

TITLE 25

CHAPTER 8

SIGHT ORDINANCE

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§ 4600. Definitions

Obstruction - Any physical, fixed object which impedes, retards, or cuts off the clear view of any pedestrian, cyclist, or motorist.

Shrubbery - Any multi-stemmed plant or brush, dead or alive.

Tree - Any woody plant having a single main stem, dead or alive.

Foliage - Any and all leafage of any plant or tree, living or dead.

Branches - Any and all stems from the trunk or bough of any tree or shrub, living or dead.

§4601. Required clearances

Horizontal and vertical clearances shall be maintained as follows:

(a) *Sidewalks*. Trees and shrubbery shall be kept trimmed so as to provide clearance under adverse weather conditions for the full width of the walkway and a vertical clearance of at least 8 feet. The term "walkway" includes paved sidewalks within the confines of a dedicated street, a walkway on an easement provided for public usage, or a walkway on public right-of-way normally used by the public as indicated by a worn path.

(b) *Streets or alleys*. Trees and shrubbery shall be kept trimmed so that during adverse weather, the foliage or branches shall not extend beyond the curb line unless there is a clearance of at least 12 feet above the curb and 16 feet above the center of the nearest traffic lane. In those cases where no curb has been provided, the curb line clearance shall apply at the nearest edge of the traveled portion of the roadway surfacing.

(c) *Line of sight at intersections or changes in direction*.

1. The foliage and branches of all trees or shrubbery shall be kept trimmed so as to provide a clear line of sight for at least 75 feet on the approach side for all street designation markings, traffic signals or traffic control postings.
2. The owner or occupant of any lot in the City of Rutland which adjoins 2 intersecting streets, or a change in the direction of a street, shall not obstruct in any manner the clear view of any person using such street or streets or any person

operating a motor vehicle approaching the intersection or change in direction, by any earth (other than the natural ground line), wall shrub, tree, hedge, or other growth or obstruction if the object blocks the view of the motorists within an area described thus:

Beginning at the intersection of the 2 property lines (or tangents immediately adjacent to the change in direction) and running back along each line a distance of 15 feet and diagonal line connecting the 2 fifteen-foot points previously determined, except where zoning ordinance provisions permit the location of a building up to the property line. It shall be presumed that any obstruction within the described area at a height greater and 2 1/2 feet above the ground line at the centerline of the adjacent street is an obstruction to the view of the motorist; except where the natural ground line on the property exceeds the aforesaid 2 1/2 feet, the natural ground line on the property shall not be considered to be an obstruction, but any plantings or structure of any kind in this area shall be prohibited. Trees, whose branches extend into the aforesaid restricted area shall be pruned so that all limbs and foliage shall provide an aboveground clearance of at least 6 feet during adverse weather conditions. Utility poles and other necessary posts shall not constitute such an obstruction.

§ 4602. Inspections

The department of public works shall have the right and responsibility to enter upon private property to inspect trees or shrubbery where it is reasonable to expect that these plantings, either on account of condition or location may be hazardous to traffic (either vehicular or pedestrian) traveling along public streets, municipally controlled tracts or public right-of-way.

§ 4603. Responsibility for trimming or pruning

- (a) The owner of the abutting property shall be responsible for trimming or pruning all trees and/or shrubbery on private property to provide the required horizontal and vertical clearance to sidewalks and to remove actual or potential hazards to traffic along streets or other public rights-of-way.
- (b) The department of public works shall arrange for the correction of all irregularities noted on inspections or reported to the department.
- (c) The City of Rutland shall be responsible for removing dead trees, removing defective portions of trees and trimming all trees as required to provide specified clearance above ground for trees on public rights-of-way and also for trimming trees or defective portions thereof without regard to location to provide satisfactory above ground clearances at curb lines and at the traveled traffic lanes, but only where there is immediate danger to the public on sidewalks or streets. If the tree is on private premises, the owner will be billed for the cost of removal and the charge for removal shall remain a lien upon the property until paid.

§ 4604. Inspections; notifications regarding irregularities found on inspections

(a) The department of public works shall make sufficient inspections to make certain that specified clearances are being maintained and that all potential and actual hazards (due to defects in trees) are located.

(b) When violations are noted, appropriate notification shall be furnished as follows:

- (1) Defects in areas under municipal control shall be furnished to the department of public works.
- (2) Defects in areas under private ownership, the notice shall be sent to the property owner. This notice shall be written and sent by United State Postal Service, certified mail, return receipt requested. The notice shall contain information as follows:

Information as to the location of the property affected using such terms as:

Property known and numbered as No. _____ on _____
(name of street).

Vacant lot between properties known and numbered as _____ and
_____ (name of street).

Improved lot (house does not bear a number) at the southeast corner of
_____ and _____ streets.

Nature of the violation describing the conditions thus:

Shrubbery encroachments upon sidewalk.

Inadequate clearance over sidewalk.

Defective limbs in tree can fall into the street.

(c) Appeals. The person so notified shall have 30 days in which to appeal to the board of aldermen, the determination by the department of public works of a violation. Said appeal shall be in writing and be directed to the city clerk. The board of aldermen shall set the matter for hearing.

§ 4605. Entry upon land and carrying out of work by city

Except where there is an immediate danger to the public on sidewalks or streets, as provided in section 4603(c), the city, after giving the notice called for in section 4604, and the passage of 30 days for the appeal period as aforesaid, and where the situation has not been corrected, shall seek voluntary permission to enter upon the property and carry out the work called for in said notice. If the property owner or his agent or duly

authorized representative refuses permission for entry, said person or persons shall be in violation of the provisions of this chapter and shall be subject to a civil penalty of not less than \$50 nor more than \$500 for each offense. Each day of such violation of such provisions or neglect or refusal to conform to any directions or orders of the board of aldermen or any proper officer or committee of the city in the premises shall be counted as a separate offense.