

## **Sec. 12.107            Obstructions of View of Traffic by Trees or Shrubs**

Trees, shrubs, bushes, plants, grass or weeds growing on or over the right-of-way of streets at or near intersections in such a manner as to obstruct the view of approaching traffic from the right or left are hereby declared to be an immediate and substantial hazard to public safety and a public nuisance. Any duly designated officer, employee or contractor of the city is authorized to remove same or as much thereof as is reasonably necessary, as the case may be, without notice in order to restore unobstructed approaches to such intersection.

## **ARTICLE 8.1200 VEGETATION OBSTRUCTING STREETS**

\* Cross reference    Chapter 6, Article 6.300, Property Maintenance.

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## **Sec. 8.1201            Definitions**

For the purposes of this article the following words, terms and phrases shall have the meanings ascribed thereto:

*Private Street.* Shall mean any street, lane or other access way other than a public street which provides the principal means of access to two or more lots or tracts of land.

*Obstructing Vegetation.* Shall mean any tree or other vegetative matter, or any part thereof, located nearer than eight feet (8') from the center line of any private street, or less than fourteen feet (14') above the grade of any private street.

(Ordinance 490, adopted 5/18/93, Section 2)

## **Sec. 8.1202            Obstructing Vegetation Prohibited**

It shall be unlawful for any person owning or occupying property adjacent to a private street to cause or permit any tree or vegetation to become obstructing vegetation, as that term is defined herein, over, across or adjacent to any private street. (Ordinance 490, adopted 5/18/93, Section 3)

## **Sec. 8.1203            Notice to Remove**

Should any person owning or occupying property adjacent to a private street fail to remove obstructing vegetation on the lot or tract owned or occupied by such person within ten (10) business days following notice to do so, the city may enter such property and cause the removal thereof. Notice to remove such obstructing vegetation shall be given in a manner authorized pursuant to 342.006, Texas Health and Safety Code. All costs incurred in such removal shall be charged to the owner of such property. In the event the owner fails or refuses to pay the city the costs incurred in removing obstructing vegetation, the city may attach a lien therefore in the manner provided in 342.007, Texas Health and Safety Code. (Ordinance 490, adopted 5/18/93, Section 4)

#### **Sec. 8.1204          Nuisance Declared**

The existence of obstructing vegetation is hereby declared to be a public nuisance. (Ordinance 490, adopted 5/18/93, Section 5)

#### **Sec. 8.1205          Penalty for Violations**

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in Section 1.109 of this code. Each day of violation shall constitute a separate offense. (Ordinance 490, adopted 5/18/93, Section 6)