

Bill No. 41-12
Concerning: Streets and Roads –
Roadside Trees - Protection
Revised: 7-23-13 Draft No. 20
Introduced: December 11, 2012
Enacted: July 23, 2013
Executive: July 31, 2013
Effective: March 1, 2014
Sunset Date: None
Ch. 22, Laws of Mont. Co. 2013

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Berliner and Elrich

AN ACT to:

- (1) require [[a permit]] certain persons to file, and the Department of Permitting Services to approve, a tree protection plan, and to obtain a right-of-way permit, for certain activities affecting roadside trees;
- (2) require certain persons to plant certain trees and to pay into a roadside tree replacement fund under certain circumstances;
- (3) require the County Executive to adopt regulations specifying certain roadside tree protection, conservation, and replacement standards; and
- (4) generally amend the law regarding streets and roads.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-112
Chapter 8, Buildings
Section 8-26
Chapter 49, Streets and Roads
Sections 49-35 and 49-36

By adding

Chapter 19, Erosion, Sediment Control and Storm Water Management
Section 19-71
Chapter 49, Streets and Roads
Section 49-36A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 2-112, 8-26, 49-35 and 49-36 are amended and [Section]**
 2 **Sections 19-71 and 49-36A [is] are added as follows:**

3 **2-112. Jurisdiction.**

4 * * *

5 (c) The Board has the following appellate jurisdiction.

The Board must hear and decide each appeal taken under:	Those appeals involve:
* * *	
Section 49-35	[[Permits for grading and construction]] <u>Right-of-way permits</u>

6 * * *

7 **8-26. Conditions of permit.**

8 * * *

9 (n) Tree protection. If any clearing, construction, or development allowed
 10 by any permit issued under this Chapter would result in the trimming,
 11 cutting, removal, or injury of any roadside tree (as defined in Section
 12 49-35) or any tree located in a State right-of-way in the County, the
 13 Director must not issue that permit until:

- 14 (1) the applicant obtains a roadside tree care permit as necessary
 15 from the State Department of Natural Resources; and
 16 (2) the applicant has submitted, in connection with the permit applied
 17 for under this Chapter, and the Director has approved, a site-
 18 specific tree protection plan that meets the requirements of
 19 Section 49-36A(d).

20 The Department must approve or reject each proposed plan within 30
 21 days after receiving it. If the Department does not act on a proposed

22 plan within 30 days, the plan is approved by default. The Department
 23 may require further information after a proposed plan is submitted, and
 24 may extend this deadline once for an additional 15 days to receive any
 25 needed information. The Department also may extend this deadline at
 26 the request of the applicant.

27 (o) Regulations. The Director may recommend, and the Executive may
 28 adopt, regulations under Method (2) to specify standards and practices
 29 needed to protect and maintain roadside trees, including construction
 30 practices needed to prevent or minimize damage to roadside trees, under
 31 subsection (n). These regulations must be at least as stringent as
 32 applicable state roadside tree care standards and requirements.

33 **19-71. Tree Protection.**

34 (a) If any clearing, construction, or development allowed by any permit
 35 issued by the Department of Permitting Services under this Chapter
 36 would result in the trimming, cutting, removal, or injury of any roadside
 37 tree (as defined in Section 49-35) or any tree located in a State right-of-
 38 way in the County, the Director must not issue that permit until:

39 (1) the applicant obtains a roadside tree care permit as necessary
 40 from the State Department of Natural Resources; and

41 (2) the applicant has submitted, in connection with the permit applied
 42 for under this Chapter, and the Director has approved, a site-
 43 specific tree protection plan that meets the requirements of
 44 Section 49-36A(d), unless the applicant is engaged in an activity
 45 described in Section 49-36A(b)(2).

46 (b) The Department must approve or reject each proposed tree protection
 47 plan within 30 days after receiving it. If the Department does not act on
 48 a proposed plan within 30 days, the plan is approved by default. The

49 Department may require further information after a proposed plan is
50 submitted, and may extend this deadline once for an additional 15 days
51 to receive any needed information. The Department also may extend
52 this deadline at the request of the applicant.

53 (c) The County Executive may adopt regulations under Method (2) to
54 specify standards and practices needed to protect and maintain roadside
55 trees, including construction practices needed to prevent or minimize
56 damage to roadside trees, under this Section. These regulations must be
57 at least as stringent as applicable state roadside tree care standards and
58 requirements.

59 **49-35. [Permits for grading and construction] Right-of-way [~~and roadside~~**
60 **tree work] **permit.****

61 (a) (1) A person must not construct any road, sidewalk, shared use path,
62 curb and gutter, driveway, or drainage structure[, or]; begin any
63 such construction (including clearing, grading, and tree
64 cutting)[,]; or perform any tree work on any roadside tree
65 (including removing a stump in a County right-of-way), without a
66 permit from the Director of Permitting Services. Any permit
67 issued for roadside tree work must comply with Section 49-36A.
68 In this Article, “roadside tree” means any plant that has a woody
69 stem or trunk which grows all, or in part, in the right-of-way of
70 any County public road.

71 (2) In this Section and Sections 49-36, 49-36A, and 49-37, unless
72 otherwise specified, Director refers to the Director of Permitting
73 Services and Department refers to the Department of Permitting
74 Services.

75 * * *

76 (b) The Director must collect a fee, set by Method 3 regulation, for each
77 right-of-way [[and roadside tree work]] permit application. However,
78 the Director must not collect a fee for any permit to remove:

79 (1) a tree that endangers a person or property; or

80 (2) a stump in the right-of-way.

81 (c) * * *

82 [(c)] (d) * * *

83 [(d)] (e) Any violation of this Section is a Class A violation.

84 [(e)] (f) [Half] The Director must refund half the fees required by this Section
85 [must be refunded] to the applicant if a permit is rejected or withdrawn
86 [prior to the commencement of] before construction begins. If an
87 applicant proposes to undertake a project using materials, standards, or
88 specifications superior to those required under this Article, the fees
89 charged must be computed on the estimated cost of the project as if it
90 met those requirements.

91 [(f)] (g) * * *

92 [(g)] (h) * * *

93 **49-36A. Roadside tree work.**

94 *[(a)] Definitions. In this Section, the following words have the meanings*
95 *indicated:*

96 *Certified arborist means a person who is certified as an arborist by the*
97 *International Society of Arboriculture or who the Director finds has an*
98 *equivalent level of experience and training.*

99 *Critical root zone means the minimum area beneath a tree (typically a*
100 *concentric circle not less than 1.5 feet per diameter/inch of the tree,*
101 *measured at 4.5 feet above ground level) that must be protected to*

102 preserve sufficient root mass to give the tree a reasonable chance of
103 long-term survival.

104 Licensed tree expert means a person licensed under Title 5, Subtitle 4 of
105 the Natural Resources Article of the Maryland Code or any successor
106 provision.

107 Pesticide means a:

108 (1) chemical or biological preparation used to kill, inhibit, or
109 regulate growth on a targeted plant, plant spore, or plant seed,
110 including:

111 (A) an herbicide;

112 (B) an insecticide;

113 (C) a tree growth regulator; and

114 (D) a fungicide; or

115 (2) substance or mixture of substances intended:

116 (A) to prevent, destroy, repel, or mitigate a pest;

117 (B) for use as a plant regulator, defoliant, or desiccant; or

118 (C) for use as a spray adjuvant, such as a wetting agent or
119 adhesive.

120 Recommended County tree list means a list of trees approved by the
121 Director after consulting the Chief of Tree Maintenance in the
122 Department of Transportation. The recommended tree list must include
123 each tree that the Department identifies as suitable for planting on
124 specific sites and conditions in the right-of-way of a public road.

125 Roadside tree means any single-stem plant that has a woody stem or
126 trunk that grows all, or in part, in the right-of-way of any County or
127 State public road or shared use trail. **[[Roadside tree includes the tree's**
128 **critical root zone.]]**

- 129 Tree work means any activity affecting a roadside tree, including:
- 130 (1) removal of a roadside tree or a remaining stump;
- 131 (2) planting pruning, root-pruning, or trimming a roadside tree;
- 132 (3) application of pesticide directly to or in the ~~[[critical root zone~~
- 133 of]] right-of-way abutting a roadside tree;
- 134 (4) protection of a roadside tree; or
- 135 (5) treatment that may adversely affect the health or growth of a
- 136 roadside tree.
- 137 (b) Applicability; exceptions.
- 138 (1) The following activities do not require a right-of-way and
- 139 roadside tree work permit:
- 140 (A) cutting or clearing a public utility right-of-way or land for
- 141 an electric generating station licensed under Sections 7-
- 142 204, 7-205, 7-207, or 7-208 of the Public Utilities Article
- 143 of the Maryland Code, or any successor provision, if:
- 144 (i) any required certificate of public convenience and
- 145 necessity has been issued under Section 5-1603(f) of
- 146 the Natural Resources Article of the Maryland Code
- 147 or any successor provision; and
- 148 (ii) the cutting or clearing is conducted in a way that
- 149 minimizes the loss of forest;
- 150 (B) routine maintenance of a public utility right-of-way, and
- 151 cutting or clearing any tree by a public utility as necessary
- 152 to comply with applicable vegetation management
- 153 requirements or to maintain, repair, replace, or upgrade
- 154 any public utility transmission or distribution line; or

- 155 (C) cutting or clearing a public utility right-of-way or land for
156 a new transmission or distribution line.
- 157 (2) A licensed tree expert need not obtain a permit for work
158 performed on:
- 159 (A) a tree that is uprooted or truncated because of a storm or
160 vehicular collision;
- 161 (B) a tree branch that is broken and contacts a telephone,
162 cable television, electric power, or other wire carrying
163 electric current; or
- 164 (C) a tree or tree branch that a certified arborist or licensed
165 tree expert finds is endangering a person or property.
- 166 (3) A certified arborist or licensed tree expert who provides tree
167 work under paragraph (2) must, within one week after an action
168 is taken, give the Department:
- 169 (A) notice of the property address, if available, and general
170 area where the action was taken; and
- 171 (B) a proposed plan to upgrade the work, if necessary, to the
172 tree work standards in this Section and applicable
173 regulations.
- 174 The Department must approve, modify, or reject the proposed
175 plan, after reviewing the actions taken, within 14 days after
176 receiving the information. If the Department does not act on the
177 proposed plan within 14 days, the plan is approved by default.
178 The Department may require further information, and may
179 extend this deadline once for an additional 15 days in
180 extenuating circumstances. The Director also may extend this
181 deadline at the request of the applicant.

- 182 (c) Right-of-way and roadside tree work permit required.
- 183 (1) The Department must not issue a building or related permit to an
- 184 applicant for any demolition, clearing, pre-construction activity,
- 185 construction, or development that is likely to result in the
- 186 trimming, pruning, root-pruning, cutting, removal, or injury of a
- 187 roadside tree unless the applicant first obtains a right-of-way and
- 188 roadside tree work permit from the Department.
- 189 (2) [[A]] Except as provided in subsection (b)(1), a right-of-way and
- 190 roadside tree work permit is required for any tree work on a
- 191 utility located in a right-of-way, such as a:
- 192 (A) sewer;
- 193 (B) water or gas pipe;
- 194 (C) storm drain;
- 195 (D) electric, telephone, or television cable or conduit;
- 196 (E) sidewalk;
- 197 (F) driveway;
- 198 (G) sump pump;
- 199 (H) gutter outflow line; or
- 200 (I) roadway or similar structure.
- 201 (3) A person may receive a right-of-way and roadside tree work
- 202 permit to perform tree work if the person:
- 203 (A) holds title to the land where the roadside tree is located;
- 204 (B) owns property abutting the right-of-way at the point where
- 205 the tree is located
- 206 (C) is a government agency that has an easement for the
- 207 public right-of-way where the tree is located;
- 208 (D) is responsible for providing tree care to the tree; or

209 (E) is an authorized agent of any of these.

210 (d) Permit issuance and administration.

211 (1) After receiving an application for a right-of-way and roadside
 212 tree work permit, the Department may meet with the applicant
 213 and conduct an on-site examination of the proposed tree work.

214 (2) The Department should consult with the Chief of Tree
 215 Maintenance in the Department of Transportation regarding any
 216 application under which the applicant would perform tree work.

217 (3) The Department may issue a permit if the applicant shows that
 218 the proposed tree work is necessary to:

219 (A) protect the health of the tree;

220 (B) eliminate or reduce a hazard to property, public safety, or
 221 health;

222 (C) improve or prevent a deteriorated tree condition;

223 (D) improve the overall appearance of the right-of-way; or

224 (E) carry out a development which has received all other
 225 applicable development approvals.

226 (4) The Department may issue:

227 (A) a permit for a specific tree or group of trees for specific
 228 tree work for a term not to exceed 1 year after the permit is
 229 issued; and

230 (B) a permit for a comprehensive and continuing program of
 231 general tree work.

232 (5) A permit issued under paragraph (4)(B) must specify the types of
 233 tree work it covers, as allowed by the license of the person who
 234 will supervise the program.

- 235 (6) If the Department denies a permit application, the Department
 236 must notify the applicant of the reason.
- 237 (7) The Department may:
- 238 (A) modify any term or condition of a permit to best achieve
 239 the objectives of this Article; or
- 240 (B) suspend or revoke a permit if the holder violates a
 241 condition of the permit or a provision of this Section or the
 242 Natural Resources Article of the Maryland Code.
- 243 (e) Tree work performance; inspection; replacement.
- 244 (1) Each permittee must take all necessary measures to protect a
 245 roadside tree from damage during all phases of clearing,
 246 construction, or development of a building or other structure,
 247 including installing protective fencing, avoiding soil compaction,
 248 and protecting critical root zones in the right-of-way.
- 249 (2) A permittee must repair any damage a tree sustains during
 250 construction or development, including any broken limb, root, or
 251 scarred trunk, and any damage caused by soil compaction.
- 252 (3) (A) Before any bond filed with the Department under this
 253 Chapter is released, or (if no bond has been filed) before
 254 any certificate of occupancy or similar final approval is
 255 issued, the Department must inspect each affected
 256 roadside tree to determine, after consulting the Chief of
 257 Tree Maintenance in the Department of Transportation,
 258 whether the tree has a reasonable chance of achieving the
 259 typical maximum age of a roadside tree in that location.
- 260 (B) If the Department does not find that an affected tree has a
 261 reasonable chance of achieving the typical maximum age

262 of a roadside tree in that location, or if the permittee has
263 removed a roadside tree, the Department must require the
264 permittee to pay an amount set by regulation into a tree
265 replacement fund maintained by the Department of
266 Transportation.

267 (C) The amount of payment must be set by Method 3
268 regulation; must be proportionate to the cost of replacing
269 each affected tree, using a replacement ratio specified by
270 regulation that takes into account the survival rate of
271 newly-planted trees; must be computed according to the
272 size of the affected tree; may consider the species, age,
273 rarity, and historical value (if any) of the affected tree; and
274 must not be less than \$35 per circumference/inch of the
275 affected tree.

276 (D) The permittee must pay the required amount within 30
277 days after the Director notifies the permittee that the
278 payment is required. The Director may treat any unpaid
279 funds as a lien on the property where the affected tree is
280 located, and must not issue a certificate of occupancy or
281 similar final approval for the site until full payment is
282 received.

283 (f) Use of pesticides.

284 (1) Any permittee who applies a pesticide directly to a roadside tree
285 must be certified and licensed as required by the State
286 Department of Agriculture, and must comply with applicable
287 state regulations.

- 288 (2) Any permittee who applies a pesticide must only use a pesticide
 289 that is registered for that use by the U.S. Environmental
 290 Protection Agency and the State Department of Agriculture. Any
 291 permittee who applies a pesticide must follow the manufacturer's
 292 label directions for proper use.
- 293 (3) Before applying a pesticide, a permittee must notify the
 294 Department of the approximate time and place of application.
- 295 (4) Unless the Department directs otherwise, a permittee must not
 296 apply an herbicide to a tree if the tree is 6 feet tall or higher.
- 297 (5) A permittee must remove dead plant material resulting from the
 298 application of an herbicide if removal is necessary for safety
 299 reasons.
- 300 (6) A permittee must take reasonable precautions in selecting and
 301 applying a pesticide on or near a roadside tree to:
- 302 (A) avoid the use of an herbicide on vegetation that
 303 contributes to soil retention, especially at a highway cut or
 304 fill and any other area with a steep slope; and
- 305 (B) prevent stream pollution and damage to any adjoining
 306 property.
- 307 (g) Roadside tree planting.
- 308 (1) Any tree that is planted on a public right-of-way must be of a
 309 species and variety from the recommended County tree list and
 310 must conform to the American Standard for Nursery Stock or
 311 standards that the Director identifies as equivalent.
- 312 (2) Each roadside tree planting must comply with a planting plan
 313 approved by the Department after consulting the Chief of Tree

314 Maintenance in the Department of Transportation. The planting
315 plan must cover:

316 (A) stump removal, including a requirement to fill in any
317 resulting hole;

318 (B) size and type of planting stock;

319 (C) planting specifications;

320 (D) spacing;

321 (E) species;

322 (F) proximity to overhead wires;

323 (G) care and maintenance; and

324 (H) any other site consideration.

325 (h) Regulations. The County Executive must adopt regulations under
326 Method 2 that are at least as stringent as applicable state roadside tree
327 standards and requirements. These regulations may specify further:

328 (1) criteria for right-of-way and roadside tree work permit issuance;

329 (2) roadside tree work standards and practices, including
330 construction practices that will minimize damage to roadside
331 trees;

332 (3) criteria for the use of pesticides; and

333 (4) roadside tree planting requirements.]]

334 (a) Right-of-way permit required. The Department must not issue a
335 building or related permit to an applicant for any demolition, clearing,
336 pre-construction activity, construction, or development that is likely to
337 result in the trimming, pruning, root-pruning, cutting, or removal of, or
338 injury to, a roadside tree unless the applicant obtains a right-of-way
339 permit from the Department under Section 49-35.

340 (b) Applicability; exceptions.

- 341 (1) A person (including a government agency) may receive a right-
 342 of-way permit to perform tree work on a roadside tree if the
 343 person:
- 344 (A) holds title to the land where the roadside tree is located;
 345 (B) owns property abutting the right-of-way at the point where
 346 the tree is located;
 347 (C) is a government agency that has an easement for the public
 348 right-of-way where the tree is located;
 349 (D) is responsible for providing tree care to the tree;
 350 (E) is a public utility; or
 351 (F) is an authorized agent of any of these.
- 352 (2) The following activities are not subject to this Section (except
 353 subsection (f)) and do not require a right-of-way permit:
- 354 (A) cutting or clearing a public utility right-of-way or land for
 355 an electric generating station licensed under Sections 7-
 356 204, 7-205, 7-207, or 7-208 of the Public Utilities Article
 357 of the Maryland Code, or any successor provision, if:
- 358 (i) any required certificate of public convenience and
 359 necessity has been issued under Section 5-1603(f) of
 360 the Natural Resources Article of the Maryland Code
 361 or any successor provision; and
- 362 (ii) the cutting or clearing is conducted in a way that
 363 minimizes the loss of forest;
- 364 (B) routine maintenance of a public utility right-of-way, and
 365 cutting or clearing any tree by a public utility as necessary
 366 to comply with applicable vegetation management

- 367 requirements or to maintain, repair, replace, or upgrade
 368 any public utility transmission or distribution line; or
 369 (C) cutting or clearing a public utility right-of-way or land for
 370 a new transmission or distribution line.
- 371 (3) (A) A licensed tree expert need not obtain a right-of-way
 372 permit for tree work performed on:
- 373 (i) a tree that is uprooted or severely damaged because
 374 of a storm or vehicular collision;
- 375 (ii) a tree branch that is broken and contacts a
 376 telephone, cable television, electric power, or other
 377 wire carrying electric current; or
- 378 (iii) a tree or tree branch that a licensed tree expert finds
 379 immediately endangers a person or property.
- 380 (B) A licensed tree expert who provides tree work under
 381 subparagraph (A) must, within one week after an action is
 382 taken, give the Department:
- 383 (i) notice of the property address, if available, and
 384 general area where the action was taken; and
- 385 (ii) a proposed plan to upgrade the work, if necessary, to
 386 the tree work standards in this Section and
 387 applicable regulations.
- 388 The Department must approve, modify, or reject the
 389 proposed plan, after reviewing the actions taken, within 14
 390 days after receiving the information. If the Department
 391 does not act on the proposed plan within 14 days, the plan
 392 is approved by default. The Department may require
 393 further information, and may extend this deadline once for

394 an additional 15 days in extenuating circumstances. The
395 Director also may extend this deadline at the request of the
396 applicant.

397 (c) Basis of permit. The Department may issue a right-of-way permit if the
398 applicant shows that the proposed tree work is necessary to:

- 399 (1) protect the health of the tree;
400 (2) eliminate or reduce a hazard to property, public safety, or health;
401 (3) improve or prevent a deteriorated tree condition;
402 (4) improve the overall appearance of the right-of-way; or
403 (5) carry out a development which has received all other applicable
404 development approvals.

405 (d) Tree protection plan.

406 (1) The Department must not issue a right-of-way permit for tree
407 work under Section 49-35 until the applicant has submitted, and
408 the Department has approved, a site-specific tree protection plan
409 that requires the applicant to take all necessary measures to
410 protect, and minimize damage during development to, any
411 affected roadside tree.

412 (2) If the advice or consent of any County department, in its role as
413 owner of or otherwise responsible for the care of any tree in a
414 County right-of-way, is needed or requested before the state
415 Department of Natural Resources may act on a permit allowing
416 tree work on a tree in a County right-of-way, that County
417 department must not give its advice or consent until the
418 Department of Permitting Services has approved a tree protection
419 plan under this subsection, Section 8-26, or Section 19-71.

420 (3) The Department must approve or reject each proposed tree
 421 protection plan within 30 days after receiving it. If the
 422 Department does not act on a proposed plan within 30 days, the
 423 plan is approved by default. The Department may require further
 424 information after a proposed plan is submitted, and may extend
 425 this deadline once for an additional 15 days to receive any needed
 426 information. The Department also may extend this deadline at
 427 the request of the applicant.

428 (e) *Tree replacement.*

429 (1) Each permittee who removes a roadside tree in a County right-of-
 430 way must:

431 (A) plant a tree from the recommended County tree list in a
 432 County right-of-way, at or near the location of the original
 433 tree, which is suitable to that location, unless the Director
 434 waives this requirement because:

435 (i) compliance at the particular site would not be
 436 feasible; or

437 (ii) the removed tree was already dead or posed a
 438 danger to persons or property; and

439 (B) pay an amount into a Street Tree Planting Fund maintained
 440 by the Department of Transportation, unless the Director
 441 waives this requirement because the removed tree was
 442 already dead or posed a danger to persons or property, at a
 443 rate set by regulation that will allow the Department of
 444 Transportation to plant 2 more suitable replacement trees,
 445 or 3 more replacement trees if the Director has waived the
 446 on-site planting requirement because compliance at the

447 particular site would not be feasible, at suitable locations in
 448 the right-of-way of a public road in the County.

449 (2) The permittee must pay the required amount within 30 days after
 450 the Director notifies the permittee that the payment is required.

451 (3) The Department of Transportation must use funds in the Street
 452 Tree Planting Fund only to plant trees in the right-of-way of a
 453 public road in the County, and must not use funds received under
 454 this subsection to hire additional County staff or to supplant funds
 455 otherwise appropriated for that purpose.

456 (4) In locating, selecting, and planting trees under this subsection, the
 457 Department must:

458 (A) give highest priority to those areas of the County, such as
 459 central business districts and other urban and suburban
 460 areas, that have relatively low tree canopy coverage; and

461 (B) take every reasonable measure to avoid interference with
 462 utility transmission and distribution lines.

463 (f) Roadside tree planting.

464 (1) In this Section, recommended County tree list means a list of
 465 trees approved by the Director after consulting the Department of
 466 Transportation. The list must only include trees that are also on
 467 the State recommended tree list and must include each tree that
 468 the Director identifies as suitable for planting on specific sites
 469 and conditions in the right-of-way of a public road in the County.

470 (2) Any tree that any person plants on a public right-of-way must be
 471 a species and variety listed on the recommended County tree list
 472 and must conform to the American Standard for Nursery Stock.

473 (g) Enforcement. In addition to any other procedure or remedy allowed by
474 law, the Director may issue a stop work order to prevent or correct any
475 violation of this Section or any permit issued or plan approved under
476 this Section. Sections 8-20 and 8-22 apply to any stop work order
477 issued under this Section.

478 (h) Regulations. The County Executive must adopt regulations under
479 Method (2) to administer this Section that are at least as stringent as
480 applicable state roadside tree care standards and requirements. These
481 regulations may include:

482 (1) criteria and procedures to issue, deny, modify, suspend, or revoke
483 permits for work on roadside trees;

484 (2) tree work standards and practices needed to protect and maintain
485 roadside trees, including construction practices needed to prevent
486 or minimize damage to roadside trees; and

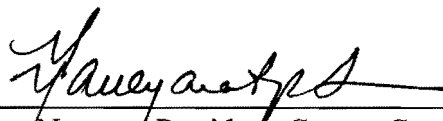
487 (3) supplementary roadside tree planting requirements and
488 specifications, and criteria and procedures needed to administer
489 the Street Tree Planting Fund.

490 **Sec. 2. Effective Date.** This Act takes effect on March 1, 2014, and applies to
491 any permit applied for under Chapter 8, Chapter 19, or Section 49-35 on or after that
492 date.

493 *Approved:*

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Nancy Navarro, President, County Council

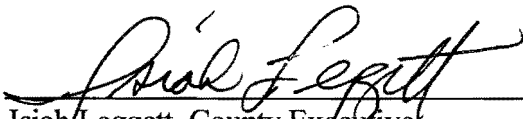
7/26/13

Date

496 *Approved:*

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Isiah Leggett, County Executive

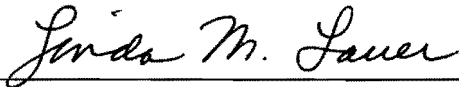
July 31, 2013

Date

499 *This is a correct copy of Council action.*

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501



Linda M. Lauer, Clerk of the Council

July 31, 2013

Date