

BOARD OF ALDERMEN

ITEM NO. C(4)

AGENDA ITEM ABSTRACT

MEETING DATE: January 15, 2008

TITLE: Town Code Amendment Prohibiting Tree Removal and Clearing on Town Property

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Ordinance amending Town Code B. Section 14-16 (existing)	FOR INFORMATION CONTACT: Patricia McGuire– 918-7327

PURPOSE

Staff has identified a gap in the current town code provisions dealing with Town property. An ordinance amending the code to clarify the prohibition of tree removal and other land clearing activities on Town property has been prepared for the Board's adoption.

INFORMATION

Currently, Chapter 14 of the Town Code includes a section that prohibits excavation on, and removal of trees, shrubs, rocks or other materials, from any property owned by the Town. In recent months, the town staff and others have received questions about the permissibility of mowing and tree removal on property deeded to the Town so as to facilitate development of an informal trail connecting the Fox Meadow and lake Hogan Farms neighborhoods. Concerns associated with a homeowner maintaining part of the property as if it was part of their own yard have also been noted. In reviewing the circumstances and the current regulations, it became clear to staff that some clarification in the expectations and roles related to Town property would be beneficial. A draft ordinance has been prepared to address these issues. The draft ordinance does the following:

- 1). Revises the name of the section.
- 2) Renumbers the existing provision to (a).
- 3) Adds a new subsection (b) that
 - a) specifies that removal of vegetation from Town property is prohibited unless authorized by the administrator except that,
 - b) persons who own or occupy property adjoining public street rights-of-way may mow and clear obstructions from the area between the property line and the paved portion of a street without the administrator's authorization.

FISCAL IMPACT

No fiscal impact is associated with the recommended action.

RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached draft ordinance (*Attachment A*).