



City of Bloomington Engineering Department

August 14th, 2012

Mark Kaplan or Joan Weiner
601 S Ballantine Rd
Bloomington, IN 47401

RE: Notice of Violation

Dear Property Owners;

It has come to the attention of the City of Bloomington that you have several trees and bushes, located in the Right-of-Way at 601 S Ballantine Road, 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 07/16/2012, City Engineering received a complaint that the sidewalk was blocked by overhanging bushes. A site visit on 08/13/2012 (see photos) revealed that the bushes and trees in the Right-of-Way belonging to the property located at 601 S Ballantine Rd were hanging over the sidewalk to an extent that has made the sidewalk impassable to pedestrians. A minimum clearance of 8 feet is required over the sidewalk and the current condition is in violation of Bloomington Municipal Code 12.24.040(2). During this visit I was approached by a person who claimed to live at the residence. I informed her of the reason of my visit and she said that she would have a landscaper remove the bushes from the sidewalk. I told her that I would issue this warning and that she would have 10 days to comply.



2nd St, looking East



2nd St, looking West

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.

Respectfully,


Roy Aron
City of Bloomington
Engineering Department