

AMENDED LEGISLATIVE RESOLUTION 22-0-05

Resolution and Ordinance of the Town of University Park to amend Chapter 16 “Tree Maintenance”, by repealing and re-enacting § 16-101, “Scope” and § 16-102, “Annual Town Tree Plan required”; by repealing, re-enacting and re-numbering § 16-106, “Municipal infractions” and by enacting §16-106, “Removal of healthy, large trees on private property” and § 16-108, “Reforestation and maintenance of large trees on private property” of the Code of Ordinances of the Town of University Park, to require completion of a tree removal form to remove healthy, large trees measuring 50 inches or more in circumference for one trunk or equivalent basal area for all stems combined, from private property, require a replacement tree to be planted or a fee to be paid when a healthy tree is removed, provide for reforestation in areas of the Town that are experiencing tree loss, require the establishment and updating of a tree canopy baseline[, ~~and require a periodic tree inventory~~].

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, the Mayor and Common Council have adopted Chapter 16 of the Town Code, “Tree Maintenance” to protect the trees on public property in the Town; and

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[~~Brackets~~] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

[~~Brackets~~] indicate matter deleted by amendment to the proposed ordinance

WHEREAS, the COMMITTEE ON Trees, Parks and THE Environment [~~Committee~~] has made several recommendations with respect to requiring completion of a form to remove trees measuring fifty or more inches in circumference at four and one-half feet above ground level, requiring a replacement tree or fee to be paid when such a healthy tree is removed, providing for reforestation in areas of the Town that are experiencing tree loss, and requiring the establishment of a tree canopy baseline and updating ~~[- and requiring an annual tree inventory]~~; and

WHEREAS, the Mayor and Common Council have determined that the said recommendations are in the public interest.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 16 “Tree Maintenance”, § 16-101 “Scope”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 16-101 Scope.

All trees in the public domain, including those located in Town rights-of-way and parks and on Town property, AND TREES ON PRIVATE PROPERTY, are subject to the provisions of this chapter. TOWN OBLIGATIONS SET OUT IN THIS CHAPTER ARE SUBJECT TO FUNDING.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 16 “Tree Maintenance”, § 16-102 “Annual Town Tree Plan required”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 16-102 [~~Annual~~] Town Tree Plan [~~INVENTORY~~] AND TREE CANOPY BASELINE required.

- A. It shall be the responsibility of the Mayor and Common Council, with the guidance and assistance of the ~~[special]~~ Committee on Trees, Parks and the Environment, to develop and~~[or]~~ periodically update and administer a written plan TO MAINTAIN THE TREE CANOPY THROUGH ~~[for]~~ the care, preservation, pruning, planting, replanting, REFORESTATION, removal or disposition of trees and shrubs in parks, along streets, and in other public areas within the corporate limits of the Town AND ON PRIVATE PROPERTY WITHIN THE TOWN. The plan will be presented to the Town Council and upon their acceptance and approval shall constitute the Official Comprehensive Tree Plan for the Town.
- B. THE TOWN SHALL ~~[MAINTAIN AN INVENTORY OF ALL TOWN TREES, AND]~~ ESTABLISH A TREE CANOPY BASELINE, TO BE MAINTAINED ON A PERIODIC BASIS.
- C. The Town shall hire a professional arborist to consult on the health and status of Town trees, to recommend pruning, planting and removal of trees, ~~[and]~~ to assist the Town in the development and review of a Town Tree Plan, ~~[AND REFORESTATION]~~ and perform such other tasks as directed by the Town. The Town Arborist shall be ~~[hired]~~ SELECTED by and report to the ~~[Mayor]~~ DIRECTOR OF PUBLIC WORKS.
- D. THE TOWN SHALL CONTRACT WITH ~~[AN INDEPENDENT, REGISTERED CONSULTING]~~ A CERTIFIED ARBORIST WHO DOES NOT OFFER OR PERFORM TREE REMOVAL OR PRUNING SERVICES ~~[TO]~~ IN THE TOWN TO PROVIDE TREE RISK ASSESSMENTS OF TREES ON PRIVATE PROPERTY.

Section 3. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 16 “Tree Maintenance”, “permit requirements”, of the Code of the Town of University Park, be enacted to read as follows:

§16-106 REMOVAL OF HEALTHY, LARGE TREES ON PRIVATE PROPERTY.

- A. A LARGE TREE IS A TREE MEASURING FIFTY OR MORE INCHES IN CIRCUMFERENCE OF A SINGLE TRUNK, OR THE EQUIVALENT BASAL AREA FOR ALL STEMS COMBINED, AT FOUR AND ONE-HALF FEET ABOVE GROUND LEVEL.
- B. NO PERSON MAY REMOVE OR DESTROY, OR CAUSE THE REMOVAL OR DESTRUCTION, OF A LARGE TREE LOCATED ON PRIVATE PROPERTY WITHOUT COMPLETING A TREE REMOVAL FORM AND SUBMITTING IT TO THE TOWN. THE FORM SHALL INCLUDE THE BASIS FOR REMOVAL.
- C. AFTER FILING A TREE REMOVAL FORM, A HEALTHY LARGE TREE MAY BE REMOVED IF THE OWNER OF THE TREE:
 - 1) AGREES TO PLANT WITHIN ONE YEAR OF REMOVAL ON THE PROPERTY OR AT ANOTHER APPROVED LOCATION A COMPARABLE TYPE OF SHADE TREE APPROVED PER THE OPTIONS IN §16-104 OR BY THE ~~[REGISTERED CONSULTING]~~ CERTIFIED ARBORIST; OR
 - 2) PAYS A REFORESTATION FEE OF ~~[\$200]~~ \$300 TO THE TOWN.
- D. AN UNHEALTHY OR HAZARDOUS LARGE TREE, AND AN INVASIVE SPECIES ~~[LARGE]~~ TREE (AS DEFINED BY THE MARYLAND INVASIVE SPECIES COUNCIL’S LIST) OF ANY SIZE, IS NOT SUBJECT TO THE REQUIREMENTS OF THIS SECTION IF:

- 1) PRIOR TO REMOVAL OF AN UNHEALTHY LARGE TREE, THE OWNER OF THE PROPERTY SHALL SUBMIT A TREE REMOVAL FORM TO THE TOWN AND PAY THE \$300 REFORESTATION FEE, IF REQUIRED. THE TOWN SHALL ENLIST THE SERVICES OF A CERTIFIED [HEALTH OF THE LARGE TREE IS ASSESSED AS UNHEALTHY BY THE REGISTERED CONSULTING] ARBORIST, AT THE EXPENSE OF THE TOWN, OR BY A REGISTERED CERTIFIED ARBORIST HIRED AT THE EXPENSE OF THE PROPERTY OWNER] WHO WILL REVIEW THE SUBMITTED TREE REMOVAL FORM AND AUTHORIZE THE TREE REMOVAL, OR DISCUSS WITH THE OWNER ALTERNATIVES TO TREE REMOVAL, INCLUDING DEAD-WOODING AND OTHER MITIGATION MEASURES, PRIOR TO AUTHORIZATION.
- ~~2) [PRIOR TO REMOVAL OF A HAZARDOUS LARGE TREE, THE TREE IS ASSESSED TO BY THE REGISTERED CONSULTING ARBORIST AS HAZARDOUS, AT THE EXPENSE OF THE TOWN, OR BY A REGISTERED CERTIFIED ARBORIST HIRED AT THE EXPENSE OF THE PROPERTY OWNER TO DETERMINE IF THE TREE POSES A HAZARD TO SAFETY TO PERSONS AND/OR STRUCTURES.]~~
- 2) A TREE IDENTIFIED AS AN INVASIVE SPECIES OR ASSESSED AS UNHEALTHY OR HAZARDOUS IS DOCUMENTED IN THE TREE REMOVAL FORM TO CONFIRM THAT THE REMOVAL IS NOT SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

Section 4. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 16 “Tree Maintenance”, § 16-106 “Municipal infractions” of the Code of the Town of University Park, be repealed, re-enacted, re-numbered and amended to read as follows:

§ 16-107 Municipal infractions.

~~[A violation of §15-105 shall constitute a municipal infraction, for which a fine of \$200 may be imposed for each violation.]~~ A VIOLATION OF §16-106 SHALL CONSTITUTE A MUNICIPAL INFRACTION, FOR WHICH A FINE OF ~~[\$300]~~ \$400 MAY BE IMPOSED FOR EACH VIOLATION.

Section 5. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 16 “Tree Maintenance”, § 16-108, “Reforestation and maintenance of large trees on private property”, of the Code of the Town of University Park, be enacted to read as follows:

§ 16-108 REFORESTATION AND MAINTENANCE OF LARGE TREES ON PRIVATE PROPERTY.

- A. A PROGRAM FOR REFORESTATION AND MAINTENANCE OF LARGE TREES ON PRIVATE PROPERTY ~~[PROGRAM]~~ IS ESTABLISHED. FEES PAID FOR REMOVAL OF HEALTHY TREES WILL BE DEDICATED TO THIS PROGRAM.
- B. THE TOWN, IN CONSULTATION WITH THE TOWN ARBORIST AND THE COMMITTEE ~~[FOR]~~ ON TREES, PARKS AND THE ENVIRONMENT, WILL IDENTIFY AND PRIORITIZE THOSE AREAS WITHIN ITS BOUNDARIES THAT REQUIRE REFORESTATION ~~[DUE TO A LOSS OF]~~ TO INCREASE TREE CANOPY AND CARBON CAPTURE. IN THOSE IDENTIFIED AREAS, THE TOWN

MAY FUND INSTALLATION OF APPROVED SHADE TREES [~~AND DEADWOODING OR PRUNING OF LARGE TREES~~] ON PRIVATE PROPERTY.

C. THE TOWN, IN CONSULTATION WITH THE TOWN ARBORIST AND THE COMMITTEE ON TREES, PARKS AND THE ENVIRONMENT, MAY SUBSIDIZE THROUGH THE REFORESTATION PROGRAM THE MAINTENANCE OF LARGE TREES ON PRIVATE PROPERTY AS AN ALTERNATIVE TO REMOVAL WITH THE APPROVAL OF PROPERTY OWNERS. THE MAYOR SHALL ANNUALLY REPORT TO THE COUNCIL ON THE IMPLEMENTATION OF THIS SECTION.

Section 6. Be it further resolved that this resolution shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 7: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 8. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Introduced on the 18th day of April, 2022

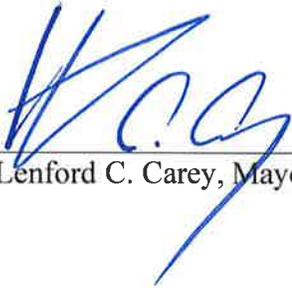
Adopted on the 6th day of June, 2022.

Effective on the 26th day of June, 2022.

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK


Alicandra Hegeman, Town Clerk

By: 
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney