

Town of Somerset
Ordinance to Amend Tree Regulations
(Tree removals by the Town)

Resolution No.: 10-23-3
Introduced: 11/6/23
Adopted: 12/4/23
Effective Date: 1/23/24

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO
PROVIDE THAT NOTICE OF PLANNED REMOVALS OF TREES
IN THE PUBLIC RIGHTS-OF-WAY WILL BE ISSUED BY THE
TOWN TO ABUTTING OWNERS

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, Maryland Code, Local Government Article, Section 5-211, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Section 83-17 of the Town Charter authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter, as it may deem necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in public session assembled on the 6th day of November, 2023;

WHEREAS, the Town Council considered the following Ordinance in public session assembled on the 4th day of December, 2023;

WHEREAS, 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; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety,

comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

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

BE IT ORDAINED AND ORDERED, this 4th day of December, 2023, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter that the Code of Ordinances is hereby amended as follows:

* * *

§ 182-4 **Actions for which no Town permit is required.**

* * *

D. By Town. When tree removal or destruction is performed by employees and authorized agents of the Town, within the normal course of their employment and scope of their authority on property owned by the Town or on a public right-of-way. When the Town Arborist recommends removal of a tree on a public right-of-way, the Clerk-Treasurer shall send notice to the abutting property owner. Notice shall be sent by first-class mail and by e-mail if e-mail addresses are available in the Town directory, if any, or are otherwise known. Such notice shall not be required in the event of an emergency, as determined by the Mayor or Clerk-Treasurer.


* * *

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code 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 _____, 2024 (36 calendar days after approval by the Mayor).

ATTEST:

TOWN OF SOMERSET



 Matt Trollinger, Manager/Clerk-Treasurer
 Town of Somerset
 Approved:



 Stephen Surko, President
 Town Council



Date: 12/18/23

Jeffrey Slavin, Mayor
Town of Somerset

Bold and Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged