

## Article - Natural Resources

§5-406.

(a) Except as provided in subsection (b) of this section, any person who desires to cut down or trim any roadside tree shall apply to the Department for a permit.

(b) (1) A person may remove a tree or its branches without first obtaining a permit from the Department if the tree is unrooted or its branches broken so as to contact telephone, telegraph, electric power, or other wires carrying electric current, or if the tree or its branches endanger persons or property.

(2) A tree may be cut down and removed by an abutting landowner for the landowner's own use without first obtaining a permit if the tree is standing within the right-of-way of a public road which has not been surfaced with either stone, shell, gravel, concrete, brick, asphalt, or other improved surface.

(c) A person may not cut down, trim, mutilate, or in any manner injure any roadside tree, except as authorized by this section, without a permit from the Department.

(d) A county or municipality may not issue a building permit to an applicant for any clearing, construction, or development that will result in the trimming, cutting, removal, or injury of a roadside tree until the applicant first obtains a permit from the Department in accordance with this section.

(e) A person who trims, cuts, removes, or injures a roadside tree in violation of a regulation adopted under § 5-402 of this subtitle or a permit issued under this section or who fails to obtain a permit as required by this section is liable for the imposition of a penalty:

- (1) Not exceeding \$2,000 for a first offense; and
- (2) Not exceeding \$5,000 for a second or subsequent offense.