ORDINANCE NO. 1348

AN ORDINANCE REQUIRING CLEAR VISION ACROSS PROPERTY AT INTERSECTIONS, AND DECLARING AN EMERGENCY.

SECTION 1. Purpose: The purpose of this ordinance is to maintain clear vision areas at intersections so that vehicle and pedestrian safety can be maximized.

SECTION 2. Definitions:

a. A "clear vision area" means a triangular area at the intersection of two streets or a street and a railroad, the area of which is to be determined by the Public Works Director, or his designee, using the following criteria:

1. Type of intersection.

2. Site characteristics.

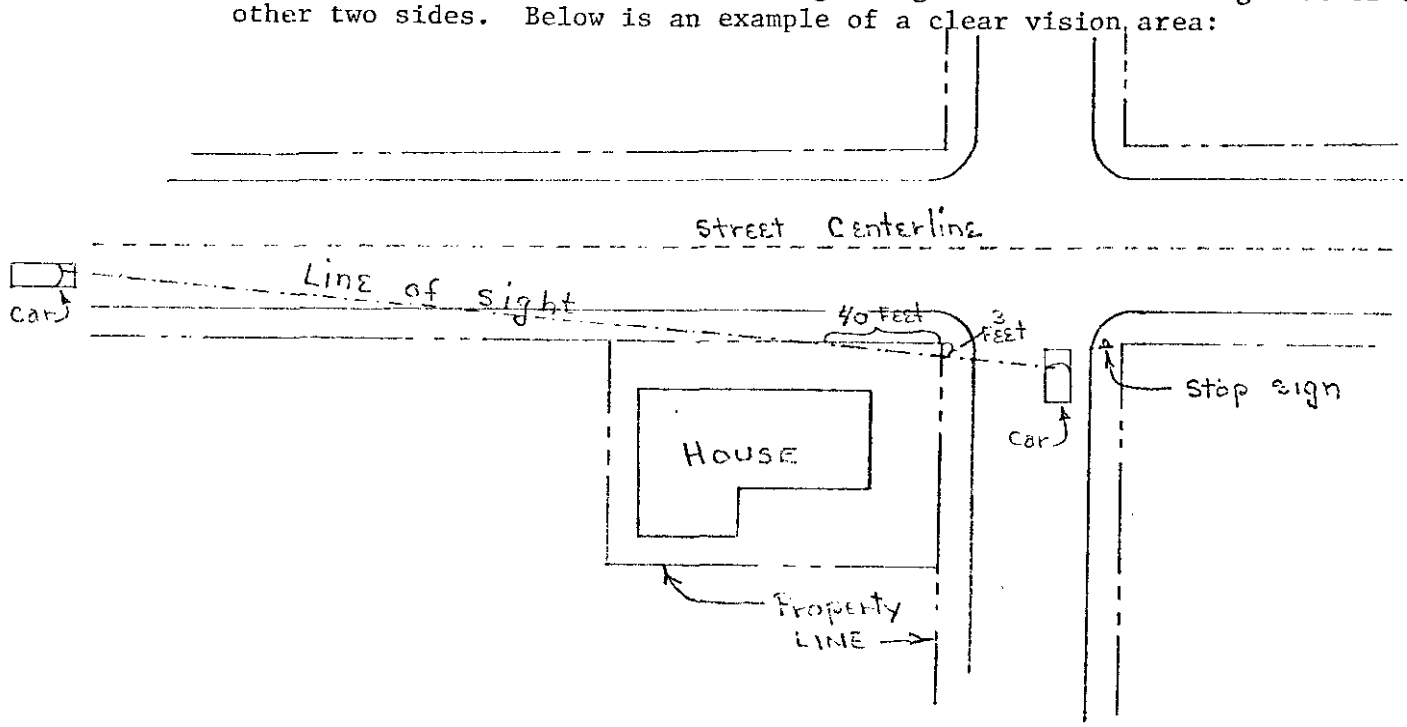
3. Types of vehicle controls.

4. Vehicle speed.

5. Traffic Volumes.

The Public Works Director shall also take into consideration the standards set forth in the "Traffic Engineering Handbook" on intersection sight distance.

The clear vision area is in the form of a triangle, two sides of which are lot lines measured from the corner intersection of the street lines. Where the lot lines have rounded corners, the lot lines are extended in a straight line to a point of intersection; the third side of the clear vision area is a line across the corner of the lot joining the nonintersecting ends of the other two sides. Below is an example of a clear vision area:



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b. "Fence" means a barrier intended to prevent excape or intrusion or to mark a boundary. A fence may consist of wood, metal, masonry, or similar materials or a hedge or other planting arranged to form a visual or physical barrier.

c. "Street" means the entire width between right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road," "highway," "lane," "place," "avenue," "alley," and other similar designations.

Section 3. Requirements: A clear vision area shall contain no vegetation or fences exceeding 30 inches in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except:

a. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above the grade; and

b. Open wire fencing that does not obscure sight more than ten percent may be a maximum height of six feet.

Section 4. Variances:

a. Variances from the provisions of this ordinance may be granted by the Traffic Safety Commission.

b. Vehicle and pedestrian safety shall be the primary factors in decisions when variances are considered. The type of intersections, site characteristics, types of vehicle controls, vehicle speed, traffic volumes, and other similar items are factors to be considered. The standards set forth in the "Traffic Engineering Handbook" on intersection sight distance (pages 607-608 of the 1971 edition) and any other appropriate standards shall be considered. Esthetics and length of time fances or vegetation have existed are not relevant factors.

c. A property owner or the owner's agent may initiate a request for a variance by filing an application with the City within ten (10) working days of notice of violation.

d. Any decision of the Traffic Safety Commission may be appealed to the City Council without fee within ten (10) working days of receipt of the Traffic Safety Commission's written decision.

e. Fees for variance application to the Traffic Safety Commission shall be $15.00.

Section 5. Conflicts: All ordinances, or parts thereof, in conflict herewith are repealed insofar as they shall conflict with this ordinance.

Section 6. Declaring an emergency: It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate

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preservation of the public health, peace, safety and best interest of the inhabitants of the City of Milwaukie, Oregon, therefore an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage by the Council and signing by the Mayor.

Read the first time this 20th day of September 1976, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 20th day of September 1976.

Signed by the Mayor this 20th day of September 1976.

Bill Hupp

Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell

Dorothy Farrell, Recorder

Approved as to form:

Myer Avedovech

Myer Avedovech, City Attorney