

Obstruction of View

Sec. 16-21. Obstruction of view.

(a) The following terms as used in this section shall have the meaning respectively ascribed to them:

*Curblin*e: The boundary of that portion of any street which is improved, designed or ordinarily used for vehicular traffic.

Fence: Any enclosing barrier, movable or immovable, constructed of wood, metal or any other material, regardless of its use or purpose.

Object: Every sign, advertisement, container or display item of any type or form, whether movable or immovable, which is not authorized by state law or city ordinance.

Plant: Any hedge, bush, shrub, vine, palm or vegetation, except trees.

Property line: The boundary line of any street which line marks the division between the street area and the property abutting upon the same.

(b) It shall be unlawful for any person to place or maintain, or cause to maintain any plant, object, sign, or vehicle having a height of greater than two and one-half (2 1/2) feet 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 the street corner of the lot formed by a diagonal line intersecting the curblines, at points twenty (20) feet from the street corner intersection of the curblines.

(c) It shall be unlawful for any person to place or maintain, or cause to be placed or maintained, any tree on or in that portion of any corner lot in the city, which portion is included in the triangle described in (b) above, unless all limbs, branches and foliage on the tree are kept trimmed and pruned to a minimum clearance of eight (8) feet above the level of the nearest curblin

e or to such clearance as will provide an unobstructed view of traffic signs and controls to oncoming traffic.

(d) It shall be unlawful for any person to place, maintain or permit, or cause to be placed or maintained, any tree, plant, object or vehicle on or in the area between the property line of any lot and the curblines of any street abutting such property line of that area by the public.

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

(f) 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 curblines of any abutting street, unless such limbs and all branches and foliage thereon are kept trimmed and pruned to a minimum clearance of eight (8) feet above the level of the nearest curblines, or to such clearance as will provide an unobstructed view of traffic signs and controls to oncoming traffic.

(g) It shall be unlawful for any person to construct or replace, or cause to be constructed or replaced, any fence having a height greater than three (3) feet above the level of the center of the nearest abutting street on or in the triangle described in (b) above; provided, this section will not apply to any fence authorized by law.

(h) It shall be the duty of the city traffic director to cause a written notice to be served upon the owner or occupant of any property upon which any violation of this section exists to correct such condition as constitutes a violation of this section within ten (10) days after serving such notice; and if such condition is not corrected or remedied or caused to be corrected or remedied by such person by the end of such ten (10) days, the city traffic director is authorized and directed to cause a complaint to be issued against such owner or occupant, stating the offense with which he is charged.

(i) The city traffic director is authorized to remove or cause to be removed any tree, plant or object found between the opposite curblines, in 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 eight (8) feet above the street level at the curblines and so as to be graduated toward the center level at

the center of the street where necessary, in the opinion of the traffic director, to provide for the safety of the public.

(j) Any lawful use of a building or fence constructed of brick or stone, as of the date when the existing use of such structures became nonconforming because of the application of this section to such structures, may be continued even though such use does not conform to the provisions hereof. Whenever a nonconforming use of structure or portion thereof is discontinued for a period of two (2) years, any future use of such structure or portion thereof shall be in conformity with the requirements of this section.

Cross References: Rules of construction and definitions generally, § 1-3.