

Sec. 90-32. Obstruction of public ways unlawful.

- (a) *Generally.* All streets and alleys or other public passages within the limits of the city shall be under the control of the city council, and public passages which may have been stopped or obstructed by any person are hereby declared open.
- (b) *Encroachment of buildings, walls, fences prohibited.* Whenever houses, fences, walls, etc., are found to encroach upon or obstruct streets, alleys or public passage, the city council may order the removal of such obstruction and, in the event the obstruction is not removed by the agent or owner within the time required by such notice, then it shall be the duty of the city council to proceed at once to remove the obstruction.
- (c) *Placing obstructions in streets, alleys, sidewalks prohibited.* No person shall place, or cause to be placed, anything in any street, square, alley or public passage in this city that may in any manner obstruct the free passage of such street, alley or public passage, except building materials for immediate use, when the such material does not occupy more than one-third of such street, alley or public passage, and is so placed as not to obstruct the proper drainage of the street, alley or public passage. Obstruction of sidewalks at any time so as to prevent free passage along such sidewalks shall be unlawful.
- (d) *Trees, shrubs and other growth.* The following regulations shall apply to trees, shrubs and other natural growth:
 - (1) *Trees, shrubs and other natural growth/unobstructed view of traffic control devices.* It shall be the duty of every owner of real property which abuts a public right-of-way to trim all trees, shrubbery, and other natural growth on the owner's property, including any overhang or protrusion into the abutting right-of-way, so as to maintain a clear, unobstructed view of a traffic control device for a minimum distance of 200 feet on approach to such traffic control device.
 - (2) *Trees, shrubs, and other natural growth/vertical clearance over roadways and rights-of-way.* It shall be the duty of every owner of real property which abuts a public right-of-way to trim all trees, shrubbery and other natural growth on the owner's property, including any overhang or protrusion in the abutting right-of-way, so as to maintain a full 14-foot clearance between the surface of such street, highway or alley, and the overhanging trees, shrubs and other natural growth.
 - (3) *Trees, shrubs, and other natural growth/vertical clearance over sidewalks or sidewalk areas.* It shall be the duty of every owner of real property which abuts a public right-of-way to trim all trees, shrubbery and other natural growth on the owner's property that overhangs or protrudes over a sidewalk or sidewalk area so as to maintain a full ten-foot clearance between the

surface of such sidewalk or sidewalk area and the overhanging tree, shrub and other natural growth.

- (4) *Removal of trees, shrubs and other growth.* If trees, shrubbery or other natural growth obstructs the view of a traffic control device from the distance specified in subsection (d)(1) of this section, or grow within the prescribed vertical clearances over roadways or sidewalks or sidewalk areas, as set forth in subsections (d)(2) and (d)(3) of this section, the city may notify the owner by certified mail, return receipt requested, of the growth and require that the growth be trimmed within ten days after the date such notice is deposited with the postal authority. Any owner of real property who fails and/or refuses to trim any trees, shrubbery and other natural growth to the extent sufficient to conform to this article within ten days after the date of such notification shall be in violation of this section and subject to the penalties set forth in section 1-7. Further, in the event of such failure and/or refusal, the city may do or cause to be done such trimming of trees, shrubbery and other natural growth.

Notwithstanding anything contained in this section to the contrary, the city shall have the authority, at any time any such trees, shrubs or other natural growth is determined by the city engineer to be a safety hazard, to trim any such growth which obstructs free passage of vehicles or pedestrians or obstructs or interferes with the visibility of lawfully erected traffic control devices.

(Bus. 1--3, pg. 201, §§ I-III; Ord. No. 87-54, 11-10-1987; Ord. No. 94-19, §§ 1, 2, 11-8-1994; Code 1968, art. 6-I-3)