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**BALTIMORE CITY COUNCIL  
HEALTH, ENVIRONMENT AND TECHNOLOGY  
COMMITTEE**

*Mission Statement*

On behalf of the Citizens of Baltimore City, the mission of the Health, Environment, and Technology (HET) Committee is to study, review, and recommend policies to improve overall public health and welfare, achieve environmental justice and sustainability, and promote the adoption of, and equitable access to, technology to better meet the needs of all City residents.

**The Honorable Danielle McCray  
Chair**

**PUBLIC HEARING**

**WEDNESDAY, MARCH 20, 2024  
10:01 AM**

**COUNCIL CHAMBERS**

*Council Bill 23-0465*

**Tree Removal on City Property - Permits and Procedure**

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Robert Stokes  
Danielle McCray

*Staff: Marguerite Currin (443-984-3485)*



## BILL SYNOPSIS

**Committee: Health, Environment, and Technology**

**Bill: 23-0465**

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### Tree Removal on City Property - Permits and Procedure – Work Session

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**Sponsor:** *The Administration & Councilmember Conway*

**Introduced:** *December 4, 2023*

**Purpose:**

For the purpose of establishing certain standards and requirements for authorized tree removal along certain rights-of-way; requiring that the Department of Recreation and Parks approve any tree removal on land operated by the Department; specifying the procedure for tree removal mitigation on land operated by the Department of Recreation and Parks; conforming, clarifying, and correcting related provisions; defining certain terms; and generally relating to the removal of trees on certain City properties.

**Effective:** The 30<sup>th</sup> day after the date it is enacted

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### Agency Reports

Office of Sustainability	Favorable
Department of Recreation and Parks	Favorable
Department of Finance	None as of writing
City Solicitor	Favorable

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## Analysis

### Background

The committee held a hearing on January 24, 2024. Following are the notes taken at that hearing.

#### Major Speakers

- Matt Rescott, Forestry Division - Recreation and Parks
- Ty'lor Schnella, Mayors Office
- Shelly Mintz, Assistant Attorney General, Baltimore City Law Department
- Katie Lauder, Baltimore Green Space
- Darin Crew, Blue Water Baltimore
- Amanda Cunningham, Baltimore City Conservation District Board
- Tracy Smith, Friends of Herring Run Parks
- Ryan Alston, Baltimore Tree Trust

#### Major Issues Discussed

1. Council Bill 23-465 addressed tree removal on city property. The bill aimed to establish clear standards and requirements for authorized tree removal along certain rights-of-way.
2. The primary concern was codifying mitigation requirements for tree removal, ensuring that replacement standards are specified and aligned with existing city and state codes. The bill sought to make permanent the agency's longstanding policy of tree replacement.
3. The discussion highlighted the deficiencies in the current code, specifically the absence of detailed procedures for tree replacement. It was mentioned that the existing code does not provide clear guidelines, leading to fines without a well-defined process for authorized removal.
4. The bill aimed to align with state roadside tree permit requirements, emphasizing that adherence to such standards could prevent potential legal issues.
5. Need for a Permit Process: Concerns were raised about the lack of a well-established permit process for tree removal. Council members discussed the importance of having a clear system for residents to apply for permits, ensuring accountability and tracking of self-help initiatives.
6. The committee requested clarification on how the administration plans to operationalize the permit process and track self-help initiatives by residents, particularly in cases where forestry maintenance may be delayed.
7. Highlighting the importance of balancing different climate goals, especially in instances where there might be disagreements between agencies, such as stream restoration

projects. The need for informed decision-making and considering forestry expertise in such situations was emphasized.

There is a work session scheduled for March 20, 2024.

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### Additional Information

**Fiscal Note:** None.

**Information Source(s):** Notes taken during the January 24<sup>th</sup> hearing.

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*Deontre Hayes*


Analysis by: Deontre Hayes  
Analysis Date: March 18, 2024

Direct Inquiries to: (410) 396-1260

# **HEALTH, ENVIRONMENT, AND TECHNOLOGY COMMITTEE**

## **AGENCY REPORTS**

**SEE ATTACHED**

FROM	NAME & TITLE	AVA RICHARDSON, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	OFFICE OF SUSTAINABILITY 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0465/ Tree Removal on City Property – Permits and Procedure		

DATE:

TO

The Honorable President and  
 Members of the City Council  
 City Hall, Room 400  
 100 North Holliday Street  
**Position: Support**

January 17, 2024

The Office of Sustainability is in receipt of City Council Bill #23-0465 – Tree Removal on City Property – Permit and Procedure. CCB#23-0465 advances goals of preserving Baltimore City’s urban tree canopy by setting more standards for the removal of trees on city-owned property, providing greater protections for our existing trees. More specifically, this bill establishes clearer requirements for authorized tree removal along certain rights-of-way, ensuring greater protection of Baltimore’s existing tree canopy, and codifies existing Department of Recreation and Parks review practices for development that are not yet reflected in City Code.

**The Office of Sustainability recommends approval of CCB#23-0465**

Maryland’s Forest Conservation Act, and Baltimore City’s local legislation in compliance with the state law, protects individual trees and forests associated with development projects occurring within Baltimore City outside of public rights-of-way. However, no specific legislative protections currently exist for individual trees that are not located within these areas.

Article 7, Division V, Subtitle 53 of the Baltimore City Code authorizes the Department of Recreation and Parks to initiate and maintain programs of “planting and caring for trees along streets, alleys, lanes, and other public ways and in parks, squares, and other public places.” This ordinance relies on that authority to establish protections of City-owned trees. For years, the Department has required inch-for-inch replacement of trees removed on park land and within the right-of-way and has accepted a fee-in-lieu of planting when planting is not possible on a given site. However, neither of these practices are reflected in the City Code. In addition to codifying these practices, this bill further specifies the procedure for tree removal mitigation on land operated by the Department of Recreation and Parks.

Trees, especially those located along streets, are essential to healthy, vibrant communities in Baltimore City - they buffer noise, soften hard edges, provide shade in the summer and a buffer against wind in the winter, filter the air to improve air quality, slow and absorb storm water serving a nature-based flood mitigation infrastructure and even reduce incidences of crime. Despite the many benefits trees, and especially older, more mature trees provide, the city’s tree canopy is perennially threatened. Trees located on City Property are City assets providing community and citywide benefits to Baltimore and they should be treated as such. This bill

codifies additional protections of these City trees, further protecting them for years to come and contributing to the City's overall tree canopy.

Baltimore's tree canopy currently stands at 28% coverage, with a citywide goal to reach a 40% tree canopy coverage by 2037. The 2019 Sustainability Plan (formally adopted by the Planning Commission on April 22, 2019) addresses urban trees in multiple chapters, including one dedicated to "Trees and Forests." Specifically, the Plan includes two actions related to this bill:


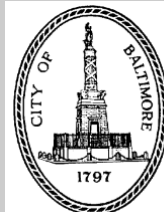
- Strategy #3. Preserve the city's existing tree canopy.
  - Action 1: Classify trees and forests as public infrastructure, similar to (and as valued as) sidewalks and street lights.
- Strategy #3. Preserve the city's existing tree canopy.
  - Action 2: Adopt a tree ordinance to preserve trees and forests on public and private property in support of the preservation of the city's existing tree canopy.

The Office of Sustainability recommends **approval** of City Council Bill #23-0465, as it aligns with actions outlined in the Sustainability Plan to preserve the city's existing tree canopy.

Please contact Ava Richardson, Sustainability Director, at 410-396-8630 or [ava.richardson@baltimorecity.gov](mailto:ava.richardson@baltimorecity.gov) with questions regarding this bill report.

cc: Ms. Nina Themelis, Mayor's Office  
The Honorable Mark Conway, Councilmember, District 4  
The Honorable Phylicia Porter, Council Representative to the Commission on Sustainability  
The Honorable Danielle McCray, Chair of the Health, Environment, and Technology Committee  
Ms. Jenny Morgan, BCRP  
Ms. Natawna Austin, Council Services



<b>F R O M</b>	Name & Title	Reginald Moore Executive Director 	CITY OF BALTIMORE	
	Agency Name & Address	Baltimore City Department of Recreation & Parks 3001 East Drive, Baltimore, Maryland (MD) 21217	<b>MEMO</b>	
	Subject :	City Council Bill 23-0465 Tree Removal on Baltimore City Property		

**DATE:** January 16, 2024

**TO:** The Honorable City Council President Nick Mosby  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street  
Baltimore, MD 21202

I am herein reporting on City Council 23-0465 introduced by Councilman Mark Conway. An investigative hearing has been requested on January 24, 2024 to discuss the City establishing certain standards and requirements for authorized tree removal for trees on land under the purview of Baltimore City Recreation & Parks (BCRP).

This legislation was developed collaboratively with Councilman Conway, the Baltimore City Forestry Board (part of the MD statewide system), City agencies including the Department of Planning, and the Department of Public Works, and various partner organizations dedicated to the preservation and expansion of Baltimore's rich tree canopy. Attached to this memorandum is a summation of what is contained in the legislation.

BCRP will be on hand to participate in the hearing and will be available to answer any information the Committee may have.

If you have any questions, please contact Jenny Morgan at [jmorgan@baltimorecity.gov](mailto:jmorgan@baltimorecity.gov).

## **Tree Removal Mitigation Bill Summary**

### **Introduction**

The Baltimore City Department of Recreation and Parks (BCRP) Forestry Division has jurisdiction over, and maintenance responsibility for, the trees within the City's street rights-of-way and on City parkland [park property]. The Forestry Division is the primary agency responsible for the City's goal to increase our tree canopy to 40%.

### **What is the current Tree Removal Mitigation Policy?**

Each year, for various reasons, trees are removed from public streets and parkland and those removals are required to be mitigated for by either replacing the tree(s) or paying a fee-in-lieu amount. Aligned with implementing our 40% tree canopy goal, for or almost two decades, BCRP has administered a policy of inch for inch replacement for trees removed, both in the rights-of-way and parkland. When development activities result in more caliper inches removed than can be replaced on site, BCRP accepts a fee-in-lieu or oversees offsite plantings. Funds accepted as fee-in-lieu are used to increase the City tree canopy – to purchase, plant, and maintain trees, as well as for forest management efforts. This policy is also aligned with the goals of the Forest Conservation Act (FCA) and builds upon the FCA by protecting individual trees that would not otherwise be protected.

### **Why do we need this bill?**

This bill will codify the mitigation requirements for tree removal in the rights of way and on parkland – exactly as they are practiced today. The current code gives jurisdiction over said trees to BCRP Forestry, and says replacement may be required, however, it does not specify any details on replacement. The current code also allows for fines to be administered when trees are removed without a permit or approval.

Adopting this code aligns with implementing the Sustainability Plan's intent to "develop and implement policy to manage parks after construction projects (making sure trees impacted are replaced/mitigated)"; goal to "classify trees and forests as public infrastructure (require the same level of consideration for trees as is currently given to infrastructure such as streets and utility lines)"; and, lastly, achieves the goal to "Adopt a Tree Ordinance."

Adding the mitigation requirement to the code will make permanent the agency's long-standing policy of tree replacement. Additionally, it aligns the City's code with the State's Roadside Tree Permit, which requires replacement.

If this code is not adopted all mitigation fees that have been applied on public lands are vulnerable to challenge in a court of law. For example, the fees paid by BGE to replace several hundred trees removed for a new pipeline could be up for debate in a legal forum.

### **Bill Specifics:**

- Requires inch for-inch replacement for the removal of street trees (in street rights-of-way)
- Requires inch for-inch replacement for the removal of park trees eight inches and above in diameter.
- Accepts fee-in-lieu payment when in-kind replacement is not an option.

- Determines location for where fee-in-lieu funds are deposited and how they are spent.

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CITY OF BALTIMORE

BRANDON M. SCOTT,  
Mayor



DEPARTMENT OF LAW  
EBONY M. THOMPSON,  
ACTING CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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January 16, 2024

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 23-0465– Tree Removal on City Property – Permits and Procedure

Dear President and City Council Members:

The Law Department reviewed City Council Bill 23-0465 for form and legal sufficiency. The bill would amend several sections of City Code Art. 7, Subtitle 53 and add two new sections to Subtitle 53. The bill establishes standards and requirements for authorized tree removal along City rights-of-way; requires that the Department of Recreation and Parks approve any tree removal on land operated by the Department; specifies the procedure for tree removal mitigation on land operated by the Department of Recreation and Parks; conforms, clarifies, and corrects related provisions; and defines related terms. The bill would take effect 30 days after enactment.

There are several sources of authority for the City Council to legislate regarding trees on City property. The City has the express power “[t]o provide for and regulate the planting, maintenance and removal of trees on streets and public ways and places.” City Charter, Article II, § 34(i). Moreover, the Department of Recreation and Parks is empowered to maintain park property. City Charter Article VII, § 67. The City Council may “exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise that power within the limits of Baltimore City,” and may “pass any ordinance, not inconsistent with the provisions of this Charter or the laws of the State, which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City.” City Charter, Art. II, §§ (27), (47). See also *Chesapeake & Potomac Telephone Co. of Baltimore City v. Goldsborough*, 125 Md. 666 (1915) (Requiring a permit from the State Forestry Department to trim or remove trees found to be within the police power of the state). A local government may adopt laws for the planting, care, and maintenance of street trees that are more stringent than the state law requirements, as long as they do not conflict with state law. See MD Code, Natural Resources, § 5-403(d).

Article 7, Subtitle 53 of the City Code authorizes the Department of Recreation and Parks, in consultation with the Department of Transportation, to “regulate the planting, protection, regulating, and controlling of all trees planted and to be planted in the streets, lanes, or alleys of Baltimore.” City Code Art. 7, § 53-2(a).

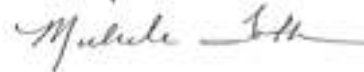
The Law Department has the following comments regarding Council Bill 23-0465. First, § 53-15(d)(1) refers to “breast height” but does not define that term until § 53-15(d)(2)(i). The Council may prefer to add definitions for breast height and caliper inch to § 53-1 rather than defining these terms in parenthesis in §§ 53-15 and 53-16.

Second, §§ 53-15(a) and 53-16(a) require that neither a street tree nor a park tree may be removed without a written permit issued by the Department of Recreation and Parks. There is no provision in either section for waiver of the permit requirement for emergency tree trimming or removal. The permit process can take three weeks or more. It is not clear whether the Council intended that a permit still be required in cases involving emergency tree trimming or removal.

The bill also provides for mitigation when trees are removed. Mitigation decisions are made by the Department pursuant to the standards in the bill. There are separate provisions for street trees and park trees. Section 53-16 has an exemption from mitigation requirements for removal of a park tree that is dead, dying, or diseased. There is no exemption from the mitigation requirement in § 53-15 for removal of a street tree that is dead, dying, or diseased. It was not clear whether this was an oversight or omitted intentionally.

The Law Department approves the bill for form and legal sufficiency.

Sincerely,



Michele M. Toth  
Assistant Solicitor

cc: Ebony Thompson  
Nina Themelis  
Tiffany Maclin  
Elena DiPietro  
Hilary Ruley  
Ashlea Brown  
Jeffrey Hochstetler  
Teresa Cummings

**HEALTH, ENVIRONMENT, AND  
TECHNOLOGY COMMITTEE**

**PUBLIC TESTIMONY**

**SEE ATTACHED**

Sandra P. Gohn  
4811 Keswick Road  
Baltimore, MD 21210  
January 19, 2024

Dear Councilwoman McCray:

As a TreeBaltimore-trained Tree Keeper and Weed Warrior, and a Master Gardener, I encourage you to support Council Bill 23-0465, Tree Removal on City Property – Permits and Procedure. This bill will codify actions and policies exactly as they are currently practiced.

Baltimore's public trees are valuable resources that belong to the residents of our city. When healthy public trees are removed, the city suffers a loss. This bill will establish standards and mitigation requirements that must be met before permits are issued to remove trees along public streets or city parks. Additionally, these standards and requirements can reduce the overall number of trees removed.

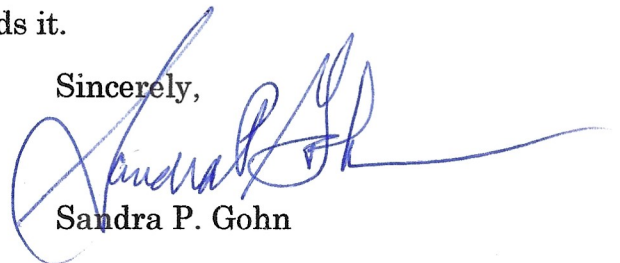
This bill directly supports two prongs of the Baltimore City's 2019 Sustainability Plan designed to preserve the city's existing tree canopy: "*Adopt a tree ordinance to preserve trees and forests on public and private property;*" and "*Classify trees and forests as public infrastructure, similar to (and as valued as) sidewalks and street lights.*" Both actions are key to reaching the city's overall goal of 40% tree canopy coverage by 2037.

Trees clean our water and air. They cool our neighborhoods and provide much-needed shade during hot summer months. (See, for example,

.)  
They create habitat for wildlife, help reduce climate change and ease our minds during times of stress. Trees are valuable assets that need our protection and care.

Please support bill 23-0465! Our city needs it.

Sincerely,



Sandra P. Gohn

Dear Councilmember Danielle McCray,

We ask you to support Council Bill 23-0465, Tree Removal on City Property - Permits and Procedure. This bill will codify actions and policies exactly as they are currently practiced.

Our public trees are valuable resources that belong to the residents of our city. When healthy public trees are removed, the city should not take a loss.

1. This bill will establish standards and mitigation requirements that must be met before permits are issued to remove trees along public streets or city parks.
2. These standards and requirements can reduce the overall number of trees removed.

This bill is in direct support of two actions of the Baltimore City's 2019 Sustainability Plan. That bill supports preservation of the city's existing tree canopy:

1. "Adopt a tree ordinance to preserve trees and forests on public and private property;"
2. "Classify trees and forests as public infrastructure, similar to (and as valued as) sidewalks and streetlights."

Both actions are key to reaching the city's overall goal of 40% tree canopy coverage by 2037.

The forest's trees clean our water and air. They cool our neighborhoods and provide much-needed shade during hot summer months. They create habitat for wildlife, help reduce climate change and ease our minds during times of stress and provide a healthy path to walk. Trees are valuable assets that need our protection and care.

Please support Council Bill 23-0465!

Thank you so much for your wonderful work on behalf of our community!!



Sincerely,

Michael Karasik  
Ellen A. Callegary  
5916 Benton Heights Ave.  
Baltimore, MD 21206



## BALTIMORE CITY FORESTRY BOARD

January 18, 2024

Dear Councilmember McCray and Committee Members,

We wholeheartedly support Bill 23-0465 and 23-0456 as written and encourage their prompt inclusion into Baltimore City Code.

The Baltimore City Forestry Board, created by the Maryland State Legislature, was formed to protect and enhance city trees and forest parklands, encourage and educate the public on the benefits of our tree canopy, and to engage our children through such programs as Arbor Day, Earth Day, and Maryland's Natural Resources Career Camp.

As retired City Arborist for Baltimore, I remain proud of the City's efforts to mitigate tree loss caused by construction, destruction or development. The current policy to replace trees in kind has been in place for close to ten years, and has resulted in commendable reforestation after severe loss from such projects as gas pipelines, sanitary sewer repair, and building development. Bill 23-0465 will further codify Baltimore's exemplary practice.

In addition, creating a Sustainability Fund as a repository for mitigation funds (when fees-in-lieu must occur in place of replacing a tree at the time of the project) is an excellent idea. We all can be confident such a fund, separate from other line items in Baltimore's budget, will be used exclusively for tree planting, care, and enhancement of our forests. Bill 23-0456 meets that need.

I and my fellow Board members are proud of our respective neighborhoods' and Baltimore City's efforts to promote trees in our parks and along our streets. We encourage you to continue to embrace the fact that trees are a critical part of our forest ecosystems to combat climate change, and that they lower our utility bills, provide a sense of peace and wellness for our citizens, and are a welcome respite for our children.

Sincerely,

*Erik Dihle*

Erik M. Dihle, Chair

Phone 304-261-7155



**CITY OF BALTIMORE  
COUNCIL BILL 23-0465  
(First Reader)**

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Introduced by: Councilmember Conway

At the request of: The Administration (Department of Recreation and Parks)

Introduced and read first time: December 4, 2023

Assigned to: Health, Environment, and Technology Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Recreation and Parks, Environmental Control Board, Office of Sustainability

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Tree Removal on City Property – Permits and Procedure**

3 FOR the purpose of establishing certain standards and requirements for authorized tree removal  
4 along certain rights-of-way; requiring that the Department of Recreation and Parks approve  
5 any tree removal on land operated by the Department; specifying the procedure for tree  
6 removal mitigation on land operated by the Department of Recreation and Parks; conforming,  
7 clarifying, and correcting related provisions; defining certain terms; and generally relating to  
8 the removal of trees on certain City properties.

9 BY repealing and re-ordaining, with amendments

10 Article 7 - Natural Resources  
11 Sections 53-1 to 53-3, 53-5, 53-13, and 53-21  
12 Baltimore City Code  
13 (Edition 2000)

14 BY adding

15 Article 7 - Natural Resources  
16 Sections 53-15 and 53-16  
17 Baltimore City Code  
18 (Edition 2000)

19 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
20 Laws of Baltimore City read as follows:

21 **Baltimore City Code**

22 **Article 7. Natural Resources**

23 **Subtitle 53. Trees along City Streets, etc.**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 23-0465**

1 **§ 53-1. Definitions.**

2 (a) *IN GENERAL.*

3 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

4 (B) *INCH-FOR-INCH REPLACEMENT.*

5 “INCH-FOR-INCH REPLACEMENT” MEANS THE TREE REMOVAL AND REPLACEMENT  
6 STANDARD USED BY THE DEPARTMENT OF RECREATION AND PARKS THAT REQUIRES A  
7 PERSON TO PLANT A TREE OR TREES WITH AN EQUAL OR GREATER SUM DIAMETER, AS  
8 MEASURED IN INCHES, TO THE SUM DIAMETER OF ALL TREES REMOVED BY THAT PERSON,  
9 AS MEASURED IN INCHES.

10 (C) *PERMIT HOLDER.*

11 “PERMIT HOLDER” MEANS A PERSON TO WHOM THE DEPARTMENT OF RECREATION AND  
12 PARKS HAS ISSUED A WRITTEN PERMIT TO REMOVE A TREE UNDER SUBSECTION (C) OF  
13 § 53-15 {“TREE REMOVAL - STREET”} OR § 53-16 {“TREE REMOVAL - PARKS”} OF THIS  
14 SUBTITLE.

15 (D) *ROOT ZONE.*

16 “ROOT ZONE” MEANS A CIRCULAR REGION, MEASURED OUTWARD FROM A TREE’S TRUNK,  
17 THAT REPRESENTS THE ESSENTIAL AREA OF THE TREE’S ROOTS THAT MUST BE  
18 MAINTAINED OR PROTECTED FOR THE TREE’S SURVIVAL.

19 (E) [(b)] *Tree.*

20 The word “trees”, as used in this subtitle, shall not be construed to include shrubs [which]  
21 THAT do not grow higher than 15 feet.

22 **§ 53-2. Jurisdiction of Department of Recreation and Parks.**

23 (a) *Regulating planting, etc.*

24 The Department of Recreation and Parks, in consultation with the Department of  
25 Transportation, is authorized and directed to regulate the planting, protection, [regulating]  
26 REMOVAL, and controlling of all trees planted and to be planted in the PARKS OR streets[,  
27 lanes, or alleys] of Baltimore.

28 (b) *Enforcing protective laws.*

29 The statutes and ordinances for the protection of trees in the streets, lanes, or alleys shall  
30 be strictly observed by the Departments of Public Works, Transportation, General  
31 Services, and Recreation and Parks, as well as all other agencies of the City, within their  
32 respective authority.

**Council Bill 23-0465**

**§ 53-3. Additional duties of Department of Recreation and Parks.**

It is the duty of the Department of Recreation and Parks:

- (1) to encourage the preservation, culture, and planting of shade and ornamental trees in the City's PARKS AND streets[, lanes, and alleys];
- (2) to prune, spray, cultivate, and otherwise maintain these trees[, plants, and shrubbery];
- (3) to trim or direct the time and method of trimming these trees[, plants, and shrubbery]; and
- (4) to take all other measures that it considers necessary AND REASONABLE for the control and extermination of insects and other pests and plant diseases that may injuriously affect trees in the City's PARKS AND streets[, lanes, and alleys].

**§ 53-5. Public notice of tree removal.**

(a) *Notice required.*

Unless notice is given as required by this section, the City may not:

- (1) remove or destroy a tree along one of the streets[, lanes, alleys, or other public ways] in this City; or
- (2) permit any person to remove or destroy a [a] tree [alone] ALONG one of the streets[, lanes, alleys, or other public ways] in this City.

(b) *Form and content.*

The notice required by § 53-5(a):

- (1) must consist of a durable and legible statement of the intent, affixed to and easily visible on the tree for not less than 5 days immediately preceding the contemplated removal or destruction; and
- (2) must state:
  - (i) the reason for the intended removal or destruction of the tree; and
  - (ii) the person or persons to whom inquiries or protests thereon may be directed.

(c) *Exception for emergency.*

- (1) In the event of an emergency situation, such as a fallen tree or some other condition or occurrence requiring an immediate removal or destruction of a tree along one of these public ways, the City or any person it permits may remove or destroy the tree without complying with the foregoing provisions of this section.

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1 (2) But in this event, the City or the person it permitted promptly shall notify the City  
2 Council of the circumstances, conditions, and justification under which the tree was  
3 thus removed or destroyed.

4 **§ 53-13. Permit requirements – Impeding roots.**

5 No person may, without first having received a written permit issued by the Department of  
6 Transportation, in consultation with the Department of Recreation and Parks, place or  
7 maintain upon the ground in any street, lane, or alley, any stone, cement, or other substance  
8 OR STRUCTURE that will impede the free entrance of water and air to the roots of any tree  
9 without leaving an open space of ground outside the trunk of the tree, in area not less than  
10 [16] 32 square feet.

11 **§ 53-15. TREE REMOVAL - STREET.**

12 (A) *PERMIT REQUIRED.*

13 (1) *IN GENERAL.*

14 A PERSON MAY NOT REMOVE A TREE IN OR ALONG A PUBLIC STREET WITHOUT FIRST  
15 HAVING BEEN ISSUED A WRITTEN PERMIT TO DO SO BY THE DEPARTMENT OF  
16 RECREATION AND PARKS.

17 (2) *DETERMINATION.*

18 WITHIN 20 BUSINESS DAYS OF RECEIVING A REQUEST FOR A PERMIT UNDER THIS  
19 SECTION, THE DEPARTMENT OF RECREATION AND PARKS SHALL:

20 (I) APPROVE, DENY, OR REQUEST ADDITIONAL INFORMATION REGARDING THE  
21 PERMIT;

22 (II) DETERMINE WHETHER MITIGATION UNDER SUBSECTION (D) IS REQUIRED; AND

23 (III) NOTIFY THE APPLICANT OF THE DEPARTMENT OF RECREATION AND PARKS'  
24 DETERMINATION.

25 (B) *REMOVAL BY LICENSED EXPERTS.*

26 ANY TREE REMOVAL PERMITTED UNDER THIS SECTION MUST BE COMPLETED BY A  
27 LICENSED TREE EXPERT IN ACCORDANCE WITH TITLE 5, SUBTITLE 4, PART III {"TREE  
28 EXPERTS"} OF THE STATE NATURAL RESOURCES ARTICLE.

29 (C) *NOTICE.*

30 PRIOR TO REMOVING A TREE OR TREES PURSUANT TO A PERMIT ISSUED UNDER THIS  
31 SECTION, THE DEPARTMENT OF RECREATION AND PARKS MUST GIVE PUBLIC NOTICE IN  
32 THE MANNER DESCRIBED IN § 53-5 {"PUBLIC NOTICE OF TREE REMOVAL"}.

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1 (D) *MITIGATION.*

2 (1) *IN GENERAL.*

3 A TREE GREATER THAN 1 INCH DIAMETER AT BREAST HEIGHT THAT HAS BEEN  
4 APPROVED BY THE DEPARTMENT OF RECREATION AND PARKS FOR REMOVAL UNDER  
5 THIS SECTION SHALL BE MITIGATED AS PROVIDED IN THIS SUBSECTION.

6 (2) *PROCEDURES.*

7 IF THE DEPARTMENT OF RECREATION AND PARKS REQUIRES THAT A TREE BE  
8 MITIGATED UNDER THIS SECTION, THE MITIGATION SHALL BE AN INCH-FOR-INCH  
9 REPLACEMENT, TO BE MEASURED AS FOLLOWS:

10 (I) FOR THE REMOVED TREE, AT THE DIAMETER AT BREAST HEIGHT (4.5 FEET OFF  
11 OF THE GROUND); AND

12 (II) FOR THE REPLACEMENT TREE, AT THE CALIPER INCH (6 INCHES OFF THE  
13 GROUND).

14 (3) *METHODS OF MITIGATION.*

15 IF THE DEPARTMENT OF RECREATION AND PARKS REQUIRES MITIGATION UNDER THIS  
16 SUBSECTION, THE PERMIT HOLDER MAY ACCOMPLISH THE MITIGATION BY:

17 (I) PLANTING REPLACEMENT TREES AT THE SITE OR SITES OF THE REMOVAL, AS  
18 APPROVED BY THE DEPARTMENT OF RECREATION AND PARKS; OR

19 (II) IF MITIGATION INCHES REQUIRED UNDER THIS SUBSECTION CANNOT BE  
20 REPLANTED AT THE SITE OR SITES OF REMOVAL, PLANTING TREES AT ANOTHER  
21 SITE OR SITES ONLY AS APPROVED BY THE DEPARTMENT OF RECREATION AND  
22 PARKS.

23 (4) *FEE-IN-LIEU OF MITIGATION.*

24 IF A PERMIT HOLDER CANNOT ACCOMPLISH MITIGATION USING A METHOD DESCRIBED  
25 IN PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT HOLDER SHALL PAY A FEE-IN-LIEU  
26 OF MITIGATION TO THE DIRECTOR OF FINANCE IN AN AMOUNT APPROVED BY THE  
27 BOARD OF ESTIMATES.

28 **§ 53-16. Tree removal - Parks.**

29 (A) *PERMIT REQUIRED.*

30 (1) *IN GENERAL.*

31 A PERSON MAY NOT REMOVE A TREE IN A PUBLIC PARK WITHOUT FIRST HAVING BEEN  
32 ISSUED A WRITTEN PERMIT TO DO SO BY THE DEPARTMENT OF RECREATION AND  
33 PARKS.

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1           (2) *DETERMINATION.*

2           WITHIN 20 BUSINESS DAYS OF RECEIVING A REQUEST FOR A PERMIT UNDER THIS  
3           SECTION, THE DEPARTMENT OF RECREATION AND PARKS SHALL:

- 4                   (I) APPROVE, DENY, OR REQUEST MORE INFORMATION REGARDING THE PERMIT;
- 5                   (II) DETERMINE WHETHER MITIGATION UNDER SUBSECTION (C) IS REQUIRED; AND
- 6                   (III) NOTIFY THE APPLICANT OF THE DEPARTMENT OF RECREATION AND PARKS’  
7                   DETERMINATION.

8           (B) *REMOVAL BY LICENSED EXPERTS.*

9           ANY TREE REMOVAL PERMITTED UNDER THIS SECTION MUST BE COMPLETED BY A  
10          LICENSED TREE EXPERT IN ACCORDANCE WITH TITLE 5, SUBTITLE 4, PART III {“TREE  
11          EXPERTS”} OF THE STATE NATURAL RESOURCES ARTICLE.

12          (C) *MITIGATION.*

13           (1) *IN GENERAL.*

14           A TREE APPROVED BY THE DEPARTMENT OF RECREATION AND PARKS FOR REMOVAL  
15           UNDER THIS SECTION SHALL BE MITIGATED AS PROVIDED IN THIS SUBSECTION IF:

- 16                   (I) THE TREE MEASURES 8 INCHES OR GREATER IN DIAMETER AT BREAST HEIGHT  
17                   (4.5 FEET OFF THE GROUND); OR
- 18                   (II) THE TREE WAS DELIBERATELY PLANTED AND MEASURES 1 INCH OR GREATER IN  
19                   DIAMETER.

20           (2) *PROCEDURES.*

21           IF THE DEPARTMENT OF RECREATION AND PARKS REQUIRES THAT A TREE BE  
22           MITIGATED UNDER THIS SECTION, THE MITIGATION SHALL BE AN INCH-FOR-INCH  
23           REPLACEMENT, TO BE MEASURED AS FOLLOWS:

- 24                   (I) FOR THE REMOVED TREE, AT THE DIAMETER AT BREAST HEIGHT (4.5 FEET OFF  
25                   OF THE GROUND); AND
- 26                   (II) FOR THE REPLACEMENT TREE, AT THE CALIPER INCH (6 INCHES OFF THE  
27                   GROUND).

28           (3) *METHODS OF MITIGATION.*

29           IF THE DEPARTMENT OF RECREATION AND PARKS REQUIRES MITIGATION UNDER THIS  
30           SUBSECTION, THE PERMIT HOLDER MAY ACCOMPLISH THE MITIGATION BY:

- 31                   (I) PLANTING REPLACEMENT TREES AT THE SITE OR SITES OF THE REMOVAL, AS  
32                   APPROVED BY THE DEPARTMENT OF RECREATION AND PARKS; OR



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1 (II) IF MITIGATION INCHES REQUIRED UNDER THIS SUBSECTION CANNOT BE  
2 REPLANTED AT THE SITE OR SITES OF REMOVAL, PLANTING TREES AT ANOTHER  
3 SITE OR SITES ONLY AS APPROVED BY THE DEPARTMENT OF RECREATION AND  
4 PARKS.

5 (4) *FEE-IN-LIEU OF MITIGATION.*

6 (I) *IN GENERAL.*

7 IF A PERMIT HOLDER CANNOT ACCOMPLISH MITIGATION USING A METHOD  
8 DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION, THE PERMIT HOLDER SHALL  
9 PAY A FEE-IN-LIEU OF MITIGATION TO THE DIRECTOR OF FINANCE.

10 (II) *AMOUNT.*

11 THE FEE-IN-LIEU OF MITIGATION SHALL BE A STANDARD AMOUNT OR UNIT, AS  
12 APPROVED BY THE BOARD OF ESTIMATES AND UPDATED AS NECESSARY.

13 (5) *EXEMPTIONS FROM MITIGATION REQUIREMENTS.*

14 THE DEPARTMENT OF RECREATION AND PARKS MAY EXEMPT A TREE FROM THE  
15 MITIGATION REQUIREMENTS OF THIS SUBSECTION IF THE DEPARTMENT OF  
16 RECREATION AND PARKS DETERMINES THAT THE TREE IS:

17 (I) DEAD;

18 (II) DYING;

19 (III) DISEASED OR OTHERWISE INFECTED AND CONTAGIOUS; OR

20 (IV) AT HIGH RISK OF DEATH, DISEASE, OR FAILURE, AS DETERMINED BY THE  
21 BALTIMORE CITY FORESTRY DIVISION OF THE DEPARTMENT OF RECREATION  
22 AND PARKS.

23 **§ 53-21. Injuring or defacing trees, etc.**

24 (a) *Horses or other animals.*

25 No person shall fasten any horse or other animal to any tree or shrub in any street, lane, or  
26 alley, nor shall any person cause or permit any horse or other animal to stand or be near  
27 enough to any tree, plant, or shrub to bite or rub against it or in any manner injure or  
28 deface the same.

29 (b) *Attaching items.*

30 Nor shall any person attach or place any rope, wire, sign, poster, handbill, or other thing  
31 or substance on any tree or shrub in any street, lane, or alley or on any guard or protection  
32 of the same.

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1       (c) *Injuring, etc., protective devices.*

2               Nor shall any person remove, injure, or misuse any guard or device placed or intended to  
3               protect any tree, plant, or shrub [now or hereafter] in any PARK OR street[, lane or alley].

4       (D) *INJURING, ETC., TREE AND ROOT ZONE.*

5               NOR SHALL ANY PERSON REMOVE, DAMAGE, INJURE, OR OTHERWISE HARM ANY TREE OR  
6               THE ROOT ZONE OF A TREE BENEATH THE GROUND.

7       **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
8       after the date it is enacted.