

YALE CITY CODE

Chapter 22

STREETS, SIDEWALKS, AND OTHER PUBLIC AREAS

Article 1. Use and Obstruction

Sec. 22-1. Definitions.

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

ALLEY: A minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

COMMERCIAL DRIVEWAY: Any driveway other than a residential driveway.

CURB CUT: That portion of the curb which may be removed to allow access to private property by use of a driveway.

CURB RETURN: That portion of a curb which leaves the established curb line and extends toward the private property line for the purpose of defining and establishing the width of a driveway.

DRIVEWAY: That portion of a public right-of-way which is normally used for ingress to and egress from private property abutting a street, alley, easement or other public way.

DRIVEWAY CONTRACTOR: Any person, firm, or corporation who has been hired, retained and employed in the public right-of-way to perform work upon the driveway of that private property owner.

EASEMENT: A grant by a property owner to the public of the use of a strip of land for specific purposes. When one of those purposes is occasional vehicular traffic, then for purposes of this article the term easement or alley shall be synonymous and interchangeable.

GUTTER: A strip of roadway surfacing adjacent to the curb, separate from the remainder of the roadway pavement and not more than three (3) feet in width.

INTERSECTING STREET: Any alley which joins another alley or street at an angle, whether or not it crosses the other.

PROPERTY OWNER: The person, persons, estate, trust, corporation or any entity which is listed as the record title owner to said property in the Payne County Clerk's Office; and/or the

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person, persons, estate, trust, corporation or any other entity who is the equitable owner of said property.

PUBLIC WAY: Any easement, alley, street, street intersection, or alley intersection.

RESIDENTIAL DRIVEWAY: A driveway which serves property the primary use of which is for residential purposes whether it be single-family, or multiple-family use.

SIDEWALK: That portion of any street, alley, easement or public way improved and intended for use for pedestrian circulation.

STREET: Any public or private travel way which affords the primary means of access to abutting property.

STREET WORKS CONTRACTOR: Any person, firm or corporation duly licensed and authorized to perform work upon the streets, roadways, and alleys with the City of Yale, Oklahoma.

UTILITY CUT: An excavation within any street, alley, or public way for the installation or maintenance of public utilities, whether such utilities by publicly or privately owned or publicly or privately used.

Sec. 22-2. Trees and shrubbery to be trimmed.

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

Sec. 22-3. Unlawful to injure trees and shrubbery.

It is unlawful for any person to injure any tree or shrubbery in a street or alley; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

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Sec. 22-4. Planting of trees and landscape materials in public rights-of-way and sight triangles.

(a) The requirements for tree and other landscape material on both public and private property are:

(1) No trees shall be planted in the public right-of-way;

(2) Landscape material shall be planted in such a way as to not obstruct access to a fire hydrant, utility meter, or utility pole;

(3) Plant materials may be planted in the easement but must be maintained to a height of three (3) feet or less and shall not restrict drainage. Any plant material which is planted within a dedicated easement will be subject to damage, pruning, and removal, as necessary, to allow full utilization of the easement and maintenance of utilities contained therein;

(b) On any corner lot on which a front yard and exterior side yard are required, no wall, fence, sign, other structure, vehicle, or plant growth having a height in excess of three (3) feet above the elevation of the lowest point of the crown of the adjacent roadway shall be maintained in the triangle formed by measuring a distance of thirty (30) feet along both curb lines from their point of intersection and connecting the points so established to form a triangle.

Sec. 22-5. Care, maintenance, and removal of existing trees in public rights-of-way sight triangles.

(a) The City of Yale shall have the right to prune, spray, and preserve trees, plants and shrubs within the right-of-way of all streets and alleys, public grounds, and all public easements and sight triangles as may be necessary to ensure the safety of city utilities, to protect individuals and properties, maintain visibility of traffic signals and other traffic warning or directional signage, or to preserve the symmetry and beauty of trees, plants or shrubs. Property owners shall be notified by a door knocker twenty-four (24) hours prior to work on a tree on their property, or the adjacent street right-of-way, when the trimming involves removing any branch greater than one and one-half inch diameter or more than five branches of less than one-half inch diameter.

(b) If development plans include preservation of existing trees or other vegetation on site during construction, the building permit shall specify the method(s) to be used to protect the trees or vegetation.

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(c) When on the basis of a citizen complaint, the City of Yale determines that a tree poses a safety threat to persons in public ways or adjacent private or public property, the city may order the tree or any portion thereof to be removed. When the city orders removal of a tree on private property, the owner of the property shall be given ten (10) days written notice to remove the tree. The property owner may appeal the decision to trim or remove the tree to the City Commission. If the tree has not been trimmed, removed, or an appeal to stay action of the officer filed in the specified time the city shall proceed to have the tree removed and bill the property owner with the cost of removal or trimming. A lien shall also be placed on the property to recover the cost of removal or trimming. For the purposes of this ordinance removal shall mean cutting the tree off at the ground level.

(d) Any property owner having a tree growing in the public right-of-way may elect to remove such tree prior to a citizen complaint. Any replacement tree must be planted in a permitted area on the property from which the original tree was removed.

Sec. 22-6. Unlawful to obstruct sidewalks, parkways, streets, and alleys with merchandise.

It is unlawful for any person, firm or corporation, to place upon or permit to be placed upon parkways, streets, and alleys any goods, wares, articles of merchandise, or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade, without receiving a written permit from the City Manager which shall be good for a maximum of forty-eight (48) hours.

Sec. 22-7. Unlawful to obstruct sidewalks and streets.

(a) It is unlawful for any person, firm, or corporation to use or obstruct sidewalks in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct streets and alleys in any manner so as to interfere unduly with lawful traffic and parking thereon.

(b) It is unlawful for any person, firm, or corporation to place or permit to be placed or maintain any sign, tree, shrub, bush, or any other article or item so that such item interferes with or obstructs the reasonable line of sight at any intersection, driveway or alley entrance.

Sec. 22-8. Unlawful to deposit trash, etc., upon street or sidewalks.

It is unlawful for any person, firm, or corporation to deposit, throw, or sweep into or upon streets, alleys, parking, or sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes, or other refuse of any kind.

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Sec. 22-9. Street, etc., not to be obstructed so as to interfere with drainage.

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

Sec. 22-10. Business use of street and sidewalks prohibited.

It is unlawful for any person, firm, or corporation to construct, erect, place, operate, maintain, or permit to exist any ice box, ice dock, gasoline pump, gasoline storage reservoir, tire rack, tire tools or equipment, water hose connection, or mercantile business, or any tools, stand, equipment, sign, advertising mechanism, merchandise, or appurtenances thereof, aerials, poles, or wires therefore, whether permanent or temporary, or any other obstruction, upon any part of any street, alley, boulevard, parkway, sidewalk, curbing, or parking within the city.

Sec. 22-11. Water, Mud, etc., from vehicle not to drain onto street.

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

Sec. 22-12. Water, etc., from filling stations and other businesses.

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

Sec. 22-13. Owner or occupant not to permit sidewalk or sidewalk area to become a hazard.

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

Sec. 22-14. Procedure for closing public way or easement.

(a) Whenever it is desired to close or to consider the closing to the public use of any public way or easement, the City Commission shall by motion fix a date for closing or considering the closing of such way or easement and which date shall afford sufficient time to give thirty (30) days notice. Thereupon, the City Clerk shall, more than thirty (30) days prior to

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such date, mail a notice of such date and hearing on the proposed closing of a public way or easement to the holders of a franchise or others designated by the City Commission to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement. The clerk shall certify to the City Commission that such notice has been mailed.

(b) The City Manager shall have the power to temporarily close any public way or easement when, in his opinion, such closing is necessary to protect the public health and safety. Such temporary closing shall not exceed thirty (30) days.

(c) The City Commission shall have the power to temporarily close any public way or easement when it determines that it is in the public interest to do so. Such temporary closing shall not exceed ten (10) days.

Article 2. Numbering of Buildings and Naming of Streets

Sec. 22-15. Definitions.

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

Block: The distance between two (2) parallel and adjacent streets.

East-West axis: The dividing line for numbering north and south.

North-South axis: The dividing line for numbering east and west.

Primary check streets: Those streets which follow the section line.

Secondary check streets: Those streets which most nearly conform to half-section lines.

Sec. 22-16. Axis.

(a) The north-south axis for the City shall be an imaginary line running north-south a distance of One Thousand Five Hundred (1500) feet, same being the center of Main Street, more or less.

(b) The east-west axis for the City shall be an imaginary line running east-west a distance of Four Thousand (4000) feet, same being the center line of Broadway Street, more or less.

Sec. 22-17. Numbering.

Within each block, the structures on the north side of east-west streets and on the west side of north-south streets shall be assigned odd numbers, and the structures on the south of east-

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west streets and on the east side of north-south streets shall be assigned even numbers. Each twenty-five (25) feet of land fronting on a street shall be considered as having a number, but only such of said numbers shall be used as is necessary for the principal opening of structures fronting on the street.

Sec. 22-18. Display of number.

(a) The City Manager or his delegate shall give reasonable and proper notice to the occupant of each building or structure, as he deems necessary, notifying such occupant of the correct number of the structure occupied by him, and notifying such occupant of the date by which the occupant shall properly place such number on the structure occupied by him. A copy of such notice shall be, at the same time, mailed to the U.S. Post Office, all public utilities and the City Clerk.

(b) At the time designated in such notice, the occupant shall place the proper number upon such building or structure. Such number shall be displayed so as to be in sharp contrast with its surroundings and easily read from the street directly in front of the building or structure.

Sec. 22-19. Guidelines for naming and renaming streets.

The following guidelines shall be followed in naming and renaming all streets in the city:

- (a) Each street shall be designated as an east-west street or a north-south street.
- (b) The following names shall be used and applied as follows:
 - (1) *Street*: Applicable to north-south streets only.
 - (2) *Avenue*: Applicable to east-west streets only.
 - (3) *Place*: Applicable when parallel and adjacent, to its sister street.
 - (4) *Drive*: Applicable to streets or avenues that do not run in a true north-south or east-west direction.
 - (5) *Circle*: Applicable to streets whose only entrance exists on a common street.
 - (6) *Road*: Applicable to section line streets or avenues except when the same are numbered.
 - (7) *Lane*: Applicable to streets approximately one block long or longer with one end blocked to further extension by building sites.
 - (8) *Court*: Applicable to streets less than one block in length and with one end blocked to further extensions by building sites.

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- (c) An east-west street shall not bear the -same name as a north-south street.
- (d) A continuous street shall bear the same name throughout.
- (e) An extension of an existing street, even though not continuous, shall be considered as continuous.

Article 3. Street Work

Sec. 22-20. Permits and Fees.

(a) It is unlawful for any person to cut, alter, mutilate, bore under, or change in any manner for any purposes any paved or travel portion of any street, alley, or easement, or any curb, gutter, catch basin or any other appurtenance of any street or alley or any sidewalk in the City of Yale or in any way change any existing right-of-way without first obtaining a permit from the City of Yale.

(b) No person shall receive a permit from the City of Yale without having paid to the City Clerk a fee of Twenty-five Dollars (\$25.00) together with any other fees hereinafter required for the particular work involved.

(c) Whenever it is necessary to cut or remove any pavement, walk, drive, curb, gutter, or to bore or excavate in any roadway for purposes of utility cuts, a separate permit shall be required for each cut made, provided that more than one cut may be covered by a single permit if located on a single connected installation of new pipe or conduit. Replacement fees on utility cuts shall be calculated separately for each permit on basis of actual cost of replacement and added to the base fee of Twenty-five Dollars (\$25.00) per permit.

(d) Additional permit fees shall be paid to the city for construction of walks and driveways by the authorized persons performing the work at the time the base permit is issued, and shall be as follows:

- (1) Twenty-five cents (\$0.25) for each linear foot of walk and/or curb and gutter.
 - (2) Twenty Dollars (\$20.00) for each driveway
- (e) No permits shall be issued to any contractor who shall neglect, or refuse to correct defective work.

(f) The provisions of this section pertaining to payment of fees shall not apply to employees of a duly organized special assessment district or to employees of franchises.

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Sec. 22-21. Closing of streets and restricting traffic.

When sidewalks, curbing, guttering, draining, paving, or other street or alley, improvements are in course of construction in any street or alley or any public place or highway in the city, the City of Yale, shall have authority to close such street, alley, or other public place against traffic or travel of every character, pedestrian included, for such time as the city shall deem necessary for the proper protection of the public and security of the improvements. In such event, traffic may be entirely restricted or limited to definite classes. The portion of such street, alley, or other place to be closed shall be barricaded at the limits in such manner as to indicate to the public that the same is closed, and cards or signs shall be erected at each limit stating that such street or alley is closed. The erection of such barricades and signs shall be deemed sufficient notice to the public.

Sec. 22-22. Danger signals.

Any person doing any construction or excavating upon or adjacent to any street, alley, sidewalk, or public ground in the city shall maintain substantial guard rails and barriers around such work or excavation in such a manner as to protect pedestrians, animals, and vehicles. Such persons shall display and maintain lighted lanterns with red globes, lights, or lighted signal flares from sundown to sunup during the time such work, excavation, or obstruction exists. Such lanterns, flares, or lights shall be of a type approved by the City of Yale and shall be placed on or sufficiently near such place in a number and manner sufficient to warn the traveling public from any direction, and if such obstruction is more than ten (10) feet long, one of such danger signals shall be placed at each end and additional ones spaced along such obstruction not more than twenty (20) feet apart.

Sec. 22-23. Driving on closed streets; Removal of barricades.

(a) It is unlawful for any person to remove or destroy any barricades or signs erected as provided in this chapter, or to walk, drive vehicles or otherwise travel upon any street, alley or other public place closed as provided in this chapter except as is necessary for the proper construction of improvements thereon.

(b) It is unlawful for any person except by proper authority to be in possession of any barricade or traffic control device belonging to the City of Yale, Oklahoma, or to any lawful governmental entity.

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Sec. 22-24. Placement of materials: Obstruction of traffic.

No materials or equipment shall be placed on any sidewalk or roadway unless specifically authorized on the permit issued pursuant to the provisions of this article, except in that part of the width of such sidewalk or roadway which must be blocked in any case by the work underway, or that part of the width of the roadway which might normally be occupied by standing vehicles. All operations shall be so handled as to provide minimum hazard to the public and minimum obstruction to traffic. All rubbish, equipment, and unused materials and supplies shall be removed by the contractor before his work is opened to traffic.

Sec. 22-25. Replacement of utility cuts.

In those instances when existing pavements, walk, drive, curb, or gutter within any public way are hereinafter cut or removed by any contractor, or any trench or excavation of any kind shall be made in any public way are hereinafter cut or removed by any contractor, or any trench or excavation of any kind shall be made in any public way, for the installation, removal, alteration, or repair of pipes, wires, conduits, or other facilities, such shall be replaced according to city specifications by the contractor.

Sec. 22-26. Landscaping.

Nothing in this article shall be construed to prohibit landscaping and/or planting of trees, grass, and shrubs in those portions of the public ways not immediately required for purposes of public travel, whether by employees of the city or by the owners of abutting property; provided, that such work will not interfere with utilities that may be installed in the street or with sight distance at intersections of public ways.

Sec. 22-27. Required Acts.

It is unlawful for any person to cut, alter, mutilate, or change in any manner for any purpose any paved or traveled portion of any street or alley, or any curb, gutter, catch basin, or any other appurtenances of any street or alley or any sidewalk in the city or in any way change any existing right-of-way without having obtained a permit as required by Section 22-21 hereof and having further met the requirements for a Street Works Contractor or a Driveway Contractor as required by this Chapter.

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Sec. 22-28. Insurance as prerequisite.

No person shall be licensed as a street works contractor or a driveway contractor unless he has deposited with city an approved policy of insurance, insuring the City of Yale against any claim or action for public liability or property damage arising out of any act, omission, or negligence on the part of the contractor to the extent of one hundred thousand dollars (\$100,000.00) for anyone individual or three hundred thousand dollars (\$300,000.00) for any group of individuals. The policy shall agree to defend the city in such action filed against it and to pay any judgment rendered against it within the above limits.

Sec. 22-29. Bond as prerequisite.

No person shall be licensed as a street works contractor unless he has posted a bond in the amount of Fifty Thousand Dollars (\$50,000.00) with the City Clerk which has been approved by the City Commission. The bond shall be written by a bonding company licensed to do business in the state and conditioned that the person, or his surety, will remove any driveway, curb, guttering, surfacing, sidewalk, or other improvement constructed by him in any public way, not executed in accordance with the specifications hereinafter set forth, and replace same to the satisfaction of the city to the extent of Fifty Thousand Dollars (\$50,000.00) within any one (1) year, provided however, that the provisions of this section relating to bonds shall not apply to Driveway Contractors.

Sec. 22-30. Exemption.

The provisions of this division shall not apply to authorized employees or agents of the city or a special assessment district.

Sec. 22-31. Design standards.

Cutting of curbs, paving, walks, and drives. No curb shall be removed or omitted for a driveway entrance except at such location and at such grades as shall be designated by the City of Yale and in accordance with the following provisions:

(a) Curb cuts.

(1) When any curb or curb and gutter section is removed and is not to be replaced with a similar section, the same shall be replaced, without unreasonable delay, by a complete driveway section. The slab shall be held on the same grade to conform to all provisions as would be required if a complete driveway section was being constructed.

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(2) When removing curb or gutter for any purpose that have been constructed as a unit separate from the street surfacing, both curb and gutter shall be removed. When the limit of the section or contraction joint, the curb and gutter shall be removed and replaced to the joint.

(3) All such cuts shall be sawed with an approved concrete saw to a depth of not less than one and one-half inches (1 1/2").

(b) Utility cuts.

Prior to the removal of pavement for the installation or repair of sub surface utilities, all sides of the proposed cut shall be sawed with an approved concrete saw to a depth of not less than one and one-half (1 1/2") inches. Where it is necessary to cut paving for emergency repairs, paving may be removed without sawing, provided any damaged sections of paving are removed prior to making the repairs. After excavators and backfilling have been completed, if it is further necessary to remove additional paving, the sawing process shall be repeated, covering the outer edges of the paving to be replaced.

(c) Sidewalk cuts.

Where a sidewalk is to be removed and replaced, a whole section of the sidewalk at the point involved shall be removed and replaced unless the cut is made with a concrete saw.

Sec. 22-32. Subsurface Utilities and Pipelines.

(a) Where subsurface utilities and/or subsurface pipelines have been constructed across or along streets, alleys, highways or easements within the City of Yale, Oklahoma it shall be unlawful for any person, firm or corporation to cut or excavate for such subsurface utilities and/or pipelines without first notifying the City of Yale, such notification to be a minimum of forty-eight (48) hours, exclusive of weekends and holidays, prior to such cutting or excavation, and without obtaining a permit from the City of Yale for such work.

(b) No person, firm or corporation shall receive a permit from the City of Yale without first having paid to the City Clerk a fee of Ten Dollars (\$10.00) therefore, and without having the City of Yale locate such subsurface pipelines.

(c) The provisions of this section pertaining to payment of fees shall not apply to special assessment districts or to any entity holding a franchise with the City of Yale.

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Sec. 22-33. Backfill of Trenches.

All trenches excavated across or along any highway, easement, street or alley shall be backfilled and compacted in layers not to exceed six (6) inches in depth, to no less than ninety-five (95) percent Standard Proctor density provided the excavated materials consist of soil that can be readily compacted majority of clay or silt and contains an excess of moisture, such excavated material shall be removed from the site of the work. If the backfilling has been completed and the backfill material does not meet the requirements for compaction, all of the material shall be removed and hauled from the job site and trenches refilled with material as specified above.

Sec. 22-34. Violations, penalties.

Any violation of any of the provisions of this chapter shall be deemed a misdemeanor, and upon conviction shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) excluding costs. Any person, firm, corporation or association which violates or refuse to comply with any of the provisions of Chapter 22 of the Yale City Code shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) excluding costs, for each separate offense. Each day that a violation is permitted to exist shall constitute a separate offense.