

REGULATIONS  
FOR THE  
VILLAGE OF NORTH CHEVY CHASE

**CHAPTER 5 TREES AND SHRUBS**

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### **Section 5-101** Definitions

For purposes of this Chapter:

"Village tree" means (1) any tree or shrub, the center of whose trunk or stem at ground level is located on Village property or the public right of way and which was planted by or with the permission of the Village, and (2) any tree or shrub on private property planted by or with the permission of the Village in agreement with the owner, for which the Village has assumed care and treatment.

### **Section 5-102** Purpose

- A) The provisions of this Chapter are declared necessary for the purpose of regulating the planting, removal, maintenance and protection of trees and shrubs on public space; guarding against dangerous conditions caused by trees, which may result in injury to persons or property; promoting and enhancing the beauty of the Village; preventing damage to any public sewer main, street, sidewalk or other public **property; protecting Village trees and** shrubs from undesirable and **unsafe practices; and guarding** the Village trees against the spread of disease or pests.
- B) The Village Council may engage the services of a qualified contractor for work done on Village plantings. All such contractors shall be fully insured and indemnify and hold harmless said village.

### **Section 5-103.** Planting of New Trees

- A) The Village Council may develop an annual plan for planting Village trees.
- B) All new trees planted on the public right of way shall be free of disease and pests.
- C) Spacing and location of trees and shrubs planted on public space shall be based on recommended standards, taking into account the desires of the owners of adjoining property, the species, the tree plan, the requirements of Section 3-206, and proximity to intersections, driveways, utility poles, and fire hydrants.

### **Section 5-104.** Protection of Village Trees.

It shall be unlawful for any person, unless authorized by the Village Council, to:

- A) Prune, remove, or injure, or cause to be pruned, removed or injured, any Village tree, including in connection with activities undertaken pursuant to any otherwise approved Village building permit.
- B) Attach any advertisement or notice to a Village tree.

C) Hang any object on a Village tree.

**Section 5-105. Pruning of Village Trees by Utility Companies**

- A) When a public utility company finds it necessary to prune Village trees, the utility company must obtain and fully comply with all required permits, including any permit issued by the Maryland Department of Natural Resources, pursuant to Maryland Natural Resources Code Annotated, Section 5-406.
- B) The utility company must give at least two weeks notice to the Village of its intent to prune Village trees and include with its notice a copy of the State-issued permit. In circumstances where compliance with the notice requirement is impossible or highly impractical, the utility company shall provide notice as far in advance as is reasonably possible and in any event shall inform the Village by telephone prior to the commencement of work.

**Section 5-106. Protection of Village Trees During Construction**

During the erection, altering or repairing of any building or structure on a lot within the Village, the owner of such lot or his agent shall place guards, fences or barriers in such locations as determined by the Village Council, in consultation with a qualified contractor, to be necessary to prevent injury to Village trees.

**Section 5-107. Trimming and Removal of Trees on Private Property**

- A) All trees and shrubs located on private property in the Village shall be maintained in a condition so as not to interfere with:
  - 1) The proper spread of light along a street from a streetlight;
  - 2) The visibility of any traffic control sign, device or signal; or
  - 3) The required clearance over public sidewalks (8 feet) or streets (12 feet).
- B) All trees and shrubs located on private property in the Village shall be maintained in a condition so as not to constitute a hazard to persons or property on public space or to harbor pests or disease that constitute a threat to other trees within the Village.

**Section 5-108. Entry on Private Property to Treat Village Trees**

Any agent or contractor authorized by the Village Council may enter upon and disturb private property when necessary for the purpose of inspecting or treating Village trees. However, any private property that was required to be disturbed for such purposes shall be returned expeditiously by the Village as nearly as possible to its original condition and any expenses incurred shall be borne by the Village.

The Village Council shall attempt to notify the resident before entering the property.