

Introduced by: Councilmember Smith

First Reading: February 10, 2014

Second Reading: February 24, 2014

Effective Date: March 1, 2014

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2014-4

**AMENDING THE TAKOMA PARK CODE
TO OPT OUT OF MONTGOMERY COUNTY TREE PROTECTION
AND TREE CANOPY PRESERVATION REGULATIONS**

WHEREAS, on July 26, 2013, the Montgomery County Council enacted Bills 35-12 and 41-12, which are intended to protect trees from land development and roadside construction activity; and

WHEREAS, the City enacted tree protection and tree canopy preservation legislation in 1995; and

WHEREAS, the City's tree protection and tree canopy preservation legislation, which is currently codified in Title 12, Trees and Vegetation, of the Takoma Park Code, provides greater protection to existing trees than the County's legislation

WHEREAS, requiring residents, developers, and contractors to comply with City and County tree protection and tree canopy preservation regulations is not necessary to protect the City's trees or preserve its tree canopy and would be unduly burdensome.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,

SECTION 1. Title 12, Trees and Vegetation, of the *Takoma Park Code* is hereby amended as follows:

**Chapter 12.04
GENERAL PROVISIONS**

* * *

12.04.120 Exemption from County Code

Pursuant to the authority conferred by Section 4-111 of the Local Government Article of the Annotated Code of Maryland and by Section 1-203 of the Montgomery County Code, the City of Takoma Park specifically exempts itself from the following sections of the Montgomery County Code relating to tree protection and tree canopy preservation:

A. Section 8-26 (n) and (o)

- B. Section 19-71
- C. Section 49-35
- D. Section 49-36A
- E. Sections 55-1 through 55-11

SECTION 2. Title 16, Stormwater Management, of the *Takoma Park Code* is hereby amended as follows:

Chapter 16.12

EROSION, SEDIMENT CONTROL AND STORMWATER MANAGEMENT

16.12.010 Applicability of Montgomery County Code, Chapter 19 in the City of Takoma Park

A. Montgomery County Code, Chapter 19, Erosion, Sediment Control, and Stormwater Management, Article I, Erosion and Sediment Control, Article III, Floodplain District Requirements, Article IV, Water Quality Control, and Article VI, General, shall apply in the City of Takoma Park, except that Section 19-71, Tree Protection, of Article VI, shall not apply.

SECTION 3. Effective Date. This Ordinance shall become effective on March 1, 2014.

**ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,
THIS 24TH DAY OF FEBRUARY, 2014, BY ROLL-CALL VOTE AS FOLLOWS:**

AYE: Williams, Grimes, Seamens, Smith, Schultz
NAY: None
ABSENT: Male
ABSTAIN: None

Ward 3 Councilmember Kay-Daniels Cohen passed away February 20, 2014, leaving a vacancy on the City Council.