



City of Bloomington Engineering Department

August 15th, 2012

Jerry W Sinks, or
Anita L Bracalente
521 W 4th St
Bloomington, IN 47404

RE: Notice of Violation, 521 W 4th St

Dear Property Owners;

It has come to the attention of the City of Bloomington that you have several bushes, plants and flowers, located in the Right-of-Way at 521 W 4th St, 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.
- X **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.
- X **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 08/14/2012, City Engineering received a complaint that the sidewalk was blocked by bushes. A site visit on 08/15/2012 (see photos) revealed that the bushes and flowers in the Right-of-Way belonging to the property located at 521 W 4th Street were hanging over the sidewalk to an extent that has made the use of the sidewalk difficult 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. All bushes and flowers must be cut back to the edge of the sidewalk.



4th St, looking East




Jackson 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 Aten
City of Bloomington
Engineering Department