

ORDINANCE NO. 117, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS AS IT
RELATES TO OBJECTS OBSCURING TRAFFIC CONTROL DEVICES

WHEREAS, on February 18, 2003, the City Council adopted Ordinance 016, 2003 adopting and separately codifying the Fort Collins Traffic Code (“Traffic Code”); and

WHEREAS, Section 114 of the Traffic Code, regarding removal of traffic hazards, states in part that the City’s Traffic Engineer may require a property owner to prune or remove any tree limb or any shrub, vine, hedge or other plant that obscures any traffic control device; and

WHEREAS, it has recently come to the attention of City staff that Section 114 of the Traffic Code may conflict with Section 27-57 of the City Code, last updated in 2006, regarding the duty of property owners to prune or remove trees or shrubs; and

WHEREAS, Section 27-57 only requires property owners to trim or remove trees or shrubs that obscure street name signs, and says the City will prune or remove trees or shrubs that interfere with traffic control devices; and

WHEREAS, the difference between these two Code sections makes it ambiguous whether responsibility to trim trees, bushes, and other plants that obscure traffic control devices lies with the citizen or with the City; and

WHEREAS, it is critically important for the safety of the transportation system that traffic control devices are clearly visible to motorists; and

WHEREAS, the City Council finds that the Traffic Engineer should be able to immediately address any object obscuring a traffic control device; and

WHEREAS, City staff is recommending amendments to Section 27-57 of the City Code and, by a separate ordinance, Section 114 of the Traffic Code, to make them consistent and give the Traffic Engineer clear authority to remove, at the City’s expense, any object that is obscuring a traffic control device; and

WHEREAS, the City Council finds that such amendments are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 27-57 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 27-57. - Duty of property owner to prune or remove trees, shrubs, or other vegetation.

(a) It shall be the duty of the owner of any property within the City to cut, trim, prune or remove as necessary any trees, shrubs, or other vegetation located upon the property of such owner in order to provide for the safe and convenient use of streets, sidewalks, alleys or other City-owned property in accordance with the following requirements:

- (1) Vegetation growth must not encroach upon the plane of a public sidewalk or street.
- (2) Tree branch growth must be maintained at a height no lower than eight (8) feet over a public sidewalk and not less than fourteen (14) feet over the travel lanes of a street or alley.
- (3) To ensure the safety of motorists on adjacent streets, sight distance triangles must be maintained to protect visual clearances as required by the Traffic Engineer.
- (4) Branches, trees, shrubs and other vegetation must not obscure street name signs or official traffic control devices.
- (5) Branches or trees that are broken, hanging, decayed or otherwise defective in any way that threatens public property or the safe use thereof must be removed.

(b) Nothing in this Division shall be construed as requiring the owner of a private property to trim or remove any trees or shrubs when such trimming or removing is required to prevent interference with City utility lines. It shall be the duty of the City to do any cutting, trimming, pruning or removing of trees or shrubs necessary for the safe use of City utilities.

(c) Should a property owner fail to maintain trees, shrubs or other vegetation in the manner required by Subsection (a) of this Section, the City Forester may require that such work be done by notice served upon the owner of such property in accordance with § 27-59. Such work must be performed within the time period specified in such notice.

(d) If the Traffic Engineer reasonably determines a branch, tree, shrub or other vegetation, or any other object on private property obscures an official traffic control device or traffic or directional sign or view of traffic within a sight distance triangle, or otherwise constitutes a hazard to drivers or pedestrians, the Traffic Engineer may, in his or her reasonable discretion and at the City's expense, work with the City Forester to immediately remove such obstruction within the public right-of-way without notice to the property owner.

Introduced, considered favorably on first reading, and ordered published this 1st day of October, A.D. 2019, and to be presented for final passage on the 15th day of October, A.D. 2019.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of October, A.D. 2019.

Mayor

ATTEST:

City Clerk