



Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
Fax (301) 474-5002

ORDINANCE 122 – URBAN FOREST

This Ordinance is to protect, preserve and promote the Urban Forest of Berwyn Heights as part of a larger ecosystem which contributes to air, noise and visual pollution control, moderates climate extremes, promotes energy conservation, and has aesthetic value affecting property values and the community quality of life. This Ordinance is to establish a Shade Tree Board to be responsible for the tree program which regulates the planting and maintenance of trees in public places, and to advise, provide continuity, act as an advocate and coordinate contributions and interests in urban greenery.

Section 1. Definitions

Street trees: "Street Trees" are herein defined as 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. For the purposes of this Ordinance and this definition, it is assumed that, in the absence of evidence to the contrary provided by an affected property owner, all trees located within twenty-five (25) feet of the centerline of a Town road are street trees as defined herein. Park Trees: "Park Trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the Town, or to which the public has free access as a park. All street trees and park trees in the public domain in Berwyn Heights are considered as part of the Town's Urban Forest and are subject to the provisions of this Ordinance.

Section 2. Establishment of A Shade Tree Board

There shall be created a Board to be known and designated as "Shade Tree Board" composed of five members appointed by the Mayor with the approval of the council. It shall be the responsibility of the Board to study, investigate, counsel, inventory and develop and/or update 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 a plan will be presented to the Town Council and upon their acceptance and approval shall constitute the official comprehensive tree plan for the Town. The Board shall choose its own officers, make its own rules and regulations and keep records of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 3. Public Tree Care

The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, avenues, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town Tree Board may recommend 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, water lines, or other public improvements, or is affected with any injurious fungus, insect or

other pest.

It shall be unlawful as a normal practice for any person, firm, or Town department to top any Street Trees, Park Tree or other tree on public property to such a degree so as to remove the normal canopy and disfigure the tree. It shall be unlawful for any person other than the Town to cut down any Street Tree or Park Tree without written consent of the Town. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Tree Board. Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such view of any street intersection and so that there shall be a clear space of eight feet (8') 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. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign. The street tree species to be planted shall be determined by the Tree Board.

Section 4. Dead or Diseased Tree Removal 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 constitute a potential threat to other trees within the Town. The Town will notify in writing the owners of such trees. Removal shall be done by said owners of such trees. Removal shall be done by said owners at their own expense within (60) days after the date of service of notice. In the event of 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.

Section 5. Approval required to Take Action affecting the Urban Forest

No person shall remove or destroy or cause removal or destruction of a tree on any public property or undertake construction or other action that may significantly and prematurely detract from the health or growth of a tree without first having obtained written permission from the Town Administrator which shall only be issued upon the presentation of an application bearing the approval of the State Forester assigned to the Town. Any violation of this section shall constitute a municipal infraction for which a citation may be issued.

Section 6. Review by Town Council

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

Adopted: 12/10/86
Effective: 12/10/86
Revised: 4/12/00