

CODE OF ORDINANCES FOR THE VILLAGE OF NORTH CHEVY CHASE

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CHAPTER 5 TREES AND SHRUBS

Article 1. General Provisions

Section 5-101 Purpose

Section 5-102 Definitions

Section 5-101. 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 5-102. Definitions

As used in this or other Chapters of these Ordinances, the following words and phrases shall have the following meaning:

- A. "*Canopy tree*": A canopy tree is defined as a tree with a trunk that measures at least twenty-four (24) inches in circumference at four and one-half (4½) feet above ground **or** measures 30 feet or more in height.
- B. "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 consent from 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. This does not include trees or shrubs planted by the property owner in which the Village has not assumed responsibility. The Village will maintain a list of trees for which it assumes responsibility for care and treatment, which shall be made available to residents.

Article 2: Planting and Protection of Village Trees and Shrubs

Section 5-201 Planting of New Trees

Section 5-202 Protection of Village Trees

Section 5-203 Pruning of Village Trees by Utility Companies

Section 5-204 Protection of Village Trees During Construction

Section 5-205 Trimming and Removal of Trees on Private Property

Section 5-206 Entry on Private Property to Treat Village Trees

Section 5-201. 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 3-207, and proximity to intersections, driveways, utility poles, and fire hydrants.

Section 5-202. 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 5-203. 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 5-204. Protection of Village Trees During Construction

- A) Before undertaking any activity that poses a potential risk to any canopy tree on the property in question, or poses a potential risk to any other tree, regardless of size or species, on an adjoining property or on the Village right-of-way, a property owner shall submit a tree protection plan for review and approval by the Village Manager, in consultation with a certified arborist. Such protection could include placing 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 the tree(s). It is the responsibility of the property owner to ascertain whether a construction-related activity places any tree in jeopardy.
- B) Activities that pose a potential risk to trees include but are not limited to (i) the demolition, in whole or in part, of an existing home or structure; (ii) the construction of a new home or structure; (iii) the expansion of the footprint of an existing home or structure; (iv) the construction of a driveway, patio or other impervious surface; (v) the construction of walls, (vi) installation of underground utility lines, and (vii) regrading or excavating within the dripline of a tree.

Section 5-205. Trimming and Removal of Trees on Private Property

- A. The Village Council finds that it is in the interest of the residents of the Village of North Chevy Chase to preserve, protect, and maintain the Village's tree canopy. Because trees require the span of a human lifetime to mature and can be subject to disturbance at many points in their lives, the Village places a high value on the mature trees that have survived to form an intrinsic part of the fabric of our community and a defining feature of its character. Each mature tree in the Village plays a critical role in controlling stormwater runoff, reducing home energy use, preserving property values, improving a range of health and social factors, and supporting the biological and hydrological integrity of various watersheds, including the larger Chesapeake Bay watershed, with native species providing greater benefits than non-native species. Thus, the regulation of actions affecting the Village's tree canopy provides benefits to all Village residents and property owners and contributes to the greater good of the Suburban Maryland and Washington region. In order to allow

the Village to monitor changes to its tree canopy as well as the overall health of trees in the Village, residents are requested to notify the Village Manager when a canopy tree is proposed for removal from private property, including the reason for such removal. Per the provisions of Section 3-201 (G), a permit is required for removal of any tree 24" in circumference at 4 ½ feet above the ground or measuring 30 feet or more in height if such removal is in relation to demolition, new home construction, and/or additions or modifications to the exterior of a property.

- B. All trees and shrubs located on private property in the Village shall be maintained in a condition so as not to interfere with:
 - a. The proper spread of light along a street from a streetlight;
 - b. The visibility of any traffic control sign, device or signal; or
 - c. The required clearance over public sidewalks (8 feet) or streets (12 feet).
- C. 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 5-206. 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.