

**Town of Chevy Chase
(Urban Forest Ordinance)**

Ordinance No.:
Introduced: September 9, 2021
Adopted:
Effective Date:

Subject: AN ORDINANCE TO ADD AND REMOVE TREE SPECIES FROM
THE LIST OF CANOPY TREES IN THE URBAN FOREST
ORDINANCE

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, the Natural Resources Article, Title 5, Subtitle 4, Part IV of the Maryland Code authorizes a municipal corporation to implement a local urban and community forestry program within its jurisdiction; and

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town; and for such other police and health matters as it may deem necessary; and

WHEREAS, trees benefit the Town by filtering the air, capturing carbon dioxide, providing shade, buffering noise, harboring wildlife, controlling storm water runoff, and stabilizing soils, and the Town Council has determined that certain trees in the Town constitute an important natural resource that must be protected, preserved, and replaced; and

WHEREAS, after receiving a recommendation from the Canopy Tree Working Group and upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Town.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, this ____ day of _____, 2021, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Code of Ordinances is hereby amended as follows:

* * *

Sec. 29-3. - Trees included.

(a) This chapter applies to the following trees on private and public property in the Town of Chevy Chase:

(1) *Canopy tree*. A canopy tree is defined as a tree with a trunk that measures at least twenty-four (24) inches in circumference at four and one-half (4½) feet above ground and of one of the following species: ~~Green Ash; White Ash; American Beech; English Elm; European Beech; Bald Cypress; American Elm; Franklinia; Ginkgo; Hackberry; Bitternut Hickory; Mockernut Hickory; Pignut Hickory; Shagbark Hickory; American Holly; Honeylocust; Katsura; American Linden; Southern Magnolia; Virginia Magnolia; Black Maple; Red Maple; Sugar Maple; London Planetree; Black Oak; Blackjack Oak; Chestnut Oak; Overcup Oak; Persimmon; Pin Oak; Post Oak; Northern Red Oak; Sawtooth Oak; Southern Red Oak; Scarlet Oak; Shingle Oak; White Oak; Swamp White Oak; Willow Oak; Tulip Poplar; American Sycamore; Sweetgum; Blackgum (Tupelo); Black Walnut; and Yellowwood~~

- American Beech**
- American Elm**
- American Holly**
- American Hornbeam**
- American Linden**
- American Sycamore**
- Bald Cypress**
- Bitternut Hickory**
- Black Birch**
- Black Maple**
- Black Oak**
- Black Walnut**
- Blackgum (Tupelo)**
- Blackjack Oak**
- Canadian Hemlock**
- Chestnut Oak**
- Chinquapin Oak**
- Cucumber Magnolia**
- Eastern Cottonwood**
- Eastern Red Cedar**
- European Beech**
- Ginkgo**
- Green Ash**
- Hackberry**
- Honeylocust**
- Hop Hornbeam**

Katsura
Loblolly Pine
Mockernut Hickory
Northern Red Oak
Northern White Cedar
Overcup Oak
Persimmon
Pignut Hickory
Pin Oak
Post Oak
Red Maple
River Birch
Scarlet Oak
Shagbark Hickory
Shingle Oak
Shortleaf Pine
Silver Maple
Southern Magnolia
Southern Red Oak
Sugar Maple
Swamp White Oak
Sweetgum
Tulip Poplar
Virginia Magnolia
White Ash
White Oak
White Pine
Willow Oak
Yellow Birch
Yellowwood

(2) *Regulated tree.* A regulated tree is defined as a tree that measures at least twenty-four (24) inches in circumference at four and one-half (4½) feet above ground, regardless of species.

(b) If a tree divides into branches at less than four and one-half (4½) feet, the trunk shall be measured immediately beneath the dividing point.

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SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this _____ day of _____, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Maryland law and the Town Charter, that:

(1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This Ordinance shall take effect on the ____ day of _____.

ATTEST:

TOWN OF CHEVY CHASE

Joel Rubin, Secretary

Barney Rush, Mayor

Bold and Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged