

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING CHAPTER 21.5 OF THE CITY'S CODE OF ORDINANCES RELATING TO THE OBSTRUCTION OF SIGNS CAUSED BY TREES, SHRUBS, BUSHES, AND OTHER VEGETATIVE MATERIAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Angleton, Texas, ("City") is continuously reviewing the Code of Ordinances; and

WHEREAS, Chapter 21.5 of the Code of Ordinances contains rules and regulations concerning signs; and

WHEREAS, the City Council finds that such rules and regulations should be updated to require that all trees, shrubs, bushes, or other vegetative material be maintained so as not to obstruct the view of any sign, and to provide a nine foot clearance above all signs; and

WHEREAS, the City Council recognizes that an effective and efficient code promotes the health, safety, and welfare of the citizens of the City.

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

Section 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council of the City of Angleton, Texas to be true and correct and are incorporated by reference herein and expressly made a part thereof, as if copied herein verbatim.

Section 2. That Chapter 21.5 of the Code of Ordinances of the City of Angleton, Texas, be amended to add the following Section 21.5-30 "View Obstruction of Signs":

“Sec. 21.5-30. View Obstruction of Signs

It shall be unlawful for anyone to maintain trees, shrubs or other vegetative material upon any sign without keeping the same properly trimmed so as to provide a minimum clearance, measured from the highest part of the sign to the lowest limb, branch or part thereof, extending over the sign of not less than nine feet. It shall further be unlawful not to keep such trees, shrubbery or other brush sufficiently trimmed, pruned, or cut so that the same will not obstruct the view of any section of any sign. [The fee for such trimming, pruning, or removal shall be assessed as allowed by the Texas Health and Safety Code Section 342.006, as amended.](#)”

Section 3. Penalty. Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) unless such violation is governed by fire safety, zoning, or public health and sanitation including dumping of refuse in which case the fine amount shall not be more than two thousand dollars (\$2,000.00), except where state law provides otherwise, in which case the range of fine shall be as provided by in such state law. Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 4. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas, declares that it would have passed each and

every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. Effective Date. This Ordinance shall become effective immediately and enforceable when published as required by law.

PASSED, APPROVED, and ADOPTED this the ____ day of _____, 2020.

Jason Perez, Mayor

ATTEST:

Frances Aguilar, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING DIVISION 2 OF ARTICLE II OF CHAPTER 22 OF THE CITY'S CODE OF ORDINANCES RELATING TO THE OBSTRUCTION OF STREETS, SIDEWALKS, AND PARKING LOTS CAUSED BY TREES, SHRUBS, BUSHES, AND OTHER VEGETATIVE MATERIAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Angleton, Texas, ("City") is continuously reviewing the Code of Ordinances; and

WHEREAS, Division 2 of Article II of Chapter 22 of the Code of Ordinances contains rules and regulations concerning obstructions on streets, sidewalks, and other public places; and

WHEREAS, the City Council finds that such rules and regulations should be updated to require that all trees, shrubs, bushes, or other vegetative material be maintained so as to provide a fourteen foot clearance above all streets and parking lots; and

WHEREAS, the City Council finds that such rules and regulations should be updated to require that all sidewalks are clear of any obstructions caused by shrubs, bushes, or other vegetative material, and that trees be maintained so as to provide a nine foot clearance above all sidewalks; and

WHEREAS, the City Council recognizes that an effective and efficient code promotes the health, safety, and welfare of the citizens of the City.

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

Section 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council of the City of Angleton, Texas to be true and correct and are incorporated by reference herein and expressly made a part thereof, as if copied herein verbatim.

Section 2. That Division 2 of Article II of Chapter 22 of the Code of Ordinances of the City of Angleton, Texas, be amended as follows:

“Sec. 22-31. – Definitions.

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

Visibility triangle shall mean a triangle sign area at all intersections, which shall include that portion of the public right-of-way and any corner lot within the adjacent curblines and a diagonal line intersecting such curblines at points 35 feet back from their intersection, such curblines being extended if necessary to determine the intersection point as shown in Exhibit A which is available for inspection in the office of the city secretary.

Parkway area shall mean that area between the curbline or grade line of any public street and the abutting private property line.

Sidewalk shall mean the portion of the parkway area that is improved and designed for or is ordinarily used for pedestrian travel.

Street shall mean the entire width of a way that has a part open for public use for vehicular travel.

Cross reference— Definitions and rules of construction generally, [§ 1-2](#).

Sec. 22-32. - Obstructions prohibited within visibility triangle.

(a) It shall be unlawful to set out, maintain or permit or cause to be set out or maintained, any tree, shrub, plant, sign or other view obstruction having a height greater than two feet as measured from the top of the curb of the adjacent streets within the visibility triangle.

(b)

This restriction shall not apply to permanent structures authorized by the zoning ordinance or to traffic-control signs and signals, street signs or utility poles placed within such area by authority of the city council.

(Code 1965, § 18A-2(b))

Sec. 22-33. - View obstructions in parkway.

(a) It shall be unlawful to set out, maintain or permit or cause to be set out or maintained, any tree, shrub, plant, sign or other view obstruction within any parkway area, which exceeds two feet in height above curb level.

(b) This prohibition shall not apply to trees within the parkway area which are trimmed at all times so that no branches are less than **nine feet** above curb level, and which are planted no less than 25 feet apart. Such trees shall not interfere with the free passage of vehicles on the street or pedestrians on the public right-of-way or obscure the view of motor vehicle operators of any traffic-control device or street sign or otherwise create a traffic hazard.

(c) It shall be unlawful for anyone to maintain bushes, shrubs, or other vegetative material upon a public sidewalk that extend into any part of the paved surface of the public sidewalk.

Sec. 22-34. – Obstruction of Streets

It shall be unlawful for anyone to maintain trees, shrubs or other vegetative material upon a public street without keeping the same properly trimmed so as to provide a minimum clearance, measured from the ground to the lowest limb, branch or part thereof, extending over the road or right of way of not less than fourteen feet.

Sec. 22-35. – Obstruction of Parking Lots

It shall be unlawful for anyone to maintain trees, shrubs or other vegetative material upon a parking lot without keeping the same properly trimmed so as to provide a minimum clearance, measured from the surface of the parking lot to the lowest limb, branch or part thereof, extending over the surface of the parking lot of not less than fourteen feet.

Sec. 22-36 – Obstruction of Other Public Places

It shall be unlawful for anyone to maintain trees, shrubs or other vegetative material upon any public facility without keeping the same properly trimmed so as to provide a minimum clearance, measured from the ground to the lowest limb, branch or part thereof, extending over the ground of not less than nine feet.

Sec. 22-37. - Enforcement.

(a) It shall be the duty of the code enforcement officer to cause a written notice to be served upon the owner of any property upon which any of the above violations exist, or upon any owner or occupant of any property which abuts any parkway area upon which any of the above violations exist to correct such violations within ten days after service of such notice.

(b) Such notice shall be given personally or by letter addressed to such owner at his post office address, or, if the owner's address be not known and personal service not possible, by publication at least twice within ten consecutive days.

(c) If such violation is not corrected within a ten-day period, the code enforcement officer is hereby authorized and directed to cause a tree, plant, structure or obstruction constituting such violation to be trimmed, pruned or removed to eliminate such prohibited condition.

(d) The cost of such trimming, pruning or removal shall be assessed against the property owner or abutting property owner, as the case may be. The ~~minimum~~ fee for such ~~service-trimming, pruning, or removal~~ shall be assessed as allowed by the Texas Health and Safety Code Section 342.006, as amended. \$10.00.

(Code 1965, § 18A-2(d))

Secs. 22-38—22-45. - Reserved."

Section 3. Penalty. Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than

five hundred dollars (\$500.00) unless such violation is governed by fire safety, zoning, or public health and sanitation including dumping of refuse in which case the fine amount shall not be more than two thousand dollars (\$2,000.00), except where state law provides otherwise, in which case the range of fine shall be as provided by in such state law. Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 4. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. Effective Date. This Ordinance shall become effective immediately and enforceable when published as required by law.

PASSED, APPROVED, and ADOPTED this the ____ day of _____, 2020.

Jason Perez, Mayor

ATTEST:

Frances Aguilar, City Secretary