Agenda Information Sheet
March 10, 2016

Agenda Item

Consider approval of an Ordinance amending Section 14-19 of the Code of Ordinances, specifically related to garbage, trash, and weeds within the City of Marshall. (Director of Planning & Development)

Background & Summary of Request:

Our current regulations do not address a minimum clearance above streets and other right-of-ways for easy of vehicular and pedestrian traffic; in addition, our regulations do specifically discuss sight clearances at street and driveway intersections. The proposed amendment establishes the following minimum clearances for sidewalks, streets, and sight visibility for driveways and public streets:

1	Overhead clearances of public sidewalks and other public pathways	Seven (7) feet vertical clearance.
2	Lateral clearance of public sidewalks and other public pathways	Six (6) inches from each edge of sidewalk or pathway.
3	Overhead clearance of streets	Thirteen (13) feet vertical clearance.
4	Lateral clearance of streets	No encroachment over or above the back of curb or edge of pavement.
5	Sight clearance at intersections of public streets	Unobstructed sight distance of two hundred (200) feet.

Attachments:

1. Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY OF MARSHALL, TEXAS CODE OF ORDINANCES ENTITLED "GARBAGE, TRASH, AND WEEDS" SPECIFICALLY ARTICLE IA SECTION 14-19 BY ADDING PARAGRAPH (C) REGARDING TREES AND SHRUBS CLEARANCE ABOVE PUBLIC ROADS AND PATHWAYS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Marshall, Texas (the "City") deems it necessary and proper and in the best interests of the citizens of the City to amend Chapter 14 of the Marshall Code of Ordinances entitled "Garbage, Trash, and Weeds" and specifically Article IA Section 14-19 entitled "Weeds, grass, etc.; growth prohibited"; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COMMISSION OF MARSHALL, TEXAS THAT:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. That Chapter 14, Section 14-19, titled *Weeds, grass, etc.; growth prohibited,* is hereby amended by adding an additional subsection titled 14-19 (c) in the City of Marshall's Code of Ordinances the new subsection shall read as follows:

Sec. 14-19. - Weeds, grass, etc.; growth prohibited.

.....

" (c) Trees, shrubs, or plants shall not create a hazard or an obstruction and shall be maintained within the following minimum clearances:

1	*Overhead clearances of public sidewalks and other public pathways*	*Seven (7) feet vertical clearance.*
2	*Lateral clearance of public sidewalks and other public pathways*	*Six (6) inches from each edge of sidewalk or pathway.*

3	*Overhead clearance of streets*	*Thirteen (13) feet vertical clearance.*
4	*Lateral clearance of streets*	*No encroachment over or above the back of curb or edge of pavement.*
5	*Sight clearance at intersections of city streets*	*Unobstructed sight distance of two hundred (200) feet.*

It shall be the responsibility of the property owner to maintain the above stated clearances, including right-of-way abutting private property."

Section 3. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any ordinance or portion of an ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 7. That this ordinance shall be effective from and after its passage and publication as required by law.

Section 8. The provisions of this ordinance shall be included and incorporated in the City of Marshall Code of Ordinances as an addition and/or amendment thereto.

PASSED AND APPROVED this _____ day of _____, 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

_____

Eric Neal
CHAIRMAN OF THE CITY COMMISSION OF
THE CITY OF MARSHALL, TEXAS

Attest:

_____

Debbie Manuel, Interim City Secretary