

CHAPTER 21

STREETS AND OTHER PUBLIC AREAS

Article 1. Use and Obstruction.

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Article 1. Use and Obstruction

Section 21-1. 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 injure 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.

Section 21-2. 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 Elk City, Oklahoma, may prevent or provide access to such streets, alleys, easements and municipally-owned properties from time to time, in public interest.

2. The City Commission 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 Commission 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, not 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 Elk City, Oklahoma; and
- d. Permit access to the property at any time when requested to do so by a municipal officer or employee.

Section 21-3. 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 Elk City, 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 Elk City, 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 Commission; excavations so authorized shall be properly guarded and protected to prevent said excavations from being or becoming dangerous to life and 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 or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks or gutters.

Section 21-4. 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 Elk City, Oklahoma.

Sections 21-5 through 21-9. (Reserved for future use.)

Article 2. Sign Regulations

Section 21-10. Definitions.

1. "A-Frame Sign" means a stationary outdoor sign with two (2) faces attached at one surface on each face to form a triangle with one side parallel to the grade.
2. "Advertising Sign" means an outdoor structure, object, display, lighting device, figure, painting, drawing, message, pictorial picture, plaque, poster, billboard, or other thing which is used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.
3. "Average Grade" means the grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure.
4. "Awning, Canopy, or Marquee Sign" means a projecting sign attached to, hung from, or painted on a canopy or covered structure which extends beyond the building line or property line.
5. "Back-to-Back Sign" means a structure with two (2) parallel signs with their faces oriented in opposite directions located not more than ten (10) feet apart. A back-to-back sign shall constitute one (1) off-premise sign.
6. "Billboard" means any freestanding sign, or a sign that is attached to or part of a building and is an off-premise sign.
7. "Board" means the Planning and Zoning Board of the City of Elk City, Oklahoma.
8. "Building/Electrical Inspector" means the designated authority for enforcement of this Ordinance.
9. "City" means the City of Elk City, Beckham County, Oklahoma.

10. "Community Service Sign" means any sign which solicits support for or advertises a non-profit community use or social institution. Such signs may include, but shall not be limited to seasonal holidays, such as Christmas or Easter, school activities, charitable programs or religious activities.

11. "Cultural Facilities" means establishments such as museums, art galleries, public libraries, botanical and zoological gardens and theaters of the performing arts, which, although they may charge an admission fee, are essentially non-profit and principally funded through public expenditures, grants and donations.

12. "Erect" means to construct, build, raise, assemble, replace, affix, attach, create, paint, draw or in any way bring into being or establish.

13. "Floodway" means the channel of a stream and adjacent land areas which are required to carry and discharge the flood waters and flood flows of any river or stream associated with the regulatory flood.

14. "Free-standing Sign" means any sign which is not attached to or on the walls, face, or exterior of a building, except as provided in the definition of a standard roof sign.

15. "Hanging Sign" means a sign which is suspended over a sidewalk, street, or other public right-of-way. An overhanging sign may or may not be a projecting sign.

16. "Historic Building/Structure" means any building/structure which is officially designated as historically or architecturally significant by a unit of local, state or federal government.

17. "Home Occupation Sign" means any non-illuminated name plate sign not exceeding one (1) square foot in area.

18. "Official Sign" means any sign erected by or at the direction of any governmental body.

19. "Off-premise Sign" means any sign other than on-premise sign.

20. "On-premise Sign" means any sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

21. "Outdoor Advertising Sign" - see advertising sign.

22. "Political Sign" means a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

23. "Portable Sign" means any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted on a trailer, wheeled carrier, or other non-motorized mobile structure.

24. "Premises" means any lot or unplatted tract, or any combination of contiguous lots or unplatted tracts held under single ownership.

25. "Projecting Sign" means a sign affixed to any building, wall, roof, marquee or other structural element which extends or projects more than twelve (12) inches from such wall, roof, marquee or other structural element.

26. "Public Information Sign" means any sign which is intended to identify community, civic, or social events and is not any of the following signs: commercial, political, official, or real estate.

27. "Real Estate Sign" means a temporary sign (a) displayed during and in connection with construction operations, (b) pertaining to the lease or sale of a lot or building upon which placed and not exceeding sixty-four (64) square feet, and (c) pertaining to the sale of an addition or a sub-division, the area of which sub-division exceeds one (1) acre of land for a period not to exceed two (2) years.

28. "Residential Name Plate Sign" means a sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name, or identifying the address of the house. The sign may contain no advertising of any kind and may not exceed two (2) square feet in area.

29. "Roof Sign" means a sign attached to a roof extending more than three (3) feet above the ridge line.

30. "Sloping Roof Sign" means a sign affixed to the roof of any building, which does not project more than twenty-four (24) inches from the roof or extend more than five (5) feet above the ridge line of the roof to which it is attached.

31. "Temporary Sign" means a sign that is not permanently affixed to a building, structure or the ground.

32. "Traffic Control Sign" means a permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

33. "Wall Sign" means a sign affixed to a wall, marquee, or other structural element of any building, which does not project more than twenty-four (24) inches from the wall, marquee or other structural element, or extend more than five (5) feet above the wall, marquee or other structural element to which it is attached.

Section 21-11. Administrative Provisions.

1. Enforcement. The provisions of this Ordinance shall be enforced and administered by the City Building/Electrical Inspector. The Building/Electrical Inspector shall have the authority to order the painting, repair, or removal of a sign.

2. Violations, Penalties. Any person, firm or corporation violating or failing to comply with any of the terms or provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00). Each day such violation shall be continued or shall be allowed to exist, shall constitute a separate offense.

3. Licenses. Any person, firm or corporation engaged in the business of constructing, erecting, repairing, altering, installing, or relocating commercial signs within the corporate limits of the City of Elk City, Oklahoma, shall obtain a Commercial Sign Contractor's License therefore, which license shall be in the sum of fifty dollars (\$50.00).

4. Permits. No person, firm or corporation shall erect, construct, install or relocate any sign within the incorporated city limits without a permit first having been obtained.

- a. Duration. When a permit is issued, it shall be valid and need not be re-issued so long as the sign for which it is issued is left in its original location and is maintained in accordance with this Ordinance.
- b. Permit Fees. A permit of forty dollars (\$40.00) shall be paid on all signs requiring a permit. No permit fee shall be required for a sign fifteen (15) square feet or less over a show window or door of a store or business establishment, containing only the name of the proprietor and nature of the business; nor shall a permit be required for ground signs, provided such signs are not over fifteen (15) square feet in area.

5. Variance Procedure.

- a. The Elk City Board of Adjustment shall have the authority to grant a variance to the height, spacing and setback requirements of this Ordinance in cases where it is determined that strict compliance with the provisions herein will inflict unusual and practical difficulties. The Elk City Board of Adjustment may grant a variance only to those height, spacing and setback requirements established in this Ordinance.
- b. When application for a variance is made to the Elk City Board of Adjustment, a public hearing on the request shall be held. Written notice of all public hearings on variance requests shall be given to all owners of property, or to persons rendering the property for City taxes, affected by such variances, located within two hundred (200) feet of any property,

within not less than ten (10) days before any such hearing shall be published in a newspaper of general circulation, not less than ten (10) days before any such hearing is held.

- c. No notices of any application for a variance shall be given, and no hearings shall be held by the Elk City Board of Adjustment until a filing fee accompanying such application is paid. The filing fee (payable in cash, certified check or cashier's check), shall be fifty dollars (\$50.00).

Section 21-12. Classification of Signs.

This section concerns the categories of permanent and temporary signs governed by the provisions of this Ordinance.

Signs requiring a permit under the provisions of this Ordinance are as follows:

- 1. Back-to-Back Signs
- 2. Billboard Signs
- 3. Canopy Signs
- 4. Hanging Signs
- 5. Marquee Signs
- 6. Portable Signs
- 7. Projecting Signs
- 8. Roof Signs
- 9. Sloping Roof Signs
- 10. Wall Signs

Signs not requiring a permit under the provisions of this Ordinance are as follows:

- 1. A-Frame Signs
- 2. Community Service Signs
- 3. Home Occupation Signs

4. Official Signs
5. Political Signs (temporary)
6. Public Information Signs (temporary)
7. Residential Name Plate Signs
8. Traffic Control Signs (on private property)
9. Real Estate Signs (temporary)

Section 21-13. General Sign Regulations.

This section concerns general regulations pertaining to signs.

1. Identification of Signs: Every outdoor advertising display sign hereafter erected, constructed, or maintained, for which a permit is required, shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign.

2. Location Restriction: It shall be unlawful for any person, firm or corporation to place, erect, construct or use any signs in R-1, R-2, or R-3 Zoning Districts, except residential name plates, lease or sale signs, and temporary signs displayed during construction and in connections with construction operations, and temporary signs pertaining to the sale of an addition or subdivision.

- a. No outdoor advertising display shall be erected, constructed or maintained so as to obstruct any fire escape, any window or door, or opening used as a means of egress,
- b. No sign shall be attached to a fire escape, nor be placed in such a manner as to interfere with any opening required for legal ventilation.
- c. No sign shall be erected on or over public property in a manner which interferes with any fire hydrant, traffic light, or street light, or which hampers the functions of the Fire Department.
- d. No person shall place or maintain a flashing light or flashing electric light of any kind or color within five hundred (500) feet of the center line of any Federal or State maintained street or highway unless a permit is granted by the State Highway Commission for such flashing light or flashing electric sign.

- e. No sign will be permitted in those areas identified as floodway or the 100 year-flood plain without compliance with the requirements for a special development permit.

3. Fastening and Anchoring: All signs shall be securely fastened or anchored to a building wall, structural framing, or other foundation with a sufficient number of bolts or anchors to resist stress resulting from dead weight of the sign and wind loads.

- a. Trees, rocks, bridges, fences, windmills, towers, utility poles and dilapidated buildings shall not be used for sign supports.

4. Materials: All signs shall be constructed of durable and securely attached to framework and supports made of wood, metal, or other material of equivalent strength.

5. Electric Wiring: Electrically illuminated signs, or signs which are equipped in any way with electrical devices or appliances shall conform to the provisions of the City Electrical Code.

6. Sign Inspections: The City Building/Electrical Inspector shall have the right to visit any site where a sign is being erected, or enter any building where a sign is being constructed for installation within the City for the purpose of making any inspection necessary.

7. Public Right-Of-Way: Signs projecting from a building or extending over public right-of-way in industrial or commercial business district(s) shall maintain a clear height of nine (9) feet above the sidewalk grade and all such signs shall not extend more than two (2) feet of the curb-line. Freestanding signs shall maintain a ten (10) feet setback from the curb- line or zero (0) feet from the property line, whichever is greater. A maximum height of thirty-five (35) feet shall be allowed at the property line.

- a. In no instance shall a sign extend into the right-of-way of any State maintained street or highway.
- b. No pole, post or standard use to support any sign or floodlight shall be set in or upon any sidewalk, street, or other public property.

8. Maintenance of Area Beneath Signs: For all freestanding signs, a one hundred (100) square feet sign area beneath the sign shall be mowed and maintained in a neat and clean condition.

9. Sign Area Calculation: In calculating the area of a sign, the perimeter of the area shall be a line including the outer extremities of all letters, figures, characters and delineations or a line including the outer extremities or the framework of background upon which sign is placed, whichever line includes the larger area.

10. Free-standing Billboard Signs in Downtown Elk City. Effective with the passage of this Sign Ordinance, free-standing billboard signs and roof signs will no longer be allowed in the downtown area bounded by Second Street (North boundary), Madison Avenue (East boundary), Seventh Street (South boundary), and Adams Avenue (West boundary).

Section 21-14. Specific Regulations.

1. A-Frame Signs.

Location: Allowed in commercial and industrial districts.

Size: Eight (8) square feet per sign.

Number: One (1) sign per location.

Two (2) signs per corner location.

Setback: Behind property line; minimum of six (6) feet behind curb.

2. Back-to-Back Signs. (see Billboard Signs)

3. Billboard Signs.

Location: Allowed in all commercial and industrial districts, except where otherwise restricted herein.

Size: Not to exceed four hundred (400) square feet per sign face in industrial districts and in commercial districts.

Height: Shall maintain a clearance from grade of nine (9) feet, except ground signs with the base of the sign within three (3) feet of average grade. Maximum overall height of thirty-five (35) feet.

Setback: Behind property line.

Light fixtures and catwalks may overhang the setback lines no more than six (6) feet; however, no part of the face or its support structure shall overhang the setback lines.

All billboards shall maintain a minimum setback distance of one hundred (100) feet from any residentially zoned district.

Additionally, all billboards shall be setback from the following facilities as specified:

a. City Parks - three hundred (300) feet from the park boundary.

b. Cultural Facilities - three hundred (300) feet from the facility boundary.

c. Historic Building/Structure - three hundred (300) feet from the building/structure.

All billboards shall be setback a distance of not less than fifteen (15) feet from the railing of

any overpass or bridge on any road, street or highway.

Spacing: Billboard signs shall not be erected along major thoroughfares closer than five hundred (500) feet apart along the same side of the street or road.

4. Canopy Signs:

Signs on free-standing canopy or detached accessory island canopy may be placed at any location on the canopy, provided that such signs shall not project beyond the width or length thereof.

5. Hanging Signs.

All permanent signs shall be erected so as not to overhang any street or alley.

Location: May be hung perpendicular to, suspended from or attached to buildings, walls or canopies. Signs may also be suspended under a marquee.

Height: Shall maintain a clear height of nine (9) feet above the sidewalk grade and shall not extend more than two (2) feet of the curb- line.

6. Marquee Signs.

Marquee signs not more than four (4) feet tall, excluding any top ornament supported directly by the marquee or awning, may extend around three (3) sides of a marquee or awning.

7. Political Signs.

Political signs shall be subject to the following restrictions:

- a. Shall not exceed thirty-two (32) square feet on each of a maximum two (2) sides, in residential districts.
- b. Shall not be placed on a right-of-way, traffic sign, dumpsters, or signal or utility pole in any district.
- c. Shall be placed only on private property after obtaining the permission of the property owner.
- d. Shall not block or interfere with the view of drivers of vehicles at intersections of streets or streets and alleys.
- e. Shall be "temporary" and "free-standing" only.

8. Portable (or wheeled) Signs.

Portable signs shall be permitted in commercial and industrial districts subject to the following regulations:

- a. Sign shall be secured to the ground at a minimum of four (4) separate points.
- b. Illuminated portable signs may be white or yellow, maximum of sixty (60) watts and shall meet all requirements of the City Electrical Code.
- c. Sign shall be set back ten (10) feet from the curb or zero (0) feet from the property line, whichever is the greater. Any location not meeting this setback requirement will not be allowed to use a portable sign.

9. Projecting Signs. (see requirements for hanging signs)

10. Public Information Signs.

Location: Subject to approval of the City Council.

Number: Subject to approval of the City Council.

Size: Shall be a maximum of six (6) square feet.

Height: Bottom of sign not to exceed nine (9) feet above average grade.

11. Residential Name Plate Signs.

Purposes: To indicate the address and/or name of the occupant.

Size: Shall not exceed two (2) square feet per single family and duplex structure or one-half (1/2) foot per each multi-family unit.

Height: No part of the sign shall extend above eight (8) feet from average grade.

12. Roof Signs.

Roof signs shall be subject to the following restrictions:

- a. Shall not exceed thirty-two (32) feet in total height above that portion of the roof over which they are erected.
- b. All such signs shall be constructed entirely of steel, including the upright supports and braces, except that only the ornamental molding and battens behind the steel facing and the decorative lattice work may be of wood construction.
- c. An open space of not less than three (3) feet shall be maintained below the bottom of the sign and the roof, except for necessary vertical supports.
- d. All metal parts shall be grounded as a protection against lightning.

- e. No roof sign shall be allowed to extend over a sidewalk, street, or other public property.
- f. Sloping roof signs shall not project horizontally beyond the perimeters of the roof. Not more than twenty-five percent (25%) of any sloping roof area shall be devoted to this type sign.

13. Traffic Control Signs. (on private property)

All traffic control signs shall be of uniform design and shall conform to the overall sign program for the entire site. No Traffic control sign shall contain advertising. Such signs may be either free standing or wall mounted and if lighted, shall be indirect.

Height: No part of such sign shall extend above seven feet (7') from average grade.

Size: Shall be of uniform size(s) recommended in the "Texas Manual on Uniform Traffic Control Devices for Streets and Highways".

14. Wall Signs.

Wall signs are attached, on-premises signs and shall be governed by the following restrictions:

Shall not project horizontally beyond the perimeters of the wall or extend more than five feet (5') above the wall to which it is attached. Wall signs shall not project more than twenty-four inches (24") from the wall.

Section 21-15. Prohibited Sign Locations and Types.

The following signs shall be prohibited in all districts:

1. Search lights, except that they may be permitted for a period not to exceed ten (10) days for grand openings or other special occasions.

2. Any sign which resemble official traffic signs or signals, or which bear the word "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words or any sign which by reason of size, color, location, movement, or manner of illumination, may be confused with a traffic control sign, signal or device.

3. No lighted sign shall be permitted within one hundred (100) feet of a residential district unless lighting is shielded from view in the direction of the residential district.

4. No sign shall be erected nearer than six (6) feet to any telephone cable, power line or

street light standard.

5. Signs containing statements, words or pictures of an obscene, indecent or immoral nature.

6. Double-Decker Type Signs.

Section 21-16. Exempted Signs.

The provisions of this ordinance shall apply to the following signs, except that no license, bond, or permit will be required for:

1. A legal sign in existence, or for which a permit has been issued, before the effective date of this ordinance.

2. Holiday displays - temporary displays, commonly associated with any national, local or religious holiday or celebration.

3. Home occupation signs - two (2) non-illuminated name plate not exceeding two (2) square feet in area which is used to identify legal home occupations.

4. Official signs - federal, state or local government traffic, directional and informational signs and notices issued by any court, person or officer in performance of a public duty.

5. Political signs - see Section 21-14 (7) of this ordinance.

6. Public Utility signs - signs giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers or water lines.

7. Real estate signs - temporary signs advertising the sale, lease, or development of the property on which it is located. Such signs shall not exceed sixty-four (64) square feet.

8. Residential name plate signs - signs indicating the name and/or address of the occupants of the residence, not to exceed two (2) square feet in area.

9. Safety, warning and directional signs - signs warning of construction, excavation, or similar hazards, and parking lot and other private traffic directional signs, each not to exceed the uniform sizes recommended by the State of Oklahoma.

10. Such signs are limited to directing pedestrian and vehicular traffic within the premises on which they are located and are not intended to advertise a product or service.

Section 21-17. Non-Conforming Signs.

Any sign which existed and/or was permitted or erected prior to effective date of this ordinance and which does not conform to the intent and specifications of this ordinance is a non-conforming sign. A non-conforming sign may remain in place so long as it is kept in good repair and maintained in safe condition.

Section 21-18. Maintenance and Removal of Signs.

1. Maintenance

All signs shall be maintained in a safe, presentable or structurally sound condition at all times, including replacement of defective parts. All pennants, banners, streamers, spinning or similar moving devices shall be kept in presentable condition at all times. The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the condition of the sign and for the condition of the area in the immediate vicinity of the sign and shall be required to keep this area clean, sanitary and free from noxious or offensive substances, rubbish, and flammable waste materials.

2. Removal of signs

The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of this ordinance. If any sign is installed, erected, or constructed in violation of the terms of this ordinance, the Building Official shall notify, by registered mail or written notice served personally, the owner or lessee thereof to alter such sign so as to comply with this ordinance and to secure necessary permit therefore, or to remove the sign. If such order is not complied with within ten (10) days, the Building Official shall remove the sign at the expense of the owner or lessee thereof.

3. All abandoned sign and their supports shall be removed within ninety (90) days from the date of abandonment.

4. All damaged signs shall be removed within ninety (90) days from the date of such damage except in times of natural disaster. The Building Official shall have the authority to grant a one time extension, not to exceed ninety (90) days, for abandoned, non-damaged signs, provided such extension is requested in writing.

Section 21-19. (Reserved for future use.)

Article 3. Penalty

Section 21-20. Penalty.

Any person, firm or corporation who shall violate any provision of this Chapter shall be

guilty of any offense and, upon conviction thereof, shall be punished by fine and costs as provided for in Section 1-40 of this Code, unless a separate and distinct penalty is otherwise specifically set forth in this Chapter. Each day's continuation of any such violation shall constitute a separate offense.