

## ARTICLE IV. SIGHT OBSTRUCTIONS AT INTERSECTIONS\*

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**\*Editor's note:** Ord. No. 2002-03, § 3, adopted Jan. 14, 2002, repealed former Art. III, which pertained to excavations and § 2 of said ordinance renumbered the provisions of Art. IV from §§ 94-86--94-90 to §§ 94-56--94-60. See the Code Comparative Table for a detailed analysis of inclusion of said Ord. No. 2002-03.

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### **Sec. 94-56. Obstructions prohibited.**

No person shall erect, permit or maintain the existence of any wall, fence or other structure, except utility poles, traffic signs and devices, and street name signs, or plant or permit the growth or existence of any tree, hedge, shrub or other similar growth of a height greater than three feet from the street gutter flow line upon his property where such property is bounded on two adjacent sides by the public right-of-way for a road, street, alley, or other public passageway, at angles to each other, the area so restricted being the area of the corner of such property, more particularly described as being that area in the form of a triangle, bounded by two intersecting boundaries of the present or future street curb line for a distance of 25 feet (ten feet for alleys) on each of such boundaries from the points of intersection, and bounded by a third side determined by drawing of a straight line from the points of the two intersecting boundaries 25 feet (ten feet for alleys) from their intersection.

(Code 1966, § 26-52; Ord. No. 2002-03, § 2, 1-14-02)

### **Sec. 94-57. Preexisting structures excepted; application against preexisting shrubs, etc.**

Section 94-86 shall not apply to any business building, family building, apartment house, or other structures existing as of March 20, 1962, and not in violation of any applicable provision of this Code, or state law or city ordinance. Also, section 94-86 shall not apply to a single tree existing in the specified triangle as of December 1, 1973; provided, however, that no limbs, leaves, or other growth on the tree shall be allowed to exist at a height of more than three feet and less than eight feet above the street gutter flow line. No other exceptions shall be granted for the existence of other trees, shrubs, or other growth in any area prohibited by section 94-86 in the city.

(Code 1966, § 26-53; Ord. No. 2002-03, § 2, 1-14-02)

**Sec. 94-58. Minimum clearance of trees.**

- (a) No person who is an owner or occupant of any private premises or property within the city shall permit the growth or existence of any tree, hedge, shrub or other similar growth where such tree, hedge, shrub or other similar growth shall overhang or project onto any public street or right-of-way so designated as a state highway or major arterial as defined and delineated in the thoroughfare plan as contained in Foresight McAllen, the official comprehensive plan for the city, adopted and on file with the city secretary, at a height of not less than 13 feet, six inches, and on all other city streets at a height of not less than 12 feet from the street level. No person as owner or occupant of any private premises or property located in the city shall permit the growth or existence of any tree, hedge, shrub or other similar growth where such obstruction interferes with the visibility of traffic control signs or devices by operators of vehicles upon public streets or by pedestrians upon public streets or sidewalks.
- (b) There is hereby imposed a penalty as prescribed in section 1-14, plus state court cost, for the conviction of any person for violation of the provisions of subsection (a) of this section.

(Code 1966, § 26-54; Ord. No. 2002-03, § 2, 1-14-02)