

ORDINANCE NO. 2678

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 54 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 54.1 OBSTRUCTION OF STREETS, RELATED TO THE MINIMUM CLEARANCE REQUIREMENT AS IT APPLIES TO VEGETATION ALONG SIDEWALKS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town of Gilbert Municipal Code ("Code") requires that public rights-of-way and sidewalks be kept free of obstructions to allow clear use by emergency vehicles, refuse collection trucks, and other service vehicles; and

WHEREAS, the Code also requires that vegetation along a street, alley, sidewalk or other passageway to be trimmed a minimum 13 feet and 6 inches above streets, alleys, sidewalks, and other passageways to help ensure the safe passage of vehicles and to help preserve the visibility of regulatory signs, traffic control devices, signs, and signals; and

WHEREAS, the Town has determined that it is in the best interest of Town of Gilbert residents to amend this minimum clearance requirement as it applies to trimming vegetation along sidewalks for shade and aesthetic purposes.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Code of Gilbert, Arizona, Chapter 54 Streets, Sidewalks and Other Public Places, Section 54.1 Obstruction of Streets, is hereby amended to read as follows (additions in UNDERLINED/ALL CAPS; deletions in ~~strikeout~~):

Sec. 54-1. - Obstruction of streets AND SIDEWALKS.

- (a) It is unlawful for any person to obstruct any street within the town by doing any act or placing upon the street anything ~~which~~ that obstructs or interferes with the free use or passage upon such street or property or which interferes with any business lawfully conducted by any person, in or upon, facing or fronting on any such street.
- (b) THE RESPONSIBLE PARTY OF ANY PROPERTY FRONTING OR BORDERING A STREET, ALLEY, SIDEWALK OR OTHER PASSAGEWAY WITHIN THE TOWN SHALL NOT ALLOW OR PERMIT TREES, PLANT GROWTH, OR SHRUBS TO GROW IN A

MANNER THAT IMPEDES, OBSTRUCTS OR INTERFERES WITH PASSAGE ON SAID STREET, ALLEY, SIDEWALK OR OTHER PASSAGEWAY OR LIMITS THE VISIBILITY OF ANY REGULATORY SIGN OR TRAFFIC CONTROL DEVICE OR SIGNAL. NOTWITHSTANDING THE FOREGOING, SAID VEGETATION MUST BE TRIMMED A MINIMUM 8 FEET OVER A SIDEWALK AND A MINIMUM OF 13 FEET AND 6 INCHES ABOVE A STREET, ALLEY OR OTHER PASSAGEWAY. THE PUBLIC WORKS DIRECTOR OR DESIGNEE SHALL HAVE THE AUTHORITY TO ISSUE THE CIVIL SANCTIONS A SET FORTH IN SECTION 1-5 OF THE GILBERT MUNICIPAL CODE.

- (b)(C) "Street," as used in this section, means that portion of any public highway or thoroughfare, alley, ~~sidewalk, park,~~ private street used to provide town services, and town easement used for ingress and egress or other public grounds within the town. ~~from curb to curb or shoulder to shoulder and 13 feet, six inches of property measured vertically from the surface of the street;~~
- (e)(D) Obstructions AS USED IN THIS SECTION include, but are not limited to, plant growth, structures, trash receptacles, vehicles, rubbish, and unlawful congregations of persons.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Civil Sanctions.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 1-5 of the Gilbert Municipal Code. Each day a violation continues, or the failure to perform any act or duty required by the Municipal Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

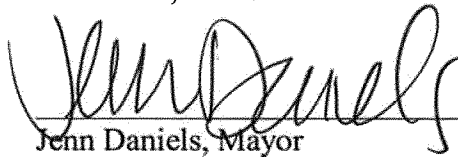
PASSED AND ADOPTED by the Common Council of the Town of Gilbert,
Arizona, this 16th day of August, 2018, by the following vote:

AYES: S.Anderson, E.Cook, J.Daniels, V.Petersen, B.Peterson, J.Ray
J.Taylor

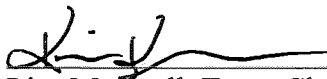
NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 16TH day of AUGUST, 2018.


Jenn Daniels, Mayor


ATTEST:

107  Deputy Clerk
Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:


Christopher W. Payne, Town Attorney

I, LISA MAXWELL, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE ORDINANCE NO. 2678 ADOPTED BY THE COMMON
COUNCIL OF THE TOWN OF GILBERT ON THE 16TH DAY OF AUGUST, 2018, WAS
POSTED IN FOUR PLACES ON THE 23 DAY OF August, 2018.

107  Deputy Clerk
Lisa Maxwell, Town Clerk