

ORDINANCE NO. 467

AN ORDINANCE AMENDING TITLE NINE CHAPTER SIX OF THE CITY CODE, CITY OF POLSON, PERTAINING TO TREES, SHRUBBERY AND ADDITIONAL OBSTRUCTIONS TO VISIBILITY AND ESTABLISHING A PENALTY FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON that Title IX, Chapter 6 of the City Code be amended to read as follows:

9-6-1: VISIBILITY OBSTRUCTIONS. Signs, fences, hedges, walls, shrubbery, natural growth, or other obstructions to the view, whether movable or stationary, exclusive of motor vehicles, located on private property or public right-of-way that are higher than 30 inches above the level of the established top-of-street curb grade or level of the adjacent street intersection and are located within:

- A. The isosceles triangle having sides of fifty feet measured along the curb of each intersecting street; or
- B. The triangle having a fifteen foot side measured along the curb line of a minor street and a seventy-five foot side along the curb line of the intersecting arterial, collector, stop controlled through street whereas adjacent intersections of the through street are stop controlled creating a stop controlled through street corridor, or through street of a T-intersection, all with speed limits of thirty miles per hour or less; or
- C. The isosceles triangle having sides of 10 feet along the right-of-way line of an alley or along the edge line of a private drive and along:
 - i. The inside line of the sidewalk, or
 - ii. If there is no sidewalk, the curb line; or

D. Regardless of other provisions of this section fences, walks, trees or hedges erected or maintained in any area which materially impedes vision of vehicles entering an abutting street as determined by the city engineer;

are obstructions to visibility of pedestrians and persons operating vehicles and are public nuisances.

It is the duty of the owner or tenant of any premises within the city to abate such nuisances in front of and adjoining their premises within the public right-of-way or upon their premises by destroying, removing, or trimming the cause of the public nuisance.

9-6-2: VISIBILITY OBSTRUCTIONS--EXCEPTIONS: Section 9-6-1 shall not apply to trees trimmed to the trunk to at least eight feet above the level of the curb and that are planted so as to leave a clear unobstructed cross-view. Section 9-6-1 also shall not apply to fire hydrants; public utility poles; street markers; traffic control devices; existing permanent buildings; existing grades, which by reason of natural topography exceed 30 inches above the curb; and signs mounted eight feet or more above the curb and whose supports higher than 30 inches above the established top of curb grade or level of the adjacent intersection do not exceed 12 inches in diameter.

9-6-3: VISIBILITY OBSTRUCTIONS--EXISTING OBSTRUCTIONS: No obstruction to cross-visibility shall be exempted or excluded from the application of this article because of its being in existence at the time of the adoption hereof.

9-6-4: VISIBILITY OBSTRUCTIONS--MISDEMEANOR AND PENALTY. It shall be a misdemeanor for any person or persons or corporations owning real property or tenants of any real property to install, set out, or maintain or to allow the installation, setting out, or maintenance of any sign, hedge, fence, shrubbery, natural growth, or other obstruction to the view, whether movable or stationary, higher than 30 inches above the level of the street curb or the level of the adjacent roadway on any private property or public right-of-way that is located in the areas described in Section 9-6-1 Subsection A, B, C and D.

Any person or persons or corporations violating Section 9-6-1 of this code after thirty (30) days notice by the city engineer shall be guilty of a

misdemeanor and upon conviction shall be fined any sum not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), and each day the violation shall continue shall constitute a separate offense.

9-6-5: VISIBILITY OBSTRUCTIONS--REMOVAL OF OBSTRUCTIONS BY CITY: In the event of any violation of Section 9-6-1 in addition to the fine mentioned in Section 9-6-4, the city, at the direction of the city engineer, is authorized to go on said real property and to take any usual and necessary action to effect full compliance with the provisions of these sections. The cost thereof shall be a charge against the person or persons or corporation responsible and shall be a lien against the property from which such obstruction is removed.

REPEALING CLAUSE: Any ordinance or parts of ordinances in conflict are hereby repealed.

DATED THIS 4th day of April, 1988.

Patricia A. De Vries
 PATRICIA A. DE VRIES, MAYOR

ATTEST:

Kathy L. Cox
 Kathy L. Cox, City Clerk

First reading approved March 21, 1988.
 Second reading approved April 4, 1988.