

Sponsor: Mayor Dale Rife  
First Reading: \_\_\_ 11/7/11 \_\_\_  
Second Reading: \_\_\_ 12/5/11 \_\_\_

## ORDINANCE #16-11

### AN ORDINANCE RELATING TO DEAD AND DAMAGED TREES

**BE IT HEREBY ENACTED** by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that Ordinance #16-11 "An Ordinance Relating to Dead and Damaged Trees" be and hereby is enacted, as follows to wit:

#### Section 1. Dead or diseased tree removal on private property.

The town shall have the right to cause the removal of any dead or diseased trees on private property within the town when such trees constitute a hazard to life and property or harbor insects or disease which constitutes a potential threat to other trees within the town.

#### Section 2. Notice

(a) The town will notify, in writing, the owners of such trees that removal is required. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice; however, a lesser time may be specified for removal when an imminent hazard to life or property has been determined to exist.

(b) Notice shall be sufficient if

- (1) the notice is personally served upon an owner of such tree;
- (2) the notice is left at an owner's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein;
- (3) the notice is delivered to an agent authorized by appointment or law to receive service; or
- (4) the notice is mailed by certified mail to an owner's last-known address. When service is made in this manner, service is complete when it is signed for by the addressee, or by some person of suitable age and discretion acting as agent for the addressee, or with the word "unclaimed" or "refused" noted thereon by the postal authorities. If such notice is returned "unclaimed" by the postal authorities, the town shall cause the notice to be posted on the common entrance door or in a common area of the building.

#### Section 3. Enforcement.

(a) In the event of failure of the owners to comply with such provisions, the town shall have the authority to remove such trees and charge the cost of removal to the property owners. If not paid when due, the costs for removal, plus penalty, will be added to the town's annual tax bill and as such shall constitute a lien upon the property.

