

Administrative Interpretation

The Issue:

The code requires that vegetation on public and private property be maintained so that it does not interfere in any manner with pedestrian or vehicular traffic on any sidewalk or road.

In order to enforce this provision equitably, the Town needs a clear standard to apply in determining compliance.

Interpretation:

For Sidewalks: The Town requires that there is a clear travel path at least 42 inches (3.5 feet) wide on all sidewalks that are 42 inches wide or wider. Sidewalks that are less than 42 inches wide must be kept entirely clear from edge to edge. All sidewalks must have a minimum vertical clearance of 84 inches (7 feet) over the clear travel path. These standards are based on ADA standards (42 inches of clear travel path is the recommended width for a person using crutches, and 84 inches of vertical clearance provides adequate passage for most adults).

For Streets: The Town requires that no vegetation be allowed to overhang the curb edge for a height of 14 feet. Vegetation more than 14 feet over the road surface does not interfere with vehicular traffic.

In addition to the minimum standards above, the Town may require additional pruning or removal of vegetation on public or private property to eliminate other public safety hazards. Safety at street intersections for both pedestrians and motorists also is a concern when foliage and vegetation block the view of an intersection or a street sign. In most cases, vegetation on public and private property over 3 feet in height within 15 feet of an intersection needs to be trimmed.

Enforcement:

When the Town observes that the above standards are not met, the Town will deliver a notice to the house advising the occupants of the violation and the required corrective action. The Town will offer the assistance of its maintenance crew to complete corrective pruning if appropriate. The notice will advise that if corrective action is not taken within thirty days, the Town will direct its maintenance or tree pruning crew to prune the vegetation to meet the minimum standards described above. A follow-up notice will be delivered after two weeks if no corrective action has been taken and the Town has not been contacted.

Section 4-52 of the Code allows for residents to appeal the enforcement decision to the Town Council. The notice will include adequate information for the resident to be made aware of this appeal provision.