

## **Sec. 10.2701 Definitions**

For the purpose of this article, the following words and phrases shall be construed to have the following meanings:

Fence. Shall mean an enclosing barrier, movable or immovable, constructed of wood, metal or any other material regardless of its use or purpose.

Object. Shall mean every sign, advertisement, container, display item, or any other type of material, except trees, whether movable or immovable, which are not specifically authorized by state law or city ordinance.

Plant. Shall mean any hedge, bush, shrub, vine, or other vegetation. except trees.

Property line. Shall mean the boundary line of any street, which line marks the division between the street area and the property abutting upon same.

Street. Shall mean the entire width of every way or place of whatsoever nature when any part thereof is open to the use of the public as a matter of right for the purpose of travel.

Vehicle. Shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power.

(1982 Code of Ordinances, Chapter 11, Section 42)

## **Sec. 10.2702 Traffic Obstructions Prohibited In Triangle, At Street Intersections, On Corner Lots**

- (a) It shall be unlawful for any person to place or maintain, or cause or permit to be placed or maintained, any plant, object or vehicle having a height greater than three feet (3') above the level of the center of the nearest abutting street, on or in that portion which is included in a triangle on said corner lot formed by a diagonal line intersecting the property line of the streets which abut such corner lot, at points fifteen feet (15') from the street corner intersection of said property line.
- (b) It is provided, however, that an elevated sign with a minimum clearance of ten feet (10') above the level of the center of the nearest abutting street shall be permitted in the above described triangle when it is erected on a support pole not to exceed twelve inches (12") in diameter or maximum thickness.
- (c) It is further provided, that a sign for St. Mary's Catholic Church may be erected on property located at the southwest corner of the intersection of Cherry Avenue and 8th Street in the above described triangle, provided that it not exceed nine feet (9') in height, and not be placed less than nine feet (9') from the property line along

Cherry Avenue and six feet (6') from the property line along 8th Street. In the event the city council of the City of Orange, Texas, should ever enact an ordinance providing for two-way traffic on 8th Street adjacent to the above mentioned sign then subsection (b) of this section shall thereby be automatically repealed whether or not so stated in said ordinance, and St. Mary's Catholic Church shall have the duty of removing the sign permitted in said section.

(1982 Code of Ordinances, Chapter 11, Section 42; Ordinance adopting Code)

#### **Sec. 10.2703 Trees Prohibited In Triangle At Intersection Of Property Line And Street Corner**

It shall be unlawful for any owner or occupant of a corner lot in the city to place or maintain, or cause or permit to be placed or maintained, any tree on or in that portion of said corner lot, which is included in a triangle on said corner lot formed by a diagonal line intersecting the property lines of the streets abutting such corner lot at points fifteen feet (15') from the street corner intersection of said property lines unless all limbs, branches, and foliage on said tree are kept trimmed and pruned to a minimum clearance of ten feet (10') above the street level at the nearest property line.

(1982 Code of Ordinances, Chapter 11, Section 42; Ordinance adopting Code)

#### **Sec. 10.2704 Traffic Obstructions Prohibited Between Property Lines Of Corner Lot And Street Curblin**

It shall be unlawful for any person to place or maintain or cause or permit to be placed or maintained, any plant, vehicle, or object having a height greater than three feet (3') above the level of the nearest abutting street on or in that area which lies between the property lines of any corner lot and the curblines of the streets which such lots abut.

#### **Sec. 10.2705 Blockage Of Free Passage And Use Of Area Between Property Lot Line And Street Curblin**

It shall be unlawful for any person to place or maintain or cause or permit to be placed or maintained, any tree, plant, vehicle, or object upon or in the area between the property line of any lot and the curblin of any street abutting such property line, in such a way as to obstruct the free passage and use of that area by the public.

#### **Sec. 10.2706 Traffic Obstructions Prohibited Within Five Feet (5') Of Fire Hydrant**

It shall be unlawful for any person to place or maintain, or cause or permit to be placed or maintained, any tree, plant, or object upon any property within five feet (5') of any fire hydrant in the city.

(1982 Code of Ordinances, Chapter 11, Section 42)

### **Sec. 10.2707 Tree Limbs Overhanging In Streets**

It shall be unlawful for the owner or occupant of any property in the city to maintain or permit limbs of trees growing thereon to overhang or grow above the area between his property line and the curb line of any abutting street unless all limbs, branches, and foliage thereon are kept trimmed and pruned to a minimum clearance of twelve feet (12') above the street level at the nearest curblines.

(1982 Code of Ordinances, Chapter 11, Section 42; Ordinance adopting Code)

### **Sec. 10.2708 Fences Restricted In Triangle At Intersection Of Property Line And Street Corner**

It shall be unlawful for any person to construct or replace, or cause to be constructed or replaced, any fence consisting of any solid material that occupies greater than twenty-five percent (25%) of the area of any ten-foot section of the fence (measured horizontally) and having a height greater than four feet (4') above the level of the center of the nearest abutting street, on or in that portion of any corner lot in the city, which portion is included in a triangle on said corner lot formed by a diagonal line intersecting the property lines of the streets which abut such corner lot at points twenty-five feet (25') from the street corner intersection of said property lines; provided, however, this section shall not apply to any fences specially authorized by law.

(1982 Code of Ordinances, Chapter 11, Section 42; Ordinance adopting Code)

### **Sec. 10.2709 Notice To Correct Violation Of Traffic Obstructions**

It shall be the duty of the city engineer to cause a written notice to be served upon the owner or occupant of any property upon which any violation of Sections 10.2702 through 10.2708 of this article exists, requesting such owner or occupant to correct the condition constituting a violation of these sections within ten (10) days after service of such notice. If such condition is not corrected within such ten (10) day period, a complaint may be filed in the municipal courts against such owner or occupant; provided, no such complaint shall be filed until the notice described in this section has been served and ten (10) days have elapsed without correction of the violation in question.

### **Sec. 10.2710 City Engineer To Remove Traffic Obstructions**

The city engineer is authorized to remove, or cause to be removed, any tree, plant, or object found between the opposite curblines of any street in the city, and to trim branches, limbs, or foliage of any tree or plant which overhangs or grows above the area which lies between the opposite curblines of any street so as to provide a minimum clearance of twelve feet (12') above the street level at the curbline and so as to be graduated toward the center of the street to a clearance of fifteen feet (15') above the street level at the center of such street.