

Street and Sidewalks

PART 14

STREETS AND SIDEWALKS

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CHAPTER 2

(RESERVED)

CHAPTER 1

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SECTION 14-101 OBSTRUCTIONS GENERALLY.

It is unlawful for any person to obstruct in any manner any street, alley, sidewalk or other public way by leaving or permitting to remain thereon or therein any vehicle, object, material, structure, fence or other obstruction of any kind.

SECTION 14-102 INTERFERING WITH STREET, FREE FLOW OF TRAFFIC.

A. It is unlawful to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

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B. When any person causes or commits any of the conditions enumerated in Subsection A herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse, or to remove any obstructions. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

SECTION 14-103 REMOVAL OF TREES, SHRUBS OBSTRUCTING VIEW OF TRAFFIC; MAINTENANCE OF AREA ABUTTING STREET.

A. The owner of every lot or parcel of land in the town upon which any trees, shrubs or plants are growing, or upon which any obstruction has been placed, shall remove such trees, shrubs, plants or obstruction, or parts thereof, if they are so situated as to constitute a traffic hazard by obstructing the view of any driver of any vehicle on the streets of the town to the extent that the driver is unable to observe the approach of other vehicles on streets and alleys and at intersections.

B. The owner of any premises abutting on any street shall maintain and trim all trees, shrubbery, and grass growing between the sidewalks and the roadway, or within the road right-of-way abutting the premises if there is not a sidewalk located in the right-of-way of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage, sight and travel along the streets, sidewalks and alleys. If premises are occupied by some person other than the owner, such occupant shall trim the trees, shrubbery and grass in the same manner as hereinbefore required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.

C. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in this section, after receiving five (5) days' notice from the town clerk-treasurer or code enforcement officer to do so, is guilty of an offense against the town. In addition to any fine or punishment as an offense, the town may act to abate the nuisance. Every day that the owner or occupant fails, refuses or neglects to trim such trees or shrubbery after the expiration of the five (5) days' notice shall be a separate offense.

SECTION 14-104 DISPLAY OF GOODS, WARES AND MERCHANDISE.

Except as otherwise provided in this code, it is unlawful for any person to display any goods, wares or merchandise for sale, or to sell the same, on any street, alley or sidewalk, or from any vehicle parked thereon, in the corporate limits of the town. Each separate sale or offer to sell in violation hereof shall constitute a separate offense.

B. Any vehicle parked on the streets, alleys or sidewalks for the purpose of making merchandise available for sale by the methods prohibited by this section shall be promptly moved by the driver upon order of the police of the town, and if

not promptly moved, the same shall be towed from such location upon order of the police department, and the driver or custodian of the vehicle shall also be deemed guilty of an offense.

C. In each instance where an individual is guilty of an offense under the provisions of this section, the person for whom such individual is acting in the capacity of an agent or employee shall be guilty of a separate offense.

SECTION 14-105 NO STRUCTURES ON OR OVER STREETS AND SIDEWALKS.

A. It is unlawful for any person to erect or construct, or cause to be erected or constructed, any cellar or basement way, stairway, door, awning post, canopy or any other kind of structure projecting into, upon or over, and adjoining any street or sidewalk within the town, except that the building official may, in his discretion, authorize the same to be done, where the public health, safety and necessity demand, by granting a permit therefor.

B. Upon the granting of a permit under this section, conditions as to the erection of the structure through, upon or over any street or sidewalk may be fixed by the town administrator, and a contract shall be entered into as to the maintenance of the structure and an indemnifying agreement secured, indemnifying and saving the town harmless from any loss, costs or damage by reason of the structure projecting into, upon or over, and adjoining any street or sidewalk within the fire limits of the town.

SECTION 14-106 PLAYING PROHIBITED.

It is unlawful for any person to engage in any sport, game, amusement or to play in, on or across the main-travelled portion of any sidewalk, street, avenue or alley of the town except as may be authorized by ordinance.

SECTION 14-107 WATER ON STREETS, WATER NOT TO DRAIN FROM WASHING VEHICLE.

It is unlawful for any person to wash or drain into any street, alley or other public place in the town any water from his house or premises or to allow any filth or water to escape from his premises upon any of the places above mentioned or upon property contiguous thereto. No auto or other vehicle shall be washed at any place within the town where the water, dirt, or other substances removed therefrom will drain into any street or sidewalk of the town.

SECTION 14-108 UNLAWFUL TO INJURE TREES, SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley, or within any road right-of-way in the town. This section shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

SECTION 14-109 SIGNS OBSTRUCTING VIEW, IN SIGHT TRIANGLE, PROHIBITED.

A. It is unlawful for any person to otherwise place any object, vehicle or structure on or so near to any street right-of-way such that same constitutes a traffic or safety hazard for either pedestrians or vehicular traffic traveling on or onto the street.

B. It is unlawful and an offense for any person to erect, construct, locate, maintain or allow to remain on his property any sign, fence or structure within an area known as the sight triangle, which is defined as that area formed by measuring from the point of intersection of two (2) lot lines a distance of twenty-five (25) feet along each lot line and connecting the points so established to create a triangle with sides abutting street right-of-way. Any sign, fence or structure placed or located in the area is hereby determined to be a public nuisance, and the town administrator is authorized to cause the structure, fence or sign to be removed.

SECTION 14-110 DUTIES OF OWNERS AND OCCUPANTS OF ADJACENT PROPERTY RELATIVE TO SIDEWALK OBSTRUCTIONS, HAZARDS.

A It is unlawful for any person to allow any obstruction of any kind to accumulate in the sidewalk in front of his premises. All owners and occupants of property are required to keep their premises and the sidewalks, gutters, streets and alleys adjacent thereto free from weeds, trash and all obstructions and to remove such weeds, trash and obstructions from such places.

B. It is unlawful to deposit, throw or sweep into or upon a street, alley, parking or sidewalk of the town any trash, weeds, tree trimmings, dirt or any other refuse of any kind.

C. It is unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk or sidewalk area.

SECTION 14-111 STREET CUTS AND EXCAVATIONS, PERMITS.

No person shall cut into, dig or excavate in the surface of any road, street, alley or right of way without a written permit from the town. Applications for the permit shall be made to the clerk-treasurer describing the work to be done, the time, and all plans for safety and repair. Such permit shall be approved by the building official or town administrator, and the applicable permit fee and deposit or bond, as set by the board of trustees by motion or resolution, shall be paid prior to the issuance of a permit. The general policy is that no permits shall be issued unless it is absolutely necessary and there is no other reasonable way to perform the work.

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B. All such permits shall require that the street surface be repaired in accordance with specifications of the town.

C. The deposit or bond may be used to ensure compliance with the town street specifications or to cover any violations of this section.

SECTION 14-112 STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach, driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drainage ditches, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

SECTION 14-113 DRAINAGE OF POLLUTING SUBSTANCES INTO STREETS, ALLEYS OR SIDEWALKS PROHIBITED.

It is unlawful for any residence or business to allow drainage of a polluting substance into or upon any street, alley or sidewalk. A polluting substance is one so defined as "pollution" under Section 2-1-102 of Title 27A of the Oklahoma Statutes.

SECTION 14-114 DRAINAGE DITCHES, OBSTACLES IMPEDING DRAINAGE IN STREETS, NOTICE, CORRECTION.

A. Any culvert, driveway, pipe, or other obstacle upon or in the dedicated streets, alleys or ways of the town which impedes the flow of water through drainage ditches now constructed or which might hereafter be constructed by the town for the purpose of proper drainage of water falling from any rainfalls which might reasonably be anticipated, shall be and are hereby declared to be public nuisances endangering and interfering with travel upon and the repair and maintenance of town streets and annoying and injuring and endangering the comfort, repose, health and safety of the citizens of the town.

B. All public nuisances existing contrary to the provisions of this section not abated by the owners or occupants of adjoining premises or their agents within ten (10) days after being given notice as provided herein, shall be abated by the town administrator, code enforcement officer or other officer or employee of the town by digging up, breaking, if necessary or not reasonably avoidable, and removing such culvert, driveway, pipe, or other obstacle and opening up such drainage ditch, and leaving the same open.

C. The notice herein mentioned shall be in writing directing the owner or occupant of premises adjoining such nuisance to abate the same by removing such obstacle impeding drainage, and shall be given by mailing to the owner or occupant of such adjoining premises at his or their last known address, or to both, if their names and

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post office addresses can be ascertained with reasonable diligence, by certified mail or by delivery of such notice to such owner or occupant personally by any officer, employee or agent of the town, or by posting such notice at some conspicuous place upon such premises if the name or mailing address of the owner or occupant of the premises cannot be ascertained with reasonable diligence.

SECTION 14-115 WATER AND OTHER FLUIDS FROM FILLING STATIONS AND OTHER BUSINESSES.

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking lot, street, alley or other public way.

SECTION 14-116 PENALTY.

Any person who violates any provision of this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day upon which a violation continues shall constitute a separate offense.

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CHAPTER 2

(RESERVED)