

CHAPTER 36-A
TREE PROTECTION/TREE MAINTENANCE ORDINANCE
FOR THE TOWN OF WILLIAMSPORT, MARYLAND

WHEREAS, the Mayor and Council of the Town of Williamsport, Maryland, feel a strong commitment toward planting and maintaining trees as well as protecting their continued development; and

WHEREAS, in order to do so, the Mayor and Council of the Town of Williamsport, Maryland, are desirous of adopting the Ordinance set forth in its entirety in Exhibit "A" which is attached hereto and incorporated herein as follows:

Exhibit "A"
CHAPTER 36-A
TREE PROTECTION/TREE MAINTENANCE ORDINANCE
FOR THE TOWN OF WILLIAMSPORT, MARYLAND

1. **GENERAL:** The following terms shall have the meanings as indicated below:
 - A. **PARK TREES:** Trees, shrubs, bushes and all other woody vegetation in public areas owned by the town or to which the public has free access as a park.
 - B. **STREET TREES:** Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Town.
 - C. **PERSON:** For purpose of this Ordinance, the word person shall refer to any individual, agency, organization, or business.
 - D. **DNR:** The Department of Natural Resources or its successors or assigns.

2. **SPACING OF STREET TREES:** The spacing of street trees will be in accordance with the species, size, and classes and except in special plantings designated or approved by a local DNR expert, the planting shall be done in accordance with this and any other Town Ordinances.

3. **GENERAL CARE AND MAINTENANCE; REMOVAL.**

The Town shall have the right to plant prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, square, etc., to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town shall flag the location of the proposed plantings for at least 30 days prior to the plantings, so as to provide the time for public comment or objection. Property owners

not wishing to have the plantings at the flagged locations must pull the flags and must notify the Town as such.

The Town may remove or cause or order to remove any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements or is infected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners if prior approval has been obtained from the Town, and if it is done according to all state and local laws.

4. PRUNING - RIGHTS OF TOWN.

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.

The Town shall have the right to prune any tree or shrub on private property, following a notice of intent to the property owner in writing, when such tree or shrub interferes with the proper spread of light along the street from a streetlight or interferes with the visibility of any traffic control device or sign. This work shall be done by the minimum required to correct the problem.

Nothing contained in this section shall be deemed to impose any liability upon the Town of Williamsport, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub, or plant upon any street tree area on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, alley or public or public way.

5. REMOVAL OF DEAD OR DISEASED TREES ON PRIVATE PROPERTY.

The Town shall have the right to cause the removal of any dead or diseased trees, by a certified tree expert, with proper DNR permit, on private property within the town when such trees constitute a hazard to any life and property or harbor insects or disease which constitutes a potential threat to other trees within the town. The Mayor and Council will notify in writing the owner of such trees. Removal shall be done by said owners at their expense within sixty (60) days after the date of service notice.

In the event of the failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal on the owners' property tax bill.

CHAPTER 36

AN ORDINANCE PERTAINING TO REGULATION AND CONTROL OF WEEDS, GRASSES, AND VEGETATION WITHIN THE CORPORATE LIMITS OF THE TOWN OF WILLIAMSPORT

SECTION 1: HEIGHT LIMITS

No person shall permit any growth of weeds, grasses, brush, or vegetation of any kind, except for ornamental shrubbery, flowers and vegetation, in excess of a height of six (6) inches to remain on any lot or parcel of real estate located within the corporate limits. This provision shall not be applicable to any area that may be located within the corporate limits which is being utilized for agricultural purposes. This Section of this Ordinance shall be applicable to undeveloped land lying fallow within the corporate limits that is either subdivided or intended to be subdivided and whether of an agricultural nature or not.

No person shall permit any growth of weeds, grasses, or brush to the height of six (6) inches or over to remain within an area extending between the curb line of any street, alley, or highway, and the boundary line of said adjacent parcel of real estate owned or controlled by him within the corporate limits of the Town.

SECTION 2: ENFORCEMENT - RESPONSIBILITY

In the event that the Town Clerk or a Code Enforcement Officer or some other person duly authorized by the Mayor and Council to enforce the provisions of this Ordinance makes a determination that a violation on property exists in accordance with the provisions of Section 1, then the Clerk shall notify the owner or responsible person of said matter. In the event that any owner of real estate or lots of ground or parcels of land, or the person in charge or possession thereof, shall refuse, fail, or neglect for any reason whatsoever after having been sent such notice to cut and remove weeds, grasses, vegetation, or brush within the boundaries of such lots or parcels or real estate as required by Section 1 of this Ordinance, then the same may be done by a person employed to do so on behalf of the Town by the Town Clerk or Tax Collector or such officer as may be designated by the Mayor and Council to employ such person. Such person designated may be an employee of the Town of Williamsport.

SECTION 3: COST

A statement of account for the actual or established cost of clearing and removing weeds, grasses and brush as provided for herein shall be presented to the Mayor and Council at any regular or special meeting, and if approved, shall be placed in the hands of the Town Tax

Collector and Treasurer, who shall immediately record the same among his records and enter therein the time and date of such recordation and the amount thereof.

SECTION 4: DEBT OF OWNER/LIEN ON PROPERTY

The amount of the cost of clearing and removing weeds, grasses, and brush as provided for in the preceding Section of this Chapter shall be a debt due and owing by the owner of the lot or parcels of real estate in question and shall become due and payable when the statement thereof is placed in the hands of the Town tax Collector and Treasurer as provided for in Section 3 of this Ordinance.

Any such charge shall become a lien upon the lot or parcels of real estate together with the improvements thereon.

SECTION 5: DEFINITIONS

Person. A person shall mean any individual, corporation of any kind whatsoever whether profit or nonprofit, partnership, business association, or legal entity of any type.

SECTION 6: PENALTIES

The violation of the provisions of this Ordinance shall be considered a misdemeanor. In addition to the other remedies provided herein, anyone violating the provisions of this Ordinance shall upon conviction be fined not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense. Each day of violation shall constitute and be a separate offense.

EFFECTIVE DATE: April 5, 1971

REENACTED: September 11, 1989

AMENDED: March 1, 2005

Chapter 23 in 1989 Codification.

person within thirty (30) days of the date the billing notice was mailed. Failure to remit payment in full within the time allowed will result in a statement of account for the actual cost of said abatement, together with reasonable administrative fees, being promptly presented to the Mayor and Council at any regular or special meeting, and if approved, shall be placed in the hands of the Town Tax Collector and Treasurer, who shall immediately record the same among his records and enter therein the time and date of such recordation and the amount thereof.

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Any such charge shall become a lien upon the lot or parcels of real estate together with the improvements thereon.

SECTION 5: DEFINITIONS

Person. A person shall mean any individual, corporation of any kind whatsoever whether profit or nonprofit, partnership, business association, or legal entity of any type.

SECTION 6: PENALTIES

A. A violation of the terms of this Ordinance by any person, firm, or corporation of whatsoever nature or kind shall be subject to the penalties set forth in Article 3 (General Penalty). These penalties shall be in addition to those specified in Section 3 of this Ordinance. Nothing herein contained shall prevent the town from taking such other lawful action as necessary to prevent a violation of this Ordinance.

B. Each day a violation continues shall constitute a separate and distinct violation.

C. The penalties set forth in this Section shall be in addition to those fees, costs, expenses and penalties set forth in Sections 3 and 4 of this Ordinance.

EFFECTIVE DATE: April 5, 1971

REENACTED: September 11, 1989

AMENDED: March 1, 2005 and February 11, 2008

CHAPTER 36

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SECTION 2: ENFORCEMENT - RESPONSIBILITY

In the event that the Town Clerk or a Code Enforcement Officer or some other person duly authorized by the Mayor and Council to enforce the provisions of this Ordinance makes a determination that a violation on property exists in accordance with the provisions of Section 1, then the Clerk shall notify the owner or responsible person of said matter and demand that said violation be abated within twenty-four (24) hours. In the event that any owner of real estate or lots of ground or parcels of land, or the person in charge or possession thereof, shall refuse, fail, or neglect for any reason whatsoever after having been sent such notice to cut and remove weeds, grasses, vegetation, or brush within the boundaries of such lots or parcels or real estate within the said twenty-four (24) hours as required by Section 1 of this Ordinance, then the same may be done by a person employed to do so on behalf of the Town by the Town Clerk or Tax Collector or such officer as may be designated by the Mayor and Council to employ such person. Such person designated may be an employee of the Town of Williamsport.

SECTION 3: COST

All costs for such abatement plus reasonable administrative fees shall be the responsibility of the person notified and/or the property owner. Said person(s) shall be provided with a prompt billing notice of all reasonable charges plus reasonable administrative fees incurred in connection with the abatement. Payment for said fees shall be due in full from said