



August 13, 2024

Ms. Julie Rorrer
4021 Peeler Creek Ln
Chapel Hill NC, 27516

NOTICE OF HEARING
HAZARDOUS TREE 710 W ROSEMARY ST CARRBORO NC
SEPTEMBER 12, 2024
6:00 PM
TOWN COUNCIL MEETING, TOWN HALL, CARRBORO NC

Dear Ms. Rorrer:

I am following up to my letter from July 2nd. At this time the tree has not been removed and there has been no notification that you wish to appeal the decision of the tree being a nuisance.

Per Town Code, Chapter 11, Article V, Section 11-39 (attached), this letter shall serve as notification that;

- 1. The tree is a hazard to the public.*
- 2. The Town Council will meet to hold a hearing on the issue on the date listed above.*
- 3. That if the Town Council determines that the cited condition is dangerous or prejudicial to public health or safety, it may order Town officials to summarily abate, remedy, or correct the offending condition;*
- 4. That the expenses incurred by the Town in connection with the actions described in subdivision (3) of this section, if not paid by the respondent, shall become a lien upon the land where the offending condition is located, to be collected as unpaid taxes. This notice shall be sent by mail (certified, deliver to addressee only, return receipt requested) not later than five calendar days prior to the scheduled hearing or delivered to the respondent by a Town officer or employee, not later than three days prior to the scheduled hearing. For purposes of this part, the respondent is the person who is responsible for the offending condition, as well as the owner of the property where the offending condition is located, if different from the former.*

Section 11-40 (attached) describes the hearing procedures and your rights. Section 11-41 (attached) explains the Council's options if they conclude a dangerous condition exist.

If you have any questions, feel free to contact me. My office number is 919-918-7427.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin J. Belanger".

Kevin J. Belanger, PE
Public Works Director

C: Town Manager, Town Attorney



PART 2 - EXTRAORDINARY REMEDIES

Section 11-38 Summary Abatement of Conditions Dangerous or Prejudicial to the Public Health

If the Town Council concludes, after notice and hearing as provided in this part, that any condition or situation prohibited by this chapter or any other condition or situation is dangerous or prejudicial to the public health or safety, it may order from Town officials to summarily remove, abate, or remedy everything so found within the Town limits or within one mile thereof, and impose a lien upon the land affected to recover the costs of the nuisance abatement.

Section 11-39 Notice Required

Before the action authorized by Section 11-38 is taken, notice shall be sent to the respondent, informing the respondent:

- (1) What condition or situation is alleged to be dangerous or prejudicial to the public health or safety;
- (2) When and where the Town Council will meet to hold a hearing on the issue of whether the condition cited is dangerous or prejudicial to public health;
- (3) That if the Town Council determines that the cited condition is dangerous or prejudicial to public health or safety, it may order Town officials to summarily abate, remedy, or correct the offending condition;
- (4) That the expenses incurred by the Town in connection with the actions described in subdivision (3) of this section, if not paid by the respondent, shall become a lien upon the land where the offending condition is located, to be collected as unpaid taxes. This notice shall be sent by mail (certified, deliver to addressee only, return receipt requested) not later than five calendar days prior to the scheduled hearing or delivered to the respondent by a Town officer or employee, not later than three days prior to the scheduled hearing. For purposes of this part, the respondent is the person who is responsible for the offending condition, as well as the owner of the property where the offending condition is located, if different from the former.

Section 11-40 Hearing Procedures

At the hearing held pursuant to this part, the Town administration shall be responsible for presenting sufficient evidence to the Town Council to substantiate a finding that a condition exists that is dangerous or prejudicial to the public health or safety. The Town Council may consider all reliable evidence and need not be bound by the strict rules of evidence applicable to courts of law, but all witnesses shall be sworn. The respondent may be represented by counsel and may present evidence. All parties may cross-examine adverse witnesses. At the conclusion of the hearing, the Town

Council shall make findings of fact, state its conclusions, and enter an appropriate order. The Town Council's findings of fact, conclusions, and order shall be reduced to writing and a copy sent by mail or delivered to the respondent within three days following the hearing.

Section 11-41 Order

If the Town Council concludes that a situation or condition exists that is dangerous or prejudicial to the public health or safety, it may:

- (1) Order appropriate Town officials or employees to summarily remove, abate, or remedy everything so found and to assess the cost of this action against the respondent in accordance with Section 11-38 of this article; or
- (2) Order the respondent to correct the situation within a specified time period and order Town officials to abate, correct, or remedy the offending condition if the respondent fails to act within the prescribed time limits.