

FILED

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE REQUIRING PERSONS OR ENTITIES DOING CONSTRUCTION UPON COUNTY ROADS TO OBTAIN A PERMIT; TO REQUIRE PLACEMENT OF UTILITIES TO MEET CERTAIN REQUIREMENTS; TO REQUIRE SAFETY SIGNAGE; AND FOR OTHER PURPOSES.

WHEREAS, the Cleburne County Quorum Court recognizes Arkansas Code Annotated § 14-14-1101 as it relates to the administration of county roads and to administer ordinances; and

WHEREAS, the Cleburne County Quorum Court acknowledges Arkansas Code Annotated § 14-14-1104, whereby the County Judge may establish and enforce certain administrative rules and regulations pertaining to county roads, and

WHEREAS, the Cleburne County Quorum Court recognizes that requirements and regulations for the installation and placement of utilities are necessary to promote the health, safety, and welfare of the citizens of Cleburne County.

Section 1: For purposes of this ordinance, "County Maintained Road" shall be defined as any and all roads in Cleburne County, Arkansas, which Cleburne County has taken into the county road system or are maintained by the county. County Maintained Roads shall include all roadbeds, roadways, ditches, adjacent rights-of-way, and road easements.

Section 2: No person, firm, corporation, or other entity shall place any line, pipeline, pole, conduit, or other type of facility, apparatus, or other matter, whether a public utility or otherwise, upon or within any County Maintained Road, any right-of-way, or road easement, without having first obtained a permit (Appendix A) to do so from the County Judge.

Section 3: The permit holder will protect the traveling public by use of traffic control devices, as required by the Manual on Uniform Traffic Control Devices (MUTCD), during all phases of construction.

Section 4: The permit holder shall be responsible for all costs of moving such utilities and facilities as required for future road improvements, including widening.

Section 5: The County Judge or his or her representative shall review each request and issue a permit accordingly. The County Judge is given discretion to require a bond in the amount of \$500 to \$50,000 as deemed appropriate by the County Judge.

ORDINANCE NO.2025-20

- Section 6: Any utility company or other entity which has received permission to install, operate, and/or maintain utility facilities on the County Maintained Road, rights-of-way, or road easements shall place on file an accurate and complete plan, drawing, blueprint or other such rendering of the position and location of the completed facility, improvement, or construction with the County Judge's office.
- Section 7: All utility companies shall restore all county roads, ditches, and easements to the condition prior to such projects or construction.
- Section 8: Installation of all utilities on County Road right-of-way must be approved and permitted by the Cleburne County Road Department and be installed according to the following requirements:
- i. 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.
 - ii. All utilities installed on the shoulder of the road must be a minimum of two and a half (2 ½) feet below the shoulder.
 - iii. Any culvert or drainage structure installed by the developer or property owner must conform to the County requirements. Drainage pipes and culverts must be a minimum of twenty-four (24) inches in depth and must be six (6) feet outside the shoulder of the road. Side culverts or driveway culverts must be a minimum of eighteen (18) inches in depth.
 - iv. All utilities, such as power cable, telephone cable, water, sewer, and gas shall be installed within the outer five (5) feet of the right of way.
 - v. Longitudinal utilities shall have a minimum depth of cover of thirty-six (36) inches measured vertically over the utility line.
- Section 9: Any variances to these requirements shall be submitted, in writing, to the County Judge for consideration and approval. If work has not started within a period of three (3) months after the variance is approved, the approval is void and new application must be made to the County Judge.

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- Section 10: The utility company or other permit holder shall notify the County Judge four (4) business days prior to beginning work.
- Section 11: The County Judge reserves the right to revoke a permit for failure to comply with the provisions of this ordinance.
- Section 12: The permit holder shall notify the County Judge upon completion of work performed for a final inspection and release of the bond, as necessary.
- Section 13: If any provision of this Ordinance is found to be invalid by the decision of any court of competent jurisdiction, such invalidity shall not affect the remaining sections, phrases, and provisions of this Ordinance which remain valid and enforceable.

PASSED AND ADOPTED this 9 th day of October 2025.


Eric Crosby, Cleburne County Judge

ATTEST:


Sherry Logan, Cleburne County Clerk

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Appendix A

UTILITY PERMIT

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SHERRY LOGAN
CLEBURNE COUNTY CLERK

TO INSTALL UTILITY LINES WITHIN THE RIGHT-OF-WAY OF COUNTY ROAD:

LOCATION AND DESCRIPTION:

Unless otherwise specifically provided in this permit, utility poles, buried pipe or cable, or other utility structures shall be placed within the outer five (5) feet of the outside edge of the County road right-of-way, so as not to interfere with road maintenance or future improvement. In no event shall any buried utility pole or line be placed in the shoulder of the road, in the roadbed, or in the ditch line.

Utilities installed in County Maintained Road rights-of-way shall not interfere with footings of road structures, safe roadside clearances, or traffic operations. If necessary, excavation shoring will be utilized to protect the roadway, drainage structures, or traffic operations

- I. Permit Holder will protect the traveling public by use of traffic control devices, as required by the Manual on Uniform Traffic Control Devices, during all phases of construction.
- II. Permit Holder, by request of such permit [or application of such permit], hereby acknowledges their responsibility and ability to adjust, including to relocate, these facilities for future road improvements, if so required, at no cost to the county. If at any time in the future, any portion of the County Maintained Road covered by this permit, or any ditches or culverts adjacent to such road, shall be widened or otherwise improved by the County, the holder of this permit shall move and relocate said utilities at the permit holder's expense and at no additional cost to the County. Locations for relocated utility lines, poles, or structures shall be approved in advance by the County.
- III. Permit Holder shall be responsible for any breaks or cuts in the utility line or damage to utility poles or other structures that occur due to Permit Holder's failure to comply with requirements as stated in the utility permit and utility placement ordinance. Permit Holder shall not hold [] County responsible or liable for losses or damages from cuts, breaks, or interruption of service of said utility incurred due to noncompliance with the utility permit and utility placement ordinance.
- IV. Once approved, this Utility Permit is valid for one year from the date of acceptance/approval. After one year, the permit becomes invalid, and a new permit must be obtained from [] County if the Permit Holder intends to install a utility at the intended location.

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SIGNATURE AND ACKNOWLEDGMENT: _____

2025 OCT 10 PM 12: 58
APPLICANT

DATE: _____
APPLICANT

SHERRY LOGAN
CLEBURNE COUNTY CLERK

APPROVED: _____
COUNTY JUDGE

PERMISSION IS HEREBY GRANTED TO APPLICANT:

DATE PERMIT GRANTED:
