

ORDINANCE NO. 01-2026

AN ORDINANCE REGULATING EXCAVATION, DIGGING, AND DRILLING WITHIN THE CITY OF HASKELL, ARKANSAS; REQUIRING A PERMIT AND FEE; ESTABLISHING RESTORATION REQUIREMENTS; PROVIDING FOR LIABILITY AND PENALTIES; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Haskell, Arkansas finds that excavation, digging, trenching, and drilling within public rights-of-way and other areas can damage streets, utilities, and public infrastructure; and

WHEREAS, the City Council desires to ensure that all disturbed areas are properly restored to their original or better condition and that such work is properly permitted and monitored; and

WHEREAS, requiring permits, fees, and restoration standards promotes accountability and protects the health, safety, and welfare of the citizens of Haskell.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASKELL, ARKANSAS:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to regulate excavation and drilling activities within the City, require permitting prior to such work, establish minimum restoration standards, and ensure protection of public infrastructure and private property.

SECTION 2. DEFINITIONS.

(a) "Excavation, digging, or drilling" means any cutting, trenching, boring, tunneling, directional drilling, or other disturbance of soil, pavement, or subsurface materials.

(b) "Contractor" means any person, firm, corporation, utility, or entity performing such work.

(c) "Right-of-way" means any public street, alley, easement, sidewalk, or public way within the City.

SECTION 3. PERMIT REQUIRED.

(a) No contractor shall commence any excavation, digging, or drilling within the City of Haskell without first obtaining a permit from the City.

(b) Each permit application shall include:

1. The name of the contractor performing the work;
2. The name and contact information of a responsible contact person available during the project;
3. The location and description of the proposed work;
4. The anticipated start and completion dates.

(c) A permit fee of One Hundred Dollars (\$100.00) shall be paid to the City prior to issuance of the permit.

(d) The permit must be available on-site at all times during the work.

SECTION 4. RESTORATION REQUIREMENTS.

(a) Any contractor performing excavation, digging, or drilling shall restore all disturbed areas, including streets, sidewalks, rights-of-way, and adjacent property, to a condition equal to or better than that which existed prior to the work.

(b) Restoration shall include, but not be limited to:

1. Proper backfilling and compaction of excavated areas;
2. Replacement of pavement to match existing thickness and materials;
3. Repair or replacement of curbs, gutters, sidewalks, and driveways;
4. Restoration of grass, landscaping, and surface features;
5. Compliance with any additional specifications required by the City.

(c) The City may inspect all work and require corrections if restoration is deemed inadequate.

(d) If the contractor fails to properly restore the area, the City may perform or contract for the restoration and charge all associated costs to the contractor.

SECTION 5. HOURS OF WORK.

No excavation or drilling shall occur between the hours of 12:00 p.m. on Friday and 8:00 a.m. on Monday, except in the case of emergency repairs necessary to protect life, safety, or essential utilities, which shall be reported to the City as soon as practicable.

SECTION 6. LIABILITY FOR DAMAGES.

Any contractor performing work under this Ordinance shall be responsible for all damages to public or private property, utilities, or infrastructure resulting from such work and shall fully repair or reimburse the cost of such damages.

SECTION 7. PENALTIES.

(a) Any person or entity violating this Ordinance shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) per violation.

(b) Each day a violation continues shall constitute a separate offense.

SECTION 8. SEVERABILITY.

If any portion of this Ordinance is declared invalid, such declaration shall not affect the remaining provisions.

SECTION 9. REPEALER.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 10. EMERGENCY CLAUSE.

It is hereby found that immediate regulation of excavation activities is necessary to protect public infrastructure and safety; therefore, an emergency is declared, and this Ordinance shall be in full force and effect immediately upon passage and approval.

PASSED AND APPROVED this 13th day of April 2026.

Taylor Finley, Treasurer

Clyde Crookham, Mayor