

VISIBILITY OBSTRUCTIONS

Sec. 53.40. Purpose.

The purpose of this subchapter is to provide minimum standards to obtain a reasonable degree of safety for motor vehicles to enter or cross traffic flow without causing oncoming vehicles to reduce speed.

(Ord. 2305, passed 1-27-98)

Sec. 53.41. Scope.

The provisions of this subchapter shall apply to construction, alteration, demolition, repair, or maintenance of structures, parked vehicles or plant materials at traffic intersections of all streets, alleys, and public driveways. This subchapter does not apply to traffic control signs, street signs, signal and telecommunication devices, fire hydrants or utility or other poles placed within such area as authorized by the city.

(Ord. 2305, passed 1-27-98)

Sec. 53.42. Definitions.

The following definitions shall apply for the purpose of this subchapter:

Director. The person designated by the City Manager to administer and enforce this subchapter.

Driver's eye. Height of the driver's eye shall be considered to be three feet six inches above the road surface at the traffic intersection.

Public. Intended for commerce or the population as a whole and not for individual dwelling uses.

(Ord. 2305, passed 1-27-98)

Sec. 53.43. Obstructions prohibited.

It shall be unlawful for any person or the owner or occupier of land to install, alter, maintain, or permit any obstruction in violation of this subchapter.

(Ord. 2305, passed 1-27-98)

Sec. 53.44. Minimum requirements.

An unobstructed sight from the driver's eye at the traffic intersection toward oncoming traffic for a distance (in feet) of ten times the oncoming traffic street design speed limit (in miles per hour per the General Design Standards) shall be maintained.

(Ord. 2305, passed 1-27-98)

Sec. 53.45. Enforcement.

(A) The Director is hereby authorized to enforce the provisions of this subchapter. The Director shall have the power to render interpretations of this subchapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformity with the intent and purpose of this subchapter.

(B) All obstructions within the scope of this subchapter which are determined after inspection by the Director to be in violation of this subchapter shall be abated by repair, rehabilitation, demolition or removal.

(C) The Director shall send written notice to the owner or occupant of any property upon which any of the violations set forth in subchapter exist, or to any owner or

occupant which abuts any parkway are upon which any of the violations exist to correct the violation. If the Director is unable to determine the owner or occupier of land, notice will be sufficient if mailed to the name and address shown on the most recent tax roll. If the violation is not corrected within a specified period, the Director is hereby authorized and directed to cause the tree, plant, or structure constituting the violation to be trimmed, pruned, or removed to eliminate the prohibited condition. The cost of the work shall be assessed against the property owner or abutting property owner, as the case may be. (Ord. 2305, passed 1-27-98)

Sec. 53.46. Existing obstructions.

(A) All existing plant material that does not comply with this subchapter is prohibited and must be removed or trimmed to comply with section 53.44.

(B) All structures or buildings erected before November 4, 1986 may be maintained in current positions unless found to be an imminent danger by the Director.

(C) All obstructions regulated by this subchapter must comply with section 53.44 when replaced.

(Ord. 2305, passed 1-27-98)

Sec. 53.47. Appeals and variances.

(A) Any person aggrieved by an interpretation of the Director may appeal to the Construction Advisory and Appeals Board as provided in section 34.040.

(B) The Construction Advisory and Appeals Board is authorized to grant variances only to section 53.46, "Existing Obstructions," for specific cases when in its judgment the public convenience and welfare will be substantially served. Reference to section 53.44 shall not be construed so as to allow a variance to that section.

(Ord. 2305, passed 1-27-98)

Sec. 53.48. Conflicts.

Where this subchapter conflicts with traffic visibility standards designated on plats or within ordinances, this subchapter shall prevail.

(Ord. 2305, passed 1-27-98)

Secs. 53.49--53.59. Reserved.