

THE TOWN OF SYKESVILLE

ORDINANCE NO. 2022-08

**AN ORDINANCE OF THE COUNCIL OF THE TOWN OF SYKESVILLE AMENDING CHAPTER 60, “BRUSH, GRASS, WEEDS, AND TREES”, OF THE CODE OF THE TOWN OF SYKESVILLE TO INCORPORATE CHANGES NECESSARY TO DESIGNATE AUTHORITY AND RESPONSIBILITY FOR MANAGING PUBLIC TREES AND ESTABLISHING PRACTICES GOVERNING THE PLANTING AND CARE OF TREES ON PUBLIC PROPERTY.**

**WHEREAS**, pursuant to Md. Code Ann., Local Gov’t. Article, § 5-202 the Council of the Town of Sykesville has the authority to pass such ordinances as it deems necessary to assure the good government of the Town; protect and preserve the Town’s rights, property, and privileges; and preserve peace and good order; and

**WHEREAS**, pursuant to this authority, the Council of the Town of Sykesville enacted Chapter 60 “Brush, Grass, Weeds, and Trees” of the Code of the Town of Sykesville; and

**WHEREAS**, the Council of the Town of Sykesville desires to make modifications to this Chapter in order to designate proper authority and responsibilities for the management of public trees and establishing best practices governing the planting and care of trees on public property.

**NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Mayor and Council of the Town of Sykesville, that Sykesville Town Code, Chapter 60, “Brush, Grass, Weeds, and Trees” Article III “Trees” shall be added as follows:

Article III

Trees

**§60-14 Purpose.**

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Town Council herein delegates the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property, and makes provisions for the emergency removal of trees on private property under certain conditions.

**§60-15 Definitions.**

As used in this Article, the following words and phrases shall have the meaning indicated:

**DAMAGE** – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

**NUISANCE** – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying; obstructs the view of traffic signs or the free passage of pedestrians or vehicles; or threatens public health, safety, and welfare.

**PARKWAY** – the area along a public street between the curb and the sidewalk; or if no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

**PUBLIC PROPERTY** – all grounds and rights-of-way (ROW's) owned or maintained by the Town.

**PUBLIC TREE** – any tree or woody vegetation on Town-owned or Town-maintained property or rights-of-way.

**TOP OR TOPPING** – the non-standard practice of cutting back of limbs to stubs within a tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**§60-16 Authority.**

- (A) Authority and responsibility. The Director of Public Works, or their designee including a certified professional arborist, hereinafter referred to as the "Director", shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal streets, rights-of-way, Town parks, and other public property. This shall include the removal of trees that may threaten electrical, telephone, gas, or any water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.
- (B) Interference. No person shall hinder, prevent, delay, or interfere with the Director or their agents while engaged in carrying out the execution or enforcement of this Ordinance.

**§60-17 Tree Planting and Care Standards.**

- (A) Standards. All planting and maintenance of public trees shall conform as closely as possible to the American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" and the Town's Landscaping Guidelines.
- (B) Requirements of Franchise Utility Companies. The maintenance of public trees for utility clearance shall conform to all applicable utility industry standards.
- (C) Preferred Species List. The Town shall maintain an official list in the Landscaping Guidelines of desirable tree species for planting on public property.
- (D) Planting Distances. No tree may be planted within the visibility triangle of a street intersection or within 10 feet of a fire hydrant.
- (E) Planting Trees Under Electric Utility Lines. Only trees that reach 20 feet or less at maturity may be planted under or within 15 lateral feet of any overhead utility wire.

**§60-18 Prohibition Against Harming Public Trees.**

- (A) It shall be unlawful for any person, firm, or corporation to damage, remove, or cause the damage or removal of a tree on public property without written permission from the Director.

- (B) It shall be unlawful for any person, firm, or corporation to attach any cable, wire, sign, or any other object to any street, park, or public tree.
- (C) It shall be unlawful for any person, firm, or corporation to “top” any public tree. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.
- (D) Any person, firm, corporations, or department performing construction near any public tree(s) shall consult with the Director and shall employ appropriate measures to protect the tree(s), according to best practices of the Town.
- (E) Each violation of this section as determined and notified by the Director shall constitute a separate violation, punishable as a Class D municipal infraction as defined by Chapter 1, General Provision, Article 1, Municipal Infractions of this Code.

**§60-19 Adjacent Owner Responsibility.**

- (A) The owner of land adjacent to any Town street, when acting within the provisions of this Ordinance, may plant and maintain trees in the adjacent parkway area.
- (B) No property owner shall allow a tree, or other plant growing on their property to obstruct or interfere with pedestrians or the view of drivers, thereby creating a hazard. If an obstruction persists, the Director shall notify the property owner to prune or remove the tree or plant. If the owner fails to comply with the notice, the Town may undertake the necessary work and charge the cost to the property owner.

**§60-20 Certain Trees Declared a Nuisance.**

- (A) Any tree, or limb thereof, on private property determined by the Director to have contracted a lethal, communicable disease or insect; to be dead or dying; to obstruct the view of traffic signs or the free passage of pedestrians or vehicles; or that threatens public health, safety, and welfare is declared a nuisance and the Town may require its treatment or removal.
- (B) Private property owners have the duty, at their own expense, to remove or treat nuisance trees on their property. The Town may treat or remove such trees at the owner’s expense if the owner does not comply with treatment or removal as specified by the Director within the written notification period.

**§60-21 Violations and Penalty.**


Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a Class C municipal infraction and shall be subject to a fine not to exceed two hundred fifty dollars (\$250.00) for each offense.


**§60-22 Appeals.**

Appeals to decisions by the Director, or to penalties imposed after violations of this Ordinance, shall be heard by the Town Council.

THIS ORDINANCE IS ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF SYKESVILLE THIS 10<sup>TH</sup> DAY OF DECEMBER, 2022

ATTEST:

  
Kerry Kavaloski, Town Clerk

  
Stacy Link, Mayor


  
Anna Carter, Council President

  
Mark Dyer, Council Member

  
Al Grasley, Council Member

  
Elizabeth Guroff, Council Member

  
Leo Keenan, Council Member

  
Jeremiah Schofield, Council Member