



ORDINANCE NO. 66 OF 2006

AN ORDINANCE AMENDING ORDINANCE 5 OF 1998 AN ORDINANCE ADOPTING "STANDARDS FOR STREET DESIGN AND CONSTRUCTION" (JULY, 1997); DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Benton, Arkansas, owns and operates the city electric utilities; and

WHEREAS, the City of Benton, Arkansas, has the power and authority vested within it to establish rules, regulations, and fees; and,

WHEREAS, certain rules, regulations and fees are necessary for providing efficient services and for the preservation of valuable revenues due the utilities system; and,

WHEREAS, the Benton Public Utility Commission has determined certain revisions to the existing Section 4 of Ordinance 5 of 1998 concerning Street Lighting and Signs are necessary for the continued efficient operation of the utility system;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Benton, Arkansas, that:

SECTION 1. The revised street lighting rules and regulations of the City of Benton, Arkansas utilities system set forth in the document attached hereto and marked Exhibit "A" are incorporated herein, as if such

rules and regulations were set for line-for-line and word-for-word, and are hereby adopted.

SECTION 2. The City Clerk shall cause a copy of such rules, regulations, and fees to be published in a newspaper of general circulation in Saline County, Arkansas along with this ordinance.


SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 4. All City of Benton Ordinances, Resolutions, Regulations, and parts thereof, in conflict with the provisions of this ordinance, and particularly Section 4 of Ordinance 5 of 1998, are hereby repealed to the extent of such conflict, but not otherwise.

SECTION 5. The Benton Public Utility Commission has found and determined that there is an immediate need to establish and adopt the rules and regulations set forth in this ordinance, and that any material delay in the same would unnecessarily interfere with projects and programs of the city's utility departments currently underway. Therefore, an emergency exists, and this ordinance is necessary for the preservation of the public

peace, health and safety. It shall be in full force and effect immediately from
and after its passage and approval

PASSED AND APPROVED this 23 day of October, 2006.


Rick Holland, Mayor

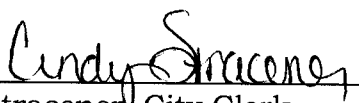

Cindy Stracener, City Clerk

EXHIBIT "A"

SECTION 1 STREET LIGHTING AND SIGNS

1.1 Street Lighting Density - Street lights shall be provided by the developer at the current cost paid by Benton Utility Electric Department plus 25% and shall be located at all street intersections within the development and located on corners such that it illuminates intersection; at the terminal ends of all cul-de-sac streets; and at intervals of approximately 300 feet. The location and density of street lights within the city limits shall be determined and approved by the Benton Electric Utility Department.

1.2 Street Lighting Specifications – The Public Utility Commission has determined that the standard street lighting for subdivisions within the city limits or subdivisions under pre-annexation agreements shall be one of the following four types of lights:

- 1.2.1. Basic decorative fixture on fiberglass pole will be determined by Benton Electric Utility Department. The lamp will be 100 watt high pressure sodium type.
- 1.2.2. Upgraded decorative fixture on fiberglass pole (Options 4.2.1 and 4.2.2 would use the same type bulb and pole) will be determined by Benton Electric Utility department. These lights would only be used on local and narrow residential streets.
- 1.2.3. 25 foot galvanized tapered steel pole with a 100 watt to 250 watt flat face high pressure sodium vapor cobra head fixture with 6 foot arm including the screw anchor on the steel pole to be used only on principal arterial, minor arterial, collector and local commercial streets.
- 1.2.4. 35 foot wooden poles with a 100 watt to 250 watt flat face high pressure sodium vapor cobra head fixture on a 6 foot arm could be used at the discretion of the Benton Electric Utility Department only if underground power is unavailable.
- 1.2.5. Decorative street lights other than those listed above will be installed and maintained by the Property Owners Associations and/or the developer. Bulb type will be a 100 watt high pressure sodium lamp.

1.3 Street Lighting Installation and Maintenance – The above listed street lighting fixtures and poles as specified in Section 4.2 will be installed by the Benton Electric Utility Department; and will be maintained by the Benton Utility Electric Department if the development is located within the city's electric system service area. Benton Utility Electric Department would approve the style and location of street lights installed by other electric utility providers within the city limits of Benton. The utility supplying the power should be responsible for the type and maintenance of the light. The Developer will be required to pay for the approved street lighting installation before the street lights are installed. Maintenance of approved street lighting shall be the responsibility and expense of the Benton Utility Electric Department except as specified in Sub-Section 4.2.5

1.4 Pre-existing Street Lights – In subdivisions where there are existing decorative street lights installed by the Developer the street lights shall continue to be the responsibility of the Developer and/or the residents of the development for perpetuity. If the Developer and/or residents of the development desire the City to take over the responsibility of maintenance for the street lights in the subdivision, the existing street lights will have to be removed and replaced

with the approved street lighting as indicated in Section 4.2 at the expense of the Developer and/or residents of the subdivision.

1.5 Pre-existing Subdivisions Without Street Lights - In pre-existing subdivisions or phases of a subdivision with final plat approval within the city limits where street lights currently do not exist the developer and/or property owners have the option of having the Benton Utility Electric Department place approved lighting at a cost not less than the normal cost. Installation of street lights in these areas would be at the option of Benton Electric Utility and the costs would exceed normal costs depending on the difficulty of installation.

STATE OF ARKANSAS }
County of Saline }

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I, Mary Bloomquist
that I am Legal Advertising Clerk
a daily newspaper printed in said
such at the date of publication
that said newspaper had a bona
county at said dates, and has been
said county for a period of 1 1/2
the date of the first publication
hereto annexed, and that said
published in said newspaper -
1 issues, the first insertion
made on 11/1/06
last insertion on 11/1/06

Mary

Sworn to and subscribed before me
Jan 8, 2007

Vicki



My commission expires Aug

Cost of F

Received payment _____
By _____
THE BENTON C

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Section 5. The Benton Public Utility Commission has found and determined that there is an immediate need to establish and adopt the rules and regulations set forth in this ordinance, and that any material delay in the same would unnecessarily interfere with

Electrical Department.

1.2 Street Lighting Specifications - The Public Utility Commission has determined that the standard street lighting for subdivisions within the city limits or subdivisions under pre-annexation agreements shall be one of the following four types of lights:

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Rick Holland, Mayor
Cindy Stracener, City Clerk

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