

**Town of Glen Echo
Ordinance to Amend Articles 3 and 5
(Tree Removals)**

Ordinance No.: 23-05
Introduced: September 11, 2023
Adopted:
Effective Date:

SUBJECT: AN ORDINANCE TO AMEND ARTICLE 3 (BUILDING CODE) AND ARTICLE 5 (VEGETATION CONTROL) TO ADD CRITERIA FOR TREE REMOVAL DECISIONS AND CLARIFY EXISTING PROVISIONS

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Glen Echo, general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality’s rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Natural Resources Article, Section 5-427, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to, by appropriate resolution or ordinance, implement a local urban and community forestry program within its jurisdiction;

WHEREAS, Sections 413 and 415 of the Charter of the Town of Glen Echo authorize the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter of the Town of Glen Echo (the “Town”);

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the ____ day of _____, 2023;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the ____ day of _____, 2023;

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary in order to assure the good government of the municipality, to protect and preserve the municipality’s rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the Town, and otherwise advantageous and beneficial to the Town.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this ____ day of _____, 2023, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Glen Echo Charter, the Town Code be and is hereby amended as follows:

* * *

**ARTICLE 3
BUILDING CODE**

* * *

Section 3.4 Razing and Demolition; Associated Tree Removal

It shall be unlawful to engage in the razing, felling or demolition of any building, or structure having a surface area greater than two hundred (200) square feet, or the removal of a tree, having a caliper greater than ten (10) inches measured at four and a half (4.5) feet above the ground or that is more than ten (10) feet in height, before procuring a permit from the Mayor. Said permit may be granted without fee upon approval by the Mayor and Town Manager.

Section 3.4.1 Tree Removal Permit Review Criteria

In determining whether to grant or deny a permit for removal of a tree as part of a demolition or construction project, the Mayor and Town Manager shall consider the following aggravating and mitigating factors, and must consult with a certified arborist to aid in the review unless the resident has already shared the review by a certified arborist with the Town. The resident may appeal the Mayor's and Town Manager's decision to the Council. Aggravating factors weigh more heavily in the decision than mitigating except for B 1&2.:

A. Aggravating factors weighing against removal.

(1) The desirability of preserving any tree because of its age, species, size or outstanding qualities such as uniqueness, rarity, or status as a landmark or species specimen;

(2) The extent to which the immediate area, and the Town in general, would be subject to environmental degradation due to removal of the tree(s), including but not limited to stormwater management concerns;

(3) The number of trees removed from the subject property within the prior five (5) year period;

B. Mitigating factors weighing in favor of removal.

(1) Whether the tree is diseased, insect-infested, or injured beyond restoration;

(2) Whether the tree is in danger of falling, presents a threat of injury to life or property;

(3) The extent to which the tree removal is necessary to achieve Montgomery County and Town permitted development, redevelopment, land use, utility construction or utility maintenance, and the extent to which there is no reasonable alternative;

(4) The extent to which the tree is limiting the property owner's reasonable and necessary use of the property; and

(5) The extent to which any replanting plan proposed by the applicant involves:

(a) Planting native canopy trees;

(b) Planting native trees that are at least two and one-half (2 1/2) inches in caliper at the time of installation;

(c) Conservation landscaping; and

(d) County and Town permitted rain gardens or other stormwater drainage measures to address any stormwater management concerns.

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ARTICLE 5 VEGETATION CONTROL

* * *

Section 5.10 Tree Removal

A. It shall be unlawful for any owner, resident, or tenant, the contractor or agent of such owner, resident, or tenant, of any property containing any tree greater than ten (10) inches measured at four and a half (4.5) feet above the ground or that is more than ten (10) feet in height, to cause the removal of such tree prior to the giving of sixty (60) days' notice to the Town Council. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions which present a risk of imminent danger to person or property may be exempted from this Section at the determination of the Town. The Town also may waive the notice requirement in cases where the sixty-day period presents a hardship.

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ARTICLE 13 PROTECTION OF PUBLIC PROPERTY

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Section 13.5 Trees

It shall be unlawful for any unauthorized person or persons to break, cut, destroy, injure, or remove any tree on land owned or controlled by the Town.

* * *

Bold Underline indicates new language
~~Strikethrough~~ indicates language deleted
Asterisks * * * indicate language unchanged

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town of Glen Echo Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and
2. This Ordinance shall take effect, twenty (20) days after adoption.

Attest:

I hereby attest that the above Ordinance was duly adopted by the Town Council on the ____ day of _____, 2023, by a vote of ____ in favor and ____ in opposition.

Clerk-Treasurer
Town of Glen Echo

Approved:

Dia Costello, Mayor
Town of Glen Echo

Date: _____