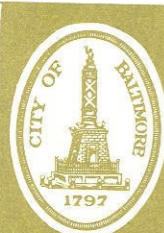


FROM	NAME & TITLE	Alfred H. Foxx, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 11-0780		

TO

DATE: October 14, 2011

The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle
Room 400 - City Hall

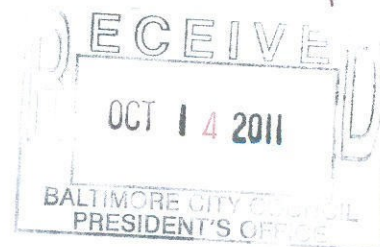
I am herein reporting on City Council Bill 11-0780 introduced by Council Members Clarke, Cole, D'Adamo, Middleton, Henry, Stokes, Holton, Conaway, Welch, Curran, Reisinger, and Council President Young.

The purpose of the Bill is to clarify that no person or City agency may remove a tree from a City street without providing notice; clarify and conform related provisions; and generally related to the removal of trees from City streets.

Article 7 of the Baltimore City Code § 53-5 prohibits the Department of Public Works and Recreation and Parks (excepting emergencies) from removing or destroying a tree along streets, lanes, alleys, or other public ways without first posting notice of the removal or destruction at least five days before the pending action. The notice must include the person or persons where objections may be directed. Since this section of the Code was added, most of the functions of the Department of Public Works concerning street trees were transferred with the creation of the Departments of Transportation and General Services.

City Council Bill 11-0780, if approved, would require any City agency or any person planning to remove or destroy a tree along the public ways to be subject to the notification procedures. The Department of Public Works Bureau of Solid Waste cleans, cuts and clears City-owned lots, alleys, and some privately owned properties (at the direction of the Department of Housing and Community Development). While this subtitle clarifies that the word "trees" does not include shrubs that grow no higher than 15 feet [§ 53-1(b)], the notification requirement under this legislation may require Solid Waste crews to post notices before trimming or removing certain trees as part of their work. In addition, expanding the notification requirement to "any person" would require appropriate language or references to be inserted into City contract books. These practical issues aside, this Department recommends that in addition to making the changes proposed under City Council Bill 11-0780, changes to other sections of the subtitle should be made for clarity, as follows:

FLA



- The Department of Public Works no longer authorizes, directs or regulates the planting of City trees as indicated under § 53-2. While the Department of General Services issues rights-of-way permits for the planting of street trees, it is the City's arborist that controls the placement and selection of City trees. The Departments of Public Works and Transportation, as well as utilities, are consulted by General Services as part of the permit process to determine if proposed tree placements will interfere with pedestrian and vehicular sight lines, traffic controls, underground and above ground utilities, etc.
- §§ 53-11, 53-12, 53-13, and 53-14 require a written permit before a street tree may be planted or treated. As mentioned above, the Department of General Services issues rights-of-way permits for planting street trees, but only if the applicant has written approval from the City arborist. Some of the functions described in these sections are not part of the permit issuance performed by General Services.

The Department of Public Works respectfully requests the City Council consider the issues and recommendations made in this report before acting upon City Council Bill 11-0780.



Alfred H. Foxx
Director

AHF/MMC:pat