ORDINANCE NO. __20-19__

AN ORDINANCE AMENDING SPECIFIC SECTIONS OF THE FORT SMITH MUNICIPAL CODE TO REMOVE REFERENCES TO A PUBLIC WORKS DEPARTMENT

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that:

SECTION 1:   Section 17-29 (Conditions and restrictions upon permit) of the Fort Smith Municipal Code shall be hereby amended to read as follows:

The city administrator, or his/her designee, may impose reasonable conditions and restrictions upon the application under consideration, with the intent of minimizing the impact of the special use permit operation upon nearby property or public property. The limitations placed upon a special use permit may include, but are not limited to:
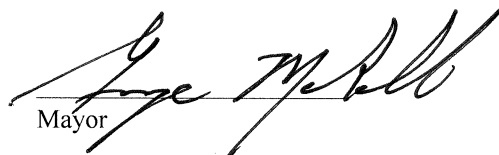
(1) The method for cleaning materials used in the operations that are dropped, shifted, leaked or otherwise escape onto a roadway from the vehicle transporting such materials, and such material shall be removed as necessary each day.

(2) The method of controlling traffic (flagman or traffic-control devices may be required at the contractor's expense).

(3) Weight limits may be placed on all haulers to minimize damage to public facilities (reasonable weight limits to be determined by the city administrator, or designated agent).

(4) The number of hours that site preparation work may be conducted on the premises may be regulated by the public works department to minimize harmful effects on nearby property owners.
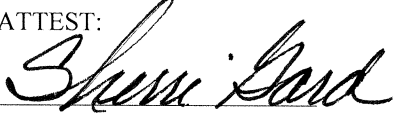
However, nothing herein shall prevent the owner, its agent or any independent contractor from drilling, completing and operating the proposed well.

SECTION 2:   Section 22-106 (Denial of future work) of the Fort Smith Municipal Code shall be hereby amended to read as follows:
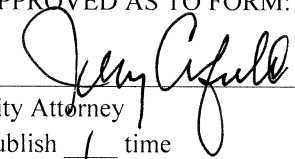
If any contractor consistently does faulty backfill, the city administrator or his/her designee shall reserve the right to refuse to allow said contractor to do any further work in the streets of the city.

PASSED and APPROVED this ____5th____ day of March, 2019.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney
Publish __1__ time