

## Chapter 94

### STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\*

#### Article I. In General

- Sec. 94-1. Encroachments and obstructions generally.
- Sec. 94-2. Obstructing by crowds.
- Sec. 94-3. Use for sale or advertising of merchandise.
- Sec. 94-4. Use of sidewalks for receipt or shipment of merchandise or deposit of building materials.
- Sec. 94-5. Street banners prohibited; exception.
- Sec. 94-6. Drainage of water, other fluids from businesses onto streets or sidewalks.
- Sec. 94-7. Playing on streets and sidewalks.
- Secs. 94-8-94-30. Reserved.

#### Article II. Streets

##### Division 1. Generally

- Sec. 94-31. Construction specifications.
- Sec. 94-32. Minimum requirements and specifications for construction and paving of platted and dedicated streets within city limits.
- Sec. 94-33. Permit for installation of drainage structures in street ditches.
- Sec. 94-34. Median cuts prohibited.
- Secs. 94-35-94-45. Reserved.

##### Division 2. Openings

- Sec. 94-46. Authorized openings.
- Sec. 94-47. Request for opening in pavement.
- Sec. 94-48. Charge for opening in pavement.
- Sec. 94-49. Permit for opening in unpaved street or alley.
- Sec. 94-50. Backfilling.
- Sec. 94-51. Barricades, rails and lights.
- Secs. 94-52-94-70. Reserved.

#### Article III. Sidewalks

- Sec. 94-71. Obstruction by trees or shrubs; grass on sidewalks.
- Sec. 94-72. Sidewalk planters and decorations.
- Sec. 94-73. Duty of abutting property owners and occupants to maintain sidewalks.
- Sec. 94-74. Snow and ice removal.
- Secs. 94-75-94-95. Reserved.

#### Article IV. Driveways

##### Division 1. Generally

- Sec. 94-96. Application.

\*Cross references-Department of public works, § 2-131 et seq.; engineering department, § 2-146 et seq.; public intoxication and drinking, § 6-1; moving of buildings, § 18-321 et seq.; closing of public ways and easements, § 62-56 et seq.; opening of public ways and easements, § 62-81 et seq.; special assessments, ch. 90; traffic and vehicles, ch. 102.

State law reference-Municipal streets generally, 11 O.S. § 36-101 et seq.

## McALESTER CODE

- Sec. 94-97. Interpretation, purpose and administration of article; variances.
- Sec. 94-98. Supervision of construction, alteration or repair.
- Sec. 94-99. General design standards.
- Sec. 94-100. Width.
- Sec. 94-101. Angle to street.
- Sec. 94-102. - Encroachment on frontage of adjacent property.
- Sec. 94-103. Pedestrian safety island between driveways.
- Sec. 94-104. Curb openings prohibited in certain areas.
- Sec. 94-105. Paving of apron when concrete curb removed.
- Secs. 94-106-94-115. Reserved.

### Division 2. Permit to Construct, Alter or Repair

- Sec. 94-116. Required.
- Sec. 94-117. Application.
- Sec. 94-118. Fee.
- Sec. 94-119. Issuance.

### Article V. Street or Public Facility Name Change

- Sec. 94-120. Street or public facility name restriction.
- Sec. 94-121. Filing petition.
- Sec. 94-122. Fees to be paid by petitioner.
- Sec. 94-123. Hearing on petition, recommendation.

## ARTICLE I. IN GENERAL

## Sec. 94-1. Encroachments and obstructions generally.

(a) It shall be unlawful for any person to encroach upon the sidewalks, streets, avenues, alleys or other property of the city by placing thereon any pumps, tanks, vehicles, animals, posts, pillars, awnings, merchandise, structures, implements, or any other thing in such a manner as to obstruct or interfere with the safe and free use of and passage over such sidewalks, streets, avenues, alleys or other public property. This section shall not apply to metal railings placed to prevent people from falling into basements, nor shall it apply to any other article or object placed in accord with any provision of this Code specifically authorizing such placement.

(b) Any unlawful obstruction of any street, sidewalk or alley in the city is hereby declared to be a public nuisance subject to abatement under the provisions of chapter 46, article II of this Code. (Code 1974, §§ 26.3, 26-4)

State law reference-Authority to prohibit and prevent encroachments, 11 O.S. § 36.107.

## Sec. 94-2. Obstructing by crowds.

It shall be unlawful for any person to use the public streets or sidewalks in any manner which causes crowds to gather in such number or in such way as to obstruct traffic and the free use of the streets and sidewalks. (Code 1974, § 26-5)

## Sec. 94-3. Use for sale or advertising of merchandise.

Except as otherwise specifically authorized in this Code, it shall be unlawful for any person to use any portion of the sidewalks, streets, alleys or avenues in the city for the sale of merchandise or the advertising of any merchandise of any kind whatsoever. (Code 1974, § 26-6)

## Sec. 94-4. Use of sidewalks for receipt or shipment of merchandise or deposit of building materials.

Merchants and tradesmen may use the sidewalks, without obstructing the free passage and

use thereof, for the purpose of receiving, opening and shipping of goods and merchandise, and persons erecting or repairing a building may occupy the sidewalk for a reasonable time, not to exceed one-third of the width of the sidewalk in front of such building, for the deposit of materials for such purpose.

(Code 1974, § 26-7)

## Sec. 94-5. Street banners prohibited; exception.

(a) It shall be unlawful for any person to build, construct, fasten, tie or maintain any banners, streamers or other similar materials anywhere in the city in such a manner that the same shall be above, over and across any public street.

(b) The provisions of this section shall not apply to Christmas and Armed Forces Day decorations maintained by persons engaged in promoting a nonprofit civic enterprise and who have secured approval from the city manager and have furnished a liability insurance policy, issued by an insurance company authorized to do business in the state, in the sum of not less than \$10,000.00 covering property and personal injury damages and indemnifying the city from any personal injury or property damage which might result from building, constructing, fastening, tying, disconnecting or maintaining such banners, streamers or other similar materials above, over or across any public street within the city. Upon presenting to the chief of police evidence of approval by the city manager and evidence of the insurance as required above, the chief of police shall issue a permit to any person engaged in placing Christmas and Armed Forces Day decorations above, over and across any public street.

(Code 1974, § 26-9)

Cross reference-Signs, § 62-441 et seq.

## Sec. 94-6. Drainage of water, other fluids from businesses onto streets or sidewalks.

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.  
(Code 1974, § 26-12)

Sec. 94-7. Playing on streets and sidewalks.

It shall be unlawful for any person to play on the sidewalks or upon the main-traveled portion of the streets and alleys of the city, except as may be authorized by ordinance.  
(Code 1974, § 26-13)

Secs. 94-8-94-30. Reserved.

ARTICLE II. STREETS

DIVISION 1. GENERALLY

Sec. 94-31. Construction specifications.

Nothing in this Code or the ordinance adopting this Code shall affect the validity of Ordinance No. 1493, which provides standard specifications for street construction within the corporate limits of the city and such ordinance is hereby recognized as continuing in full force and effect to the same extent as if set out at length in this article.  
(Code 1974, § 26-2)

Sec. 94-32. Minimum requirements and specifications for construction and paving of platted and dedicated streets within city limits.

(a) Construction shall be in accord with Ordinance No. 1493, Part D, Specifications for Rural Development Areas, except subpart D.VI. Double bituminous asphalt pavement shall not be acceptable except for rural development areas. Paving of asphaltic concrete two inches in thickness shall be installed, in accordance with Ordinance 1493, Part C, Specifications for Asphalt Paving, subparts IV and V.

(b) A person desiring to surface a platted and dedicated street within the city limits will submit to the city plans and profile, drainage plan and typical cross section of the proposal.

(c) The applicant will not start construction until his proposal is approved by the city manager or his designee.

(d) The city with its own forces may open and surface streets on a temporary basis to less than these standards for the welfare and safety of the city.  
(Code 1974, § 26-16)

Sec. 94-33. Permit for installation of drainage structures in street ditches.

No person shall commence or complete the installation of pipe culverts, bridges of any material, fills, dams, pipes or any other drainage structures to be located on or adjoining drainage ditches located on city streets, alleys or other city property, until a permit is obtained therefor. Any person desiring to install such a drainage structure shall apply to the city manager for such permit. Upon approval of the work by the city manager or his designated representative, such permit shall be issued to the applicant without a fee therefor.  
(Code 1974, § 26-11)

Sec. 94-34. Median cuts prohibited.

Center median openings shall be prohibited on any part of Carl Albert Parkway from Main Street East to the east city limits.  
(Ord. No. 2005, § 1, 9-14-93)

Secs. 94-35-94-45. Reserved.

DIVISION 2. OPENINGS

Sec. 94-46. Authorized openings.

(a) It shall be unlawful for any person, except duly authorized employees of the city, to make an opening in any pavement in any paved street or alley. Only the city, acting through its officers and employees, may make such openings.

(b) The city will not make openings in unpaved streets or alleys. This will be done by private persons after obtaining a permit provided for in section 94-49.  
(Code 1974, § 26-28)

Sec. 94-47. Request for opening in pavement.

(a) Whenever any person desires to have an opening made in the pavement of any street or alley, he shall make a written permit request therefore and file it with the street superintendent. If the street superintendent thinks that the request is reasonable and that the opening should be made, he shall issue a written permit and direct the appropriate city personnel to make the opening. If the street superintendent thinks that it is doubtful whether the request should be granted, he shall refer the application to the public works director, and if the public works director approves it, the street superintendent shall direct the appropriate city personnel to make the opening. If the public works director thinks that the opening should not be made, he shall refuse the request. In this case, the applicant may appeal to the city manager, and if the city manager approves the request, the street superintendent shall direct the appropriate city personnel to make the opening. If the city manager thinks that the opening should not be made, he/she shall refuse the request. In this case, the applicant may appeal to the city council, and if the city council approves the request, the street superintendent shall direct the appropriate city personnel to make the opening.

(b) When the council is to consider a request under this section, whether by reference by the city manager or on appeal by the applicant, the applicant shall mail or deliver to the owner or occupant of all real property within 200 feet of the location of the proposed opening a notice of the proposed hearing by the council, at least five days before the hearing.

(Code 1974, § 26-29; Ord. No. 2201, § 1, 9-13-05)

Sec. 94-48. Charge for opening in pavement.

In any case where a request for the opening of pavement is granted pursuant to section 94-47, the person making the request shall reimburse the city for the actual cost of opening and repairing the pavement.

(Code 1974, § 26-30; Ord. No. 2201, § 1, 9-13-05)

Sec. 94-49. Permit for opening in unpaved street or alley.

It shall be unlawful for any person to make an opening in any unpaved street or alley in the city

without first obtaining a permit therefore, giving such relevant information as the street superintendent and/or public works director may require. (Code 1974, § 26-31; Ord. No. 2201, § 1, 9-13-05)

Sec. 94-50. Backfilling.

The city will make all backfills in openings made under this article whether in paved or unpaved streets or alleys. Prior to the making of any such opening, the person requesting the opening or obtaining the permit therefore shall reimburse the city for the actual cost of such backfill. Such charge is in addition to any other charge provided for in this division.

(Code 1974, § 26-32; Ord. No. 2201, § 1, 9-13-05)

Sec. 94-51. Barricades, rails and lights.

Upon the applicant complying with the provisions of this division, the city agrees to place proper barricades, guardrails and lights about the location of any opening made pursuant to this division.

(Code 1974, § 26-33)

Secs. 94-52-94-70. Reserved.

### ARTICLE III. SIDEWALKS

Sec. 94-71. Obstruction by trees or shrubs; grass on sidewalks.

It shall be unlawful for the owner or occupant of any lot or premises in the city to permit the branches of any tree or shrub growing upon such lot or premises, or upon the parking adjacent thereto, to grow in such a manner as to obstruct the free passage over or along the sidewalk in front of, or alongside of, such lot or premises, or to allow grass or weeds to grow so as to extend over such sidewalks. The branch of any tree or shrub extending over such sidewalk at a less height than 7 1/2 feet therefrom shall be termed an obstruction within the meaning of this section.

(Code 1974, § 26-8)

Sec. 94-72. Sidewalk planters and decorations.

(a) Notwithstanding any other provision of this Code or other ordinance, it shall be lawful for civic organizations to place and maintain planters and decorations on the outer or inner edges of sidewalks, for the beautification of the city, provided the terms of this section are complied with.

(b) A plan for planters or decorations referred to in subsection (a) shall be filed with the city clerk and presented to the city council for its approval, such plan to show the location and type of planters and decorations.

(c) If the plan referred to in subsection (b) is approved by the council, the civic organization involved shall then file with the city clerk a liability insurance policy, issued by an insurance company authorized to do business in the state, in the sum of not less than \$10,000.00, covering property and personal injury damage and indemnifying the city from any property or personal injury damage which might result from the placing of the planters and other decorations on sidewalks within the city.

(d) Upon the approval above outlined and the filing of the insurance policy as required above, the building inspector shall issue a permit authorizing the placement of such planters and decorations.

(Code 1974, § 26-10)

Sec. 94-73. Duty of abutting property owners and occupants to maintain sidewalks.

(a) It shall be unlawful for the owner of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to his property to become a hazard to persons using the sidewalk or sidewalk area.

(b) The abutting property owner and the occupant of the abutting property shall maintain sidewalks and sidewalk areas free and clear of all encroachments and obstructions, such as, but not limited to, those enumerated in section 94-1, which interfere with the free and safe use of and passage over the sidewalks or sidewalk areas.

(Code 1974, § 26-14)

State law reference-Emergency sidewalk repairs, 11 O.S. § 36-104.

Sec. 94-74. Snow and ice removal.

It shall be the duty of the owner and occupant of any property abutting a public sidewalk to remove all snow and ice from such sidewalk within 12 hours after the snow or ice has ceased to fall thereon. Snow and ice not so removed shall constitute a public nuisance subject to abatement in accordance with chapter 46, article II.

(Code 1974, § 26-15)

Secs. 94-75-94-95. Reserved.

ARTICLE IV. DRIVEWAYS

DIVISION 1. GENERALLY

Sec. 94-96. Application.

The provisions and requirements contained in this article shall apply to all driveways providing ingress and egress to any public street which is located within the corporate limits of the city and which has a curb or a curb and gutter.

(Code 1974, § 26-45)

Sec. 94-97. Interpretation, purpose and administration of article; variances.

(a) The provisions of this article shall not be used to deprive or be construed as depriving any person of the right of ingress or egress. Such provisions are intended to insure that driveways connecting with public streets are of such a design that they will not create undue congestion, danger or traffic hazards on or adjacent to the public streets.

(b) The standard designs provided in this article shall be interpreted and administered by the code administrator with the advice and assistance of the director of public works. Under unusual conditions which are not directly covered by the designs provided in this article, the director of public works is hereby authorized to approve the construction of driveway facilities that meet the special requirements needed to serve adjacent property, provided that the conditions of safety and protection of the public streets, as established by the provisions of this article, are maintained.

(Code 1974, § 26-46)

public works is hereby authorized to approve the construction of driveway facilities that meet the special requirements needed to serve adjacent property, provided that the conditions of safety and protection of the public streets, as established by the provisions of this article, are maintained. (Code 1974, § 26-46)

Sec. 94-98. Supervision of construction, alteration or repair.

All operations in connection with the construction, reconstruction, alteration or repair of any driveway for which a permit is granted under this article shall be under the direction and supervision of the director of public works. (Code 1974, § 26-47)

Sec. 94-99. General design standards.

(a) The design of a driveway, from its intersection with the public street to the property line, shall be in accordance with the applicable standards set forth in Exhibits A, Band C, attached to Ordinance No. 1012, on file in the city clerk's office, which exhibits are hereby made a part of this section, to the same extent as if set out in full, and with the standards prescribed in this article.

(b) The Standard Designs for Driveway Entrances for Oklahoma Highways, adopted February 1, 1960, by the state highway commission, shall serve as a guide for driveway designs, but only to the extent that such standard designs are not inconsistent with or in conflict with the provisions of this article. In the event of an inconsistency or conflict, the provisions of this article shall govern. (Code 1974, § 26.48)

Sec. 94.100. Width.

The width of a driveway shall be not less than ten feet nor greater than 40 feet, measured at and parallel to the property line. (Code 1974, § 26-49)

Sec. 94-101. Angle to street.

The centerline of a driveway shall be at right angles to the centerline of the public street. (Code 1974, § 26-50)

Sec. 94-102. Encroachment on frontage of adjacent property.

Every driveway shall be so located that no part of the driveway will encroach on the frontage of adjacent property. (Code 1974, § 26-51)

Sec. 94-103. Pedestrian safety island between driveways.

There shall be located between driveways a pedestrian safety island having a width of not less than 15 feet, measured at and parallel to the property line or sidewalk line, as determined by the director of public works. (Code 1974, § 26-52)

Sec. 94-104. Curb openings prohibited in certain areas.

No curb openings for driveway purposes shall be permitted within the areas bounded by crosswalk lines at intersections. (Code 1974, § 26.53)

Sec. 94-105. Paving of apron when concrete curb removed.

When a concrete curb is removed to permit driveway construction, the driveway apron shall be paved with six-inch P.C. concrete from its intersection with the street to the property line. (Code 1974, § 26-54)

Secs. 94-106-94-115. Reserved.

## DIVISION 2. PERMIT TO CONSTRUCT, ALTER OR REPAIR

Sec. 94-116. Required.

No person shall begin to construct, reconstruct, alter or repair any driveway without first obtaining a permit from the director of public works. (Code 1974, § 26-61)

- (3) If the design of the proposed driveway deviates from the standard designs prescribed in this article, attached plans showing such deviations.
- (4) Such other information as the director of public works shall find reasonably necessary to the determination of whether the permit should be issued.

(Code 1974, § 26-62)

Sec. 94-118. Fee.

The fee for a permit under this division shall be \$2.50. For commercial driveways, there shall be an additional fee of \$1.00 for each ten feet, or fraction thereof, based on the width of the driveway, as measured at the curb.  
(Code 1974, § 26-63)

Sec. 94-119. Issuance.

Upon the payment of the prescribed fee, the director of public works shall issue a permit applied for under this division, when he finds that:

- (1) The applicant has complied with, and that the work shall be done in accord with, the provisions of this article; and
- (2) The health, welfare and safety of the public shall not be unreasonably impaired.

(Code 1974, § 26-64)

ARTICLE V STREET OR PUBLIC FACILITY NAME CHANGE

Sec. 94-120. Street or public facility name restriction.

No public street or public facility in the city shall be named for any living individual or individual that has not been deceased for at least five years, or more.  
(Ord. No. 2215, § 1, 11-8-05)

Sec. 94-121. Filing petition.

Petition for changing of the name of a public street or public facility within the municipal limits of the city shall hereafter be filed with the

planning commission by any person, firm or corporation proposing the name change, or his or their duly authorized representative, on a form furnished by the commission.

(Ord. No. 2215, § 1, 11-8-05)

Sec. 94-122. Fees to be paid by petitioner.

Upon filing a petition for a name change, the person, firm or corporation, or their authorized representative, shall pay a filing fee of \$50.00. In addition to the fee, the petitioner shall pay all expenses for all public notification(s).  
(Ord. No. 2215, § 1, 11-8-05)

Sec. 94-123. Hearing on petition, recommendation.

(a) The planning commission shall hold one or more public hearings upon a petition filed under this article, notice of which shall be given by the commission as follows:

- (1) Notice of the proposed name change shall be given by publication in a newspaper of general circulation in the city two times within a period of two weeks. First notification shall not be less than 15 days, and not more than 30 days prior to such hearing.
- (2) The planning commission will forward their recommendation concerning the name change to the city council within 30 days of the final public hearing.

(Ord. No. 2215, § 1, 11-8-05)

Chapters 95-97

**RESERVED**