

ARTICLE IV

Title 29

AN ORDINANCE: REGULATING THE TRIMMING OF TREES IN THE TOWN OF FELTON, AND PRESCRIBING PROCEDURES FOR REGULATING THE CARE AND MAINTENANCE OF SUCH TREES WITHIN THE LIMITS OF THE TOWN OF FELTON

WHEREAS, the Commissioners of the Town of Felton are vested with the responsibility of providing for the health, safety and welfare of the residents of the Town of Felton; and

WHEREAS, the location and growth of trees and other similar growth within the Town of Felton does under certain conditions hinder the free and uninterrupted flow of traffic and does on occasion hinder certain Departments of the Town of Felton; and

WHEREAS, Commissioners of the Town of Felton or their designee are empowered to enforce certain provisions relative to the care and maintenance of such trees;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE TOWN OF FELTON:

Section 1 - That from and after the passage of this Ordinance, any person, firm, association or corporation who shall be the record owner of any property within the limits of the Town of Felton, which said property abuts on a public street, alley or way within the limits of the Town of Felton, or any person, firm, association or corporation who shall be empowered by the owner to care for and be responsible for said property which abuts on the public streets, alleys or ways within the limits of the Town of Felton, shall be responsible

for maintaining such property in a way and in a manner so as not to cause a hazard to public places or to interfere with the proper installation and/or maintenance of the public streets and/or public utilities by allowing trees or other similar growth to grow in such a manner as to infringe on the public right of way to an extent which would cause injury to persons utilizing said right of way or where said growth would be allowed to interfere with the installation and/or maintenance of utility lines within the limits of the Town of Felton.

Section 2 - When the Commissioners or their duly designated agent shall find it necessary to order the trimming, preservation or removal of trees or other similar growth upon property which abuts the Town right of way, said person(s) shall have authority where said tree in fact is located in the Town right of way to prune, trim or otherwise care and maintain for said tree to the extent where such pruning and/or care results in the remedying of a situation which would in fact be injurious to health, safety and welfare of the resident of the Town of Felton.

Section 3 - Where the Commissioners or their designee are of the opinion, after inspection of the premises, that the location of a tree or other similar growth is injurious to the health, safety and welfare of the residents of the Town of Felton, or where the location of <sup>A</sup>~~S~~aid tree or other similar growth interferes directly with the maintenance of utility lines being the property of the Town of Felton, they shall remedy such situation only upon the following terms and conditions:

(a) That upon notification of the condition, the Commissioners or their designee shall contact the property owner or the person responsible for the maintenance of said property, advising said property owner or person responsible of the condition and of the manner in which said condition affect the health, safety and welfare of the residents of the Town of Felton, or where said condition affects the care and maintenance of utility lines within the Town of Felton, said notice to be given in writing and delivered to the property owner by the Commissioners or their duly designated agent;

(b) Thereafter, the property owner or the person in charge of said property shall have two weeks in which to remedy said dangerous conditions;

(c) Any property owner affected by the provisions of the above sections, relative to the removal of trees or other similar growth located on the property of said owner or in the right or way immediately adjacent thereto, shall have the right upon receipt of notice from the Commissioners or their duly designated agent to appeal the decision of the Town Manager to a three member Tree Committee of the Town of Felton, said Committee appointed by the President of the Town of Felton. Said Committee meeting to be held within ten days from the date of receipt of notice from the property owner to the Commissioners.

(d) Upon the expiration of the two week period from the date of the receipt of the notice by the property owner, and having received no appeal from said property owner, the Commissioner or their duly designated Agent shall have the

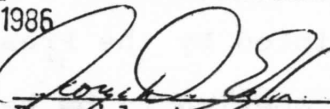
right to remedy such condition by pruning, trimming or otherwise care for said tree or other growth so as to remedy the dangerous situation, by shall be empowered only to remedy such situation to the extent necessary.

(e) The Commissioners shall notify the property owner or person responsible of the amount incurred in connection with such action, and the property owner or person responsible shall be charge with the amount set forth in such statement.

Section 4 - Any person to whom an order is directed and who shall fail to comply within the specified time, and where the Commissioners or their duly designated Agent shall have remedied the condition and shall have assessed the cost against the owner or person responsible, and where such person shall not have paid the amount within the period of thirty days after receipt of such statement, thereafter the Commissioners shall order and direct that such cost shall be levied against the property upon which such hazard or dangerous condition existed, said amount to be considered as a lien on the property.

EFFECTIVE DATE: 23 MAY 1986

This is a true and correct copy of the ordinance duly adopted by the Commissioners on 13 MAY 1986

  
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President

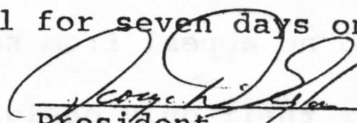
ATTEST:

  
\_\_\_\_\_  
Secretary

Date Adopted: 13 MAY 1986

Date Effective: 23 MAY 1986

Posted at the Felton Town Hall for seven days on 15 MAY 1986

  
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President