

## **Chapter 19**

### **STREETS, SIDEWALKS, AND OTHER PUBLIC AREAS**

Note: For the street department, see section 1-11-1 of this code.

#### **Article 1. Streets and Sidewalks; Condition, Use and Obstruction**

##### Sec. 19-1-1. Storm Sewers.

It shall be the duty of the street superintendent to remove any and all collections in catch basins and openings to the storm sewers, and to provide for the free and uninterrupted drainage of all streets and alleys in the city. He shall prevent or remove the accumulations of sand, debris and other substance in any storm sewer and keep the same open and in good condition of use at all times. *(Code 1972, § 19-1.)*

##### Sec. 19-1-2. Street superintendent; duties.

It shall be the duty of the street superintendent to keep all streets and alleys clear of all obstructions. He shall observe that all overhead wires and other structures that are on or suspended over or across any street or alley are erected in a safe and substantial manner for the public traffic and in no way dangerous to the public safety. It shall be the duty of the street superintendent to make periodical inspections of each and every street and alley in the city and determine what repairs are necessary and to report any conditions, which might be the cause of accident or injury to person or property, promptly to the city manager. He shall make such repairs as the occasion requires promptly and efficiently, and in the meantime shall establish such notices of danger as are necessary to apprise any reasonable person of impending danger. It shall be his duty to see that all manhole caps are in place and any obstructions to the public traffic are readily removed. He shall oversee all grading and draining of the streets and alleys in the city. He shall enforce and execute any and all regulations and obligations imposed upon any public utility in regard to the construction and maintenance of structures in the streets and alleys. He shall exercise supervisory control over all street lighting and require that all street lighting is maintained in good useable condition. He shall execute the orders of the city manager in determining the location, relocation, erection and removal of poles as well as the size of equipment which is to be mounted on the same in so far as it tends to obstruct the street or render it unnecessarily unsightly or obstructed. *(Code 1972, § 19-2.)*

##### Sec. 19-1-3. Open doors on street, etc.

It shall be unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole, or grating of any kind in or upon any street, sidewalk or alley of the city. *(Code 1972, § 19-3.)*

##### Sec. 19-1-4. Excavations to be barricaded.

All excavations upon the front or side of any lot, adjoining the street or avenue or alley, or under any sidewalk in the city shall be securely and properly barricaded and protected by the person having charge of the same so as to prevent the same from being or becoming dangerous to life or limb. An accident or injury to person or property resulting from any excavation shall be prima facie evidence of neglect to properly and effectively guard said excavation as herein provided. Failure to make such guards around any excavation shall be an offense, and each day of such failure shall be a separate offense. *(Code 1972, § 19-4.)*

Sec. 19-1-5. Shows on streets, etc.

It shall be an offense for any person to maintain or exhibit any circus, show, or animal show or to give any concert or show for profit or advertising upon any street, alley, or avenue of the city without specific city council approval.

Sec. 19-1-6. Merchandise on the street.

It shall be an offense for any person or his agent to use any portion of the street for the sale or advertising of any merchandise or any kind or character whatsoever, except as provided by ordinance. *(Code 1972, § 19-6.)*

Sec. 19-1-7. Obstructing street.

It shall be unlawful and an offense for any person to obstruct any street, alley, sidewalk or parking within the corporate limits of the city. This section shall not deprive any person erecting buildings or making improvements from using such portion of the street in front of such improvements as may be authorized by the building regulations herein.

Sec. 19-1-8. Banners across streets.

It shall hereafter be unlawful and an offense for any person to suspend or place across any street, avenue or alley in the city any sign or banner advocating the election or defeat of any candidate for any federal, state, district, county, municipal, precinct or other public office. It shall be unlawful and an offense for any candidate for any federal, state, district, county, municipal, precinct or other public office to knowingly permit any banner or sign, advocating his election to any such office to be placed or suspended across any of the streets, avenues or alleys of the City of Chickasha or knowingly allow any such banner or sign to remain suspended across any such streets, avenues or alleys of said city. *(Code 1972, § 19-8.)*

Sec. 19-1-9. Congregating on sidewalk.

It shall be an offense for any person to obstruct any sidewalk or passage on any street or alley, walk or any public grounds in the city by congregating or in any way assembling therein or thereon. *(Code 1972, § 19-9.)*

Sec. 19-1-10. Obstacles on sidewalk.

It shall be unlawful and an offense for any person to deposit within the city any obstacles upon any sidewalk which will in any way obstruct the free passage of pedestrians and which will in any way interfere with the use of said sidewalk or to permit any slot machine or weighing machine or other device upon said sidewalk or street. *(Code 1972, § 19-10.)*

Sec. 19-1-11. Sidewalk; bicycle.

It shall be an offense for any person to ride any bicycle, upon or across any sidewalk at any place other than at a street or alley crossing or driveway intersection. *(Code 1972, § 19-11.)*

Sec. 19-1-12. Coasting, skates.

It shall be an offense for any person to travel or skate upon any street by means of any roller skates or to coast in any wagon or conveyance in any street or alley. This shall not apply to the sidewalks of the street. *(Code 1972, § 19-12.)*

Sec. 19-1-13. Unlawful to play in streets, etc.

It is unlawful for any person to play in any street, alley, or other public way, or for a parent or guardian to permit their children to play in any street, alley, or other public way. *(Code 1972, § 19-13.)*

Sec. 19-1-14. Waste and refuse.

It shall be unlawful and an offense for any property owner, occupant or agent of any property that abuts or adjoins any street, avenue or alley in the city to allow or permit any animal or vegetable substance to be deposited on any sidewalk adjoining such property or to allow or permit any trash, waste or rubbish to be thrown or deposited on said sidewalk or to remain thereon, or to allow or permit any drainage of slops, swill, grease, oils, garbage or other liquids upon such sidewalks. It shall be the duty of the owner or occupant of any premises fronting or lying on any street, avenue or alley in the city to remove all trash, waste, dirt, accumulations of refuse on the sidewalk along side of or adjoining his premises and to keep the same clean and fit for the public use at all times. It shall be the duty of the street superintendent to notify any person failing to perform the duties required of him by this section to remove and clean all such waste, trash, or dirt on said sidewalks within twenty-four (24) hours thereafter and in case of failure or refusal to comply with the terms of such notice, shall file a complaint against such person. (Code 1972, § 19-14.)

Sec. 19-1-15. Defacing sidewalk.

It shall be unlawful and an offense for any person to deface any sidewalk within the city by cutting, carving, marking, writing, advertising, engraving or inscribing on the same or painting or pasting any matter on said sidewalk. (Code 1972, § 19-15.)

Sec. 19-1-16. Cellar doors, etc.

It shall be unlawful and an offense for any person to keep open or leave open any cellar door, basement door, areaway, grating or other opening in, by the side of or adjoining any sidewalk in the city except the same shall be completely surrounded by guards, rails or walls of sufficient height and construction to prevent any danger to the public safety. This section shall not be construed so as to authorize the use of any guards, walls or rails, except such as may be otherwise provided for by the ordinances of the city. (Code 1972, § 19-16.)

Sec. 19-1-17. Injury of sidewalk, etc.

It shall be unlawful and an offense for any person to cut, dig, bore, excavate or in any other manner make or cause to be made any hole, opening, ditch, depression or other injury to any sidewalk in the city, except as authorized by ordinance or resolution. (Code 1972, § 19-17.)

Sec. 19-1-18. Condition of sidewalk.

It shall be an offense for any person to permit the sidewalk at the front or side of his premises to be or continue in a broken or unsafe condition so as to endanger life and limb of any person traveling thereon. (Code 1972, § 19-18.)

Article 2. Street Excavations, etc.

Sec. 19-2-1. Excavations.

It shall be the duty of the street superintendent to see that all excavations and backfillings to the same in any street or alley shall be performed as required by ordinances, and that guards and barricades are maintained as provided by ordinance and in such a manner as to provide for the public safety. (Code 1972, § 19-19.)

Sec. 19-2-2. Cutting pavement and curbs; permit.

It shall be and is hereby made unlawful for any person to cut the pavement or curb in or on any street, alley or avenue in the city without a permit, for the purpose of laying pipes for water, gas or other connections or to cut or otherwise injure the pavement on

any of the streets, avenues or alleys for any purpose whatever. The provisions of this section shall apply to any and all streets, avenues, and alleys which are now or may hereafter be paved within the city, provided the same shall not apply to any person who has complied with the conditions prescribed by ordinance authorizing the same. A permit to cut the pavement or the curb shall be obtained before any work is commenced.

Sec. 19-2-3. Excavation in street, etc.; permit.

No person shall excavate, dig or cut any hole or ditch in any of the streets or alleys of the city without first obtaining a permit from the city clerk. The permit shall be approved by the street superintendent before it shall be valid. No excavation shall be performed to a greater degree than is actually necessary for the desired purposes, nor shall a greater amount of time be used than is actually necessary to perform the excavation and refill without any delay. Suitable and substantial barricades shall be erected on all sides of the excavation. Barricades shall contain warning lights from sunset until one (1) hour after sunrise in the day and every night from the beginning of the work until finished and approved by the street superintendent. The refill shall be inspected by the street superintendent and shall be subject to his approval. All excess soil and debris shall be immediately removed from the street and the place shall be left in a safe and clean condition for the use of the public traffic. (Code 1972, § 19-21.)

Article 3. Cutting under, through, or across streets, etc.

Sec. 19-3-1. Permit required.

It shall be unlawful for any person, association, partnership, firm, or corporation to cut through, in or under any street, alley, sidewalk, or curb of any thoroughfare in the City of Chickasha for any purpose without having first obtained a permit for the same. (Code 1972, § 19-22.)

Sec. 19-3-2. Permit to be secured from building inspector or other officer, etc.

Any person, association, partnership, firm or corporation which may find it necessary to cut through, under or across such street, alley, sidewalk, or curb of any thoroughfare in the City of Chickasha and for some necessary purpose shall first obtain a permit from the building inspector or such person or officer as the city manager may direct for such purpose (Code 1972, § 19-23.)

Sec. 19-3-3. To repair street, etc.

Any person, association, partnership, firm or corporation which may receive such permit and make such cut in or under the curb, streets, alleys, sidewalks and other thoroughfares in said city shall immediately, upon completion of the necessary work or installations, repair said curb, street, sidewalk or alley and place the same in as good a condition as it was prior to such operations, and such person, association, partnership, firm or corporation shall be liable for any and all damages which may accrue by reason of having the curb, street, sidewalk or alley in such disturbed condition and which may be the cause of any accidents or damage to any person using the street, curb, sidewalk, alley or thoroughfares of said city. (Code 1972, § 19-24.)

Article 4. Street Improvement Repairs

Sec. 19-4-1. Description.

These items shall consist of Portland cement concrete curbs and gutters constructed on a prepared subgrade in accordance with these specifications and the cross section shown on the accepted drawings. (Code 1972, § 19-25.)

Sec. 19-4-2. Materials.

Aggregates: Coarse aggregate shall consist of crushed stone or gravel. It shall be clean, hard, tough, durable pieces free from injurious amounts of soft friable, thin, elongated or laminated pieces, soluble salts, organic or other deleterious matter. Fine aggregate shall consist of either a natural sand or a sand stone, composed of sound particles of approved stone. All sand shall be free of clay or other adherent coatings and injurious amount of deleterious matter. (Code 1972, § 19-26.)

Sec. 19-4-3. Cement.

Standard Portland cement and high early strength Portland cement shall meet the requirements of current federal specifications SS-C 192 or equal. (Code 1972, § 19-27.)

Sec. 19-4-4. Water.

Water shall be free from oil, acids, alkali, and vegetable matter and shall be reasonably clean. Seawater shall not be used. (Code 1982, § 19-28.)

Sec. 19-4-5. Gradation.

The aggregates when tested by means of laboratory sieves shall meet the following requirements.

Sieve Designation	Coarse Aggregate	Percent by Weight
		Passing Square Mesh Sieve Fine Aggregate
1½ inch	100	--
1 inch	90-100	--
½ inch	25-60	--
3/8 inch	--	100
No. 4	0-10	95-100
No. 16	--	45-85
No. 50	--	5-30
No. 100	--	0-10

(Code 1972, § 19-29.)

Sec. 19-4-6. Proportions.

Concrete shall contain six (6) bags of cement per cubic yard and shall be proportioned as follows:

Quantity of Water	Fine Aggregate	Coarse Aggregate
Maximum 36 Gals.	1320 lbs.	1900 lbs.

Note: Weight of aggregate based on specific gravity of 2.65.

(Code 1972, § 19-30.)

Sec. 19-4-7. Construction methods.

“Preparation of subgrade”: All boulders, organic material, soft clay, spongy material and any other objectionable material shall be removed and replaced with approved material. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross sections and grades. (Code 1972, § 19-31.)

Sec. 19-4-8. Forms and concrete.

The forms for the concrete shall be of wood or metal, straight, free from warps or kinks and of sufficient strength. They shall be staked securely enough to resist the pressure of the concrete without spring. When ready for the concrete to be deposited they shall not vary from the approved line and grade and shall be kept so until the concrete has

set. Where a face form for a curb is used it shall be so designed as to permit it to be securely fastened to the other forms. *(Code 1972, § 19-32.)*

Sec. 19-4-9. Placing and finishing concrete.

Just prior to placing the concrete the subgrade shall be moistened. The concrete mixed to the proper consistency shall be placed in the forms and thoroughly tamped in place so that all honeycombs will be eliminated and sufficient mortar will be brought to the surface. After this the surface shall be brought to a smooth even finish by means of a wooden float. All faces adjacent to the forms shall be spaded so that after the forms are stripped the surface of the faces will be smooth, even, and free of honeycomb. All edges shall be tool rounded. *(Code 1972, § 19-33.)*

Sec. 19-4-10. Expansion of contraction joints for concrete.

Half-inch expansion joints shall be placed at intervals not exceeding one hundred (100) feet and at all radius points. At intervals not greater than twenty (20) feet the concrete shall be scored for a depth equal to one-sixth (1/6) the total depth of the concrete. *(Code 1972, § 19-34.)*

Sec. 19-4-11. Curing concrete.

When completed the concrete shall be kept moist for a period of not less than three (3) days and longer if necessary and shall be protected from the elements in a satisfactory manner. *(Code 1972, § 19-35.)*

Sec. 19-4-12. Backfilling.

Backfill shall be of suitable selected material and shall be placed and tamped in layers of not over six (6) inches in depth until firm and solid. Backfilling shall follow immediately after the concrete forms have been removed. *(Code 1972, § 19-36.)*

Sec. 19-4-13. Seasonal limits.

No concrete shall be poured on a frozen or thawing subgrade, or during unfavorable weather conditions, or when the temperature is 38° F. and falling. *(Code 1972, § 19-37.)*

Sec. 19-4-14. Supervision; permit.

Except as may be otherwise provided by law or ordinance no improvements to streets, curbs and gutters or sidewalks or any other improvements to the streets, curbs and gutters and sidewalks of the City of Chickasha shall be made by any person, firm or corporation except under the supervision and approval of the city engineer of the City of Chickasha, Oklahoma, and must first obtain a permit from the city for such purposes, and for the same fees as building permits. *(Code 1972, § 19-38.)*

Article 5. Sidewalks; Construction.

Sec. 19-5-1. Inspector.

The city manager may appoint an appropriate city official to act as sidewalk inspector. It shall be his duty to enforce all provisions of this article relating to the construction, maintenance, repair, and use of sidewalks within the city. *(Code 1972, § 19-39.)*

Sec. 19-5-2. Permit for construction or repair.

All sidewalk construction and repair on any street, avenue, or alley in the city shall be done in conformance with all provisions set forth in this article. No person shall build, construct, or repair any sidewalk on any street, avenue, or alley in the city, without first having obtained a written permit, approved by the sidewalk inspector. The permit shall show the name of the property owner, the contractor, or person who is to do the work

and the lot and block numbers adjacent to the work and the addition or part of the city in which it is to be located. *(Code 1972, § 19-40.)*

Sec. 19-5-3. Grade levels.

All sidewalk construction and repair work shall conform to the level and grades established for that purpose by the city. It shall be the duty of the sidewalk inspector to establish all grades and levels for all sidewalks hereinafter constructed or repaired. *(Code 1972, § 19-41.)*

Sec. 19-5-4. Permit; conditions.

All permits issued for sidewalk construction or repair shall be issued on the conditions that the work will be done strictly in accordance with the city ordinances relating to the same, and all persons having any interest in any sidewalk construction or repair are charged with the provisions of this article, notwithstanding the same may not be specifically set forth in the permit. *(Code 1972, § 19-42.)*

Sec. 19-5-5. Certificate of approval.

Upon the completion of any construction or repair of any sidewalk for which a permit has been issued and after examination, it is found to comply with all ordinance requirements in the matter of materials, workmanship, elevations and specifications, it shall be the duty of the sidewalk inspector to issue to the contractor or person doing such work a certificate showing that the same has been performed as required by the city ordinances. *(Code 1972, § 19-43.)*

Sec. 19-5-6. Inspection.

All sidewalk construction and repair work shall be done under the direct supervision of the sidewalk inspector, and it shall be his duty, when any construction or repair work has been completely finished in accordance with the provisions of the ordinances relating to the same, to issue a certificate of approval. No right of action for work or labor done on any contract for sidewalk construction or repair shall arise nor shall any laborer's lien be held to be valid until the inspector has approved the work and issued and delivered his certificate of approval to the proper person. *(Code 1972, § 19-44.)*

Sec. 19-5-7. Sidewalk materials.

Sidewalk constructed in any street, avenue, alley or public ground in the city, shall be constructed either of concrete or other material subject to the approval of the city council. Concrete shall invariably be used, except in new construction where there is no concrete construction within the block. *(Code 1972, § 19-45.)*

Sec. 19-5-8. Material composition.

All materials shall be as follows:

- (1) No aggregate, either fine or coarse, shall be used, containing frost or lumps of frozen material.
- (2) Fine aggregate shall consist of natural sand with coarse grains predominating. Fine aggregate, when dry, shall pass a screen having four (4) meshes per lineal inch; not more than twenty-five percent (25%) shall pass a sieve having fifty (50) meshes per lineal inch, and not more than five percent (5%), shall pass a sieve having one hundred (100) meshes per lineal inch. Fine aggregate shall not contain vegetable or other deleterious matter, nor more than three percent (3%) by weight of clay or loam.
- (3) Coarse aggregate shall consist of clean, durable crushed rock or pebbles graded in size, free from vegetable or other deleterious matter, shall contain no soft, flat or elongated particles. The size of the coarse aggregate shall be such as to pass a one and

one-eighth (1-1/8) inch round opening and shall range from one-half (1/2) inch down, not more than five percent (5%) passing a screen having four (4) meshes per lineal inch.

(4) The Portland cement used in sidewalk construction shall conform to the standard specifications of the American Society for Testing Materials, serial designation C9-26 and all subsequent amendments and revisions. *(Code 1972, § 19-46.)*

Sec. 19-5-9. Specifications.

All sidewalks shall be built by the following specifications and none other:

(1) Width in residential sections shall be five (5) feet and wider where required by the sidewalk inspector, to meet special conditions of traffic which may be reasonably necessary.

(2) "Base". All bases shall be four (4) inches except where the sidewalk inspector shall require additional depths for driveways.

(3) "Mixture". All concrete mixtures shall be 1-2-4 proportion, well mixed.

(4) All walks shall be concrete and nothing else, and shall be made in one course, properly troweled and tamped to bring to a smooth mortar surface.

(5) "Subgrade". Places, which are low and continuously damp or soaked, shall have a five (5) inch subbase gravel or cinders with tiling added for drainage as specified by the sidewalk inspector.

(6) "Blocking". All walks shall be cut into blocks not greater than five (5) feet in greater dimension, through surface only.

(7) Bituminous material shall be placed in all walks, and joints, shall not be more than fifty (50) feet apart. Expansion joints shall be placed on all sides of driveway crossing blocks. At junction of walks with the curbs there shall be one (1) inch expansion joints filled with bituminous material.

(8) "Slopes". All walks shall slope one (1) way toward the curb with a fall of one-fourth (1/4) inch to each foot.

(9) "Grades and levels". The sidewalk inspector shall supply all grades and levels, and none other shall be used.

(10) "Finish". Sidewalks shall have a wooden float finish, true in line and grade, and shall bear thereon the imprint of the person constructing the same. Said wooden float finish may be waived by the sidewalk inspector for good and substantial reasons and at the request of the owner of the property. *(Code 1972, § 19-47.)*

Sec. 19-5-10. Repairs; how made.

All sidewalks out of repair shall be repaired with good material of the same kind and dimensions and of a quality equal to that originally used in the construction of sidewalks and be well laid so as to correspond with the rest of the sidewalk; and such of the sidewalk or parts as have settled so as to make depressions or have become raised above the grade of the sidewalk shall be replaced on the same grade as the rest of the sidewalk. *(Code 1972, § 19-48.)*

Sec. 19-5-11. Condemnation.

The city council may at any time by resolution, condemn any sidewalk or any portion of any sidewalk, whenever, in their judgment, it shall be deemed necessary in the interest of the public safety, and by such resolution may further require the repair or construction of a new sidewalk to conform to the requirements of this article. *(Code 1972, § 19-49.)*

Sec. 19-5-12. Inspection fees.

The city council may establish inspection fees by ordinance.

## Article 6. House Numbering

### Sec. 19-6-1. Houses; how numbered.

All houses fronting on public streets, avenues, or highways in the city shall be numbered in conformity with the following provisions:

(1) Odd numbers shall be given to houses on the east and south sides of all streets, avenues and highways, and even numbers to houses on the north and west side of all streets south of Chickasha Avenue and west of First Street.

(2) On streets, avenues and highways running north and south in the city, numbering shall commence with the number one hundred (100) to the northeast and southwest corner of each and every street, at its intersection with Chickasha Avenue, and shall increase north and south at the rate of one hundred (100) numbers for each block or space between two (2) streets

(3) On streets, avenues and highways running east and west in the city, numbering shall commence with the number one hundred (100) at the southeast and northwest corner of each and every street where it intersects with First Street and increase at the rate of one hundred (100) numbers for each block or space between two (2) streets.

(4) All streets running north of Chickasha Avenue shall be designated by the prefix north, and those running south of Chickasha Avenue shall be designated by the prefix south. *(Code 1972, § 19-51.)*

### Sec. 19-6-2. Block division.

Blocks shall be laid out in spaces of twenty-five (25) feet along the front of each street, and each space shall have its respective number insofar as practicable. *(Code 1972, § 19-52.)*

### Sec. 19-6-3. Number to be placed on house.

The owner or occupant of every house shall cause to be placed thereon in a conspicuous place its respective number as herein determined, and said number shall be at least two (2) inches in height. Mounted letters or painting may be used in the discretion of the owner, but such numbers shall be arranged in vertical, oblique, or horizontal lines in regular order in such a manner to clearly indicate the true number of the property. House numbers should be capable of being seen from the street.

### Sec. 19-6-4. Community Development Director.

All numbering shall be subject to the approval of the Community Development Department. In any case of controversy as to the true number, it shall be the duty of the Community Development Director to assign the appropriate number to the property, and the parties shall in all cases be bound by such assignment of number. Any numbering already established and which does not conform to the provisions of this article shall be removed, and such change as necessary shall be made to conform strictly with these provisions. It shall be the duty of the Community Development Director to notify any person owning or occupying any premises in the city which is not numbered as herein required, to place the proper number on the premise within ten (10) days from such notice.

## Article 7. Street Names

### Sec. 19-7-1. Streets to be named.

All streets, avenues and alleys within the city, as shown by the original map or plat of the city, or any extension thereof and all streets, avenues and alleys platted and/or subsequently annexed into the city, are hereby declared to be public highways within the city.

Sec. 19-7-2. Street marking.

It shall be the duty of the street superintendent to establish street markings at the places and in the manner designated by the council, and he shall maintain the same in good condition to serve the purpose of their establishment. It shall be unlawful and an offense for any person to cover over, obstruct, injure, damage or otherwise mutilate any street marking established and authorized by the city council for the purpose of designating or identifying any street, avenue or alley within the city. (Code 1972, § 19-56.)

Article 8. Shade Trees

Sec. 19-8-1. Street superintendent; duty.

It shall be the duty of the street superintendent to enforce all provisions of this article relating to the planting, propagation, maintenance, disinfection, pruning and trimming, removal and care of shade trees on the properties situated within the City of Chickasha, Oklahoma. (Code 1972, § 19-57.)

Sec. 19-8-2. Insects, worms.

It shall be the duty of the owner or occupant of any premises, within the City of Chickasha and on which shade trees are located, to keep the same free from insects, worms, or injurious larvae of any kind. When any shade tree named herein is infected with bagworms or has any bags on them, it shall be the duty of the street superintendent to give written notice to the owner, his agent or the occupant of the property, bound by the provisions of this section to prevent the same. Notice in writing to destroy said worms and/or bags or anything from which said worms originate or grow within three (3) days from the service of said notice. When said notice is not complied with, it shall be the duty of the street superintendent to remove and destroy the same and in doing so; he shall take all precautions to prevent the distribution of said bagworms or bags (Code 1972, § 19-58.)

Sec. 19-8-3. Removal.

In case any property owner desires to remove or cut down any tree situated upon his premises, in so doing of which, an injury or inconvenience may result to adjoining premises, or in case of his desire to remove any tree situated in the parking in front of or adjoining his premises, he shall give notice to the street superintendent. It shall be the duty of the street superintendent to oversee the removal and to impose reasonable and necessary rules and regulations for the protection of the public safety and public property and to the end that such removal shall be made without unnecessary delay. In all cases of this nature, the owner shall remove such tree without delay and clean up or cause to be cleaned up, all rubbish or waste resulting from such removal. (Code 1972, § 19-59.)

Sec. 19-8-4. Planting.

No person shall plant any trees upon any street or alley of the city, except he shall first apply to the street superintendent to examine and approve the trees to be planted and to see that all such trees are free from any and all plant diseases. He shall approve all locations, spacing, and distances from sidewalks, curbs, and property lines. (Code 1972, § 19-60.)

Sec. 19-8-5. Trimming necessary.

It is hereby made, the duty of every person who is the owner of, or has any interest in any trees situated in any alley, parking or streets, to keep trimmed all trees on the said alleys, parking, or streets in such a way that the lower most branches shall clear all sidewalks inside the curb line of the alley, parking or streets a distance of not less than seven (7) feet; and to the extent said trees extend outside the curb line into the alleys,

parking or streets, shall clear said alleys, parking or streets, a distance of not less than twelve (12) feet. Any tree situated on private premises; the branches, which overhang on any sidewalk, parking or space in the street or alley, shall be trimmed and kept trimmed in such a way that the lower most branches shall at all times clear a sidewalk area within the curb line of said street or alley a distance of not less than seven (7) feet and shall clear the space outside the curb line of said street or alley by a distance of not less than twelve (12) feet. *(Amended Ord. No. 2001-02, 02/05/2001).*

Sec. 19-8-6. Stringing wires.

It shall be unlawful for any person to trim, cut or otherwise mutilate any shade or ornamental tree on any street, parking or other public place in the city, for the purpose of stringing wires or cables along or across said parkings or other public places, without first obtaining a permit therefore from the Community Development Department. The person or company doing such cutting or trimming shall be primarily liable for any and all injuries, which may result from the trimming or cutting. It shall also be the duty of such person or company to remove all litter, trash, and waste, which accumulates from such cutting or trimming immediately after completion of the work. *(Code 1972, § 19-62.)*

Sec. 19-8-7. Offenses.

It shall be unlawful and an offense for any person to cut, scar, break, bend the limbs or break any limbs or otherwise injure or do damage to any shade tree situated in any of the streets, alleys or public places of the city. *(Code 1972, § 19-63.)*

Article 9. Closing Public Ways and Easements.

Sec. 19-9-1. Definitions.

- (a) "Close" as used in this article means action by the City Council discontinuing the public use of a public way or easement without affecting title to real property.
- (b) "Public Way" as used in this article means a street, avenue, boulevard, alley, lane, or thoroughfare open for public use.
- (c) "Easement" as used in this article means rights in real property as set forth in 60 O.S. § 49.
- (d) "Public Agency" as used in this article means the city, state or federal governments or any of their agencies or political subdivisions.

Sec. 19-9-2. Procedure for Closing Public Ways and Easements.

- (a) Any person or corporation desiring to have a public way or easement closed within the corporate limits of the City of Chickasha shall submit a formal application to the City Planning Commission. The application shall consist of:
  - (1) A map showing the public way or easement the applicant wishes closed.
  - (2) A statement why the applicant desires the closing and whether the public way or easement is presently being used or when it was last used by the public.
  - (3) A list of all owners of record abutting the public way or easement or whose property is within three hundred (300) feet of the external boundary of said public way or easement, taken from the current year's tax rolls of the county treasurer and certified by a bonded abstractor.
  - (4) A list of all franchisees and any others determined to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement.
  - (5) Applicant shall provide this required information at its own expense. Unless the applicant is a public agency, the application should

- also be accompanied by a fee of \$170.00 to cover the costs of mailing and publication.
- (b) The Planning Commission shall set a date for a public hearing on the applications. The City Clerk shall provide proper notice of the hearing to the public and to all property owners and franchisees. A minimum of thirty (30) days public notice prior to the hearing shall be published in the official newspaper of general circulation in the City of Chickasha. Written notice of the hearing shall be given to all property owners within three hundred (300) feet, all franchisees, and any others determined to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement at least thirty (30) days prior to the hearing on the application by mailing the notice to the last known address of each person entitled to notice.
  - (c) Following the public hearing, the Planning Commission shall determine whether it is necessary or expedient to close the public way or easement and to make an appropriate recommendation to the City Council for final consideration of the application.
  - (d) After considering the application, the mayor and council may disapprove the application or may pass an ordinance closing to the public use the public way or easement within the City of Chickasha if the City Council deems such closure necessary or expedient.
  - (e) Any ordinance closing a public way or easement shall state that the City of Chickasha retains the right to reopen the public way or easement whenever the City deems it necessary and that closing of the public way or easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation, or transmission company facilities of service therein, nor shall a closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

#### Article 10.      Penalty.

##### Sec. 19-10-1.   Penalty.

Any person, firm or corporation who shall violate any provision of this chapter, by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine not to exceed the maximum amount allowed by law for non-jury trials and court costs. Each day upon which any such violation continues shall constitute a separate offense. (*Ord. 1661, 7/14/83; Ord. No. 1909, 12/10/87.*) (*Ord. No. 2003-05, 05/19/2003.*)