

ORDINANCE NO. 109-1984

AN ORDINANCE AMENDING CHAPTER 29, "Streets and Sidewalks," BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

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

PART 1: That Chapter 29, "Streets and Sidewalks," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 Dollars (\$200.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said 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, Texas.

PASSED ON FIRST READING this 25 day of October, A.D.

19 84.

PASSED ON SECOND AND FINAL READING this 1 day of \_\_\_\_\_

November \_\_\_\_\_, A.D. 19 84.

ATTEST:

Patricia Patton  
CITY SECRETARY

Harold Stubbeman  
MAYOR

APPROVED:

Mary Landers  
CITY ATTORNEY

Exhibit "A"

PART 1: That Section 29-22 (c) and (d) is amended to read as follows:

Section 29-22. Enumeration.

(c) Any bush, tree or other vegetation within the parkway which exceeds a height of two and one-half (2-1/2) feet above the gutter elevation of the adjacent street or which overhangs a sidewalk, except single trunk trees which are pruned to eliminate all leaves and branches as follows:

- (1) below seven (7) feet in height above the ground beneath the tree,
- (2) below eight (8) feet in height above a sidewalk beneath the tree, or
- (3) which would tend to obstruct the view of a traffic control device.

(d) Any brush, 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 thirteen and one-half (13-1/2) 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.

PART 2: Add a new Section 29-27 as follows:

Section 29-27. Emergency Situation.

If the Director of Traffic and Transportation shall determine that any of the above obstructions, nuisances, or traffic hazards constitute an emergency situation or immediate hazard, then the Director may cause the immediate removal of said obstruction, nuisance, or traffic hazard.

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