

**Sec. 36-22.1. Trees, shrubs, fences, signs, structures, etc., obstructing view of traffic at intersections; defined; notice to remove; appeal; penalty.**

- (a) Adequate sight distances shall be maintained at the intersection of all public streets and from commercial driveways which intersect with major thoroughfares.
- (b) The minimum sight distance that must be preserved or provided is based on the posted speed limit on each leg of the public street or major thoroughfare intersection. This sight distance is measured, at elevations between three (3) feet and eight (8) feet above the street grade, from the view of a motorist lawfully upon the roadway, or property exiting a commercial driveway, from a point fifteen (15) feet from the edge of the cross street and along the cross street a distance of ten (10) times the posted speed limit. See Exhibit A for sight distance illustrations.
- (c) It shall be unlawful to erect, plant, or maintain any fence, wall, screen, billboard, sign, structure, foliage of hedges, trees, bushes, or other view obstruction so as to obstruct the sight distance as described in subsection (a). Obstructions of this nature are found by the city council to be a nuisance.
- (d) Any such fence, wall, screen, hedge, tree, bush, shrub, billboard, sign, structure, or other view obstruction erected, planted, or maintained in violation of this section shall be removed within ten (10) days upon written notice from the city traffic director to the adjacent property owner.
- (e) In the event that the obstruction lies within the city's right-of-way and is not removed by the property owner within ten (10) days from the date the notice is received, the city will remove and dispose of the object.
- (f) In the event that the obstruction lies within the city's right of way or upon private property and is not removed within ten (10) days from the date the notice is mailed or appeal is final, the owner shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00), and each day that such owner allows the obstructions to remain shall be deemed to be a separate offense.
- (g) In the event any citizen desires to appeal from a notice received in subsection (d), he may, within the ten (10) days from the date the notice was mailed, file a notice of appeal to the traffic commission. Such appeal shall be in writing and filed with the traffic director. The notice of appeal shall state the name and address of the person appealing the notice, to which address the date of hearing shall be sent, the location of the alleged obstruction which the city desires to remove, and the reason for the appeal. In the event such a notice of appeal is received by the director of traffic, he shall not abate the alleged obstruction until and unless the traffic commission issues a ruling affirming his decision. The traffic commission shall hold a hearing and render a decision in writing within thirty (30) days after it receives said notice of appeal. When the meeting of the traffic commission is called to consider the appeal, the person requesting the appeal shall be given at

least seven (7) days written notice of the hearing date. The traffic commission may affirm or reverse the finding of the traffic director and its decision shall be final.

(Ord. No. 1780, § 1(28-166), 3-15-66; Ord. No. 74-42, § 1, 2-26-74; Ord. No. 90-128, §§ 1, 2, 7-24-90; Ord. No. 01-52, § 1, 3-27-01)