

ORDINANCE NO. 3739

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE REPEAL AND REENACT, WITH AMENDMENTS, SECTION 14-1 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) PERTAINING TO THE REMOVAL OR TRIMMING OF TREES, VEGETATION, ETC."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that sections 14-1 of the Code of the City of Cumberland (1991 Edition) be and is hereby repealed and reenacted to read as follows: [NOTE: A text edited version showing the changes made is attached hereto as Exhibit A.]

Sec. 14-1. - Removal or trimming of trees, vegetation, etc.

- (a) It shall be unlawful for any person to allow any trees, vegetation, poles, wires, signs or structures which may be located on such person's property to obstruct the view of the public using the streets, alleys, railroad crossings and highways of the City.
- (b) All trees growing over the sidewalks of the city shall be trimmed and kept trimmed by the owner thereof so that there shall not be less than ten (10) feet in height of clear space above the pavement. All grass and weeds growing in such sidewalks in front of any premises shall be removed by the owner, agent or occupant of such premises.
- (c) It shall be unlawful for any person to allow or permit the limbs or foliage of any tree on such person's property to extend over any street or alley at a height of less than fifteen (15) feet or to block the view of traffic control devices.
- (d) It shall be the duty and obligation of the owner of the property abutting a sidewalk, alley or street to maintain all vegetation located on the property side of the physical boundary of the right of way.
- (e) The city engineer or his authorized representative, either on his own motion or upon reasonable complaint received by his office, shall make an inspection of any trees, vegetation, poles, wires, signs or structures located either in any public place, street, highway or alley or in or upon any privately owned lot within the city, and where he shall find any trees, vegetation, poles, wires,

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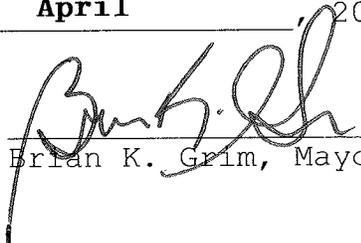
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signs or structures dangerous to life or property, he shall give a notice thereof to the owner, stating the condition of such trees, vegetation, poles, wires, signs or structures and requiring the same to be removed or trimmed by the deadline stated in the notice, which shall be no less than fifteen (15) days from the date of the notice. No person shall fail to comply with such notice within the time required.

- (f) In addition to the other remedies provided for in this article or elsewhere in this code, if the owner of the property shall fail or refuse to comply with the terms of the notice set forth in subsection (e), the City may enter upon the property and abate the condition which is the subject of the notice in accordance with and subject to the terms section 14-43.
- (g) "Roadside trees", i.e., plants with woody stems or trunks that grow, all or in part, within the right of way of a public road, are subject to sections 5-401 to 5-411 of the Natural Resources Article of the Annotated Code of Maryland, as amended from time to time, and the regulations promulgated pursuant thereto. To the extent the terms of this section of the city code conflict with the aforesaid state law, state law shall control.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 09th day of April, 2013.



Brian K. Grim, Mayor

ATTEST:


Marjorie A. Eirich, City Clerk

1st reading - March 26, 2013
2nd reading - April 09, 2013
3rd reading - April 09, 2013
Passed 5-0

EXHIBIT A

Sec. 14-1. - Removal or trimming of trees, vegetation, etc.

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- (e) The city engineer or his authorized representative, either on his own motion or upon reasonable complaint received by his office, shall make an inspection of any trees, vegetation, poles, wires, signs or structures located either in any public place, street, highway or alley or in or upon any privately owned lot within the city, and where he shall find any trees, vegetation, poles, wires, signs or structures dangerous to life or property, he shall give a notice thereof to the owner, stating the condition of such trees, vegetation, poles, wires, signs or structures and requiring the same to be removed or trimmed by the deadline stated in the notice, which shall be no less than fifteen (15) days from the date of the notice. No person shall fail to comply with such notice within the time required.
- (b) All trees growing over the sidewalks of the city shall be trimmed and kept trimmed by the owner thereof so that there shall not be less than ten (10) feet in height of clear space above the pavement. All grass and weeds growing in such sidewalks in front of any premises shall be removed by the owner, agent or occupant of such premises.
- (c) It shall be unlawful for any person to allow or permit the limbs or foliage of any tree on such person's property to extend over any street or alley at a height of less than fifteen (15) feet or to block the view of traffic control devices.
- (d) It shall be the duty and obligation of the owner of the property abutting a sidewalk, alley or street to maintain all vegetation located on the property side of the physical boundary of the right of way.
- (f) In addition to the other remedies provided for in this article or elsewhere in this code, if the owner of the property shall fail or refuse to comply with the terms of the notice set forth in subsection (e), the City may enter upon the property and abate the condition which is the subject of the notice in accordance with and subject to the terms section 14-43.
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- (ea) The city engineer or his authorized representative, either on his own motion or upon reasonable complaint received by his office, shall make an inspection of any trees, vegetation, poles, wires, signs or structures located either in any public place, street, highway or alley or in or upon any privately owned lot within the city, and where he shall find any trees, vegetation, poles, wires, signs or structures- dangerous to life or property, he shall give a notice thereof to the owner, stating the condition of such trees, vegetation, poles, wires, signs or structures- and requiring the trees to be removed or trimmed by the deadline stated in the notice, which deadline must be reasonable shall be no less than fifteen (15) days from the date of the notice. No person shall fail to comply with such notice within the time required.
- (b) All trees growing upon over the sidewalks of the city shall be trimmed and kept trimmed by the owner thereof or, when the owner does not reside in the premises in front of which the trees stand, then by the occupants or agent thereof, so that there shall not be less than ten (10) nine (9)-feet in height of clear space above the pavement. All grass and weeds growing in such sidewalks in front of any premises shall be removed by the owner, agent or occupant of such premises.
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Comment [M1]: This section will need to be moved down to its proper place in alphabetical order.

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