

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

July 8, 2008

The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: Baltimore City Council Bill 08-0049 – City Trees – Protective Measures

Dear Madame President and City Council Members:

The Law Department has reviewed City Council Bill 08-0049 {City Trees – Protective Measures} for form and legal sufficiency. The bill would provide protections for trees along public ways, parks, squares, and other public places, and provide for a complaint process and penalties.

The provisions of City Council Bill 08-0049 are consistent with the authorities of various City agencies as set forth in the Baltimore City Charter. *See* Baltimore City Charter, Article VII §§ 27, 30, 39, and 67.

The Law Department has reviewed the amendments proposed by the Department of Public Works and approves them for form and legal sufficiency.

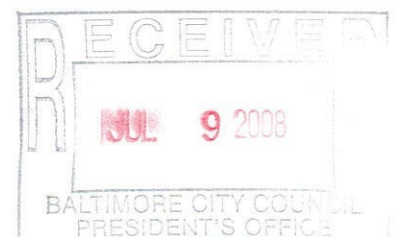
The Law Department has also reviewed the amendments proposed by the Department of Planning and approves Amendments 1 through 19 for form and legal sufficiency. However, it is our opinion that Amendments 20 through 21 would require some re-work; as an alternative, the Law Department proposes the amendments attached hereto that would provide for a hearing process by the Environmental Control Board and provide for civil penalties.

Subject to the amendments recommended in our attachment, the Law Department approves Council Bill 08-0049 for form and legal sufficiency.

Sincerely,

Deepa Bhattacharyya
Assistant Solicitor

F/A



cc: The Honorable Mary Pat Clarke
Angela C. Gibson, Mayor's Legislative Liaison
George Nilson, City Solicitor
Elena R. DiPietro, Assistant Solicitor
Ashlea Brown, Assistant Solicitor
Sandra Baker, Environmental Control Board
Gary Letteron, Planning
Beth Strommen, Planning
Douglas McCoach, Planning
Marcia Collins, DPW
Rebecca Feldberg, Recreation and Parks

CITY COUNCIL BILL 08-0049 – CITY TREES – PROTECTIVE MEASURES
Law Department – Recommended Amendments

Amendment No. 1

On page 4, in line 3, after “PARKS,”, insert “THE ENVIRONMENTAL CONTROL BOARD,”.

Amendment No. 2

On page 9, in lines 5, 9, 10, 14, 18, 19, 23, 24, and 28, and on page 10 in lines 6 and 12, strike “CITY ARBORIST” and in each instance substitute “ENVIRONMENTAL CONTROL BOARD”.

Amendment No. 3

On page 9, in line 14, strike “SHE OR HE” and substitute “THE ENVIRONMENTAL CONTROL BOARD”.

Amendment No. 4

On page 10, after “SPECIFIES.”, insert “THE RESPONDENT SHALL ALSO BE RESPONSIBLE FOR THE COST TO THE CITY OF THE REPLACEMENT TREE, SHRUB, OR OTHER PLANT. THE COST SHALL BE PAYABLE TO THE CITY DIRECTOR OF FINANCE, AND SHALL BE COLLECTED IN THE SAME MANNER AS CIVIL PENALTIES SET FORTH IN SECTION 53-30.”

Amendment No. 5

On page 10, in line 3, strike “500” and substitute “1,000”.

Amendment No. 6

On page 1, after line 17, add:

“BY REPEALING AND REORDAINING, WITH AMENDMENTS
ARTICLE 1 – MAYOR, COUNCIL, AND AGENCIES
SECTION 40-14(E)(1)
BALTIMORE CITY CODE
(EDITION 2000)”

Amendment No. 7

On page 10, after line 30, add:

“BALTIMORE CITY CODE
ARTICLE 1. MAYOR, COUNCIL, AND AGENCIES
SUBTITLE 40. ENVIRONMENTAL CONTROL BOARD

§ 40-14. VIOLATIONS TO WHICH SUBTITLE APPLIES.

(E) PROVISIONS AND PENALTIES ENUMERATED

(1) ARTICLE 7. NATURAL RESOURCES

DIVISION V: CITY PARKS AND TREES - SUBTITLE 53

§ 53-11. PLANTING TREES \$500

§ 53-12. TREATING TREES \$1,000

§ 53-13. IMPEDING ROOTS \$1,000

§ 53-21. ATTACHING ANIMALS, SIGNS, ETC. \$1,000

(1A) ARTICLE 13. HOUSING AND URBAN RENEWAL

SUBTITLE 4: {REGISTRATION OF} NON-OWNER-OCCUPIED DWELLINGS \$100

SUBTITLE 5. {LICENSING OF} MULTIPLE-FAMILY DWELLINGS AND ROOMING
HOUSES \$500”