



ORDINANCE 18-1023-01

AN ORDINANCE AMENDING ORDINANCE 18-0227-01 DATED 2-27-18 PROHBITING THE PLACEMENT AND MAINTENANCE OF OBJECTS ON ANY PROPERTY IN SUCH MANNER OR AT SUCH LOCATION AS TO CONSTITUTE AN OBSTRUCTION TO VIEW CREATING A TRAFFIC HAZARD, RESTRICTING FREE PASSAGE AND USE OF A PUBLIC WAY, OR OBSTRUCTION FROM VIEW ANY TRAFFIC CONTROL DEVICE BY AMENDING SECTION 2.B.; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PENALTY AND EFFECTIVE DATE

WHEREAS, it is deemed in the best interest of the City of Whitehouse to provide for control of and regulation of vehicle traffic; and,

WHEREAS, it is deemed in the best interest of the City to insure free passage and use of public ways; and,

WHEREAS, conditions exist which warrant action to eliminate safety hazards and to prohibit the continuance and maintenance of objects constituting obstructions to view or restricting free passage and use of public way;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITEHOUSE, TEXAS:

SECTION 1:

A. Definitions

For the purposes of this ordinance, the following terms shall have the meaning ascribed herein:

- 1) Curb Line:** The boundary of the portion of any street which is improved, designed or ordinarily used for vehicular travel.
- 2) Object:** Every sign, advertisement, fence, container or display item of any type or form, portable or fixed
- 3) Plants:** Any hedge, bush, shrub, vine, palm, grass or other vegetation except trees.
- 4) Property Line:** The boundary line of a parcel of land defined by metes and bounds in a recorded deed or by boundary lines on a recorded map, which line marks the division between the area for a public street and the property abutting upon said street.
- 5) Street:** The entire width between the boundary lines of every way open to the use of the public for the purposed of traffic.
- 6) Traffic:** The use of any street for the purposed of travel by pedestrians, riders of animals, vehicles and other conveyances.
- 7) Visibility Triangle:** A triangle formed by the intersecting property lines and a line jointing the property lines at points twenty-feet from their point of intersection.

SECTION 2:

A. Plants, Objects, Vehicles and Heights

- 1) **Street Corners:** It shall be unlawful for any person to place or maintain or cause to be placed or maintained, any plant, object or vehicle having a height greater than three feet (3') above the level of the center lines of the nearest abutting street on or in that area of a triangle formed by the intersecting property lines and a diagonal line joining the property lines at points twenty-feet from their intersection of any corner lot on which a front yard is required. Provided, this subsection shall not apply to a retaining wall necessary for the support of the lot, nor to a wall of a building when the wall or building legally extends into that triangle.
- 2) **Sidewalk Areas:** It shall be unlawful for any person to place, maintain or cause to be placed or maintained any plant, object or vehicle having a height greater than three feet (3') above the level of the center line of the nearest abutting street on or in that area which lies between the property lines of any corner lot and the curb lines of any street in the City.

B. Trees and Other Objects

- 1) **Streets, Sidewalks and public right-of-way frontage:** It shall be the duty of every owner or occupant of any lot in the city to keep any and all trees trimmed and pruned of limbs, branches and foliage four (4) feet from the roadway and a minimum clearance of fourteen (14) feet above the street level at the nearest curb line. In cases where curbing is not present, the property line adjoining the surfaced or non-surfaced roadway shall be designated as the determining line and ten (10) feet above any sidewalk.
- 2) **Residential neighborhoods:** When in the opinion of the City Manager or Public Works Director, the enforcement of the clearance height or distance may be considered detrimental to the aesthetic integrity of the neighborhood, the City Manager or Public Works Director shall direct staff to trim only to a clearance height or distance necessary for the protection and safety of the public.
- 3) **Free Passage in Sidewalk Areas:** It shall be unlawful for any person to place maintain or permit or cause to be placed or maintained, any tree, plant or object on or in the area between the property line of any lot and the curb line of any street abutting such lot in any way that obstructs the free passage and use of that area by the public.
- 4) **Maintenance and protection of sidewalks and infrastructure:** It shall be the duty of every owner or occupant to inhibit the growth of any vegetation or grass on or under the sidewalk between the property line of any lot and the curb line of any street abutting such lot. Additionally it shall be the duty of every owner or occupant to ensure that vegetation shall not damage or impeded the proper workings of any infrastructure owned by or dedicated to the City.

- 4) **Clearance Near Fire Hydrants:** It shall be unlawful for any person to place maintain or permit or cause to be placed or maintained any tree, plant or object within five feet (5') of any fire hydrant in the City.
- 5) **Clearance Near Traffic Control Devices:** Notwithstanding the provisions of any other ordinance of the city regulating traffic and traffic control devices, it shall be unlawful for any person to place, plant, or maintain any plant, tree or other object in such a manner as to obstruct from view any traffic control device.

SECTION 3:

A. Notice; service of notice; failure to correct; filing of complaint

The City Manager, Code Enforcement Officer or other designee shall have a written notice served upon the owner or occupant of any property upon which any violation of any section of this ordinance exists to correct the condition which constitutes a violation herein within ten (10) days after service of this notice. Service of said notice may be accomplished by sending same to the owner or occupant by certified mail, return receipt requested, or by personal service upon the owner or occupant. If such condition is not corrected by the end of such ten (10) day period, the said City Manager, Code Enforcement, or designated representative, shall file a complaint with the Municipal Court.

B. Authorization to Abate or Remedy

- i. The City Manager, Code Enforcement or other designee is hereby authorized to remove, or cause to be removed, any tree, plant or object found between the opposite curb lines in any street or public right-of-way 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 curb lines of any street to a minimum clearance of fourteen (14) feet above the street level at the curb line, and graduated toward the centerline of the street to a clearance of fourteen (14) feet above the centerline of the street. The City Manager, Code Enforcement Officer or other designee is further authorized to trim or remove any tree or plant which obstructs any traffic control device in the city. Such abatement or remedy by the City shall be at the expense of the owner; a bill will be submitted to the owner and if not paid within thirty (30) days the City is authorized to place a lien on the property in violation for the amount owed.
- ii. In addition to Section 3i the City shall have authority to remedy or abate any tree plant, object or vegetation which may interfere or impair the use an enjoyment of any city sideway or infrastructure owned by or dedicated to the City

Section 4

That all provisions of the ordinances of the City of Whitehouse in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Whitehouse not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Whitehouse, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6

That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid.

SECTION 7

That any person, firm, or corporation violating any of the provision or terms of this Ordinance, upon conviction in Municipal Court, shall be punishable by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.

SECTION 8

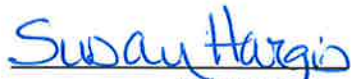
This Ordinance shall take effect after its passage and the publication of the caption, as the law and charter in such case provide.

PASSED, APPROVED, and ADOPTED on this 23rd day of October 2018.



Charles Parker, Mayor

ATTEST:



Susan Hargis, City Secretary