

Mayor and Town Council
Friendsville, Maryland

TREE PROTECTION/TREE MAINTENANCE ORDINANCE 2007- 3

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF FRIENDSVILLE SETTING FORTH REGULATIONS FOR TREE PROTECTION AS WELL AS TREE MAINTENANCE, ESTABLISHING A TOWN TREE COMMITTEE, PROVIDING FOR APPLICABLE FINES, AND PROVISIONS FOR APPEAL.

WHEREAS, the Mayor and Town Council of Friendsville feel a strong commitment toward planting and maintaining trees as well as protecting their continued development, and

WHEREAS, in order to do so, the Mayor and Town Council of Friendsville feels the need to establish guidelines and a committee to accomplish this.

NOW THEREFORE BE IT ORDAINED, that the Mayor and Town Council of Friendsville hereby adopts and shall enforce the following:

- I. **GENERAL.** The following terms shall have the meanings as indicated below:
 - A. **PARK TREES:** Trees, shrubs, bushes and all other woody vegetation in public areas owned by the Town or to which the public has free access as a park.
 - B. **STREET TREES:** Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues ways within the Town.
 - C. **PERSON;** For purpose of this ordinance, the word person shall refer to any individual, agency, organization, or business.

- II. **TOWN TREE COMMITTEE.** The Town of Friendsville shall establish a committee.
 - A. **Creation; membership.** There is hereby created and established a Town Tree Committee for the Town of Friendsville, Maryland which shall consist of five (5) members, one employee of the Town of Friendsville, and three residents of the Town of Friendsville, one council member of the Mayor and Town Council, who shall be appointed by the Mayor and approved by the Council.

 - B. **Term of office; vacancy; Chairman.** The terms of office for three (3)

Individuals to be appointed by the Mayor shall be two (2) years, except that the terms of two (2) of the members appointed to the first Committee shall be for only one (1) year, and the term of one (1) member of the first committee shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. The Mayor shall name the chairman of the committee.

- C. Compensation. Members of the Committee shall serve without Compensation.
- D. Powers and duties; annual submission of the Town Tree Plan. It shall be the responsibility of the Committee to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in the parks, along streets and in other public areas. Such plan will be presented annually to the Mayor and Town Council by January 1 of each year and, upon their acceptance and approval, shall constitute the official Comprehensive Town Tree Plan for the Town of Friendsville, Maryland. The Committee, when requested by the Mayor and Town Council, shall consider, investigate, make findings, report, and recommend upon any special matter of question coming within the scope of its work.
- E. Policy and Procedure. The Committee shall make its own policy to implement the tree program and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

III SPACING OF STREET TREES. The spacing of street trees will be in Accordance with the species' size, classes, and except in special plantings designed or approved by a local DNR expert, the plantings shall be done in accordance with this and any other Town ordinances.

IV GENERAL CARE AND MAINTENANCE; REMOVAL.

- A. The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town shall flag the location of the proposed plantings for at least 30 days prior to the plantings, so as to provide the time for public comment or objection. Property owners not wishing to have the plantings at the flagged locations must pull the flags and must notify the Town as such.
- B. The Town Tree Committee may remove or cause or order to be removed

any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, waterlines or other public improvements or is infected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners if prior approval has been obtained from the Town Tree Committee, and if it is done according to all state and local laws.

V PRUNING; RIGHT OF TOWN.

- A. Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs, which constitute a menace to the safety of the public.
- B. The Town shall have the right to prune any tree or shrub on private property, following a notice of intent to the property owner in writing, when such tree or shrub interferes with the proper spread of light along the street from a streetlight or interferes with the visibility of any traffic control device or sign. This work shall be done by the Town with a certified tree expert supervising, or by an independent contractor. Such pruning shall be the minimum required to correct the problem.
- C. Nothing contained in this section shall be deemed to impose any liability upon the Town of Friendsville, its employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub, or plant upon any street tree area on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, alley or public street or public way.

VI REMOVAL OF DEAD OR DISEASED TREES ON PRIVATE PROPERTY

- A. The Town shall have the right to cause the removal of any dead or diseased trees, as determined by a certified tree expert, on private property within the Town when such trees constitute an immediate threat to personal and or public property or harbor insects or disease which constitutes a potential significant threat to other trees within the Town. The Town Tree Committee will notify in writing the owner of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice.

B. In the event of the failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and may charge the cost of the removal to the owner..

VII. REMOVAL OF STREET AND PARK TREE STUMPS. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

VIII. INTERFERENCE WITH TREE COMMITTEE ACTIVITIES PROHIBITED. Shall be unlawful for any person to prevent, delay or interfere with the Town Tree Committee or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing, as authorized by this chapter, of any street trees, park trees or trees on private grounds.

IX. REVIEW OF COMMITTEE ACTS AND DECISIONS AUTHORIZED; APPEALS.

A. The Mayor and Town Council shall have the right to review the conduct, and decisions of the Town Tree Committee.

B. Any person may appeal any ruling or order of the Town Tree Committee to the Mayor and Town Council, who shall hear the matter and make a final decision. The appeal must be in writing and must be received at Friendsville Town Hall within 30 days of notification of such ruling or Order.

X. VIOLATIONS AND PENALTIES. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of fifty dollar (\$50 for each offence, unless otherwise governed by state law, in which case the maximum penalty shall apply.

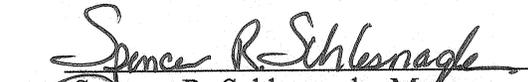
BE IT ORDAINED, this 4th day of JUNE 2007.

THIS ORDINANCE WAS INTRODUCED, on the 4th day of JUNE, 2007, and THIS ORDINANCE was adopted this 17th day of JULY, 2007, by a majority vote, and shall become effective immediately.

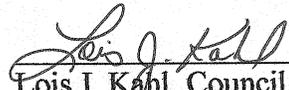
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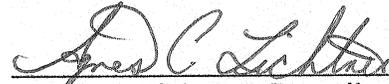

Karen S. Benedict, Clerk/Treasurer

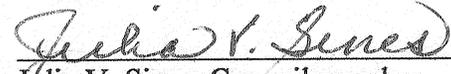
MAYOR AND TOWN COUNCIL
OF FRIENDSVILLE, MARYLAND

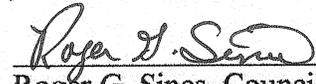

Spencer R. Schlosnagle, Mayor

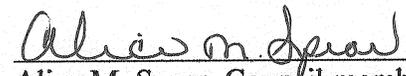
Thomas L. Fike, Council member


Lois J. Kohl, Council member


Agnes C. Lichtner, Council member


Julia V. Sines, Council member


Roger G. Sines, Council member


Alice M. Spear, Council member