

Bill No. 41-19  
Concerning: Tree Canopy Fees - Exemptions  
Revised: 1/27/2020 Draft No. 5  
Introduced: December 10, 2019  
Enacted: February 25, 2020  
Executive: March 2, 2020  
Effective: January 1, 2017  
Sunset Date: None  
Ch. 6, Laws of Mont. Co. 2020

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Rice

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**AN ACT** to:

- (1) amend tree canopy fee exemptions to include land disturbances by any public use airport;  
and
- (2) generally amend the provisions for tree canopy fee exemptions.

By amending

Montgomery County Code  
Chapter 55, Tree Canopy  
Section 55-5

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1 **Sec. 1 Section 55-5 is amended as follows:**

2 **Sec. 55-5. Exemptions.**

3 This Chapter does not apply to:

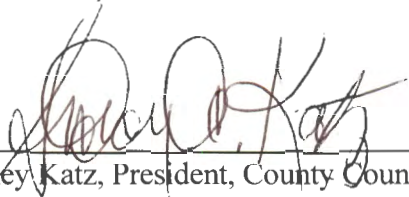
- 4 (a) any activity that is subject to Article II of Chapter 22A;
- 5 (b) any commercial logging or timber harvesting operation with an approved  
6 exemption [from] under Article II of Chapter 22A;
- 7 (c) any tree nursery activity [performed with an] approved under Section 19-  
8 48 [[Soil Conservation and Water Quality Plan]] [as defined in Section  
9 19-48];
- 10 (d) cutting or clearing trees in a public utility right-of-way for the  
11 construction or modification of electric generation facilities approved  
12 under the Maryland Code Public Utilities Article if:
- 13 (1) the person cutting or clearing the trees [has] obtained a certificate  
14 of public convenience and necessity required under Sections 7-207  
15 and 7-208 of the Public Utilities Article; and
- 16 (2) the cutting or clearing of forest or tree canopy [is conducted so as  
17 to minimize] minimizes the loss of both;
- 18 (e) routine maintenance of a public utility right-of-way, and cutting or  
19 clearing any tree by a public utility as necessary to comply with  
20 applicable vegetation management requirements, to maintain, repair,  
21 replace, or upgrade any public utility transmission or distribution line, or  
22 for a new transmission or distribution line;
- 23 (f) any activity conducted by[[:
- 24 (1)]] the County Parks Department; [[or  
25 (2) any public use airport;]]

- 26 (g) routine or emergency maintenance of an existing stormwater  
 27 management facility, including an existing access road, if the person  
 28 performing the maintenance [has] obtained all required permits;
- 29 (h) any stream restoration project if the person performing the work [has]  
 30 obtained all necessary permits;
- 31 (i) [cutting or clearing any tree by an existing airport currently operating  
 32 with all applicable permits to comply with applicable provisions of any  
 33 federal law or regulation governing the obstruction of navigable airspace  
 34 if the Federal Aviation Administration has determined that the trees  
 35 create a hazard to aviation] cutting or clearing any tree by an existing  
 36 airport currently operating with all applicable permits to comply with  
 37 applicable provisions of any federal law or regulation governing the  
 38 obstruction of navigable airspace;
- 39 (j) any public use airport's obligation to pay fees under subsection 55-6(d);  
 40 [(j)] (k) cutting or clearing any tree to comply with [applicable provisions of]  
 41 any applicable federal, state, or local law governing the safety of dams;
- 42 [(k)] [(j)] (l) any development activity permitted as a small land disturbing  
 43 activity under Section 19-5B; or
- 44 [(l)] [(k)] (m) any non-coal surface mining conducted [in accordance with]  
 45 under applicable state law.

46 **Sec. 2. Effective Date.**

47 This Bill is effective on January 1, 2017 and applies to any fees paid on or after that  
 48 date.

Approved:

  
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Sidney Katz, President, County Council

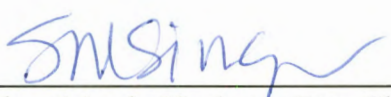
2/26/2020  
\_\_\_\_\_  
Date

Approved:

  
\_\_\_\_\_  
Marc Elrich, County Executive

3/2/20  
\_\_\_\_\_  
Date

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Selena Mendy Singleton, Esq., Clerk of the Council

3/9/20  
\_\_\_\_\_  
Date