

# CHAPTER 23

## STREETS AND SIDEWALKS\*

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### ARTICLE I. IN GENERAL

#### Sections 23-1. Policy on Gated or Guarded Public Residential Streets.

The City Council will not indiscriminately allow public streets to be closed after business hours or otherwise. It will consider closings in circumstances where the residential street pattern design and/or conditions are conducive to providing increased security for neighborhood residents without unduly burdening the general public or restricting the provision of public services necessary for the protection of public health, safety and welfare. The City Council will, on a case-by-case basis, review requests from citizens to close certain residential streets on a limited basis or consider accepting the dedication of certain private residential streets which will allow them to be closed on a limited basis. Before allowing any closures, the Council shall find that such limited closings will protect and assist the area either by improving security, by reducing crimes, vandalism and nuisances, or by preventing injury to or destruction of or interference with public or private property, or by preserving good order and peace of the municipality, or by otherwise enhancing the public safety, health and general welfare. The City Council may approve this request following a public hearing after the Planning Commission has reviewed it and made a recommendation, and there is a finding that such closing is in the public interest.

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\***Cross References** --- Responsibilities of Street Commissioner, § 2-23; animals and fowl, Ch. 5; fire prevention and protection, Ch. 9; motor vehicles and traffic, Ch. 13; recreation, Ch. 17; planning and development, Ch. 19; sewers, Ch. 20; railroads, Ch. 21; water, Ch. 25; subdivisions, App. B; moving buildings, § 7-26 et seq.; numbers for buildings, § 7-181 et seq.; curfew for minors, § 16-2 et seq.; sweeping refuse onto streets and sidewalks, § 24-5.

**State Law Reference** --- Streets and sidewalks generally, Miss. Code 1972, §21-37-3 et seq.; special improvements, §21-41-1 et seq.; public roads and streets, Miss. Code 1972, §65-7-1 et seq.

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The other items to be considered by the Council are set forth in Article III, Division 3, Sections 23-48, *et seq.*, **Laurel Code**.

*Source: Ordinance No. 1370-2000, 6-20-00*

**Section 23-2. Limited Closing of Residential Streets.**

The following rules, regulations, policies and procedures shall apply to the limited closing of residential public streets or accepting the dedication of residential streets for public use to be closed at certain times. The same shall be applied taking into consideration the policy set forth in Section 23-1.

*Source: Ordinance No. 1327-2001, Art. III, Div. 3, 6-20-00*

**Section 23-3. Criteria.**

1. Any request for limited closure of a residential street (either public or private and to be dedicated to the City) must be made by either the property owner, the developer, the homeowners' association, or any other responsible entity (herein "said Owner") that owns property fronting said residential street.
2. Said Owner must be a legal entity that is capable of satisfying the financial responsibility requirements herein stated.
3. Limited closure/closing of said street may be by mechanical/electronic gates, other mechanical/electronic devices, a guard service, or some other traffic control device (herein "said Gate").
4. All costs associated with the construction, operation and maintenance of said Gate shall be the responsibility of said Owner.
5. Only local residential streets (that is, no connecting or through streets, no collector or major streets or no local streets serving commercial, institutional, or industrial establishments) shall be considered for limited closing or shall be considered for acceptance as public streets with a limited closing.
6. Provision shall be made for unlimited access to said residential street by emergency vehicles, service vehicles, school buses, and other vehicles necessary for the public health, safety and welfare.

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7. For residential areas containing space for more than one hundred (100) dwelling units the Inspection Department and/or Planning Commission may require that other conditions be met before any local residential street will be considered for limited closure.
8. Said residential streets shall always remain open to the general public for a minimum of the following hours each day: 6:00 a.m. to 7:00 p.m. (i.e., business hours).
9. Any private street and related infrastructure (including but not limited to curbs, gutters, sidewalks, storm drains, etc.) proposed to be deeded or dedicated to public use must meet the minimum specifications of the City or be brought up to said minimum specifications at the cost of said Owner before the City will consider accepting it. Also, said Owner must propose dedicating it for public use at no cost to the City.
10. Said Owner, for himself and/or his successors in title, shall waive and release the City from any liability caused by the failure of said gates to allow immediate access to the residential area by said emergency or service vehicles.

*Source: Ordinance No. 1370-2002, §23-48, 6-20-00*

**Section 23-4. Procedure.**

1. An application by said Owner shall be addressed to the City Council and the Planning Commission and filed with the Inspection Department, which application shall request a limited closing of a residential street.
2. A filing fee of One Hundred Dollars (\$100.00) shall be paid to the Inspection Department at the time of filing. Said fee is not refundable. Said fee shall be used by the Inspection Department to defray the cost of review and reporting on the request.
3. Detailed plans of the operation of said Gate that said Owner proposed to use to close said street shall be presented to the Inspection Department (or other designated official) for review and approval. Plans for the control and operation of said Gate shall include provisions for unrestricted access to the residential

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neighborhood by emergency vehicles, school buses, and other vehicles necessary for protection of public health and safety.

4. Said Owner will furnish evidence of financial responsibility for the cost associated with the operation and maintenance of said gates and other costs associated herewith, such as the indemnity agreement. Evidence of financial responsibility must be in a form acceptable to the Inspection Department, such as a payment bond, continuing guaranty, etc. Said form may authorize the original applicant (who is a single owner or developer) to assign said financial responsibility to homeowners association after it is organized, upon written approval of the Inspection Department.
5. Said Owner shall sign an agreement to indemnify and hold harmless the City from any and all costs and expenses associated with defending the policy adopted herein and approving the requested closing, including reasonable attorney's fees. Said indemnity shall include the defense of the policy for said street being closed pursuant to this policy.
6. The Inspection Department shall have all appropriate department heads and City officials review the plans and other documentation submitted and advise the Planning Commission when all criteria have been met.
7. After all criteria have been met to the satisfaction of the Inspection Department, the Planning Commission shall hold a public hearing on the criteria and the policy decisions herein stated. Thereafter, the Planning Commission shall make its recommendation to the City Council.
8. Residential streets will be considered for said limited closing only after a finding by the Planning Commission that such closing will not have a significant adverse effect on travel by the general public or impede ingress or egress to the neighborhood by emergency vehicles, services vehicles, school buses, or other vehicles necessary for the general welfare and the protection of public health and safety. Said Commission shall also make the findings that this request will further the policy specified in Section 23-1.
9. The City Council shall consider the recommendations of the Planning Commission and whether or not to grant the requested

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limited closing of said residential street or streets or accept a private residential street with limited closing. The Council shall have the sole authority to make the final decision on whether or not to grant said request regardless of the recommendations of the Planning Commission.

*Source: Ordinance No. 1370—2000, §23-49, 6-20-00*

**Section 23-5. Termination.**

The City, upon recommendation of the Inspection Department or the Planning Commission, may terminate the right of limited closing of any local residential public street upon determination that said entranceways, gates, barriers or other devices are not maintained in good repair or are defective in their operation, or in any of the other findings previously made are no longer valid. Upon termination of said right, said Owner shall immediately remove said Gate, barriers, etc. Failure to do so will authorize the City Council to order the same removed at the cost of said Owner.

*Source: Ordinance No. 1370-2000, §23-50, 6-20-00*

**Sections 23-6 --- 23-15. Reserved.**

**ARTICLE II. SIDEWALKS; DRIVEWAYS; CURBS; GUTTERS\*\***

DIVISION 1. GENERALLY

**Section 23-16. Construction or Repair; Protection of Public.**

It shall be the duty of each contractor or person who shall construct or repair any sidewalk within the corporate limits of the City, until such work is completed:

- (1) To place safety barriers at each end and on each side of the sidewalk and to maintain the same at all times except during the daylight hours.
- (2) To screen the place where the sidewalk is under construction or

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\*\*Cross Reference --- Driveways in mobile home parks, § 13-34.

being repaired.

- (3) To do any and all other things necessary at all excavations or dangerous places for the protection of pedestrians until said sidewalk is ready for use by the public.

*Source: Code 1969, § 88-78*

### **Section 23-17. Weeds and Vegetation Growths.**

It is unlawful for owners or occupants of lots in the City abutting on any sidewalk to permit weeds, grass or any kind of vegetation growth to grow over and cover the sidewalk, whether paved or unpaved, on which lots may abut, whether lots or property are occupied or not, and it shall be the duty of every owner of property and occupants thereof to keep all sidewalks on which their property abuts free from weeds, grass or vegetation growth.

*Source: Code 1969, § 38-67*

**Cross Reference** --- Property maintenance, Ch. 11

### **Section 23-18. Sidewalk, Etc., Kept Clean.**

It shall be the duty of all persons to keep the sidewalks and gutters in front of and around their premises clean and free from refuse, dirt, slush, slop and any and all obstructions which may prevent the flow of water.

*Source: Code 1969, §§ 17-6, 38-66*

### **Section 23-19. Allowing Wastewater to Flow Over Sidewalk.**

No person operating a car wash rack shall wash any car or truck in the streets of the City or allow any wastewater, mud, grease or oil from any filling station or wash rack to flow over, on or across any sidewalk of the City.

*Source: Code 1969, § 38-65*

### **Section 23-20. Sidewalks; Littering, Unlawful Gatherings.**

It shall be unlawful for any person to place or have placed any property for sale, display, advertisement or any other purpose on the sidewalks or to move or stand on the sidewalks carrying banners, placards, signs and the like for any such purpose or to throw debris of any kind on said sidewalks, and to create any form of loud or unusual noises for the purpose of attracting the attention; provided,

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however, the City Council in its discretion may grant special permit for any person to conduct religious activities on such sidewalks, or other activities described in this Section, where it appears to the City Council that such activities would not be distracting so as to hamper the rightful and proper use of said streets and sidewalks.

*Source: Code 1969, § 26-18*

**Sections 23-21 --- 23-30. Reserved.**

DIVISION 2. PERMIT

**Section 23-31. Required Generally.**

It shall be unlawful for any person to construct sidewalks, curbs, gutters or driveways and approaches to any street in the City without first obtaining a written permit signed by the Engineering Department as provided in this division and authorizing the construction.

*Source: Code 1969, § 38-37*

**Section 23-32. Drainage Installations.**

It shall be unlawful for any person to install storm sewers, to place drainage pipes under driveways or to enclose or cover any natural drainageways within the City without first obtaining a written permit. To obtain said permit, plans must be submitted to the Engineering Department. Said plans shall include the following:

- (1) All materials and construction shall conform to the State Highway Department specifications (1976 Edition or later editions thereof).
- (2) Said plans shall show the grade that the culverts of storm sewers are to be laid upon and shall show the amount of cover that will be over said storm sewers.
- (3) No utilities, such as water and sewer lines and their connections, shall be disturbed in any manner by said construction.
- (4) Said plans shall show the location and/or site on which work is to be performed.

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- (5) Said plans shall show the type of pipe to be used, the size, quantity and method of construction or installation of said pipe shall also be shown.
- (6) Said plans must identify the number of acres that said pipe shall drain. Drainage structures shall be sized utilizing the rational method and shall be designed to carry the ten (10) year flood frequency.
- (7) The minimum driveway drain shall be fifteen (15) inch reinforced concrete or an approved equivalent.
- (8) No untreated corrugated metal pipe will be permitted.
- (9) The minimum size for bituminous coated-metal corrugated pipe shall be twenty-four (24) inches.

*Source: Ordinance No. 870-1979, § 1, 9-11-79*

- (10) No City funds or labor will be expended to install culverts in any depression or watercourse unless, in the judgment of the Director of Public Works, it is clearly in the City's interest to do so and when not clearly in the City's interest, the matter shall first be brought before the Council for formal action.

*Source: Ordinance No. 1339-1999, 5-18-99*

**Section 23-33. Application.**

- (a) The City Engineer shall provide the proper form of application blanks for permits under this article, and all persons in the City desiring to construct permanent sidewalks, curbs and gutters or permanent driveways and approaches to any street may obtain and make proper application for authority to make such improvement.
- (b) Said application shall be referred to the City Engineer and if he shall approve the said permit or if the City Council shall make an order authorizing such construction, then or if the City Council shall make an order authorizing such construction.
- (c) If the City Engineer shall disapprove any application, the same shall be referred to the City Council for its action thereon. If the

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application shall be denied by the City Council, the order making denial of the applications shall be spread upon the Minutes of the Board.

*Source: Code 1969, § 38-98*

**Sections 23-34 --- 23-45. Reserved.**

**ARTICLE III. STREETS\***

**DIVISION 1. UTILITY LINES**

**Section 23-46. Construction of Utility Lines.**

No person shall construct or have constructed a pipeline, communication line or an electric power line on, over or under any street before the following requirements have been complied with:

- (1) An application and plan must be signed and executed by the applicant and filed on a form to be furnished or designated by the Engineering Department and/or Inspection Department.
- (2) A copy of such application and plans will be mailed to the applicant as his authority to proceed with the construction. However, written notice shall be given the Engineering Department and/or Inspection Department twenty-four (24) hours in advance of the time actual work is begun.
- (3) Application form will be available in the City Inspection Department and shall be completed and submitted to that department with a fee of \$100 to defray administrative costs. Said applicant or proxy will also be required to attend a site plan meeting with representatives of the Inspection Department, Public Works, Engineering Department, and Water and Sewer Department. A permit fee will be assessed according to the existing electrical permit schedule.

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\*Cross Reference --- Poles and wires, § 7-141 et seq. , Ordinance No. 1589-2012, 4-19-2012

*Source: Code 1969, § 38-21*

DIVISION 2. IDENTIFICATION AND NUMBERING

**Section 23-47. Identification, Numbering---Roads, Highways, Streets and Dwelling Houses.**

- (1) A map, or set of maps, designated as “OFFICIAL MUNICIPAL MAP” showing the names of public streets, roads and highways within the boundaries of the City of Laurel is hereby adopted and incorporated in this Ordinance as fully as if set forth herein, said map to be kept on file in the City Engineering Department.
- (2) All additions, or changes to the Official Municipal Map shall be by Ordinance duly adopted and spread upon the Minutes of the governing authority, a certified copy of which shall be transmitted to the State Highway Department.

*Source: Ordinance No. 1085-1986, § 1-4, 12-16-96*

**Section 23-47A. Naming or Renaming---Streets, Buildings, and any other Structures or Facilities.**

- (1) All considerations and/or proposals for naming or renaming of streets, buildings and any other structures or facilities within the City of Laurel, must be submitted to the office of the City Clerk on the application request form, along with the necessary fee. The Clerk will route the application to the Laurel Planning Commission for their review, study and recommendation.
- (2) A non-refundable administrative fee in the amount of \$100.00 (one hundred dollars) will be charged on each application request, to process the review, to notify all city utility companies and government offices, and to conduct public hearings.
- (3) Except in unusual circumstances or for compelling reasons names to be considered shall be those of persons who are deceased.
- (4) Each application request form for renaming of a street, will require a petition with the printed name, address and signature of every resident and/or business on the street, showing approval or disapproval of the naming or renaming of the street. The person presenting the petition to the City Clerk shall also present an affidavit attesting to the

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authenticity of the signatures and that the individuals understood what was being signed. The City Clerk shall validate all signatures and addresses. A minimum of 75% (seventy-five percent) of the residents and businesses combined along said street shall give an affirmative response in order for the proposal to be considered.

- (5) The naming or renaming of a building or facility for a donor to the City of Laurel may be considered when the donor's gift(s) are at least 25% (twenty-five percent) of the total building/facility cost.
- (6) Any new name for a street cannot duplicate (either exact in spelling or phonetically similar) another street name within the City of Laurel.
- (7) The Laurel Planning Commission will review and study the application request, will conduct a public hearing and will make a recommendation to the Mayor and City Council for approval. The deadline for a recommendation to the Council shall be no later than 60 (sixty) days after introduction of application request.
- (8) Any request approved by the Laurel Planning Commission shall be brought before the City Council for final approval at the next scheduled meeting of the Council, if there is sufficient time to be placed on the agenda prior to the deadline; otherwise, it must be presented at the next schedule meeting of the Council.
- (9) An appeal to the Laurel City Council may be taken within 30 (thirty) days after an order becomes effective, by any person or persons aggrieved or by any officer, department or board of the city of Laurel affected by the decision.
- (10) If the City Council approves the proposal, the official action on such matters outlined in the approved ordinance will go into effect after 30 (thirty) days and all city utility companies and government agencies will be officially notified of the change.

*Source: Ordinance No.1347-1999, 8-3-99*

### DIVISION 3. LIMITED CLOSING OF RESIDENTIAL STREETS

#### **Section 23-48. Criteria.**

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- (1) Any request for limited closure of a residential street (either public or private and to be dedicated to the City) must be made by either the property owner, the developer, the homeowners' association, or any other responsible entity (herein "said Owner") that owns property fronting said residential street.
- (2) Said Owner must be a legal entity that is capable of satisfying the financial responsibility requirements herein stated.
- (3) Limited closure/closing of said street may be by mechanical/electronic gates, other mechanical/electronic devices, a guard service, or some other traffic control device (herein "said Gate").
- (4) All costs associated with the construction, operation and maintenance of said Gate shall be the responsibility of said Owner.
- (5) Only local residential streets (that is, no connecting or through streets, no collector or major streets or no local streets serving commercial, institutional, or industrial establishments) shall be considered for limited closing or shall be considered for acceptance as public streets with a limited closing.
- (6) Provision shall be made for unlimited access to said residential street by emergency vehicles, service vehicles, school buses, and other vehicles necessary for the public health, safety and welfare.
- (7) For residential areas containing space for more than 100 dwelling units the Inspection Department and/or Planning Commission may require that other conditions be met before any local residential street will be considered for limited closure.
- (8) Said residential streets shall always remain open to the general public for a minimum of the following hours each day: 6:00 A.M. to 7:00 P.M. (*i.e.*, business hours).
- (9) Any private street and related infrastructure (including but not limited to curbs, gutters, sidewalks, storm drains, etc.) proposed to be deeded or dedicated to public use must meet the minimum specifications of the City or be brought up to said minimum specifications at the cost of said Owner before the City will consider accepting it. Also, said Owner must propose dedicating it for public use at no cost to the City.

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- (10) Said Owner, for himself and/or his successors in title, shall waive and release the City from any liability caused by the failure of said gates to allow immediate access to the residential area by said emergency or service vehicles.
- (11) Said Owner, for and on behalf of his successors and assigns, by its application hereunder accepts the responsibility for the operation and maintenance of said gates at all times. Said Owner will also provide a means for all City safety and service personnel to have immediate and unlimited access to the public property located behind said gates.

*Source: Ordinance No. 1370-2000, Art.I., § 23-1, 6-20-00; Ordinance No. 1404-2002, 6-4-02*

**Section 23-49. Procedure.**

- (1) An application by said Owner shall be addressed to the City Council and the Planning Commission and filed with the Inspection Department, which application shall request a limited closing of a residential street.
- (2) A filing fee of \$100.00 shall be paid to the Inspection Department at the time of filing. Said fee is not refundable. Said fee shall be used by the Inspection Department to defray the cost of review and reporting on the request.
- (3) Detailed plans of the operation of said Gate that said Owner proposed to use to close said street shall be presented to the Inspection Department (or other designated official) for review and approval. Plans for the control and operation of said Gate shall include provisions for unrestricted access to the residential neighborhood by emergency vehicles, school buses, and other vehicles necessary for protection of public health and safety.
- (4) Said Owner will furnish evidence of financial responsibility for cost associated with the operation and maintenance of said gates and the other costs associated herewith, such as the indemnity agreements. Evidence of financial responsibility must be in a form acceptable to the Inspection Department, such as a payment bond, continuing guaranty, etc. Said form may authorize the original applicant (who is a single owner or developer) to assign said financial responsibility to homeowners association after it is organized, upon written approval of the Inspection Department.

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- (5) Said Owner shall furnish the City with a general liability insurance policy from a reputable company authorized to do business in the State of Mississippi with minimum limits of \$1,000,000. per occurrence, insuring Owner and City. Said Policy shall also waive the right of subrogation for the City's benefit.
- (6) The Inspection Department shall have all appropriate department heads and city officials review the plans and other documentation submitted and advise the Planning Commission when all criteria have been met.
- (7) After all criteria have been met to the satisfaction of the Inspection Department, the Planning Commission shall hold a public hearing on the criteria and the policy decisions herein stated. Thereafter, the Planning Commission shall make its recommendations to the City Council.
- (8) Residential streets will be considered for said limited closing only after a finding by the Planning Commission that such closing will not have a significant adverse effect on travel by the general public or impede ingress or egress to the neighborhood by emergency vehicles, service vehicles, school buses, or other vehicles necessary for the general welfare and the protection of public health and safety. Said Commission shall also make the findings that his request will further the policy specified in Section 23-1.
- (9) The City Council shall consider the recommendations of the Planning Commission and whether or not to grant the requested limited closing of said residential street or streets or accept a private residential street with limited closing. The Council shall have the sole authority to make the final decision on whether or not to grant said request regardless of the recommendations of the Planning Commission.
- (10) Each application hereunder will be considered on a case by case basis. The fact that one Owner has been granted approval to operate gates that will provide limited closing of public streets in one subdivision will have no bearing on whether another Owner's application hereunder for another subdivision will be approved.

*Source: Ordinance No.1370-2000, Art. III.,§ 23-48, 6-20-00; Ordinance No. 1404-2002, 6-4-02*

**Section 23-50. Termination.**

The City, upon **90 days written notice to said Owner and upon** recommendation of the Inspection Department or the Planning Commission, may terminate the right of limited closing of any local residential public street upon determination that said entrance ways, gates, barriers or other devices are not maintained in good repair or are defective in their operation, or if any of the other findings previously made are no longer valid **or if it is determined that this right is not in the best interest of the City as a whole.** Upon termination of said right, said Owner shall immediately remove said Gate, barriers, etc. Failure to do so will authorize the City Council to order the same removed at the cost of said Owner.

*Source: Ordinance No. 1370-2000, Art. III., § 23-50, 6-20-00; Ordinance No. 1404-2002, 6-4-02*

**Sections 23-51 --- 23-60. Reserved.**

**ARTICLE IV. EXCAVATIONS AND TUNNELS\***

**Section 23-61. Permit---Required.**

Before making any excavation in or tunneling under any street or alley in the City the person desiring to make such excavation in or tunnel under such streets or alleys shall make application in writing to the Engineering Department stating the purpose for the same, and the place where same is to be made, and shall secure a permit therefore before beginning to work.

*Source: Code 1969, § 38-50*

**Section 23-62. Same---Bond; Issuance.**

Permits to make excavations in or tunnel under the streets or alleys in the City may be issued by the City Clerk upon approval of the Engineering Department. Before such permit can be issued the person desiring to do such work shall file with the Engineering Department, to be approved by the Mayor, a good and sufficient surety bond in such amount as may be required by the City, said bond to indemnify the City from any loss or damage to person or property by reason of said excavation or tunnel, and further that said bond shall guarantee that the person making such excavation in or tunnel under a street or alley in the City will repair said street or alley and put same in a condition of repair satisfactory to

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\*Cross Reference --- Oil and gas pipelines, § 17-99 et seq.

the Engineering Department.

*Source: Code 1969, § 38-51*

**Section 23-63. Barricades; Signs.**

Any person making an excavation in or a tunnel under any street or alley shall, at his own expense, enclose the same with sufficient safety barrier while the excavation remains open or the tunnel is not braced.

*Source: Code 1969, § 38-52*

**Section 23-64. Repairs.**

The Engineering Department/Public Works shall have the power under this article to specify the manner in which a street or alley shall be repaired after an excavation has been made in or a tunnel made under the same.

*Source: Code 1969, § 38-53*

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