

# **A POLICY REGARDING ABATEMENT OF NUISANCE OR HAZARDOUS TREES, SHRUBS, PLANTINGS OR OTHER LANDSCAPE FEATURES IN ROAD RIGHT-OF-WAYS**

**Policy Number:** RM-11-001

**Purpose of Policy:** To protect public health, safety and welfare by keeping road rights-of-way free from obstruction.

## **Policy:**

### **Nuisance Declared**

The following are declared to be a public nuisance whenever and wherever they may be found within the Township:

Any tree, shrub, planting, or other landscaping feature whether located in Township-owned or private property which:

- 1) By reason of location or condition continues an imminent danger to the health, safety or welfare of the general public;
- 2) Obstructs the free passage of pedestrian or vehicle traffic, or which obstructs an uncontrolled or controlled intersection or other vehicular signage; or
- 3) Which dangerously obstructs the view in the “visibility triangle” as determined by the Township Engineer.

### **Entry on Private Property and Interference with Inspections**

The township and/or its agents may enter upon private premises for the purpose of carrying out the duties assigned by the policy. No person shall unreasonably interfere with the township or its agents while engaged in the execution or enforcement of this policy.

### **Abatement Required**

It is unlawful for any person to permit a public nuisance or hazard, as described above, to remain on any premises owned or controlled by the person within the township. The nuisance or hazard shall be abated in the manner prescribed in this policy.

### **Procedure for Abatement or Removal**

Whenever it is found with reasonable certainty that a tree, shrub, planting or other landscape feature is a public nuisance or hazard, the Township will proceed as follows:

- a) The Township shall cause a written notice to be personally served or sent by registered mail to the person to whom the tax bill was sent for general taxes during the preceding year.

- b) The notice shall include a definition of the property by parcel ID or street address. The notice will also describe the tree, shrub, planting or other landscape feature which has been declared to be a public nuisance or hazard; its location on the property; and the reason for declaring it a nuisance or hazard.
- c) The notice shall describe the actions that the property owner shall undertake to abate the nuisance or hazard.
- d) The notice shall order the elimination of the nuisance or hazard no more than 30 days after the notice is delivered or sent to the person to whom was sent the tax bill for general taxes for the preceding year.
- e) The notice shall include a copy of this policy.

**Failure to Abate**

In the event the nuisance or hazard is not abated by the date specified in the notice, the Township is authorized to cause the abatement of the nuisance or hazard. The reasonable cost of the abatement shall be filed as a special assessment against the property on which the tree, shrub, planting or other landscape feature is located.

**Adopted by Spring Lake Township this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Board Chairperson**

\_\_\_\_\_  
**Township Clerk**