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ORDINANCE NO. 822

AN ORDINANCE AMENDING CHAPTER 26, STREETS AND SIDEWALKS, OF THE ABILENE MUNICIPAL CODE, BY AMENDING SECTION 26-4, OBSTRUCTIONS, NUISANCES, ETC. AFFECTING USE OF STREETS AND SIDEWALKS; DEFINING CERTAIN NUISANCES; SETTING MINIMUM CLEARANCES; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the Texas Manual on Uniform Traffic Control Devices has set new requirements for minimum heights of traffic signs, and requires local jurisdictions to conform to these requirements; and,

WHEREAS, the City Council deems it advisable to regulate overhanging trees which may obscure traffic signs; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 26, Streets and Sidewalks, of the Abilene Municipal Code, be, and the same is hereby amended by amending Section 26-4, Obstructions, Nuisances, etc., Affecting Use of Streets and Sidewalks, to hereafter read as follows:

"Sec. 26-4. Obstructions, nuisances, etc., affecting use of streets and sidewalks.

Nothing in this section shall be construed to apply to or regulate signs or billboards.

The following are declared to be nuisances, obstructions or traffic hazards subject to the regulations of this section:

- (a) Any awning or other protrusion which hangs over or protrudes over any sidewalk or parkway in the city at a height of less than eight feet above the sidewalk or ground level.*
- (b) Any awning or other protrusion attached to the wall of any building or structure which projects over any sidewalk or public space farther than:
 - (1) Four feet behind the curb where the height of such awning or protrusion is less than ten feet, or*
 - (2) Two feet behind the curb where the height of such awning or protrusion is ten feet or more.**
- (c) Any bush, tree or other vegetation within the parkway which exceeds a height of two and one-half feet above the gutter elevation of the adjacent street or which overhangs a sidewalk except single trunk trees which are pruned as follows:
 - (1) To eliminate all leaves and branches below seven feet in height above the ground or sidewalk beneath the tree, or*
 - (2) To eliminate all leaves and branches which would tend to obstruct the view of a traffic control device.**

(d) Any bush, tree or other vegetation which hangs over any street or alley which is not pruned as follows:

- (1) To eliminate all leaves and branches below a height of twelve feet above the street or alley, or
- (2) To eliminate all leaves or branches which would tend to obstruct the view of a traffic control device.

The Director of Traffic and Transportation, or such other person as may be designated by the City Council, when it shall come to his knowledge that any of the above obstructions, nuisances or traffic hazards exist shall notify the responsible person that the same is in violation of this section and request that the same be either remedied or eliminated as deemed necessary by the notifying official. The person so notified shall have ten (10) days in which to comply with such notice.

It shall be the duty of any person owning, leasing or occupying any lot or parcel of land in the city fronting upon a sidewalk, street or alley to remove and prohibit any of the nuisances, obstructions or traffic hazards set out in this section, and failure to remedy, eliminate or modify the same in accordance with the instructions of the notifying official shall be a violation of the provisions of this section and shall be punishable as provided in Sec. 10-1 of this Code."

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred (\$200.00) Dollars. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PART 3: This ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING, this the 23rd day of October, A.D. 1975.

PASSED ON SECOND AND FINAL READING this the 20 day of November, A.D. 1975.


MAYOR

ATTEST:


CITY SECRETARY

APPROVED:


CITY ATTORNEY