

THE VILLAGE CITY CODE

CHAPTER 21

STREETS AND SIDEWALKS

Art. I. In General, §§ 21-1--21-24

Art. II. Parades, Celebrations, Etc., §§ 21-25, 21-26

ARTICLE I. IN GENERAL

Sec. 21-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

“Public right-of-way” includes a public street or highway, alley, sidewalk, and unimproved property between the paved street and property line of the adjacent property owner.

“Vegetation” means living plant material including trees, shrubs, perennials, grasses, turf, groundcovers, and vines.

(Ord. No. 360, §1, 11-19-85; Ord. No. 733, §1, 11-06-2017)

Sec. 21-2. Supervision.

All maintenance and repair of public streets, alleys, sidewalks, and other public rights-of-way shall be under the supervision of the city manager or his designee. He shall be charged with the enforcement of all ordinance provisions relating to public places and is hereby authorized to enforce this article.

(Ord. No. 360, § 2, 11-19-85)

Sec. 21-3. Construction permits; bond.

(a) It shall be unlawful to construct, lay any pavement, or make any repair on or excavate in any public street, alley, sidewalk, or other public right-of-way, without having first secured a permit, therefore. Applications for such permits shall be made to the city clerk and shall state the location of the intended pavement repair or work, the extent thereof, and the person who is to do the actual construction work. No such permit shall be issued except where the construction work to be performed shall conform to the ordinances of the city.

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Cross references--Concrete, curbing or piercing, etc., contractors, § 11-31 et seq.; motor vehicles and traffic, Ch. 13; pipelines, etc., § 16-40; fee for vacating streets, § 18-3; building numbers, § 18-36, Ch. 25; Subdivision regulations, §§25-18, 25-32. State law reference--General authority relative to streets, roads, and public ways, 11 O.S. § 36-101.

(b) Each applicant shall file a bond in an amount set by resolution of the city council.

(Ord. No. 509, § 1, 9-20-94)

(c) The fee for any permit prescribed by this section shall be payable in advance to the city clerk and shall be in an amount established by resolution.

(d) An applicant for a permit shall, before the issuance of the permit, perform the following:

(1) Furnish bond or insurance in the amount of one hundred thousand dollars (\$100,000.00) for death of or injury to anyone (1) person and three hundred thousand dollars (\$300,000.00) for personal injuries or death arising out of one (1) occurrence to hold the city harmless of liability arising out of the applicant's work in the public right-of-way;

(2) Demonstrate that the applicant is not delinquent in payments due to the city on prior similar work;

(3) Submit two (2) sets of engineering plans to the city showing the location of the work in the public right-of-way.

(Code 1976, §§3-4-1(a), 3-4-2; Ord. No. 360, §§ 3, 4, 11, 12, 11-19-85)

Sec. 21-4. Connection of private drainage to curb or gutter.

No person shall make any connection of any private drainage to a curb or gutter without a permit issued by the city. A fee in the amount established by resolution shall be paid to the city prior to the issuance of the permit.

(Code 1976, § 3-4-1(c))

Sec. 21-5. Removal of curbing.

No person shall remove curbing for the construction of driveways or for any other purpose without a permit issued by the city. A fee in the amount established by resolution shall be paid to the city prior to the issuance of a permit.

(Code 1976, § 3-4-1(f))

Sec. 21-6. Pavement specifications.

All street and sidewalk pavements shall be in conformity with specifications approved by the city engineer.

(Ord. No. 360, §, 11-19-85; Ord. No. 509, § 2, 9-20-94)

Cross reference--Ch. 25, Street design standards, §25-18, 25-32.

Sec. 21-7. Injury to improvements or repairs.

It shall be unlawful to walk upon or drive any vehicles upon, or injure any newly laid street or sidewalk pavement, or to disturb or cause damage or injury to any work site while the same is guarded by barricade or warning.

(Ord. No. 360, §6, 11-19-85)

Sec. 21-8. Barricades.

Any person laying or repairing any pavement on a street, sidewalk, or other public place or making any excavation in the same, shall maintain suitable barricades to prevent injury of any person or vehicle by reason of such work.

(Ord. No. 360, §7, 11-19-85)

Sec. 21-9. Encroachments.

(a) Except as provided in subsection (b), it shall be unlawful to erect or maintain any building or structure which encroaches upon any public right-of-way.

(b) The city may issue a revocable permit to encroach upon or otherwise use any portion of a public street, alley, or sidewalk. A fee in the amount established by resolution shall be paid to the city prior to the issuance of the permit.

(Code 1976, § 3-4-1(b); Ord. No. 360, §8, 11-19-85)

Sec. 21-10. Structures, growths, planting on or overhanging rights-of-way.

(a) It shall be unlawful for any person to construct or maintain any structure on or overhanging any right-of-way. The construction or maintenance of such structures shall constitute a public nuisance, which may be summarily abated by the city council or its officers, servants, agents, or employees, if it is deemed to be an immediate threat to the public health, safety, and welfare.

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(b) The city, its officers, agents, servants, and employees shall have the authority to physically remove any such structure on or overhanging the right-of-way. If the owner of the structure fails to remove the same within a reasonable time after written demand for the removal thereof has been made upon him by registered mail or personal service, the city, its officers, agents, servants, and employees may accomplish the removal of said structure.

(c) Any tree, shrub, hedge, flowers, or similar vegetation existing or planted in the public right-of-way shall be maintained in a manner so as to not unreasonably obstruct the view of motorists at intersections or driveways or become a traffic or safety hazard.

(d) Any live tree, shrub, hedge, flowers, or similar vegetation existing in any public right-of-way which is removed by any person other than the City of The Village, its officers, agents, servants, and employees, for the purpose of performing excavation or construction work shall be replaced by a similar tree, shrub, hedge, flower, or by similar vegetation as approved by the city manager or his designee.

(e) The city, its officers, agents, servants, and employees shall have the authority to physically remove or trim any tree, shrub, or hedge-like growth on or overhanging the right-of-way that unreasonably obstructs the view of motorists at intersections or driveways or otherwise has become a traffic or safety hazard. If the owner of the tree, shrub or hedge-like growth fails to remove the same within a reasonable time after written demand for the removal thereof has been made upon him by mail or personal service, the city, its officers, agents, servants, and employees may remove, or trim said tree, shrub, or hedge-like growth.

(f) It shall be unlawful for any person owning, renting, or having control of real property in the city to allow the right-of-way or curb adjacent to said property to become overgrown with grass or weeds or to become accumulated with trash or debris in violation of Section 15-50 of this code.

(g) Any person owning, renting, or having control of real property as referred to hereinabove shall maintain said right-of-way with grass or similar vegetation or ground cover.

(Ord. No. 337, §§ 1, 2, 11-1-83; Ord. No. 360. §§ 9, 10, 11-19-85; Ord. No. 388, § 1, 7-21-87; Ord. No. 509, § 3, 9-20-94; Ord. No. 733, §2, 11-06-2017)

Cross references--Weeds and trash, § 15-50 et seq; Chapter 13, § 13-228, exposure of right-of-way to vehicle traffic; Chapter 6, § 6-203.

Sec. 21-11. Backfilling.

- (a) Backfilling of all trenches and excavation shall be compacted with a vibrating compactor or water and vibrating compactor to ninety (90) percent standard proctor.
- (b) Compaction tests shall be performed at the expense of the holder of the permit.
- (c) Backfilling of soil and compaction shall be completed as work progresses.
- (d) Repair or replacement of driveways and other public improvements shall be completed within fifteen (15) days of backfill.
- (e) Backfill, compaction, replacement of driveways and public improvements shall be done in accordance with details furnished by the city.

(Ord. No. 360. §13, 11-19-85)

Sec. 21-12. Groundcover.

Where vegetation or aggregate has been removed as part of the repair or construction work in the right-of-way, the person holding the permit as required under this article shall replace the vegetation or aggregate in like manner as it was prior to the commencement of the repair or construction work. In so far as practical, replacement shall be completed as work progresses and shall be performed in accordance with details furnished by the city.

(Ord. No. 360, § 14, 11-19-85. Ord. No. 733, §3, 11-06-2017)

Section 21-13. Sight Triangles at Intersections.

- a) A sight triangle shall be maintained at the intersection of two residential streets. No visual impediment in excess of three (3') feet higher than the roadway or lower than seven (7') feet in height above the roadway shall be constructed or maintained in the area identified as the sight triangle, nor shall any parking be allowed within the area of the sight triangle.
- b) The sight triangle shall be measured as follows: Beginning at a point in the center of the pavement of the intersection of two residential streets; thence extending imaginary lines down the middle of the pavement of both intersecting streets to a point forty (40') feet from the center of the intersection; then drawing an imaginary

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line at a forty-five-degree angle from either of said points to complete the base of an isosceles triangle. (See Figure 1).

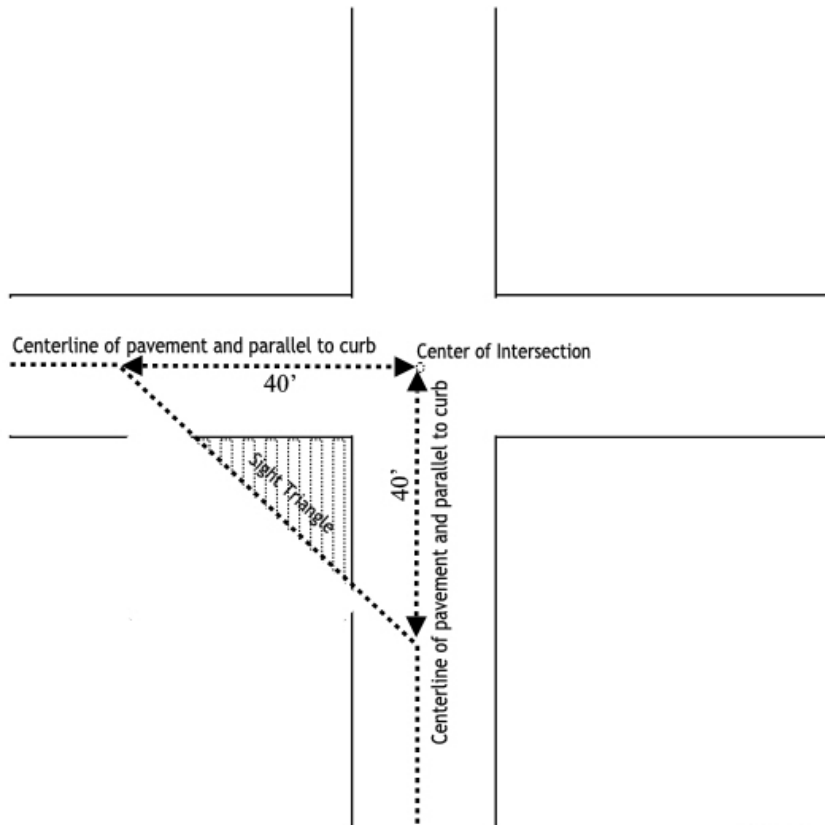


Figure 1

(Ord. No. 706 §1, 05-04-2015)

Secs. 21-14--21-24. Reserved.

ARTICLE II. DEMONSTRATIONS

Sec. 21-25. Definitions.

1. As used in this Article:

- a. "*Demonstration*" means any public meeting, gathering, ceremony, show, exhibition; picketing, parade, rally, pageant, group, or crowd assembled or organized to draw public attention for the purpose of conveying a message in or upon any street, sidewalk, right-of-way, or other public place, but does not include the following:

- i. Funeral processions;

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- ii. Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities; and
 - iii. Governmental agency acting within the scope of its functions.
- b. "*Funeral*" means the ceremonies, processions, memorial services and/or assemblage of people held in connection with the burial, cremation and/or memorialization of human body or human remains.
- c. "*School property*" means all private schools or schools supported by public taxation and shall include nurseries, kindergartens, elementary which may include K-6 or K-8, middle schools, and secondary schools. School property shall also refer to any administration building or property which is used in the support or operation of the private or public-school system.

21-26. Activity Permit Required.

- a) It shall be unlawful for any person to conduct or cause to be conducted any demonstration on any of the streets, thoroughfares, bridges, or alleys of the City without first having obtained a permit from the Chief of Police.
- b) Permit requirements:
- 1) No signs or placards may be posted, inserted in the ground, or attached to utility poles or street signs.
 - 2) No blocking of sidewalks or driveways shall be permitted.
 - 3) No interfering with pedestrian or vehicular traffic shall be permitted.
 - 4) No sound amplification shall be permitted in any form.
 - 5) No yelling, hooting, or shouting, so as to disturb the comfort, peace, solemnity, repose, or good of the order of any person, resident, business, school; place of worship or place of funeral shall be permitted.
 - 6) Barricades, if required, shall be official barricades and shall be placed in accordance with the Oklahoma Uniform Traffic Code as amended.

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- 7) Applicant shall notify all affected residences, businesses, schools, or places of worship prior to the permitted activity.
- 8) No trespassing on private property shall be permitted.
- 9) No wearing hoods or any device to disguise or hide the face shall be permitted.
- 10) Permittee shall remove all trash following the permitted activity.
- 11) Chalk shall be the sole method of marking streets or sidewalks for start-finish lines and parade routes or for similar designations and inscriptions.

21-27. Application.

At least 48 hours before any person conducts any demonstration for which a permit is required by the provisions of this Chapter, a written application for a permit therefore shall be filed with the Chief of Police. The application shall be accompanied by a written statement giving the route, date and time of the demonstration, the number of expected participants and a description of the area to be occupied for the requested demonstration and stating the nature and purpose thereof.

21-28. Investigation and issuance.

The Chief of Police shall, upon receipt of an application made pursuant to the provisions of this division, make such investigation and inquiry as he deems necessary to determine whether any regular municipal service will be hampered, obstructed, or delayed and the probable extent of extra policing, traffic control or other protective service of the City which reasonably will be occasioned thereby. If such interruption of municipal service or extent of extra services is found to be unreasonable or detrimental to the interest of the public, he shall endorse such finding on the application and decline to grant the same.

Sec. 21-29. Obstruction of streets or sidewalks.

- a) No person shall obstruct the free, convenient, and normal use of any public sidewalk, street, highway, bridge, alley, road, or any other passageway, by impeding, hindering, retarding, or restraining traffic thereon or therein.
- b) No person shall stand in any street, street right-of-way, roadway, center median or parkway and stop or attempt to stop any person in any vehicle for the purpose of:
 - 1) Soliciting charitable or other contributions;

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- 2) Selling or attempting to sell anything to any person in any vehicle;
- 3) Handing or attempting to hand any person in any vehicle any circular, advertisement, handbill, political campaign literature, or any sample, souvenir, or gift;
- 4) Attempting to interfere with the normal flow of traffic for any other purpose.

Sec. 21-30. Demonstrations near school property.

- a) **Purpose.** To prevent the impediment of traffic on the sidewalks, easements, and streets near our schools; to facilitate a proper, undisturbed educational system by preventing possible disruptions that sometimes accompany public demonstrations which would disrupt the classroom environment; to maintain a safe environment for children and other members of the public traveling to and from school grounds by regulating the time, place, and manner of use thereof for public assemblies; to safeguard practical and effective means whereby citizens may share a concurring right to free speech and assembly so that they may express opinions and enlighten the public on the nature and causes of matters of public concern.
- b) **Demonstrations not allowed.** It shall be unlawful for any person to engage in, participate in, aid, form or start any demonstration within one hundred fifty (150) feet of any school property.

Sec. 21-32. Disturbing or disrupting funerals prohibited.

- a) The purpose of this section is to:
 - 1) Prevent the impediment of traffic on the sidewalks, easements, and streets near locations where funerals are being held;
 - 2) Facilitate maintaining the solemnity and sanctity of undisturbed funerals by preventing the possible disruptions that sometimes accompany public demonstrations that would disturb, disrupt, interrupt or disquiet funerals;
 - 3) Maintain a safe environment for mourners traveling to and from funerals and other members of the traveling public by regulating the time, place, and manner of use of sidewalks, easements, and streets for public assemblies; and
 - 4) Safeguard practical and effective means whereby citizens may share a concurring right to free speech and assembly so that they may express opinions, enlighten the public on the nature, and causes of matters of public

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concern while also ensuring participants' safety where the likelihood of harm could result.

- b) It shall be unlawful and an offense for any person to willfully disturb, disrupt, interrupt, or disquiet any funeral or to, without authority of law, obstruct or detain any person engaged in carrying or accompanying any human remains or dead body to a place of burial or other disposal.
- c) It shall be unlawful and an offense for any person to engage in a demonstration within one thousand (1,000) feet of the property line of any church, mortuary, or other place where a funeral is being held within one (1) hour prior to, during and within two (2) hours following the commencement of the funeral.

21-33. Penalty.

Any person who fails to comply with any provision of this Article shall be guilty of a Class "A" offense punishable by a fine of up to \$750.00 and/or up to sixty (60) days imprisonment.

(Ord. No. 278, § 8a-9-6, 3-4-80; Ord. No. 465, §1, 10-06-2009)