

Amending Chapter 16 Tree Maintenance
Sponsored by: Councilmember Godfrey

AMENDED LEGISLATIVE RESOLUTION 25-O-07

Resolution and Ordinance of the Town of University Park to amend Chapter 16 “Tree Maintenance”, by repealing and re-enacting § 16-103 “Committee on Trees, Parks, and Environment”, §16-104 “Tree Replacement”, §16-105, “Public Trees”, §16-106, “Removal of healthy, large trees on private property”, §16-107, “Municipal infractions”, and § 16-108, “Reforestation and maintenance of large trees on private property” of the Code of Ordinances of the Town of University Park, to expand the responsibilities of the Committee on Trees, Parks, and Environment to include development of the Official Town Shade Tree List and Town Understory Tree List, make removal of or damage to public trees subject to conditions developed in consultation with the Town Council, including financial remuneration, determine that trees planted to comply with § 16-106 are not eligible for reimbursement, clarify the provisions concerning removal of unhealthy or hazardous large trees, and invasive species trees, clarify measurement of trees, create a designated reserve fund for private tree reforestation and maintenance in the Town budget, include measurement at the trunk level for a tree already taken down to determine whether it is considered a large tree that required submission of an application prior to removal, and increase the fine for violation of §16-106.

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

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 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

WHEREAS, the Committee on Trees, Parks and the Environment has made several recommendations with respect to for amendment of Chapter 16, including to expand the responsibilities of the Committee to include development of the Official Town Shade Tree List and Town Understory Tree List, make removal of or damage to public trees subject to conditions developed in consultation with the Town Council, including financial remuneration, make trees planted to comply with § 16-106 not eligible for reimbursement, clarify the provisions concerning unhealthy or hazardous large trees, and invasive species trees, set a minimum caliper for replacement trees, create a designated reserve fund for private tree reforestation and maintenance in the Town budget, include measurement at the trunk level for a tree already taken down to determine whether it is considered a large tree that required submission of an application prior to removal, and increase the fine for violation of §16-106; 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”, § 16-103 “Committee on Trees, Parks, and Environment”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 16-103 Committee on Trees, Parks, and Environment.

The Town Council does hereby establish a special Committee on Trees, Parks, and Environment, for the review of all matters concerning Town trees as defined in this chapter, FOR DEVELOPMENT OF THE OFFICIAL TOWN SHADE TREE LIST AND TOWN UNDERSTORY TREE LIST, and for other responsibilities as determined by the Council. The

Committee, which is to be appointed by the Mayor with consent of the Council, will consist of Council members and residents of the Town with particular expertise or interest in trees, parks and environment. The Committee is also authorized to sponsor educational activities that:

- A. Increase public appreciation of the aesthetic, historical, and ecological value of trees on public and private land; and
- B. Encourage residents of the Town to adopt installation, removal and maintenance practices that promote and protect healthy trees on private land.

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”, §16-104 “Tree Replacement”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 16-104 Tree replacement.

The Town may offer reimbursement of up to \$300 toward the purchase price of any tree listed in the Official Town Shade Tree List that is planted on private property, not to exceed a total of \$900 in a five-year period to any individual household or property, upon such terms and conditions as the Town deems reasonable. TREES PLANTED TO COMPLY WITH § 16-106 ARE NOT ELIGIBLE FOR REIMBURSEMENT. Under the same terms and conditions, the Town may offer reimbursement of up to \$ 100 toward the purchase of any listed understory tree, not to exceed a total of \$300 in a five-year period. Any reimbursements are subject to appropriation and available funding. Approved reimbursement will be made available after successful planting of said tree(s).

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”, §16-105, “Public Trees”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 16-105 Public trees.

No person shall remove or destroy, or cause the removal or destruction, of a tree, or undertake and action that will substantially impair the health or growth of a tree of any size or description located in the public right-of-way or on Town property unless authorized by the Mayor pursuant to state law and relevant Town right-of-way agreements or easements, AND SUBJECT TO CONDITIONS DEVELOPED IN CONSULTATION WITH THE TOWN COUNCIL, INCLUDING FINANCIAL REMUNERATION.

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, “Removal of healthy, large trees on private property”, of the Code of the Town of University Park, be repealed, re-enacted and amended 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, EQUIVALENT TO 15.9 INCHES IN DIAMETER of a single trunk, or the equivalent basal area for all stems combined, at four and one-half feet above ground level. measurement at the trunk level for trees already taken down to determine whether the tree required submission of an application prior to removal
- 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. IF REMOVED BEFORE SUBMISSION OF A TREE REMOVAL FORM, A TREE WITH A REMAINING STUMP MEASURED AT ITS TOP AND HAVING THE SAME DIMENSIONS REFERENCED IN SUBSECTION A OF THIS SECTION IS ALSO CONSIDERED A LARGE TREE.
- 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 OF ONE INCH DIAMETER OR GREATER approved per the options in §16-104 or by the TOWN [~~certified arborist~~]; or
 - 2) Pays a reforestation fee of \$300 to the Town.
- D. An unhealthy or hazardous large tree, and an invasive species 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 OR HAZARDOUS large tree, OR TREE OF INVASIVE SPECIES, the owner of the property shall submit a tree removal form to the Town AND RECEIVE AUTHORIZATION TO REMOVE THE TREE [~~and pay the \$300 reforestation fee, if required.~~]. The Town shall enlist the services of a certified arborist, at the expense of the Town, who will review the submitted tree removal form and authorize the tree removal IF DETERMINED TO BE UNHEALTHY OR HAZARDOUS, or discuss with the owner alternatives to tree removal, including dead-wooding and other mitigation measures, prior to authorization.
- 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 5. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 16 "Tree Maintenance", § 16-107 "Municipal infractions" of the Code of the Town of University Park, be repealed, re-enacted, and amended to read as follows:

§ 16-107 Municipal infractions.

A violation of §16-106 shall constitute a municipal infraction, for which a fine of [~~\$400~~] \$500 may be imposed for each violation.

Section 6. 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 repealed, re-enacted and amended 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 is established. Fees paid for removal of healthy trees will be dedicated to this program AND APPROPRIATED TO A DESIGNATED RESERVE FUND FOR PRIVATE TREE REFORESTATION AND MAINTENANCE IN THE TOWN BUDGET.
- B. The Town, in consultation with the Town arborist and the Committee on Trees, Parks and the Environment, will identify and prioritize those areas within its boundaries that require reforestation to increase tree canopy and carbon capture. In those identified areas, the Town may fund installation of approved shade 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, IN CONSULTATION WITH THE COMMITTEE ON TREES, PARKS, AND ENVIRONMENT, AND WITH APPROVAL OF THE TOWN COUNCIL, DEVELOP QUALIFYING CRITERIA FOR THE USE OF THE PRIVATE TREE REFORESTATION AND MAINTENANCE FUND, AND annually report to the council on the implementation of this section.

Section 7. 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 8: 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 9. 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 6 day of October, 2025

Adopted on the 17 day of November, 2025.

Effective on the 7 day of December, 2025.

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

Debi Sandlin

Debi Sandlin, Town Administrator

By: *Laurie K. Morrissey*

Laurie K. Morrissey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney