

August 26, 2011

David L. Mowery  
1500 W 8<sup>th</sup> Street  
Bloomington, Indiana 47404

**RE: Notice of Violation**

Dear Mr. Mowery:

It has come to the attention of the City of Bloomington that you have several trees and bushes, located at 1500 W 8<sup>th</sup> Street, which are in violation of one or more of the following Bloomington Municipal Code ("BMC") Sections:

- 12.24.040(2). Public Safety and Required Clearances.** Every owner shall remove or have removed all dead, diseased, or dangerous trees or flora, or broken or decayed limbs which overhang or may fall upon public property and which constitute a hazard to public safety.
- 12.24.040(2). Public Safety and Required Clearances.** Every owner shall properly prune or have properly pruned the branches of such tree(s) or flora so that the branches shall not obstruct any traffic control signs or devices, the view of any street intersection, or light from any street lamp.
- 12.24.040(2). Public Safety and Required Clearances.** There shall be a clearance standard space of fifteen (15) feet above any highway or street surface and eight (8) feet above any sidewalk surface to the bottom of the tree canopy.

Findings: On 08/26/2011, the City received a complaint about trees overgrown into the street at 1500 W 8<sup>th</sup> Street. A site visit conducted that day revealed that excessive trees and bushes are overgrown into the street and Public Right-of-Way. The current condition is so extreme that the yield sign is obstructed from view, there is inadequate line-of-site at the intersection, and Westbound traffic on 8<sup>th</sup> Street is forced to move across the center line to avoid hitting the overgrown trees.



West 8<sup>th</sup> Street



North Hopewell Street

This violation requires your immediate attention. You are required to abate this violation within ten (10) days of the date of this Notice of Violation. Failure to abate this violation within the allotted time may result in one or more of the following actions being taken:

- (1) fines may be assessed in accordance with BMC Section 12.24.120; and/or
- (2) the City Legal Department may initiate litigation in accordance with BMC Section 12.24.110(3); and/or
- (3) the City may seek an abatement order from the Board of Public Works at the next regularly scheduled meeting in accordance with BMC Section 12.24.110. If the City seeks an abatement order from the Board of Public Works, you will be advised of the date, time and location of the meeting in a subsequent letter.

If you have any questions concerning this Notice of Violation, or how you may abate the violation, please feel free to contact me at (812) 349-3417.

Sincerely,

Roy Aten  
City of Bloomington  
Engineering Department