

Chapter 156

TREES

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[HISTORY: Adopted by the Mayor and Council of the Town of Chestertown 12-16-1981 as Ord. No. 5-81. Amendments noted where applicable.]

GENERAL REFERENCES

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| Brush, grass and weeds -- See Ch. 54. | Streets and sidewalks – See Ch. 145. |
| Historic area zoning -- See Ch. 93. | Forest Conservation Ordinance –See Ch.83 |

§ 156-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PARK TREES -- Trees, shrubs, bushes and all other woody vegetation in public having individual names and all areas owned by the town or to which the public has free access as a park.

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STREET TREES -- Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the town.

TREE SIZES:

A. SMALL TREES -- Up to twenty (20) feet in height and/or less than 6 caliper inches in diameter.

B. MEDIUM TREES -- Twenty (20) feet to forty-five (45) feet in height and/or 6 caliper inches to 12 caliper inches in diameter.

C. LARGE TREES -- Over forty-five (45) feet in height and/or more than 12 caliper inches in diameter.

§ 156-2. Town Tree Committee.

A. Creation; membership. There is hereby created and established a Town Tree Committee for the Town of Chestertown, Maryland, which shall consist of three (3) members who shall be citizens and residents of this town and who shall be appointed by the Mayor with the approval of the Council.

B. Term of office; vacancy; Chairman. The terms of office for three (3) persons to be appointed by the Mayor shall be three (3) years, except that the terms of two (2) of the members appointed to the first Committee shall be for only one (1) year, and the term of one (1) member of the first Committee shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. The Mayor and Council shall name the Chairman.

C. Compensation. Members of the Committee shall serve without compensation.

D. Powers and duties; annual submission of Town Tree Plan. It shall be the responsibility of the Committee to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Mayor and Town Council and, upon their acceptance and approval, shall constitute the official Comprehensive Town Tree Plan for the Town of Chestertown, Maryland. The Committee, when requested by the Mayor and Town Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. The Committee shall review and approve the street tree plans for any and all site plans and subdivisions submitted to the Town Planning Commission for their consideration. When requested by the Mayor and Town Council or Planning Commission, they may also consider, investigate and make findings and recommendations concerning other types of projects which include trees at locations other than on the street.

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E. Rules of procedure. The Committee shall make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

§ 156-3. Spacing of street trees.

The spacing of street trees will be in accordance with the three (3) species' size classes, and except in special plantings designed or approved by a landscape architect, no trees may be planted closer together than the following:

A. Small trees: thirty (30) feet.

B. Medium trees: forty (40) feet.

C. Large trees: fifty (50) feet.

§ 156-4. Planting distances.

A. Curbs and sidewalks. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species' size classes, and except in special plantings designed or approved by a landscape architect, no trees may be planted closer to any curb or sidewalk than the following:

(1) Small trees: two (2) feet.

(2) Medium trees: three (3) feet.

(3) Large trees: four (4) feet.

B. Street corners and fireplugs. No street tree shall be planted closer than thirty-five (35) feet from any street corner, measured from the point of the nearest intersecting curbs or curblines, and no street tree shall be planted closer than ten (10) feet from any fireplug.

§ 156-5. General care and maintenance; removal.

A. The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The Town Tree Committee may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, waterlines or other public improvements or is infected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners if prior approval has been obtained from the Town Tree Committee.

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§ 156-6. Tree-topping prohibited; exception.

It shall be unlawful as a normal practice for any person, firm or town department to top any street tree, park tree or other tree on public property. "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 so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions for which other pruning practices are impractical may be exempted from this chapter at the determination of the Town Tree Committee. Trimming or pruning performed by licensed arborists or utility companies on any tree must be done in such a manner as to maintain aesthetic qualities of any tree (e.g. "tunnel pruning" is recommended, "pollarding" is not permitted). Nothing in this ordinance shall prohibit a property owner or his agent from properly trimming any tree on his/her property or from trimming limbs from neighboring properties that extend over his/her property line.

§ 156-7. Tree Maintenance on private property.

A. Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.

B. The town shall have the right to prune any tree or shrub on private property, following a notice of intent to the property owner in writing, when it interferes with the proper spread of light along the street from a streetlight or interferes with the visibility of any traffic control device or sign.

C. It is unlawful for any person to remove, relocate, or top any large tree (as defined in Section 156.1.C.) on private property within the town without first having received a permit for the same from the Town Manager. An application for the removal, relocation, or topping of such a tree will be available at the Town Hall. Permission to remove, relocate, or top large trees inside the Town limits will be granted only in cases of established disease, danger of property damage or hazardous conditions, irreparable storm damage or accident damage, or trees that have been inappropriately planted close to a house or structure and need to be removed because they have become a hazard or threat to the structural integrity of that house or structure.

D. Section C. above shall not apply to the transportation or maintenance of commercial nursery stock or in any case to trees with a caliper of two (02) inches or less as measured at four (04) inches above ground level.

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§ 156-8. Removal of dead or diseased trees on private property.

The town shall have the right to cause the removal of any dead or diseased trees on private property within the town when such trees constitute a hazard to life and property or harbor insects or disease which constitutes a potential threat to other trees within the town. The Town Tree Committee will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of the failure of owners to comply with such provisions, the town shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice.

§ 156-9. Removal of street and park tree stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

§ 156-10. Interference with Tree Committee activities prohibited.

It shall be unlawful for any person to prevent, delay or interfere with the Town Tree Committee or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing, as authorized by this chapter, of any street trees, park trees or trees on private grounds.

§ 156-11. Review of Committee acts and decisions authorized; appeals.

The Mayor and Council shall have the right to review the conduct, acts and decisions of the Town Tree Committee. Any person may appeal from any ruling or order of the Town Tree Committee to the Mayor and Council, who may hear the matter and make a final decision.

§ 156-12. Violations and penalties.

Any person violating any provision of this chapter shall be guilty of a municipal infraction and, upon conviction thereof, shall be subject to a fine as provided in ~ C11-4A of the Charter.