

ORDINANCE NO. 2004-4
TOWN OF WESTPORT, INDIANA

**AN ORDINANCE REGULATING THE PLANTING
AND CARE OF TREES WITHIN THE PUBLIC
RIGHTS OF WAY IN THE TOWN OF WESTPORT**

WHEREAS, the Westport town council has the authority pursuant to Ind. Code 36-5-2-9 to adopt ordinances to promote public health, safety, and welfare;

WHEREAS, trees planted within a public right of way may create hazardous conditions by interfering with utility lines or obstructing the view for traffic or pedestrians, or may become environmental or health hazards;

NOW THEREFORE BE IT ORDAINED as follows:

Section 1. (a) No person shall plant trees within any public right-of-way within the Town of Westport without having first obtained a permit from the town.

(b) Application for a permit to plant a tree may be made to the town clerk.

(c) The town council shall adopt guidelines regarding species and location of trees for use in considering applications to plant trees.

Section 2. (a) The town may trim or remove any tree or shrub growing within a public right-of-way which obstructs a view

for vehicular or pedestrian traffic, is diseased or damaged, or which creates a health or environmental hazard.

(b) The town may require the owner of any lot or parcel of real estate to trim or remove a tree or shrub on the lot which obstructs a public right of way. The town clerk shall issue a notice to the owner allowing 30 days for the condition to be corrected. If the owner fails to correct the condition within 30 days, the town may perform the necessary trimming or removal, or contract for the work to be done. The town clerk shall send a bill for contracted work to the owner. If the bill remains unpaid after 30 days, the costs shall be submitted to the county auditor to be added to the property taxes for that real estate.

Adopted this 8TH day of NOVEMBER, 2004.

WESTPORT TOWN COUNCIL

Harry W. Pray III

Dave Stultz

J. H. Somers

Barbara Hayden
Clerk-Treasurer