that any portion of this ordinance is illegal or unenforceable, the remaining provisions shall remain in full force and effect.

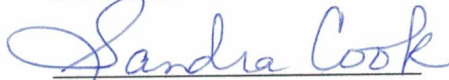
SECTION 8. It is hereby ascertained and declared that there is a great need to establish a way to protect public vehicles operating within the City of Cedarville and to protect the lives and property of citizens needing emergency services when access is necessary on "red" roads. In order to promote and protect the health, safety, and welfare of the City and its inhabitants, it is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health, and safety shall be in force and take effect immediately from and after its passage.

PASSED AND APPROVED on this 17th day of October, 2017.



Mayor

ATTEST:



Recorder/Treasurer