Get the Facts!

TREE CANOPY LAW

The Tree Canopy Law will help establish new trees across the County to benefit residents, businesses, and the environment.

Here are commonly asked questions about the Law and how it affects you.

About the Law

What is the Tree Canopy Law?
The Tree Canopy Law requires property owners to plant new trees during development or pay into a tree planting fund. Planting trees helps offset the negative impacts of development on the natural environment.

Why do we need to replace the trees?
Trees and tree canopy provide us with a wide array of benefits. Trees contribute to the economic and social vitality of every community. They clean the air and water, reduce the cost of cooling and heating homes and businesses, and increase our general sense of well-being.

How is the Tree Canopy Law different from other County tree laws?
Several State or County laws require mitigation for disturbance to trees and other environmental resources.

- **Montgomery County and Maryland Roadside Tree Laws**: aim to protect and replace street trees.

- **Forest Conservation Law**: like the Tree Canopy Law, it aims to minimize forest loss as a result of development. Generally, the Forest Conservation Law applies to properties larger than 40,000 square feet when a sediment control permit is required or when subdivision occurs. If mitigation is required under the Forest Conservation Law then no mitigation is required by the Tree Canopy Law. A property owner is not required to mitigate under both laws for one project.

How will the fees be used to plant trees?
Fees collected from the Tree Canopy Law can only be used to plant large shade trees. Fees will be used to establish new trees near the disturbed areas and in places without much tree canopy.

Questions? Call 311 or Visit: montgomerycountymd.gov/311
What Does the Tree Canopy Law Mean for You?

When does the Tree Canopy Law apply?

Property owners are required to follow the Law when a sediment control permit is needed for their project. Generally, removing one or two trees, removing hazardous trees, and projects like decks or gardens do not require a sediment control permit. Therefore, this law does not apply. Also, exemptions include many small land disturbances and when mitigation is required under the Forest Conservation Law.

What activities require a sediment control permit and need to follow the Tree Canopy Law?

The Tree Canopy Law applies to any project that requires a sediment control permit. This includes:

- projects that disturb more than 5,000 square feet of land or tree canopy;
- any new primary residential or commercial building, or
- projects that include 100 cubic yards or more of earth movement on or off the property (there may be exemptions for small land disturbances).

Where do you get a sediment control permit?

Sediment control permits are processed through the Montgomery County Department of Permitting Services. The Tree Canopy Law will be processed along with the sediment control permit.

An example of residential tree loss as a result of development.

If I can’t or don’t want to plant trees, what is the fee for each tree?

The Tree Canopy Law allows you to pay instead of plant for any reason. As of March 2014, the rate is $250 per each required tree.

What about farm land? Will farmers have to pay fees?

No, most agricultural activities do not require a sediment control permit and therefore, the Tree Canopy Law does not apply.