

## TITLE 12

### STREETS, SIDEWALKS AND PUBLIC PLACES

#### Chapters:

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## Chapter 12.04

### PUBLIC WORKS GENERALLY

#### Sections:

- 12.04.010** General provisions.
- 12.04.020** Powers of city council.
- 12.04.030** Acquisition procedure.
- 12.04.040** Improvement procedure.
- 12.04.050** Engineering design criteria and construction specifications adopted.

#### **Section 12.04.010 General provisions.**

The City Council may provide for improvements of the streets, alleys and sidewalks in accordance with and as now provided by law, and in connection therewith shall have the power and authority to create and establish street improvement districts, and to provide for the construction, maintenance and repair of sidewalks, and may further provide by ordinance for the repair and maintenance of the streets, boulevards and thoroughfares of the city. (Prior code § 14.101)

#### **Section 12.04.020 Powers of city council.**

Whenever the City Council shall deem it necessary to grade, pave, chat, gravel or otherwise improve the streets, alleys and thoroughfares of the city, and to construct or install necessary manholes, catchbasins, inlets, drainage pipe and sewers with necessary connections therefor, for the purpose of adequately disposing of the surface water falling upon any street, alley, boulevard, park or public square, it shall have the authority to proceed with such work of improvement, to contract therefor, to levy and collect special assessments and to provide for the issuance and payment of bonds, or tax bills, to pay for such improvements, in the manner and form and in accordance with the provisions of existing law. (Prior code § 14-102)

#### **Section 12.04.030 Acquisition procedure.**

Whenever the City Council shall deem it necessary to acquire real estate for the purposes set forth in the preceding section of this chapter, it shall direct the City Engineer to cause to be prepared the necessary plans, specifications, profiles and an estimate of the probable cost of such improvement and to submit the same for approval of the City Council. Upon the approval thereof, the City Engineer shall cause to be prepared a written statement, which shall contain the names of the owners of such real estate as abuts such improvement, not less than one block distance from the improvement, and to include such additional area as shall be deemed to be benefited by reason thereof; and in such statement the cost thereof shall be distributed and apportioned to the lots and parcels of land benefited by such improvement in proportion to the entire area benefited by the improvements. Such statement shall be submitted to the City Council, which shall examine and correct the statement. (Prior code § 14-103)

**Section 12.04.040 Improvement procedure.**

The City Council shall enact such resolutions, give all necessary notices, provide for hearings of protests or objections, levy assessments and issue improvement bonds, all in the manner and as provided by law. (Prior code § 14-104)

**Section 12.04.050 Engineering design criteria and construction specifications adopted.**

The city's "Engineering Design Criteria and Standard Specifications for Construction," as adopted by Ordinance 806, 2/10/92, and amended by Ordinances 813 (5/18/92) and 824 (11/9/92), and any other amendments thereto, are hereby adopted and incorporated herein by reference, applicable as if set out fully herein. Violations of the criteria and specifications are punishable as provided in Section 1.20.010 of this code. (Prior code § 14-201)

Duties of the City Engineer. The City Engineer or his designee shall review and approve or disapprove all plans, drawings and specifications for any proposed construction of public water mains, sanitary sewer lines, street and drainage facilities, and any appurtenances related thereto, and shall enforce compliance of codes as provided in this chapter. The City Council of the City of Sand Springs shall establish rates for construction plans review of said proposed facilities. (1095, Amended, 12/06/2004)

## Chapter 12.08

### STREET EXCAVATIONS AND OBSTRUCTIONS

#### Sections:

- 12.08.010** Removal of obstructions on streets or sidewalks.
- 12.08.020** Permit to cut, alter, mutilate or change a paved portion of street.
- 12.08.030** Permit cost.
- 12.08.040** Repair.
- 12.08.050** Guards and warnings.
- 12.08.060** Unlawful to destroy lights, guards or barricades.
- 12.08.070** Bond required.
- 12.08.080** Renewal of bond.
- 12.08.090** City shall sue on bond.
- 12.08.100** Use of street or alley right-of-ways.
- 12.08.110** Penalties.

#### **Section 12.08.010 Removal of obstructions on streets or sidewalks.**

Any person having heretofore erected or constructed or erecting or constructing any building, retaining wall, bulkhead, cellar, basement way, stairway, railway, windows, doorways, awnings, rail lamp posts, awning posts or other property upon the public property of the city shall be required to remove the same forthwith upon notice being served by an official of the city so to do. If the person fails to remove the obstruction or encroachment within ten (10) days after notice to do so having been served upon him, her or them, the city may remove the obstruction or encroachment at the expense of the person, persons, firm, corporation or co-partnership owning and in possession of the obstruction or encroachment and charge the expense of removing same to the owner of the obstruction or encroachment erected or permitted to remain obstructing or encroaching upon the streets, alleys or thoroughfares in any part of the city. (Prior code § 5-901)

#### **Section 12.08.020 Permit to cut, alter, mutilate or change a paved portion of street.**

It is unlawful for any person, firm or corporation to cut, alter, mutilate or change, in any manner, any paved portion of any street, avenue or alley in the city, or any curb, gutter, catch basin, drainage ditch, or any other public appurtenances of any street or alley in the city, whether the same be for the purpose of installing or repairing any driveway, additional sidewalk, pipe conduit, holes, support railing, building or other construction, unless such person, firm or corporation shall first procure a permit from the inspections section of the city to make such cut, alteration, change or repair. This condition shall not apply to any person, firm or corporation acting under the direction and supervision of the City Manager or the City Council. (Prior code § 5-902)

**Section 12.08.030 Permit cost.**

The inspections section of the city shall issue to such person, firm or corporation a permit in writing, and shall charge therefor and deliver to the City Clerk a fee as set by the council to cover the cost and expense of issuing a permit and performing inspections. The fee shall be deposited in the general fund of the city. (Prior code § 5-903)

**Section 12.08.040 Repair.**

All work of reconstruction, rebuilding or repairing of any cut, alteration or change in any street, alley, gutter, curb or public appurtenances thereto, shall be done in accordance with plans and specifications prepared in accordance with city regulations and submitted to the building official. Upon approval of and issuance of the permit provided for in this chapter, the building official will specify what inspections will be required, such as grading, reinforcing materials, final. No less than one final inspection of the repair shall be made. (Prior code § 5-904)

**Section 12.08.050 Guards and warnings.**

It is the duty of the person, firm or corporation, making such cut, alteration, or change to maintain substantial guard rails or barriers around any and all excavations made hereunder and which are exposed to the public and comply with all safety requirements of state and federal law, and a similar guard rail or barrier shall be placed around any material, contact with which would be injurious to pedestrians or to vehicles or their occupants. It is the duty of any and all such persons to display and maintain lights, with appropriate warning globes or flares, during the whole of every night around and about all such excavations, materials or obstructions in or near to the street or alley. The lights shall be prominently displayed, and shall be kept in a manner and so located that they shall be visible and readily noticeable by all persons traveling along, over or upon the street, alley or sidewalk where the work is being performed. (Prior code § 5-905)

**Section 12.08.060 Unlawful to destroy lights, guards or barricades.**

It is unlawful for any person or persons, firm or corporation to remove, displace, tear down or destroy or cause same to be removed, displaced, torn down or destroyed, any barricade, guards or lights placed upon or along the streets, alleys or thoroughfares in the city as a warning of the dangerous condition of the alley, street or public thoroughfare. (Prior code § 5-906)

**Section 12.08.070 Bond required.**

The permit for which provision is made by this chapter shall not be issued until the applicant therefor shall file through the inspections section of the city with the City Clerk a good and sufficient bond in favor of the city in the sum of five thousand dollars (\$5,000.00). The bond shall be executed by the applicant as principal, with a corporate surety company authorized to do business in the state as a surety, to be approved by the City Council and shall be conditioned as follows:

A. The principal will save harmless the city on account of any loss, cost, damage, expense, action or liability of any kind whatsoever, including reasonable attorney' s fees, which the city shall be liable for or required to pay by reason of any loss, damage or injury sustained, suffered or incurred by any person or persons on account of the things done or performed by such principal, or any servant, agent or employee of such principal, in the cutting, altering or changing of any paved portion of any street or thoroughfare, in the construction, change or repair of any driveway, curbing, gutter, catch basin, drainage ditch or any other public appurtenances, or other improvement in or upon or attached to any street, alley, public property, or any part thereof of the city or the neglect, failure or refusal on the part of the principal or his or her servants, agents or employees to provide and maintain proper barricades, lights or signals necessary and proper for the protection and safeguarding of the work under construction, and for the safety, protection and safeguarding of the public generally in the proper use and occupancy of the streets, alleys, sidewalks, curbing and public property of the city during the time such work is in progress of construction;

B. The principal will pay all damages that may accrue to the owner of any property in front of which the principal shall carry on such construction work, including damages occasioned by imperfect or faulty construction work; and

C. The principal shall at all times during one year next following the final acceptance of the construction work, without notice from the city, promptly refill any trenches, or ditches that may form or settle in or around the construction work from any cause whatsoever, and shall promptly repair all breaks or failures that may occur in the construction work from any cause whatsoever, and will indemnify and save harmless the city from and against any and all suits of every description brought against it on account of injuries or damages alleged to have been received or sustained by anyone by reason of the failure of the principal to refill all trenches and ditches, or breaks or failures, or for any other reason, which the injuries or damages are alleged to have been received within one year from the final acceptance of such construction work, and shall pay all judgments that may be rendered against the city in any such suits, without the city being under any legal liability to give the principal notice of such defects, failures, imperfections, or alleged causes of such injuries or damages. (Prior code § 5-907)

#### **Section 12.08.080 Renewal of bond.**

It is the duty of the principal in the bond mentioned above to cause a new bond, or an extension or renewal of the old bond, to be filed and approved by the City Council each time any licenses above required are due or procured. Such renewal or extension certificate shall be signed by both principal and surety on the bond. (Prior code § 5-908)

#### **Section 12.08.090 City shall sue on bond.**

Suit shall be brought upon such bond provided for under this chapter by the city on account of any loss, cost, damage, expense, action or liability of any kind whatsoever, including a reasonable attorney' s fee, which may accrue against it or be recovered from the city by reason of any breach of the conditions of the bond. (Prior code § 5-909)

**Section 12.08.100 Use of street or alley right-of-ways.**

A. For the purpose of a new facade or for planting and decorative purposes, a portion of the abutting area designated for streets or alleys may be used for such purpose. Any facade, planting or decoration placed upon areas designated for streets or alleys or other city lands shall be compatible with the surrounding facades, plantings, structures and decorations. Use of the designated street or alley areas for facades shall not exceed use of a strip twenty-four (24) inches in width along external walls of the structure. Decorative or planting uses in designated street or alley areas shall be in places determined by the city. No use allowed by this section shall be permitted where the area of the designated streets or alleys proposed to be used is necessary for the safe and reasonable use of that street and alley by the citizens of the city. All persons using areas designated for streets and alleys shall remove their property at their cost from the area used in the event the area being used shall become necessary for the safe and reasonable use of the streets and alleys by the citizens of the city or if the use becomes a nuisance or is permitted to deteriorate due to a lack of care or maintenance.

B. All applications for use of streets or alleys abutting a property shall be filed with the planning department of the city. The building official of the city may approve the minor temporary use of a street or alley area where such use is movable or a planting. All other applications for use of streets or alleys shall be referred to the City Council for hearing. No extended use of streets or alleys may be given without a prior hearing before the City Council approving such use. (Prior code § 5-910; 983, Amended by Recodification, 03/26/2000)

**Section 12.08.110 Penalties.**

Any person, firm, corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-911)

## Chapter 12.12

### SIDEWALKS

#### Sections:

- 12.12.010 Inspection.
- 12.12.020 Inspection--Offense.
- 12.12.030 Sidewalk construction.
- 12.12.040 Permit.
- 12.12.050 Supervision of work.
- 12.12.060 Fees.
- 12.12.070 Repairs.
- 12.12.080 Condemnation.
- 12.12.090 Refuse on sidewalk.
- 12.12.100 Sweeping trash on sidewalk.
- 12.12.110 Damaging sidewalk.
- 12.12.120 Openings in sidewalk.
- 12.12.130 Business use prohibited.
- 12.12.140 Projections over sidewalk.
- 12.12.150 Fixed awnings.
- 12.12.160 Supports of awnings--Height and projection.
- 12.12.170 Support from sidewalk prohibited.
- 12.12.180 Penalties.

#### **Section 12.12.010 Inspection.**

The building official shall enforce all ordinances relating to the construction, repair and maintenance of sidewalks within the city. (Prior code § 5-920)

#### **Section 12.12.020 Inspection--Offense.**

It is the duty of the building official to inspect or have inspected, and require property owners and occupants of the city to keep all sidewalks on their property in good repair. If they shall fail to do so, he or she shall warn them of the condition thereof, and if the walk or walks are not put in good condition and repair within thirty (30) days after the notice has been given, the property owner or occupant shall be guilty of an offense. Upon conviction thereof, the owner or occupant shall be punished accordingly. Each day of such failure to make repairs shall be a separate offense. (Prior code § 5-921)

#### **Section 12.12.030 Sidewalk construction.**

The City Council may from time to time, as they may deem it necessary, require construction of sidewalks in the city and provide therefor in accordance with existing laws. All sidewalk construction and repair on any street, avenue or alley in the city shall be done subject to and strictly in conformity with all provisions of law. No person shall build, construct or repair any sidewalk or any street, avenue or alley in the city without first having obtained a written permit from the building official. The permit shall show the

name of the property owner, the contractor or person who is to do the work, the lot and block numbers or legal description and street address on which the work is to be done, and the addition or part of the city in which it is located. (Prior code § 5-922)

**Section 12.12.040 Permit.**

All permits issued for sidewalk construction or repair shall be issued on the condition that the work will be done strictly in accord with existing law, and all persons having any part or interest in any sidewalk construction or repair are charged with and bound by the provisions of this section, notwithstanding that same may not be expressly set forth in the permit. (Prior code § 5-923)

**Section 12.12.050 Supervision of work.**

All sidewalk construction and repair work shall be done under the direct supervision of the building official. When any construction or repair work has been completely finished in accordance with existing law, state or local, relating to the same, it must be approved by the building official. (Prior code § 5-924)

**Section 12.12.060 Fees.**

For each permit and approval issued hereunder, the person procuring the same shall pay to the City Clerk through the inspections section of the city the sum as set by the council. The sum so collected shall be deposited in the general fund of the city. (Prior code § 5-925)

**Section 12.12.070 Repairs.**

All sidewalks out of repair shall be repaired with good material of the same kind and of quality equal to that originally used in the construction of the sidewalk, and shall be laid so as to correspond with the rest of the sidewalks. 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. (Prior code § 5-926)

**Section 12.12.080 Condemnation.**

The City Council may at any time, condemn any portion of sidewalk when in its judgment it shall be deemed out of repair and hazardous to the traveling public, and provide for the construction of a new sidewalk. (Prior code § 5-927)

**Section 12.12.090 Refuse on sidewalk.**

A. It is unlawful and an offense for any property owner or occupant of any property that abuts or adjoins any street or avenue in the city to allow, permit or cause any animal or vegetable substance, or any tin, glass or pieces of iron, or any trash, mud, snow, ice, dirt, refuse matter or filth of any kind or description whatever, to accumulate or remain on any part of the sidewalk abutting or adjoining the premises owned or occupied by such person.

B. If any such property owner, occupant or agent of such property shall fail or refuse to clean off the sidewalk abutting or adjacent to the property owned or occupied by him or her within twenty-four (24) hours after notice has been served on him or her

by the building official, such property owner or occupant so failing or refusing after notice so to do to clean off such sidewalk shall be guilty of any offense and provided each day that such sidewalk remains unclean hereunder shall constitute a separate offense. (Prior code § 5-928)

**Section 12.12.100 Sweeping trash on sidewalk.**

It is unlawful for any person to sweep or deposit on any sidewalk, street, grating or opening therein, any dirt, debris, lawn trimmings, leaves, or trash of any kind, or sweep from the sidewalk into the street, any dirt, debris, lawn trimmings, leaves, or trash of any kind whatsoever. (Prior code § 5-929)

**Section 12.12.110 Damaging sidewalk.**

It is unlawful for any person, persons, firm or corporation to cut, carve, mark, engrave or inscribe upon any sidewalk, curbing, pavement or other public part of any street, any sign, mark, advertisement or effigy. (Prior code § 5-930)

**Section 12.12.120 Openings in sidewalk.**

It is unlawful and an offense for any person, firm or corporation to keep or leave open, any sidewalk grating or opening of any kind in or upon any sidewalk in the city, or suffer or permit such grating or opening to be left upon any sidewalk in the city, or suffer or permit such grating or opening to be left open except necessarily open during the use thereof, and then only if the opening shall be properly guarded and protected. (Prior code § 5-931)

**Section 12.12.130 Business use prohibited.**

Unless a permit is obtained therefor, from the City Council of the city, it is unlawful for any person, firm or corporation to construct, erect, operate, maintain or permit to exist, any sign, ice or refrigerator box, ice dock, gasoline pump, gasoline storage reservoir, oil pump, oil storage reservoir, tire repair rack, tire tools or equipment, water hose connection, storage reservoir inlet or outlet, compressed air hose connection or housing for same, any merchandise, or any tools, stands, equipment, and radio aerials, poles or wires therefore, whether permanent or temporary, or any other obstruction upon any part of any public right-of-way, street, alley, boulevard, parkway, sidewalk, curbing or parking within the city. (Prior code § 5-932)

**Section 12.12.140 Projections over sidewalk.**

There shall be at least seven feet over sidewalks in the clear between the highest point of the sidewalk level and the lowest point of any appendage or projection extending from buildings over the public sidewalks, three feet from the building line. Projections extending six feet from the building line shall be eight feet from the highest point of the sidewalk level to the lowest point of projection. Projections extending nine feet from the building line shall be ten (10) feet from the highest sidewalk level to the lowest point of projection. Projections extending twelve (12) feet from the building line shall be fifteen (15) feet, six inches from the highest sidewalk level to the lowest point of projection. If any provisions of the building code of this city contain stricter provisions than this section, the building code shall prevail. (Prior code § 5-933)

**Section 12.12.150 Fixed awnings.**

A marquee or fixed awning projecting over the street line may be erected over the entrance of any business front or along the store or shop front upon obtaining written permission from the building official. Such marquee or awning shall not conflict with the provisions of Section 12.12.140 of this chapter. (Prior code § 5-934)

**Section 12.12.160 Supports of awnings--Height and projection.**

The frames and supports of all awnings shall be securely attached to the walls of the building and shall conform to the provisions of Section 12.12.140. Canvas awnings of the folding and hinge class may be erected and maintained on any building, but must not interfere with any street light and shall be not less than six and one-half feet from the highest point of sidewalk level to the lowest point of awning. All such awnings when not in use, or between the hours of sunset and sunrise, shall be drawn up against the building. All awnings must be kept in good repair and when not so kept, must be removed on the written order of the building official. (Prior code § 5-935)

**Section 12.12.170 Support from sidewalk prohibited.**

Porticos or other temporary or fixed awnings or marquees shall not be supported on any portion of the sidewalk by posts, piers, or in any other manner, except upon obtaining the written consent of the City Council. (Prior code § 5-936)

**Section 12.12.180 Penalties.**

Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code. (Prior code § 5-942)

## Chapter 12.16

### FIBER OPTIC CABLE SYSTEM PERMITS

#### Sections:

- 12.16.010 Definitions.
- 12.16.020 Grant of authority.
- 12.16.030 Nonexclusive grant.
- 12.16.040 Assignability.
- 12.16.050 Compliance with law.
- 12.16.060 Application for permit.
- 12.16.070 Permit.
- 12.16.080 Use and repair of the public ways.
- 12.16.090 Minimum specifications.
- 12.16.100 Inspection and fee.
- 12.16.110 Duty to move or alter lines.
- 12.16.120 Indemnification of grantor.
- 12.16.130 Fee.
- 12.16.140 Duration.
- 12.16.150 Priorities.
- 12.16.160 Penalty.

#### **Section 12.16.010 Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings:

"Grantee" means any nonfranchise telecommunications cable company or carrier to whom or to which a permit is granted by this chapter, and the lawful successor or assignee of the person, firm or corporation.

"Public way" means any street, alley, avenue, boulevard, lane, park, parkway, sidewalk, driveway, utility easement, right-of-way, and all other public places, areas, or grounds within or without the corporate limits of the city, owned or held in trust for the city, as now constituted or as may be added hereafter.

"System" means a fiber optic cable system for the transmission and distribution of communication signals, including any and all conduit, fiber optic cable, splicing boxes, surface markers or other facilities of grantee located within the public way. (Prior code § 5-950)

#### **Section 12.16.020 Grant of authority.**

There is hereby granted to any nonfranchise telecommunications cable company or carrier issued a permit under this chapter, hereinafter referred to as "grantee," the right and privilege to construct, operate and maintain in, upon, across, along, above, over and under the public ways of the city of fiber optic cable system subject to terms and conditions contained herein. (Prior code § 5-951)

**Section 12.16.030 Nonexclusive grant.**

The right to use and occupy the public way of city for purposes hereinafter set forth shall not be exclusive. (Prior code § 5-952)

**Section 12.16.040 Assignability.**

If grantee shall at any time sell or assign its rights and privileges under this chapter to any other person, firm or corporation, the assignment shall be in writing and a duly executed copy of same shall be filed with the City Clerk. Such assignment shall not become effective until the assignee shall have agreed in writing with the city to become responsible for the full performance of all the conditions, liabilities, covenants and obligations contained in this chapter, and until such time as the assignment shall have been approved by the city. (Prior code § 5-953)

**Section 12.16.050 Compliance with law.**

The system of the grantee shall at all times be installed, operated and maintained in accordance with all laws, rules, regulations and ordinances of the United States of America, the state of Oklahoma, and the city. (Prior code § 5-954)

**Section 12.16.060 Application for permit.**

All applications for permit under this chapter shall be made upon forms approved by the City Engineer. (Prior code § 5-955)

**Section 12.16.070 Permit.**

All applications for grants of authority under this chapter shall be filed with the City Engineer. Upon approval of the application and payment of the application fee to the City Clerk as set out in Sections 12.16.100 and 12.16.150 of this chapter, the City Engineer shall issue the permit required for use of the public ways for fiber optic telecommunications cable systems. (Prior code § 5-956)

**Section 12.16.080 Use and repair of the public ways.**

A. Grantor's system shall be installed, operated and maintained in such a manner as will, consistent with reasonable necessity, least interfere with other public uses of the public ways, and in accordance with plans and specifications submitted to and approved by city's engineering department. No construction shall commence until such plans and specifications have been approved by the City Engineer.

B. Except in cases of emergency, grantee shall give at least forty-eight (48) hours notice of its intent to excavate or disturb the surface of any public way to the City Engineer of the city. After such excavation or disturbance, the grantee shall, with due diligence and dispatch, place the public ways in a condition in compliance with the city's reasonable standards and specifications. Grantee shall notify city the next business day of any emergency work undertaken.

C. Upon grantee's failure to commence or complete any construction, maintenance or restoration work required by this chapter with due diligence and dispatch, the city may cause such work to be done after written notice to grantee, given so as to afford grantee an opportunity to commence and complete such work within such time as designated in the notice. The cost of such construction, maintenance or

restoration incurred by city upon grantee's failure shall then be charged and collected from the grantee. The costs shall be paid within thirty (30) days of notice to the grantee, or all rights and privileges given to grantee by this chapter shall be revoked.

D. City reserves the right to make and enforce reasonable regulations concerning the construction, operation and maintenance of grantee's system located along, across, over, or under the public ways and to reasonably designate where the system shall be placed.

E. Grantee shall keep and maintain at its principal offices a complete and accurate set of maps, construction drawings and specifications describing the exact location of its system within the public way. Grantee shall also keep a complete and accurate set of such maps, drawings and specifications on file with the City Clerk's office of the city. (Prior code § 5-957)

### **Section 12.16.090 Minimum specifications.**

Grantee shall conform to the following minimum specifications:

A. The depth of conduit, measured from the top of the conduit to the surface of ground shall be a minimum depth of soil of forty-two (42) inches and at a ditch crossing, a minimum depth of sixty (60) inches;

B. Within the street right-of-way, the City Engineer of the City of Sand Springs shall approve the size, material type and configuration of conduits and cable to be placed;

C. A casing pipe will be installed under all road crossings and driveways. The City Engineer of the City of Sand Springs shall approve the size, length, material type, installation method and depth of the casing pipe;

D. Trenching shall be promptly backfilled with earth and tamped with a mechanical tamper at six inch lifts, so that the earth is restored to original grade to assure no hazard to vehicular, animal or pedestrian traffic. All open trenches will be properly guarded or barricaded to prevent damage or injury;

E. All cable, where practical, shall be located to cross roadbed at approximately right angles thereto. No cable shall be placed at any culvert or within five feet of the closed point of same;

F. In areas of potential erosion the "plug" method of erosion control shall be used;

G. Operations along roadways, walkways, and sidewalks shall be kept clear of excavated material or other obstructions at all times. Barricades, warning signs and lights, and flagmen when necessary shall be provided by the contractor or grantee. One half of the traveled portion of the road must be open at all times; and

H. Damage to banks, ditches, roads, fences, lawns, shrubbery, drives and any other property caused from the equipment and installation of the communication system shall be immediately repaired to the satisfaction of the public authorities having jurisdiction over the right-of-way involved, at the cost of the grantee. (Prior code § 5-958; 969, Amended, 09/25/2000)

**Section 12.16.100 Inspection and fee.**

A. City shall have the right to inspect any construction as it progresses and when it is completed in order to assure compliance with all applicable rules, regulations and laws. City may at any time order grantee to remove or abate any conditions that city deems dangerous to the health, safety, or welfare of life or property. If grantee fails or refuses to remove or abate such condition, city shall cause the removal or abatement at the sole expense of the grantee. Grantee shall not be entitled to compensation or reimbursement nor shall city be liable for any damages to the system occasioned by the removal or abatement of any dangerous condition, as determined by the city.

B. There is hereby levied a fee in the amount of seventy-five cents (\$.75) per lineal foot of fiber optic cable laid within the right-of-way for the inspection of the construction of the system. This fee shall be paid at the time application is made for a permit to use the public way for any purpose granted by this chapter, and shall be in addition to any fee levied for the use of the public way. (Prior code § 5-959)

**Section 12.16.110 Duty to move or alter lines.**

A. City reserves the right to lay or permit to be laid cables, electric conduits, water, sewer, gas or other pipelines and to do or permit to be done any underground work deemed necessary and proper by the city, along, across, over or under the public ways. In permitting such work to be done the city shall not be liable to the grantee for any damages occasioned nor shall the city in doing such work be liable to the grantee for any damages.

B. Whenever by reason of establishing a grade or changes in the grade of any street or in the location or manner of construction of any public way, cables, electric conduits, water, sewer, gas or other underground structures, it shall be deemed necessary by the city to alter, change, adapt or conform, or relocate the system of the grantee, such alterations or changes shall be made within a reasonable time by the grantee, as ordered in writing by the city, without claim for reimbursement or compensation for damages against city, or its franchise holders. Grantee shall not be entitled to compensation for damages of any nature occasioned by city's use of the public way for any purpose. (Prior code § 5-960)

**Section 12.16.120 Indemnification of grantor.**

The grantee shall indemnify, become responsible for and forever save harmless the city from any and all damages, judgments, reasonable costs and expenses, including attorney fees, which the city may suffer or incur, or which may be legally obtained against the city, for or by reason of the negligent use, repair, or occupation of any public way within the corporate limits of the city by the grantee pursuant to the terms of this chapter or resulting from the negligent exercise of the grantee of any of its privileges or by reason of its carrying on its business in the city. However, in the event of such claim or claims being prosecuted against the city, the grantee shall have the right to defend against the same, and to settle or discharge same in such manner as it may see fit, and the city shall give prompt written notice to the grantee of the presentation or prosecution of such claims. (Prior code § 5-961)

**Section 12.16.130 Fee.**

In consideration for the rights and privileges granted by this chapter, grantee agrees to pay city a fee as established by motion or resolution of the City Council per lineal foot of fiber optic cable installed within the public way, including street crossings. Such fee shall be paid on a yearly basis and shall be due and payable on or before the beginning of the fiscal year commencing July 1st of each year. Whenever an application is approved prior to the end of the current fiscal year, the fee shall be prorated for the remainder of the fiscal year and shall be payable upon approval of the application. (Prior code § 5-962; 1079, Amended, 05/24/2004)

**Section 12.16.140 Duration.**

The rights granted by the city of the grantee under this chapter shall continue and remain in full force and effect until revoked by the city. The city shall have the right at any time, upon notice to the grantee, to revoke any and all rights hereunder. Such notice shall be in writing and shall be given to the grantee at its principal offices by certified mail. Grantee shall notify the City Clerk of any change of address of its principal offices. Upon revocation, grantee shall remove its system from the public ways of the city. Such removal shall be done in a manner that will least interfere with other uses of the public ways and shall be completed within sixty (60) days of the notice to remove. In the event the grant is revoked, grantee shall be entitled to reimbursement fee of a pro rata share of its yearly fee based on a proportional number of days remaining in the fiscal year that the grant is revoked. (Prior code § 5-963)

**Section 12.16.150 Priorities.**

The rights and privileges granted to grantee by this chapter are deemed to be inferior to those of any franchise holder of the city. As such, grantee's use of the public way shall be subject to the needs of any franchise holder to use the public way. (Prior code § 5-964)

**Section 12.16.160 Penalty.**

It is unlawful and declared to be an offense punishable as provided in Section 1.20.010 of this code for any person, firm, corporation or association to violate any of the provisions of this chapter. (Prior code § 5-965)

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## Chapter 12.20

### TREES

#### Sections:

- 12.20.010 Trees.**
- 12.20.020 Failure to comply.**
- 12.20.030 Permit to trim, stringing wires.**
- 12.20.040 Building official shall cause supervision of trimming.**
- 12.20.050 Offense.**

#### **Section 12.20.010 Trees.**

It is the duty of every person, firm or corporation who is the owner of, or who as the agent has the control of any real property or premises situated within the limits of the city, abutting on any street, alley, sidewalk or public place, upon being notified to do so by the building official to trim and keep trimmed, all trees on such real property and premises and the parking contiguous and adjacent thereto, the branches of which overhang any portion of the street, alley, sidewalk or other public place, in such manner that the lowermost branches thereof shall be less than ten (10) feet above the level of the portion of such street, alley, sidewalk or other public place so overhung by such branches and so as not to obstruct vision at street intersections. (Prior code § 5-937)

#### **Section 12.20.020 Failure to comply.**

If the owner or agent having control of any real property or premises as above described, after having been notified by the building official to conform to Section 12.20.010 hereof, and after the lapse of twenty-four (24) hours thereafter, shall fail, neglect or refuse to comply with the requirements of Section 12.20.010, it is the duty of the building official to cause the work to be done at the expense of the owner of such real property and premises, and any expense incurred in the doing of the same shall be assessed against such real property and premises, and suit shall be brought for the recovery thereof, including attorney fees, where the owner or agent having control of the real property or premises refuses to pay same. (Prior code § 5-938)

#### **Section 12.20.030 Permit to trim, stringing wires.**

It is 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 the parking or other public place, without first obtaining a permit therefore from the building official. (Prior code § 5-939)

#### **Section 12.20.040 Building official shall cause supervision of trimming.**

Whenever any telephone, telegraph or electric light company, or other person, desiring to string any wires or cables along or across any of the streets, parkings or any other public place of the city, or to make more room for wires or cables already strung, and such person, firm or corporation may desire to trim, cut or remove any tree or any part thereof on the parking or other public place, the person, firm or corporation shall

make application to the building official. If the building official is of the opinion that it is necessary for the proper stringing of the wires to trim or cut any such trees, and the same can be done without serious injury to such trees, he may permit the person, firm or corporation to trim same; provided, however, that no such trees shall be trimmed except under the supervision and control of the building official. (Prior code § 5-940)

**Section 12.20.050 Offense.**

It is unlawful for any person to cut, scar, break or bend any tree or any of its limbs, or otherwise injure any tree situated on the right-of-way, streets, alleys or public places of the city, except as herein provided. (Prior code § 5-941)

## Chapter 12.24

### CITY PARK PROPERTY AND FACILITIES

#### Sections:

- 12.24.010 Park Property and Facilities Defined.**
- 12.24.020 Gifts or Donations, Control.**
- 12.24.030 City May Refuse Gifts or Donations.**
- 12.24.040 Must Not be Concerned in Contracts, Interest in Property or Facilities.**
- 12.24.050 Disclosure of Interest.**
- 12.24.060 Plans Must be Examined by the City Engineer.**
- 12.24.070 Park Property and Facilities Rules and Regulations**

#### **Section 12.24.010 Park Property and Facilities Defined.**

The term “park property and facilities” includes all parks, owned, operated or leased by the City of Sand Springs, Oklahoma, and all buildings, structures, improvements, seats, benches, fountains, boats, floats, walks, drives, roads, trees, plants, flowers and other things thereon, and enclosures of the same and all recreation facilities and the like. (1030, amended, 08/12/2002)

#### **Section 12.24.020 Gifts or Donations, Control.**

Real and personal property may be granted, bequeathed, devised, or conveyed to the City of Sand Springs, Oklahoma, for the purpose of the improvement or ornamentation of park property and facilities, or for the establishment or maintenance of park property and facilities, or the establishment and maintenance therein for zoological or other gardens, observatories, conditions as may be prescribed by the grantors or devisors thereof, and accepted by the City Council. All property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof shall be subject to the management, direction and control of the City pursuant to direction given by the City Council. (1030, Amended, 08/12/2002)

#### **Section 12.24.030 City May Refuse Gifts or Donations.**

The City Council of the City of Sand Springs, Oklahoma, shall not be compelled to accept any gift or donation of real or personal property which, in its judgment, is unsuitable for park property, facilities or recreational purposes. (1030, Amended, 08/12/2002)

#### **Section 12.24.040 Must Not be Concerned in Contracts, Interest in Property or Facilities.**

(A) No member of the Parks and Recreation Advisory Board shall be concerned in any park property or facility contract with the City of Sand Springs, Oklahoma, or any of its departments or institutions, either as contractor, subcontractor, bondsman, or other party, directly or indirectly, interested; except those interests as fully disclosed pursuant to Section 12.24.050 – Disclosure of Interest.

(B) If any employee or officer of the City be the owner of, or interested in, any property necessary, in the opinion of a majority of the members of the City Council, to be taken for park property or facilities purposes, then proceedings shall be by condemnation, and such facts of ownership and interest shall be fully set forth in the position. (1030, Amended, 08/12/2002)

**Section 12.24.050 Disclosure of Interest.**

Any Parks and Recreation Advisory Board member who shall have any financial interest, directly or indirectly, in any such matter to be acted upon by the Board shall make written disclosure of such interest through the City Manager and shall recuse himself or herself therefrom and shall not participate in the discussion pertaining to such actions to be taken thereon. (1030, Amended, 08/12/2002)

**Section 12.24.060 Plans Must be Examined by the City Engineer.**

All plans for new work or changes in park properties or facilities of the City shall be examined by the City Engineer, reviewed by the Park and Recreation Advisory Board, and a report be received and approved by the City Council before the plans can be adopted or their execution begun. (1030, Amended, 08/12/2002)

**Section 12.24.070 Park Property and Facilities Rules and Regulations**

A. All park property and facilities within the meaning of this chapter are subject to all rules and regulations hereinafter set out. The City Council may adopt additional regulations for operation of the parks and recreational facilities of the city. A violation of any of the following park rules or regulations is punishable as provided in Section 1.20.010 of this code.

B. General regulations are:

(1) No person shall mark, deface, disfigure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, decorative structures, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

(2) No person shall damage, cut, carve, mark, transplant or remove any plant or injure the bark, pick flowers or seeds of any tree or plant; dig in or otherwise disturb grass areas; or in any other way injure the natural beauty or usefulness of any park property or facility;

(3) No person shall cut any tree, dead or alive, whether erect or felled, or collect leaves, bark woodchips, mulch, or other organic material for any purpose unless specifically authorized by the City Manager or his designee.

(4) No person shall handle or disturb plants, flowers or any other object or thing in any greenhouse or nursery; or remove any flowers, either cut or uncut, or plants or property of any park area or facility, or greenhouse; or plant, set out or otherwise place any plant material, tree, shrub or flower within any park property or facility unless specifically authorized by the City Manager or his designee.

(5) No person shall hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird or give or attempt to give any such animal, or have in one's possession any wild animal or its young, or the eggs, nest or young of any bird or reptile;

(6) No person shall skate, glide or coast by means of skates, shoes, skateboards or any other device or machine in any park property or facility except those facilities that may be designated for such use;

(7) No person shall discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park property or facility; or in any storm sewer or drain flowing into such water any substance, matter, thing, liquid or solid which will or may result in the pollution of the waters;

(8) No person shall start the water flowing from any water supply or spigot, other than at a drinking fountain or place provided as a watering place for people or animals; or disregard or fail to comply with any rule or regulation posted or displayed at any swimming pool, or wading pool;

(9) No person shall make a fire for food preparation purposes in any park property or facility except in facilities specifically provided for such purposes. Any fire shall be under the continuous care and supervision of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other incendiary material or device in any park property or facility. No person shall discharge or use any fireworks of any kind in any park property or facility except at such times as the City Manager or his designee may permit licensed operators to provide fireworks displays or exhibits;

(10) No person shall ride, drive or allow a horse in any park property or facility, except for those trails or facilities specifically designated for equestrian use. At no time shall any horse be left unattended or be fastened to anything other than a post or rail specifically provided and designated for such uses;

(11) No person shall use any portion of any park property or facility for toilet purposes, except in public restrooms or similar facilities provided.

(12) No person shall seine for minnows or other aquatic animals or use a seine for any purpose within any body of water in any park property or facility. No person shall catch or take, or attempt to catch or take in any manner within any park facility, any fish for commercial purposes except that this shall not apply to anyone acting pursuant to a valid contract for taking of such fish. Bow fishing is prohibited in all park properties and facilities unless such facilities are specifically designated and posted for such activity;

(13) No person shall offer or display for sale for a profit any article without first having obtained authorization from the City Manager or his designee and any applicable licenses or permits;

(14) No person shall enter upon or use a park property or facility without paying an admission, rental or membership fee when such fee has been established or has been approved by the City. No person shall enter into any park property or facility by

other than the approved areas of access, or remove or disturb any barrier intended to prevent access, entry or occupancy. No person shall go into any shrubbery or enclosure or upon any lawn, slope or other area where there is a sign prohibiting such ingress;

(15) No person shall drive or park a vehicle in any park property or facility, except upon a designated roadway or parking area. No vehicle shall be operated at a speed in excess of twenty-five (25) mile per hour. Under no circumstances shall any vehicle designated for the purpose of transporting freight, merchandise or bulk materials of any kind enter into any park facility unless specifically authorized to do so by the City Manager or his designee.

(16) No person shall bring into or have in his possession in any park property or facility any firearm, BB gun, air pistol, bow and arrow, crossbow, slingshot, knife or other weapon capable of inflicting injury to persons, animals or property, whether or not such weapons are loaded, unless such park property or facility has been specifically designated and posted for such use or unless the use is in conjunction with an approved program.

(17) No person shall swim or wade in any lagoon, lake, fountain or other water in any park facility, without specific authorization by City personnel except in swimming, wading or spray pools constructed for such activities in specifically designated areas. Further, no person shall swim or wade in any pool at any time when the pool is not open to the public.

(18) No person shall disturb any tree in any park facility. For purposes of this subsection, disturbing shall include but not be limited to clubbing, flailing, thrashing, shaking, throwing objects into, ramming, shooting or climbing into any tree;

(19) No person shall interfere with, disobey or ignore any lawful order of any City personnel while in the performance of his/her duties in any park property or facility;

(20) No person shall attach any rope, cable or other contrivance, or post, paint, erect or place any sign, banner or advertisement to any tree, fence, railing, bridge, bench or other structure without specific authorization by the City;

(21) No person shall consume any alcoholic beverage or any low-point beer, as such are defined by the statutes of the State of Oklahoma, on a road or parking lot within any park property or facility;

(22) No person shall practice golf in any park property or facility not specifically designed for such uses;

(23) No person shall camp, erect a tent, build a fire or park an automobile or other vehicle for the purpose of sleeping therein or under cover projecting there from within any park property or facility unless said action is associated with a special event or special function previously approved by the City Manager or their designee (1287, eff. 06/27/2016)

C. Curfew regulations: No person shall enter into or remain upon nor shall any vehicle be left unattended in any park facility between the hours of 12:00 midnight and 6:00 a.m., unless an earlier curfew is approved by the City and posted at the park property or facility; provided, however, that use of such park property or facility may be allowed during these hours when a permit has been obtained in accordance with procedures set forth.

D. Animal regulations: It shall be unlawful for anyone to possess, allow or permit any animal of whatever nature into any park property or facility unless the animal shall be on a leash not exceeding six (6) feet in length. No animal, except those assisting persons with disabilities under control of such persons, shall be allowed within any building, sport complex, rodeo arena or swimming pool unless it is in conjunction with an activity approved by the City Manager or his designee. Any handler of any animal which is creating a disturbance or which is not being properly supervised may be evicted from any park property or facility. Under no circumstances shall any exotic animal wild by nature be brought or allowed into any park property or facility. It shall be unlawful for any person to abandon any animal of any nature in any park property or facility.

E. Acts requiring authorization: It shall be an offense for any person to perform any of the following acts within any park property or facility without having first obtained a permit or written authorization from the City Manager or his designee.

(1) Give any theatrical entertainment, moving picture show, parade, procession or public gathering, festival, concert, recreational program, event, or other outdoor presentation, whether or not an admission fee is charged;

(2) Use a public address system, amplifier or any other device to amplify and direct sound that is plainly audible at a distance of fifty (50) or more feet;

(3) Dig, bury erect, build, uncover, place or remove any object or store any materials or equipment of any kind;

(4) For commercial purposes, sell, or offer for sale or give away without charge any food, drink, merchandise, service, flyers or any other article;

(5) Use any park facility for any commercial purpose including the production of films, photographs or advertisements, whether for sale to individuals or groups;

(6) Tie or fasten to any pier, stake, beach or store any boat or other vessel used or intended to be used for transportation on water except in areas specifically designated for such use; and

(7) Take off, ascend, land, attempt to take off, ascend or land an airplane, helicopter, hydroplane, airship, balloon, hang glider, sailplane or other aircraft intended for travel in the air with an operator or passenger. Any person applying for authorization to conduct such activities shall submit with the application evidence that all other applicable permits have been issued by any federal or state agency having jurisdiction over such activities. No such aircraft shall be operated at an altitude of less than two thousand (2,000) feet from the earth unless engaged in an activity for which a permit has been issued or engaged in normal takeoff and landing procedures at an approved airport. No person shall engage in any trick or acrobatic flying, parachuting, or drop, throw or permit to be dropped or thrown, any object from any aircraft. Provided, however, this paragraph shall not apply to emergency situations when such acts are necessary for the protection of human life. (1030, Amended, 08/12/2002)

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## Chapter 12.28

### URBAN RENEWAL PROGRAMS

#### Sections:

- 12.28.010** Creation and powers.
- 12.28.020** Declaration and findings.
- 12.28.030** Workable program for utilization of private and public resources.
- 12.28.040** Maximum rehabilitation and redevelopment by private enterprise.
- 12.28.050** Personal interest of public officials or employees in project or property.

#### **Section 12.28.010 Creation and powers.**

Pursuant to a vote of the people of the city, there is hereby created in the city an urban renewal authority with the powers set out herein and as set out in Title 11, Oklahoma Statutes 38-101 et seq. "Urban Renewal". Such authority shall be called the Sand Springs Development Authority. (Prior code § 12-501)

#### **Section 12.28.020 Declaration and findings.**

A. It is hereby found and declared that there exists in the city blighted areas as herein defined which constitute a serious and growing menace, injurious and inimical to the public health, safety, morals and welfare of the residents of the city, that the existence of such areas contributes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound urban growth, retards sound economic development, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of blight is a matter of city policy and city concern; that the city shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenue because of extra services required for police, fire, accident, hospitalization and other forms of public protection, services and facilities; that by such prevention and elimination, property values will be stabilized and tax burdens more equitably distributed, and the financial and capital resources of the city will be strengthened; that this menace can best be remedied by cooperative participation of private enterprise, the city and public agencies.

B. It is further found and declared that certain blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this chapter, since the prevailing conditions of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; that the salvable blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized, and the cooperation and voluntary action of the owners and tenants of the property in such area.

C. It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised; and it is hereby declared that it is a matter of legislative determination that the provisions of this chapter are enacted in the public interest. (Prior code § 12-502)

**Section 12.28.030 Workable program for utilization of private and public resources.**

The city, for the purpose of this chapter, shall formulate for its area of operation, a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of blight, to encourage needed rehabilitation, to provide for the redevelopment of blighted areas, or to undertake any of these activities or other feasible public activities as may be suitably employed to achieve the objectives of the workable program. The workable program may include, without limitation, provision for: the prevention of the spread of blight into areas of the city which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of blighted areas or portions thereof. (Prior code § 12-503)

**Section 12.28.040 Maximum rehabilitation and redevelopment by private enterprise.**

The urban renewal authority and the city to the greatest extent, determined to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. The urban renewal authority and the city shall give consideration to this objective in exercising their powers under this chapter, including the formulation of a workable program, the approval of urban renewal plans which shall be consistent with the general plan of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provisions of necessary public improvements. (Prior code § 12-504)

**Section 12.28.050 Personal interest of public officials or employees in project or property.**

No public official or employee of the city or board or commission thereof, and no commissioner or employee of an urban renewal authority which has been vested by the city with urban renewal project powers under this chapter, shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of the city or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the council of the city. If such official, commissioner or employee presently

owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in an urban renewal project, he or she shall immediately disclose this fact in writing to the council of the city, and any such officials, commissioner or employee shall not participate in any action by the city or board or commission thereof, or urban renewal authority affecting such property. The disclosure required to be made by this chapter to the council of the city shall concurrently be made to the urban renewal authority which has been vested with urban renewal project powers by the city pursuant to the provisions of this chapter. No commissioner or other officer of any urban renewal authority, board or commission exercising the powers pursuant to this chapter shall hold any other public office under the city other than his or her commissionership or office with respect to such urban renewal authority. (Prior code § 12-505)

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## Chapter 12.32

### MEETINGS, ASSEMBLIES AND PARADES IN PUBLIC PLACES

#### Sections:

- 12.32.010 Definitions.
- 12.32.020 Permit required.
- 12.32.030 Exceptions.
- 12.32.040 Application.
- 12.32.050 Findings required.
- 12.32.060 Conditions to permit.
- 12.32.070 Prior application.
- 12.32.080 Notice of issuance or denial.
- 12.32.090 Appeal procedure.
- 12.32.100 Contents of permit.
- 12.32.110 Duty of permittee.
- 12.32.120 Revocation of permit.
- 12.32.130 Public conduct during a meeting, assembly or parade.

#### Section 12.32.010 Definitions.

As used in this chapter:

- A. "Activity" means a parade or public meeting or assembly;
- B. "Funeral procession" means a single direct movement from a mortuary or church to the place of burial of a human body, under direction of an authorized funeral director;
- C. "Parade" means a march or procession of any kind;
- D. "Public meeting or assembly" means a planned or organized gathering of a group of persons, or any ceremony, show, exhibition or pageant which may reasonably be expected to result in the gathering of a group of persons, upon any public street, park or other public grounds. (983, Amended by Recodification, 03/26/2001)

#### Section 12.32.020 Permit required.

It is unlawful for any person to hold, manage, conduct, aid, participate in, form, start or carry on any parade or public meeting or assembly, as defined in this chapter, in or upon any public street, park or other public grounds in the city unless and until a permit to conduct such meeting, assembly or parade has been obtained in compliance with the provisions of this chapter, except as herein provided. (983, Amended by Recodification, 03/26/2001)

#### Section 12.32.030 Exceptions.

This chapter shall not apply to any of the following:

- A. Funeral processions;
- B. A governmental agency acting within the scope of its functions;

C. Students going to and from school classes or participating in educational activities, providing such activity is authorized by the school district and is under the immediate direction and supervision of the school authorities authorized by the school district to approve and supervise such activity. (983, Amended by Recodification, 03/26/2001)

**Section 12.32.040 Application.**

A. Application for permits under this chapter must be filed with the chief of police not less than five days in advance of the proposed activity. Late applications may be accepted if filed sufficiently in advance of the date of the proposed activity to enable the chief of police to determine that said activity will meet the requirements set forth in Section 12.32.050 of this chapter.

B. The application shall be in writing and shall give the following information:

1. The name, address and telephone number of the person requesting the permit. If the activity is proposed to be conducted for, on behalf of, or by any organization, the name, address and telephone number of the headquarters of the organization and the authorized head of such organization shall be stated;

2. The name, address and telephone number of the person who will be directly in charge of and responsible for the activity;

3. The purpose of the activity;

4. The date, time and location or route of the proposed activity;

5. The approximate number of persons who will participate in the activity and the number and kind of vehicles, equipment and animals which will be used;

6. Plans for the assembly and dispersal of the parade, including times and locations thereof;

7. A statement as to whether the parade will occupy all or only a portion of the streets proposed to be traversed;

8. A statement as to whether a permit has been requested or obtained from any other city within which said activity shall commence, terminate or occur in part;

9. Any additional information which the chief of police shall find reasonably necessary to a determination of the findings required by Section 12.32.050 of this chapter. (983, Amended by Recodification, 03/26/2001)

**Section 12.32.050 Findings required.**

The chief of police or his or her designated representative shall issue a permit as provided for hereunder when from a consideration of the application and from such other information as may otherwise be obtained he or she finds that:

A. The conduct of such activity will not substantially interrupt the safe and orderly movement of other traffic;

B. The concentration of persons, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the activity will take place or areas contiguous to such area;

C. The conduct of such activity will not unduly interfere with the movement of firefighting equipment enroute to a fire, or the movement of other emergency equipment;

D. The conduct of such activity is not reasonably likely to cause injury to persons or property; and

E. Such activity is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor. (983, Amended by Recodification, 03/26/2001)

**Section 12.32.060 Conditions to permit.**

The chief of police shall have authority to impose such conditions as are necessary to insure that all of the findings mentioned in Section 12.32.050 above shall exist during the continuation of the activity. (983, Amended by Recodification, 03/26/2001)

**Section 12.32.070 Prior application.**

If a prior permit application shall have been made for an activity proposed to be held at the same time or place, the chief of police may refuse approval of the later application. In case of such refusal, he or she shall forthwith send the applicant a written notice that he or she may apply for an alternate time and place. (983, Amended by Recodification, 03/26/2001)

**Section 12.32.080 Notice of issuance or denial.**

The chief of police shall act upon the permit application within three days of the filing thereof. If he or she disapproves of the application, he or she shall mail to the applicant within that three-day period notice of the denial and the reason for it. (983, Amended by Recodification, 03/26/2001)

**Section 12.32.090 Appeal procedure.**

The applicant shall have the right to appeal the denial of a permit to the City Council. A notice of appeal shall be filed with the City Clerk within two days after receipt of notice of the denial. The City Council shall act upon the appeal at its next meeting following receipt of the notice of appeal. (983, Amended by Recodification, 03/26/2001)

**Section 12.32.100 Contents of permit.**

Conditions to the issuance of any permit shall be set forth in the permit. (983, Amended by Recodification, 03/26/2001)

**Section 12.32.110 Duty of permittee.**

A. A permittee hereunder shall comply with all terms and conditions of said permit and with all applicable laws and ordinances.

B. The written permit obtained pursuant to this chapter shall be carried by the person heading or leading the activity for which the permit was issued. (983, Amended by Recodification, 03/26/2001)

**Section 12.32.120 Revocation of permit.**

The chief of police may revoke any permit issued hereunder upon the failure of the permittee to comply with the terms and conditions of said permit or if the activity, because of the manner in which it is being conducted, or for any other reason, is jeopardizing those elements of the public safety or welfare set forth in Section 12.32.050 of this chapter. (983, Amended by Recodification, 03/26/2001)

**Section 12.32.130 Public conduct during a meeting, assembly or parade.**

A. It is unlawful for any person to unreasonably obstruct, impede or interfere with any parade or public meeting or assembly or with any person, vehicle or animal participating in such a parade, meeting or assembly for which a permit has been granted in accordance with the provisions of this chapter.

B. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. (983, Amended by Recodification, 03/26/2001)

## Chapter 12.36

### ENTRY/ACCESS REQUIREMENTS FOR CONTROLLED ACCESS GATES

#### Sections:

- 12.36.010 General Provisions
- 12.36.020 Location
- 12.36.030 Damaging Devices Prohibited
- 12.36.040 Design and Construction Standards
- 12.36.050 Maintenance
- 12.36.060 System Requirements
- 12.36.070 Street Pavement Width
- 12.36.080 Operation Compliance
- 12.36.090 Covered Structures
- 12.36.100 Access Agreement
- 12.36.110 Inspection Required
- 12.36.120 Fees
- 12.36.130 Penalties

#### **Section 12.36.010 General Provisions**

No public street shall be obstructed. Gated access will only be considered and allowed for private streets in approved Planned Unit Developments, apartment projects, or other subdivision plats approved by the City Council. All plats submitted with private streets and gated access shall require the approval of the Planning Commission and the City Council. The City Engineer, The Fire Marshal, and the Building Official, prior to the issuance of any building permits, shall approve a detailed Site Plan for gated access areas.

#### **Section 12.36.020 Location**

Any gate shall be located a sufficient distance from a public street to allow three (3) cars to line up at the gate so as to completely clear the driving surface of the abutting public street without interfering with vehicles utilizing the public street. A turn around lane shall be provided for vehicles unable to enter the gated development.

#### **Section 12.36.030 Damaging Devices Prohibited**

Road spikes, barbs, or other tire damaging devices are prohibited. Spikes installed on gates shall also be prohibited.

#### **Section 12.36.040 Design and Construction Standards**

Adopted City of Sand Springs standards for streets, sidewalks, fire lanes, fire hydrants, and other engineering requirements shall apply to controlled access development.

### **Section 12.36.050 Maintenance**

A Homeowners' Association or a similar entity shall be established and the name, addresses and emergency contact numbers provided to the Fire Department.

The Homeowners' Association shall be responsible for the following:

- A. Maintenance and repairs of the private streets and/or fire lanes, and to provided the funds for such.
- B. Maintenance testing and repairs of all functions of the gate.
- C. Accompanying the Fire Department officers during annual inspection and testing of the opening systems.
- D. Maintaining a service agreement with a qualified contractor to insure year round maintenance.

### **Section 12.36.060 System Requirements**

The following installation and operation requirements shall be maintained at all times for each controlled access gate facility:

- A. The minimum gate opening width, including clearance for all improvements related to the gate, shall not be less than fourteen (14) feet per lane if there is to be ingress and an egress gates.
- B. An emergency release or hitch pin shall be installed on the control arm. This hitch pin, when removed, will detach the control arm from the gate and allow the gate to swing open freely with manual intervention.
- C. A battery back-up system shall be provided for each gate. These batteries will be trickle charged to maintain electrical energy, and in the event of loss of normal electrical current, cause the gate to open until reset by the Homeowners' Association.
- D. The gate shall be equipped with a rapid entry key lock box to be located at or near the main entrance to the property. The specific type of lock box and mounting location shall be approved by the Fire Marshal.
- E. The location of all rapid entry key lock boxes, hitch pins, related equipment, operation of gate, signage, opening design, swinging or sliding operation of the gate or any other design specification shall be constructed and installed in accordance with the approved plans.

### **Section 12.36.070 Street Pavement Width**

The minimum paving width for all lanes entering and exiting the development at the gated entry shall not be less than fourteen (14) feet in width. All streets within the development shall otherwise meet the requirements of the Comprehensive Plan, Subdivision Regulations, and the design standards of the City of Sand Springs. Should parking along the street be requested by the developer, appropriate signage shall be provided and the minimum width of the roadway shall be twenty-six (26) feet.

### **Section 12.36.080 Operation Compliance**

Should any problem occur in the operation of the gate or any violation of any section of this ordinance, the gate shall remain open and accessible until the problem is resolved and/or the gate is repaired and tested.

**Section 12.36.090 Covered Structures**

When a covered entry structure is requested, the minimum height shall be no less than fourteen (14) feet. The width shall be no less than sixteen (16) feet.

**Section 12.36.100 Access Agreement**

Any developer, Homeowners' Association, or other responsible property owners proposing any gated community must provide the City of Sand Springs access assurance prior to installation of any approved gate. The access shall be provided by an easement to be dedicated to the City of Sand Springs in the deed of dedication of the plat for utilities and essential City services in the streets and common areas as designed on the subdivision plat.

**Section 12.36.110 Inspection Required**

The developer, Homeowners' Association, or other responsible property owners shall provide for annual inspection of each gate to insure that each gate is tested to meet all of the construction requirements prior to it being approved for operation or continued operation at any point the gate fails to meet the standards. The verification of the access agreement and a copy of the latest inspection form will be kept on file with the City of Sand Springs City Clerk including the contractor's name, address, and 24-hour-a-day telephone number(s). The developer, homeowner's representative, or responsible property owner's name, address, and telephone number shall be a minimum requirement for approval of the annual inspection of the gate.

**Section 12.36.120 Fees**

A registration fee consistent with the latest City Council approved fee schedule shall be paid to the City of Sand Springs for plan review and inspection fees of all proposed gated communities. Additionally, an annual inspection fee, as according to the latest City Council approved fee schedule, shall be paid prior to the inspection.

**Section 12.36.130 Penalties**

Any person, firm, corporation or association violating any of the provisions of this chapter shall be deemed guilty of an offense, and upon conviction thereof, shall be fined as provided in Section 1.20.010 of this code.

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