

ORDINANCE 413

AN ORDINANCE PROVIDING SPECIFIC RULES AND REGULATIONS CONCERNING ROADWAYS, DRIVEWAYS, SIDEWALKS, CURBS AND OTHER SURFACED AREAS PLACED WITHIN THE CITY OF STILWELL

WHEREAS, Rules governing the placement, size, surface type, to ensure the safe movement of traffic and to ensure that nuisances of the traffic areas can be abated properly within the City of Stilwell are vital to the health and safety of the residents of the City of Stilwell

WHEREAS, it is the opinion of this Council that adequate guidelines are essential for the placement, size, surface type of traffic areas within the City limits of Stilwell.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:

SECTION 1. Definitions

For the purpose of construction and enforcement of this chapter, certain abbreviations, terms, phrases and their derivatives shall be construed as set out in this chapter unless the context indicates otherwise. Words relating to buildings and structures on private property and their use, when not otherwise specifically defined, and when set out in this chapter, shall be construed to conform to the meaning set out in the IBC. All other words shall have their usual meaning.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- A. **ANGLE PARKING**: Parking where the longitudinal axis of vehicles forms an angle with the alignment of the roadway.
- B. **APPURTENANCE**: constituting a legal accompaniment
- C. **APPROVED**: The approval by the building official based upon accepted principles, or upon reports of investigation and tests by national authorities, technical or scientific organizations.
- D. **COMMERCIAL DRIVEWAY APPROACH**: An area of construction between the roadway of a public street and private property arranged or designed to provide access for vehicles from the roadway to premises used for other than residential use.
- E. **CONTRACTOR**: Any person, firm, or corporation engaged in the business of installing or altering walks, drives, curbs, gutters, or pavements or appurtenances on public property whether by contract, day labor or otherwise. This term shall also include those who represent themselves to be engaged in the business whether actually doing the work or not and includes any person who subcontracts to do such work.
- F. **CROSSWALK**:
 - 1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from

- the curbs, or in the absence of curbs, from the edges of the traversable roadway;
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surfaces.
- G. CURB: A vertical or sloping member along the edge of a pavement forming part of a gutter, strengthening or protecting the pavement edge and clearly defining the pavement edge to vehicle operators. The surface at the curb, facing the general direction of the pavement, is called the face.
- H. CURB CUT: A portion of the curb which may be removed to allow access to private property by use of a driveway.
- I. DOUBLE FRONTAGE: A lot having a frontage on two (2) nonintersecting streets.
- J. DRIVEWAY APPROACH: An area, construction or facility between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to private property.
- K. GUTTER: The artificially surfaced and generally shallow waterway provided usually at the side of the street adjacent to, and part of, the curb for the drainage of surface water.
- L. INTERSECTION:
1. The area embraced within the prolongation of connection of the edges of the roadway of two (2) or more streets which join at an angle whether or not one such street crosses the other; and
 2. Where a street includes two (2) roadways thirty feet (30') or more apart, then each crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty feet (30') or more apart, then each crossing of two (2) roadways of such street shall be regarded as a separate intersection.
- M. OFF STREET PARKING: A type of parking wherein the maneuvering of the vehicle while parking, leaving from the parking space, and the actual parking itself, is done entirely on private property and where access to area is by means of standard driveway approaches.
- N. PERSON: A human being, his heirs, executors, administrators, or assigns, and where the context permits, it also includes a firm, partnership, association, or corporation, its' or their successors or assigns, or the agent of any of the aforesaid.
- O. RESIDENTIAL DRIVEWAY APPROACH: An area of construction between the roadway of a public street and private property arranged or designed to provide access for vehicles from the roadway to premises used for residential use.
- P. ROADWAY: The portion of a highway, street or road, improved, designed, or ordinarily used for vehicular travel. In the event a street includes two (2) or more separate roadways, the term "roadway" used herein shall refer to any such roadway separately but not to all such roadways collectively.
- Q. SIDEWALK: The portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines for the use of pedestrians.
- R. STREET: A general term denoting a public way for purposes of vehicular travel, including the entire area within the right of way. This term shall also be used in urban areas to denote a highway or street and in rural areas shall denote a highway or road.
- S. STREET RIGHT OF WAY: A strip of land which may be used as a thoroughfare and for access to abutting property and which is used, dedicated or deeded for public use.

- T. **TRAFFIC ISLAND:** An island, with barrier edge to exclude vehicles, designed for the purpose of separation or directing streams of vehicular traffic.

SECTION 2. Permits

- A. No person, firm, or corporation shall construct, alter, repair, remove, pave, repave, surface or resurface any walk, drive, curb, gutter, paved area or appurtenance in the City of Stilwell without first obtaining a permit.
- B. To obtain a permit a representative of the person, firm, or corporation doing the work shall furnish an application to the Code Enforcement Department for the proposed work. The application must include the entire scope of work, to include, but not be limited to, the surface type being applied, the square footage of the proposed work, any BFE if required, the contractor information, (name and contact number), depth of the proposed surface being applied, underlayment, and, if the project involves connecting to a State highway, prior approval from the State. A permit can be obtained at City Hall.
- C. The Code Enforcement Department will review the application and all relevant associated paperwork and determine if the project conforms to the building code, ordinances and State regulations. Once the review is completed and all fees are paid a permit can be issued. The project will be inspected, at a minimum, prior to the surface being applied and when the work is completed.
- D. Fees for the permit will be in accordance with the most current version of Ordinance 385.

SECTION 3. Protection of the Public

- A. When work is being done and there is any interference with the public sidewalk, street, alley or other right of ways, the erection of barricades, proper signage, and, if necessary, a person to direct traffic will be present. This would include equipment parked or sitting in a manner that can obstruct a pedestrian's or driver's view from safely merging into or onto any roadway, sidewalk or alley.
- B. No equipment can be placed on the public right of ways without specific permission to do so. Some equipment can harm the road and sidewalk surfaces.
- C. Any debris from the job site must be cleaned daily and upon the completion of the job. Debris includes, dirt, rocks, boards, nails or any other material that can cause harm to any person or vehicle. Debris must be contained to the job site no material can be allowed to run off in any ditches, culverts or roadways. When necessary a silt fence will be erected on the job site.

SECTION 4. Retaining Walls

No buttresses, steps, projections, retaining walls or fences shall be constructed on any property covered by this ordinance without permission from the City of Stilwell. Permission can be requested through the Code Enforcement Department and may require approval from the City Council.

SECTION 5. Drainage Devices

For all drive approaches placed within the City, the location of the drive must be reviewed by the Street Department to determine if a drainage device is necessary. The location, size, and type of drainage device will be determined by the Street Department. The cost of the drainage pipe will be the responsibility of the property owner.

SECTION 6. Approaches on Streets Without Curb and Gutter

Approaches on streets and alleys without curb gutters shall, in general, meet the same requirements as residential driveways, with the following additional requirements:

- A. The design of all driveways on streets without curb and gutter shall conform to the requirements of current ordinances and IBC.
- B. The Street Department may require the right of way ditch to be replaced by a culvert, provided that the culvert shall be of a size adequate to handle the expected flow of water without damage to the street or alley, but in no case shall the culvert be less than twelve inches (12") in diameter.
- C. Where a culvert and drive approach is installed, the Street Department may require that the culvert and drive approach be covered by a hard surface material. Any concrete work done on unpaved streets shall, under the express provision that if subsequent paving or general improvements are required, be taken up and replaced at the owner's expense to conform to new or subsequent grades.
- D. The cost of the culvert will be the property owner's responsibility

SECTION 7. Lots with Double Frontage

- A. Driveway approaches on any parcel of property with double frontage shall be located along the street for which it is addressed unless otherwise approved.
- B. A request for driveway approaches on any parcel of property with double frontage to be located along the street for which it is not addressed shall be reviewed by Code Enforcement Department and Street Department.

SECTION 8. Drive Approaches on Arterial Streets

The placement of driveway approaches on any parcel of property along an arterial street shall be reviewed and approved by the Code Enforcement Department prior to placement

SECTION 9. Commercial Driveways

- A. Commercial driveways shall in general meet the same requirements as to location, angle, radii, as residential driveways with curb and gutter and drive approach on streets and alleys without curb and gutter with the following exceptions:
- B. Commercial driveways shall not be less than twelve feet (12') nor exceed thirty feet (30') in width at the property line; nor should any commercial driveway have a curb opening of over sixty feet (60').
- C. Driveway approaches for vehicle service stations shall not exceed forty feet (40') measured along the property line; and

- D. Driveway approaches for motor vehicle docks within a building shall not exceed sixty feet (60') in width at the property line. Where more dock space is required, the driveway approaches shall be separated by a traffic island.

SECTION 10. Maximum Space to be Occupied by Driveway Approaches

Driveway approaches shall not occupy more than sixty percent (60%) of the frontage abutting the roadway of the tract of ground devoted to one use which abuts the roadway, regardless of type of driveway.

SECTION 11. Number of Driveway Approaches Allowed

Not more than two (2) drive approaches shall be permitted on any parcel of property with one hundred fifty feet (150') or less of frontage. Additional approaches for parcels of property in excess of one hundred fifty feet (150') may be permitted after proof has been furnished to the Code Enforcement Department and, where applicable, the state department of transportation or other public agency.

SECTION 12. Separation Between Driveway Approaches

When more than one driveway approach is required to serve a parcel of property, a traffic island shall separate the driveway approaches. The width of the traffic island at the property line shall be a minimum of fifteen feet (15'). Where the grade at the property line is the same as the sidewalk, a six inch (6") raised curb shall be constructed at the back of the traffic island along the property line. The raised curb shall be constructed so as to end eighteen inches (18") from the intersection of the driveway approach with the property line.

SECTION 13. Driveway Approaches at Pedestrian Crossings

Driveway approaches shall not be located at street intersections or at established pedestrian crossings.

SECTION 14. Driveway approaches at Obstructions

Driveways shall be kept a minimum of five feet (15') away from obstructions such as streetlight posts, fire hydrants, and traffic signal standards.

SECTION 15. Driveway Approaches not to be Obstructed

Driveway approaches shall not be constructed or designed for use for the standing or parking of vehicles or for use as angle parking. An approach is to be used for the ingress and egress from the given property. Vehicles parked in this area can cause obstructions for neighboring properties when leaving and entering their properties as well as pedestrians utilizing the easement area. Therefore, the driveway approach within the City easement area cannot be obstructed.

SECTION 16. Maintain in Good and Safe Condition

Persons making special use of any sidewalks, drives, curbs, gutters, pavements and appurtenances for egress or ingress purposes, sidewalk elevators, downspouts, subarea space or any other specific use of whatsoever kind or character shall keep the sidewalk, drive, curb, gutter, pavement and appurtenance in a good and safe condition and free from any defects or hazards of any kind or character.

SECTION 17. Vehicle Service Station Pump Islands

Pump islands which are parallel to the street property line shall be located a minimum of twelve feet (12') from the street right of way. Pump islands which are not parallel to the street shall be located a minimum of twenty feet (20') from the street right of way measured at right angles to the street right of way.

SECTION 18. Variances

The city council shall have the authority in specific cases to allow a variance from the requirements of curb cuts and driveway approaches as will not be contrary to public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship to the use of preexisting structures.

SECTION 19. Abandoned Driveway Approaches

- A. Whenever the use of any driveway approach is abandoned and not used for ingress and egress to the property, the Code Enforcement Department may require the owner of such abutting property to restore the curb according to the standards provided in this chapter after written notification by the Code Enforcement Department within a period of sixty (60) days.
- B. Drives serving property which changes use (e.g., service station to neighborhood convenience store, or ice dock to office, or residential to commercial) and does not meet the requirements of this chapter shall be closed and reconstructed to conform.
- C. Curb cuts permitted for parking behind the curb line on street rights of way shall also be closed when building changes use or is abandoned.

SECTION 20. Curb and Gutter Specifications

Basic guidelines are as follows:

- A. Testing shall conform to the current manual of the American Society for Testing Materials, ASTM.
- B. Specifications shall conform to the best practice and design of the current manual of the Oklahoma State Department of Transportation
- C. Specific test and specification numbers are not given since they tend to change with superseding issues and technology

- D. Curbs and gutters are to be formed from concrete, whereby Portland cement, fine aggregate, and water are combined to produce a dense, plastic material, which shall have a minimum twenty-eight (28) days' compressive strength of three thousand five hundred (3,500) psi (pounds per square inch), when sampled and tested using ASTM procedures. Presently this comprises taking two (2) six inch by twelve inch (6" x 12") cylinder samples and subjecting them to compression tests, after curing for twenty-eight (28) days under laboratory conditions
- E. Slump of one and one-half inches (1 1/2") to three inch (3") range is common, however concrete curb and gutter formed by extrusion from machine molds approaches zero slump
- F. Air entrainment of four percent (4%) to eight percent (8%), depending on coarse aggregate size, is approved, and especially recommended on pours subjected to cold weather
- G. Suitable methods are to be used to vibrate the concrete to eliminate voids
- H. Good practice finishing methods are to be used, particularly using sufficient wetting to prevent premature drying. Liquid membrane can also be used to slow down the drying process
- I. The back of the curb and gutter is to be backfilled with earth and tamped
- J. Tie bars and dowels may be used to connect to paving, and to strengthen curb and gutter. In asphaltic paving, the practice of extending the bottom of the gutter base one inch (1") longer than the top, which allows the asphalt to deform against the gutter giving better support, is permitted. Other methods such as sealants may be used
- K. Expansion joints are to be made as required by current good practice
- L. In general, the paving is to have parabolic crown, some three inches (3") to four inches (4") higher at the center line, with a gradual slope to meet and conform to the gutter height
- M. In driveways the curbing is to be sloped to driveway grade, using sufficient radius curve to ensure easy access to driveway
- N. At street corners, it is required that as small a radius be used as possible, so that a direct arc measurement where curving of curb begins be from twenty feet (20') to twenty-five feet (25') in length. It is recognized that power curbing machines are limited to eight feet (8') to ten feet (10') radius, depending on size.

SECTION 21. New Annexed Land to Conform to Specifications

No territory annexed to the City, which has been platted into lots and blocks and has designated thereon the streets and alleys shall be annexed to the City unless the construction of the drives, streets, curbing and gutters are in compliance with the requirements of this ordinance, the IBC and any State requirements. However, in cases of extreme emergency the requirements of this Section may be waived by the City Council.

SECTION 22. Enforcement

- A. Violations of this ordinance will be handled through the Code Enforcement Department or a designee approved by the Mayor's Office.
- B. Persons, firms or corporations in violation of this ordinance can be fined and/or subject to abatement.

- C. Penalties for violating this ordinance can be a fine equal to the amount of the permit fee plus administrative costs, correction of the violations, or removal of the work completed or any combination of same.
- D. Appeal of the penalty can be brought before the City Council, provided a written request is made within 10 days of notice of the penalty to the City Clerk. The appeal will then be held at the next available Council meeting.

SECTION 23. Repeal and Severability

- A. Any and all existing ordinances or portions thereof in conflict herewith be and the same are hereby repealed.
- B. The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions.
- C. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 4th day of January, 2021.

APPROVED by the Mayor this 4th day of January, 2021.

ATTEST:

Jean Ann Wright, Mayor

Larry A, Nettles, City Clerk-Treasurer