

**CITY OF SALISBURY  
ORDINANCE NO. 2147  
AS AMENDED ON APRIL 25, 2011**

AN ORDINANCE of the City Council of the City of Salisbury adding Chapter 8.09 Tree and Plant Trimming or Removal to the Salisbury Municipal Code to provide departmental authority to examine nuisance tree, shrub or other plant growth and to take necessary measures to abate such unsafe conditions as may pose a threat to life, health or public safety.

WHEREAS, the ongoing application, administration and enforcement of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation and improvement; and

WHEREAS, the Salisbury Municipal Code does not currently provide a provision to address the likelihood that tree, shrub or other plant growth could negatively impact public property ; and

WHEREAS, the Mayor and City Council of Salisbury, Maryland wish to enhance the Salisbury Municipal Code to provide the housing official with the necessary tools to attend to such nuisance violations.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, that Chapter 8.09 Tree and Plant Trimming or Removal be added to the Salisbury Municipal Code and shall read as follows:

**Chapter 8.09**

**Tree and Plant Growth Trimming or Removal**

**Sections:**

**8.09.010 Trimming or removal of nuisance tree and plant growth.**

**8.09.020 Definition of nuisance tree or plant growth.**

**8.09.030 Letter of violation.**

**8.09.040 Action upon noncompliance with notice to comply.**

**8.09.050 Imminent Danger.**

**8.09.060 Abatement by city.**

**8.09.070 Costs of removal to constitute lien on property—Interest—Collection.**

**8.09.090 Appeal.**

**8.09.010 Trimming or removal of nuisance tree or plant growth.**

Every owner of an area, lot or parcel of land shall trim or otherwise remove or cause to be cut nuisance tree or plant growth or portions thereof, which constitutes a health hazard, fire hazard, safety or traffic hazard, or public nuisance to streets, sidewalks, street lighting or City utilities.

**8.09.020 Definition of nuisance tree or plant growth.**

All large, established trees not properly pruned to sufficient height to allow free passage for pedestrian and vehicular traffic, which shall be seven (7) feet over a sidewalk and fourteen (14) feet over a street or any dead wood, stubs, broken branches, badly formed branches, disease-infected and insect-infested branches, and branches interfering with public travel, lighting, existing buildings and traffic signs.

**8.09.030 Letter of violation.**

A. When a violation of Section 8.09.010 of this chapter occurs, a letter of violation shall be sent to the owner and occupant of the property. This letter of violation shall:

1. Be in writing;
2. State the nature of the violation and that such condition constitutes a violation;
3. Describe the premises where the violation is alleged to exist;
  - a. State that the condition must be removed from the property within thirty (30) days of the date of the notice.
  - b. State that the department of neighborhood services and code compliance shall conduct a re-inspection of the property after thirty (30) days have passed since the date of the notice.
4. State that the condition will be abated by the City if the violation remains uncorrected upon re-inspection.
5. State that the cost of abatement shall be assessed against the property as a lien on the City Tax Records, and shall be collectible as a Real Property Tax Lien.
6. State that upon violation of Section 8.09.010 of this chapter, the owner shall be guilty of a municipal infraction shall be fined one hundred dollars (\$100.00) for a first offense and one hundred dollars (\$100.00) for each day the condition remains unabated up to a maximum of five hundred dollars (\$500.00);

7. Service by one of the following methods:

- a. By depositing the notice or order in the United States Post Office, first class postage prepaid, addressed to the owner at his last known address as recorded in the real estate assessment records of the city of Salisbury and by posting a copy of the notice or order in a conspicuous place on the property subject to the order,
- b. By hand-delivering the notice to the person to be notified, or
- c. By leaving the notice at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein.

**8.09.040 Action upon noncompliance with notice to remove or trim nuisance tree or plant growth.**

Upon failure, neglect or refusal of any property owner duly notified to trim and/or remove nuisance tree or plant growth from his property within the time specified in the notice provided for in Section 8.09.040 of this chapter, the owner shall be in violation of this chapter and shall be guilty of a municipal infraction in any court of competent jurisdiction, shall be fined one hundred dollars (\$100.00) for the initial offense and one hundred dollars (\$100.00) for each day that the offense remains unabated up to a maximum of five hundred dollars (\$500.00). Every such person may be guilty of a separate offense for every day such violation shall continue.

**8.09.050 Imminent Danger**

In the event that the housing official or his designee determines that nuisance tree or plant growth is in danger of harming public property, public utilities or threatens the health safety or welfare of the public, the housing official shall cause to be removed the nuisance tree or plant growth immediately.

**8.09.060 Abatement by city.**

A. In the event of failure, neglect or refusal of any owner duly notified pursuant to Section 8.09.010 of this chapter, to trim or remove such nuisance tree or plant growth from the property within the applicable time period specified in the notice, the director of the department of neighborhood services and code compliance may cause the condition to be abated by appropriate means.

B. In the event that the housing official or his designee determines imminent danger pursuant to Section 8.09.050, the housing official or his designee shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**8.09.070 Costs of removal to constitute lien on property—Interest—Collection.**

A. If the director of the department of neighborhood services and code compliance causes a condition to be abated under this chapter, the cost or expense of such abatement, plus one hundred dollars (\$100.00) for the cost of administering the provisions of this chapter, shall be assessed, and the director of the department of neighborhood services and code compliance shall issue a notice to the property owner. The notice shall be in writing and shall state the following:

- 1. The amount of the fees due as of the date of the notice;

2. That if the owner fails to pay the fees due within thirty (30) days after billing, the director of the department of neighborhood services and code compliance shall cause to be recorded in the department of internal services the amount of fees due and owing, and such amount will be carried on the records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected;

B. If the full amount of any fees due to the city is not paid by the owner within thirty (30) days after billing and the property owner does not file a timely appeal, the director of the department of neighborhood services and code compliance shall cause to be recorded in the department of internal services the amount of fees due and owing, and such amount will be carried on the tax records of the city of Salisbury and shall be collectible in the same manner as real estate taxes are collected, including the accrual of interest.

**8.09.080 Appeal.**

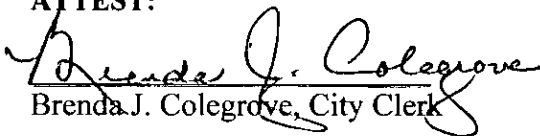
A. Any person wishing to appeal a determination of the director of the department of neighborhood services and code compliance regarding the provisions of this chapter shall file a written notice of appeal with the department of neighborhood services and code compliance within twenty-one (21) days after receipt of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall contain a statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

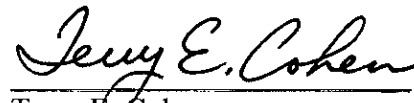
B. The director of the department of neighborhood services and code compliance shall refer the appeal to the housing board of adjustments and appeals for hearing pursuant to Section 15.24.360 of the Salisbury Municipal Code.

C. Should the decision of the housing official be overturned by the housing board of adjustments and appeals, the appellant shall receive a full refund of the one hundred dollar (\$100.00) appeal application fee within thirty (30) days of the date of the decision of the board.

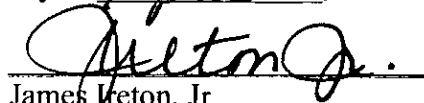
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury, Maryland held on the 28<sup>th</sup> day of March, 2011 and been having published as required by law, in the meantime, was finally passed by the Council on the 25<sup>th</sup> day of April, 2011 is to become effective immediately.

ATTEST:


  
Brenda J. Colegrove, City Clerk

  
Terry E. Cohen,  
President of the Council of  
the City of Salisbury

Approved by me, this 27<sup>th</sup>  
day of April, 2011.

  
James Preton, Jr.  
Mayor of the City of Salisbury

# Memo

**To:** John Pick  
**From:** Tom Stevenson   
**Date:** March 17, 2011  
**Re:** Tree and Plant Trimming Ordinance

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Attached please find an ordinance that will have the effect of creating legislation which will provide the housing official with the tools necessary to address the issue of overrun tree, shrub or other plant growth. Overgrowth can negatively impact public safety by obstructing street lighting and screening illegal activity. This ordinance defines nuisance plant growth, explains owner responsibility, provides consequences for non-compliance and makes clear the process the housing official must undertake to abate, if necessary, such violations.

Unless you have any questions, please forward this information to the Mayor and Council.