

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

Ordinance No.: 22-05
Introduced: April 11, 2022
Adopted: May 9, 2022
Effective Date: May 29, 2022

SUBJECT: AN ORDINANCE TO AMEND ARTICLE 3 (BUILDING CODE) AND ARTICLE 5 (VEGETATION CONTROL) TO REQUIRE A PERMIT FOR REMOVAL OF TREES OF A CERTAIN SIZE LOCATED ON PRIVATE PROPERTY

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 11th day of April, 2022;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in public session assembled on the 9th day of May, 2022;

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 9th day of May, 2022, 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:

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**ARTICLE 3
BUILDING CODE**

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Section 3.4 Razing and Demolition

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 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 ~~greater than ten (10) inches measured at four (4) feet above the ground,~~ before procuring a permit from the Mayor. Said permit may be granted without fee upon approval by the Mayor.

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**ARTICLE 5
VEGETATION CONTROL**

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Section 5.10 Tree Removal; ~~Tree Topping~~

~~In order to give the Town Council time to consider alternatives, it shall be unlawful for any owner, agent of such owner, 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 of more than ten (10) feet in height or four (4) inches in trunk diameter caliper at a height of fifty-four (54) inches above ground level, to cause the removal of such tree prior to the giving of sixty (60) days' notice to the Town Council. It shall also be unlawful for any owner, agent or tenant to "top" any tree on private property prior to giving sixty (60) days' notice to the Town Council. "Topping" is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. 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, such as, for example, where construction schedules must be met.~~

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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.

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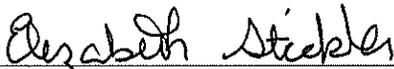
Bold Underline indicates new language
~~Strikethrough~~ indicates language deleted
Asterisks * * * indicate language unchanged

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 9th day of May, 2022, by a vote of 4 in favor and 0 in opposition.



 Clerk-Treasurer
 Town of Glen Echo

Approved:



 Dia Costello, Mayor
 Town of Glen Echo

Date: 5-11-2022