

ORDINANCE NO. 3849

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 9-305, 9-306 AND 9-309 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 9-305, 9-306 AND 9-309; 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 deleting Sections 9-305, 9-306 and 9-309 in their entirety and adding new Sections 9-305, 9-306 and 9-309 to read as follows, in all other respects said Code and Chapter to remain in full force and effect. The figures referred to in Section 9-305 are attached hereto as Exhibit "A" and made a part hereof.

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 points located on said lines 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.

Public access driveway visibility triangle shall mean a generally triangular area at an intersection of a street and a public access driveway formed by extending the street curb line and driveway curb or edge line to form an intersection and connecting the two 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.

Public access driveway sight distance shall mean the sight distance as shown in Figure 2.

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 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.

Manager of Traffic Engineering shall mean the Manager of Traffic Engineering of the City of Mesquite.

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

View obstruction shall mean a hedge, tree, shrub or bush, plant, foliage, sign, pole, soil, fence, screen, billboard, structure, wall 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 a street or alley intersection or public access driveway, or an official traffic control sign at an intersection or along a street. View obstructions shall also mean vehicles, including motorized and non-motorized vehicles, parked within off-street parking facilities that encroach into a street intersection or public access driveway 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 or driveway and which obstruct the visibility of pedestrian, bicycle or motor vehicle traffic approaching an intersection or driveway.

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, a public access driveway 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, public access driveway visibility triangles, and traffic control device visibility triangles.

Sec. 9-306. View obstructions prohibited within street or alley intersection or public access driveway visibility triangles.

- (a) A person commits an offense if he places or maintains or permits or causes to be maintained a view obstruction within an alley intersection or street intersection or public access driveway visibility triangle.
- (b) A property owner or person in control of the view obstruction 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 or public access driveway visibility triangle abutting his property and/or passing through his property.
- (c) Off-street parking shall not be allowed to encroach into a street intersection or public access driveway visibility triangle.

Sec. 9-309. Enforcement.

- (a) *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.
 - (1) *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 or person in control of the view obstruction within 14 days of the date of the notice. A property owner or person in control of the view obstruction 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 or person in control of the view obstruction fail to remove the obstruction within the 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 or person in control of the view obstruction. The property owner or person in control of the view obstruction may claim the item or material removed, with the exception of plant material, within seven 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.

- (2) *Private property.* View obstructions that lie on private property shall be removed within 14 days of the date of the notice. A property owner or person in control of the view obstruction 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.
- (b) *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.
- (c) *Exceptions.* The provisions of this article shall not apply to the following:
 - (1) Permanent buildings lawfully located when constructed.
 - (2) Properly approved and permitted residential privacy fences.
 - (3) 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.

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.

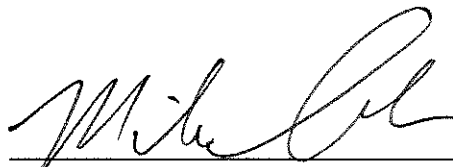
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

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 or public access driveways, 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 16th day of January, 2007.



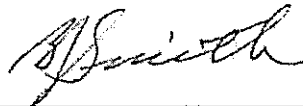
Mike Anderson
Mayor

ATTEST:



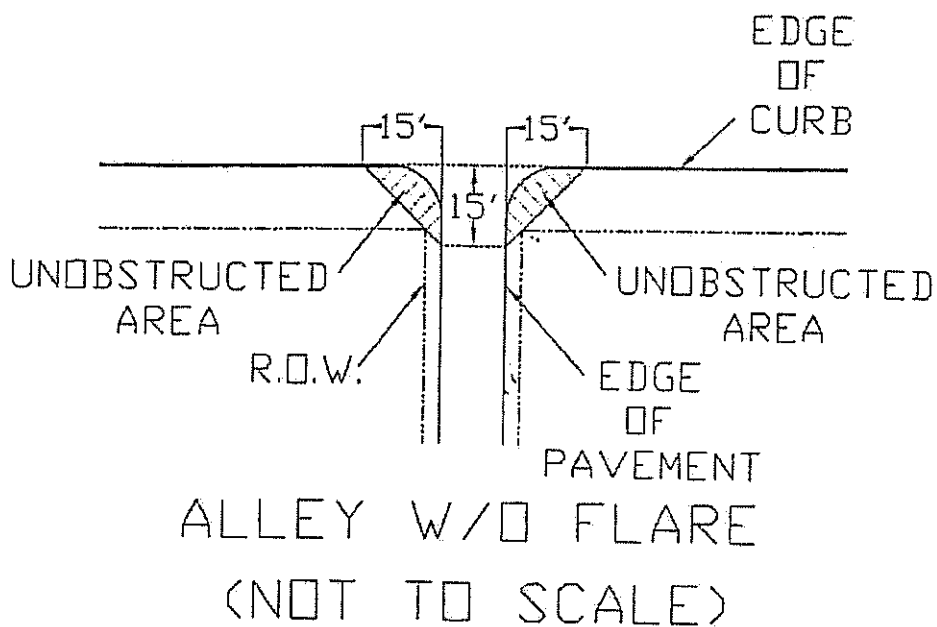
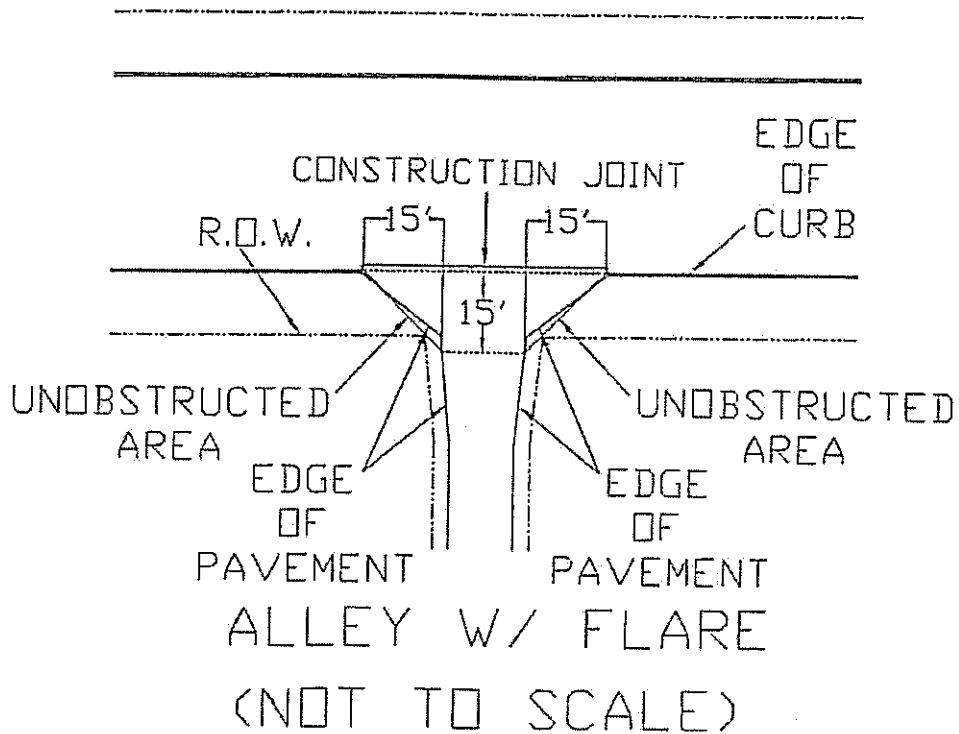
Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

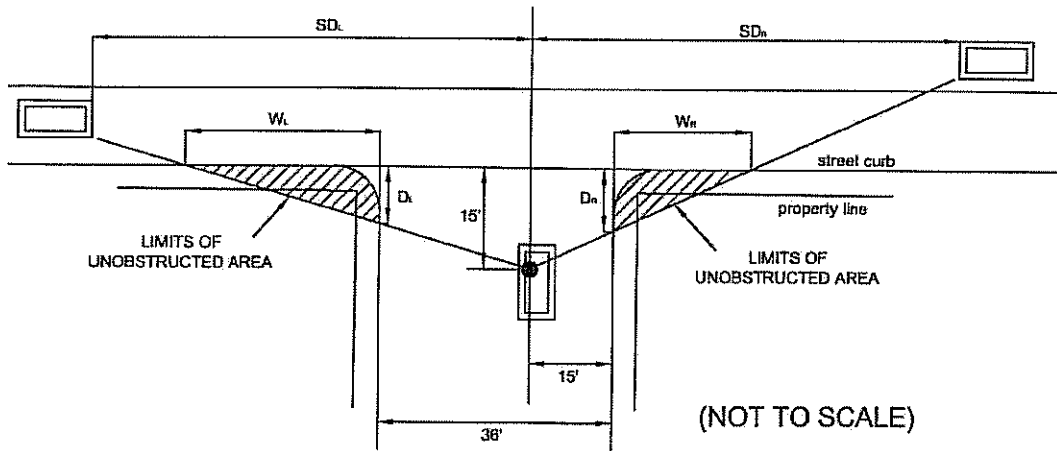
ALLEY INTERSECTION VISIBILITY TRIANGLE
FIGURE 1



VISIBILITY TRIANGLE
FIGURE 2

Unobstructed triangular areas, as shown below, will be considered to comply with Chapter 9, Article X, Visibility and View Obstructions, of the Mesquite City Code.

Assumptions: At-grade intersection with approaches of 3.0 percent or less; 3.5 ft. Driver eye height above pavement; Both drivers can see each other.



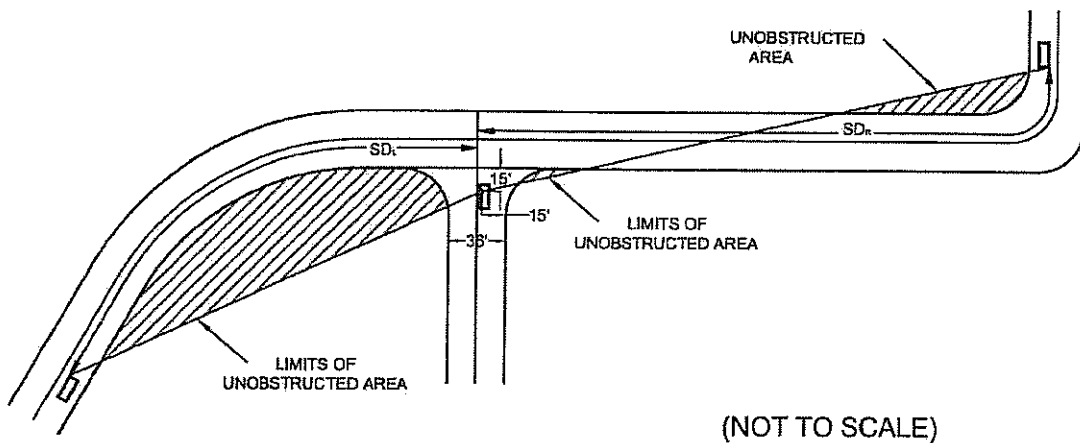
Thoroughfare Class	Speed Limit	Minimum Sight Distance		90 Degree Intersection Only			
		SD _L	SD _R	W _L	W _R	D _L	D _R
L1, L2	20 mph	180	190	89	80	13	13
L1, L2	25 mph	245	255	128	111	13	14
L1, L2, C2, C3	30 mph	315	325	210	120	13	14
C2, C3, S4, S5	35 mph	390	400	270	165	14	14
S4, S5	40 mph	480	545	330	210	14	14
S4-80, S4-100, A4	45 mph	580	650	400	260	14	14
A6-100, A6-120	50 mph	685	755	400	260	14	14

SD_L and SD_R are the required sight distance, in feet, to the left and to the right as measured from the driver's eye on the controlled intersection approach looking towards oncoming cross traffic.

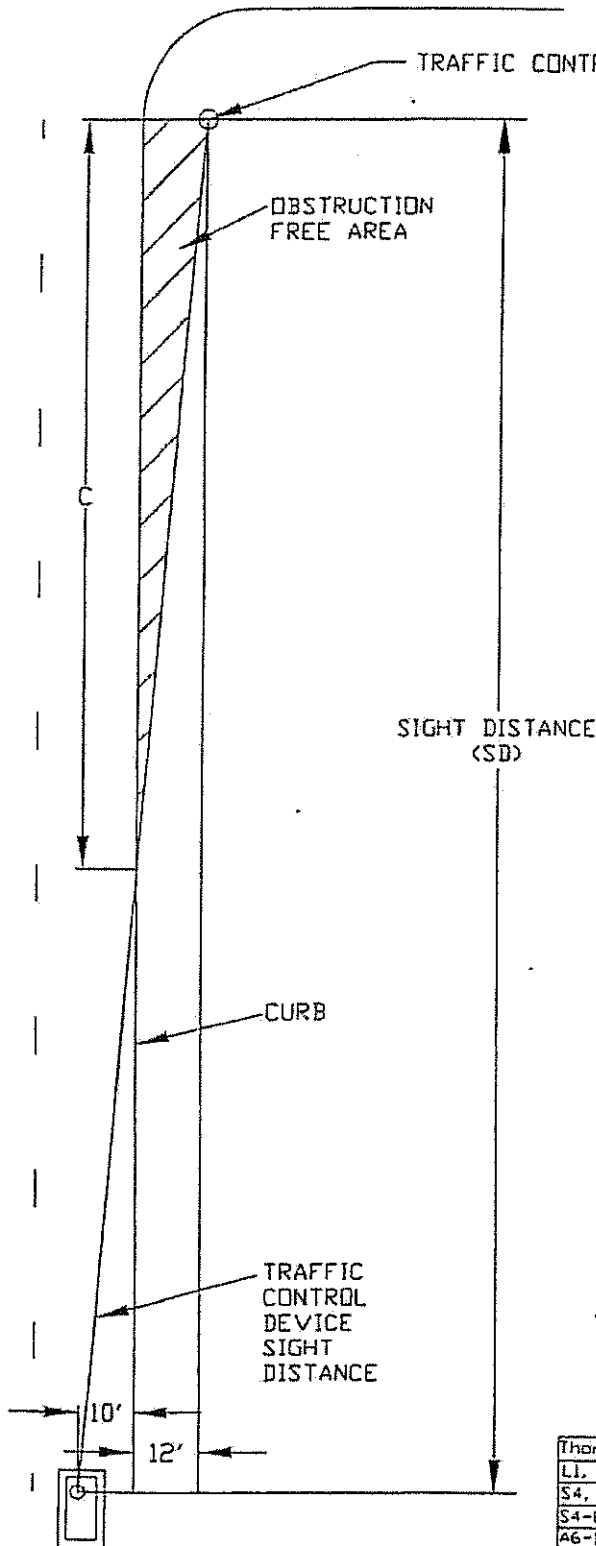
W_L and W_R are the distance, in feet, along the curb line of the side of the visibility triangle parallel to the path of traffic on the uncontrolled intersection approach.

D_L and D_R are the distance, in feet, along the curb line of the side of the visibility triangle parallel to the path of the driver on the controlled intersection approach.

The distances given for W_L, W_R, D_L, and D_R are applicable to 90 degree intersections 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

