

ORDINANCE 2021-054

AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 8 – “OFFENSES AND NUISANCES” BY REVISING ARTICLE 8.05 “OBSTRUCTION AND INJURY TO PUBLIC PROPERTY”, SECTION 8.05.004 “OBSTRUCTIONS PROHIBITED; REFUSAL TO REMOVE”; REVISING ARTICLE 8.06 “VIEW OBSTRUCTIONS”, SECTION 8.06.002 “PROHIBITIONS”, AND ARTICLE 8.06.003 “EXCEPTIONS” IN ORDER TO BE CONSISTENT WITH THE NEW PROCESS AND STANDARDS FOR ENCROACHMENTS ADOPTED PURSUANT TO ARTICLE 12.10 “RIGHT-OF-WAY ENCROACHMENTS”; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on the 21st day of August 2019, the Planning and Development Services Department provided the City’s Development Task Force the opportunity to review a proposal for a new process and standards governing right-of-way encroachments; and

WHEREAS, on the 15th day of March 2021, the Planning Commission for the City of San Angelo in compliance with the City Charter, City ordinance and state law, and after holding public hearings thereon, caused to be prepared and delivered reports and recommendations to City Council for establishment of a process and standards for right-of-way encroachments in the City, including revisions to existing provisions of the City Code of Ordinances for consistency with the new process and standards; and

WHEREAS, on the 6th day of April 2021, City Council held a public hearing, pursuant to published notice, and has considered the proposed new Article 12.10 “Right-of-Way Encroachments” to the City Code of Ordinances and revisions to the existing Code, comments, reports and recommendations of the Planning Commission, staff, public testimony, and other relevant support materials.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS THAT:

Section 1: Chapter 8 “Offenses and Nuisances” of the City of San Angelo Code of Ordinances is hereby amended as shown on **Exhibit “A”**.

Section 2: The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 3: This Ordinance shall be effective on, from and after the date of adoption.


INTRODUCED with public hearing on the 6th day of April 2021, and finally PASSED on this 20th day of April 2021.

THE CITY OF SAN ANGELO, TEXAS:

ATTEST:

DocuSigned by:


Julia Antley, City Clerk

DocuSigned by:


Brenda Guiter, Mayor

APPROVED AS TO CONTENT:

DocuSigned by:


Jon James, Director of Planning and Development Services

APPROVED AS TO FORM:

DocuSigned by:


Theresa James, City Attorney

EXHIBIT "A"

Article 8.05 "Obstruction and Injury to Public Property", Section 8.05.004 "Obstructions prohibited; refusal to remove" is hereby amended as follows:

It shall be unlawful for any person to obstruct or encroach upon any streets, alleys, public highways, public grounds, or **public rights-of-way** within the city **without first obtaining approval pursuant to Article 12.10 of the Code of Ordinances. Within seven days of receiving a notice of violation, the responsible party shall either make an application for an encroachment approval or remove the obstruction or encroachment. In the event the application for an encroachment is denied, the responsible party shall immediately remove the obstruction or encroachment.**

Article 8.06 "View Obstructions", Section 8.06.002 "Prohibitions" is hereby amended as follows:

It shall be unlawful to set out, maintain or permit or cause to be set out or maintained:

(1) Within the area between the "setback line" and the curb line, any portable sign, display, tire rack or other device which might obscure the view of the street.

(2) Within the area between the "right-of-way line" and the curb or street line **adjacent to any 30-foot by 30-foot sight triangle as defined in the Zoning Ordinance**, any tree, shrub, plant, wall, fence or other view obstruction having a height between **two** and nine feet.

(3) Within the area between the "right-of-way line" and the curb or street line adjacent to any **10-foot by 10-foot sight triangle on either side of a driveway measured at a straight angle from where the driveway intersects with the edge of pavement or curb, excluding any flared approaches, any tree, shrub, plant, wall, fence or other view obstruction having a height between two and nine feet.**

(4) Within the area between the "right-of-way line" and the curb or street line adjacent to any **10-foot by 10-foot sight triangle located at the intersection of an alley and street, on either side measured at a straight angle from where the alley entrance intersects with the edge of pavement or curb, excluding any flared approaches, any tree, shrub, plant, wall, fence or other view obstruction having a height between two and nine feet.**

Article 8.06 "View Obstructions", Section 8.06.003 "Exceptions" is hereby amended as follows:

These restrictions shall not apply to permanent structures authorized by the zoning ordinance or to traffic-control signs or signals, street signs or utility poles placed within such areas by authority of the city commission; to single trees having a single trunk and whose branches are pruned to a height of seven feet above the top of the curb; **and vertical sign support posts with a maximum width of eight inches.**