

## **CHAPTER 12B**

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- Section 12 B-1. PURPOSE**

The purpose of this chapter is to protect, preserve, and promote Mount Rainier’s urban forest, which is part of a larger ecosystem that contributes significantly to the control of air, noise, and visual pollution; moderates climate extremes; promotes sound energy conservation; and has significant aesthetic value affecting property values and the community’s quality of life. Because the City's urban forest is located in the Anacostia River and Chesapeake Bay watersheds, its absorption of stormwater supports the biological and hydrological integrity of these watersheds. Regulation of actions affecting the urban forest provides mutual benefits to City residents and property owners.

#### **Section 12B-2. DEFINITIONS**

"Canopy" means the combined crowns of all trees within the City of Mount Rainier.

"Certified Arborist" means an International Society of Arboriculture certified arborist.

"City Manager" means the City Manager or his or her designee.

"City property" means City rights-of-ways, City parks, and other City-owned property.

"City" means the City of Mount Rainier, its officers, employees, and agents.

"Crown" means the limbs, branches, twigs, leaves, and buds of a tree.

"Department" means the City of Mount Rainier Department of Public Works.

"Diameter at breast height" or "DBH" of a tree means the diameter of the tree taken at 4.5 feet above the ground in accordance with the measurement instructions set forth in the most recent version of the United States Forestry Service's Forest Inventory and Analysis National Core Field Guide.

"Hazardous tree" means a defective, diseased, or dead tree that poses a high risk of failure or fracture with the potential to cause injury to people or damage to property.

"Exceptional tree" means a tree designated as such by the Mayor and City Council.

"Licensed tree expert" means a person licensed as a tree expert under Maryland law.

"Nursery stock tree" means a tree that meets the standards established by the American Standard for Nursery Stock published by the American Association of Nurserymen (Publication No. ANSI Z60.1-1990) as revised and amended from time to time.

"Park tree" mean a tree located on City property that is not a street tree.

"Private canopy tree" means a tree located on private property that measures 18 inches or more in DBH.

"Public property" means all government easements and all property owned by the City, county, state, or federal governments, or the Maryland-National Capital Park and Planning Commission.

"Public utility company" means a public utility company and a public utility company's officers, employees, and agents.

"Street tree" means a tree the trunk of which grows all, or in part, within the public right of way.

"Tree Care Guidelines" means the guidelines prepared by the Tree Commission for the care of trees, the protection of trees from construction and other activity, and the selection and planting of trees.

"Tree permit" means a tree permit issued by the City pursuant to this chapter, except for Roadside, unless specific reference is made to a Maryland Department of Natural Resources Roadside Tree Permits.

"Tree Plan" is the document approved by the Mayor and City Council for the planting of trees and the maintenance of the urban forest within the City of Mount Rainier.

"Tree Inventory" is a list of all urban forest trees in the City, including their species, location, and condition, and all available planting sites for trees.

"Urban forest tree" includes the following trees:

- (a) trees that are required to be planted or maintained pursuant to governmental order, agreement, stipulation, covenant, easement, the Tree Plan, or as a condition of issuance of a tree permit;
- (b) trees that were planted with government funding or under a government program;
- (c) trees located on City property or within a street right-of-way or public easement within the City of Mount Rainier (*i.e.*, park trees and street trees);
- (d) exceptional trees; and
- (e) private canopy trees.

### **SECTION 12B-3. TREE IMPACT ASSESSMENT.**

A. Except as provided in subsection (B) of this section, a tree impact assessment is required prior to:

1. Removing, relocating, destroying, or topping an urban forest tree or pruning more than 50% of the live crown of an urban forest tree within a one-year period, or pruning live limbs with a diameter equal to or greater than 30% of the DBH of the tree, cutting a

root with a diameter of greater than one inch or taking any other action that would significantly and permanently detract from an urban forest tree's health or growth;

2. Conducting any of the following activities within 50 feet of an exceptional tree or within 30 feet of any other urban forest tree:

- a. land disturbing activities, such as raising or lowering existing grade, or excavating more than three inches in depth over an area in excess of 25 square feet;
- b. parking or operating vehicles or heavy equipment or storing construction materials on an unpaved surface;
- c. constructing or placing a structure other than a fence; or
- d. paving in excess of 25 square feet with an impervious surface.

B. A tree impact assessment shall not be required for action required on an emergency basis (with no time to obtain an assessment) to prevent harm to life or property, or for actions performed by a public utility company.

C. Any person intending to conduct an activity described in subsection (A) of this section must submit a written request for a tree impact assessment to the City Manager with payment of a fee established by the City Manager.

D. The City Arborist shall conduct a tree impact assessment and advise the person requesting the assessment whether a tree permit is required to proceed with the proposed activity.

E. Failure to obtain a tree impact assessment before conducting any of the activities described in subsection (A) of this section shall constitute a municipal infraction.

#### **SECTION 12B-4. TREE WORK FOR HIRE IN THE CITY TO BE PERFORMED BY LICENSED TREE EXPERT**

A. No person shall perform tree pruning, tree removal or other tree work for hire, including consulting, insect and disease mitigation, abiotic mitigation, and tree preservation, without supervision, involving a site visit, by a Licensed Tree Expert (LTE) in good standing with the Maryland Department of Natural Resources.

B. No person shall perform tree care consulting for hire without being a Licensed Tree

Expert (LTE) in good standing with the Maryland Department of Natural Resources.

- C. All tree work and consulting will be done according to arboriculture industry guidelines: ANSI A300 (Parts 1 and 2) and ANSI Z133.1 (as amended).
- D. Contractors performing tree work for hire must be licensed, bonded, and insured.
- E. A violation of this section is a municipal infraction.

**SECTION 12B-5. ROADSIDE TREE CARE EXPERT AND CITY ARBORIST**

A. Roadside Tree Care Expert.

- 1. The City Council shall appoint a Roadside Tree Care Expert.
- 2. The Roadside Tree Care Expert must pass the Maryland Forest Service’s Roadside Tree Care Expert examination and receive certification as a Roadside Tree Care Expert from the Maryland Forest Service as soon as practicable upon appointment.
- 3. The City Manager shall apply for a Maryland Department of Natural Resources Roadside Tree Blanket Permit and designate the City Roadside Tree Care Expert as person supervising the City’s roadside tree work.
- 4. If the City does not hold a Roadside Tree Blanket Permit, the City Manager shall apply for Maryland Department of Natural Resources Roadside Tree Permits as necessary for the City to maintain or remove street trees.
- 5. Duties. The Roadside Tree Care Expert shall:
  - a. supervise all work performed by the City under a Maryland Department of Natural Resources Roadside Tree Permit;
  - b. supervise all work performed on City property under a tree permit; and
  - c. perform tree impact assessments and issue preliminary decisions regarding tree permit applications and tree permit waiver applications relating to street trees.
- 6. If the Roadside Tree Care Expert is a Certified Arborist, the Roadside Tree Expert may also serve as the City Arborist.

B. City Arborist.

- 1. The Mayor and City Council City shall appoint a person who shall serve as the City Arborist. Such person must be a Certified Arborist

- 2. Duties. The City Arborist shall:
  - a. advise the City Manager, Department, Tree Commission and Roadside Tree Care Expert upon request;
  - b. perform tree impact assessments and issue decisions regarding tree permit applications and tree permit waiver applications;
  - c. perform such other duties as the City Manager may direct.

**SECTION 12B-6. TREE COMMISSION**

A. This Chapter hereby establishes a Tree Commission to regulate the planting, maintenance, and removal of trees within the urban forest of the City of Mount Rainier.

B. The Tree Commission shall consist of five (5) members, all of whom reside or own residential property in the City of Mount Rainier, who shall be appointed by the Mayor and City Council. No individual may serve as a Tree Commissioner while serving as the City Arborist or Roadside Tree Care Expert.

C. Terms of office. Members are appointed for a term of two (2) years. Members may serve more than one (1) term consecutively. In the event that a vacancy occurs during the term of a member, a successor shall be appointed by the Mayor and City Council. Commission members shall serve without pay or compensation.

D. Duties and responsibilities. The Tree Commission shall have the following duties and responsibilities:

- 1. In cooperation with the City Manager, the City Arborist, the Roadside Tree Care Expert, and state foresters, develop, maintain, and revise the City’s Tree Inventory and Tree Plan
- 2. Develop written guidelines for the care, preservation, pruning, planting, removal or disposition of trees on public and private property and public rights of way, which shall be included as an appendix to the City Code.
- 3. Educate City staff, residents, property owners, and business owners about the benefits of the urban forest and methods and practices for the preservation and promotion of the urban forest.
- 4. Present an updated Tree Inventory to the Mayor and City Council as needed;

- 5. Present an updated Tree Plan to the Mayor and City Council as needed.
- 6. Present an annual report and budget request to the Mayor and City Council as needed;
- 7. Review preliminary tree permit application decisions.

E. Operations. The Tree Commission shall choose officers, provide rules of procedure and keep public records of its proceedings. Once determined, the operating procedures will be publicized in the City newsletter. A majority of the members shall constitute a quorum for the transaction of business. A majority of the Tree Commission members is required to amend the rules of procedure.

F. Contents of Tree Plan. The Tree Plan shall include suggestions for the spacing of trees and curb and sidewalk treatments.

**SECTION 12B- 7. PUBLIC PROPERTY-- INJURY TO VEGETATION**

A. No person shall break, injure, mutilate, kill or destroy any tree, shrub, or herbaceous plant in any public property, or permit any animal under that person's control to do so; permit any leak to exist in any gas line within the root zone of any tree or shrub; permit any toxic chemical to seep, drain or be emptied on or about any tree or shrub; or permit electric or communication wires to come in contact with any tree or shrub.

B. During building or construction operations, suitable protective barriers shall be erected around trees and shrubs on public property that may be subject to injury or destruction.

C. No person shall fasten any sign, rope, wire, or other materials to, around or through any trees or shrubs on public property without obtaining prior written approval from the City Manager except in emergencies such as storms or accidents.

D. Sidewalks in residential areas of the City may be a minimum of 3.5 feet wide in order to accommodate tree trunks and roots, but a section of sidewalk must be at least 5 feet in width every 200 feet to allow for passing. When replacing sidewalk sections adjacent to trees, the sidewalk may be narrowed to accommodate a public or private tree as necessary.

**SECTION 12B- 8. TREES ON CITY PROPERTY AND CITY RIGHTS OF WAY PROTECTED**

A. Street trees.

- 1. No person other than the City, the City's designees including the Tree Commission, the State of Maryland, or a public utility company may prune a street tree.

2. In addition to any permit requirements under State law, any person other than a public utility company must first obtain a tree permit before removing a street tree or engaging in activity that may harm a street tree.

B. Park trees. No person other than the City of Mount Rainier or the City's designee may prune a park tree.

#### **SECTION 12B- 9. TREES ON PRIVATE PROPERTY PROTECTED**

A. This Section applies to urban forest trees located on private property, which include the following:

1. Exceptional trees.

2. Trees that were required to be planted or maintained pursuant to governmental order, agreement, stipulation, covenant, easement, the City Tree Plan, or as a condition of issuance of a tree permit;

3. Trees that were planted with government funding or under a government program.

4. Private canopy trees.

B. A tree permit is required before:

1. Pruning more than 50% of an urban forest tree within a one-year period;

2. Removing an urban forest tree;

3. Engaging in any activity that may harm an urban forest tree.

#### **SECTION 12B-10. WAIVER OF PERMIT REQUIREMENTS—REMOVAL OF DEAD OR HAZARDOUS TREES**

A. Upon receipt of an application for a tree permit waiver, the City Arborist may issue a written determination (referred to as a tree permit waiver), waiving the requirement to obtain a tree permit for the removal of a tree if the City Arborist determines that the tree is dead or hazardous.

B. An applicant for a tree permit waiver shall pay a processing fee to the City with the application.

C. Upon issuance of a tree permit waiver, the City Manager shall inform the applicant that the City encourages the planting of replacement trees on a voluntary basis.

D. The property owner shall post notice of the waiver on the property beginning upon receipt of the waiver and continuing until seven days after the completion of the tree removal. The notice shall state that the tree is being removed because it is dead or hazardous.

E. The City Manager shall notify the Tree Commission and the Mayor and Council of the issuance of a waiver.

### **SECTION 12B-11. TREE PERMIT APPLICATIONS**

A property owner may apply for a tree permit covering action relating to an urban forest tree on or near their property. Applicants must submit payment of an application fee with their application.

### **SECTION 12B-12. PERMIT APPROVAL**

#### **A. Urban forest trees on private property.**

For all urban forest trees located on private property except exceptional trees, if the City Arborist determines that a tree permit application is complete, that the applicant has executed an appropriate tree protection plan agreement and/or tree replacement agreement (if applicable), then the City Manager shall issue a permit to the applicant and notify the the Tree Commission, the Mayor and City Council, of the issuance of the permit.

#### **B. Street trees and exceptional trees.**

1. If the City Arborist determines that a tree permit application is complete, that the criteria set forth in Section 12B-14 indicate that the applicant is entitled to a tree permit, that the applicant has executed an appropriate tree protection plan agreement and/or tree replacement agreement (if applicable), and that any appropriate preconditions for issuance of a tree permit have been met, then the City Manager shall notify the applicant, the Tree Commission, the Mayor and City Council, and the adjoining property owners that the City has granted preliminary approval of the application. The preliminary approval of the application does not authorize the applicant to take any action regarding an urban forest tree.

2. Within two working days of this notification, the City Manager shall post notice of the preliminary approval of the application on the property in question in plain view from the public right-of-way. The notice must describe the procedure and time limit for filing objections to the preliminary approval of the application.

3. The Tree Commission shall have 14 days after the time for filing objections has passed to consider the preliminary decision and affirm, reverse, or modify the preliminary

decision. If the Tree Commission takes no action within the prescribed time, then the preliminary decision shall become final, and the applicant can proceed with the proposed activity subject to any conditions imposed upon the permit.

C. Conditions for the issuance of a tree permit may include, but are not limited to, the following:

1. Compliance with the tree replacement requirements of Section 12B-15;
2. Compliance with the requirements of the Tree Care Guidelines;
3. 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;
4. Submission to the City of all necessary County and other permits, licenses, and approvals which are required for the construction or development of the property; and
5. Posting of a bond or other security for tree replacement.

#### **SECTION 12B-13. PERMIT DENIAL**

A. If the City Arborist determines that the criteria set forth in Section 12B-14 require the denial of a tree permit, the City Manager shall notify the Applicant in writing of the preliminary denial of the permit and the Applicant's right to appeal the denial to the Tree Commission.

B. The Applicant shall have 10 days to appeal the preliminary denial of the tree permit to the Tree Commission, or the preliminary decision shall become final.

C. If the Applicant timely files an appeal, then, within 2 working days of the appeal, the City Manager shall post a notice of the appeal of the preliminary denial of the application on the property in question in plain view from the public right-of-way and on a bulletin board at the Municipal Building. The notice must describe the procedure and time limit for filing objections to the issuance of a permit.

D. The Tree Commission shall have 14 days following the appeal to decide whether to grant a tree permit and impose conditions upon the issuance of the permit.

E. The decision of the Tree Commission shall be final.

F. The City will permit no more than two living trees larger than 24 inches DBH to be removed from a given residential property within a period of five years unless necessary to protect persons or property from a hazardous tree.

G. The City will permit no more than one living tree larger than 24 inches DBH to be removed from a non-residential private property within a period of five years unless necessary to protect persons or property from a hazardous tree.

H. The permit restrictions of Section 12B-13(F) and 12B-13(G) may be waived by the City Council upon recommendation of the Tree Commission.

#### **SECTION 12B-14. TREE PERMIT CRITERIA**

A. The City Arborist shall issue a tree permit if so indicated by the factors set forth in subsection (B) of this section. The Tree Commission shall consider the factors set forth in subsection (B) of this section when reviewing preliminary permit decisions and deciding whether to grant the permit, deny the permit, or grant the permit with modifications and/or conditions.

B. The following factors shall be considered in ruling upon a tree permit application:

1. The extent to which the tree clearing, pruning, or activity that might harm the tree is necessary to achieve proposed development or land use, and the potential mitigating effects of imposing tree protection measures as a condition of the permit.
2. The number and type of replacement trees and, if appropriate, any reforestation plan proposed as mitigation for the tree or trees to be removed.
3. Any hardship that the applicant will suffer from a modification or rejection of the permit application or the imposition of tree protection requirements or other conditions.
4. Hazards that the tree poses to persons or property.
5. The desirability of preserving any tree because of its age, size, historic significance, or outstanding quality.
6. The extent of tree canopy cover that will remain near the tree to be removed or that will be placed at risk by the proposed activity.
7. The general health and condition of the tree.
8. The desirability of the tree species as a permanent part of the City's urban forest.
9. The placement of the tree in relation to utilities, structures and the use of the property.

#### **SECTION 12B-15. TREE REPLACEMENT REQUIRED**

If the City issues a tree permit to remove an urban forest tree, issuance of the permit shall be conditioned on the applicant's agreement to plant replacement trees on the applicant's property or paying a fee to the City's tree fund equal to the market price for installed 1 ½ inch caliper nursery-stock replacement trees in the City. The number of replacement trees shall be determined based on the size of the tree(s) intended for removal. The basal area of the replacement trees must equal at least 2% of the removed tree(s) as calculated by the City Arborist or Roadside Tree Care Expert. All replacement trees planted by the applicant must be 1 ½ inch to 3 inch caliper nursery-stock trees.

#### **SECTION 12B-16. HAZARDOUS TREES ON PRIVATE PROPERTY**

- A. No person shall permit a hazardous tree or tree part, dead or alive to stand on private property.
- B. When a violation of this section is found on private property, the City Manager shall give written notice to the owner, occupant, or person responsible for the property to abate the condition within such reasonable time as may be specified in the notice.
- C. If any person, after receipt of notice fails or refuses to abate a violation, and the City finds that immediate action is necessary to protect the public health, safety or property, then the City may take any action reasonably necessary to abate the violation.
- D. The City shall send the property owner or his or her agent a bill for the costs of the corrective action. If the bill is not paid within 30 calendar days, the cost shall be a lien against the real property which may be collected and enforced in the same manner as are property taxes or by a suit against the owner.

#### **SECTION 12B-17. REMOVAL OF DISEASED OR DEAD WOODY VEGETATION**

- A. On both public and private property, woody vegetation and vines that harbor a pathogen, 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, shall be removed and disposed of in accordance with the recommendations of the DNR Forest Service.
- B. Dead or dying American Elms and Zelkovas shall be removed and the wood disposed of in a proper manner to prevent the spread of Dutch elm disease. The wood of American elms shall not be kept for firewood or any other purpose unless the bark has been removed and properly disposed of according to DNR Forest Service recommendations.
- C. The City or its designee 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 or vine if necessary to determine the existence of such infection or infestation. The City Manager may designate the roadside tree care expert, or some other person with appropriate expertise to conduct such investigations and specimen collections.

D. If the City or its designated expert cannot determine with certainty the existence of infection or infestation in woody vegetation or vines, the City shall send any such specimens for examination, diagnosis and report to the Cooperative Extension Service, University of Maryland, or other appropriate laboratory, and shall base further action on such extension service or laboratory report.

E. Designated Wildlife Habitats. Notwithstanding the other provisions of Section 12B, a fallen or nonhazardous standing dead tree may be maintained on private property under the following conditions.

1. The property or area of the property in which the tree is located has been designated a wildlife habitat by the City Manager with the advice of the Environmental Protection Board or other qualified person(s).

2. To be designated a wildlife habitat, the landscape must provide food, water, cover, and shelter - the four criteria required to designate it as wildlife habitat by the National Wildlife Foundation.

3. The designated wildlife habitat must be free from invasive species, including:

- *Alnus incana*, *Thuja occidentalis*, *Thuja sibirica*, *Thuja koraiensis*, *Thuja plicata*
- *Thuja occidentalis*, *Thuja sibirica*, *Thuja koraiensis*, *Thuja plicata*, *Thuja sp.*
- *Thuja occidentalis*, *Thuja sibirica*, *Thuja koraiensis*, *Thuja plicata*
- *Thuja occidentalis*, *Thuja sibirica*, *Thuja koraiensis*, *Thuja plicata*
- *Thuja occidentalis*

4. Tree species cannot be ones that host or harbor a known contagious pest or disease, such as American elm, white ash, or others (to be specified by the Tree Commission).

5. Wood boring insects and fungus are expected in a fallen tree or nonhazardous standing tree within a designated wildlife habitat. To minimize danger to surrounding wood structures, all fallen trees must be at least 10 feet from any wooden structure. A fallen tree that harbors a pathogen or pest which has caused proven damage, or may be an unreasonable risk to other woody vegetation, or has caused proven damage, or may pose a threat to persons or the property of others, shall be removed and disposed of in accordance with the recommendations of the DNR Forest Service.

**Section 12B-18. PUBLIC PROPERTY-- PLANTING TREES**

A. Roadside tree planting.

1. The Roadside Tree Care Expert, in consultation with the Tree Commission, and in accordance with the City’s Tree Plan and the Maryland Roadside Tree law, shall supervise the planting of trees in the public right of way.

2. The Roadside Tree Care Expert or City Manager shall obtain approval of a planting plan from the Maryland Forest Service before planting trees if the City does not hold a Roadside Tree Blanket Permit.
- B. Park trees. For all City property other than rights of way, the City Manager shall consult with the Roadside Tree Care Expert and Tree Commission before planting trees and shall plant trees in accordance with the City's Tree Plan.
- C. Tree selection.
1. Except as provided in paragraph 2, below, when selecting trees for streets and City property, preference shall be given to species native to the Chesapeake Bay watershed.
  2. When planting trees in locations that will expose the trees to harsh conditions such as poor soil, lack of water, heat, pollution, salt contamination, or vandalism, preference may be given to non-native species that are tolerant to these conditions.
  3. In no event shall the City plant trees of species designated as invasive by this Code, the Maryland Department of Natural Resources Forest Service, or any other appropriate governmental agency.

#### **SECTION 12B-19. ENFORCEMENT AND PENALTIES**

- A. The City Manager has primary responsibility for the administration and enforcement of this Chapter, including the establishment of a fee schedule for tree impact assessments, tree permit and tree permit waiver applications, and tree replacement.
- B. A violation of this Chapter is a municipal infraction with a fine of \$500 for each tree affected, plus fifty dollars (\$50.00) per inch of tree circumference greater than fifty (50) inches, measured at four and one-half (4-1/2) feet above ground level, with a maximum fine of one thousand dollars (\$1,000.00) per tree affected. In the event the tree has been removed so that no accurate measurements can be taken to assess the fine, the fine, at the discretion of the City Manager, shall not exceed one thousand dollars (\$1,000.00) per tree.
- C. In addition to all other means of enforcement provided by law, the City Manager, code enforcement officials, 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. 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 of the stop work order before the activity may resume. If a person who receives a stop work order continues the activity that constitutes the violation, such person shall be issued a municipal infraction citation with a fine of one-thousand dollars

(\$1,000.00). Each day that work continues in violation of the stop work order is a separate offense.

D. In the event any City employee or elected official discovers anyone engaging in activity without a required tree permit or in violation of the terms of a tree permit, the employee or elected official immediately may issue an oral temporary stop work order. Said employee or official shall then contact the City Manager or the Mount Rainier Police Department, who may cause a police officer or code enforcement officer to investigate the violation and, if necessary, issue a written emergency stop work order. An emergency stop work order expires forty-eight (48) hours after posting. However, the City Manager or code enforcement officer may issue an indefinite stop work order and post it on the property.

E. A written order issued pursuant to this subsection posted on the property in a conspicuous location shall be sufficient service upon all persons physically on the property. A posted notice shall not be removed except under the authority of the City Manager. Unauthorized removal of a stop work order is a municipal infraction with a penalty of \$500.00.

F. In addition to the issuance of a municipal infraction citation, the City Manager may order that the person violating this chapter plant replacement trees at a designated place, or reimburse the City for the purchase and planting of replacement trees. The number of replacement trees shall be calculated in accordance with section 12B-15. Failure to plant or reimburse the City for replacement trees as ordered shall result in a fine of \$300.00 per required replacement tree.

G. If a fine is not paid or reimbursement not made within 30 calendar days, the cost shall be a lien against the real property which may be collected and enforced in the same manner as are property taxes or by a suit against the owner.

#### **SECTION 12B-20. EXCEPTIONAL TREES**

A. Designation. The Mayor and City Council, by ordinance, may designate as an exceptional tree any tree that it determines to be of unique and intrinsic value to the general public because of its size, age, historic association or ecological value or any tree designated a Maryland State Champion, United States Champion or World Champion by American Forests.

B. The City Manager shall keep a record of all exceptional trees and their locations, and shall provide written notice to the residents and owners of the property upon which an exceptional tree is located and the adjoining properties at the following times: 1) at the time of designation, 2) each subsequent calendar year, and 3) upon transfer of ownership of the property..

#### **SECTION 12-21. CITY MANAGER TO HAVE DECISION-MAKING AUTHORITY FOR ALL TREES ON CITY PROPERTY.**

A. The City Manager 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. The City Manager shall give due consideration to the urban forest preservation principles embodied in this chapter when making decisions regarding trees on City property.

B. The City Manager 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, if removal is the only practical solution;
4. Interferes with the use of City property for public purposes; or
5. Interferes with the exercise of any power conveyed by the Charter of the City of Takoma Park, including the construction and alteration of buildings and public ways and sidewalks.

C. If the City Manager orders the removal of a tree pursuant to subsection (B) of this section, the City must replace the tree in accordance with Section 12B-15.

D. The City Manager shall manage forest located on open spaces to preserve the natural state except where there is a threat to the public health, safety, or welfare.

E. The City manager will report all tree removals to the Tree Commission.