Corpus: 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

Lead Sponsor: Councilmember Rice

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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1 Section 55-5 is amended as follows:

Sec. 55-5. Exemptions.

This Chapter does not apply to:

(a) any activity that is subject to Article II of Chapter 22A;

(b) any commercial logging or timber harvesting operation with an approved exemption [from] under Article II of Chapter 22A;

(c) any tree nursery activity [performed with an] approved under Section 19-48 [[Soil Conservation and Water Quality Plan]] [as defined in Section 19-48];

(d) cutting or clearing trees in a public utility right-of-way for the construction or modification of electric generation facilities approved under the Maryland Code Public Utilities Article if:
   (1) the person cutting or clearing the trees [has] obtained a certificate of public convenience and necessity required under Sections 7-207 and 7-208 of the Public Utilities Article; and
   (2) the cutting or clearing of forest or tree canopy [is conducted so as to minimize] minimizes the loss of both;

(e) routine maintenance of a public utility right-of-way, and cutting or clearing any tree by a public utility as necessary to comply with applicable vegetation management requirements, to maintain, repair, replace, or upgrade any public utility transmission or distribution line, or for a new transmission or distribution line;

(f) any activity conducted by[[
   (1)] the County Parks Department; [[or
   (2) any public use airport;]]

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(g) routine or emergency maintenance of an existing stormwater management facility, including an existing access road, if the person performing the maintenance has obtained all required permits;

(h) any stream restoration project if the person performing the work has obtained all necessary permits;

(i) [cutting or clearing any tree by an existing airport currently operating with all applicable permits to comply with applicable provisions of any federal law or regulation governing the obstruction of navigable airspace if the Federal Aviation Administration has determined that the trees create a hazard to aviation] cutting or clearing any tree by an existing airport currently operating with all applicable permits to comply with applicable provisions of any federal law or regulation governing the obstruction of navigable airspace;

(j) any public use airport’s obligation to pay fees under subsection 55-6(d);

([j]) [(k)] cutting or clearing any tree to comply with applicable provisions of any applicable federal, state, or local law governing the safety of dams;

[[k]] [[(j)]] [(l)] any development activity permitted as a small land disturbing activity under Section 19-5B; or

[[l]] [[(k)]] [(m)] any non-coal surface mining conducted in accordance with applicable state law.

Sec. 2. Effective Date.

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

Sidney Katz, President, County Council
Date

Marc Elrich, County Executive
Date

This is a correct copy of Council action.

Selena Mendy Singleton, Esq., Clerk of the Council
Date