



City of Takoma Park

Public Works Department

Tree Ordinance

TAKOMA PARK CODE

CHAPTER 12. TREES AND VEGETATION

ARTICLE 1. GENERAL PROVISIONS

Sec. 12-1. Definitions.

Sec. 12-2. Interpretation.

Sec. 12-3. Authority of City Administrator to adopt regulations.

Sec. 12-4. Interference prohibited.

Sec. 12-5. Enforcement; stop work orders.

Sec. 12-6. Procedure to be followed in case of infractions.

Sec. 12-7. Charges for City taking corrective action.

Sec. 12-8. City Administrator to have decision-making authority for all trees on City property.

Sec. 12-9. Inspection for insects and disease; taking of specimens.

Sec. 12-10. Permission required to prune, spray, plant or remove from City property.

Sec. 12-11. Requirement for supervision by a tree expert.

Secs. 12-12 through 12-15. Reserved.

ARTICLE 2. PROHIBITIONS ON MAINTAINING UNDESIRABLE VEGETATION

Sec. 12-16. Infected or infested woody vegetation on private property.

Sec. 12-17. Fallen or dangerous trees on private property.

Sec. 12-18. Vegetation not to obscure intersection.

Sec. 12-19. Vegetation not to obstruct sidewalks or traffic.

Sec. 12-20. Noxious growths.

Sec. 12-21. Uncontrolled growth of vegetation on vacant lots.

Sec. 12-22. Uncontrolled growth of lawns on private property.

Secs. 12-23 through 12-25. Reserved.

ARTICLE 3. URBAN FOREST

Sec. 12-26. Legislative Findings.

Sec. 12-27. Urban forest trees.

Sec. 12-28. Tree permit required.

Sec. 12-29. Tree permit applications; waivers.

Sec. 12-30. Tree replacement required.

Sec. 12-31. Appeals from permit decisions.

Sec. 12-32. Criteria for permit decisions.

Sec. 12-33. Violations and penalties; enforcement.

ARTICLE 1. GENERAL PROVISIONS

Sec. 12-1. Definitions.

As used in this Chapter:

- (a) "Basal Area" means the area of a tree trunk's cross section, measured outside the bark.
- (b) "Caliper" means the diameter measurement of the trunk of nursery stock trees, taken at caliper height.
- (c) "Caliper Height" means the height above the ground at which the diameter measurement or "caliper" of nursery stock trees is measured. The "caliper height" of nursery stock trees means six (6) inches above the ground for trees less than four (4) inches in diameter and twelve (12) inches above the ground for trees four (4) or more inches in diameter.
- (d) "Canopy" means the combined crowns of all trees on a tract of land.
- (e) "City Administrator" means the City Administrator appointed under Section 2-20 or his or her designee.
- (f) "City Property" means City rights-of-way, City parks, median strips, and other City-owned property.
- (g) "Crown" means the volume defined by the spread of the branches and foliage of a tree.

- (h) "Department" means the City department of Public Works.
- (i) "Diameter at Breast Height" or "DBH" of a tree means the measurement of the average diameter of the tree taken at 4 ½ feet above the ground.
- (j) "Drip Line" means an imaginary line on the ground directly below the outer edge of a tree's crown.
- (k) "Hazardous," in relation to a tree or tree part, means defective, diseased or dead, and posing a high risk of failure or fracture with the potential to cause injury to people or damage to property.
- (l) "Nursery Stock Tree" means a tree which meets the standards established by the American Standard for Nursery Stock published by the American Association of Nurserymen (Publication No. ANSI Z60.1-1990)
- (m) "Person" has the meaning in Section 1-2 and does not include the City.
- (n) "Tree Commission" means the Tree Commission established under Section 2-141.
- (o) "Tree Cover" means area covered by canopy, expressed in square feet or as a percentage of the area of a tract of land.
- (p) "Tree Protection Plan" means a site plan that delineates tree save areas and details measures to be taken to ensure survivability of trees to be saved prior to and during construction.
- (q) "Woody Vegetation" means vegetation with stems of wood (other than vines) and includes trees and bushes.
- (r) See Section 1-2 for definitions of the terms "City", "Owner", and "Street".

Sec. 12-2. Interpretation.

This Chapter is intended to supplement and not to contradict or supersede any applicable provisions of the law and regulations of the State of Maryland, and is to be interpreted as such.

Sec. 12-3. Authority of City Administrator to adopt regulations.

The City Administrator may adopt regulations to implement this Chapter, in accordance with the provisions of Chapter 2, Article 5, Administrative Regulations.

Sec. 12-4. Interference prohibited.

A person who prevents, delays, or interferes with the City Administrator while he or she is carrying out the provisions of this Chapter in or upon any public highway or public space commits a Class C municipal infraction.

Sec. 12-5. Enforcement; stop work orders.

(a) The Department has primary responsibility for the administration and enforcement of this Chapter.

(b) Representatives of the Department and City Code Enforcement Officers of the Department of

Housing and Community Development may serve as the City Administrator's designee, with full authority to enforce all municipal infraction provisions of this Chapter.

(c) In addition to all other means of enforcement provided for by law and in this Chapter, the City Administrator, City Code Enforcement officers or police officers may issue a "stop work order" to any person who violates any provision of this Chapter. A stop work order also may be issued on the basis of an affidavit received setting forth the facts of the alleged violation.

1. Any person who receives such a stop work order shall immediately cease the activity that constitutes the violation. The person shall comply with all terms and conditions imposed by the person issuing the order before the activity may resume.
2. A person who receives a stop work order may appeal the issuance of the stop work order to the Tree Commission pursuant to Section 12-31 within 15 days after the issuance of the stop work order, as if the issuance were a denial of a tree permit.

Sec. 12-6. Procedure to be followed in case of infractions.

(a) In the case of violations of this Chapter, the City may issue a warning notice in accordance with Section 1-18, giving the person an appropriate period of time to correct the violation before a municipal infraction citation is issued. No additional warning notices shall be issued for subsequent violations for which a warning notice was issued.

(b) Failure to abate a violation for which a municipal infraction citation has been issued by the date of the fine, as set forth on the municipal infraction citation, causes subsequent violations to be treated as repeat offenses.

(c) In addition to the fine for a municipal infraction, as set forth in Section 1-19, the City may obtain a court order for the owner to abate the violation or for the City to abate the violation at the expense of the owner.

Sec. 12-7. Charges for City taking corrective action.

(a) Where the City has taken corrective action to bring a property into compliance with this Chapter, the City Administrator shall send the owner a bill for the cost of the corrective action. The bill shall be sent by regular mail to the owner's last known address or delivered by any other means reasonably calculated to bring the bill to such person's attention. If the owner does not pay the bill within one month after it is presented, the City Administrator may certify the cost of such corrective action to the City Treasurer.

(b) The City Treasurer shall send a bill for the costs of such corrective action to the owner of the real property, as listed in the City property tax records. The City Treasurer also may send a copy of the bill for the costs of the corrective action to a lender under a mortgage or deed of trust made by the owner and secured by the real property, as listed in the City property tax records. The bill shall be sent by regular mail to the last-known address of the owner or lender or delivered by any other means reasonably calculated to bring the bill to such person's attention. If the bill is not paid within one month after it is presented, then the cost becomes a lien against the real property which may be collected and enforced in the same manner as are taxes, special assessments, and other liens against real property or collected by a law suit against the owner.

Sec. 12-8. City Administrator to have decision-making authority for all trees on City property.

(a) The City Administrator has authority over the disposition of all trees located on City property

and has the power to plant, maintain, or remove trees on City property, subject to the provisions of this Chapter.

(b) The City Administrator may order the removal of any tree or part of a tree on City property that:

1. Poses a threat to safety;
2. May cause damage to sewers or other public improvements;
3. Is diseased or infested and poses a danger to other healthy trees; or
4. Impairs the appearance of City property.

Sec. 12-9. Inspection for insects and disease; taking of specimens.

(a) The City Administrator is authorized to inspect any woody vegetation that appears to be or is reported to be infected with a fungus, virus, bacterium, or other pathogen or infested with insects or other parasites which, due to such infection or infestation, may cause damage to other woody vegetation or other property, and may take specimens from the woody vegetation if necessary to determine the existence of such infection or infestation.

(b) If the City Administrator cannot determine with certainty the existence of infection or infestation in any woody vegetation, the City Administrator shall send any such specimens for examination, diagnosis and report to the Cooperative Extension Service, Home and Garden Information Center, University of Maryland or other laboratory, and shall base further action on such extension service or other laboratory report.

Sec. 12-10. Permission required to prune, spray, plant or remove from City property.

(a) Except as provided in subsection (b), a person who sprays, prunes, cuts, removes, or plants any vegetation on City property, without obtaining prior written permission from the Department, commits a Class B municipal infraction.

(b) Permission is not required to plant or maintain non-woody vegetation on planting strips or City rights-of-way located adjacent to the person's property (i.e., between the front yard or the sidewalk and the street), unless the City Administrator informs the person of the City Administrator's objective to the planting or maintenance.

Sec. 12-11. Requirement for supervision by a tree expert.

(a) No person shall perform tree trimming, tree removal or other work for hire without supervision, involving a site visit, by a Tree Expert licensed by the Maryland Department of Natural Resources.

(b) A violation of this section is a Class C municipal infraction.

Sec. 12-12 to 12-15. Reserved.

ARTICLE 2. PROHIBITIONS ON MAINTAINING UNDESIRABLE VEGETATION

Sec. 12-16. Infected or infested woody vegetation on private property.

A person who maintains on private property woody vegetation found to be infected with a fungus,

virus, bacterium, or other pathogen or found to be infested with insects or other parasites which, due to such infection or infestation, may cause damage to other woody vegetation or may pose a threat to persons or the property of others commits a Class C municipal infraction.

Sec. 12-17. Fallen or dangerous trees on private property.

(a) No person shall permit a tree or tree part, dead or alive (including a stump displaced from the ground), to stand on private property if it is a menace to public safety, or endangers any building, public improvement or other property.

(b) No person shall maintain a fallen tree, brushwood, or part of a fallen tree on private property that constitutes a harborage place for rodents or other pests.

(c) A violation of this section is a Class C municipal infraction.

Sec. 12-18. Vegetation not to obscure intersection.

(a) Vegetation taller than 3 feet above a street surface, except an Urban Forest Tree, is not permitted within 20 feet of the corner of a property located at an intersection of two streets. If the vegetation is located on top of a retaining wall, the retaining wall shall be considered part of the 3 feet.

(b) A violation of this section is a Class D municipal infraction.

Sec. 12-19. Vegetation not to obstruct sidewalks or traffic.

A person who permits any vegetation on private property to encroach on or to overhang within 8 feet above any street, sidewalk, or traffic control device commits a Class D municipal infraction.

Sec. 12-20. Noxious growths.

A person who:

(a) Maintains on private property poison ivy (*Rhus radicans* or *Toxicodendron radicans*), poison oak (*Rhus toxicodendron* or *Toxicodendron quercifolium* or *Toxicodendron diversilobum*), poison sumac (*Rhus vernix* or *Toxicodendron vernix*), ragweed (*Amrosia artemisiifolis*) or similar vegetation; or

(b) Fails to control the growth of kudzu-vine (*Pueraria lobata*), honeysuckle, wisteria, or other vine that is causing a threat to public safety or damage to trees on property or to trees or structures on adjacent properties, commits a Class D municipal infraction.

Sec. 12-21. Uncontrolled growth of vegetation on vacant lots.

(a) The owner of a vacant lot that does not have at least 60% tree cover is required to keep the natural non-woody vegetation on the lot to within 10 inches of the ground.

(b) A violation of this section is a Class D municipal infraction.

Sec. 12-22. Uncontrolled growth of vines on private property.

A person who allows 30% or more of a lawn to reach or exceed the height of 10 inches commits a Class D municipal infraction.

Sec. 12-23 to 12-25. Reserved.**ARTICLE 3. URBAN FOREST****Sec. 12-26. Legislative findings.**

The Council of the City of Takoma Park hereby finds that it is in the interest of the citizens of the City to protect, preserve, and promote the City's urban forest. The City's urban forest is part of a larger ecosystem and contributes significantly to air, noise, and visual pollution control. The existence of shade providing trees moderates climatic extremes and promotes sound energy conservation. The City's urban forest is part of the watershed of Long Branch and Sligo Creeks and therefore plays an important role in controlling water run-off and supports the biologic and hydrologic integrity of these watersheds. The urban forest has significant aesthetic value, which affects property values and the quality of life necessary to a community. Regulation of actions affecting the urban forest provides mutual benefits to city residents and property owners.

Sec. 12-27. Urban forest trees.

An urban forest tree is a tree in the City which:

- (a) Measures more than 24 inches in circumference at 4 ½ feet above ground level or more than 7 and 5/8 inches diameter at breast height;
- (b) Is required to be planted or maintained, pursuant to governmental order, agreement, stipulation, covenant or easement, a Tree Protection Plan, or as a condition of issuance of a tree permit; or
- (c) Is planted with government funding or under a government program.

Sec. 12-28 Tree permit required.

- (a) Except as provided in subsection (b) or (c), a tree permit is required for:
 - 1. The removal, relocation, destruction, topping, pruning of limbs with significant diameter in relation to the size of the tree, or other action which would significantly and permanently detract from an urban forest tree's health or growth; or
 - 2. Activity within the drip line of an urban forest tree which may destroy a significant portion of the roots of a tree or endanger the water supply to the roots. These activities may include excavation, depositing of fill dirt or other materials, construction of a structure, or paving of a significant area.
- (b) No tree permit is required:
 - 1. Where a tree permit waiver is obtained under Section 12-29; or
 - 2. For action required on an emergency basis (with no time to apply for a tree permit or a tree permit waiver) to prevent harm to life or property.
- (c) The removal, destruction, cutting or trimming of an urban forest tree that has branches or roots which obstruct or interfere with utility pipes, lines, and wires shall not require either a tree permit or a tree permit waiver when such tree removal or destruction is performed by or at the written request of a utility company such as PEPCO, Bell Atlantic, WSSC or Washington Gas.

Sec. 12-29. Tree permit applications; waivers.

(a) An owner may apply for a tree permit or tree permit waiver covering action relating to an urban forest tree or trees on the owner's property. The application shall be made under procedures specified by the City Administrator.

1. In the case of an applicant who requests a tree permit for the purpose of constructing on or developing property, the City Administrator may require the applicant to submit copies of all permits, licenses, and approvals which are required for the construction or the development to take place before any action is taken on the application. This may include, but is not limited to, county building permit, builder's license, grading permit, sediment control permit, stormwater management permit, zoning variance, special exception, and site plan review.
2. If all necessary permits, licenses, and approvals have not been granted as of the date the application is filed, then the City Administrator, in his or her sole discretion, may accept other satisfactory evidence, that all necessary permits and approvals for the construction or development will be granted or may impose conditions on the issuance of the tree permit requiring that all necessary permits and approvals for the construction or development be granted and submitted to the City Administrator for review and approval before the tree removal or other action for which a tree permit is required (see Section 12-28 (a)) may commence.

(b) Upon receipt of an application for a tree permit waiver, the City Administrator may issue a written determination (referred to as a tree permit waiver), waiving the requirement to obtain a tree permit for the action described in the waiver application:

1. In the case of a proposed removal or destruction of an urban forest tree if the City Administrator determines that the tree is dead or that the tree is hazardous and poses a high risk of causing imminent personal injury or property damage.
2. In the case of proposed activity relating to an urban forest tree, if the City Administrator determines that the activity will not pose a substantial danger to the health of the tree.
3. In the case of the proposed removal of part of an urban forest tree, if the City Administrator determines that the tree part is dead or that the tree part is hazardous and poses a high risk of causing imminent personal injury or property damage.

(c) Upon issuance of a tree permit waiver, the City Administrator shall inform the applicant that the City encourages the planting of replacement trees on a voluntary basis.

(d) An applicant for a tree permit shall pay a processing fee of twenty-five dollars (\$25.00) to the City with the application. The City shall charge no fee for a tree permit waiver application.

(e) If a tree permit waiver is denied, an owner may apply for a tree permit covering the proposed action by paying the twenty-five dollar (\$25.00) processing fee to the City and completing a tree permit application.

(f) The City Administrator shall:

1. Make a copy of each application for a tree permit or tree permit waiver available for public inspection; and
2. Provide an at-cost copy of an application to any person requesting one.

(g) If the City Administrator determines that the tree permit application is complete and the criteria set forth in Section 12-32 (b) indicate that the applicant is entitled to a tree permit, the City Administrator shall notify the applicant that the City has granted preliminary approval for a tree permit. Within two working days of this notification, the Department shall post notice of the preliminary approval, on the property in question, in plain view from the public right-of-way. A copy of the notice shall be posted on a bulletin board at the Municipal Building. The notice must describe the procedure and time limit for filing an appeal from the preliminary approval for a tree permit. If no appeal is filed within 15 days after the notice has been posted, the City Administrator shall issue a provisional or final tree permit. If an appeal from the preliminary approval for a tree permit is filed in accordance with Section 12-31, then no tree permit (either provisional or final) shall be issued until the appeal has been decided.

1. A provisional tree permit is required when an applicant requests a tree permit for the purpose of constructing on or developing property and/or where mechanical equipment (excluding chain saws and other hand-held devices) will be used in connection with the action relating to an urban forest tree or trees. No tree removal or other action for which a tree permit is required (see Section 12-28 (a)) may occur under a provisional permit.
2. A final tree permit, allowing the applicant to proceed with the tree removal or other action for which the permit is granted, shall be issued when the City Administrator determines that all conditions for issuance of a final permit have been met. These conditions may include, but are not limited to:

(A) Compliance with the tree replacement requirements of Section 12-30;

(B) Approval of a tree protection plan and/or inspection of the property by the City to verify that all required tree protection devices are in place to the development of any tree removal, any activity within the drip line of an urban forest tree which may destroy a significant portion of the roots of a tree or endanger the water supply to the roots, or any other action for which a tree permit is required; and

(C) Submissions to the City of all necessary County and other permits, licenses, and approvals which are required for the construction or development of the property.

Sec. 12-30. Tree replacement required.

(a) Tree replacement as specified in this section is required in the following cases:

1. The applicant's agreement to replace removed urban forest trees shall be required as a condition of issuance of a permit to remove a tree under Section 12-28, and may be required as a condition of issuance of a permit for other actions under Section 12-28 that are likely to lead to destruction of a tree.
2. Applicants are required to replace trees originally indicated and intended to be saved when such trees are excessively damaged or removed in violation of an approved tree protection plan.
3. Any person who removes or excessively damages a tree in violation of Section 12-28 is required to replace the tree.

(b) Replacement trees shall be equal to or superior to the removed trees in terms of species quality, shade potential, and other characteristics. Replacement trees shall be nursery stock trees with a minimum size of 2 ½ inches in caliper for deciduous trees, or 10 feet in height for evergreen

trees and guaranteed for one (1) year.

(c) Except as provided in paragraphs (2) and (3), the basal area of the replacement trees, measured at caliper height, must be no less than a percentage of the total basal area of the tree to be removed, measured at 4 ½ feet above the ground. The percentage shall be determined, using the following health quality analysis rating scale.

CRITERION	VALUE			RATING
	5 or 4	3 or 2	1	
Trunk	Sound and solid	Sections of bark missing	Extensive bark loss and hollow	_____
Growth/Rate per year	More than 6-inch twig elongation	2 to 6 inch twig elongation	Less than 2 inch twig elongation	_____
Structure	Sound	1 major or several minor limbs dead	2 or more major limbs dead	_____
Insects/Diseases	No pests present	1 pest present	2 or more pests present	_____
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown	_____
Life Expectancy	Over 30 years	15 to 20 years	Less than 5 years	_____
			Total Rating	_____

(d) Using the above scale, trees are to be replaced according to the following formula:

Total Rating of Tree to be Removed	Percentage of Basal Area to be Replaced
6 to 15	1%
16 to 24	2%
25 to 30	3%

1. For trees removed or excessively damaged in violation of this Chapter or an approved Tree Protection Plan, the total basal area of the replacement tree at caliper height must be no less than 10% of the basal area at 4 ½ feet above the ground of the tree removed or damaged.
2. In the case of an applicant's removing trees for the purpose of developing property, the replacement trees must be adequate to insure that the extent of tree cover at the time of development will be achieved by newly planted trees on or off site within 25 years.

(e) Where it is not feasible or desirable to replace trees on site, the replacement requirement may be satisfied by planting trees at another location within the City or by a contribution equivalent to the installed market value of the required replacement trees to the City's tree planting fund.

(f) As a condition precedent to the issuance of a tree permit or approval of a tree protection plan, the City may require the applicant to post a bond, letter of credit, or other security acceptable to the City or to deposit a sum of money with the City (hereafter referred to as "security"). The amount of the security required to be posted or deposited with the city shall be equal to the tree replacement costs and/or, in the case of construction or development activities, the cost of removing any tree or trees covered by a tree protection plan which die or become hazardous.

1. The security may be retained by the City until the later of the date that the tree replacement requirements of this section are satisfied or, in the case of construction or development activities, until two years following the completion of the construction or development on the property.
2. The security may be may be forfeited to the City, in whole or in part, if the tree replacement requirements are not timely met or if any tree or trees on the property die, become hazardous, are excessively damaged, or are removed in violation of the terms of a tree permit or an approved tree protection plan for the property.
3. There is a presumption that the death of, hazardous condition, or significant decline in the health of any tree on the property which is covered by a tree protection plan, within two years following the completion of the construction or development, was caused by the construction or development activity. The burden of rebutting this presumption, by a preponderance of the evidence, is on the applicant.
4. The amount of the security which is forfeited to the City shall be equal to the tree replacement costs of the tree or trees on the property which die, become hazardous, are excessively damaged, or are removed in violation of the terms of a tree permit or an approved tree protection plan for the property. In the case of construction or development activities on property, the amount of the security which is forfeited to the city also may include the cost of removing any tree or trees covered by a tree protection plan that die or become hazardous. The forfeited security shall be added to the City's tree planting fund or, with the agreement of the property owner and the City, may be used to remove or replace the dead, damaged or hazardous tree or trees on the property.

Sec. 12-31. Appeals from permit decisions.

(a) The permit applicant or any resident of the City or owner of property in the City may appeal the preliminary approval of a tree removal permit within the 15-day posting period. If a notice of appeal is filed during such 15-day posting period, then no tree removal permit shall be issued until the Tree Commission has conducted a fact-finding hearing and has issued its final decision on the appeal.

(b) The permit applicant also may appeal the denial of a permit within 15 days after the date that the City Administrator notifies the applicant of the denial of a permit for the removal or destruction of a tree covered by this Article

(c) There shall be no appeal from the issuance of a tree permit waiver by the City Administrator.

(d) A notice of appeal shall be in writing, shall state the reasons for the appeal, and the nature of the interest of the person filing the appeal. Appeal notices shall be filed with the City Administrator who shall forward the notice to the Tree Commission.

(e) The Tree Commission shall conduct a fact-finding hearing on an appeal from a permit decision or issuance of a stop work order after giving reasonable notice of the hearing to all interested parties in accordance with the Tree Commission's rules. At the hearing, any interested party may present testimony and evidence to substantiate any material point. All testimony shall be given

under oath or by affirmation. The parties may also cross-examine opposing witnesses presenting testimony at the hearing. A verbatim record of the hearing shall be made. The record shall be open to inspection by any person and, upon request, the Tree Commission shall furnish such person with an at-cost copy of the hearing record. After due consideration of the evidence and testimony and the criteria for permit decisions set forth in Section 12-32, the Tree Commission shall issue its decision on the appeal and shall give notice to all interested parties.

(f) Within 30 days of the date of the issuance of a decision of the Tree Commission, a person who was a party to the proceedings before the Tree Commission and who is aggrieved by the decision may seek judicial review of the decision by filing a petition for judicial review in accordance with Title 7, Chapter 200, Judicial Review of Administrative Agency Decisions, of the Maryland Rules of Procedure, or any subsequent amendments thereto.

Sec. 12-32. Criteria for permit decisions.

(a) The City Administrator or, upon appeal, the Tree Commission shall approve an application for a permit if so indicated by the factors set forth in subsection (b). Upon appeal, the Tree Commission shall, taking into account the factors set forth in subsection (b), approve the permit, disapprove the permit, or approve the permit with modifications and/or conditions. In the case of an applicant who requests a tree permit for the purpose of constructing on or developing property and/or where mechanical equipment (excluding chain saws and other hand-held devices) will be used in connection with the action relating to an urban forest tree or trees, the Tree Commission may approve a provisional tree permit. Thereafter, a final tree permit is required before the commencement of any action covered by Section 12-28 (a).

(b) The following factors, and any other relevant information, shall be taken into account:

1. The extent to which tree clearing is necessary to achieve proposed development or land use, and, when appropriate, the ameliorating effects of any tree protection plan which has been submitted or approved.
2. The number and type of replacement trees, and, if appropriate, and reforestation plan proposed as mitigation for the tree or trees to be removed.
3. Any hardship which the applicant will suffer from a modification or rejection of the permit application.
4. The desirability of preserving any tree by reason of its age, size or outstanding quality.
5. The extent to which the area would be subject to environmental degradation due to removal of the tree or trees.
6. The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or trees are located.
7. Whether sound urban forest management practices indicate the tree or trees should be removed.
8. The general health and condition of the tree or trees.
9. The desirability of the tree species as a permanent part of the City's urban forest.
10. The placement of the tree or trees in relation to utilities, structures and the use of the property.

11. Whether the tree or trees are diseased beyond recovery.
12. Whether the tree or trees are injured beyond restoration.
13. Whether the tree or trees are in a severe state of decline.
14. Whether the tree or trees are hazardous.
15. The need to remove the tree or trees for the purpose of installing, repairing, replacing, or maintaining essential public or private utility services.

Sec. 12-33. Violations and penalties; enforcement.

(a) Municipal infractions.

1. Any of the following shall be a Class AA municipal infraction:

(A) Doing any of the acts prohibited in Section 12-28 without applying for a permit, after an application for a permit has been denied, or after applying for a permit but before a permit has been issued, unless a permit waiver covering the act has been issued or the act is described in Section 12-28 (b) or (c).

(B) Failure to fulfill the requirements of Section 12-20.

(C) Any violation of a decision or order of the Tree Commission, including but not limited to the violation or nonperformance of conditions imposed in connection with the issuance of a permit.

(b) Misdemeanors.

1. It shall be a Class A misdemeanor to do any of the following:

(A) To do any of the acts specified in subsection (a) in relation to 3 or more urban forest trees, whether or not such urban forest trees are located on the same property, within a 3-month period.

(B) To do any of the acts specified in subsection (a) in relation to any urban forest tree which has been designated by the Tree Commission or the City as having special botanical, ecological or historical significance or as a landmark.

(C) To do any of the acts specified in subsection (a) in relation to any tree, which is more than 33 inches in circumference at 4 ½ feet above ground level.

(D) To willfully or repeatedly violate this Chapter or an order of the Tree Commission.

(E) To violate a stop work order issued pursuant to Section 12-5 (c).

(c) Each urban forest tree that is damaged or destroyed as a result of act(s) taken in violation of any provision of this Chapter is considered a separate violation of the appropriate section(s).

(d) In cases where a person has hired an individual or organization to perform tree work that is in violation of any provision of this Chapter, both the hired and the hirer may be subject to the penalties set forth in this Chapter.

(e) Any person or organization that performs tree trimming or tree removal for hire within the City of Takoma Park and who violates any provision of this Chapter may be barred from contracting with or performing work for the City of Takoma Park.

(f) A civil action for damages may be brought against any person or persons who violate the provisions of this Article by any person or persons who suffer personal injury, property damage or financial loss as a result of such violation.

Legislative History

Ordinance 1995-5 (effective 3/27/1995) repealed former Chapter 12, Trees and Vegetation, adopted 4/13/1981 as Ordinance No. 2560, and reenacted with changes Chapter 12, Trees and Vegetation of the Takoma Park Code .

Ordinance No. 1999-7 (effective 3/1/1999) added new subsections (1) and (2) to Sec. 12-29(a); amended Sec. 12-29(g) and added new subsections (1), (2), and (2) (A) - (C) to Sec. 12-29(g); and amended Sec. 12-32(a).

Ordinance No. 2000-17 (effective 7/10/2000) amended Sec. 12-1(c); amended Sec. 12-29 subsections (b) (1) and (3); and added new subsections (f) and (f) (1) - (4) to Sec. 12-30.

NOTE : Includes all amendments to Chapter 12, Trees and Vegetation, of the Takoma Park Code through 7/10/2000.

**Public Works Page
Committee on the Environment
Main Takoma Park Page**