

ORDINANCE NO. 3471

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE BY ADDING A NEW ARTICLE X THEREBY ADDRESSING TRAFFIC VISIBILITY AND VIEW OBSTRUCTIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 9 of the Code of the City of Mesquite is hereby amended by adding a new Article X to read as follows, in all other respects said Code and Chapter to remain in full force and effect. The figures referred to in Sections 9-305 and 9-308 are attached hereto as Exhibit "A" and made a part hereof.

**ARTICLE X. TRAFFIC VISIBILITY AND VIEW OBSTRUCTIONS**

**Sec. 9-305. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

*Alley intersection visibility triangle* shall mean a generally triangular area at an intersection of a street and an alley formed by extending the street curb and alley paving lines to form an intersection and connecting the two (2) points located on said lines fifteen (15) feet from their intersection, as defined in Figure 1, to define a zone necessary for the clear view by the driver of a motor vehicle or a bicyclist of oncoming cross-street motor vehicle, bicycle or pedestrian traffic.

*Parkway area* shall mean that area, exclusive of an intersection visibility triangle, which is between the curb line or edge of pavement and the abutting property line.

*Street intersection visibility triangle* shall mean a generally triangular area at an intersection of two streets formed by extending the street curb lines to form an intersection and connecting the two (2) points located on said lines, as defined in Figure 2, to define a zone necessary for the clear view by the driver of a motor vehicle or a bicyclist of oncoming cross-street traffic.

*Street intersection sight distance* shall mean the sight distance as shown in Figures 1 and 2.

*Traffic control device sight distance* shall mean the sight distance as shown in Figure 3.

*Traffic control device visibility triangle* shall mean a generally triangular area in front of an official traffic control device located on the side of the roadway necessary to provide for the clear view by the driver of a motor vehicle or a bicyclist of said traffic control device.

*Traffic control signs* are signs placed by the City for the regulation, warning and guiding of traffic traveling on the street.

*Traffic Engineer* shall mean the Traffic Engineer of the City of Mesquite.

*Uncontrolled intersection* shall mean an intersection of two (2) or more streets at which there are no official traffic control devices designating approaching traffic to stop or yield.

*View obstruction* shall mean hedges, trees, shrubs or bushes, plants, foliage, sign, pole, soil, fence, screen, billboard, structure, walls or other improvement either man-made or natural item which has a height greater than two and one-half feet (2 ½') as measured from the top of the curb and which obstructs the visibility of pedestrian, bicycle or motor vehicle traffic approaching an intersection, or official traffic control signs at an intersection or along a street. View obstruction shall also mean vehicles, including motorized and non-motorized vehicles, parked within off-street parking facilities that encroach into a street intersection visibility triangle and that have a height greater than two and one-half feet (2 ½') as measured from the top of the curb at the intersection and which obstruct the visibility of pedestrian, bicycle or motor vehicle traffic approaching an intersection.

*Visibility easement* shall be an easement, either by plat or by separate instrument filed with Dallas County, Texas, that shall define the boundaries of a street intersection visibility triangle, an alley intersection visibility triangle or a traffic control device visibility triangle on private property.

*Visibility triangle* shall mean a generally triangular area that defines a zone necessary for the clear view by the driver of a motor vehicle or a bicyclist of oncoming cross-street motor vehicle, bicycle or pedestrian traffic or of a traffic control device, and includes street intersection visibility triangles, alley intersection visibility triangles and traffic control device visibility triangles.

**Sec. 9-306. View obstructions prohibited within intersection visibility triangles.**

- (1) A person commits an offense if he or she places or maintains or permits or causes to be maintained a view obstruction within an alley intersection or street intersection visibility triangle.

- (2) A property owner shall be deemed to be maintaining a view obstruction within a visibility triangle if the view obstruction is in an alley intersection or street intersection visibility triangle abutting his property and/or passing through his property.
- (3) Off-street parking shall not be allowed to encroach into a street intersection visibility triangle.

**Sec. 9-307. View obstructions prohibited within parkway areas.**

- (1) A person commits an offense if he places or maintains or causes or permits to be placed or maintained a view obstruction within a parkway area.
- (2) A property owner shall be deemed to be maintaining a view obstruction in a parkway area if the view obstruction is in a parkway area abutting his property.

**Sec. 9-308. Tree limbs, bushes or shrubs overhang of sidewalks and streets.**

- (1) All tree limbs, bushes or shrubs shall be trimmed so that:
  - (a) No branch or growth which overhangs a street is less than fourteen feet (14') above the surface of such street; and
  - (b) No branch or growth which overhangs a sidewalk is less than ten feet (10') above the surface of such sidewalk; and
  - (c) No branch or growth which overhangs the parkway area is less than ten feet (10') above the surface of the parkway area.
- (2) Figure 4 illustrates the trimming requirements of this section.
- (3) A person commits an offense if he fails to maintain a tree in accordance with this section.

**Sec. 9-309. Enforcement.**

- (1) *Removal by property owner; noncompliance.* Any fence, wall, screen, hedge, tree, bush, shrub, billboard, sign or structure erected, planted or maintained in violation of this article shall be removed by the property owner upon written notice from the City to the property owner.
  - (a) *Right-of-way view obstructions.* Right-of-way view obstructions that lie within the City's right-of-way shall be removed by the property owner within fourteen (14) days of the date of the notice.

A property owner who fails to remove an obstruction within such time shall be cited for such violation and upon conviction is subject to a fine not to exceed five hundred dollars (\$500.00). Each day such property owner suffers or permits the obstruction to remain shall be deemed to be a separate offense. Should the property owner fail to remove the obstruction within the fourteen (14) days, it shall be lawful for the City to remove the item and the exact cost thereof shall be billed to and become a personal liability of the property owner. The property owner may claim the item or material removed, with the exception of plant material, within seven (7) days of its removal by reimbursing the City for the cost of its removal. Items that are unclaimed within such time shall become the property of the City.

- (b) *Private property.* View obstructions that lie on private property shall be removed within fourteen (14) days of the date of the notice. A property owner who fails to remove an obstruction within such time shall be cited for such violation and upon conviction is subject to a fine not to exceed five hundred dollars (\$500.00). Each day such property owner suffers or permits the obstruction to remain shall be deemed to be a separate offense.
- (2) *Restriction of intent with respect to removal of vegetation.* It specifically is not the intent of this section to cause arbitrary and capricious removal of trees, shrubs and ornamental plantings that do not present an obviously hazardous obstruction to the sight line as described above.
- (3) *Exceptions.* The provisions of this article shall not apply to the following:
  - (a) Permanent buildings lawfully located when constructed.
  - (b) Properly approved and permitted residential privacy fences.
  - (c) Traffic control regulatory, warning, temporary traffic control or guide sign, traffic control signal, traffic signal control cabinet, traffic signal control hardware and equipment, street name sign, street light, retaining wall, screening wall, sound attenuation wall, bridge structure, fire hydrant or utility pole or any other utility-related equipment properly approved and permitted which was placed by authority granted by the City Council.

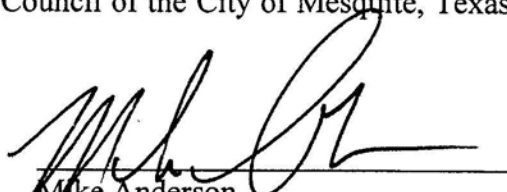
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed five hundred (\$500.00) dollars for each offense.

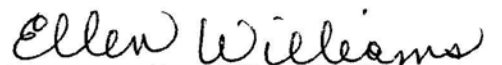
SECTION 5. That the present ordinances of the City of Mesquite are inadequate to provide for the proper motorist and bicyclist visibility at street and alley intersections and of traffic control signs, creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

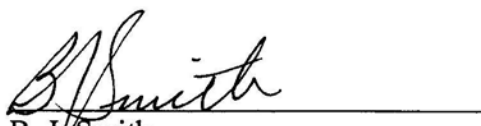
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of December, 2001.

  
\_\_\_\_\_  
Mike Anderson  
Mayor

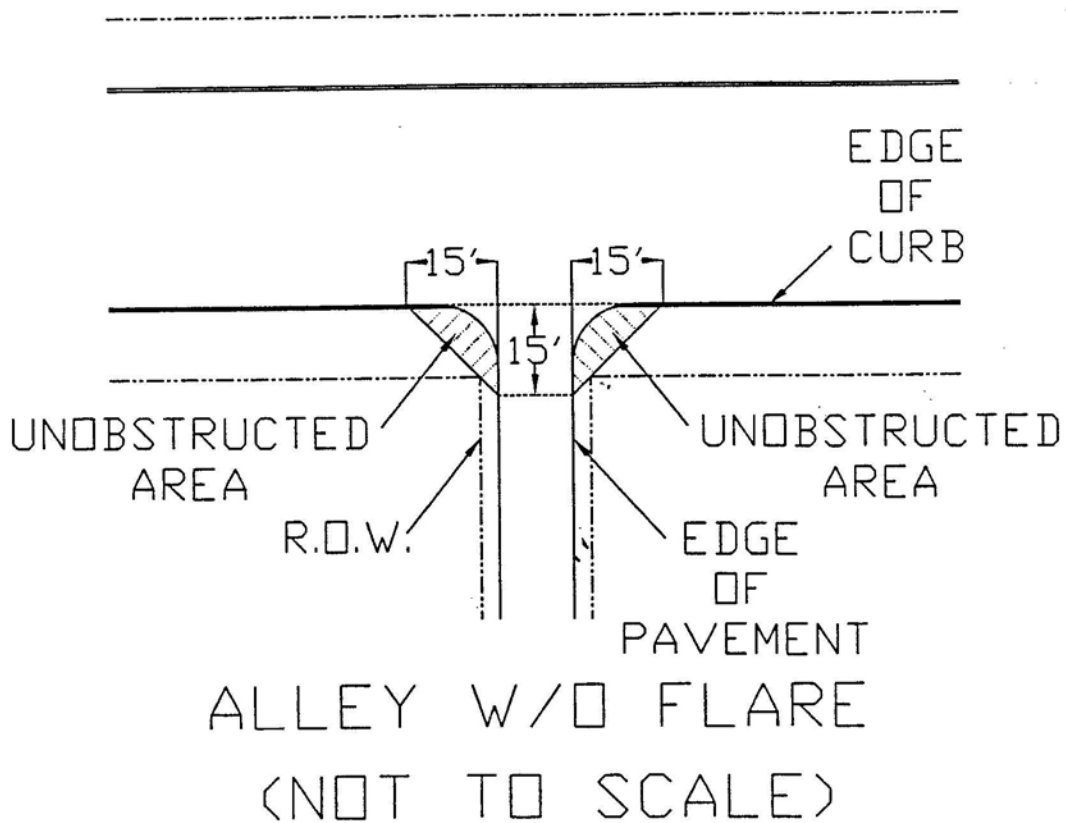
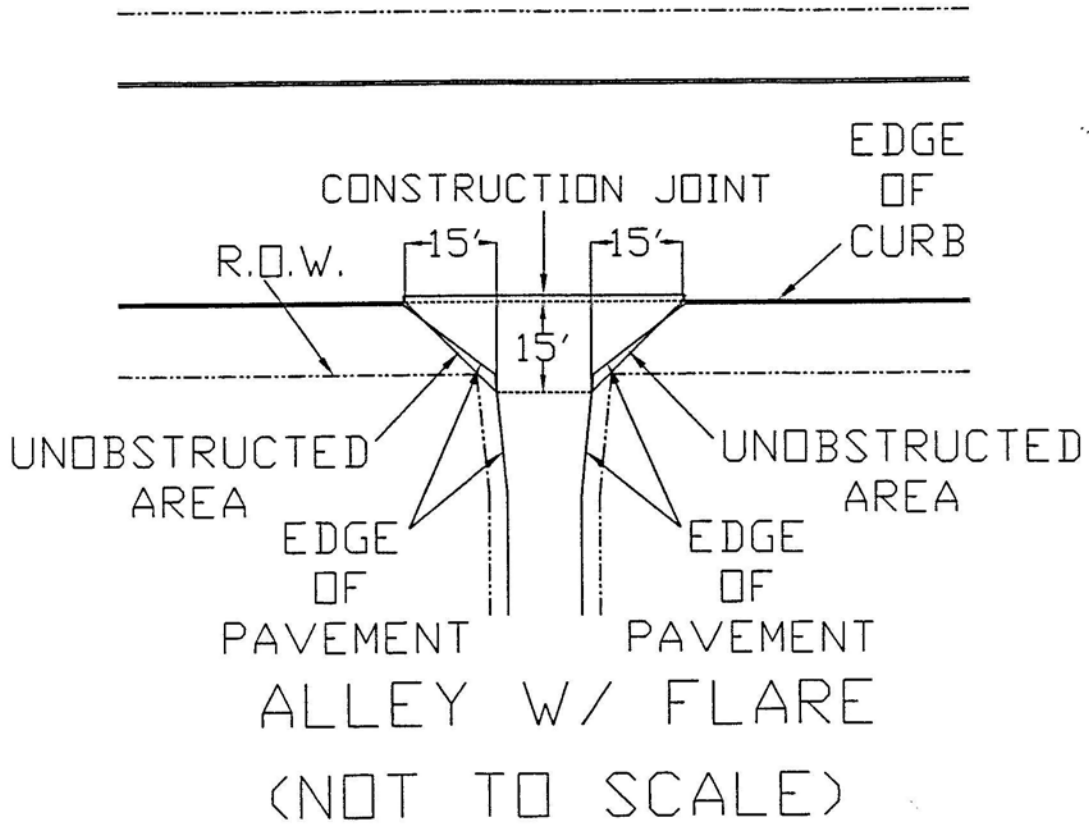
ATTEST:

APPROVED:

  
\_\_\_\_\_  
Ellen Williams  
City Secretary

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

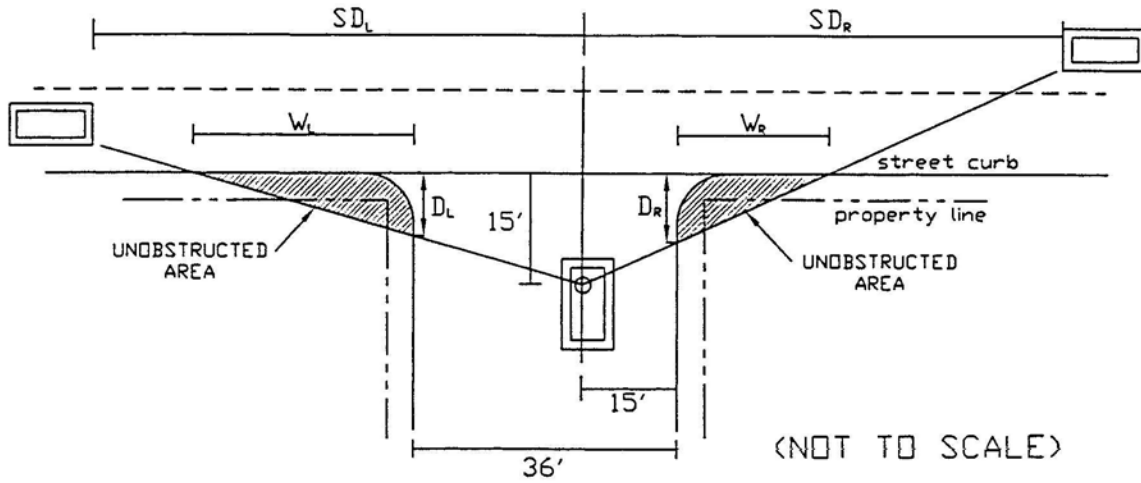
ALLEY INTERSECTION VISIBILITY TRIANGLE  
FIGURE 1



## VISIBILITY TRIANGLE FIGURE 2

The following unobstructed triangular area will be considered to comply with the Mesquite Code of Ordinances, Title Chapter 9 for Motor Vehicles and Traffic, Article X, for the traffic visibility obstruction.

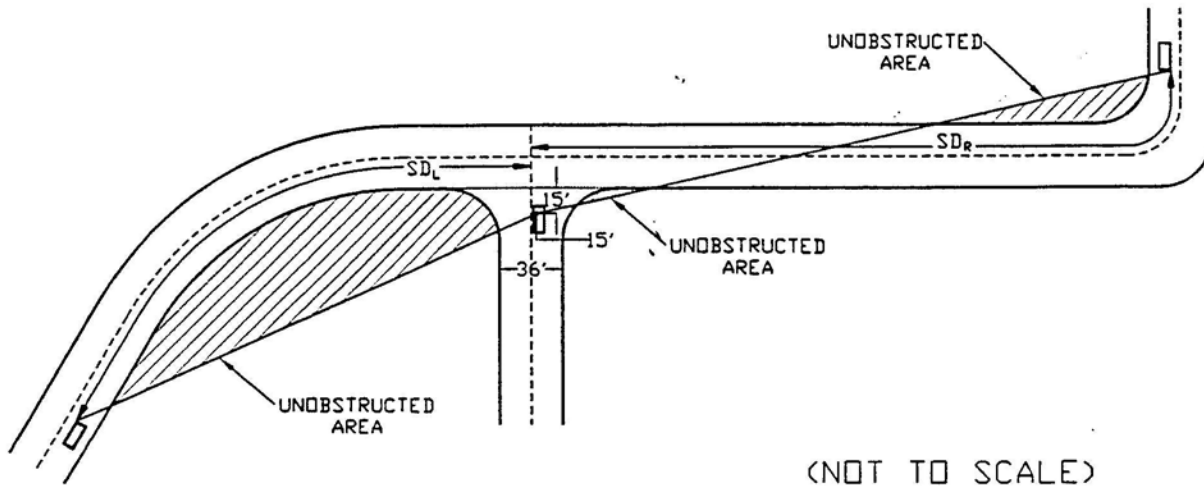
Assumptions: At grade intersections; driver's eye height 3.5' above pavement.



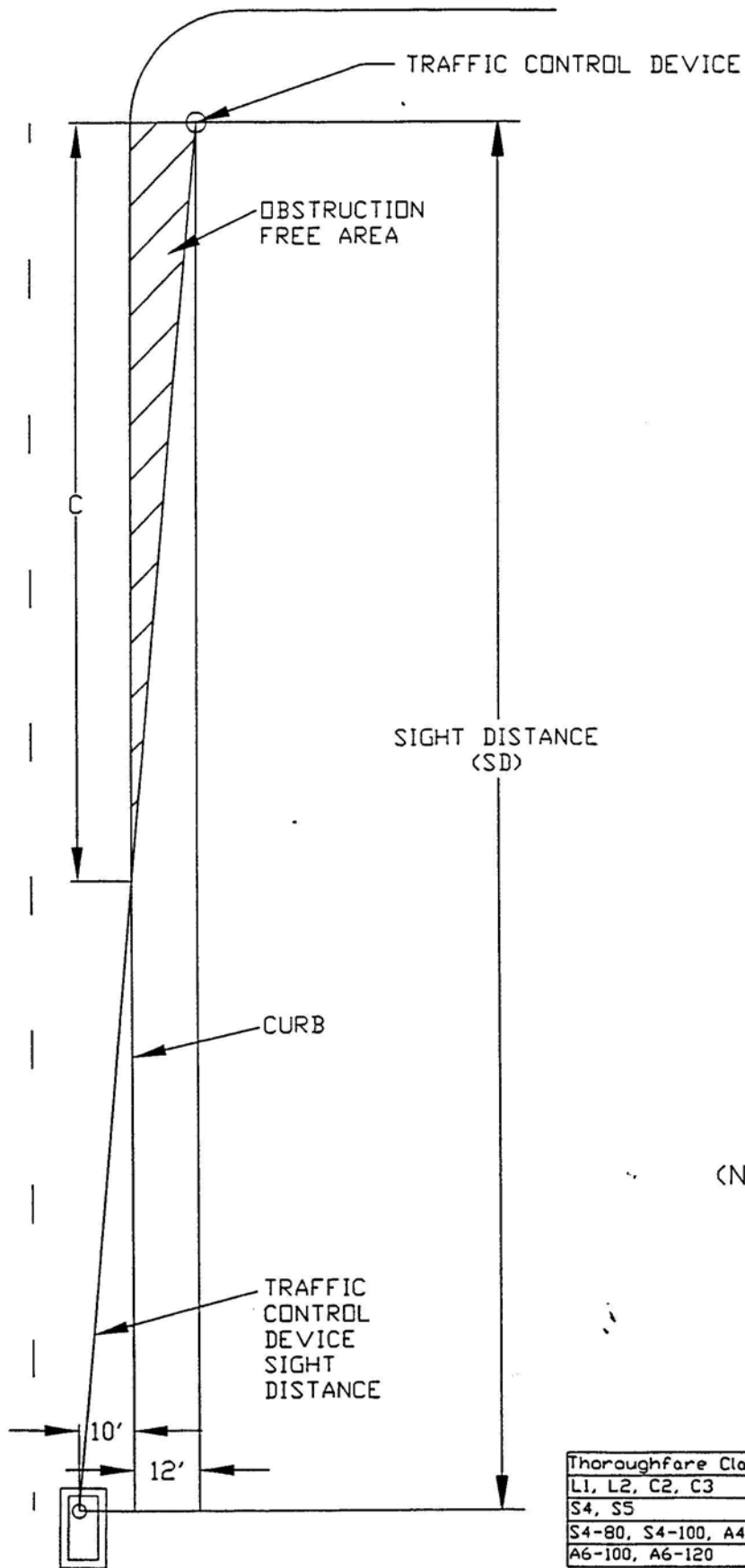
Thoroughfare Class	Design Speed	Minimum Sight Distance		90 Degree Intersection Only			
		SD <sub>L</sub>	SD <sub>R</sub>	W <sub>L</sub>	W <sub>R</sub>	D <sub>L</sub>	D <sub>R</sub>
L1, L2, C2, C3	30 mph	315	325	210	120	13	14
S4, S5	40 mph	480	545	330	210	14	14
S4-80, S4-100, A4	45 mph	580	650	400	260	14	14
A6-100, A6-120	50 mph	585	655	400	260	14	14

SD<sub>L</sub> and SD<sub>R</sub> = The resulting sight distances to the left and right as measured from the driver's eye at the traffic intersection toward oncoming traffic.

W<sub>L</sub> and W<sub>R</sub> = Distance along the curb line for sight line measurement for 90 degree intersection only.



TRAFFIC CONTROL DEVICE  
VISIBILITY TRIANGLE  
FIGURE 3



(NOT TO SCALE)

Thoroughfare Class	Design Speed	SD	Distance C
L1, L2, C2, C3	30 mph	250	140
S4, S5	40 mph	400	190
S4-80, S4-100, A4	45 mph	475	260
A6-100, A6-120	50 mph	550	300



TREE, BUSH, AND SHRUB TRIMMING REQUIREMENTS  
FIGURE 4

