

Chapter 16

STREETS, SIDEWALKS AND OTHER PUBLIC AREAS¹

- Art. I. In General, §§ 16-1-16-15
Art. II. Use and Obstruction, §§ 16-16-16-28

ARTICLE I. IN GENERAL

Sec. 16-1. Certain ordinances not affected.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:

- (1) Vacating, opening or dedicating specific streets and alleys;
- (2) Relating to specific street improvements and assessments therefor;
- (3) Relating to the grade or alignment of specific streets;
- (4) Naming or renaming specific streets;
- (5) Granting railroads the right to use specific streets and alleys.

All such ordinance, are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Code 1977, § 20-1)

Cross reference—Ordinances not affected by Cede generally, § 1-8.

State law reference—Street improvements, 11 O.S. §§ 36-109, 36-201 *et seq.*, 36-401 *et seq.*

Secs. 16-2-16-15. Reserved.

ARTICLE II. USE AND OBSTRUCTION²

Sec. 16-16. Rights-of. way and easements—Access generally.

(a) It shall be unlawful for any person to obstruct or otherwise prevent access to a street, alley or other municipally-owned property; provided, that the city may prevent or provide access to streets, alleys and municipally-owned property from time to time in the public interest.

(b) The city may permit certain streets, alleys, public ways or other municipal property which is dedicated, but not currently used for public purposes, to be fenced, made inaccessible to the public, or otherwise used for private purposes provided, that the city or any of its officers or employees shall have right of ingress, egress and easement for the purpose of installing or maintaining utilities, cleaning, grading, moving or any other activity which is in the public interest.

(c) Persons who are allowed to use such public property for private purposes, as permitted above, shall:

Supp. 3 (1-2-02)

¹ **Charter references**—Acquisition of property for public ways, § 1-3; public improvements, § 4-5.

Cross references—Administration, Ch. 2; animals, Ch. 4; buildings and building regulations, Ch. 5; cemeteries, Ch. 6; motor vehicles and traffic, Ch. 10; parks and recreation, Ch. 14; planning and development, Ch. 15; utilities, Ch. 18; certain ordinances not affected by code, § 1-8; department of public works, § 2-37; application of traffic regulations to persons working on streets, § 10-3; railroads, §§ 10-19 *et seq.*; traffic-control devices, §§ 10-36 *et seq.*

State law references—Roads and streets, 11 O.S. Art. XXXVI; cooperation of state highway commission with municipal officials, 69 O.S. § 303; state department of highways to cooperate with municipalities, 69 O.S. § 317; appropriation of highway by city for public purposes, 69 O.S. § 648; improvement districts for street lighting, planting, etc., 11 O.S. §§ 39-101 *et seq.*; construction of bridges, 69 O.S. §§ 611, 612.

² **Cross reference**—Obstruction of street or sidewalk as nuisance, § 12-5.

PAULS VALLEY CODE

- (1) Not construct any building, structure, earthworks or ponds, nor in any other way disturb the general grade and slope of the land;
- (2) Maintain the property so that no nuisance is created;
- (3) Immediately relinquish possession and/or use of such property upon notice by the city; and
- (4) Permit access to the property at any time, when requested to do so by a municipal officer or employee.

(d) Permission to use such public property for private purposes, as permitted above, may be requested by making application to the City for a permit for such use. The City Manager or any City employee designated by the City Manager may authorize such use and grant such permit upon appraising such applicant of the requirements for such use as set forth herein.

(e) Any such public property currently or hereinafter utilized for private purposes, whether application has been made for such use or not, and whether affirmative permission for such use has been granted as provided hereinabove or not, shall be subject to the provisions of this section. For purposes hereof, portions of street easements or any public areas lying adjacent to private property which are not in use for public purposes, including, but not limited to those areas lying between the actual paved street and the city sidewalks, whether such side walk is actually paved or not, commonly known and referred to as "parking," shall be deemed to be used for private purposes by the owner of the adjoining lots and the owner of such adjoining lot shall be subject to the provisions of this section.

(f) The provisions of this section applicable to any person using, or deemed to be using any public property for private use, and in particular, the requirement that such person maintain the property so that no nuisance is created thereon, may be enforced by the City in the same manner as it enforces nuisance abatement with respect to private property, and may further be enforced in any other manner available to the City by local, state or federal law.

(Code 1977, § 20-3; Ord. No. 892., § 1, 7-24-01)

Sec. 16-17. Same--Street right-of-way obstructions.

(a) It shall be unlawful for any person to construct, maintain or operate any building, sign, fence, post, gasoline pump, driveway canopy, tree, shrub or other thing or structure, on any right-of-way of, or upon any such street in, the city; the constructing or maintaining of any such thing or structure on any right-of-way of, or upon any such street, shall constitute a public nuisance which may be summarily abated by the city or its officers, agents, servants and employees in the manner provided in Chapter 12.

(b) If the owner or person in possession of any building, sign, fence, post, gasoline pump, driveway canopy, tree, shrub or other thing or structure, on any right-of-way of, or upon any street of, the city fails to remove such structure or thing for a period of ten (10) days after written demand for the removal thereof has been made upon him by registered mail or by personal service, the city, its officers, agents, servants and employees are hereby authorized and empowered to physically tear down and remove such thing or structure, and for such purpose may enter upon private property to the extent necessary to accomplish such removal. Neither the city nor its officers, agents, servants or employees shall be liable for any damage caused or sustained by reason of the abatement and removal of such nuisance.

(c) This section is not intended to prevent the construction or maintenance of any culvert or driveway as a means of ingress and egress to private property. The city shall have the power to regulate the construction and maintenance of such culverts or driveways, with due regard to the safety of the traveling public and also drainage and maintenance of the streets.

(Code 1977, § 14-25)

Sec. 16-18. Obstructions to sidewalks, streets or alleys.

(a) It shall be unlawful for any person to use or obstruct the sidewalks, streets or alleys of the city in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon.

(b) It shall be unlawful for any person to deposit, throw or sweep into or upon streets, alleys, parking areas or sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes, handbills, circulars, other advertising matter or other refuse of any kind.

STREETS, SIDEWALKS AND OTHER PUBLIC AREAS

(c) It shall be unlawful and an offense for any person to permit to be open, or leave open, any cellar door, manhole or grating of any kind in or upon any street, sidewalk or alley of the city.

(d) It shall be unlawful for any person to play on sidewalks or upon the traveled portion of streets and alleys, except as may be authorized by this Code.

(Code 1977, § 20-4)

PAULS VALLEY CODE

THIS PAGE LEFT INTENTIONALLY BLANK.

STREETS, SIDEWALKS AND OTHER PUBLIC AREAS

Sec. 16-19. Street, sidewalk, etc., openings—Authorization, safety precautions required.

It shall be unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public grounds, or to remove any earth or construction material therefrom, except when authorized to do so by the city manager or city council; excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life or limb.

(Code 1977, § 20-4)

Sec. 16-20. Same—Permit; restoration standards.

(a) Any person desiring to cut into or in any manner open a public street, alley, sidewalk, gutter, curb or public ground of any sort, whether blacktopped, paved, bricked, graveled, graded or not, for any purpose whatsoever, shall first obtain a permit from the city manager, unless an emergency exists and the city manager is later informed of such emergency.

(b) Prior to the issuance of the permit for such work as mentioned in the preceding paragraph, the city manager shall require a deposit of a sum of money sufficient to refill any cut or cuts, opening or openings, contemplated and about to be made into any of the streets, alleys, sidewalks or public grounds, and to replace any paving that may exist thereon. Such money shall be deposited with the city clerk, who shall hold the same as a special fund until such time as the city manager makes certification that the work for which the deposit was made has been properly done, the cuts and openings properly filled and the paving or other surfacing properly replaced. As soon as the refilling, surfacing, etc., has been done satisfactorily and the city manager has so certified in writing, the city shall refund the full amount of the deposit to the person depositing the same. In case the person cutting into or opening the surface fails to properly do the things herein provided and obtain the certificate of approval from the city manager, then the city shall do the same and charge the cost against the deposit, and the person shall only be allowed to receive the balance of his deposit after deducting the amount charged against the same; provided, that in all cases of cutting into or opening streets paved with brick, asphalt or similar material, the cut or opening shall be filled with the same material, in a satisfactory and substantial manner, and all dirt taken from the excavation shall be hauled away by the party opening the street.

(c) When any street, alley, sidewalk, curb or public ground has been cut into or opened for the purpose of laying gas, water or sewage pipe or for any other purpose, the party doing the same shall pack the filling so as to prevent the settling of the place cut, and the surface shall be restored with similar material and workmanship to that existing in the street, alley, sidewalk, curb or public ground before the same was torn up; all sidewalks that have been cut into or opened shall be replaced either to the full width of the sidewalk or to the nearest expansion joint; all work shall be completed or refilled to the satisfaction of the city manager, within the time specified in the permit. All of the work shall be inspected by the city manager or his representative and approval issued as aforesaid.

(d) In all cases where the surface of the street, alley, sidewalk or public ground is disturbed, the *party so* cutting into the opening shall place lights at night and maintain suitable barricades at all times to protect persons from danger.

(Code 1977, § 4-18)

Sec. 16-21. Pipes; etc., across streets; permits; terms; fees; bonds.

(a) Oil and gas companies, and other persons not operating pursuant to a franchise granted by the city or not operating pursuant to a license or permit granted by the state corporation commission, shall secure a permit from the city manager before placing, installing, laying, constructing, operating or maintaining any pipe, cable, wire, conduit or line across, over, under, along, through or upon any street, alley, public way or public place within the corporate limits of the city.

(b) The application for the permit shall specify in detail:

- (1) The location of the pipe, cable, wire, conduit or line;
- (2) The privilege(s) which the applicant desires to secure from the city and to exercise; and
- (3) The proposed terms under which the privilege(s) will be exercised. Suitable drawings shall constitute a part of the application, if necessary for clarity.

PAULS VALLEY CODE

(c) The city manager, if he sees fit to grant the permit, will grant it on written terms which are mutually agreeable. He may revoke such permits after adequate opportunity for a public hearing, for any of the following reasons:

- (1) Failure to abide by the terms on which the permit was granted;
- (2) Violation of state law or city ordinances; or
- (3) Protection of the public peace, health, safety or welfare.

(d) The applicant shall pay such fees for such permit and for its periodic renewal as the city council may, by motion or resolution, deem appropriate. The city manager may refuse to renew a permit.

(e) The city manager may require an applicant to provide a bond for the protection of the city and/or the public, in such sum and with such terms as the manager deems desirable. When the manager requires such a bond, a permit shall have no force or effect unless the required bond is in effect.

(Code 1977, § 4-19)

Sec. 16-22. Streets, sidewalks; etc., under construction; notice of closing.

(a) All persons are hereby prohibited from walking, riding or driving upon, across or over any part of any street, alley or sidewalk while it is being paved, surfaced, excavated or repaired.

(b) The city shall procure and keep on hand notices on which shall be painted in letters not less than four (4) inches high, the words "Closed to Travel" or words of similar meaning. Whenever any part of any street, alley or sidewalk in the city is being paved, surfaced, excavated or repaired, the city official in charge, at his discretion, may cause one or more of the notices to be set up and replaced, at or near the work, in such position as to be visible to all persons traveling along the road, alley or sidewalk toward the work.

(Code 1977, § 20-7)

Sec. 16-23. Removal of barricades.

No person, unless authorized by proper authority, shall remove any barricade or obstruction placed, by authority of the city, to keep traffic off any pavement, street, curb, sidewalk or other area.

(Code 1977, § 15-52)

Cross reference—Traffic-control devices, § 10-36.

Sec. 16-24. Drainage—Polluting substances.

(a) It shall be unlawful for any residence, business or industry to allow drainage of any substance causing pollution (as defined by 82 O.S. § 926.1) into any street, alley or sidewalk within the corporate limits of the city.

(b) It shall be 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 area, street, alley or other public way.

(c) It shall be unlawful for any owner, driver or person in charge, possession or control of any wagon, truck, automobile or other vehicle to cause or permit trash, rock, dirt, garbage, debris or other substances to be dropped, or to fall therefrom, into or upon any street, alley, sidewalk or other public grounds; provided, however, that this shall not apply to work done on any street, alley or public way under the direction of the city.

(d) It shall be unlawful for any person to wash an automobile or any other vehicle in any street within the corporate limits of the city.

(e) No automobile or other vehicle shall be washed at any place where the water, dirt, mud or other substances removed therefrom by or during the washing thereof, shall drain into or upon any street or sidewalk.

(Code 1977, § 20-5)

Cross reference—Utilities, Ch. 18.

STREETS, SIDEWALKS AND OTHER PUBLIC AREAS

Sec. 16-25. Same--Obstacles, impediments generally.

(a) It shall be unlawful for any person to obstruct any street, sidewalk or alley by placing any approach, driveway or other obstruction or substance whatsoever, that will obstruct or prevent the natural flow of water into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks or gutters.

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

(Code 1977, §§ 14-21, 20-4)

Cross reference--Nuisances, Ch. 12.

Sec. 16-26. Same--Abatement; notice.

(a) All public nuisances existing contrary to the provisions of section 16-25(b), not abated by the owners or occupants of adjoining premises or their agents, within ten (10) days after they shall be given notice as provided herein, shall be abated by the street commissioner or other officer or employee of the city, designated by motion or resolution of the city council and acting under the direction of the council, by digging up, breaking if necessary and not reasonably avoidable, and removing such culvert, driveway, pipe or other obstacle and opening up such drainage ditch and leaving the same open.

(b) 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 post office address, or to both, if their names and post office addresses can be ascertained with reasonable diligence, by registered or certified mail, delivery by an agent of the city, or by posting such notice at some conspicuous place upon such premises if the name or mailing address of the owner or occupant of said premises cannot be ascertained with reasonable diligence.

(Code 1977, §§ 14-22, 14-23)

Sec. 16-27. Fires, etc., on paved street.

It shall be unlawful for any person to build any fire or place any hot substance upon any paved street, alley or sidewalk. The term "paved street, alley or sidewalk" includes any street, alley or sidewalk, the surface of which is paved or covered with pavement of any kind or character, located within the corporate limits of the city.

(Code 1977, § 20-6)

Cross-reference--Fire prevention and protection, Ch. 7.

Sec. 16-28. Sale of merchandise on sidewalk.

(a) "Merchandise," for the purposes of this section, is defined as any product sold in a particular business in the normal course of its sales.

(b) It shall be unlawful for any person to place merchandise or product handled or sold in any particular trade or business on the sidewalk in front of any establishment, unless the following conditions are met:

- (1) All merchandise should be placed against the store front and should not exceed three (3) feet from said store front outward on the sidewalk;
- (2) Any such establishment wishing to sell merchandise on the sidewalk, must indemnify the city for any personal injury occurring on the establishment's sidewalk, in the amount of fifty thousand dollars (\$50,000.00) per person per occurrence;
- (3) Every business establishment is allowed one primary frontage for merchandising, and if the store or establishment has two (2) frontages, the shorter frontage is the only frontage allowed for merchandising;

PAULS VALLEY CODE

- (4) Merchandise may only be placed in front of a seller's establishment, and the merchandise may not be placed on said sidewalk while in a crate or packaged condition;
- (5) There shall be no crates or packages placed on any sidewalk, excluding any crate or package that has been delivered to such business or establishment from a supplier. Crates and packages which have been received from a supplier may be left on said sidewalks only for a reasonable time;
- (6) Merchandise on the sidewalks shall be placed in a neat and orderly manner and shall not be stacked in any manner which would create a hazard to passing pedestrians;
- (7) The merchandising or displaying of any merchandise on a sidewalk by any establishment shall not hamper any visual or window display of any business owner adjacent thereto.

(c) A copy of the indemnity policy of personal liability insurance provided for herein shall be on file with the city clerk before any sidewalk merchandising is permitted.

(d) Permission for public use of any sidewalk by any organization or activity may be obtained through a special permit application filed with the city clerk for approval by the city council. Such organization or activity shall be required to follow the restrictions set out herein, at the discretion of the council. (Ord. No. 688, §§ 2-5, 6-6-78)

Cross reference--Licenses and business regulations, Ch. 9.