SENATE DOCKET, NO. 1115 FILED ON: 1/20/2011

SENATE . . . . . No. 852

The Commonwealth of Massachusetts

PRESENTED BY:

Richard J. Ross

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to dangerous trees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard J. Ross	*Norfolk, Bristol, and Middlesex*
Ron Ober	*PO Box 22 Norfolk, MA 02056*

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SENATE . . . . . No. 852

By Mr. Ross, a petition (accompanied by bill, Senate, No. 852) of Richard J. Ross for legislation relative to dangerous trees. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to dangerous trees.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1:- Section 7 of chapter 242 of the General Laws is hereby amended by inserting, after the first paragraph, the following paragraph:- Should a tree's base or height be located within falling distance of the immediate abutter's property line, the abutting neighbor may require that the tree's owner remove said tree. Said trees shall be removed providing that: the demand comes from the abutting neighbor whose property, life or limb are in immediate or future danger from the fall of the tree after the examination and determination of a licensed arborist that the tree is likely to be in danger of falling; the objecting abutting neighbor offers to pay for no more than 50% of the examination and removal costs of said tree by an approved tree removal expert agreed to by both parties; the length of any portion of said tree is equal to or greater than the distance from the base of the tree to its height to any of the property, real or personal, of the objecting abutter; the objecting abutter has notified the owner of the tree of the abutter's request to remove said tree; the removal of said tree be completed within 60 days.

SECTION 2:- No provisions of this law shall apply to municipalities.