

CHAPTER 17

STREETS AND OTHER PUBLIC AREAS

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ARTICLE 1

USE AND OBSTRUCTION

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- § 17-105 Closing public ways and easements.

§ 17-101 TREES AND SHRUBBERY.

1. The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the public right-of-way and on any part of the premises adjacent to any street or alley, in such a manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along any streets, sidewalks or alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as herein required of the owner.

2. It shall be unlawful for any person to injury any tree or shrubbery within any public right-of-way; provided, that, this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

3. Permission is hereby given to any owner, lessee or occupant of any property abutting on any residential street to set out and grow any kind of tree for shade purposes between the property line and the curb line of such property line, such trees to be set on a line or lines running parallel with the line of such property and shall not be set or grown in any other place or in any other manner, to include a prohibition against creating view obstructions within the "sight triangle" created, by definition in the city's adopted zoning ordinance, at each and every street intersection in the city of Blanchard, Oklahoma.

4. All decayed, dead or broken trees and all dead, decayed or broken parts of trees, which are unsightly and liable to fall or be blown down, and which are standing near any sidewalk in the city of Blanchard, Oklahoma, shall be removed by the owner or occupant or person having charge of the adjacent property or the property on which same are located.

§ 17-102 RIGHTS-OF-WAY AND EASEMENTS.

1. It shall be unlawful for any person, firm or corporation to obstruct or otherwise prevent access to, any publicly-used street, alley, easement or other

municipally owned property, whether platted or unplatted; provided, that, the city of Blanchard, Oklahoma, may prevent or provide access to such streets, alleys, easements and municipally-owned properties from time to time, in the public interest.

2. The city council may permit certain streets, alleys, easements and municipal properties which are dedicated, but not required for traffic or other public access or use, to be fenced or otherwise made inaccessible to the public (as in the case of land being farmed or grazed as a part of a larger field or pasture); provided, that, said city council or any of its officers or employees shall have the right of ingress, egress and easement for the purpose of installing or maintaining utilities, cleaning, grading, mowing or any other activity which is in the public interest.

3. Persons, companies, corporations or individuals who have fenced in, or are farming or grazing dedicated, but unopened streets, alleys, easements or municipally-owned properties, as permitted above, shall:

- a. Not construct any building, structure, earthworks or ponds, nor in any other way disturb the general grade and slope of the land;
- b. Maintain the property so that no nuisance is created;
- c. Immediately relinquish any rights presumed to be held concerning the property upon notice by the city of Blanchard, Oklahoma; and
- d. Permit access to the property at any time when requested to do so by a municipal officer or employee.

4. It shall be unlawful for any person, firm or corporation to construct, erect, build, or cause to be constructed, erected or built, any fence, of whatever height or material, within any dedicated road right-of-way in the city of Blanchard, Oklahoma.

§ 17-103 OBSTRUCTIONS.

1. It shall be unlawful for any person to use or obstruct the sidewalks, streets, alleys, easements or public rights-of-way of the city of Blanchard, Oklahoma, in any manner so as to interfere unduly with pedestrian or other lawful traffic and parking thereon, or to interfere unduly with the purpose(s) of said easement or right-of-way.

2. It shall be unlawful for any person, firm or corporation to deposit,

throw or sweep into or upon streets, alleys, parking areas or sidewalks any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

3. It shall be unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk.

4. It shall be unlawful and an offense for any person to permit to be open or leave open any cellar door, manhole or grating of any kind in or upon any street, sidewalk or alley of the city of Blanchard, Oklahoma.

5. It shall be unlawful for any person to make any excavation or cutting in any street, sidewalk, alley or public grounds, or to remove any earth or construction material therefrom, except where authorized to do so by the city manager; excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life or limb.

6. It shall be unlawful for any person, firm or corporation to obstruct any street, sidewalk, alley or drainage easement by placing any approach, driveway or other obstruction or substance whatever, that will obstruct or prevent the natural flow of water through the easement or into the storm sewers.

§ 17-104 DRAINAGE OF POLLUTING SUBSTANCE.

It shall be unlawful for any residence, business or industry to allow drainage of a polluting substance (as defined by 82 O.S. 1981, as amended, §926.1) into any street, alley, sidewalk or public right-of-way of the city of Blanchard, Oklahoma.

§ 17-105 CLOSING PUBLIC WAYS AND EASEMENTS.

A. Definitions: The following terms, as used in this section, shall have the meanings ascribed to them in this subsection:

1. *Close.* The term “close” is used herein to mean an action by the city council discontinuing the public use of a public way or easement without affecting title to real property.

2. *Easement.* The term “easement” is used herein to mean certain rights in real property as set forth in 60 Oklahoma Statutes section 49.

3. *Public Agency.* The term “public agency” is used herein to mean the city, state or federal governments or any of their agencies or political subdivisions.

4. *Public Way:* The term “public way” is used herein to mean a street, avenue, boulevard, alley, lane or thoroughfare open for public use.

B. Procedure for Closing Public Ways and Easements:

1. Application; Contents: Any person or corporation desiring to have a public way or easement closed within the corporate limits of the city shall submit a formal application to the planning and zoning commission. The application shall consist of:

- a. A map showing the public way or easement the applicant wishes closed.
- b. A statement why the applicant desires the closing and whether the public way or easement is presently being used or when it was last used by the public.
- c. A list of all owners of record abutting the public way or easement or whose property is within three hundred feet (300') of the external boundary of said public way or easement, taken from the current year's tax rolls of the county treasurer and certified by a bonded abstractor.
- d. A list of all franchisees and any others determined to have a special right or privilege granted by ordinance or legislative enactment to use the public way or easement.
- e. Applicant shall provide this required information at its own expense. Unless the applicant is a public agency, the application should also be accompanied by a fee of two hundred fifty dollars (\$250.00) to cover the costs of mailing and publication.

2. Notice of Public Hearing: The planning and zoning commission shall set a date for a public hearing on the application. The city clerk shall provide proper notice of the hearing to the public and to all property owners and franchisees. A minimum of thirty (30) days public notice prior to the hearing shall be published in the official newspaper of general circulation in the city. Written notice of the hearing shall be given to all property owners within three hundred feet (300'), all franchisees, and any others determined to have a special

right or privilege granted by ordinance or legislative enactment to use the public way or easement at least thirty (30) days prior to the hearing on the application by mailing the notice to the last known address of each person entitled to notice.

3. Recommendation of Commission: Following the public hearing, the planning and zoning commission shall determine whether it is necessary or expedient to close the public way or easement and make an appropriate recommendation to the city council for final consideration of the application.

4. Council Action: After considering the application, the mayor and council may disapprove the application or may pass an ordinance closing to the public use the public way or easement within the city if the city council deems such closure necessary or expedient.

5. City Authority; Certain Right Retained: Any ordinance closing a public way or easement shall state that the city retains the right to reopen the public way or easement whenever the city deems it necessary and that closing of the public way or easement shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation, or transmission company facilities of service therein, nor shall a closing affect private ways existing by operation of law unless released in writing executed by the owners thereof.

ARTICLE 2

MISCELLANEOUS PROVISIONS

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- § 17-206 Arterial street construction: recoupment of costs for additional construction.

§ 17-201 SKATING ON SIDEWALKS PROHIBITED.

It shall be unlawful and an offense for any person to skate, either with ice or roller skates, or coast with any sled or roller coaster upon any crosswalk, sidewalk or public thoroughfare within the central business district of the city of Blanchard, Oklahoma.

§ 17-202 BICYCLES ON SIDEWALKS PROHIBITED.

It shall be an offense for any person to ride any bicycle on, over or along any sidewalk within the central business district of the city of Blanchard, Oklahoma, except at public crossings.

§ 17-203 DRIVING ON NEWLY-PAVED STREETS.

It shall be unlawful for any person to ride or drive any animal or to drive any vehicle over any newly-paved or under-construction street, avenue or alley in the city of Blanchard, Oklahoma, before the same shall have been formally opened by said city for public travel thereon; provided, that the contractor or other person having charge of such paving, shall erect and maintain barriers at the end of the streets, avenues and alleys on which such paving is being done, as well as at all street intersections thereon.

§ 17-204 ARTERIAL STREET CONSTRUCTION: IMPROVEMENT RESPONSIBILITIES.

A property owner(s) is responsible for all costs of improvements to all arterial streets abutting his property in compliance with the city of Blanchard street standards and subdivision regulations, as amended. [Ord. No. 2002-04, 6/17/02]

§ 17-205 ARTERIAL STREET CONSTRUCTION: ADDITIONAL IMPROVEMENT ALTERNATIVES.

A property owner(s) or the city of Blanchard, or both together, may improve arterial streets beyond the boundaries of the owner's property. Any such improvements, beyond the boundaries of the owner's approved development, will be voluntary and all costs will be paid by the owner(s), the city of Blanchard, or by both in any mutually agreed-to percentages, so long as such improvements are in accordance with the city of Blanchard street standards and subdivision regulations and according to the comprehensive plan of the city of Blanchard. If other than city funds are involved, an agreement will be signed by all parties making such improvements and the city of Blanchard delineating the boundaries and scope of the project. Based upon the agreement or the declaration by the city, a map and a list will be made a part of this agreement, which will show all abutting properties subject to recoupment. [Ord. No. 2002-04, 6/17/02]

§ 17-206 ARTERIAL STREET CONSTRUCTION: RECOUPMENT OF COSTS FOR ADDITIONAL CONSTRUCTION.

A. All eligible costs for additional improvements to arterial streets shall be recoverable by the owner, the city, or both as appropriate. Eligible recoverable arterial street development costs include the total improvement costs of the street, including, but not limited to, all right-of-way costs (both temporary and permanent) and costs for engineering, surveying, utility adjustments or relocation, excavation, sub-grade preparation, storm sewer installation or relocation (including culverts and bridges), four-lane pavement construction and turn lanes (in accordance with the city of Blanchard's street standards, subdivision regulations and comprehensive plan), signalization, curbs and gutters, sidewalks, lighting, signage, other traffic control devices and other amenities, as might be required, plus two (2%) percent of the total of all above costs as an administrative fee to the city. Any of the above items paid for by general obligation bonds or funds from any other governmental entity which are not subject to repayment by the city of Blanchard shall be deducted in determining the total improvement costs, except for right-of-way costs provided for in subsection (b) below.

B. The city of Blanchard and/or the owner(s) who funded the eligible recoverable arterial street development costs shall be reimbursed for the total improvement costs of the street by the abutting property owners who are responsible for arterial street construction. The original funding entity(ies) shall recoup the appropriate pro-rata share for such construction. Additionally, the costs for all permanent right-of-way acquisition shall be charged back specifically to that property assignable to such costs, regardless of the source of funds used to acquire the property.

C. All properties physically contiguous to the right-of-way line of arterial street construction occurring after the effective date of this article shall be subject to the recoupment program charges. The only exceptions shall be those properties which have previously constructed arterial streets adjacent to such properties according to city of Blanchard requirements or those which have made payments for deferred construction prior to the city entering an agreement or commencing design of a designated street. Those exceptions shall be exempt from the obligations of this article and the corresponding pro-rata share shall be the responsibility of the city.

D. Each tract of property identified in sub§ (c) above shall be subject to the total arterial street improvement cost participation expense equal to such tract's pro-rata share, any applicable permanent right-of-way costs, and inflation/deflation adjustment. Calculation of the costs for each individual tract shall be determined as follows:

- a. Pro-rata share = a minus b with the difference divided by c and the quotient multiplied by d ($(a-b) / c \times d$) Where a = Total improvement costs, as identified in subsection (a) and b = Total permanent right-of-way costs and c = Total front footage of the project and d = Front footage of subject tract.
- b. Right-of-way cost = Actual price paid for acquisition of permanent right-of-way from subject tract.
- c. [Inflation/deflation adjustment =] Adjustment of sub§§ (1) and (2) using an inflation factor calculated using the engineering news record construction cost index. The inflation factor shall be a percentage increase applied to (1) and (2) that adjusts the amount due for these costs. The initial inflation factor will be calculated by dividing the January 2000 value by the January 1990 value. To account for the actual time between adoption of the resolution and repayment of the obligation, the resulting increase will be divided by ten (10) and multiplied by the decimal equivalent of the period covered measured in years. The inflation factor will be recalculated every five (5) years with the first recalculation occurring in January 2005. The value of the inflation factor in place at the time the council adopts the map and list for a project will be applied to that project until all funds are paid back or the obligation expires.

The total payments calculated in the sub§§ (1), (2), and (3) above shall become a liability against property subsequent to the contracting for street improvements. All such obligations shall be paid in full before the filing of a final plat for full development of the property.

E. Within sixty (60) days following acceptance by the city of the completed improvements of the subject arterial street, the city engineer, or his designated agent, shall prepare a tract map and list of the individually affected tracts and the estimated pro-rata share attributable to each such tract, hereinafter referred to as the “map and list.” The map and list will also include all costs, if any, for right-of-way acquisition attributable to each tract. The map and list shall be made available to the owners of all fee interests in the affected properties. Notice of the map and list shall be filed of record in the office of the city clerk and the county clerk of the county in which the affected tracts are located. Upon written request to the city engineer, notice shall be given within a reasonable time to the requesting party of the most current estimate of the dollar value of the participation cost of any identified tract of property. Except with reference to the filing of notice of the map and list with the office of the city clerk, nothing shall be deemed a defect preventing the city from collecting the

applicable recoupment cost under this article.

F. Any owner of a tract of property may, at any time after preparation of the map and list, cause the tract's total obligation to be paid to the city. Unless previously paid, the right-of-way cost and the pro-rata share attributable to each tract, with appropriate engineering news record construction cost index adjustments, is due prior to the filing of a final plat for any portion of the subject tract with the exception contained in sub§ (d), above. If less than the total subject tract is being final platted, the pro-rata share for the final plat shall be the greater amount of either the percent of the total property final platted or the percent of the property frontage included in the plat. No such final plat shall be released for filing until the then due total costs are actually paid.

G. Each identified tract of property shall be subject to participation in the recoupment program commencing with the date that the street improvement contract is approved by the city of Blanchard. As the total street development cost cannot be determined and notice of the assessment of same cannot be delivered until completion of the street improvements, the director of public works of the city is hereby authorized to develop procedures for the review and approval, irrespective of the other provisions of this article, of platting procedures after authorization of the street improvements, but prior to the time that the property's total share of the participation cost is determined and can be paid. Such procedures are directed to include, to the extent feasible, the assurance to property owners and developers that plat approval may proceed so as not to retard the progress of private development plans, while, at the same time, to provide financial security to the city that the property's recoupment share will be paid upon final ascertainment of the amount owed.

H. Unless earlier paid, each defined tract's share of the participation cost shall continue as an obligation of the property for its determined share of the total street improvement costs, plus the appropriate inflation/deflation increase as outlined in sub§ (d)(3) above, for, and through, a period of fifteen (15) years from the date of issuance of the map and list required by sub§ (e) above. Beginning at year sixteen (16) and continuing through year twenty (20), the pro-rata share shall decrease at a rate of twenty (20%) percent of the pro-rata amount existing at the end of the fifteenth year until the pro-rata share obligation is reduced to zero dollars (\$0.00) and thus terminates at the end of the twentieth (20th) year from the date of issuance of the map and list.

ARTICLE 3

RESIDENTIAL STREET LIGHTING POLICY

§ 17-301 Residential street lighting policy.

§ 17-301 RESIDENTIAL STREET LIGHTING POLICY.

The Residential Street Lighting Policy, appended hereto, shall be and is hereby adopted as the official policy of the city of Blanchard. One (1) copy of the policy will be on file in the city clerk's office at all times. [Ord. No. 651, 2/28/17]

ARTICLE 4

PARADES AND PUBLIC ASSEMBLIES

- § 17-401 Purpose.
- § 17-402 Permit required.
- § 17-403 Definitions.
- § 17-404 Duties of the city.
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- § 17-415 Prohibitions.
- § 17-416 Public conduct.
- § 17-417 Revocation of permit.
- § 17-418 Penalty.
- § 17-419 Emergency cancellation/termination.

§ 17-401 PURPOSE.

A. The purpose of this ordinance is to establish an application and permitting procedure for every organization, group of persons, or entity which wishes to use public property, sidewalks, or public roads within the municipal limits of the city for an unofficial purpose or purposes in holding a parade, demonstration, rally, road closing or other such activity.

B. Nothing in this article shall be construed to limit, restrict, inhibit, reduce, or otherwise impact the right of the city or its authorities to schedule, authorize, oversee, or otherwise facilitate any parade, public assembly, demonstration, rally, road closing or other such event, if such events violate other laws, ordinances, regulations of the city or the state of Oklahoma.

§ 17-402 PERMIT REQUIRED.

A. Every organization, group of persons, or entity who wishes to use public property, sidewalks, or public roads within the municipal limits of the city for an unofficial purpose or purposes of holding a parade, public assembly, demonstration, rally, road closing, or other such activity is hereby required to have a permit from the city for the privilege of engaging in any such activity within the city, unless such a permit is prohibited under state law or the activity is otherwise exempted by law, ordinance, or other valid regulation.

B. During the course of any permitted parade, public assembly, demonstration, rally, road closing, or other such event, there must at all times be some individual, authorized by the permit recipient, who possesses either the permit or a true copy thereof, and has such permit or copy available at the event for inspection on demand by persons authorized to enforce this ordinance, and has the authority to speak on behalf of and for the permit recipient.

C. This Section shall not apply to:

1. Funeral processions;
2. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities; and
3. A governmental agency acting within the scope of its functions.

§ 17-403 DEFINITIONS.

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

1. *Chief of Police* means the Chief of Police of the City of Blanchard or his/her designee.
2. *City* means the City of Blanchard.

3. *City Manager* means the City Manager of Blanchard or his/her designee.

4. *Demonstration* means a meeting or gathering of an organization, group of persons, or entity for a public display or for exhibiting feelings or concerns towards a person or a cause.

5. *Organization, Group of Persons, or Entity* shall mean any collection of persons, greater than five in number, who act together or as a unit.

6. *Parade* means any march, demonstration, procession, or motorcade, consisting of persons, animals or vehicles or a combination thereof upon the streets, sidewalks, or other public grounds within the City that interferes with the normal flow or regulation of traffic upon the streets, sidewalks or other public grounds.

7. *Park* means an area owned or maintained by the City of Blanchard and used for the purpose of community gatherings, private functions, and recreation.

8. *Person* means any person, firm, partnership, association, corporation, company or organization of any kind.

9. *Public assembly* means any meeting, demonstration, picket line, rally or gathering of more than three (3) persons for a common purpose as a result of prior planning or membership in an organization, association, or other unit in or upon any street, sidewalk or other public grounds in a place open to the general public.

10. *Race* means any scheduled public event or gathering of persons for athletic events that move from one location to another such as bicycle or running races.

11. *Rally* means the public coming together of an organization, group of persons, or entity for an effort or a cause.

12. *Road Closing* means an activity of an organization, group of persons, or entity which requires, even for a brief time, the closure of a public way.

13. *Sidewalk* is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

14. *Street* is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way or median strip thereof.

15. *Unofficial Purpose* means an unofficial purpose shall be any purposes not commanded or directed by statute, ordinance, or other regulation to be performed by the state, county, city, or other governmental entity.

§ 17-404 DUTIES OF THE CITY.

The city shall have, among others, the following duties:

1. To prepare and provide the necessary forms for the application for a permit and for the submission of any required information as may be necessary to properly administer and enforce the provisions of this article.

2. To review the application for completeness and collect whatever application fee may be required; to designate or coordinate sites and set time schedules; to coordinate with the appropriate authorities on all matters concerning such activities; and, where appropriate, to receive input from the department of transportation, state highway patrol, the chief of police, the fire chief, the McClain County Sheriff's Office, and the Grady County Sheriff's Office, or any other necessary public officer, for the requested activity.

3. To forward application material to appropriate public safety entities or individuals for the collective input as to the impact the proposed parade, demonstration, rally, road closing, or other such activity shall have, if any, on the public's health, safety, and welfare. This assessment should include, but not be limited to the impact of the requested activity on the free flow of vehicular traffic, the free flow of pedestrian traffic, and the free movement of emergency vehicles.

4. To consider, process, and decide whether to issue permits upon applications submitted pursuant to this ordinance within thirty (30) days or less of the acceptance by the city of a completed application.

§ 17-405 APPLICATION PROCESS.

A. Every applicant for a permit under the provisions of this article shall submit an application for the permit to the city, which application shall conform to the requirements of this section in addition to any other provisions of this article.

B. Unless otherwise provided herein, each application shall be a written statement upon forms provided by the city and submitted within a reasonable time prior to the event, at least thirty (30) days prior to the planned activity for security checks, verifications, and arrangements to be made, as well as for input to be received from affected local and state entities.

1. While thirty (30) days is expressed as a minimum requirement for submission of an application under this article, the city reserves its right to implement content-neutral time, place, and manner restrictions on First Amendment activities, or to deny an application if insufficient time is available for the city to properly plan or prepare for the event requested in the application, if such inability creates one or more of the situations or conditions described below.

2. While thirty (30) days is expressed as a minimum requirement for submission of an application under this article, all applicants for whom it is possible to submit an application under this article prior to an event shall do so, even if the application will be submitted within thirty (30) days of the event at issue. In such circumstances, the city will endeavor with all deliberate speed to process and make a decision on the application prior to the date of the event at issue. Nothing contained herein waives the city's right to implement content-neutral time, place, and manner restrictions on First Amendment activities, or to deny an application if insufficient time is available for the city to properly plan or prepare for the event requested in the application, if such inability creates one or more of the situations or conditions described below.

3. While thirty (30) days is expressed as a minimum requirement for submission of an application under this article, the city has no intention of suppressing spontaneous free speech activities which, because of their nature and/or need for immediate action, cannot conform to the application process. The foregoing notwithstanding, any spontaneous free speech activities must be preceded by at least forty-eight (48) hours advance notice to the city of Blanchard's Police Department. Nothing contained in this subsection shall be construed to limit, restrict, inhibit, reduce, or otherwise impact the right of the city or its authorities to enforce other local laws and/or the laws of the state of Oklahoma if such spontaneous speech activities violate said laws.

C. The city shall respond with a decision to grant or deny the application within thirty (30) days or less, if possible, of the receipt of the completed application, such time being necessary to process the application and obtain needed input from affected local and state agencies as hereinafter described.

D. The application for a parade, public assembly, demonstration, rally, road closing, or other such activity permit shall set forth the following information in writing:

1. The name, address and telephone number of the person seeking to conduct such parade, public assembly, demonstration, rally, road closing, or other such activity; this person should be the person in charge or chairperson of the parade, public assembly, demonstration, rally, road closing, or other such activity;

2. The names, addresses and telephone numbers of the headquarters of the organization for which the parade, public assembly, demonstration, rally, road closing, or other such activity is to be conducted, if any, and the authorized and responsible heads of the organization;

3. The requested date(s) of the parade, public assembly, demonstration, rally, road closing, or other such activity;

4. The location of the parade, public assembly, demonstration, rally, road closing, or other such activity and the route to be traveled, including the starting point and the termination point;

5. The hours when such parade, public assembly, demonstration, rally, road closing, or other such activity will start and terminate;

6. The statement as to whether the parade, public assembly, demonstration, rally, road closing, or other such activity will occupy all or only a portion of the width of the streets or sidewalks proposed to be traversed;

7. The location by street of any assembly areas for such parade, public assembly, demonstration, rally, road closing, or other such activity;

8. The time at which units of the parade, public assembly, demonstration, rally, road closing, or other such activity will begin to assemble at any such area;

9. The intervals of space to be maintained between units of such parade or public assembly;

10. If the parade, public assembly, demonstration, rally, road closing, or other such activity is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the chief of police or city manager authorizing the applicant to apply for the permit on his behalf;

11. The type and class of activity to be carried on, such as parade, public assembly, demonstration, rally, road closing, or other such activity, etc., including a description of activities planned during the event;

12. A description of any sound amplification equipment to be used in connection with the parade, public assembly, demonstration, rally, road closing, or other such activity;

13. The approximate number of participants (spectators are by definition not participants), including the type and number of animals and vehicles;

14. The approximate number of spectators reasonably anticipated;

15. A designation of any public facilities or equipment to be utilized;

16. Where the event is in an area covering two blocks or less of sidewalks, streets or other public property, the addresses of any properties that abut the location of the parade, public assembly, demonstration, rally, road closing, or other such activity;

17. Where the event is in an area covering two (2) blocks or less of sidewalks, streets or other public property, a signed statement by the permit applicant stating that all the addresses of any properties that abut the location of the parade, public assembly, demonstration, rally, road closing, or other such activity, have received notification of the event; and

18. Any additional information that the chief of police or town manager finds reasonably necessary to a fair determination as to whether a permit should issue.

E. Each application shall be signed and sworn to by the applicant, said signature to be by a partner, member, or officer.

§ 17-406 FEES.

The city council, by resolution, may establish such fees as are necessary and reasonable.

§ 17-407 STANDARDS FOR ISSUANCE.

A. The chief of police or city manager shall issue a permit as provided for herein when, from a consideration of the application and from such other

information as may otherwise be obtained, he/she finds that:

1. The conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
2. The conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity will not require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto that the deployment of police services for the proposed parade, public assembly, demonstration, rally, road closing, or other such activity would have an immediate and adverse effect upon the welfare and safety of persons and property;
3. The concentration of vehicles, persons and animals at public assembly points of the parade, public assembly, demonstration, rally, road closing, or other such activity will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such parade, public assembly, demonstration, rally, road closing, or other such activity;
4. The conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity is not reasonably likely to cause injury to persons or property and will not, on its face, violate any federal, state or city law, regulation, or ordinance;
5. The parade, public assembly, demonstration, rally, road closing, or other such activity is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;
6. Adequate sanitation and other required health facilities are or will be made available in or adjacent to any parade, public assembly, demonstration, rally, road closing, or other such activity areas;
7. There are sufficient parking places near the beginning and end sites of the parade, public assembly, demonstration, rally, road closing, or other such activity to accommodate the number of vehicles reasonably expected;
8. The applicant has paid all required fees;
9. No parade, public assembly, demonstration, rally, road closing, or other such activity permit application for the same time and location is already granted, or has been received and will be granted, and no event listed in Section

17-402(C) is already scheduled for the same time and location;

10. The conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity will not interfere with previously scheduled construction or maintenance projects upon or along streets or sidewalks;

11. No parade, public assembly, demonstration, rally, road closing, or other such activity permit application for the same time but different location is already granted or has been received and will be granted, and the police resources required for that prior parade, public assembly, demonstration, rally, road closing, or other such activity are so great that, in combination with the subsequent proposed permit, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and

12. No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed parade, public assembly, demonstration, rally, road closing, or other such activity would have an immediate and adverse effect upon the welfare and safety of persons and property.

B. No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a city street, sidewalk or right-of-way unless advance approval for the erection or replacement of the structure is obtained from the city council.

C. No permit shall be granted that allows a parade, public assembly, demonstration, rally, road closing, or other such activity to occur between the hours of 10:00 p.m. and 8:00 a.m.

D. In determining whether to grant or deny a permit, the chief of police or city manager shall not consider:

1. The content of the speech, message, views or expression of the parade, public assembly, demonstration, rally, road closing, or other such activity or its participants;

2. The potential conduct of spectators and other nonparticipants in response or reaction to the content of the speech, message, views or expression of the parade, public assembly, demonstration, rally, road closing, or other such activity or its participants.

§ 17-408 NONDISCRIMINATION.

The chief of police or city manager shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this chapter based upon speech content or upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

§ 17-409 NOTICE OF GRANT OR DENIAL OF APPLICATION.

A. The chief of police or city manager shall act promptly upon a timely filed application for a parade, public assembly, demonstration, rally, road closing, or other such activity permit but in no event shall grant or deny a permit less than forty-eight (48) hours prior to the event.

B. If the chief of police or city manager waives the minimum filing period and accepts for processing an untimely application, he shall act upon the application as expeditiously as possible, but must grant or deny the permit prior to the commencement of the proposed event.

C. If the chief of police or city manager disapproves the application, he shall promptly notify the applicant of his action in writing, either by personal delivery or certified mail, and state the reasons for denial.

§ 17-410 ALTERNATIVE PERMIT.

A. The chief of police or city manager, in denying an application for a parade, public assembly, demonstration, rally, road closing, or other such activity permit, may authorize the conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the chief of police or city manager, file a written notice of acceptance with the chief of police or city manager.

B. An alternate parade, public assembly, demonstration, rally, road closing, or other such activity permit shall conform to the requirements of, and shall have the effect of, a parade, public assembly, demonstration, rally, road closing, or other such activity permit issued under this chapter.

§ 17-411 APPEAL PROCEDURE.

Any applicant shall have the right to appeal the denial of a permit to the city council. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the city clerk and a copy of

the notice with the city clerk. The city council shall act upon the appeal at the next regularly scheduled meeting following receipt of the notice of appeal.

§ 17-412 NOTICE TO CITY AND OTHER OFFICIALS.

Immediately upon the issuance of a parade, public assembly, demonstration, rally, road closing, or other such activity permit, the chief of police shall send a copy thereof to the following:

1. The city manager;
2. The fire chief;
3. The director of the department of public works; and
4. The city council.

§ 17-413 CONTENTS OF PERMIT.

Each parade, public assembly, demonstration, rally, road closing, or other such activity permit shall state the following information:

1. Starting and approximate ending time;
2. Minimum speed of parade units;
3. Maximum speed of parade units;
4. Maximum interval of space to be maintained between parade units;
5. The portions of the streets that may be occupied by the parade, public assembly, demonstration, rally, road closing, or other such activity;
6. The maximum length of the parade or race in miles or fractions thereof; and
7. Such other information as the chief of police or city manager shall find necessary to the enforcement of this chapter.

§ 17-414 DUTIES OF PERMITTEE.

A. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances; and

B. The parade, public assembly, demonstration, rally, road closing, or other such activity chairperson or other person in charge of such activity shall carry the parade, public assembly, demonstration, rally, road closing, or other such activity permit upon their person during the conduct of the parade, public assembly, demonstration, rally, road closing, or other such activity.

§ 17-415 PROHIBITIONS.

The following prohibitions shall apply to all parades, public assemblies, demonstrations, rallies, road closings, or other such activities:

1. It shall be unlawful for any person to stage, present or conduct any parade, public assembly, demonstration, rally, road closing, or other such activity without first having obtained a permit as herein provided;

2. It shall be unlawful for any person to participate in a parade, public assembly, demonstration, rally, road closing, or other such activity for which the person knows a permit has not been granted;

3. It shall be unlawful for the chairperson or any person in charge of, or responsible for the conduct of, a duly licensed parade, public assembly, demonstration, rally, road closing, or other such activity to knowingly fail to comply with any condition of the permit;

4. It shall be unlawful for any person to engage in any parade, public assembly, demonstration, rally, road closing, or other such activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

5. It shall be unlawful for any person participating in any parade, public assembly, demonstration, rally, road closing, or other such activity to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is two inches (2") or less in thickness and two inches (2") or less in width, or if not generally rectangular in shape, such object shall not exceed two inches (2") in its thickest dimension;

6. It shall be unlawful for any person participating in a parade, public assembly, demonstration, rally, road closing, or other such activity to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Federal, State, or City law, regulation, or ordinance; and

7. It shall be unlawful for any person to ride, drive, or cause to be ridden or driven, any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

8. It shall be unlawful for any individual or group participating in a parade, public assembly, demonstration, rally, road closing, or other such activity to conduct such parade, public assembly, demonstration, rally, road closing, or other such activity outside of the scope of the issued permit. For the purpose of this section, the scope of the permit is the information provided on the application as required above.

§ 17-416 PUBLIC CONDUCT.

A. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade, public assembly, demonstration, rally, road closing, or other such activity or with any person, vehicle or animal participating or used in a parade, public assembly, demonstration, rally, road closing, or other such activity;

B. No driver of a vehicle shall drive between the vehicles or persons comprising a parade, public assembly, demonstration, rally, road closing, or other such activity when such vehicles or persons are in motion and are conspicuously designated as a parade, public assembly, demonstration, rally, road closing, or other such activity; and

C. The chief of police or city manager shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade, public assembly, demonstration, rally, road closing, or other such activity. The chief of police or city manager shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

§ 17-417 REVOCATION OF PERMIT.

The chief of police or city manager shall have the authority to revoke a parade, public assembly, demonstration, rally, road closing, or other such activity permit instantly upon violation of the conditions or standards for issuance as set forth in this chapter or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade, public assembly, demonstration, rally, road closing, or other such activity would have an immediate and adverse effect upon the welfare and safety of persons or property.

§ 17-418 PENALTY.

Any person, firm or corporation who violates or fails to comply with any of the provisions of this Ordinance or who, having obtained a permit hereunder, willfully fails to continue to comply with the conditions set forth in this ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed the limits established in §8-301 of this code of ordinances. Each day upon which a violation continues shall be deemed a separate offense.

§ 17-419 EMERGENCY CANCELLATION/TERMINATION.

The chief of police may order an activity requiring a permit to terminate and disperse in the event of a natural calamity or in the event public peace is breached and/or life and/or property is in eminent danger. [Ord. No. 632, 5/3/16]

ARTICLE 5

LIMITED ACCESS FACILITY SYSTEM

- § 17-501 Limited access facility system established.
- § 17-502 Designation of limited access facilities.
- § 17-503 Regulation and use of limited access facilities.
- § 17-504 Zoning ordinances not affected.

§ 17-501 LIMITED ACCESS FACILITY SYSTEM ESTABLISHED.

Pursuant to 69 O.S. 1981, Sections 1301 to 1331, both inclusive, as amended, a system of limited access facilities, consisting of the streets, avenues, boulevards, and ways and parts of streets, avenues, boulevards and ways hereinafter described, is hereby established and created within the corporate limits of the City of Blanchard, Oklahoma, as now existing or as the same may be hereafter extended, and in recognition of the general use of said streets, avenues, boulevards and ways and parts thereof, and of the wear and destruction of the same by heavy general traffic thereon, including passenger automobiles, buses, trucks, and other vehicles, and to the extent that the costs of acquisition of rights of ways and property necessary in the establishment of said limited access facilities exceed the benefits to property abutting thereon, such limited access facilities are hereby declared to be improvements of a general nature, and such costs, to the extent that they exceed the benefits to property abutting thereon, are hereby declared to be costs of a general nature. [Ord. No. 669, 3/28/18]

§ 17-502 DESIGNATION OF LIMITED ACCESS FACILITIES.

The following streets, avenues, boulevards and ways and parts of streets, avenues, boulevards and ways within the corporate limits of the City of Blanchard, Oklahoma, as now existing, or as the same may be hereafter extended, are hereby designated as limited access facilities (no through truck traffic) and as arterial highways, the same being streets or highways especially designed for through traffic, and the City Council of said city may otherwise protect the right of way of vehicles thereon, said arterial highways being described as follows, to-wit:

A. No Through Truck Traffic:

1. All local streets; and
2. All section line roads.

B. Truck Routes and Alternates:

1. US-62 Highway (Veterans Memorial Highway);
2. OK-76 State Highway; and
3. 10th Street NW between US-62 and OK-76. [Ord. No. 669, 3/28/18]

§ 17-503 REGULATION AND USE OF LIMITED ACCESS FACILITIES.

The use of limited access facilities within said city shall be regulated and controlled by the traffic ordinances of said city as now existing or hereafter enacted or amended. [Ord. No. 669, 3/28/18]

§ 17-504 ZONING ORDINANCES NOT AFFECTED.

Nothing herein contained shall be construed to affect any zoning ordinance or part thereof relating to the construction or use of improvements on property abutting on any limited access facility. [Ord. No. 669, 3/28/18]

ARTICLE 6

PENALTY

§ 17-601 Penalty.

§ 17-601 PENALTY.

1. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in §17-101, after receiving ten (10) days' notice from the code enforcement officer or any police officer or fireman to do so, shall be guilty of an offense.

2. Any violation of this chapter shall be deemed an offense and, upon conviction thereof, shall be punished by a fine not to exceed the limits established in §8-301 of this code of ordinances. Every day upon which a violation continues shall be deemed a separate offense. [Ord. No. 669, 3/28/18]

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