

**SPRING LAKE TOWNSHIP
SCOTT COUNTY, MINNESOTA**

ORDINANCE NO. 11-001

AN ORDINANCE REGULATING THE TRIMMING OF TREES FOR VEHICULAR AND PEDESTRIAN TRAFFIC SAFETY, THE REMOVAL OF HAZARDOUS TREES, AND THE PAYMENT OF ALL COSTS THEREFOR.

The Town Board of Spring Lake Township, Scott County, Minnesota, does ordain: **Section 1.**

Ordinance No. 10-001 is hereby repealed and replaced with this Ordinance. **Section 2.**

Trimming, Care and Removal of Trees.

A. Purpose

The purpose of this ordinance is to protect public health and safety by providing for the trimming and care of trees that cause a safety hazard to vehicular or pedestrian traffic on public rights-of-way and the removal of any tree presenting a safety hazard to public right-of-way users.

B. Definitions

- (1) For purposes of this ordinance, the term “hazardous tree” shall mean a tree which has structural defects in the roots, stem, or branches that may cause the tree or tree part to fail, and such failure may cause property damage or personal injury.
- (2) For purposes of this ordinance, the term “tree” shall mean and include a coniferous tree, a deciduous tree or any of a variety shrub, bush, or hedge.

C. Public Nuisance Declared.

- (1) The following are declared a public safety hazard and public nuisance and shall be abated or removed by the property owner of the land on which it is located:
 - (a) Any hazardous tree on any private property, which if it fell may land within any public right-of-way.
 - (b) Any tree or any limb thereof that overhangs a public road or a sidewalk or trail as to obstruct the free passage of vehicular or pedestrian traffic. Any tree or limb that overhangs a public road and is less than 15 feet above the surface of the road or overhangs a public sidewalk or trail and is less than 10 feet above the surface of the sidewalk or trail is presumed to obstruct traffic.

- (c) Any tree or any portion thereof that obstructs any public road sign or prevents a clear sight line or view of or for traffic on a Township road.
- (2) The owner of the property on which a tree described in Paragraph C(1)(a) is located, shall be responsible for removing the tree. If such tree is not removed and falls into the public right-of-way, the property owner shall be required to immediately remove the fallen tree from the right-of-way. If the property owner fails to do so, the Township may remove the tree and assess all costs of removal to the property owner, subject to the provisions for special charges assessment as set forth in Paragraph D herein. Additionally, the property owner shall be solely responsible for all damages or injuries that result from the fallen tree, including all related costs.
- (3) The owner of the property on which a tree described in Paragraphs C(1)(b) and C(1)(c) is located shall trim or remove the tree immediately and in no case more than 15 days after being served notice by the Township. If the property owner fails to abate the nuisance tree, the Township may complete the work to abate the public nuisance and charge the property owner the costs thereof, subject to the provisions for special charges assessment as set forth in Paragraph D herein.

D. Special Charges Assessment

The Township may charge the owner of the property on which the public nuisance tree is located the cost incurred by the Township for trimming or removal of any public nuisance tree due to the owner's failure to trim or remove the tree. Any charges not paid within 30 days of the due date stated on the Township's invoice shall be deemed delinquent and subject to collection as a special assessment against the property to be collected in accordance with M.S. § 429.101.

E. Right to Hearing on Determination of Public Nuisance Tree

The Township may proceed under Paragraphs C(3) and D, provided that the Township gives written notice to the property owner of its intention to trim or remove the public nuisance tree fourteen (14) days before taking such action and the property owner does not request a hearing within ten (10) business days of the date of the Township's notice. The notice shall plainly advise the property owner of the right to a hearing before the Town Board to solely consider whether a public nuisance tree(s) is present. If the property owner requests a hearing within the time required, then the Township Clerk shall fix a time and place of hearing and a written notice of the hearing at least ten days prior to the date fixed therefor shall be given to the property owner. At the hearing, the property owner shall be given the opportunity to be heard. Following the hearing, the Town Board shall state its determination by written resolution. A copy of the Resolution shall be served upon the property owner by U.S. mail.

Section 3. Effective Date

This ordinance shall take effect upon its adoption and publication according to law.

Adopted by the Town Board of Spring Lake on this _____ day of _____.

Signed by:

_____, Chairperson

Attested to by:

Melissa Hanson, Town Clerk