



City of Bloomington Engineering Department

September 28, 2011

Cynthia Kellogg
1224 Beech Lane
Davis, CA 95616

RE: Notice of Violation

Dear Property Owner:

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 613 S Swain Ave, 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 09/27/2011, City Engineering received a complaint that trees and bushes were hanging over the street and that they were blocking the view of oncoming traffic at the corner of S Swain and E University. A site visit on 09/28/2011 (see photos) revealed that the bushes and trees in the Right-of-Way belonging to the property located at 613 S Swain Ave were hanging over the street and into the sight triangle and therefore obstructing the line-of-sight for oncoming traffic at the intersection. A minimum clearance of 15 feet is required over the street and the current condition is in violation of Bloomington Municipal Code 12.24.040. Furthermore, all obstacles (trees, bushes, flora...) shall be removed from the sight triangle so that cars Southbound on Swain can see oncoming traffic on University. During this visit I attempted to contact the property resident by knocking on the door, but nobody answered.



Sight triangle



Looking West on University

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