

## ORDER

### **ORDER OF THE TOWN COUNCIL OF THE TOWN OF CARRBORO, NORTH CAROLINA, DETERMINING THAT A TREE LOCATED ON PRIVATE PROPERTY POSES A DANGER TO PUBLIC HEALTH AND SAFETY AND AUTHORIZING CORRECTIVE ACTION**

1. Chapter 11, Article V, Sections 11-38 through 11-41 of the Town Code provide procedures for addressing conditions that threaten public health and safety on both public and private property; and
2. Section 11-38 of the Town Code authorizes the Town to take action to eliminate dangerous or harmful conditions that pose a risk to public health and safety; and
3. Section 11-39 of the Town Code requires that the property owner or responsible party be notified of such conditions and be given an opportunity to remedy the situation or request a hearing to contest the Town's determination; and
4. Section 11-40 of the Town Code grants the property owner the right to a quasi-judicial hearing to contest the Town's determination that a condition on the owner's property poses a danger to public health or safety; and
5. On November 2023, the North Carolina Department of Transportation (NCDOT) notified Town staff of a potentially hazardous tree located at 710 W. Rosemary Street, which was shedding limbs and posed a public health risk; and
6. Subsequent inspections by NCDOT and the Public Works Department confirmed that the tree is located outside the right-of-way, and its removal is the responsibility of the property owner; and
7. On May 30, 2024, the property owner, Julie Rorrer, acknowledged the falling of limbs from the tree, informed the Town that no utility company would address the tree, and stated that it was not her responsibility, asserting that the matter was the Town's responsibility; and
8. On July 2, 2024 Town staff issued a letter deeming the tree a public nuisance, ordered the property owner to remove the tree, and advised her of her rights to appeal the Town's determination that the tree was a public nuisance; and
9. On July 9, 2024 Julie Rorrer signed for the letter, but she took no action to remove the tree or appeal the Town's decision; and
10. Additional complaints were received in June and July 2024 regarding the falling limbs; and
11. A certified notice of this quasi-judicial hearing was sent to the property owner, Julie Rorrer, on August 13, 2024, in accordance with Section 11-39 of the Town Code, and the Town received a sign receipt dated August 17, 2024, acknowledging delivery of the notice.
12. The estimated cost to remove the tree is \$7,200, plus traffic control expenses; and
13. The Town Council conducted a quasi-judicial hearing on September 12, 2024, considering all evidence and testimony presented regarding the condition of the tree and the potential danger it poses to public health and safety; and

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## ORDER

**14.** The Town Council finds and concludes, based on the evidence presented during the quasi-judicial hearing, that the tree located at 710 W. Rosemary Street poses a significant danger to public health and safety

**BASED ON THE FORGOING THE TOWN COUNCIL OF THE TOWN OF CARRBORO, NORTH CAROLINA ORDERS AS FOLLOWS:**

1. The Town Council authorizes and directs the Town Manager to take all necessary actions to remove the tree located at 710 W. Rosemary Street, including the engagement of contractors, and to implement any required traffic control measures associated with the tree removal.
2. The Town Council directs the Town Manager to seek reimbursement for the costs of the tree removal, including traffic control expenses, from the property owner, Julie Rorrer, in accordance with the provisions of the Town Code. If these costs and expenses are not paid by the property owner within 30 days of the Town's written demand for reimbursement, the costs and expenses shall become a lien upon the property of the property owner to be collected as unpaid taxes.
3. The Town Council directs the property owner, with 24 hours' advance notice of the time of removal of the tree by the Town, to ensure that all vehicles are removed from the parking lot so the tree can safely be removed.
4. This Order shall take effect immediately upon adoption and a written copy of this Order shall be mailed to the property owner, Julie Rorrer, within three days after the adoption of this Order.

**This the 12th day of September 2024.**

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**Barbara Foushee, Mayor**