

CHAPTER 19: STREETS, SIDEWALKS AND OTHER PUBLIC AREAS

Article

- 1. CURBS**
- 2. SIDEWALK CONSTRUCTION**
- 3. BENCH MARKS**
- 4. URBAN FORESTRY**
- 5. TREES**
- 6. POLES AND THE LIKE IN STREETS**
- 7. USE AND OBSTRUCTION OF STREETS**
- 8. CUTTING PAVEMENTS**
- 9. HOUSE NUMBERING**
- 10. ACCESS ROAD TO MUNICIPAL AIRPORT**
- 11. TRENCHING, CUTTING AND BORING**
- 12. PARKING SPACES FOR PERSONS WITH
DISABILITIES**

CHAPTER 19: STREETS, SIDEWALKS AND OTHER PUBLIC AREAS

Article 1: Curbs

- 19-1. Outside curbline of certain streets
- 19-2. Outside curbline of Broad Streets and Oklahoma Avenue
- 19-3. Outside curbline of Pine Street
- 19-4. Outside curbline of Warner Avenue
- 19-5. Outside curbline of Oklahoma Avenue
- 19-6. Outside curbline of First Street
- 19-7. Outside curbline of Elm Street
- 19-8. Intersection curves
- 19-9. Elevation or grade
- 19-10. Parking area; grass and trees

Article 2: Sidewalk Construction

- 19-20. Concrete construction
- 19-21. Curbs
- 19-22. Railings
- 19-23. Walls, arches and beams
- 19-24. Manholes
- 19-25. Iron gratings
- 19-26. Stairways
- 19-27. Sidewalks constructed in violation
- 19-28. Width of walks
- 19-29. Cases not covered
- 19-30. Grade of sidewalks
- 19-31. Sidewalks on other streets
- 19-32. Condemnation of sidewalks
- 19-33. Building sidewalks; Council demands
- 19-34. Slope of sidewalks
- 19-35. Grade on Cleveland Avenue
- 19-36. Variances; Council approval
- 19-37. Request for variances

Article 3: Bench Marks

- 19-50. City bench marks

19-51. Other bench marks

Guthrie - Streets, Sidewalks and Other Public Areas

- 19-52. Bench mark No. 1
- 19-53. Bench mark No. 2
- 19-54. Bench mark No. 3
- 19-55. Bench mark No. 4
- 19-56. Bench mark No. 5
- 19-57. Bench mark No. 6
- 19-58. Bench mark No. 7
- 19-59. Bench mark No. 8
- 19-60. Bench mark No. 9
- 19-61. Bench mark No. 10
- 19-62. Bench mark No. 11
- 19-63. Bench mark No. 12
- 19-64. Bench mark No. 13
- 19-65. Bench mark No. 14
- 19-66. Bench mark No. 15
- 19-67. Bench mark No. 16
- 19-68. Bench mark No. 17
- 19-69. Bench mark No. 18
- 19-70. Bench mark No. 19
- 19-71. Bench mark No. 20
- 19-72. Bench mark No. 21
- 19-73. Bench mark No. 22
- 19-74. Bench mark No. 23
- 19-75. Bench mark No. 24

Article 4: Urban Forestry

- 19-85. Purpose and scope
- 19-86. Forestry Advisory Board
- 19-87. Organization
- 19-88. Powers and duties of Board

Article 5: Trees

- 19-100. Planting trees by Council order
- 19-101. Failure to comply
- 19-102. Dead trees to be planted or replaced
- 19-103. Shade trees
- 19-104. Trees to be trimmed
- 19-105. Failure to trim trees
- 19-106. Notice

- 19-107. Cutting trees in parks
- 19-108. Cutting trees in parking areas
- 19-109. Tree trimmer's license

Article 6: Poles and the Like in Streets

- 19-120. Location of poles
- 19-121. Poles at corners of sidewalks
- 19-122. Guy wires to be marked
- 19-123. Failure to comply
- 19-124. Attaching poles and wires to buildings

Article 7: Use and Obstruction of Streets

- 19-135. Placing signs on streets
- 19-136. Non-flashing signs
- 19-137. Obstruction of streets
- 19-138. Keeping sidewalks and gutters clean
- 19-139. Failure to clean
- 19-140. Throwing paper on streets
- 19-141. Obstruction of streets by people
- 19-142. Engaging in certain games prohibited
- 19-143. Driving on new pavement
- 19-144. Cellar doors
- 19-145. Obstructing sidewalks or parking
- 19-146. Warning lights to be burned
- 19-147. Excavation to be guarded
- 19-148. Cellars to be guarded

Article 8: Cutting Pavements

- 19-160. Excavation in paving

Article 9: House Numbering

- 19-170. System adopted
- 19-171. Placement of numbers
- 19-172. Failure to comply
- 19-173. Houses on Highland Park Place

Article 10: Access Road to Municipal Airport

- 19-185. Commercial vehicles; overweight
- 19-186. Permitting overweight vehicles

Article 11: Trenching, Cutting or Boring

19-200. Notice of installation

19-201. Application for permit

- 19-202. Approval and issuance
- 19-203. Deposit of bond
- 19-204. Acceptance of notice or permit
- 19-205. Liability indemnity
- 19-206. Display of permit
- 19-207. Right to revoke permit
- 19-208. Utility responsible for costs
- 19-209. Installation
- 19-210. Preservation, restoration and cleanup
- 19-211. Special provisions
- 19-212. Control and protection of traffic
- 19-213. Definitions
- 19-214. Violation
- 19-215. Administration

Article 12: Parking Spaces for Persons with Disabilities

- 19-225. Permits and penalties

- 19-235. Penalty

ARTICLE 1: CURBS

§ 19-1 OUTSIDE CURB LINE OF CERTAIN STREETS.

The outside curb of the curb lines on the following named streets and avenues shall be 20 feet from the property line and parallel with the same, to-wit: south side of College Avenue; Washington Avenue; Logan Avenue; Mansur Avenue, Warmer Avenue; Seventh Street to Pine Street; Noble Avenue, Pine Street to Second Street; Noble Avenue, Ninth to Fourteenth Street; Cleveland Avenue; Oklahoma Avenue, Pine Street to Capitol Square; Oklahoma Avenue, Fifth Street to Fourteenth Street; Harrison Avenue, Pine Street to Broad Street; Harrison Avenue, Fifth Street to Fourteenth Street; Villas Avenue; Springer Avenue; Grant Avenue; Lincoln Avenue; north side of University Avenue; Popular Street; Cypress Street; Cedar Street; Drexel Boulevard; Park Street; Capital Boulevard; Walnut Street; Maple Street; Elm Street; Oak Street; Ash Street; College Avenue to Harrison Avenue; Ash Street, University Avenue to Springer Avenue; Broad Street, College Avenue to Oklahoma Avenue; Broad Street, Harrison Avenue to University Avenue; Wentz Street, College Avenue to Wanner Avenue; Division Street, College Avenue to Cleveland Avenue; Division Street, Vilas Avenue to University Avenue; Second Street, College Avenue to Noble Avenue; Second

Street, Vilas Avenue to University Avenue; Third Street, College Avenue to Logan Avenue; Fourth Street, College Avenue to Cleveland Avenue; Fourth Street, Springer Avenue to University Avenue; Fifth Street, College Avenue to Cleveland Avenue; Sixth Street, College Avenue to Oklahoma Avenue; Seventh Street; Eighth Street, Ninth Street; Tenth Street;

Eleventh Street; Welch Street; Thirteenth Street and east side of Fourteenth Street, Wentz Street from College Avenue to Jackson Avenue.

(`90 Code, § 19-1)

§ 19-2 OUTSIDE CURB LINE OF BROAD STREET AND OKLAHOMA AVENUE.

The outside curb of the curb lines on the following eared street shall be 16 feet from the property line and parallel with the same, to-wit: east side of Broad Street, Oklahoma Avenue to Harrison Avenue.

(`90 Code, § 19-2)

§ 19-3 OUTSIDE CURB LINE OF PINE STREET.

The outside curb of the curb lines on the following named streets and avenues shall be 15 feet from the property line and parallel with the same, to-wit: west side of Pine Street; East side of Wentz Street, Warner Avenue to Lincoln Avenue; First Street, Logan Avenue to Cleveland Avenue; First Street, Vilas Avenue to University Avenue; Second Street, Noble Avenue to Oklahoma Avenue; Third Street, Harrison Avenue to University Avenue.

(`90 Code, § 19-3)

§ 19-4 OUTSIDE CURB LINE OF WARNER AVENUE.

The outside curb of the curb lines on the following named streets and avenues shall be 14 feet from the property line and parallel with the same, to-wit: Warner Avenue, Seventh to Fourteenth Street; Noble Avenue, Second Street to Ninth Street; Ash Street, Harrison Avenue to Springer Avenue.

(`90 Code, § 19-4)

§ 19-5 OUTSIDE CURB LINE OF OKLAHOMA AVENUE.

The outside curb of the curb lines on the following named streets and avenues shall be 12 feet from the property line and parallel with the same, to-wit: Oklahoma Avenue, Capital Square to Fifth Street; Harrison Avenue, Broad Street to Fifth Street, west side of Broad Street, Oklahoma Avenue to Harrison Avenue; Division Street, Cleveland Avenue to Villas Avenue; Second Street, Oklahoma Avenue to Vilas Avenue; Fourth Street, Cleveland Avenue ro Oklahoma Avenue; Sixth Street, Oklahoma Avenue to Lincoln Avenue.

(`90 Code, § 19-5)

§ 19-6 OUTSIDE CURB LINE OF FIRST STREET.

The outside curb of the curb lines on the following named street shall be ten feet from the property line and parallel with the same, to-wit: First Street, Cleveland Avenue to Villas Avenue; Fifth Street, Cleveland Avenue to Springer Avenue.

(`90 Code, § 19-6)

§ 19-7 OUTSIDE CURB DINE OF ELM STREET.

The outside curb of the curb lines on Elm Street from Oklahoma Avenue to College Avenue shall be 25 feet from the property line and parallel with the same.

(`90 Code, § 19-7)

§ 19-8 INTERSECTION CURVES.

The intersection of all alley returns with the street curb line shall be made with a radius of five feet curve, and the intersection of all street curb lines shall be made with a curve of 15 feet.

(`90 Code, § 19-8)

§ 19-9 ELEVATION OR GRADE.

The elevation or grade of the top of the curb lines on either side of the above named streets and avenues shall conform to the elevation of grade of the centerline of the street or avenue as the same may be established, the elevation of the top of either curb at any given point being the same as that of the top of the center of the street at the point opposite. The elevation of the curb lines upon streets and avenues within the business portion of the city, may be altered from the above by resolution of the City Council to conform to the public convenience and necessity.

(`90 Code, § 19-9)

§ 19-10 PARKING AREA; GRASS AND TREES.

The strip of ground lying between the sidewalk and curb line, when improved, shall be graded level with bola and set in grass and shade trees, when planted, shall be set in rows in the center of the strip between the sidewalk and the curb line.

(`90 Code, § 19-10)

ARTICLE 2: SIDEWALK CONSTRUCTION

§ 19-20 CONCRETE CONSTRUCTION.

(A) All sidewalks hereafter constructed upon the streets or avenues of the city shall be constructed of concrete and finished with Portland or other standard cement, and all sidewalks hereafter constructed shall be under specifications to be furnished by the City Engineer. The specifications shall require the ingredients and proportions thereof as will secure a hard and durable sidewalk, constructed according to the most approved methods.

(B) All walks shall be laid flat.

(`90 Code, § 19-11)

§ 19-21 CURBS.

All sidewalks extending to the curb line, heretofore designated, shall be curbed on the outer edge with cement or concrete, the curb shall be not less in size than five inches on top and beveled one inch to the foot in height and shall not be less than ten inches in the ground from the bottom of the gutter, the top of the curb to be beveled at the outer edge one-fourth of an inch. All sidewalks on corner lots shall continue to the curb lines.

(`90 Code, § 19-12)

§ 19-22 RAILINGS.

All railings around areas shall be one and one-quarter inch gas pipe with posts not less than three feet high and not more than five feet apart with the rails.

(`90 Code, § 19-13)

§ 19-23 WALLS, ARCHES AND BEAMS.

(A) All sidewalks built over areas or open spaces shall be constructed with suitable supports by walls, arches or iron beams according to specifications to be approved by the City Engineer.

(B) All work shall be under his or her supervision and the quality and proportion of the material and workmanship used in all the foregoing shall be subject to the approval, direction and control of the City Engineer as aforesaid.

(`90 Code, § 19-14)

§ 19-24 MANHOLES.

All manholes through sidewalks in the city shall be fitted with iron covers.
(`90 Code, § 19-15)

§ 19-25 IRON GRATINGS.

All areaways in sidewalks, not otherwise provided for by the article shall be protected by iron gratings securely fastened in a workmanlike manner.
(`90 Code, § 19-16)

§ 19-26 STAIRWAYS.

(A) All area ways containing stairways leading from streets or alleys into basements shall be protected by railings as described by § 19-22.

(B) The entrance from the street or alley way shall be perpendicular to the building and that portion of the area way which is immediately in front of the entrance shall be of durable material and safely constructed and, for a space the width of the entrance and from the entrance to the building, shall be level with the sidewalk.
(`90 Code, § 19-17)

§ 19-27 SIDEWALKS CONSTRUCTED IN VIOLATION.

Any sidewalk heretofore constructed or which may hereafter be constructed, contrary to any of the ordinances of the city, may be required by the City Council to be taken up by the Street Superintendent and a proper sidewalk constructed to conform to the requirements of this article, under the supervision and direction of the Street Superintendent and the costs thereof taxed against the abutting lot or lots. In case any person, persons or corporation shall fail, neglect or refuse to comply with the provisions of this article, then and in that event, the city shall cause sidewalks to be constructed as provided by law and the costs of the same shall be taxed to and become a lien upon the abutting lot or lots.
(`90 Code, § 19-18)

§ 19-28 WIDTH OF WALKS.

(A) (1) All walks on Oklahoma Avenue across the right-of-way and between Division and

Broad Streets, on Harrison Avenue from the place of beginning to Broad Street, on Second Street from Vilas to Cleveland Avenue, on Division Street from Vilas to Cleveland Avenue, shall be 12 feet in width, commencing at the property line.

(2) All walks on Broad Street, between Oklahoma and Harrison Street between Vilas and Cleveland Avenues shall be ten feet in width, commencing at the property line.

(3) All walks on both sides of Noble Avenue, between Fifth and Eighth Streets and on the west side of Second Street from Cleveland to Noble Avenue shall be eight feet in width, commencing at the property line, except walks on both sides on Noble Avenue between Sixth and Seventh Streets, shall be 14 feet in width.

(4) All other walks designated in this article shall be five and one-third feet in width, commencing one foot from the property line.

(B) Where business hours, public buildings and fire stations are located, the walks may extend to the curb line in front of the places.

(`90 Code, § 19-19)

§ 19-29 CASES NOT COVERED.

In any and all cases where this article fails to provide proper plans and specifications for sidewalks, areas, coal chutes and curbs, then in that event, the City Engineer shall furnish plans and specifications which shall be approved by the City Council and, upon approval, shall be binding.

(`90 Code, § 19-20)

§ 19-30 SIDEWALKS ON OTHER STREETS.

(A) Upon all streets or portions of streets, avenues and portions of avenues, where permanent sidewalks are not or may not be required by ordinances, the sidewalks may be constructed of either the materials above named or of cinder and gravel and shall be of a width as the City Council may direct. It shall be unlawful for any person to construct any plank or board walk within the city, except across ravines, draws and gullies, when the same shall be constructed according to the plans and specifications furnished by the City Engineer. No plank or board sidewalk that is now, or may hereafter become unsafe or out of repair, shall be repaired, except in the manner herein provided.

(B) Any person desiring to repair any sidewalk which has become unsafe or out of repair, shall first obtain the consent of the Street Superintendent of the city to make the repairs, and any repairs so made shall be under the direction and supervision of the Street Superintendent.

(C) Any person violating any of the provisions of this section, shall, upon conviction, be guilty of an offense.

(`90 Code, § 19-21)

§ 19-31 GRADE OF SIDEWALKS.

All walks to be constructed within the city shall be constricted upon the grade to be furnished by the City Engineer.

(`90 Code, § 19-22)

§ 19-32 CONDEMNATION OF SIDEWALKS.

The City Council may, at any time by resolution, condemn any portion of any defective sidewalk whenever in its judgment it shall be deemed necessary and provide for the construction of a new sidewalk in accordance with the provisions of this article.

(`90 Code, § 19-23)

§ 19-33 BUILDING SIDEWALKS; COUNCIL DEMANDS.

In case any person, company or corporation shall fail, neglect or refuse to comply with any of the provisions of this article within 20 days after being served with notice by the Street Superintendent that their walks have been condemned and a new walk ordered built, then and in that event, the City Council shall cause sidewalks to be constructed as above provided, and the costs of the same shall be taxed and become a lien upon each separate abutting lot and collected as special assessments are by statute in the case made and provided.

(`90 Code, § 19-24)

§ 19-34 SLOPE OF SIDEWALKS.

(A) The slope of all sidewalks in the city upon all streets where the grace and curb lines have been established or may hereafter be established shall be as provided by this section.

(B) The elevation of the sidewalk shall, in all cases, be a rise from any point on the line of the curb which is next to the line of the center of the street to a point on the property line directly opposite the point on the same side of the street and shall be at the uniform rate of three-hundreds of a foot vertical height per one foot horizontal distance on the walk.

(`90 Code, § 19-25)

§ 19-35 GRADE ON CLEVELAND AVENUE.

(A) The property owners between Elm and Maple Streets on the north side of Cleveland Avenue

and other streets as may be in like condition are hereby permitted to lay their permanent sidewalks on the surface grade of the street the same being considerably above the established grade thereof, and it being impossible to bring the same to the true cross section grade of the streets without destroying valuable shade cress.

(B) All work done under this section is to be done under the direction of the Street Superintendent.
(`90 Code, § 19-26)

§ 19-36 VARIANCES; COUNCIL APPROVAL.

When it is made to appear to the City Council, and when the City Council approves, sidewalks may be constructed in the city to the specifications in regard to width or otherwise, now provided for sidewalks in the city, by ordinance.
(`90 Code, § 19-27)

§ 19-37 REQUEST FOR VARIANCE.

No person may construct any sidewalk in the city unless the applicant shall present a request in writing to the City Council, showing what variance the proposed sidewalks is to have in connection with width or otherwise in regard to the specifications now or hereafter existing in connection with the construction of sidewalks in the city. Soon the presentation of the request, the City Council, shall hear the same, and may, in its discretion, grant the request for variance of the specifications of the proposed sidewalk with the ordinances of the city. If the City Council grants the request, then the applicant may construct the sidewalk, in accordance with the permission granted by the City Council, provided the sidewalk is constructed within six months from the date of the granting of the permission.
(`90 Code, § 19-28)

ARTICLE 3: BENCH MARKS

§ 19-50 CITY BENCH MARK.

The stone, the surface of which is 12 inches each way and so chamfered or beveled as to leave a horizontal surface on top four inches square and perpendicular length of which is three feet, and which was set by R.H. Smithwick, City Engineer, on June 2, 1891, as described in his report thereof and the location of which is 12 feet south of the north side of Oklahoma Avenue, measuring from the north line of the avenue to the south side of the stone and eight feet east of the west line of First Street, west of Division Street, measuring from the west line of the street to the east line of the stone shall be and the same is hereby established as a permanent city bench mark; and the elevation of the top of the stone or bench mark is declared to be 143.50 feet above an assumed datum plane; and the

elevation of all street grades, curbing, paving, water mains and laterals, sewer mains and laterals, shall be determined with reference to the datum plane. In all ordinances referring to streets, curbing and paving grades, or the elevations or grades of water mains and laterals and sewer mains and laterals where elevations or vertical distances shall have reference to the datum plane and elevations or given in feet shall signify so many feet above this datum plane unless otherwise expressed.

(`90 Code, § 19-29)

§ 19-51 OTHER BENCH MARKS.

The top or highest part of the following described monuments are and shall be established bench marks of the city, and each of the bench marks shall have a fixed elevation as hereinafter given above the original datum plane fixed by § 19-50 in feet and decimals of a foot.
(`90 Code, § 19-30)

§ 19-52 BENCH MARK NO. 1.

Bench No. 1: The rectangular marble block set in the circular curb at the northwest intersection of Oklahoma Avenue and First Street, 143.50.
(`90 Code, § 19-31)

§ 19-53 BENCH MARK NO. 2.

Bench No. 2: A sandstone with an iron bolt in the top thereof ten feet north of the intersection of College Avenue and Division Street, 100.650.
(`90 Code, § 19-32)

§ 19-54 BENCH MARK NO. 3.

Bench No. 3: The first rim of the cap or the fire hydrant at the southwest intersection of Washington Avenue and Division Street, 94.243.
(`90 Code, § 19-33)

§ 19-55 BENCH MARK NO. 4.

Bench No. 4: A sandstone with an iron bolt in the top thereof ten feet south of the northwest intersection of Mansur Avenue and Division Street, 119.443.
(`90 Code, § 19-34)

§ 19-56 BENCH MARK NO. 5.

Bench No. 5: A sandstone with an iron bolt in the top thereof ten feet west of the northeast intersection of Noble Avenue and Division Street, 139.024.
(`90 Code, § 19-35)

§ 19-57 BENCH MARK NO. 6.

Bench No. 6: The flat rim of the cap of the fire hydrant at the northwest intersection of Cleveland Avenue and Division Street, 144.200.

(`90 Code, § 19-36)

§ 19-58 BENCH MARK NO. 7.

Bench No. 7: The flat rim of the cap of the fire hydrant at the southwest intersection of Vilas Avenue and Division Street, 132.367.

(`90 Code, § 19-37)

§ 19-59 BENCH MARK NO. 8.

Bench No. 8: A sandstone with an iron bolt in the cop thereof ten feet west of the southeast intersection of Springer Avenue and Division Street, 113.788.

(`90 Code, § 19-38)

§ 19-60 BENCH MARK NO. 9.

Bench No. 9: A sandstone with an iron bolt in the top thereof ten feet south of the northeast intersection of Grant Avenue and Division Street, 100.650.

(`90 Code, § 19-39)

§ 19-61 BENCH MARK NO. 10.

Bench No. 10: A sandstone with an iron bolt in the top thereof at one foot south of the northwest intersection of University Avenue and Division Street, 92.777.

(`90 Code, § 19-40)

§ 19-62 BENCH MARK NO. 11.

Bench No. 11: A sandstone with an iron bolt in the top thereof ten feet south of the northwest intersection of Washington Avenue and Wentz Street, 119.255.

(`90 Code, § 19-41)

§ 19-63 BENCH MARK NO. 12.

Bench No. 12: A sandstone with an iron bolt in the top thereof ten feet east of the northwest intersection of Mansur Avenue and Wentz Street, 119.316.

(`90 Code, § 19-42)

§ 19-64 BENCH MARK NO. 13.

Bench No. 13: A sandstone with an iron bolt at the top thereof ten feet north of the southeast intersection of Warner Avenue and Wentz Street, 132.954.

(`90 Code, § 19-43)

§ 19-65 BENCH MARK NO. 14.

Bench No. 14: The top of the west end of coping step at the main entrance door of the Baptist Church at the northeast intersection of Noble Avenue and Vine Street, 139.730.

(`90 Code, § 19-44)

§ 19-66 BENCH MARK NO. 15.

Bench No. 15: The flat rim of the cap of the fire hydrant at the northwest intersection of Cleveland Avenue and Vine Street, 135.506.

(`90 Code, § 19-45)

§ 19-67 BENCH MARK NO. 16.

Bench No. 16: A sandstone with an iron bolt in the top thereof 152 feet south and ten feet east of the southwest intersection of Washington Avenue and Broad Street, 16.877.

(`90 Code, § 19-46)

§ 19-68 BENCH MARK NO. 17.

Bench No. 17: The top of the rim of the cap of the fire hydrant at the southwest intersection of Mansur Avenue and Broad Street, 131.370.

(`90 Code, § 19-47)

§ 19-69 BENCH MARK NO. 18.

Bench No. 18: A sandstone with an iron bolt in the top thereof ten feet west of the northeast intersection of Noble Avenue and Broad Street, 145.616.
(`90 Code, § 19-48)

§ 19-70 BENCH MARK NO. 19.

Bench No. 19: A sandstone with an iron bolt in the top thereof ten feet east of the northwest intersection of Oklahoma Avenue and Broad Street, 138.515.
(`90 Code, § 19-49)

§ 19-71 BENCH MARK NO. 20.

Bench No. 20: An imaginary point two feet below the horizontal plane of the lower beveled edge of the top of the coping of the Masonic Temple at the southwest corner, 140.263.
(`90 Code, § 19-50)

§ 19-72 BENCH MARK NO. 21.

Bench No. 21: Top of undressed coping on the north door of the court house, 140.650.
(`90 Code, § 19-51)

§ 19-73 BENCH MARK NO. 22.

Bench No. 22: A sandstone with an iron bolt in the top thereof ten feet east of the northwest intersection of Vilas Avenue and Broad Street, 130.579.
(`90 Code, § 19-52)

§ 19-74 BENCH MARK NO. 23.

Bench No. 23: The top of the water table underneath the corner stone on the brick church at the southwest intersection of Springer Avenue and Broad Street, 118.860.
(`90 Code, § 19-53)

§ 19-75 BENCH MARK NO. 24.

Bench No. 24: A sandstone with an iron bolt in the top thereof ten feet east of the northwest intersection of Perkins Avenue and Broad Street, 116.257.

(`90 Code, § 19-54)

ARTICLE 4: URBAN FORESTRY**§ 19-85 PURPOSE AND SCOPE.**

(A) It is the purpose of this article to promote and protect the public health, safety and general welfare by providing for the development of a community forestry plan and for the promotion, preservation, enhancement and improvement of the urban forest resources within the city.

(B) Except as specifically provided in this article or the community forestry plan, it is not the intent of this article to relieve property owners of the responsibility for the planting, care, maintenance or removal of trees and shrubbery in the public rights-of-way abutting their properties.

(Ord. 3032, passed 12-16-97; Am. Ord. 3156, passed 4-5-05; Am. Ord. 3163, passed 8-16-05)

§ 19-86 FORESTRY ADVISORY BOARD.

There is hereby created and established a Forestry Advisory Board consisting of seven members, five of whom shall be appointed at-large by the Mayor, with approval of the City Council, based upon their interest or expertise regarding urban forestry. Two members shall be ex-officio, voting members appointed to indefinite terms by the City Manager or his or her designee from among the departments of the city. The City Council appointments of the Board shall serve for three-year terms ending at the first regular Council meeting of June in the year of expiration. Of the five such individuals initially appointed, one appointment shall expire in 2006, two in 2007, and two in 2008. The members shall serve until their successors have been appointed and qualified. Members of the Forestry Advisory Board may be removed and replaced at the pleasure of the appointing authority. Vacancies on the Board shall be filled for the balance of the unexpired term in the same manner as provided herein. Before entering into the performance of their duties, each member shall take and subscribe to the oath of office as required by law. The members, in their capacity on the Board, shall serve without compensation.

(Ord. 3032, passed 12-16-97; Am. Ord. 3156, passed 4-5-05; Am. Ord. 3163, passed 8-16-05)

§ 19-87 ORGANIZATION.

(A) The Forestry Advisory Board shall select the Chair, Vice-Chair, Secretary and Assistant Secretary from among its members. A quorum of the Board shall consist of four members.

2006 S-4

(B) The Chair of the Board may appoint standing or special committees comprised of a lesser number, provided that no recommendation shall be forwarded to the City Council without the affirmative vote of a majority of all the members of the Board.

(C) The Board shall hold regular meetings, not less than quarterly, and special meetings may be called by the City Manager, the Chair or any three Board members. Any member appointed by the City Council who is absent from more than one-half of all meetings of the Board, regular and special, held within any period of six consecutive calendar months shall cease to hold office. A member shall refrain from voting on or participating in deliberations of the Board on matters in which he or she has any financial interest, directly or indirectly.

(D) Except as provided in this article, the Board shall determine its own rules.
(Ord. 3032, passed 12-16-97; Am. Ord. 3156, passed 4-5-05; Am. Ord. 3163, passed 8-16-05)

§ 19-88 POWERS AND DUTIES OF THE BOARD.

(A) The Forestry Advisory Board shall serve in an advisory capacity to the City Council and City Manager on issues regarding the city's urban forest and arboreal resources. On matters presented to it for approval, the City Council may adopt, reject, modify or amend the recommendations of the Board.

(B) It shall be the responsibility of the Forest Advisory Board to study, investigate, counsel and develop and update periodically a written community forestry plan for the care, preservation, trimming, planting, replanting, removal or disposition of the city's trees and shrubbery. The plan shall include an inventory of the existing trees on public rights-of-way, parks and other public property. The Board shall submit the plan to the Planning Commission for review and comment on conformance with the goals and objectives of the comprehensive plan. Upon approval of the recommended plan by the City Council, it shall constitute the official community forestry plan and become a part of the city's comprehensive plan.

(C) In addition to matters as the City Council or City Manager may assign, the Forestry Advisory Board shall carry on the following activities:

(1) Develop standards of tree maintenance and other specifications to foster the city's tree population, protect person and property against injury, provide for safe and efficient passage of person, vehicles and utilities through recognized rights-of-way;

(2) Propose the legislation as may be needed and practicable to pursue the ends for which the Board was created;

(3) Plan and coordinate an annual Arbor Week observance each year in cooperation with schools, conservation organizations and other interested parties;

2006 S-4

Guthrie - Streets, Sidewalks and Other Public Areas

(4) Research and recommend policies regarding trees and other vegetation on private property in those cases where open space or landscaping is required as a condition for approval of development under the city's land use regulations;

(5) Monitor the licensure of tree service companies practicing in the city and initiate action toward enforcement of applicable ordinances;

(6) Identify potential landscaping projects that will improve the community forest and to recommend policies to identify, publicize and preserve historic and notable trees on both public and private property; and

(7) Assist the community and its officials in disseminating information about the protection, maintenance and improvement of the city's tree population.

(D) The Forestry Advisory Board may, in its discretion, undertake and participate in cooperative projects, including but not limited to:

(1) Recycling of leaves, chips, firewood and other by-products of tree maintenance;

(2) Development and use of a tree bank, in cooperation with other public and private agencies; and

(3) Encouraging and soliciting donations, grants and other funding for community forestry programs and for special projects.

(Ord. 3032, passed 12-16-97; Am. Ord. 3156, passed 4-5-05; Am. Ord. 3163, passed 8-16-05)

ARTICLE 5: TREES

§ 19-100 PLANTING TREES BY COUNCIL ORDER.

(A) The City Council may, upon petition of ten or more citizens residing on any street or avenue in the city, by resolution, order trees to be planted on the streets or avenues, in the manner and order provided in this article.

(B) Twenty days' notice in writing shall be given by the Street Superintendent to each occupying owner or tenant in front of whose lots trees are to be planted, of the passage of the resolution. ('90 Code, § 19-55)

2006 S-4

§ 19-101 FAILURE TO COMPLY.

If any lot owner or owners shall neglect or refuse to plant trees as provided in this article for a term of 20 days after they shall be so, as aforesaid, notified and required by the provisions of this article, the Street Superintendent shall proceed to plant trees under the direction of the City Engineer as herein provided, and shall protect the same by either suitable fencing or boxing. The City Council shall order a special tax to be assessed against the lot in the immediate front of which the trees shall have been so planted and the tax shall be assessed and collected in the same manner as taxes for the construction of sidewalks. The work of planting the trees shall be examined and accepted by the Street Superintendent.

(`90 Code, § 19-56)

§ 19-102 DEAD TREES TO BE PLANTED OR REPLACED.

If any of the trees planted under the provisions of this article shall die or be of imperfect growth, the same shall be replaced in planting season and by March 25 of each year by the owner or owners of the lot or piece of ground in front of which the trees may have died or become of imperfect growth. In case of neglect thereof on the part of the owner or owners, the Street Superintendent shall replace the same in manner and with like effect as provided in § 19-101.

(`90 Code, § 19-57)

§ 19-103 SHADE TREES.

All shade trees planted upon any street or avenue in the city shall be as follows, to-wit. They shall be not less than one-inch in diameter and six feet in height, planted or set out in straight rows not more than 20 feet and not less than 12 feet apart, and shall be ten feet from the property line in the residence part of the city.

(`90 Code, § 19-58)

§ 19-104 TREES TO BE TRIMMED.

Every owner or occupant of any house, building, lot or premises in the city, shall keep the shade, ornamental and other trees in the streets, avenues, alleys or sidewalks, in front, abutting and alongside of the house, building, lot or premises, trimmed so that the branches thereof shall not be lower than ten feet in residential areas and shall not be lower than 12 feet in sidewalk in main thoroughfare areas.

(`90 Code, § 19-59) (Ord. 2881, passed 6-20-89)

§ 19-105 FAILURE TO TRIM TREES.

Any person failing, neglecting or refusing to comply with the preceding section shall be guilty of an offense.

(`90 Code, § 19-60)

§ 19-106 NOTICE.

The Street Superintendent is hereby required to give the owner or occupant of any house, building, lot or premises ten days notice to trim the trees as provided by this article, and in case the owner or occupant shall neglect or refuse to trim the trees at the expiration of ten days from the service of the notice, the Street Superintendent shall have the trees trimmed as provided herein at the expense of the abutting lot owners, which shall be valid lien against the lot and taxed against the lot, together with the penalty as may be provided by statutes in the case made and provided.

(`90 Code, § 19-61)

§ 19-107 CUTTING TREES IN PARKS.

It shall be unlawful for any person or persons to cut any green trees within any of the public parks of the city, without the written authority of a majority of the Park Board.

(`90 Code, § 19-62)

§ 19-108 CUTTING TREES IN PARKING AREAS.

It shall be unlawful for any person or person to cut down any green trees in any of the parking of the city without the written permit of the City Manager. It shall likewise be unlawful for any person or persons to trim the tops of any green trees within the parking within the city, except dead or decaying limbs.

(`90 Code, § 19-63)

§ 19-109 TREE TRIMMER'S LICENSE.

It is unlawful for any person, firm or corporation to trim trees within the city for pay or profit without a state license as required by state law for tree trimmers.

(`90 Code, § 19-64)

ARTICLE 6: POLES AND THE LIKE IN STREETS**§ 19-120 LOCATION OF POLES.**

(A) Any telephone, telegraph or electric light poles now standing outside of the curb of any

sidewalk in the city shall be removed and placed in a position immediately within the sidewalk curb stone.

(B) All telephone, telegraph or electric light poles hereafter to be erected shall be placed immediately within the sidewalk curb stone as aforesaid.

(`90 Code, § 19-65)

§ 19-121 POLES AT CORNERS OF SIDEWALKS.

(A) The curb stone of every sidewalk corner shall be made circular in to one-foot radius.

(B) Any telephone, telegraph or electric light poles located at the corner or any corner of any sidewalk shall be placed immediately within the corner of the circular curb stone as aforesaid.

(`90 Code, § 19-66)

§ 19-122 GUY WIRES TO BE MARKED.

(A) All telephone, telegraph and electric light or other transmission companies occupying the city and having thereon poles and wires, and guy wires for the support thereof, shall plainly mark all down guy wires with a board or boards not less than six inches in width, ranging from the surface of the ground to a height of five and one-half feet and parallel with said wire, and securely fastened thereto, or a metal shield.

(B) The board or boards shall be painted white and shall be maintained by the companies at all times in a condition that the same may be readily seen at night.

(`90 Code, § 19-67)

§ 19-123 FAILURE TO COMPLY.

Any company, corporation or person violating the provisions of this article shall be guilty of an offense.

(`90 Code, § 19-68)

§ 19-124 ATTACHING POLES AND WIRES TO BUILDINGS.

It shall be unlawful for any person, company or corporation to place any poles or supports for wires, or place, attach or in any way connect any wires or apparatus to any building or structure in the city without first securing a permit from the Building Inspector.

(`90 Code, § 19-69)

ARTICLE 7: USE AND OBSTRUCTION OF STREET**§ 19-135 PLACING SIGNS ON STREETS.**

It shall be unlawful for any person, firm or corporation to erect, place or maintain any signs or advertising matter of any description whatsoever on the sidewalks, curbs, parkings or streets and alleys of the city, except advertisements on traffic signals, provided the City Council may allow signs on the rights-of-way within the city limits if the signs are in compliance with the State Traveler Information Logo Signing Act of 1988, 69 O.S. §§ 4021 through 4026. ('90 Code, § 19-70) (Am. Ord. 2920, passed 8-7-90)

§ 19-136 NON-FLASHING SIGNS.

In commercial and industrial districts, non-flashing type signs may be flush with the building wall surface, or if projecting, shall not project more than four feet over city parking from a building or lot line. Sign projection shall be a minimum of two feet back of curb or road edge, the bottom of projecting signs shall be minimum of eight feet above the surface level of the sidewalk or lot. Projecting signs shall be a maximum of 20 square feet and no sign support shall be attached to city property. ('90 Code, § 19-70a) (Ord. 2783, passed 10-15-85)

§ 19-137 OBSTRUCTION OF STREETS.

It shall be unlawful for any person to obstruct or encumber by fences, buildings, boxes, stands, structures or otherwise, or in any other manner obstruct any of the public highways, streets, alleys, road or sidewalks, crosswalks or parking areas within the corporate limits of the city. Nothing herein contained shall prohibit the loading or unloading of any goods or materials whatever without needless delay. Nothing in this section shall prohibit the placement of awning support poles on the sidewalks or parking areas. Nothing in this section shall prohibit the placement of brick and mortar mailbox enclosures on street rights-of-way or easements so long as they are set back 12 inches from the curb line or road surface. ('90 Code, § 19-71) (Am. Ord. 2929, passed 2-19-91; Am. Ord. 3149, passed 12-21-04)

§ 19-138 KEEPING SIDEWALKS AND GUTTERS CLEAN.

(A) It shall be the duty of the occupant of any lot or piece of ground abutting upon any street where there is a sidewalk or gutter on the street to keep the sidewalk or gutter clean and to remove

therefrom all hay, straw, papers, stone, dirt, filth, refuse or rubbish of any kind.

(B) If there is no occupant of any lot other than the owner, then it shall be the duty of the owner to do the same.

(`90 Code, § 19-72)

2005 S-3

§ 19-139 FAILURE TO CLEAN.

Whenever any person, company or corporation whose duty it is to keep any sidewalk or gutter clean under the provisions of this article, shall fail or neglect to keep the sidewalk or gutter clean, the Chief of Police or any police officer shall serve upon the person, company or corporation a notice requiring the same to be done forthwith. If the person, persons, company or corporation shall fail or neglect to clean or remove the same within 48 hours after the service of the notice, he or she shall be guilty of an offense.

(`90 Code, § 19-73)

§ 19-140 THROWING PAPER ON STREETS.

It shall be unlawful for any person, company or corporation to throw, leave or deposit or cause to be thrown, left or deposited upon any street, avenue, alley, sidewalk or public square, public enclosure, lots, vacant or occupied, any paper, handbill, poster, signboard or anything that is liable to be blown about by the wind, or that will obstruct the free passage of the street, avenue, alley or sidewalk.

(`90 Code, § 19-74)

§ 19-141 OBSTRUCTION OF STREETS BY PEOPLE.

No person or assemblage of persons shall obstruct any sidewalk or passage on any street or alley or any walk or public grounds in the city, by congregating or any assembling therein or thereon.

(`90 Code, § 19-75)

§ 19-142 ENGAGING IN CERTAIN GAMES PROHIBITED.

No person in the city shall engage in any game, sport, amusement or exercise likely to impede the passage of vehicles in the streets or to injure passers-by in any street or public ground in the city.

(`90 Code, § 19-76)

§ 19-143 DRIVING ON NEW PAVEMENT.

(A) No person or persons shall drive any automobile or other vehicle over any newly paved street, avenue or alley in the city until the paving on the street, alley or avenue, shall have been accepted by the City Council.

(B) The contractor or other person having charge of the work shall keep a barricade erected at the end of any street, avenue or alley when the work is under construction.
(`90 Code, § 19-77)

§ 19-144 CELLAR DOORS.

No person or persons shall keep or leave open any cellar door, manhole or grating of any kind in or upon any sidewalk, or permit the same to be left open.

(`90 Code, § 19-78)

§ 19-145 OBSTRUCTING SIDEWALKS OR PARKING.

No person shall permit the sidewalk or parking the area from the curb line or roadway to the outside edge of the sidewalk or to the widest partial, of the right-of-way, should no sidewalk be present, in front or on the side of his premises, to be or continue to be in a broken, uneven or unsafe condition, except as may be permitted by a special provision of a building permit during a specified period of construction; or to become or remain obstructed so as to encumber, impede or otherwise hamper any pedestrian traffic, within an area at least four feet wide as measured in a line parallel from the inside (property side) edge of any permitted fixture toward the premises, with any building material, merchandise, advertising or other obstruction, the permitted fixtures to include signs, receptacles lighting, greenery or any other item installed, provided or authorized by the city for public health and safety. Exceptions to the above may be permitted by the City Council for any use, for a specific purpose and time period when no public health or safety consideration exists when the use is expected to exceed 72 hours or as permitted by the cit staff committee on public display for periods of 72 hours or less.

(`90 Code, § 19-79) (Ord. 2787, passed 11-5-85)

§ 19-146 WARNING LIGHTS TO BE BURNED.

Any person who shall use or occupy any part of the streets or avenues of the city for building material shall cause one or more red lights to be kept burning in the front and at each end of the materials or other obstructions during the entire night while the materials or obstructions remain.

(`90 Code, § 19-80)

§ 19-147 EXCAVATION TO BE GUARDED.

All excavations upon the front or side of any lot adjoining a street or alley or under any sidewalk in the city shall be securely and properly guarded and protected by the person or persons having charge of the same, so as to prevent the same being or becoming dangerous to life or limb.

(`90 Code, § 19-81)

§ 19-148 CELLARS TO BE GUARDED.

Every person who shall, under contract or otherwise, have charge of the construction of any cellar, area, coal bin or other excavation adjoining or under any sidewalk of the city shall, during the process

of the work and for the prevention of accidents, cause the area or other excavation to be securely guarded.

(`90 Code, § 19-82)

ARTICLE 8: CUTTING PAVEMENTS

§ 19-160 EXCAVATIONS IN PAVING.

(A) It shall be unlawful for any person, firm or corporation to cut, remove, open or otherwise displace any asphalt or pavement or pavements in the city, for the purpose of laying any gas or water mains, or for to placing of any posts or poles, or for any other purpose, without first obtaining permission so to do from the City Manager.

(B) The work of cutting, removing, opening or otherwise displacing the pavement or pavements shall be done and carried out under the direction and supervision of the Street Superintendent, and that the work be carried or at the expense of the party or parties desiring the alteration or change made.

(`90 Code, § 19-83)

ARTICLE 9: HOUSE NUMBERING

§ 19-170 SYSTEM ADOPTED.

A system of numbering all buildings in the city, as shown on a map drawn by the City Engineer and adopted by the City Council on August, 29, 1892, is hereby established, the basis of which system is 100 numbers to each block, beginning at Division Street and numbering east and west, and at Oklahoma Avenue numbering north and south, the even numbers being on the north and east and the odd numbers being on the south and west of each street.

(`90 Code, § 19-84)

§ 19-171 PLACEMENT OF NUMBERS.

(A) The owner or agent of each habitable building situated upon any lot in the city shall cause to be placed upon the building the number thereof. Each number shall be of neat design and the figures

used shall not be less than two and one-half inches in height.

(B) Owners of property hereafter erecting buildings shall, within ten days after the erection of the building cause to be placed thereon the number of the building.

(`90 Code, § 19-85)

§ 19-172 FAILURE TO COMPLY.

Any person failing to comply with the provisions of this article shall be considered guilty of an offense.

(`90 Code, § 19-86)

§ 19-173 HOUSES ON HIGHLAND PARK PLACE.

The houses in block 24, Capitol Hill, in the city oared and established as Highland Park Place, shall be numbered as follows, to-wit: House numbers for Block 24 shall be in accordance with the block numbering system adopted by the city in § 19-170.

(`90 Code, § 19-87) (Am. Ord. 2915, passed 5-15-90)

ARTICLE 10: ACCESS ROAD TO MUNICIPAL AIRPORT**§ 19-185 COMMERCIAL VEHICLES; OVERWEIGHT.**

It shall be unlawful and an offense for any commercial vehicle in excess of 10,000 pounds gross vehicular weight razing to use the access road to the Municipal Airport, unless by special permission from the city.

(`90 Code, § 19-88) (Ord. 2589, passed - -)

§ 19-186 PERMITTING OVERWEIGHT VEHICLES.

Any person, firm, corporation or partnership driving, or permitting or causing to be driven any motor vehicle in excess of 10,000 pounds gross vehicular weight rating upon the airport access rood as the roadway now exists and as the roadway may be later improved by the city shall be guilty of as offense and upon conviction thereof, shall be punished as provided in § 12-34.

(`90 Code, § 19-89) (Ord. 2589, passed - -; Am. Ord. 2823, passed - -)

ARTICLE 11: TRENCHING, CUTTING OR BORING**§ 19-200 NOTICE OF INSTALLATION.**

All owners and operators of a utility lines, facilities and systems for producing, transmitting or distributing communications, electric power, gas, oil, petroleum products, chemicals, water supply, steam, heat, waste, sewage, irrigation water, storm water not connected with highway drainage, street

and highway lighting and other similar commodities and services, including railroads, publicly owned fire and police signal or traffic control systems which directly or indirectly serve the public or any part thereof, shall be required to secure a written permit or in urgent situations to obtain advance approval for the issuance of a written permit from the City Planner prior to performing any work in the installation, construction, maintenance, repair, restoration, rehabilitation, relocation or removal of any utility lines, facilities or systems where the roadways, shoulders, rights-of-way or traffic will be affected by the work operations or by the new facility occupancy. Utility companies holding franchises or paying a gross receipt tax with the city may, in lieu of obtaining a permit, file a notice of installation, hereinafter referred to as "notice," with the City Planner, which notice shall contain the same information as is required in an application for permit under § 19-201. ('90 Code, § 19-91) (Ord. 2714, passed 1-18-83)

§ 19-201 APPLICATION FOR PERMIT.

A written application shall be filed with the city which clearly describes the proposed facility installation, construction or work and establishes its location with reference to existing right-of-way lines, land section tie, same well known permanent landmark, road or street intersection, highway bridge or other fixed reference point. The written application shall consist of a complete description of the facility and a sketch or plans which show the existing and proposed location of the facilities within the street right-of-way or alley, the traveled way and right-of-way lines. All applications shall be signed by an official having contractual authority for the utility or by the owner of the facility. All permits shall constitute a binding contract therefore, verbal or unsigned requests for utility permits will not be valid and a permit may be withheld until a proper application is received and approved. An application fee shall accompany the application as set by the City Council. ('90 Code, § 19-92) (Ord. 2714, passed 1-18-83)

§ 19-202 APPROVAL AND ISSUANCE.

(A) All utility construction permits shall be issued only to the permanent owner and operator of the facility and not to the party, company or contractor performing the installation or construction work, nor to the temporary agent or engineer handling preparation of the permit application for the permanent owner, except permits may be issued to a private individual upon request for a single water/sewer connection to a residence or small business.

(B) (1) Applications submitted by individuals for permits for single sewer connections shall include design and location information as required by the city. When a utility construction permit is issued to a private individual, all work must be performed by licensed contractors who have been certified by a utility company, city or county, as required by law.

(2) Permits shall be approved or denied within five working days, except for major trunkline construction permits.

(`90 Code, § 19-93) (Ord. 2714, passed 1-18-83)

§ 19-203 DEPOSIT OF BOND.

A deposit or bond shall be required of all non-franchised utilities, non-gross receipt tax utilities and for all contractors in an amount sufficient to cover any and all costs that may be incurred by the city in making repairs or restoration to its rights-of-way or property if the satisfactory repair or restoration is not made by the applicant. The license and permit bond, as determined by the city, shall accompany the application. The bond may be made by depositing cash with the City Clerk or by filing with the City Clerk a license and permit bond in the principal sum as determined by the city, executed by an insurance or indemnity company authorized to do business in the state, the bond shall be running to the city for the benefit of the city, conditioned that the applicant will comply with this article and other ordinances of the city and with terms and conditions as set forth in the permit. The minimum amount of deposit or bond shall be \$500 for each pavement cut, \$100 for each road cut and \$100 for each bore made under a paved surface base course. The license and permit bond shall be written to expire six months after work is completed or the cash shall be left on deposit with the City Clerk for six months after work is completed to allow for an evaluation period of the repaired area's ability to withstand traffic in weather conditions.
(`90 Code, § 19-94) (Ord. 2714, passed 1-18-83)

§ 19-204 ACCEPTANCE OF NOTICE OR PERMIT.

The start of performance of any work under a notice of installation or under a permit shall constitute full understanding and acceptance of this article and shall represent the express intention and obligation of the utility company or others to comply with the terms and provisions of this article and of the ordinances of the city and of all conditions of notice of installation or of permit. Any request for waiver of the requirements of this article shall be submitted in writing to the City Planner and the applicant must receive written action on the request.
(`90 Code, § 19-95) (Ord. 2714, passed 1-18-83)

§ 19-205 LIABILITY INDEMNITY.

Holders of utility construction permits or articles of installation shall indemnify and save harmless the city and its officials and employees in all respects from any and all losses, damages or injury to persons or property resulting in any manner in connection or associated with their work, operations, occupancy or use of city roads or right-of-way property.
(`90 Code, § 19-96) (Ord. 2714, passed 1-18-83)

§ 19-206 DISPLAY OF PERMIT.

(A) The approved permit, a copy of the same or a copy of the notice of installation, shall be kept at the location of the work while work is in progress and shall be shown to the city representative upon

request as proof of authorization to perform the work on the street or alley right-of-way or on other property.

(B) Utilities shall be authorized to make emergency repairs without prior securing of a permit. In emergency situations, when obtaining a permit prior to starting repairs is impractical, the utility must contact the city directly, either before or after repairs begin. The utility will immediately forward a letter of explanation to the city with a permit request.
(`90 Code, § 19-97) (Ord. 2714, passed 1-18-83)

§ 19-207 RIGHT TO REVOKE PERMIT.

(A) The city may with cause temporarily suspend any work within or without the terms of the permit or notice of installation for a reasonable time to investigate any damage, construction or work procedures or material requirements or interference with city rights-of-way or utilities, or if an approved permit or copy of the same, or copy of the notice of installation is not on the work location.

(B) The city is hereby authorized, subject to giving reasonable notice and hearing is requested to revoke the permit or notice of installation, if the utility fails to comply with the provisions of this article and the terms and conditions of the permit or notice of installation.
(`90 Code, § 19-98) (Ord. 2714, passed 1-18-83)

§ 19-208 UTILITY RESPONSIBLE FOR COSTS.

(A) The utility, by applying for, accepting and performing work under any permit and by occupying street right-of-way by unwritten consent, assumes the obligation by law and gives implied assurance of financial responsibility for all costs of the initial installation, operation, maintenance, servicing and removal or relocation if required, of the utility facility and shall bear, or when applicable shall require its contractor or subcontractor to bear all costs of any restoration and/or repairs to the utility facility and any street property disturbed or damaged in the initial installation and/or subsequent maintenance or servicing operations associated with, or resulting from normal operations and requirements in the occupancy of street right-of-way or property.

(B) The utility shall further be responsible for all costs of any restoration or repair work as may be necessary due to failure or break in the utility facility which results in damage to either or both the utility facility or street property and shall also be responsible for other work as may be required by the city if the utility's facilities are not maintained in a good state of repair. The utility shall make emergency repairs to breaks or line failure which cause any hazard to the public, interference to traffic or damage to street or alley property, as promptly as reasonably possible after learning of the

break or failure.

(C) This section in no way alters existing statutory methods of determining reimbursable amounts that may be due to the utility companies.

(`90 Code, § 19-99) (Ord. 2714, passed 1-18-83)

§ 19-209 INSTALLATION.

(A) Accepted methods for underground electrical and communications lines include trenching for conduit or duct construction for uncased buried cable, plowing for direct burial of buried cable, jacking or pushing of pipe as conduit, especially for crossing of existing streets and small boring without conduit on street crossings where soil conditions permit.

(B) In some instances, the attachment of utility lines or facilities to roadway structures, particularly bridges and overpasses, is a practical and economical arrangement. The attachments may be permitted where the proposed attachments are determined to be in the public interest, will not impair the roadway structure, the attachment meets the criteria as set forth below and the method and manner of attachment is approved by the city. The city may cancel any agreement for bridge or highway structure attachment for cause, allowing the utility owners' reasonable time to make other arrangements to continue utility service.

(C) Restoration of utility construction in streets which are currently paved with hot mix asphaltic concrete, brick or have been treated with double bituminous surface treatment must meet mandatory design standards as determined by the city in compliance with State Department of Transportation requirements.

(D) Untrenched construction shall be required for all new and/or replacement pipeline crossings of existing highways. Consistent with the operation being performed and where geological conditions permit, boring below the paved surface will be the primary means of traversing hot mix asphaltic concrete, brick or double bituminous treatment on arterial and collector roadbeds for utility installation. Minimum depth acceptable shall be 36 inches, unless otherwise approved by the city.

(E) The angle of crossing shall be as near to right angles to the roadway alignment as practical. (⁹⁰ Code, § 19-100) (Ord. 2714, passed 1-18-83)

§ 19-210 PRESERVATION, RESTORATION AND CLEANUP.

(A) The utility shall not use or cause heavy equipment to be used on soft shoulders or unsurfaced right-of-way areas during wet or inclement weather in the initial construction or during normal servicing when the use would cause wheel ruts or other damage to the shoulders or unprotected right-of-way areas. The utility shall repair any ruts or other damage to the right-of-way surface or private property caused by its operations and shall replace or restore aggregate and sod as necessary to the satisfaction of the city.

(B) The utility shall provide adequate protection over any pavement, roadway surfacing, shoulders or roadway structure by means of earth cover, timbers or other matting materials approved

by the city before moving or operating any heavy or steel tracked or cleated equipment on or over same.

(C) (1) The area disturbed by utility construction, maintenance or other work shall be kept to a minimum.

(2) Restoration measures and methods shall conform to standard specifications and/or special provisions in permits and all restoration and cleanup is subject to the inspection and approval of the city. Final restoration inspection shall be conducted by city inspectors within 365 days of receipt of inspection request from the utility.

(D) Earthen alley or roadways which are disturbed by utility construction, maintenance or other work shall be restored by compacting and by spreading three inches of aggregate or chat on the disturbed area after compacting.

(E) (1) Care shall be taken in utility installations to avoid disturbing existing drainage facilities. Underground utility installations shall be backfilled with previous material and outlets shall be provided for entrapped water so as to avoid even temporary ponding or excess sub-base saturation. Underdrains should be provided where necessary.

(2) No jetting or puddling shall be permitted under the roadway.
(`90 Code, § 19-101) (Ord. 2714, passed 1-18-83)

§ 19-211 SPECIAL PROVISIONS.

(A) The following special provisions allow for minor construction or repairs by various utilities without a permit or fee.

(B) Single service wire installations are authorized provided existing underground lines are located on same side of road as facility to be serviced.

(C) Existing water line must be located on same side of road as the facility to be serviced with a “short side tap.” Additionally, water utilities are authorized to do minor excavation when searching for a leak or making miner line repairs.

(D) Written notice shall be waived for spot excavation within five feet of the right-of-way or for installation or replacement of not more than four poles or anchors. This includes service to a single customer as long as “four poles rule” is not violated.

(E) Gas company may dig no more than four “bell holes” for maintenance without a permit. In all cases listed above, prior submission to the city of “Notification of Minor Utility Construction Form” is required.

(`90 Code, § 19-103) (Ord. 2714, passed 1-18-83)

§ 19-212 CONTROL AND PROTECTION OF TRAFFIC.

(A) All construction and maintenance operations should be planned and conducted with full regard to safety and to keep interference to traffic to an absolute minimum.

(B) On heavily traveled roadways, utility construction and normal maintenance operations interfering with traffic will not be allowed during periods of peak traffic flow any work should be planned so that detours and closures of intersecting streets, road approaches or other access points are held to a minimum.

(`90 Code, § 19-102) (Ord. 2714, passed 1-18-83)

§ 19-213 DEFINITION.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CITY or **APPROVED BY CITY.** The City Manager or City Planner, unless otherwise designated.

(`90 Code, § 19-104) (Ord. 2714, passed 1-18-83)

§ 19-214 VIOLATION.

(A) The City Attorney shall have authority to enforce the provisions of this article and any person violating its provisions shall be subject to civil suit for enforcement in addition to any criminal penalties as may now exist or hereinafter be created by law or ordinance.

(B) Violation of any of the terms or conditions of this article shall be deemed an offense, and each violation thereof shall be treated as a separate offense. On conviction of a violation or violations hereof, any person so convicted shall be punished as provided in § 12-34 of this code of ordinances.

(`90 Code, § 19-105) (Ord. 2714, passed 1-18-83)

§ 19-215 ADMINISTRATION.

The City Manager shall be authorized to establish necessary administrative procedures for the implementation and enforcement of this article.

(`90 Code, § 19-106) (Ord. 2714, passed 1-18-83)

ARTICLE 12: PARKING SPACES FOR PERSONS WITH DISABILITIES

§ 19-225 PERMITS AND PENALTIES.

(A) It shall be unlawful for any person to place or park a motor vehicle in any parking space, wheelchair ramp, wheelchair unloading area or any portion thereof on private property accessible to the public where the public is invited, or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person, unless:

(1) The person is eligible for a detachable insignia or reflective insignia as a physically disabled person as determined by state law, and the insignia is clearly and conspicuously displayed as provided by state law or regulations adopted pursuant thereto; (It is furthermore provided that the above mentioned insignia shall be obtained only from agencies so designated by state law, which shall act as the distributing agent for the insignias.)

(2) The person has applied for and been issued a physically disabled special license plate pursuant to state law, and the license plate is displayed pursuant to the provisions of the State Vehicle License and Registration Act.

(B) Violations of this section shall be a misdemeanor and, upon conviction, the person shall be fined not more than \$100, plus costs. In addition to the fine and costs, the person shall pay any and all reasonable and necessary charges incurred by the landowner or other person in having a motor vehicle which is parked or located in a manner that is in violation of these provisions removed from the property and stored. Each violation shall constitute a separate offense. If a person or persons has an insignia as described in division (A) above, but fails to clearly and conspicuously display the detachable insignia or reflective insignia as prescribed by law, that person shall be fined \$15.

(C) The Commissioner of the Department of Public Safety for the state has authorized reciprocity agreements with other states for the purpose of recognizing disabled parking permits issued by those states.

(`90 Code, § 19-110) (Ord. 2724, passed 9-20-83; Am. Ord. 3029, passed 11-4-97)

§ 19-235 PENALTY.

Any person, firm or corporation who violates any provision of this chapter shall be guilty of as offense, and upon conviction, shall be punished as provided in § 12-34. Each day upon which a violation continues shall be deemed a separate offense.

(`90 Code, § 19-90) (Ord. 2823, passed - -)

