

## **Chapter 20. Boards, Committees and Commissions**

### ***Article IV. Tree Board***

#### **§20-16. Creation.**

There is hereby established a board to be known as the Centreville Tree Board.

#### **§20-17. Membership; bylaws; meetings.**

- A. The Centreville Tree Board shall be composed of the five members who serve as the Centreville Parks Advisory Board.
- B. The ex officio, nonvoting members of the Parks Advisory Board shall also serve the Tree Board in that capacity.
- C. The officers of the Parks Advisory Board shall also serve the Tree Board in that capacity.
- D. The Board shall establish bylaws for the conduct of its activities. It shall meet regularly at a time and place it shall establish.
- E. The Town Manager shall maintain records of the board's proceedings and assist the Board with dissemination of information and other administrative duties as may be assigned by the Board

#### **§20-18. Purpose of Board**

The Tree Board is established to promote tree planting and preservation within the town of Centreville and to advise the Town Council and the Town Manager on matters related to trees.

#### **§20-19. Duties**

The Tree Board shall have the following duties:

- A. Develop a written plan for the care, preservation, pruning, planting or removal of trees and shrubs in parks, along streets and in other public areas. The plan will be presented to the Town Council and upon their approval shall constitute the town tree plan.
- B. Advise the Town Council on matters pertaining to the preservation of trees and establishment of tree canopy cover within the town.
- C. Help plan and carry out activities to promote trees, such as Arbor Day celebrations and tree planting promotions.
- D. Help plan and carry out educational outreach on tree planting, care and protection and the importance of trees to the town's environment and character.
- E. Adopt a Tree Species List to guide tree planting within Centreville.

- F. Adopt standards and procedures for tree planting, maintenance and protection as necessary for administration of this Code.

**§20-20. Annual Report**

The Tree Board shall submit an annual report to the Town Council providing information on the following activities for the past year:

- A. Arbor Day activities and other activities promoting tree planting and preservation.
- B. Tree planting activity and loss of trees on town-owned property and along streets, sidewalks and pathways.
- C. An assessment of the town's tree canopy coverage.

## Chapter 145

### Trees

#### *Article I. Purpose and Administration*

##### **§145-1. Findings and Purpose**

The Town Council finds that it is in the interest of the residents and businesses of the Town of Centreville to preserve, protect and increase the Town's tree canopy. Because large trees require many years to mature, the Town places a high value on protecting mature trees and planting new, large-maturing trees that will provide tree canopy for generations to come.

The mature tree canopy contributes to public health, safety and welfare in many ways:

- A. Contributes significant aesthetic value,
- B. Stabilizes soils, reducing soil erosion and storm water runoff,
- C. Cools the environment through the provision of shade and the evaporation of water during leaf transpiration,
- D. Decreases the urban heat island effect and reduces the volatile organic compounds released from parked vehicles,
- E. Filters particulate matter from the air and absorbs carbon dioxide and other pollutants,
- F. Provides food and shelter for plant and animal species,
- G. Increases property values,
- H. Provides buffers between land uses, reduces noise and reduces light glare.

This Chapter is intended to maintain and increase Centreville's tree canopy cover and to protect existing mature trees. Centreville hereby establishes a goal of increasing the town's tree canopy cover from approximately 27 percent in 2007 to 35 percent. This goal is to be achieved through the requirements of this Chapter and other sections of the Code; the efforts of private property owners to plant and preserve trees; and the town's program of tree care and planting on town property.

The requirements of this Chapter are in addition to other tree planting or preservation requirements of the Code, including Chapter 69, Forest Conservation, Chapter 138, Subdivision and Chapter 170, Zoning.

##### **§145-2. Administration**

- A. No application to clear, grade or develop land in the town shall be approved unless the plan complies with the requirements of this chapter.

- B. The Town Manager or his designee shall assist the Tree Board in promoting tree planting and protection, providing educational outreach on the benefits and care of trees, developing a town tree plan, promulgating standards for tree protection and planting, and maintaining a town tree species list.
- C. The Town Manager or his designee shall inspect development sites as needed to enforce the tree planting and protection requirements of this chapter.
- D. The Town Manager may retain the services of a certified arborist to advise staff on plans for tree removal or protection.
- E. The Town Council may establish fees to cover the cost of plan review, site inspection and the services of a certified arborist where applicable.

**§145-3. Tree Species List**

- A. The Centreville Tree Board shall approve and publish a Tree Species List which includes the following information:
  - (1) Species recommended for planting within the town.
  - (2) Species not recommended for planting. These species shall not be used for street trees, parking lots, or on town property. They will be approved for use as part of subdivision or site plan applications only with justification acceptable to the Planning and Zoning Commission.
  - (3) Notations on which species may be planted beneath utility lines and as street trees, and other species characteristics.
  - (4) A division of recommended deciduous trees into size categories based on the expected mature size of the species. Trees shall be categorized as follows:
    - (a) Large tree: average mature height of 40 feet or greater
    - (b) Medium tree: average mature height of 25 to 40 feet
    - (c) Small tree: average mature height of 15 to 25 feet
    - (d) Very small tree: average mature height less than 15 feet
- B. The Tree Board may amend the list to incorporate results of research and experience with individual species.
- C. The list shall be available from the Zoning Administrator and the town office.

**§145-4. Tree fund**

- A. The town shall establish a tree fund which may receive funds from the following sources or other sources authorized by the Town Council:
  - (1) Funds allocated by the Town Council in the town budget.
  - (2) Grants, gifts, contributions and bequests.
  - (3) Funds from bonds forfeited under the requirements of this chapter.

- (4) Fees paid for tree removal or fees in lieu of tree planting.
  - (5) Penalties paid due to violations of this chapter.
- B. The Town Council may authorize use of the tree fund for the following purposes or other purposes directly to tree planting and care:
- (1) To plant street trees, upon a request from the owner of property abutting the street or the advice of the Tree Board;
  - (2) To replace trees on sites for which the bonds were forfeited;
  - (3) To plant, protect or care for trees on town-owned property;
  - (4) To provide funding for the services of a certified arborist to advise the town on matters related to tree planting, care and protection.

**§145-5. Plan submission requirements**

- A. Applications for preliminary subdivision plats, minor subdivision plats, site plans, and simplified site plans or building permits shall include the following information:
- (1) Location, DBH and species of existing trees with DBH of four inches or larger on the site and on adjacent lots or rights-of-way if any part of the area within the tree’s drip line is on the site. For areas of a site where forest stand delineation is required by the Forest Conservation Ordinance (Chapter 69), this item shall be satisfied by the forest stand delineation.
  - (2) Identification of trees to be preserved or removed.
  - (3) Species, caliper and location of trees to be planted.
  - (4) Total tree canopy cover required in percentage of site area and square feet.
  - (5) Summary of tree canopy coverage to be provided on the site, including canopy cover for preserved trees by individual tree or tree groups, and for trees to be planted by species, mature size and canopy category.
  - (6) Delineation of the critical root zone and tree protection zone of existing trees to be preserved.
  - (7) Type and location of tree protection fencing and signs by which trees to be preserved will be protected during construction, including protection for trees on adjacent land whose drip line is on the site.
  - (8) Planting and mulching details for trees to be planted.
  - (9) Tree protection statement for all preserved trees: “Tree protection measures will be maintained at all times. Additional tree protection measures shall be installed if deemed necessary by on-site inspection.”
  - (10) Tree maintenance statement for all planted trees: “Trees will be maintained using best management practices; maintenance within the first two years after planting will include watering, mulching and pruning.”

B. Plan submittals

- (1) The Zoning Administrator shall review applications subject to this chapter to determine whether the application has the information required by the above list. An application shall not be accepted for review by the town unless the required information is provided.
- (2) Within no more than 15 days of receipt of the application, if the Zoning Administrator determines that the application is not complete, he shall notify the applicant in writing, specifying the deficiencies of the application, listing additional information that must be supplied, and stating that no further action will be taken by the Town on the application until the additional material is submitted.

**§145-6. Plan review**

- A. The Zoning Administrator, Town Engineer or appropriate town staff shall review plans for compliance with this chapter, with input from a certified arborist and other agencies as needed.
- B. If a submitted plan is not in compliance with this chapter, the Zoning Administrator shall transmit comments notifying the applicant that revised plans are required.
- C. For plans requiring approval by the Planning and Zoning Commission under Chapter 138, Subdivision or 170, Zoning:
  - (1) The plan shall not be scheduled for a meeting before the Planning and Zoning Commission until the Zoning Administrator determines that the plan is substantially in compliance with this chapter.
  - (2) The Zoning Administrator shall make a recommendation to the Planning and Zoning Commission for approval or denial of the plan and of any waivers requested for the plan under this Chapter. The Zoning Administrator may recommend conditions of approval.
- D. For plans requiring approval by the Zoning Administrator under Chapter 138, Subdivision or 170, Zoning:
  - (1) The Zoning Administrator shall not approve a plan unless the plan complies with the requirements of this chapter.
  - (2) The Zoning Administrator shall approve or deny any waivers requested for the plan under this Chapter.

**§145-7. Waivers**

- A. A waiver may be granted to the tree canopy or the tree planting and protection requirements of this chapter by the approving authority for the plan.
- B. A waiver to the tree canopy requirements may be granted if the approving authority finds that:

- (1) Unique physical characteristics of the site make the planting, preservation or maintenance of healthy trees impracticable, or
  - (2) The purposes of this chapter are met better through means other than tree preservation or planting on the development site; or,
  - (3) For expansion or alterations to existing uses within the Central Business District (CBD) zoning district, a waiver may be granted if strict application of the tree canopy requirements would require a reduction in the number of parking spaces below the minimum parking requirements of the zoning regulations.
- C. For waivers to tree planting and protection requirements, the approving authority must consider information from a certified arborist on the ability of the alternative standards proposed in the plan to allow healthy tree growth and to effectively protect trees.
- D. Lack of sufficient permeable area for trees shall not be grounds for waiving requirements of this chapter if the proposed parking area has more parking spaces than required by Chapter 170, Zoning, for the particular use.
- E. If a waiver is granted, the applicant shall do one of the following as determined by the approving authority:
- (1) Plant trees to provide the required tree canopy on land owned by a public agency in a location where the trees will provide enhanced buffers for waterways, habitat areas or other environmentally sensitive areas.
  - (2) Pay to the Tree Fund a fee-in-lieu of tree planting or protection in an amount established by the Town Council but not less than \$1.00 per square foot of required tree canopy area.

**§145-8. Guaranty for tree establishment and protection**

- A. Surety for tree establishment
- (1) Prior to approval of a final plat or site plan, the developer shall furnish to the town a bond or other surety approved by the Town Council in an amount sufficient to cover the estimated cost of planting the trees required by the standards of this chapter. For all development except new residential subdivisions, the surety shall be held by the town for at least 24 months.
  - (2) If the applicant does not comply with the conditions of the site plan or subdivision plan for tree planting, the surety shall be forfeited. Trees that do not survive in good condition, as determined by a member of the Tree Board, the Town Manager, or his designee, shall be replaced prior to the release of the surety. If the trees are not replaced within 48 months from the original date of planting, the surety shall be forfeited and the town shall use the funds to install the required trees.

- (3) For new residential subdivisions, the surety shall be released after final plat approval and after at least fifty percent of the lots have been sold and all provisions of this chapter have been met.

B. Individual residential lots

Use and occupancy permits for individual residential lots shall be withheld until tree planting on each lot is complete in accordance with the requirements of this chapter and the approved plans. A use and occupancy permit may be issued prior to tree planting if the Zoning Administrator determines that the season is inappropriate for planting. In such cases the trees shall be planted by a date assigned by the Zoning Administrator. If the trees are not planted by the assigned date the property owner shall be considered in violation of this chapter.

C. Surety for tree protection

- (1) Prior to approval of a final plat or site plan, the developer shall furnish to the town a bond or other surety as approved by the Town Council, in an amount approved by the Town Council and equal to at least \$100 per inch of DBH (diameter at 4 ½ feet above the ground) for each tree being protected.
- (2) For all development except new residential subdivisions, the surety shall be released after issuance of a use and occupancy permit and after successful implementation of the tree protection requirements of this chapter.
- (3) For new residential subdivisions, the surety shall be released after final plat approval and after at least fifty percent of the lots have been sold and the tree protection provisions of this chapter have been met. As a condition of building permit approval, a separate tree protection guaranty shall be required from the general contractor providing improvements on each lot. Such sureties shall be released after issuance of a use and occupancy permit provided that trees were successfully protected in accordance with this chapter.
- (4) Funds from bonds forfeited under this section shall be deposited into the Tree Fund. The funds may be used to plant replacement trees on the property for which the bond was forfeited.

## ***Article II. Tree Canopy Requirements***

### **§145-9. Purpose**

This article requires minimum tree canopy coverage for lots or parcels undergoing development. To the greatest extent possible, the required tree canopy coverage should be provided through protection of existing trees. Where existing trees are not adequate or cannot be preserved, deciduous trees shall be planted to achieve the minimum tree canopy cover.

### **§145-10. Applicability**

- A. The tree canopy coverage requirements of this article apply to:
  - (1) Subdivision plans; however, the canopy requirement does not apply to a parcel remainder not included within the subdivision.
  - (2) Major site plans.
  - (3) Simplified site plans and building permits for:
    - (a) Building additions, new buildings, and expanded parking areas or driveways on the site of a commercial, industrial, institutional or multifamily use.
    - (b) Construction of a new, single-family detached dwelling.
- B. The requirements of this article shall not apply to simplified site plans or building permits for:
  - (1) Changes in use where no site improvements or alterations are needed or proposed;
  - (2) Construction of an addition to a single-family detached dwelling or a structure accessory to a single-family detached dwelling.

### **§145-11. Required Tree Canopy Coverage**

- A. A minimum healthy tree canopy cover shall be preserved or established on each lot subject to these requirements. Tree canopy cover shall be calculated based on the trees' expected mature canopy.

- B. Table A lists the mature tree canopy to be credited for a newly planted or immature tree of the indicated size category. The size category shall be as indicated in the town Tree Species List.

Table A. Mature Canopy Cover

<b>Size category of tree</b>	<b>Expected mature canopy cover</b>
Large	1,600 square feet
Medium	900 square feet
Small	400 square feet
Very small	150 square feet

- C. Table B lists the minimum required tree canopy coverage by zoning district.

Table B. Required Tree Canopy

<b>Zoning District</b>	<b>Minimum tree canopy coverage</b>
Residential R-1	40 percent for a subdivision; 20 percent per residential lot
Residential R-2	30 percent for a subdivision; 20 percent per residential lot
Residential R-3	20 percent for a subdivision or development; 20 percent for a single-family detached residential lot
Central Business District CBD	15 percent
General Commercial C-2	15 percent
Intense Commercial C-3	15 percent
Light Industrial I	15 percent
Planned Redevelopment Area PRA	Use canopy requirement for the zoning designation assigned by the Town Council based on approved use. For example, for PRA (R-3), use the required canopy for R-3.
Planned Unit Development PUD	40 percent for the development; 20 percent per residential lot
Planned Business Development PBD	30 percent for the development; 15 percent per lot

C. Calculation of tree cover

- (1) The following areas shall not be included in the site area for purposes of calculating minimum required canopy coverage: water bodies and public street rights-of-way owned by a government agency.
- (2) All healthy trees on the development site may be included in the tree canopy coverage for purposes of meeting the minimum requirement, including but not limited to trees planted or retained to meet landscaping, buffer yard, and forest conservation, reforestation or afforestation requirements.
- (3) Evergreen trees and tree species identified as very small by the Tree Species List shall generally not be used to meet canopy requirements. They may be used if site characteristics render deciduous or larger trees impracticable.
- (4) The canopy of a preserved tree or group of trees may be calculated by measuring the actual canopy, using recent surveys, aerial photographs, satellite images or other means, or may be estimated by multiplying the diameter of the crown at its widest point by the diameter of the crown perpendicular to the first measurement. The Zoning Administrator shall not accept an application for review unless the method of canopy measurement provides an acceptable level of accuracy.
- (5) An existing tree determined by the Zoning Administrator to be in poor condition shall not be credited toward required canopy coverage. The Zoning Administrator may rely upon the advice of Maryland Department of Natural Resources staff or a certified arborist retained by the Town of Centreville.
- (6) Trees not on the town Tree Species List shall be assigned to one of the size categories in Table A based on the tree's expected size at maturity.
- (7) Canopy cover calculations for newly planted trees
  - (a) Trees planted to meet tree canopy cover requirements shall be assigned a mature canopy cover area based on Table A in this chapter.
  - (b) Multiple, adjacent trees with overlapping canopy areas shall be credited with one-half the assigned canopy cover area.

(8) Canopy cover calculations for preserved trees

The canopy of preserved trees shall be calculated as indicated in Table C.

Table C. Canopy Credit for Healthy Preserved Trees

<b>Tree location</b>	<b>Canopy cover credit</b>
Trunk entirely on development site and at least 6 inches DBH	1.5 times the current, measured canopy cover or 1.5 times the canopy cover area assigned in Table A.
Trunk entirely on development site and smaller than 6 inches DBH	The current, measured canopy cover or the canopy cover area assigned in Table A for the tree species
Adjacent trees with overlapping crowns, trunks entirely on development site.	1.5 times the current, measured canopy that they collectively project onto the development site
Trunk directly on property line	The current, measured canopy cover that falls onto the development site or ½ the canopy cover area assigned in Table A
Street trees, trunk on adjacent street right-of-way on the same side of the street as the development site	The current, measured canopy cover that falls onto the development site or ½ the canopy cover area assigned in Table A
Trunk on adjacent lot or parcel	No credit for canopy cover, even if branches overhang the development site.

**§145-12. Guidelines for providing required canopy cover**

The Planning and Zoning Commission shall consider the following guidelines when reviewing site plans and subdivision plans requiring tree canopy:

- A. To the extent possible, required canopy shall be provided through protection of existing trees.
- B. Where applicable, trees shall be planted and protected where they will be most beneficial in the enhancement of water quality and preservation of environmentally sensitive areas.

**§145-13. Maintenance of required canopy**

- A. Except on individual residential lots, trees planted or preserved to meet minimum tree canopy coverage requirements shall be maintained and protected through the life of the development. Trees required for canopy cover shall be protected and replaced when necessary.

- B. On individual residential lots, the tree canopy requirements shall not apply after the initial tree planting or protection is completed.

***Article III. Tree Planting and Protection during Development***

**§145-14. Permeable surface area and soil volume**

- A. For each tree preserved or planted a minimum amount of permeable surface area and soil volume is required to provide for tree and root health, soil aeration and percolation of water.
- B. Permeable surfaces include soil, mulch and turf. Crushed rock and permeable paving materials may also be included as permeable surface area only if non-compacted soil is provided beneath the rock or paving.
- C. For preserved trees, the required permeable surface area shall coincide with the critical root zone. Permeable paving materials may be permitted in up to 30 percent of the critical root zone provided the soil beneath the paving material is not compacted. At least 70 percent of the critical root zone in the area immediately surrounding the tree trunk shall consist of soil covered with ground covers such as mulch, shrubs, ivy and or similar planting materials.
- D. The required soil volume shall be soil that has not been compacted through the development process. Areas that were exposed and compacted during development shall be excavated and improved with soil capable of promoting healthy tree growth.
- E. For planted trees, the amount of permeable surface and soil volume shall be based upon the mature tree size category in accordance with Table D.

Table D. Minimum area for tree planting

<b>Size category of tree</b>	<b>Minimum permeable area</b>	<b>Minimum area of soil with natural cover surrounding tree trunk</b>	<b>Minimum non-compacted soil volume available to tree</b>
Large	500 square feet	320 square feet	1500 cubic feet
Medium	300 square feet	180 square feet	900 cubic feet
Small	120 square feet	80 square feet	400 cubic feet
Very small	60 square feet	30 square feet	200 cubic feet

- F. For trees planted in clusters, permeable surface area may be counted for more than one tree upon the recommendation of a certified arborist.
- G. The permeable surface area requirements may be waived if a structure is installed beneath the paved area providing the minimum volume of non-compacted, high quality soil to allow healthy tree growth, in conjunction with storm water management techniques that direct sufficient water to the tree roots.

### **§145-15. Tree protection during development**

- A. All trees to be preserved shall be actively protected during the development process
- B. Minimum tree protection measures during construction.
  - (1) Active tree protection shall consist of, at a minimum, installing fencing at the outer edges of the critical root zone of the tree or group of trees. The fencing shall include signs stating that the area is a tree protection area and indicating the activities prohibited within the fenced area.
  - (2) Tree protection fencing and signs shall be installed after approval of a site plan, grading permit, road construction plan, or building permit, and prior to any clearing, grading or construction activity.
  - (3) Tree protection fencing shall be at least four feet high and installed with sturdy fence posts around the tree protection area. The fencing shall remain in good condition throughout the development and construction processes, and shall only be removed after final plat approval or a certificate of occupancy has been issued.
  - (4) The critical root zone within the tree protection area shall be mulched with material such as wood chips, tree leaves or compost.
  - (5) Additional tree protection measures to insure survivability of preserved trees may be required as a condition of subdivision, site plan or building permit approval.
- C. Prohibited activities  
The following activities are prohibited within the tree protection area:
  - (1) Vehicle traffic or parking
  - (2) Materials or equipment storage
  - (3) Soil disturbance or excavation
  - (4) Removal of topsoil
  - (5) Trenching
  - (6) Soil fill
  - (7) Change in soil pH or drainage
  - (8) Equipment washouts or disposal (including concrete)
  - (9) Fires
  - (10) Chemical or trash disposal
  - (11) Other activities harmful to the trees as determined by the Town Engineer.

### **§145-16. Tree planting standards**

All trees planted to meet requirements of this chapter shall be:

- A. At least two inches in caliper;
- B. Planted according to current arboricultural standards;
- C. In good health and condition; and,
- D. Provided with adequate space to grow unobstructed to maturity. The space requirements in Table E shall apply. The Planning and Zoning Commission may waive or modify the minimum space requirements.

Table E. Minimum Space Requirements

Large trees	
Distance to street intersections	35 feet
Distance to traffic signs, light poles	20 feet
Distance to overhead power lines	20 feet
Distance to curb or sidewalk	4 feet
Medium trees	
Distance to street intersections	35 feet
Distance to traffic signs, light poles	20 feet
Distance to overhead power lines	20 feet
Distance to curb or sidewalk	4 feet
Small trees	
Distance to street intersections	35 feet
Distance to traffic signs, light poles	20 feet
Distance to overhead power lines	0 feet
Distance to curb or sidewalk	2 feet
Very small trees	
Distance to street intersections	35 feet
Distance to traffic signs, light poles	20 feet
Distance to overhead power lines	0 feet
Distance to curb or sidewalk	2 feet

**§145-17. Other Standards**

- A. Trees planted or protected as required by this chapter, the Zoning Regulations or the Subdivision Regulations shall be planted, protected and maintained according to best management practices and tree care guidelines published by the Tree Board.
- B. As required by the Maryland Annotated Code, §5-415 and 5-423, only licensed tree experts shall provide tree planting, care or removal services for compensation.

*Article IV. Street Trees*

**§145-18. Required Street Tree Planting**

- A. Site plan or subdivision plan approval shall be contingent upon the developer providing street trees along all street rights-of-way within and? Bordering the proposed development.
- B. At least one deciduous tree shall be provided per 35 linear feet of roadway along both sides of the road. For roads internal to the development, the developer shall provide street trees along both sides of the road. For roads bordering the development, street trees shall be provided along on the side of the road bordering the development. Where possible, existing trees shall be preserved in lieu of planting trees.
- C. Medium or large trees as identified in the Tree Species List shall be planted unless small trees must be planted due to the presence of overhead utility lines.
- D. A permeable planting area shall be provided for each tree in accordance with the standards of Article IV.

**§145-19. Requests for Street Trees**

A property owner may apply to the town to have a street tree planted along the street abutting his property. The Town Manager or his designee may approve the request and use funds from the Tree Fund allocated for this purpose by the Town Council.

**§145-20. Care of Street Trees**

Property owners shall provide care and maintenance of the street trees on their property or on the adjacent right-of-way.

**§145-21. Trees in public street right-of-way**

Planting, care and removal of trees within a public street right-of-way shall be in accordance with the Maryland Roadside Tree Law, set forth in the Annotated Code of Maryland §§ 5-401 through 5-406 and administered by the Maryland Department of Natural Resources.

*Article V. Tree Care and Protection*

**§145-22. Protection**

- A. No person shall engage in activity on public or adjacent private property that directly or indirectly has an adverse affect upon the health or condition of a street tree or a tree on public property.

- B. Tree protection fencing, as described in this chapter, shall be provided by persons engaging in construction, land clearing, grading or other activity to protect the critical root zone of an affected street tree or tree on public property.
- C. If a person damages, destroys or fails to protect a street tree or tree on public property, the town may require the person responsible for the damage to pay a fine equal to the appraised value of the tree, the cost of repairing the damage, and/or the cost of restoring the site to its original condition or as nearly as possible to its original condition.

**§145-23. Tree removal or trimming required**

- A. Trees overhanging rights-of-way
  - (1) The owner of a lot containing a tree overhanging a street or sidewalk, or the owner of a lot adjacent to a public street right-of-way containing a street tree, shall maintain the overhanging tree or street tree in the following manner:
    - (a) Prune so that the branches shall not obscure or obstruct the view of a street intersection, traffic sign or traffic signal;
    - (b) Maintain a clear space of eight feet above the surface of the street or sidewalk; and
    - (c) Remove dead, diseased or dangerous trees, or broken or decayed limbs which pose a hazard to the public safety.
  - (2) The Town Manager or his designee may notify the owner in writing of the need for maintenance or removal of such trees. The notice shall order the work to be performed within a specified number of days after service of such notice.
- B. Removal of hazardous trees
 

The Town Manager or his designee may order the removal of a dead or diseased tree on private property when the tree poses a hazard to life, health, safety or property of the public or harbors insects or disease which constitute a potential threat to other trees within the town. The Town Manager or his designee shall notify the owner or owners in writing to remove or trim the tree within a specified number of days after service of such notice.
- C. Expense assessed against property owner
 

If a lot owner fails to remove or trim a tree within the specified number of days after service of a notice as provided in sections A and B above, the Town Manager or his designee may authorize the work to be done and assess the expense against the property owner. The expense shall be due and payable, shall bear interest in the same rate, and shall constitute a lien upon the premises in the same manner as town taxes.

***Article VI. Appeals***

## **§145-24. Appeals**

- A. A person aggrieved by a decision of the Town Manager or his designee, the Zoning Administrator or the Planning and Zoning Commission in the administration or interpretation of this chapter may appeal the decision to the Board of Appeals.
- B. Appeals shall be filed with the Zoning Administrator within 30 days of the decision. Appeals must be filed in writing in the form required by the Zoning Administrator, specifying the grounds of the appeal. The Zoning Administrator shall transmit to the Board all papers constituting the record of the action being appealed.
- C. The Board of Appeals shall hold a public hearing within 30 days from the date of filing of the notice of appeal. At least 15 days' notice of the time and place of the hearing shall be published in a paper of general circulation in the town and by posting the property. At the hearing, any party may appear in person or by agent or attorney. The Board shall decide the appeal within 60 days from the conclusion of the of hearing.
- D. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application.

## ***Article VII. Enforcement***

### **§145-25. Enforcement**

Violations of this chapter or failure to comply with any of its requirements shall constitute a municipal infraction. A person who violates this chapter or fails to comply with any of its requirements shall be subject to the penalties specified in Section 304 of the Charter. Each day such violation continues shall be considered a separate offense.

## ***Article VIII. Definitions***

### **§145-26. Definitions**

The following definitions shall apply for purposes of this Chapter:

Caliper – the diameter of the trunk of a tree (new nursery stock) measured six inches above the ground line for trees of four-inch caliper or smaller. Trees with a caliper in excess of four inches are measured using DBH.

Certified arborist – A person who is a Licensed Tree Expert under Maryland regulations, is certified as an arborist by the International Society of Arboriculture and maintains that certification in good standing.

Critical root zone – The area of soil and roots beneath a tree’s canopy, within the drip line, or within a circular area of soil and roots with a radius out from the tree trunk a distance of one foot for every one inch of DBH, whichever is greater.

Crown – The upper portion of the tree that includes the scaffold limbs, branches and leaves.

DBH – Diameter at breast height. The diameter of a tree trunk measured in inches at a height of 4 ½ feet above the ground line for individual trunks, and the narrowest point below the fork for trees that split into more than one trunk below 4 ½ feet..

Deciduous tree – A tree that loses its leaves annually in the fall or winter and produces new leaves in the spring.

Development - - Any activity that:

- A. Is shown on a subdivision plat, revised plat, site plan, building/zoning permit or Forest Preservation Plan; and/or
- B. Results in the construction or substantial alteration of any residential, commercial, industrial, institutional, recreational (including golf courses), or transportation facilities or structures. The Planning Officer shall determine whether a proposed alteration is substantial.

Drip line – A vertical line extending downward from the outermost tips of a tree’s braches, creating a circular projection on the ground; the outline of a tree’s canopy as it is projected on the ground.

Large tree – A tree expected to grow to a minimum height of 40 feet at maturity under urban conditions.

Licensed tree expert – A person who holds a current tree expert license from the Maryland Department of Natural Resources.

Medium tree – A tree expected to grow to a maximum height of 25 to 40 feet at maturity under urban conditions.

Pervious surface – A surface through which water penetrates.

Root zone – The area beneath the soil containing the majority of the roots of an individual tree or group of trees. Tree roots typically grow out from the tree two to three times the width of the crown and are concentrated in the top 24 inches of soil.

Small tree – A tree expected to grow to a maximum height of 25 feet at maturity under urban conditions.

Street trees - Trees planted within a public street right-of-way or within 8 feet of the street’s curb or edge of paving.

Surety - A letter of credit, cash escrow, bond or similar device provided by an applicant to secure the applicant's commitment to install a required improvement or perform a required action related to approval of a development application; also known as a "guaranty."

Town – The Town of Centreville.

Tree canopy cover – The layer of leaves, branches and stems of trees that cover the ground as viewed from above. The area within a tree's drip line, measured in square feet of projection of the canopy onto the ground.

Tree fund – An account established by the town for the purpose of collecting and expending funds for tree care and planting, as provided for in this chapter.

Tree protection zone – The area around a tree and within the critical root zone extending at least two feet below ground and encompassing the entire above ground portion of the tree.

Very small trees – A tree expected to grow to a maximum height of fifteen feet at maturity under urban conditions.