

# CITY OF KEISER, ARKANSAS

## ORDINANCE NO. 2026-02

**AN ORDINANCE REGULATING DRIVEWAY CULVERTS, SUBDIVISION DRAINAGE DITCHES, RESIDENTIAL DRAINAGE DITCHES, AND CITY-OWNED DRAINAGE DITCHES; PROVIDING FOR MINIMUM DITCH STANDARDS; REFERENCING ARKANSAS LAW; AND FOR OTHER PURPOSES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEISER, ARKANSAS:**

### **SECTION 1. PURPOSE AND INTENT**

The purpose of this Ordinance is to establish uniform standards for driveway culverts, subdivision drainage ditches, residential drainage ditches, and city-owned drainage ditches within the City of Keiser, Arkansas, to ensure proper stormwater flow, prevent flooding, protect public infrastructure, and promote public safety.

This Ordinance is adopted pursuant to the authority granted to municipalities under Arkansas law, including Arkansas Code §14-121-804 regarding drainage ditches and rights-of-way.

### **SECTION 2. DEFINITIONS**

For the purposes of this Ordinance:

- **Culvert** – A pipe or structure that conveys stormwater under a driveway, road, or access point.
- **Drainage Ditch** – Any open channel, swale, or man-made ditch designed to convey stormwater.
- **Subdivision Drainage System** – All ditches, swales, culverts, and stormwater features constructed as part of a platted subdivision.
- **City-Owned Ditch** – Any ditch located within a public right-of-way or drainage easement accepted and maintained by the City of Keiser.
- **Property Owner** – The owner of record of the parcel adjacent to the ditch or driveway.

### **SECTION 3. DRIVEWAY CULVERT REQUIREMENTS**

#### **A. Permit Required**

No driveway may be constructed, altered, or replaced across a drainage ditch without first obtaining a **Driveway Culvert Permit** from the City of Keiser.

## **B. Culvert Specifications**

1. Minimum diameter: **12 inches**
2. Minimum length: Sufficient to allow safe driveway width and maintain ditch flow
3. Approved materials:
  - Reinforced concrete pipe (RCP)
  - Dual-wall HDPE
  - Asphalt-coated corrugated metal
  - Galvanized metal pipes
4. Culvert must be installed at proper grade to maintain **positive drainage**.
5. Headwalls or flared end sections may be required.

## **C. Installation**

Culverts shall be installed by the property owner or their contractor, subject to inspection and approval by the City.

## **D. Maintenance**

The property owner is responsible for maintaining the culvert in good working condition, including removal of debris, sediment, or obstructions.

## **E. Non-Compliance**

If a culvert becomes blocked, damaged, or improperly installed, the city may order repair or replacement. Failure to comply may result in the city performing the work and assessing costs to the owner.

## **SECTION 4. SUBDIVISION DRAINAGE DITCHES**

### **A. Developer Responsibilities**

All new subdivisions shall include a drainage plan prepared by a licensed engineer showing ditch grades, culvert sizes, easements, and stormwater flow direction, consistent with Arkansas Code §14-121-804.

### **B. Acceptance by the City**

The city will not assume maintenance of subdivision drainage ditches until all improvements are completed, inspected, and accepted by resolution of the City Council.

### **C. Maintenance Prior to Acceptance**

The developer or property owners' association shall maintain all subdivision drainage ditches until acceptance.

## **SECTION 5. CITY-OWNED AND RESIDENTIAL DRAINAGE DITCHES**

### **A. City Responsibility**

The City of Keiser shall maintain drainage ditches located within public rights-of-way, dedicated drainage easements, or areas historically maintained by the City.

### **B. Prohibited Actions by Property Owners**

No person shall:

1. Fill in, obstruct, or alter a city-owned ditch.
2. Install pipes, boards, landscaping, or structures that impede flow.
3. Redirect water in a manner that causes flooding or erosion.

### **C. Prohibition on Replacing Ditches with Culverts**

1. **It is prohibited to replace any existing open drainage ditch within the City of Keiser with a culvert or enclosed pipe system.**
2. **Existing culverts located within drainage ditches are grandfathered; however, if such culverts are ever replaced, removed, or fail, the ditch shall be restored to a traditional open ditch configuration.**

**This grandfathering provision shall not apply to the drainage area commonly referred to as “The Circle,” including J.T. Polk Street, Pine Street, Senter Street, Bell Street, Bruce Wilson Drive, and Cedar Street, which are currently being repaired and improved under the Community Development Block Grant (CDBG) awarded to the City of Keiser in 2025, with construction work taking place in 2026. All drainage improvements within this designated area shall comply with current ditch standards and requirements established by the City in this ordinance.**

3. No new enclosed drainage systems shall be installed in place of open ditches unless specifically authorized by the City Council upon written engineering justification.

### **D. Minimum Ditch Standards for Residential Properties**

1. **Minimum depth:** 18 inches
2. **Minimum bottom width:** 12 inches
3. **Maximum side slope:** 3:1 (horizontal:vertical)
4. Ditches must maintain a continuous, unobstructed grade to ensure **positive drainage**.
5. Property owners shall keep residential ditches free of debris, vegetation overgrowth, sediment buildup, or any obstruction that restricts stormwater flow.

6. No residential ditch may be filled, enclosed, or altered in a manner that reduces capacity.
  - **Grandfathered culverts must revert to open ditches when replaced.**
7. All repaired ditches and culverts shall, at a minimum, comply with the standards set forth in Section D. However, if the standards in Section D are less stringent than the existing drainage standards within the surrounding area, the repair shall be performed to match or exceed the established neighborhood standards. Under no circumstances shall any repair reduce, restrict, or negatively impact the existing drainage capacity of the area.

#### **SECTION 6. PRIVATE DITCHES AND ARKANSAS CODE §14-121-804**

Pursuant to Arkansas Code §14-121-804:

- A landowner may construct a ditch to drain into a public ditch.
- If another landowner blocks access, the builder may seek a right-of-way through circuit court.
- Damages must consider benefits gained by the intervening landowner.
- The intervening landowner may also use the ditch for their own drainage.

#### **SECTION 7. ENFORCEMENT AND PENALTIES**

1. Violations of this Ordinance may result in fines not exceeding **\$250 per day** until corrected.
2. The City may issue written notices, stop-work orders, or require removal of non-compliant installations.
3. Costs incurred by the City to correct violations may be assessed as a lien against the property.

#### **SECTION 8. SEVERABILITY**

If any section or provision of this Ordinance is found invalid, the remaining portions shall remain in full force and effect.

#### **SECTION 9. REPEALER**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

#### **SECTION 10. EMERGENCY CLAUSE**

Because proper drainage is essential to public safety and the prevention of flooding, an emergency is declared, and this Ordinance shall take effect immediately upon passage.

**Therefore, an emergency is declared to exist, and this ordinance shall take effect immediately upon passage.**

**PASSED AND APPROVED** this 20th day of April 2026.

**CITY OF KEISER, ARKANSAS**

**APPROVED:**

  
Rick Creecy, Mayor

  
City Recorder