

Bill No. 40-23
Concerning: Tree Canopy and Roadside
Tree Requirements – Fee Revisions
Revised: 12/06/2023 Draft No. 4
Introduced: November 7, 2023
Enacted: January 16, 2024
Executive: January 29, 2024
Effective: April 30, 2024
Sunset Date: None
Ch. 1, Laws of Mont. Co. 2024

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: then Council Vice-President Friedson and then Council President Glass
Co-Sponsors: Councilmembers Sayles, Stewart, Luedtke, Albornoz, Katz, Balcombe, Mink, Fani-Gonzalez, and Jawando

AN ACT to:

- (1) amend fees payable to the Tree Canopy Conservation Account;
- (2) amend fees payable to the Street Tree Planting Fund; and
- (3) generally amend the laws regarding tree canopy requirements and roadside tree work.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Section 49-36A

Chapter 55, Tree Canopy
Sections 55-5, 55-6, 55-9, and 55-10

Boldface	<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:

27 Baltimore metropolitan area, or any successor index, for
28 the two most recent calendar years.

29 (D) By resolution after a public hearing, the Council may set
30 the rate to calculate the amount payable per tree under
31 subparagraph (B).

32 (E) The Director must:

33 (i) calculate an annual fee adjustment under
34 subparagraph (C) to the nearest multiple of 5 cents;
35 and

36 (ii) publish an amount of a fee adjustment under
37 subparagraphs (C) or (D) not later than May 1st of
38 each odd numbered year.

39 * * *

40 **55-6. Shade Tree Planting.**

41 * * *

42 (d) *Fees.*

43 (1) If the applicant concludes that any required shade tree cannot be
44 planted on the affected property because sufficient open surface
45 area is not available or for any other reason, the applicant must
46 pay into the Tree Canopy Conservation Account a fee, at a rate
47 set under paragraphs (2) or (3), for each required shade tree that
48 is not planted on the affected property. [The fee must be equal to
49 the applicable rate the Department sets for bonding trees in the
50 right-of-way.]

51 (2) Except as provided under paragraph (3), the rate to calculate the
52 amount payable under paragraph (1) equals \$470 per tree, as

53 adjusted on July 1st of each odd numbered year by the percentage
54 amount of the cumulative increase or decrease in the Consumer
55 Price Index for all urban consumers in the Washington-Baltimore
56 metropolitan area, or any successor index, for the two most recent
57 calendar years.

58 (3) By resolution after a public hearing, the Council may set the
59 rate to calculate the amount payable per tree under paragraph
60 (1).

61 (4) The Director must:

62 (A) calculate an annual fee adjustment under paragraph (2) to
63 the nearest multiple of 5 cents; and

64 (B) publish an amount of a fee adjustment under paragraphs
65 (2) or (3) not later than May 1st of each odd numbered
66 year.

Approved:



January 16, 2024

Andrew Friedson, President, County Council

Date

Approved:



January 29, 2024

Marc Elrich, County Executive

Date

This is a correct copy of Council action.



January 29, 2024

Sara R. Tenenbaum, Clerk of the Council

Date