

ARTICLE III. OBSTRUCTIONS IMPAIRING VISIBILITY

Sec. 16-3-76. Prohibited Structures and Growth.

(a) *Maximum Height; pruned Trees excepted.* On no corner Lot which abuts an open intersection or intersection controlled by yield Signs, within a triangular area described by the intersection of the adjacent Curb lines, or if none exists the normal Curb lines, and a point on each Curb line forty-five (45) feet from the intersection, shall there be erected or maintained any wall, fence or other Structure, or any hedge, shrub or other growth higher than two and one-half (2 1/2) feet from the top of the adjacent Curb lines or if there is no Curb then from the top of the normal Curb line, except Trees which are pruned to a height of eight (8) feet or any vehicle parked in the Parkway portion of the triangle; provided, however, this provision shall not apply at intersections controlled by stop Signs or by official traffic-control signals.

(b) *Through Streets.* On no corner Lot which abuts an intersection of a Through Street and an intersecting Street shall there be erected or maintained any obstruction described in subsection (a) of this section, within a triangular area described by the intersection of the adjacent Curb lines, or if none exists, the normal Curb lines, and a point ten (10) feet from the intersection on the intersecting Street and one hundred (100) feet from the intersection on the through Street; provided, however, this provision shall not apply at intersections controlled by official traffic-control signals.

(c) *Arterial and Collector Streets.* On no Lot which abuts an Arterial or Collector Street, as shown on the Transportation Plan of the City, shall there be erected or maintained any obstruction described in subsection (a) of this section, within a triangular area described by the intersection of the adjacent Curb line, or if none exists, the normal Curb line, with a line perpendicular to the Curb line passing through the edge of any adjacent Driveway, and a point ten (10) feet from the intersection on the intersecting line and one hundred (100) feet from the intersection on the Street Curb line.

(Code 1960, § 23-58; Ord. No. 5620, § 2, 2-26-86; Ord. No. 5771, § 3, 9-27-88)

Sec. 16-3-77. Obstructing view of traffic-control device.

No wall, fence or other Structure, or any hedge, Tree, shrub or other growth, shall be erected or maintained in any location so as to cause an obstruction of the view of an official traffic-control device from the adjacent Street.

(Code 1960, § 23-59; Ord. No. 5620, § 2, 8-26-86)

Sec. 16-3-78. Declaration of nuisance; notice.

(a) Any obstruction prohibited by this article is hereby declared a public nuisance in violation of this article.

(b) Each day's violation after the Traffic Engineer gives notice by depositing a written notice of the violation in the mail, properly stamped and directed to the last known address, shall constitute a separate offense, and for each offense the person shall be subject to the penalty in section 1-1-5.

(Code 1960, § 23-60; Ord. No. 5620, § 2, 8-26-86)

Sec. 16-3-79. Obstructions on private property; notice to abate; failure to comply; remedial action.

(a) The maintenance of any obstruction prohibited by this article shall be called to the attention of the owner of the Premises in writing by the Traffic Engineer or his agent. The notice may be given by personal delivery or by depositing it in the United States mail properly stamped and addressed to the owner's last known address.

(b) If the obstruction has not been removed within ten (10) days from the date the notice was delivered or mailed, the Traffic Engineer or his agent is hereby authorized and directed to go on the Premises and summarily remove the obstruction.

(c) A bill for the actual costs, in no case to be less than one hundred dollars (\$100.00), incurred by the City resulting from the abatement of the condition existing by reason of the owner's failure to comply with the notice provided above, shall be mailed to the owner of the Premises and must be satisfied within thirty (30) days of the date of mailing of the bill.

(d) If the bill has not been satisfied within the period specified in (c) of this section, the Traffic Engineer may file a statement with the county clerk of Potter or Randall County of the expenses incurred in the abatement of the above-described conditions.

(e) The City shall have a privileged lien on any Lot upon which expense is incurred, second only to tax liens and liens for Street improvements, for the cost and ten (10) percent on the amount from the date such payment is due as stipulated in subsection (c) of this section.

(f) For any such expenditure and interest as specified, suit may be instituted and recovery and foreclosure had in the name of the City.

(g) The statement made by the Traffic Engineer as provided in subsection (d) of this service, or a copy thereof shall be prima facie of the cost incurred in any such work performed by the City.

(Code 1960, § 23-61; Ord. No. 5620, § 2, 8-26-86; Ord. No. 6726, § 1, 5-19-2004)

Secs. 16-3-80--16-3-100. Reserved.

Sec. 4-6-185. Obstruction of streets, alleys, sidewalks by trees and other vegetation.

It shall be unlawful for any owner, occupant or person in charge of any Premises to:

- (1) Allow the branches of any Tree to extend over or into a public Street or Alley at a height less than fourteen and one-half (14 1/2) feet;
- (2) Allow the branches of any Tree to extend over a public sidewalk at a height of less than seven (7) feet.
- (3) Allow any shrubbery or similar vegetation to extend into or over any public Street, Alley or Sidewalk blocking or hindering pedestrian or vehicular access.
- (4) The City may cut, trim, or remove any Tree, shrubbery or similar vegetation that encroaches upon a public Street, Alley or Sidewalk in violation of this section, to the extent needed to comply with this section. This remedy is in addition to any other remedy provided by section 1-1-5 or other law.

(Code 1960, § 21-54; Ord. No. 5627, § 2, 9-23-86; Ord. No. 6608, § 1, 8-13-2002)