

TITLE III - LAND USE AND DEVELOPMENT

DIVISION 4

VISIBILITY OBSTRUCTION REGULATIONS

Chapter 1

VISIBILITY CORRIDOR ALONG STREETS AND DRIVEWAYS

341-1. VISIBILITY OBSTRUCTION PROHIBITED.

A visibility obstruction shall not be permitted in the visibility triangle formed where streets or driveways intersect County maintained roads.

In cases where unusual conditions or topography exist, right of way determinations are indeterminable or encroachment is over extended unused rights of way, special conditions of visibility maintenance may be determined by the Department of Public Works in accordance with the Humboldt County Roadway Design Standards Manual. (Ord. 1148, § 1, 7/19/77)

341-2. VISIBILITY OBSTRUCTION.

A "visibility obstruction" means any natural or man-made object exceeding three feet (3') in height which blocks or impedes the vision. Visibility obstruction includes hedges, bushes, natural growth, buildings, structures, fences and signs. Visibility obstruction does not mean any of the following:

- (a) Existing permanent buildings lawfully constructed.
- (b) Public utility poles.
- (c) Trees trimmed to the trunk so as to provide a clear open space between pavement grade and a plane six feet (6') higher.
- (d) Fences of a type which do not obstruct vision.
- (e) Supporting members or appurtenances to permanent buildings lawfully existing on the date this division becomes effective.
- (f) Official signs or signals.
- (g) Places where the contour of the ground is such that there can be no cross-visibility at the intersection.
- (h) Signs mounts so as to provide a clear, open space (except supporting members) of ten feet (10') or more above the ground and whose supports do not substantially block visibility. (Ord. 997, § 2, 11/17/74)

341-3. VISIBILITY TRIANGLE.

"Visibility triangle" means a triangular area defined as follows:

(a) Intersecting Streets. For streets intersecting County maintained roads, that triangular area between the street right of way lines and a diagonal line joining points on the street right of way lines thirty feet (30') from the point of their intersection, or, in case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining points on said tangent thirty feet (30') from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve at the corner.

(b) Private Driveways - 25 Miles Per Hour or Less. For driveways intersecting County maintained roads with a speed limit of 25 miles per hour or less, the triangular area formed by the edge of the driveway, the street right of way line, and a line connecting two (2) points, one (1) of which is on the right of way line fifteen feet (15') from the edge of the driveway, and the other of which is on the edge of the driveway ten feet (10') back of the right of way line measured perpendicular to the right of way line in a direction away from the street.

(c) Private Driveways. For driveways intersecting County maintained roads with a speed limit greater than 25 miles per hour, the triangular area formed by the edge of the driveway, the street right of way line and a line connecting two (2) points, one (1) of which is on the right of way line thirty feet (30') from the edge of the driveway and the other of which is on the edge of the driveway ten feet (10') back of the right of way line measured perpendicular to the right of way line in a direction away from the street. (Ord. 997 § 3, 11/17/74)

341-4. MEASUREMENTS.

(a) Height of Visibility Obstruction. The height of visibility obstructions shall be measured from either the edge of the nearest surfaced roadway or the edge of the nearest traveled way where the roadway is not surfaced.

(b) No Sidewalk, Curb, Substandard Right of Way. Where there is no existing sidewalk, curb, and/or where the deeded right of way is less than twenty-five feet (25') from the center line of the street, the street right of way shall be considered to be twenty-five feet (25') from and parallel to the center line of the street, or where the deeded right of way is in excess of twenty-five feet (25') from the center line and is unused, the edge of the maintained section of the roadway shall be deemed to be the property line for determining the triangular areas for which this division controls the obstructions to visibility.

(c) Right of Way Includes Curb and Sidewalk. Where the street right of way line is nearer to the center line of the street than any existing sidewalk, the street right of way line shall be assumed to be coincidental with the back edge of the sidewalk for determining the triangular area for which this chapter controls obstructions to visibility.

Where there is no sidewalk but the street right of way line is nearer to the center line of the street than any existing curb or gutter, the street right of way shall be assumed to be coincidental with the back edge of the curb and gutter for determining the triangular areas for which this division controls obstructions to visibility. (Ord. 997, § 4, 11/17/74)

341-5. PRE-EXISTING VISIBILITY OBSTRUCTIONS.

No visibility obstruction shall be deemed to be excepted from the application of this division because of its being in existence at the time of the adoption hereof unless expressly exempted by the terms of Section 341-2. (Ord. 997, § 7, 11/17/74)

341-11. ENFORCEMENT.

The Department of Public Works shall have the primary responsibility for enforcing violations of this division. The Director of Public Works, or his authorized representatives, may investigate violations of this division, give such notices as may be required to carry out this division, and perform such other duties in connection with the enforcement of this division as may be required. In enforcing this division the Director of Public Works may take into consideration traffic accident experience and the Humboldt County Roadway Design Manual.

(b) Remedies. Any visibility obstruction maintained in violation of this division shall be deemed a public nuisance, whether erected before or after the effective date of this division. The Director of Public Works, or his authorized representative, may in his discretion enforce any violation of this division by posting upon the premises a notice to abate the said nuisance and by sending a copy of said notice by certified mail, return receipt requested, to the owner of record, as shown on the most recent assessment roll of the County, to provide the owner fifteen (15) days to either abate the nuisance or file a request for hearing before the Board of Supervisors has not been filed with the County Clerk within said fifteen (15) day period, then the Director of Public Works, or his authorized representative, may enter upon the premises and remove or eliminate the obstruction. The cost to the County of abating the nuisance may be assessed and levied against the property in the manner prescribed by Section 351-22 through 351-26 of this Code. (Ord. 1148, § 1, 7/19/77; Ord. 1336, § 1, 6/26/79)

341-12. PENALTIES.

In addition to the remedies otherwise provided, any person, firm or corporation failing to correct the visibility obstruction within fifteen (15) days after receiving a written notice of violation from the Department of Public Works shall be guilty of a misdemeanor. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this division is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. (Ord. 1148, § 1, 7/19/77)