

ORDINANCE NO. 118, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE FORT COLLINS TRAFFIC CODE 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 114 of the Traffic Code and, by a separate ordinance, to Section 27-57 of the City 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:

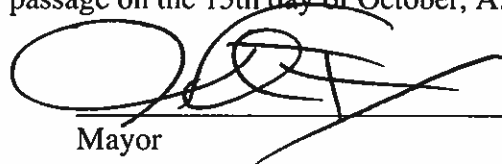
Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 114 of the Fort Collins Traffic Code is hereby amended to read as follows:

114. - Removal of traffic hazards.

- (1) The Traffic Engineer or other local authority may by written notice require the owner of real property abutting on the right-of-way of any highway, sidewalk or other public way to trim or remove, at the expense of said property owner, any tree limb, shrub, or other vegetation that projects beyond the property line of such owner onto or over the public right-of-way and thereby obstructs the view of traffic, obscures any official traffic control device or otherwise constitutes a hazard to drivers or pedestrians. Such notice shall be personally served upon such person or, if not personally served, conspicuously posted upon the property and also deposited in the United States mail, addressed to the owner of record at the address on the assessment roll of the County Assessor, or at such other, more recent, address as may be available to the City.
- (2) In the event that any property owner fails or neglects to trim or remove any such tree limb, shrub, or other vegetation within ten (10) days after receipt of written notice from the City to do so, the City may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the City for the cost of the work performed.
- (3) Nothing in this provision shall prohibit the City from enforcing Section 27-57(d) of the Code enabling the City, in its discretion and at the City's expense, to remove anything that obstructs the view of traffic or official traffic control devices, or otherwise constitutes a hazard to drivers or pedestrians, without providing notice to any 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

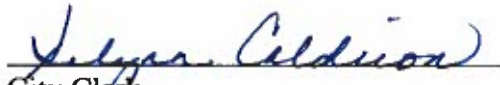


Passed and adopted on final reading on the 15th day of October, A.D. 2019.



Mayor

ATTEST:



City Clerk

