

TOWN OF CHEVY CHASE
COUNCIL MEETING
April 14, 2021

COUNCIL WORK SESSION (5:30-7:00 p.m.)

The Town Council will hold a work session with the Town's Tree Canopy Working Group to discuss the Town's Urban Forest Ordinance and public/private tree programs and policies.

- I. GENERAL BUSINESS (7:00-7:30 p.m.)
 - A. Call to Order
 - B. [Arbor Day Proclamation](#)
 - C. Approval of Meeting Minutes
 - D. Acceptance of March 2021 Financial Report
 - E. [Town Manager's Report](#)
 - F. Public Comments

- II. PUBLIC HEARINGS (7:30-8:30 p.m.)
 - A. [Public Hearing on an Ordinance to Amend Chapter 15 of the Town Code \(Motor Vehicles and Traffic\) to Reduce the Town-Wide Speed Limit to 20 Miles Per Hour](#)
 - B. [Public Hearing on Revised Speed Hump Policy and New Radar Speed Sign Policy](#)
 - C. [Public Hearing on an Ordinance to Amend Chapter 26 \(Telecommunications\) of the Town Code to Clarify Language Related to Small Cell Applications](#)

- III. COUNCIL DISCUSSIONS (8:30-9:15 p.m.)
 - A. [Discussion and Possible Introduction of an Ordinance to Adopt the FY22 Budget and Tax Rates](#)
 - B. 4-H Center Sale
 - C. Form-Based Design/Code
 - D. Community/Special Events

- IV. OTHER BUSINESS (9:15-9:30 p.m.)

- V. ADJOURNMENT (9:30 p.m.)

OPEN SESSION TO VOTE TO ENTER CLOSED SESSION (9:30-10:00 p.m.)

The Town Council will meet in open session for the purpose of voting to enter a closed session pursuant to the Open Meetings Act, Maryland Code, General Provisions Article, Section 3-305(b)(1) to discuss a personnel matter that affects one or more specific individuals. The Council will discuss bonuses for Town staff.

Join Online

<https://us02web.zoom.us/j/3016547144?pwd=NnJvS1BpM3ZkSFA4bXBwbWZhWVM2UT09>

Meeting ID: 301 654 7144

Passcode: 6547144

Join by Phone

(301) 715-8592 US

Meeting ID: 301 654 714 / Passcode: 6547144

Town of Chevy Chase Canopy Tree Working Group Town Council Working Session

Climate & Environment and Land Use Committees

Town Council Work Session

April 14, 2021

5:30-7PM

Work Session Context for Climate & Environment Committee

Initiatives

Canopy Tree Working Group (CTWG) ← WORK SESSION

Quiet Landscaping

Healthy Lawns

Trash & Treasures

Lee Dennison Garden

3R's+C (Reduce, Reuse, Recycle+Compost)

Green Town Series + Website Refresh

Canopy Tree Working Group

Participants

Climate & Environment

Dan Clohossey

Ronni Jolles

Thornton Matheson

Dian Seidel

Land Use

Tom Collins

Lees Hartman

Sarah Runge

Stuart Sessions

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Objectives of Work Session

1. Briefly review original task assigned to the Working Group & outcome (see PowerPoint slides 7 & 8).
2. Obtain green light for Committee to engage in further research to take tree census proposal to next level of detail (Word document: Tree Census Proposal; PowerPoint slide 10)
3. Gain agreement on either option 1A or 1B, as it relates to the Urban Forest ordinance. (see 1st part of Memo relating to the Ordinance; PowerPoint slides 11-14)
4. Gain agreement on changes to Private Tree Planting Program and expanded budget (see rationale at end of Memo; PowerPoint slides 15-17)
5. Gain agreement to Public planting program changes (see rationale at end of Memo; PowerPoint slide 18)

Work Session - Agenda

5:30-5:35 – Introductions

5:35-5:40 – Review Original Task

5:40-5:50 – Review Summary of Recommendations

5:50-5:55 – Discuss Tree Census

5:55-6:15 – Discuss Ordinance Option A

6:15-6:35 – Discuss Ordinance Option B

6:35-6:50 – Discuss Private & Public Planting Programs

6:50-6:55 – Next Steps (or follow up after session)

Canopy Tree Working Group

Scope of Work (Original Task)

Evaluate the health of the TOCC tree canopy, in particular is there an increase in the number of trees being removed?

1. Review: Public, private and PEPCO tree removal data, TOCC ordinance, operating & permit processes & data
2. Determine if additional resident education/communication efforts would be useful
3. Document any additional suggestions & ideas

Canopy Tree Working Group

Response to Original Task

Is there an increase in the number of trees being removed? (Data available if needed.)

1. Private removals - Data show a small **decrease** in the average annual rate of private removals since the tree ordinance was changed in 2016, but this change is not statistically significant. Removals/year have decreased slightly even though there has been a reduction in tree removals denied.
2. Public plantings have exceeded removals in all but 2 fiscal years; Tolbert/Dave report that public planting spaces are filled & PEPCO removals have been in normal range. Two wet years in a row was a contributing factor to tree losses in 2019 & 2020.
3. Removal & addition numbers are small as a percentage of the total number of canopy trees, which Tolbert estimated in the 5-7,000 range in 2015

However, the Working Group feels there is more the Town can do to preserve the tree population, encourage additional private plantings and expand civic engagement and awareness around the importance of trees, especially native trees*, to our natural environment. Specific recommendations follow.

* For purposes of this presentation, “native” is defined as any Chesapeake Bay native tree defined by the U.S. Fish and Wildlife Service in:

<https://www.fws.gov/chesapeakebay/pdf/NativePlantsforWildlifeHabitatandConservationLandscapePlanning.pdf>

3/10/2021

Canopy Tree Working Group

Executive Summary of Recommendations

1. **Urban Forest Ordinance:** “Canopy” trees are currently a list of 45 trees which, if they are 24” or greater in circumference at 4.5 feet, cannot be removed from private property without approval of the Town Manager. The Working Group recommends removing the “Canopy” tree list and requiring all trees that meet the size requirement follow the current “canopy tree” permit process (Option 1A). The Working Group also identifies an alternative to this recommendation which retains the “Canopy” tree list and adds a net 10 native trees to the list (Option 1B).*
2. **Tree Programs:**
 1. Expand the re-named Private Native ~~Canopy~~ Tree Planting Program to include a broader list of native deciduous, evergreen, understory and drought-tolerant trees and expand the budget to encourage residents to do more private plantings.*
 2. Ensure Public Tree Plantings are natives only.*
 3. Climate Committee should create a communication program to improve usage of budgeted program funds across all 4 tree programs
 4. Modify Program documentation slightly, for clarity.
 5. Create a guideline for residents to follow if they are concerned about hazardous public or private trees.
3. **New Initiatives:**
 1. Establish a periodic Tree Census so the Town has better data to evaluate the canopy*
 2. TOCC should re-apply to be an Arbor Day Foundation “Tree City” (Council to read/approve Proclamation at April 14 Town Council meeting)

* The work session will focus on items 1, 2.1, 2.2 and 3.1.

3. Suggestions for New Initiatives

1. Tree Census: In coordination with Town Manager and Town Arborist and with appropriate Council support, organize a community effort to make an initial, complete inventory of trees in Town (public & private) and develop and commit to a plan for regular updates (see separate 1 page Word summary). APPROVE HAVING CLIMATE & ENVIRONMENT COMMITTEE VOLUNTEERS (TBD) ENGAGE IN MORE RESEARCH TO DEVELOP MORE DETAILED PROPOSAL.

1. Recommendations Related to Urban Forest Ordinance (Summary of Municipal Code Chapter 29)

Summary of Relevant Content of Existing Ordinance:

- Trees are separated into 2 categories:
 - All trees 24 inches circumference or greater are “Regulated”
 - A list of 45 “Canopy” tree species, a subset of “Regulated” trees
- The Town’s tree ordinance requires a resident to obtain a permit to remove any Regulated tree.
- The Town Manager in consultation with the Town Arborist is authorized to issue a tree removal permit if:
 - The tree is regulated but not a canopy tree.
 - A canopy tree is dying, dead, in danger of falling or a hazard to safety.
- If the Town Manager determines that none of the standards for removal are met, the permit will not be issued.
- If the Town Manager issues a permit for a tree that the Town Arborist finds does not meet the standard for removal, the applicant will be required to plant a replacement tree or pay an impact fee.
- If the owner still disagrees, there is an appeal process to the Town Council, and judicial appeal, if needed.

1A. Recommendation Related to Urban Forest Ordinance

The Canopy Tree Working Group RECOMMENDS:

- A. Eliminate the "Canopy" tree designation and a specific list. Simplify the ordinance by requiring a permit for removal approved by the Town Arborist and Manager for any Regulated tree. DISCUSS DETAILS FROM MEMO.

Specifically, the ordinance says:

The town manager is authorized to issue a tree removal permit if in consultation with the town arborist and a property owner the town manager finds that one (1) of the following conditions applies:

- (1) A canopy tree is dying, dead, or in danger of falling;
- (2) A canopy tree constitutes a hazard to the safety of persons or property;-or
- (3) The tree to be removed is not a canopy tree.

The CTWG recommends that the distinction between a canopy and regulated tree be removed from the ordinance, eliminate item (3) above and have items (1) and (2) apply to all regulated trees (i.e. all trees which meet the size requirement.)

1B. Option Related to Urban Forest Ordinance

Alternatively, the Council should evaluate:

B. Leave the existing ordinance structure but modify the specific “Canopy” list by adding 14 new trees and removing 4 non-native/invasive trees on the list, for a net add of 10 trees (see next page). DETAILED RATIONALE IN MEMO.

Option 1B: Recommended 55 Trees for Urban Forest Ordinance

Existing 45 “Canopy” Trees on the Ordinance List + 14 Proposed Additions(1) – 4 Proposed Removals(2)

Count	Current Canopy Tree List	Count	Current Canopy Tree List
1	American Beech	23	Mockernut Hickory
2	American Elm	24	Northern Red Oak
3	American Holly	25	Overcup Oak
4	American Linden	26	Persimmon***
5	American Sycamore	27	Pignut Hickory
6	Bald Cypress	28	Pin Oak
7	Bitternut Hickory	29	Post Oak
8	Black Maple	30	Red Maple
9	Black Oak	31	Sawtooth Oak
10	Black Walnut	32	Scarlet Oak
11	Blackgum (Tupelo)	33	Shagbark Hickory
12	Blackjack Oak	34	Shingle Oak
13	Chestnut Oak	35	Southern Magnolia
14	English Elm*	36	Southern Red Oak
15	European Beech*	37	Sugar Maple
16	Franklinia	38	Swamp White Oak
17	Ginkgo*	39	Sweetgum
18	Green Ash	40	Tulip Poplar
19	Hackberry	41	Swamp Magnolia
20	Honeylocust	42	White Ash
21	Katsura*	43	White Oak
22	London Planetree*	44	Willow Oak
		45	Yellowwood**

*Non-native or hybrid
 **Native to US but not to east coast
 ***Both native and non-native trees fall into this group

Proposed Additional Trees	Proposed Family
American Basswood	Basswood
River Birch	Birch
Yellow Birch	Birch
Black Birch	Birch
Eastern Cottonwood	Cottonwood
Eastern Hemlock	Hemlock
Hornbeam	Hornbeam
Hop-Hornbeam	Hornbeam
Cucumber Magnolia	Magnolia
Silver Maple	Maple
Chinquapin Oak	Oak
White Pine	Pine
Loblolly Pine	Pine
Shortleaf Pine	Pine

(1) The Working Group has agreed with Town Arborist, Tolbert Feather, that these 14 native canopy trees should be considered for addition to the ordinance list. Details in memo, but in summary these are all large native canopy trees worth preserving.

(2) The Working Group recommends (and Tolbert concurs) removing the 4 trees noted. Detailed rationale in memo.

2.1 Recommendations Related to Private Programs

Background: While the Town's Tree Programs are viewed as generally successful and well-run, the Working Group would expand the goals of the programs to such things as ecosystem services, habitat, beautification, shade, carbon storage, and water management.

To that end the Working Group recommends:

1. Renaming the Private Native ~~Canopy~~ Tree Planting Program and expanding the list of available trees to include 36 native species to encourage more residents to plant trees on their property. (List of 36 native trees on next slide.)
2. Increasing the program budget from \$10,000 to \$20,000 per year to encourage additional Town private plantings from the expanded list. Tree Program budget information is on slide 17.

2.1 Recommendations Related to Programs

36 Native Trees Offered for Private Planting (Mutually Agreed Between Town Arborist, Tolbert Feather, & Working Group)

NATIVE CANOPY TREES

American Beech
American Elm (Varietal)
American Linden
American Sycamore
Bald Cypress
Blackgum (Tupelo)
Chestnut Oak
Northern Red Oak
Overcup Oak
Pignut Hickory
Red Maple (Varietal)
River Birch
Scarlet Oak
Shingle Oak
Southern Magnolia
Southern Red Oak
Sugar Maple (Varietal)
Swamp White Oak
Sweetgum (Varietal)
Tulip Poplar
White Oak
Willow Oak

NATIVE UNDERSTORY TREES

Eastern Redbud
Flowering Dogwood
White Fringe Tree
American Hornbeam
Hop Hornbeam
Serviceberry
Paw Paw
Sasafras

NATIVE EVERGREEN TREES

Swamp Magnolia
Eastern White Pine
Canadian Hemlock
Eastern Red Cedar
Northern White Cedar
American Holly

2.1 TOCC Tree Programs – Summary

Highlight: Private Program Budgets Not Fully Spent in Last 2 Years

Program	FY2019			FY2020		
	Budget	Actual	Over (Under)	Budget	Actual	Over (Under)
Native Canopy Planting	\$10,000	\$3,394	(6,606)	\$10,000	\$6,407	(3,593)
Private Canopy Maintenance	\$35,000	\$32,789	(2,211)	\$35,000	\$25,000	(10,000)
Consulting Arborist	\$10,000	\$8,670	(1,330)	\$10,000	\$8,160	(1,840)
Public Planting	\$15,000	\$13,009	(1,991)	\$15,000	\$16,218	1,218
Public Maintenance-1	\$85,000	\$182,951	97,951	\$85,000	\$145,232	60,232

1. Public Maintenance variance due to state revenue budget swings.

2.2 Recommendations Related to Public Area Programs (36 Locally Procurable Native Trees Mutually Agreed Between Town Arborist, Tolbert Feather & Working Group(1))

NATIVE CANOPY TREES

American Beech
 American Elm (Varietal)
 American Holly
 American Linden
 American Sycamore
 Bald Cypress
 Blackgum (Tupelo)
 Chestnut Oak
 Northern Red Oak
 Overcup Oak
 Pignut Hickory
 Red Maple (Varietal)
 River Birch
 Scarlet Oak
 Shingle Oak
 Southern Magnolia
 Southern Red Oak
 Sugar Maple (Varietal)
 Swamp White Oak
 Swamp Magnolia
 Sweetgum (Varietal)
 Tulip Poplar
 White Oak
 Willow Oak
 Yellowwood**

NATIVE UNDERSTORY TREES

Flowering Cherry (Asian)*
 Flowering Dogwood
 Serviceberry
 Eastern Redbud
 White Fringe Tree
 Swamp Magnolia
 American Hornbeam
 Hop Hornbeam
 Serviceberry
 Paw Paw
 Sassafras
 *Non-native with good habitat value & local appeal
 **Native to US but not to east coast
 ***Both native and non-native trees fall into this group
 Varietal - Selection of native tree for resistance to drought and pests

(1) Flowering Cherry (Asian) is the only tree where there is not agreement. The Working Group recommends not including it because it is non-native and there are native cherry alternatives. But it is endemic in the DC area, has good habitat value and people like it.

Suggested Next Steps After Working Session

1. Follow up on questions and action items from Working Session
2. Present Recommendations to Town Council including Ordinance Proposal – May 12 Town Council
3. Public Hearing & Decision on Ordinance Change – Target June Town Council?
4. Working Group, Committees and Town Staff take actions on all the recommendations per agreements at the Working Session and Town Council meetings.

Town of Chevy Chase Tree Census and Monitoring Program
A Proposal from the Canopy Tree Working Group– March 2021

Background: While the Town has some information about trees on public land, it has only spotty information about trees on private property. We have no consistent, long-term data for tracking changes. Therefore, we cannot answer some key questions, such as:

- Is the Town losing or gaining trees (overall), and/or tree canopy (tall trees)? Why?
- Are the trees in Town healthy or deteriorating?
- Is the mix of tree species adequate to support a diverse ecosystem?
- Are trees planted under Town planting programs thriving?
- Is development impacting the tree population and canopy? Are illegal removals occurring?

What: We propose initiating a long-term tree monitoring program, beginning with a baseline tree census, following state-of-the-art guidelines established by the US Forest Service.

- The first step in such an effort would be carefully defining the specific goals of the program, which would guide implementation decisions. (See Section “**Why**” below for possible goals.)
- Then a program implementation plan would be developed, before the start of any field work on a first tree census for the Town.
- Data would be linked with Town tree permit information.
- The inventory would be repeated periodically (e.g. every 10 years).
- The value of this effort would come from a long-term commitment.

Why: The details of a monitoring program depend on the goals. Possible goals include:

- Evaluate the performance of tree planting and maintenance programs
- Determine the factors affecting tree health and mortality
- Manage pruning cycles
- Gather data to estimate CO₂ storage, shade, habitat, stormwater retention and other ecosystem services
- Evaluate experimental plantings (of different species, in different settings, etc.)
- Engage the community (citizen science)

Who: This effort could be carried out by professionals, paid amateurs, and/or unpaid volunteers, possibly including students. However, it should be supervised by a professional, responsible for training, quality assurance, database management, and long-term program oversight. Possible participants include:

- Town Manager, Town Arborist and/or other Town Staff
- Consultant
- Town residents
- Graduate students in related fields of study
- College and high school students

Where: To inventory every tree in Town, the program would encompass all land within Town borders, both public and private property. Plans for accessing private property would need to be developed.

When: While this is not an urgent issue, we suggest beginning in 2021, to develop methodologies and recruit workers. Field work should probably take place during spring, summer or fall, for safety reasons.

How: We strongly suggest following current US Forest Service guidance on urban tree monitoring, to avoid common pitfalls, for consistency with programs in other communities, and to enable engagement with federal experts, if needed.

The USFS offers handbooks, seminars, and a series of short, engaging videos, at this site: [New guidance for tracking long-term tree survival, growth, and health.](#)

- The two key references on Urban Tree Monitoring are a Resource Guide and Field Guide, downloadable from the site.
- The five short videos on the website provide excellent background and answers to key questions.

- This material is dated September 2020, so can be considered up-to-date and state-of-the-art.

TO: Town Council
FROM: Canopy Tree Working Group
RE: Recommended Changes to the Urban Forest Ordinance
DATE: April 14, 2021

Background:

The Canopy Tree Workshop Group (CTWG) is composed of four members from the Climate & Environment Committee and four members from the Land Use Committee. The group was formed in November 2020 to evaluate the health of the Town of Chevy Chase tree canopy. Specifically, the question asked was whether over the last several years had there been an increase in the number of trees removed. A detailed answer to that question can be found in the companion PowerPoint presentation. In summary, there has been a small (but statistically insignificant) decrease in the average annual rate of tree removals from private property. In the case of trees on public property, plantings have exceeded removals in all but two fiscal years.

As explained more fully in the PowerPoint presentation, the CTWG feels the Town could do more to preserve the tree population, encourage additional private planting, and expand civic engagement/awareness around the importance of trees, especially native trees¹.

Here we offer two recommendations for changes in Chapter 29 of the Town’s Urban Forest Ordinance, to preserve the mature trees that are so important to the environmental health of the Town and its residents.

The Current Ordinance

The Town’s Urban Forest Ordinance describes any tree 24-inches or greater in circumference at 4 ½-feet above the ground as a “regulated” tree. Regulated trees cannot be removed without a permit issued by the Town Manager. Within the group of regulated trees, the Urban Forest Ordinance lists by species a subset of 45 tree as “canopy” trees.

Upon issuance of a permit by the Town Manager and after consultation with the Town Arborist, a property owner may remove a regulated tree that is not on the canopy tree list².

A regulated tree that is also a canopy tree may be removed only if :

- The canopy tree is dying, dead, or in danger of falling, or
- The canopy tree constitutes a hazard to the safety of persons or property.

If after consultation with the Town Arborist the Town Manager finds that none of the removal conditions applies, a written denial of the application is issued. If the Town Manager determines that a

¹ For purposes of this document “native” is defined as any tree listed in the U.S. Fish and Wildlife Service, Chesapeake Bay Field Office, *Native Plants for Wildlife Habitat and Conservation Landscaping Chesapeake Bay Watershed*. By Slattery, Britt E., Kathryn Reshetiloff, and Susan M. Zwicker. 2003, 82pp.

² For the remainder of this memo the terms “canopy tree” or “canopy tree list” refer to the trees delineated in Sec. 29-3 (a) (1) of Chapter 29 – Urban Forest.

removal permit should be issued for a canopy tree but, in the opinion of the Town Arborist the tree does not meet one of the removal conditions described above, the Town Manager shall issue a permit with the condition that the applicant pay for and plant reforestation trees or pay an impact fee. Appeals of a permit denial are heard by the Town Council.

Review of Tree Ordinances of Neighboring Jurisdictions

The CTWG reviewed four other ordinances³ in the metropolitan area. It is common practice to require a permit for removal of a tree 24-inches in circumference at 4 ½-feet above ground regardless of species. The Town of Somerset in fact requires permits for any tree more than 12 ½-inches in circumference.

The conditions for removal of any tree are similar across municipalities. If any tree that meets the municipality's circumference requirement and is diseased, in danger of falling, represents a threat of injury to life and property, that is considered a condition for issuing a removal permit. In all the jurisdictions analyzed, the ordinance applies to all trees meeting the size criterion. The Town of Chevy Chase is the only one in which the ordinance applies only to a fixed set of tree types. However, several municipalities (i.e., Chevy Chase Village and Takoma Park) do maintain lists of undesirable or nuisance trees. These trees may be removed without complying with standard permit conditions.

CTWG Recommendations

The CTWG recommendations are based on the following general principles:

1. Trees are important to the health and well-being of our residents and our community,
2. A mature, healthy canopy enhances property values,
3. Trees store carbon, support stormwater retention and reduce ambient heat by absorbing sunlight & providing shade,
4. All trees promote the biodiversity of flora and fauna on which a vibrant local ecosystem depends,
5. Therefore, the Town's tree policies and programs should support the growth and maintenance of all trees and especially native trees

We outline below two alternative proposals (A and B) for the Council's consideration. Recommendation A is our preferred course of action, as it protects more trees and simplifies the Town's tree policy. Recommendation B represents a more gradual approach toward expanding protection of the Town's trees.

A. Eliminate the Subset List of Canopy Trees

The CTWG recommends that conditions for removal of a tree be the same for all trees 24-inches in circumference at 4 ½-feet above the ground. The distinction between "regulated" and "canopy" trees should be removed, and all trees should be protected. No changes are being proposed to the permitting

³ The CTWG reviewed:

- Chevy Chase Village, Chapter 17 Urban Forest,
- Chevy Chase Section 5, Chapter 7 Urban Forest,
- Town of Somerset, Chapter 182 Trees,
- City of Takoma Park, Chapter 12.12 Urban Forest.

process administered by the Town Manager and Town Arborist. The conditions for removal should be as follows:

- A canopy tree is dying, dead, or in danger of falling, or
- A canopy tree constitutes a hazard to the safety of persons or property.

This recommendation is fully consistent with the “Findings and Purpose” section at the beginning of the Urban Forest Ordinance, which states: “Because trees require the span of a human lifetime to mature and can be subject to disturbance at many points in their lives, the town places a high value on the mature trees that have survived to form an intrinsic part of the fabric of our community and a defining feature of its character.” The mature trees that define the Town’s character are not limited to a list of 45 trees.

In addition, the requirement that all trees meet conditions for removal would:

- Make the tree removal permitting process clearer and more consistent (single process for all trees 24 inches in circumference at 4.5 feet), therefore easier for residents to understand,
- Simplify the process for Town staff to administer the Ordinance (size requirement only; no differentiation between canopy vs. not),
- Eliminate the need to maintain and periodically update a separate "canopy" list, with the resulting debate of which trees should or should not be on that list.

B. Expand the List of Canopy Trees

An alternative to the above recommendation (A) that would enhance the Urban Forest Ordinance without removing the “regulated” and “canopy” tree distinctions, is to expand the canopy tree list. The change to the canopy tree list would be the only modification to the ordinance.

Additions to the Existing Canopy List (see Slide 14 of the PowerPoint):

The CTWG identified the native trees in the U.S. Fish and Wildlife Service report (Slattery et al., 2003; see footnote 1) that were not currently part of the list of canopy trees. The CTWG identified a total of 14 native trees as follows:

Proposed Additional Trees	Proposed Family
American Basswood	Basswood
River Birch	Birch
Yellow Birch	Birch
Black Birch	Birch
Eastern Cottonwood	Cottonwood
Eastern Hemlock	Hemlock
Hornbeam	Hornbeam
Hop-Hornbeam	Hornbeam

Cucumber Magnolia	Magnolia
Silver Maple	Maple
Chinquapin Oak	Oak
White Pine	Pine
Loblolly Pine	Pine
Shortleaf Pine	Pine

- The CTWG discussed the addition of these trees with Town Arborist Tolbert Feather, who supports these additions.
- There were additional native trees in the U.S. Fish and Wildlife Service List that the CTWG does not recommend adding to the canopy tree list. These trees are smaller understory trees, unlikely to reach 24" circumference.

Removals from Existing Canopy List (see Slide 14 of the PowerPoint):

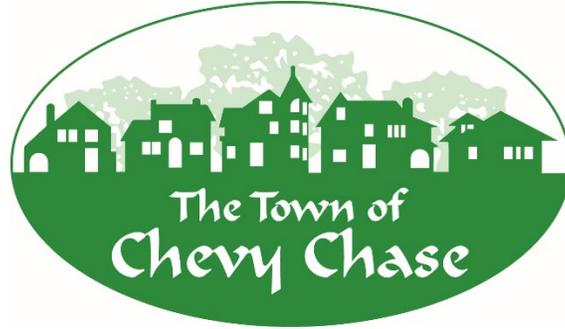
The CTWG recommends 4 tree species in the current “canopy” be removed from the list: Sawtooth Oak, London Planetree, English Elm and Franklina. The first three trees are non-native, invasive trees. Franklina is a small tree (20-feet) and does not belong on the canopy tree list.

Expand List of Trees in the Private & Public Planting Programs

Separate from the ordinance changes, the CTWG is recommending changes to the Private & Public Planting Programs as follows:

Private Planting Program: Expand from a list of 6 currently offered canopy trees to 36 canopy, understory and evergreen trees that are locally procurable; see Slides 15-17 of the PowerPoint. Increase budget for private planting in anticipation and encouragement of additional private tree plantings.

Public Planting Program: Focus public planting on 36 canopy and understory trees that are locally procurable; see Slide 18 of the PowerPoint. Note: The list of 36 trees was mutually agreed between Town Arborist, Tolbert Feather, and the Working Group except for the Asian Flowering Cherry. The Working Group recommends not including it because it is non-native and there are native cherry alternatives but it is endemic in the DC area, has good habitat value and people like it.



**Proclamation of the Town of Chevy Chase
On the Occasion of Arbor Day 2021**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day called Arbor Day be set aside for the planting of trees;

WHEREAS, Arbor Day is now observed throughout the nation and the world;

WHEREAS, we are currently experiencing a worldwide climate emergency;

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife;

WHEREAS, trees in the Town beautify our community; and

WHEREAS, trees, wherever planted, are a source of joy and personal renewal.

NOW, THEREFORE, I, Cecily Baskir, Mayor of the Town of Chevy Chase, Maryland do hereby proclaim the 30th of April 2021 as Arbor Day.

FURTHER, I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 14th day of April 2021

Mayor Cecily Baskir

MEMORANDUM

I-E

TO: Town Council
FR: Todd Hoffman, Town Manager
RE: Town Manager's Report
DATE: April 14, 2021

This report highlights some of the initiatives undertaken by Town staff over the past month. In the interest of brevity, I have not included ongoing staff functions. Please let me know if you have any questions or need additional information.

- Assisted with responding to prospective sale of 4-H Center property. Retained land use counsel. Scheduled and attended multiple meetings related to the matter.
- Organized and attended budget work session. Prepared final proposed FY22 budget.
- Continued planning for 2021 Town Council election and prepared election issue of Forecast newsletter.
- Assisted with drafting revised speed hump policy and new radar speed sign policy.
- Continued oversight of Zimmerman Park redevelopment project. Met with MCDPS and WSSC officials to discuss development considerations/limitations.
- Met with members of the Land Use Committee and Long-Range Planning Committee to discuss retention of a form-based design/code consultant and the process to issue a Request for Proposal.
- Met with SHA officials to discuss proposed intersection improvements at East West Highway and Meadow Lane
- Continued administration of Battery-Powered Blower and Equipment Rebate Program.
- Assisted the Long-Range Planning Committee with tracking Bethesda redevelopment projects.
- Assisted the Public Services Committee with responding to resident requests and inquiries regarding public safety, traffic, and street lighting.
- Assisted the Community Relations Committee with special events.

**Town of Chevy Chase
Town-Wide Speed Limit of 20 mph**

Ordinance No.:
Introduced: 3/10/21
Adopted:
Effective:

AN ORDINANCE TO AMEND CHAPTER 15 OF THE TOWN OF CHEVY CHASE MUNICIPAL CODE TO REDUCE THE TOWN-WIDE SPEED LIMIT OF 25 MILES PER HOUR TO 20 MILES PER HOUR AND TO AUTHORIZE THE TOWN MANAGER TO PROVIDE FOR THE ERECTION AND MAINTENANCE OF SPEED LIMIT SIGNS IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, property and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort, and convenience of the citizens of the municipality; and

WHEREAS, Section 25-102(a)(10) of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, the power to alter speed limits as provided in Title 21, Subtitle 8 of the Transportation Article; and

WHEREAS, Section 21-803 of the Transportation Article of the Maryland Code grants to the legislative body of every local authority in Maryland, including the Town of Chevy Chase, general power to alter speed limits specified in the Transportation Article, if, on the basis of an engineering and traffic investigation, the local authority determines that any maximum speed limit specified therein is greater or less than reasonable or safe under existing conditions on any part of a roadway in its jurisdiction; and

WHEREAS, Section 25-106 of the Transportation Article of the Maryland Code authorizes every local authority in Maryland, including the Town of Chevy Chase, to place and maintain those traffic control devices that the local authority considers necessary to carry out the provisions of the Maryland Vehicle Law or local traffic ordinances or to regulate, warn, or guide traffic; and

WHEREAS, the Town's traffic consultant, A. Morton Thomas and Associates, Inc., concluded an engineering and traffic investigation in the Town in October 2020 and found that a Town-wide speed limit of 20 miles per hour, except on streets where lower limits currently apply, would promote the public good, safety and convenience; and

WHEREAS, following the engineering and traffic investigation, the Town Public Service Committee (PSC) submitted a report and recommendation to the Town Council dated December 14, 2020, in which the PSC indicated support for a Town-wide speed limit of 20 miles per hour, except where lower limits currently apply; and

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, the Town Council introduced the following ordinance in public session assembled on the 10th day of March, 2021; and

WHEREAS, the Town Council held a public hearing on the following ordinance in public session assembled on the ___th day of _____, 2021; and

WHEREAS, upon consideration of the report and recommendations of the traffic engineer, the support of the PSC, and the testimony and evidence presented at the public hearing, the Town Council finds that 25 miles per hour, which is the currently speed limit for Town roads under Section 21-801.1(b) of the Transportation Article of the Maryland Code, as amended by Town Ordinance No. 08-02, effective April 9, 2008, is greater than reasonable under existing conditions on the Town roads and unsafe; and

WHEREAS, upon consideration of the report and recommendations of the traffic engineer, the support of the PSC, and the testimony and evidence presented at the public hearing, the Town Council finds that a speed limit of 20 miles per hour is reasonable and safe under existing conditions on the Town roads, except where lower limits currently apply; and

WHEREAS, upon consideration of the report and recommendations of the traffic engineer, the support of the PSC, and the testimony and evidence presented at the public hearing, the Town Council finds that it is appropriate, necessary and advisable for the public good, safety and convenience to establish a Town-wide speed limit of 20 miles per hour, except where lower limits currently apply, and to erect speed limit signs at proper locations in accordance with the Manual on Uniform Traffic Control Devices; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town.

THEREFORE, BE IT ORDAINED AND ORDERED, this ___th day of _____, 2021, by virtue of the authority given to it by the Maryland Code and the Town of Chevy Chase

Charter, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance.

SECTION 1. BE IT ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that the Town Code is hereby amended to read as follows:

* * *

Sec. 15-3. - Town-wide speed limit.

The speed limit on all roadways within the Town shall be ~~25~~ **twenty (20)** miles per hour, unless otherwise provided by the Town Council.

Sec. 15-4. - Special speed limits.

~~(a)~~ The speed limit on the following roadways shall be ~~twenty (20)~~ miles per hour:

- ~~(1) Curtis Road between Leland Street and Oakridge Avenue;~~
- ~~(2) Lynn Drive between Oakridge Lane and Maple Avenue;~~
- ~~(3) Oak Lane between Leland Street and Meadow Lane;~~
- ~~(4) Oakridge Avenue between Curtis Road and Leland Street;~~
- ~~(5) Oakridge Lane between Lynn Drive and Leland Street; and~~
- ~~(6) Stanford Street between Oakridge Avenue and East Avenue.~~

~~(b)~~ **(a)** The speed limit on Pine Place between Ridgewood Avenue and Maple Avenue shall be fifteen (15) miles per hour.

~~(c)~~ **(b)** The speed limit on Ridgewood Alley east of Ridgewood Avenue shall be ten (10) miles per hour.

~~(d)~~ **(c)** The roadways described in this subsection ~~(d)~~ **(c)** are hereby declared and designated as a school zone. Fines for violation of the speed limits in this subsection ~~(d)~~ **(c)** shall be doubled. The speed limit on the following roadways shall be fifteen (15) miles per hour from 8:00 a.m. to 4:00 p.m. on school days:

- (1) Eastbound and westbound Rosemary Street between Meadow Lane and Maple Avenue;
- (2) Northbound and southbound Hillcrest Place between Bradley Lane and Sycamore Street;
- (3) Eastbound and westbound Stanford Street between Ridgewood Avenue and Rosemary Circle;
- (4) Northbound and southbound Meadow Lane between Rosemary Street and Sycamore Street;
- (5) Eastbound and westbound Beechwood Drive between Valley Place and Sycamore Street;
- (6) Northbound and southbound Valley Place from Beechwood Drive to Meadow Lane; and
- (7) Northbound and southbound West Avenue between Ridge Street and Bradley Lane.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the aforementioned authority, that:

(1) The Town Manager is authorized to provide for the erection and maintenance of appropriate speed limit signs in accordance with the most recent edition of the “Manual on Uniform Traffic Control Devices for Streets and Highways;” provided that, no such sign shall be erected on State highways without the approval of the State Highway Administration;

(2) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the ___th day of _____, 2021 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

Ellen Cornelius Ericson, Secretary

Cecily Baskir, Mayor
Town of Chevy Chase

Bold and Underline indicates new material

~~Strike through~~ indicates material deleted

* * * indicates material unchanged

TOWN OF CHEVY CHASE SPEED HUMP POLICY

Under the provisions of the Town Charter, the Town Manager is authorized to construct, maintain, or remove speed humps on Town streets as directed by the Town Council. This document describes the decision process and lists the general standards followed by the Town in considering the construction or removal of speed humps.

REQUESTS FOR SPEED HUMPS

Requests for speed humps to be installed may be originated by petition of Town residents; by the management of public facilities adjacent to Town streets; or by the Town Council.

- **PETITION FOR SPEED HUMP CONSTRUCTION BY RESIDENTS:**
Town residents residing within a street segment or multiple contiguous street segments (a street segment is a section of street between two intersections) may petition the Town to consider the installation of one or more speed humps within that street segment or multiple segments. The petition should contain signatures from a majority of the households residing within the street segment or multiple segments.
- **REQUESTS FOR SPEED HUMPS ADJACENT TO PUBLIC FACILITIES**
Requests for speed humps on streets associated with or adjacent to public facilities such as parks and schools may be made in writing to the Town Council by the official responsible for the management of the facilities. The Town Council will decide whether to consider such requests.
- **COUNCIL DIRECTED REQUESTS FOR SPEED HUMPS**
The Town Council may direct the Town Manager to perform a feasibility analysis for the installation of a speed hump on any street segment within the Town.

ENGINEERING REVIEW AND EVALUATION

FEASIBILITY ANALYSIS OF SPEED HUMP REQUESTS

Upon receipt of a qualifying petition by Town residents, or if directed by the Town Council, the Town Manager will evaluate the street segment(s) to identify and recommend appropriate locations, if any, for the potential speed hump(s).

The Town has adopted the following standards to determine whether a speed hump is feasible:

- Humps will not be installed within 150 feet of a STOP sign, traffic signal, or small-radius curve.
- Humps will not be installed within 50 feet of an intersection without a STOP sign or traffic signal.
- Humps will not be installed, partially or wholly, within the projection of a private

driveway entrance.

- Humps will not be installed atop any utility manhole, valve enclosure, or other underground utility access point.
- Humps will not be installed near a hill crest that would obstruct a driver's view of a hump or pedestrians from less than 200 feet, or on slopes having grades exceeding eight percent.
- The minimum spacing between humps is 200 feet.
- Traffic safety, on-street parking, emergency service access, other proposed improvements, and traffic engineering best practices will also be considered.

The Town Manager shall provide a report to the Town Council detailing the findings and recommendations regarding the placement of new speed humps.

The results of the feasibility study will be available to the public.

TRAFFIC ANALYSIS REVIEW

If the Town Manager determines that there is a feasible location for speed humps, the Town Manager will commission a traffic study, no less than a week in duration, to determine traffic volume and speed at the location of the requested hump(s).

The street segment in question must generally meet either of the following criteria to qualify for the installation of the speed hump; however, the Council may approve installation of a speed hump that does not meet these requirements if they find significant mitigating factors in support of the request:

- A minimum of 120 vehicles per day exceeding 25 mph, or
- A minimum of 20 vehicles exceeding 25 mph during any hour of the day.

The results of the traffic study will be available to the public.

COUNCIL CONSIDERATION

Following review of the record of the request, the Council may:

- Decide to not proceed with further consideration of the request; or
- Schedule the request for public hearing.

If the speed hump has been requested by petition of residents, all households within the street segment will be provided with an update of the Council's decision.

PUBLIC HEARING

Prior to the installation of any speed hump, the Council will hold a public hearing. The Town shall provide sufficient written notice of the public hearing to those residents on the street segment(s) of the speed hump request and will use other available communication

means to also inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision as to the construction of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

PROCEDURE FOR SPEED HUMP REMOVAL

This process may be initiated by the same parties listed above. A petition containing signatures from a majority of the households within a street segment should be submitted to the Town, specifying the speed hump(s) to be considered for removal and state the reason(s) for the request.

Removal of speed humps should be considered only after a review to determine its impact on surrounding streets. Recently constructed speed hump(s) should remain in place for a reasonable period before removal is considered.

If the Town Council determines that removal of a speed hump may be warranted, then the Town will hold a public hearing to consider the removal. The Town will provide sufficient written notice of the public hearing to those residents on the street segment subject to the speed hump request and will use other available communication means to inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision regarding the removal of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

If unforeseen safety considerations arise following the installation of a speed hump, the Council may remove a speed hump without following this process. Involving residents in the decision is strongly recommended.

TOWN OF CHEVY CHASE SPEED HUMP POLICY

Under the provisions of the Town Charter, the Town Manager is authorized to construct, maintain, or remove speed humps on Town streets as directed by the Town Council. This document describes the decision process and lists the general standards followed by the Town in considering the construction or removal of speed humps.

REQUESTS FOR SPEED HUMPS

Requests for speed humps to be installed may be originated by petition of Town residents; by the management of public facilities adjacent to Town streets; or by the Town Council, ~~with or without the consultation of the Public Services Committee. No speed hump shall be installed without a feasibility analysis by a qualified traffic engineer, a traffic study, and a public hearing.~~

- **PETITION FOR SPEED HUMP CONSTRUCTION BY RESIDENTS:**
Town residents residing within a street segment ~~(or multiple contiguous street segments (a street segment is a section of street between two adjacent controlled intersections or between a controlled intersection and dead end)~~ may petition the Town to consider the installation of one or more speed humps within that street segment ~~or multiple segments.~~ The petition should contain signatures from ~~at least 60 percent a majority~~ of the households residing within the street segment. ~~The petition should specify the number of humps requested, the requested locations, and the reasons for the request.—~~
or multiple segments.
- **REQUESTS FOR SPEED HUMPS ADJACENT TO PUBLIC FACILITIES**
Requests for speed humps on streets associated with or adjacent to public facilities such as parks and schools may be made in writing to the Town Council by the official responsible for the management of the facilities. The Town Council will decide whether to consider such requests.
- **COUNCIL DIRECTED REQUESTS FOR SPEED HUMPS**
The Town Council may direct the Town Manager to ~~have a traffic engineer~~ perform a feasibility analysis for the installation of a speed hump on any street segment within the Town.

ENGINEERING REVIEW AND EVALUATION

FEASIBILITY ANALYSIS OF SPEED HUMP REQUESTS

Upon receipt of a qualifying petition by Town residents, or if directed by the Town Council, the Town Manager will ~~engage a Traffic Engineer holding a Professional Engineer certification in the State of Maryland to~~ evaluate the street segment(s) to identify

and recommend appropriate locations, if any, for the potential speed hump(s).

The Town has adopted the following standards to determine whether a speed hump is feasible:

- ~~Humps will not be installed on street segments less than 350 feet in length.~~
 - ~~Humps will not be installed~~ within 150 feet of a STOP sign, traffic signal, or small-radius curve.
 - Humps will not be installed within 50 feet of an intersection without a STOP sign or traffic signal.
 - Humps will not be installed, partially or wholly, within the projection of a private driveway entrance.
 - Humps will not be installed atop any utility manhole, valve enclosure, or other underground utility access point.
 - Humps will not be installed near a hill crest that would obstruct a driver's view of a hump or pedestrians from less than 200 feet, or on slopes having grades exceeding eight percent.
 - ~~For street segments between 350 and 600 feet in length, a single speed hump may be installed. At segment lengths greater than 600 feet, multiple humps may be installed. The optimal spacing between humps is 400 feet.~~ The minimum spacing between humps is 200 feet.
 - Traffic safety, on-street parking, emergency service access, other proposed improvements, and traffic engineering best practices will also be considered.

The ~~Traffic Engineer~~ Town Manager shall provide a ~~written~~ report to the Town Council detailing the findings and recommendations regarding the placement of new speed humps.

~~If the requestors have requested a specific location, the engineer will evaluate the requested location for feasibility, but may recommend a more appropriate location. If the engineer finds that no feasible location exists, the Town will notify residents on the street segment of the finding.~~ The results of the feasibility study will be available to the public.

TRAFFIC ANALYSIS REVIEW

If the ~~Traffic Engineer~~ Town Manager determines that there is a feasible location for speed humps, the Town Manager will commission a traffic study, no less than a week in duration, to determine traffic volume and speed at the location of the requested hump(s).

The street segment in question must generally meet either of the following criteria to qualify for the installation of the speed hump; however, the Council may approve installation of a speed hump that does not meet these requirements if they find significant mitigating factors in support of the request:

- A minimum of 120 vehicles per day exceeding 30~~25~~ mph, or
- A minimum of 20 vehicles exceeding 30~~25~~ mph during any hour of the day.

The results of the traffic study will be available to the public.

~~Following review of the feasibility study and traffic analysis, the Council may refer the request to the Town's traffic engineer or Public Services Committee for further review and recommendation.~~

COUNCIL CONSIDERATION

Following review of the record of the request, the Council may:

- Decide to not proceed with further consideration of the request; or
- Schedule the request for public hearing.

If the speed hump has been requested by petition of residents, all households within the street segment will be provided with an update of the Council's decision.

PUBLIC HEARING

Prior to the installation of any speed hump, the Council will hold a public hearing. The Town shall provide sufficient written notice of the public hearing to those residents on the street segment(s) of the speed hump request and will use other available communication means to also inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision as to the construction of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

PROCEDURE FOR SPEED HUMP REMOVAL

This process may be initiated by the same parties listed above. A petition containing signatures from a majority of residents residing the households within a street segment should be submitted to the Town, specifying the speed hump(s) to be considered for removal and state the reason(s) for the request.

Removal of speed humps should be considered only after ~~an adequate~~ review ~~period and a subsequent engineering analysis has been performed~~ to determine ~~the traffic characteristics along the route and its impact on surrounding streets.~~ ~~The Town Council may refer the request to the Town's Public Services Committee for consideration and recommendations.~~ Recently constructed speed hump(s) should remain in place for a reasonable period before removal is considered.

If the Town Council determines that removal of a speed hump may be warranted, then the Town will hold a public hearing to consider the removal. The Town will provide sufficient written notice of the public hearing to those residents on the street segment subject to the speed hump request and will use other available communication means to inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision regarding the removal of the speed hump(s). The Town will notify residents residing in the street segment of the Council's decision.

If unforeseen safety considerations arise following the installation of a speed hump, the Council may remove a speed hump without following this process. Involving residents in the decision is strongly recommended.

Adopted 6/13/2018

TOWN OF CHEVY CHASE RADAR SPEED SIGN POLICY

Under the provisions of the Town Charter, the Town Manager is authorized to construct, maintain, or remove radar speed signs on Town streets as directed by the Town Council. This document describes the decision process and lists the general standards followed by the Town in considering the installation or removal of radar speed signs.

REQUESTS FOR RADAR SPEED SIGNS

Requests for the installation of radar speed signs may be originated by petition of Town residents; by the management of public facilities adjacent to Town streets; or by the Town Council.

- **PETITION FOR RADAR SPEED SIGNS BY RESIDENTS:**
Town residents residing within a street segment or multiple contiguous street segments (a street segment is a section of street between two intersections) may petition the Town to consider the installation of radar speed signs within that street segment or those multiple contiguous segments. The petition should contain signatures from a majority of the households residing within the street segment or multiple contiguous segments.
- **REQUESTS FOR RADAR SPEED SIGNS ADJACENT TO PUBLIC FACILITIES:**
Requests for radar speed signs on streets associated with or adjacent to public facilities such as parks and schools may be made in writing to the Town Council by the official responsible for the management of the facilities. The Town Council will decide whether to consider such requests.
- **COUNCIL DIRECTED REQUESTS FOR RADAR SPEED SIGNS:**
The Town Council may direct the Town Manager to perform a feasibility study for the installation of radar speed signs on any street segment within the Town.

FEASIBILITY ANALYSIS OF RADAR SPEED SIGN REQUESTS

Upon receipt of a qualifying petition by Town residents, or if directed by the Town Council, the Town Manager will evaluate the street segment(s) to identify and recommend appropriate locations, if any, for radar speed signs.

The Town Manager shall provide a report to the Town Council detailing the findings and recommendations regarding the placement of new radar speed signs.

The results of the feasibility study will be available to the public.

COUNCIL CONSIDERATION

Following review of the record of the request, the Council may:

- Decide to not proceed with further consideration of the request; or
- Schedule the request for public hearing.

If radar speed signs have been requested by petition of residents, all households within the street segment(s) will be provided with an update of the Council's decision.

PUBLIC HEARING

Prior to the installation of any radar speed sign, the Council will hold a public hearing. The Town shall provide sufficient written notice of the public hearing to those residents on the street segment(s) of the radar speed sign request and will use other available communication means to also inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision as to the placement of the radar speed signs. The Town will notify residents residing in the street segment(s) of the Council's decision.

The duration of the initial radar speed sign placement will be for one year unless a different duration is approved by the Town Council.

PROCEDURE TO EXTEND DURATION OF A RADAR SPEED SIGN

Prior to the expiration of the initial placement of a radar speed sign, a request to extend the placement may be made to the Town Manager. The request should contain signatures from a majority of the households residing within the street segment or multiple contiguous segments on which the radar speed sign is placed.

The Town Manager will provide the data collected by the radar speed sign to the Town Council. The Council will hold a public hearing to hear from residents regarding an extension of the time period to maintain the radar speeds signs. The Town shall provide sufficient written notice of the public hearing to those residents on the street segment(s) of the radar speed sign extension request and will use other available communication means to also inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision as to extending the period of time that the radar speed sign(s) will remain in place at that location.

PROCEDURE FOR REMOVAL OF RADAR SPEED SIGNS

Recently placed radar speed signs should remain in place for a reasonable period before removal is considered.

This process may be initiated by the same parties listed above. Prior to the approved expiration of the placement of a radar speed sign, a request to remove the sign may be made to the Town Manager. The request should contain signatures from a majority of the households residing within

the street segment or multiple contiguous segments on which the radar speed sign is placed and should state the reason(s) for the request.

The Town Manager will provide the data collected by the radar speed sign to the Town Council. The Council will hold a public hearing to hear from residents regarding the proposed removal of the radar speed sign. The Town shall provide sufficient written notice of the public hearing to those residents on the street segment(s) of the radar speed sign removal request and will use other available communication means to also inform all Town residents.

Following the public hearing and consideration of the record of the request, the Town Council will make a final decision regarding the removal of the radar speed sign(s). The Town will notify residents residing in the street segment(s) of the Council's decision.

If unforeseen safety considerations arise following the installation of a radar speed sign, the Council may remove a radar speed sign without following this process. Involving residents in the decision is strongly recommended.

**Town of Chevy Chase
Small Wireless Telecommunications Facilities
(Permit Application Filing Deadline)**

Ordinance No.:
Introduced: 3/10/21
Adopted:
Effective Date:

AN ORDINANCE TO AMEND CHAPTER 26 OF THE TOWN CODE, CONCERNING SMALL WIRELESS TELECOMMUNICATIONS FACILITIES, TO CLARIFY THE TOWN PERMIT APPLICATION FILING DEADLINE THAT FOLLOWS THE FILING OF A SITING, MODIFICATION, PERMIT, OR OTHER APPLICATION WITH MONTGOMERY COUNTY, MARYLAND, FOR THE SAME WORK.

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, United States Code, Title 47, Section 332, provides that a local government may exercise control regarding the placement, construction, and modification of personal wireless service facilities, provided the local government does not unreasonably discriminate among providers of functionally equivalent services; and does not prohibit the provision of personal wireless services;

WHEREAS, the Town of Chevy Chase holds and maintains the streets and highways within its municipal boundaries in trust for the benefit, use, and convenience of the general public;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 10th day of March, 2021;

WHEREAS, after proper notice to the public, the Town Council considered the following Ordinance in an open meeting conducted on the _____ day of _____, 2021;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED, this _____ day of _____, 2021, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter, the Town Council does hereby adopt the foregoing Ordinance and amend the Town Code as follows:

* * *

Chapter 26.

TELECOMMUNICATIONS

* * *

Sec. 26-48. - Permit and access agreement required.

(a) No person shall construct, install, maintain, or perform any work in the public right-of-way related to a communications facility or any tower, without first receiving a permit and paying any applicable fee, as required under this article. No permit shall be issued until the applicant has entered into a right-of-way access agreement in a form approved by the town, according to this article. A permit shall not be required for ordinary maintenance and repair, as determined by the town. A permit application shall be filed with the town no later than seven (7) calendar days after a siting, modification, permit, or other application has been filed with Montgomery County, Maryland, for the same work.

* * *

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

2. This Ordinance shall take effect on the ____ day of _____, 2020 (30 days after adoption).

ATTEST:

TOWN OF CHEVY CHASE

Ellen Cornelius Ericson, Secretary

Cecily Baskir, Mayor
Town of Chevy Chase

Bold and Underline indicates new material

~~Strikethrough~~ indicates material deleted

* * * indicates material unchanged

**Town of Chevy Chase
Budget and Tax Rate Ordinance**

Resolution No.:
Introduced: April 14, 2021
Adopted:
Effective Date: July 1, 2021

SUBJECT: AN ORDINANCE TO ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022 AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF SECTION 6-203 OF THE TAX-PROPERTY ARTICLE OF THE MARYLAND CODE, AS AMENDED

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-205, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants;

WHEREAS, Maryland Code, Tax-Property Article, Section 6-203, as amended, grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the resident(s) of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, pursuant to Section 501 of the Town of Chevy Chase Charter, the Town operates on an annual budget;

WHEREAS, Section 503(a) of the Town of Chevy Chase Charter authorizes the Town Council to levy and collect from the owners of real and/or taxable tangible personal property used in a trade or business in the town, tax on the assessed valuation of the real and/or taxable

tangible personal property used in a trade or business within the boundaries of the Town at a rate or rates set by the Town Council;

WHEREAS, the Town Council introduced the following Ordinance in public session assembled on the 14th day of April 2021;

WHEREAS, the Town Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the 4th day of May 2021; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this 4th day of May 2021, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Chevy Chase Charter, that the attached Budget be and is hereby adopted.

AND BE IT FURTHER ORDAINED AND ORDERED, that the Town Council of the Town of Chevy Chase, pursuant to the authority granted by the Town Charter and Section 6-203 of the Tax-Property Article of the Maryland Code, hereby levies a tax at the following rates:

- (i) ninety-eight one-hundredths of a cent (\$0.0098) per One Hundred Dollars of assessable value (fair market value) on real property subject to taxation;
- (ii) zero dollars and zero cents (\$0.00) per One Hundred Dollars of assessed value of assessable business-owned personal property subject to taxation; and
- (iii) zero dollars and sixty-six cents (\$0.66) per One Hundred Dollars of assessed value of assessable utility property subject to taxation.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Town of Chevy Chase, that:

- (1) That the tax levied hereby be certified to the County Council for Montgomery County, Maryland;
- (2) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

(3) This Ordinance shall take effect on the 1st day of July 2021.

ATTEST:

TOWN OF CHEVY CHASE

Ellen Cornelius Ericson, Secretary

Cecily Baskir, Mayor
Town of Chevy Chase