

CHAPTER 24 STREETS AND SIDEWALKS

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Article I. In General.

Sec. 24-1. Street paving - Control and supervision.

All streets paved within the corporate limits of the Town of Easton shall be under complete control and jurisdiction of the town and shall be constructed under the supervision and *direction* of the town engineer, whose duty it shall be to furnish to the council a report of the work done and an itemized statement of the costs of same. (Ordinance 474 aka B-48 effective 6/21/1955, historical reference 14)

Sec. 24-2. Same - Assessment of abutting property owners.

The cost of the street paving improvements shall be levied against abutting property owners by an ordinance passed by the council; said costs to constitute a lien against the abutting property. (Ordinance 474 aka B-48 effective 6/21/1955, historical reference 14)

Sec. 24-3. Same - Allocation of costs.

(a) The Town may assume forty (40) percent of the costs of street paving, the remaining sixty (60) percent shall be paid by the abutting property owner or assessed against their property and collected as hereinafter provided.

(b) In any area in which street construction has not commenced as of July 17, 1972, the entire cost of street paving shall be paid by the abutting property and collected as hereinafter provided.
(Ordinance 537 aka B-80 effective 7/17/1972, historical reference 14, 474 aka B-48)

Sec. 24-4. Same - Specifications.

All street paving shall be constructed in accordance with the standard plans and specifications prepared by the town engineer and on file in the office of the town clerk. (Ordinance 474 aka B-48 effective 6/21/1955, historical reference 14)

Sec. 24-5. Same - Installation of sewer, water or gas mains and laterals.

(a) Before the paving of any street or roadway, under which there does not exist a water main, sewer main, gas main or storm drain, it is required that there shall be installed such water, sewer and gas mains and storm drains as may be required, together with all necessary laterals from such mains or drains to the established curb line in front of each improved property or vacant lot.

(b) Before the paving of any street or roadway under which sanitary sewer mains, water mains and gas mains exist, it is required that there shall be installed where they do not already exist, separate sewer, water and gas laterals, extending from said main to the established curb line in front of each improved property or vacant lot.

(c) All water, sewer and gas mains and laterals within the corporate limits of the Town of Easton shall be under the complete control and jurisdiction of the Easton Utility Commission and shall be constructed under the supervision of the said Utilities Commission.
(Ordinance 475 aka B-49 effective 10/18/1955, historical reference 14)

Sec. 24-6. Same - Cost of installing sewer, water or gas mains and laterals.

The cost of water gas and sewer main and lateral installation *and storm drains* shall be in accordance with the Rates and General Service Terms and Conditions governing each department of the Easton Utilities Commission. (Ordinance effective 475 aka B-49 effective 10/18/1955)

Sec. 24-7. Obstruction of streets and sidewalks generally.

It shall be unlawful to place on any sidewalk or roadway in the town any piles or dirt or other material, or any obstruction of any kind, except as provided in this chapter, unless a special permit is first secured from the chief of police or other authorized agent of the town; and the owner of such material or obstruction shall be required to place thereon, and maintain, a sufficient light when such obstruction shall remain in such position after dark. (Ordinance 10 effective 1/1/1941)

Sec. 24-8. Location of fixtures in regard to curbs and sidewalks.

Water meter covers, pave-wash boxes, manhole covers, valve boxes and similar fixtures shall be set or placed inside the curb and not more than twelve inches therefrom, unless otherwise permitted by the town engineer, and flush with the surface of the sidewalk so that they shall not present an obstruction or stumbling block to pedestrians. (Ordinance 46 effective 3/20/1956, historical reference 14, 38)

Sec. 24-9. Restrictions on cellar doors, cellarways and openings in sidewalks.

(a) No cellar door shall be placed in or on any sidewalk except by written permission of the council and any cellar door so permitted and the hinges and other fastenings or attachments thereof shall be placed level with the said sidewalk.

(b) All cellarways and openings in any sidewalk or public right-of-way shall be properly guarded when open. (Ordinance 46 effective 3/20/1956, historical reference 14, 38)

Sec. 24-10. Restrictions on planting trees, shrubbery or similar obstructions.

It shall be unlawful to plant any tree, post, pole or shrubbery or similar obstruction, except installations by the town and/or public utilities, between the sidewalk and curb line of any street or highway in the town without first obtaining permission of the town and the execution of an agreement by the property owner assuming responsibility for all expenses of repairs and removal of said trees and shrubbery, the trimming and maintenance of the trees or shrubbery may cause to gas mains, water or sewerage lines, sidewalk, curb an gutter, or any other damage, and the trimming of the trees and shrubbery for the clearance of al utility lines. (Ordinance 46 effective 3/20/1956, historical reference 14, 24, 38)

Sec. 24-11. Damage to curbs and streets prohibited.

It shall be unlawful for any person, firm or corporation, except employees of the town, when so directed, to dig up, break or remove any curb or the surface of any street between curbs, whether paved or unpaved, within the limits of the town. (Ordinance 14 effective 1/1/1941)

Sec. 24-12. Damage to sidewalks prohibited.

No person, firm or corporation shall, by contract or otherwise, do any work involving damage to any sidewalk on any street or other public way in the town, except such sidewalk be restored to its original condition. (Ordinance 14 effective 1/1/1941)

Sec. 24-13. Levels and grades; survey - Ratification and adoption.

The survey, and maps, charts and specifications made in connection therewith, showing the levels and grades of the streets, lanes, alleys, gutters and sidewalks of the town prepared by Williams, Proctor and Potts, 1907, which survey is on file in the office of the town clerk, and all subsequent amendments and additions thereto existing at the time of the adoption of this Code, are hereby ratified and adopted as the true and proper survey for levels and grades in the town. (Ordinance 15 aka E-1 effective 3/22/1907)

Sec. 24-14. Removing or otherwise disturbing grade or line markers prohibited.

It shall be unlawful for any person, or persons to drive down, pull up or remove or otherwise wilfully disturb or impair any stake, stakes, or monuments, which may be planted or driven in the ground by the authority of the town for the purpose of fixing and indicating the grade or line of any street, sidewalk pavement or curb or other lines or boundaries of any public lands, streets, squares, lanes or alleys in the Town of Easton. (Ordinance 14 effective 1/1/1941)

Sec. 24-15. Snow and ice removal.

It shall be unlawful for any person or persons, or body corporate, to allow snow and ice to remain on or upon the sidewalk of any street or alley adjoining property owned or occupied by him, them or it, for a longer period than twenty four (24) hours from the cessation of the fall of said snow or sleet, and said person, persons, or body corporate shall have the same cleared off and removed from the said sidewalk within the time set forth herein. (Ordinance 10 effective 1/1/1941)

Sec. 24-16. Sidewalks in front of premises to be kept clean.

It shall be unlawful for any person to sweep dirt or trash from the interior of any store, commercial establishment or premises upon the sidewalk, but such dirt or trash shall be taken up and put in proper receptacles for removal.

It shall be the duty of all persons occupying stores, commercial establishments or premises fronting on any street or public place to keep the sidewalk immediately in front thereof clean and clear of rubbish, trash, waste papers and similar materials, and the same shall not be swept into the driveway or the street but it shall be taken up and put in proper receptacles to be moved as other trash and waste is removed. (Ordinance 519 aka E-34 effective 5/7/1967)

Sec. 24-17. Transporting loose materials on public ways.

It shall be unlawful for any person or persons to haul or transport over the public highways and streets of the town loose materials in such a manner that said material either falls or is blown on said public streets and highways. (Ordinance 32 effective 3/21/1951)

Sec. 24-18. Display of merchandise on sidewalks.

Displaying of merchandise on sidewalks immediately in front of stores which sell same shall be allowed except on Sundays, provided such merchandise or stands or containers for same do not extend out from the building line more than four (4) feet and in no case approach nearer to the curb line than six (6) feet; and provided further, that no merchandise having sharp or dangerous projections shall be so displayed; and provided further, it shall be unlawful to place a machine or mechanism that dispenses or vends merchandise or drinks on any of the sidewalks within the limits of said town. (Ordinance 49 effective 3/16/1959, historical reference 10)

Sec. 24-19. Erection of utility poles.

In the erection of poles in the town by the lighting and telephone companies, no pole shall be planted in front of the entrance of any property holder, and wherever practicable, said pole shall be placed upon the divisional line between properties. (Ordinance 10 effective 1/1/1941)

Sec. 24-20. Roof water drainage across pavement prohibited.

It shall be unlawful for the owner or occupant of any building located on any of the streets of the town to permit water or descent from the roof thereof to or upon the pavement or sidewalk below. (Ordinance 10 effective 1/1/1941)

Sec. 24-21. Posting bills or similar materials on utility poles; suspending advertising across streets.

It shall be unlawful for any person to set up, post or attach in any manner and hand line, poster, notice or advertisement upon any telegraph, electric light or telephone pole or suspend any advertisement across the streets within the corporate limits unless permission shall first be obtained in writing from the town. (Ordinance 10 effective 1/1/1941)

Sec. 24-22. Construction, maintenance and repair of sidewalks by property owner.

It shall be the obligation of the owner or owners of every lot or premises situate within the corporate limits of the town and fronting on any curbed street or curbed alley in said town to make, or cause to be made and maintained, at the said owner's expense, and in conformity with such lines and grades as have been or shall hereafter be established by the town, a sidewalk to be made of such material and in such a manner as is provided by this chapter unless the town grant permission to use other materials, and it shall further be the duty of said owner or owners to keep such pavement or sidewalk in good and substantial repair. (Ordinance 14 effective 1/1/1941)

Sec. 24-23. Sidewalk construction expense.

Sidewalks shall be constructed at the expense of the property owner. (Ordinance 14 effective 1/1/1941)

Sec. 24-24. Permit required for construction or altering sidewalks.

Before the owner or owners of any lot or premises abutting upon any street proceed to construct or alter any sidewalk on such street, a permit shall first be obtained from the town in form prescribed by it. The said permit shall be issued by the town clerk after having been countersigned by the town engineer. Instructions as to location, width and grade of the said sidewalk shall be set forth on the permit or by other written instruction by the town engineer, in accordance with regulations and grades as established by the town.

The fee for the issuance of a permit for construction of a sidewalk shall be one dollar and fifty cents (\$1.50), paid to the town clerk prior to the issuance of said permit. (Ordinance 14 effective 1/1/1941)

Sec. 24-25. Sidewalk construction - Supervision.

Construction of all sidewalks shall be under the supervision of the town engineer. (Ordinance 47 effective 4/3/1956, historical reference 14)

Sec. 24-26. Same - Specifications.

(a) All sidewalks hereafter constructed shall be made of cement-concrete slabs, not less than four inches (4") in thickness, constructed of material of such quality and in such proportion as is generally considered standard for good practice. Other materials may be used only by permission granted by formal action of the town.

(b) Sidewalks shall be so constructed as to have a slope toward the paralleling curb of between one quarter of an inch and three eights of an inch to the foot and wherever any sidewalk adjoins any curb it shall not be below nor more than one-half inch above such curb.

(c) Where concrete or rigid sidewalk pavements abut or join upon curbs, there shall be placed an expansion joint to be constructed under the direction of and satisfactory to the town engineer.

(d) In business sections of the town, all pavements hereafter laid shall extend in width from the property line to the curb, but in no event shall the sidewalk in business sections be less than five feet; in the residential sections and other portions of the town, no pavement shall be less than five feet, unless the space from property line to curb be less, provided, however, that the town may permit a sidewalk in residential areas of a width of less than five feet, upon a finding that a five foot sidewalk is not necessary, in which event the sidewalk may be constructed of a width which the town council may by resolution determine; provided however, that except as otherwise herein provided, no sidewalk may be constructed less than three and one-half feet in width and shall be laid conformable with existing pavements, subject to the approval of the town engineer. In all cases where the pavement is not to extend from the building or property line to the curb, the width shall be as prescribed in the permit or in the resolution of the council ordering the construction of such pavement; and in the construction and application of this section, the council shall determine which are the business sections and which are the residential sections of the town. (Ordinance 47 effective 4/3/1956, historical reference 14)

Sec. 24-27. Town authority to effect sidewalk construction; notice to owner.

Whenever in the judgment of the town it shall be deemed proper that any sidewalk shall be raised or lowered to the proper grade or that any sidewalk shall be paved, repaved or repaired in the town, the town shall first cause to be constructed, a good and sufficient curb and gutter (if such curb and gutter have not been previously built) and after the completion of said curb, the council shall cause a notice to be served by the chief of police or one of the police officers of the town, requiring the owner or owners of the lot or premises abutting upon such sidewalk, to properly grade, pave, repave or repair said sidewalk according to the lines and grades furnished by the town engineer, within twenty-five days from the date of said notice. (Ordinance 14 effective 1/1/1941)

Sec. 24-28. Sidewalk construction and maintenance where owner fails to comply with notice.

If the owner or owners of any lot or premises shall refuse or neglect to comply with the notice *referred to in section 24-27 of this chapter*, after the expiration of twenty-five days from the date of service thereof, the town shall forthwith, upon such refusal or neglect, cause the sidewalk to be paved, graded, repaved or repaired in accordance with the provisions of this chapter. The town engineer shall supervise the said work, and it shall be the duty of the town engineer, in pursuance of the order of the town, to grade, pave, repave, or repair such pavement or sidewalk in accordance with the legally established lines and grades. The town engineer shall, upon completion of the work, return to the council a report of his proceedings in the matter and all itemized statement of the cost of the same, which costs shall be recovered by the town *from the abutting property owners*. (Ordinance 14 effective 1/1/1941)

Sec. 24-28A: Construction or Repair of Sidewalks, Ect. By Public Agencies.

1. In order to protect the public health, safety and welfare of the Town, it has become necessary to initiate the construction of streets and sidewalks under circumstances where it is not practicle for abutting property owners to pay for a portion of the costs as provided for elsewhere in this Chapter.
2. Repair work may consist of the construction and repair of the streets and sidewalks, the drainage system, the various utility systems, including the location or relocation of water, sewer, electric, gas, and cable communication lines within public rights of way, streets and sidewalk lights, landscaping, as well as maintaining existing entrances from public and private properties to the street and sidewalks, and to do all things necessary to accomplish these purposes.
3. To carry out the previously described street and sidewalk construction and repairs as duly authorized by the Town Charter and Town Code, the Town and its employees, agents, and assigns shall have a right of temporary entry upon private property for the purpose of accomplishing such work, at all reasonable time, upon any premises in the Town which abuts a public street or sidewalk in the Town.

4. The Town shall be responsible for repairing any damage done to private property by the Town and its employees, agents, and assigns pursuant to the powers granted by this Section. (Ordinance 420 effective 11/8/2000)

Sec. 24-29. Curb and gutter construction - Supervision and control.

All curbs and gutters within the corporate limits of the Town of Easton shall be constructed under the supervision and charge of the town engineer, whose duty it shall be to furnish to the council a report of the work done including an allowance for supervision and engineering and an itemized statement of the costs of same. (Ordinance 474 aka B-48 effective 6/21/1955, historical reference 14)

Sec. 24-30. Same - Allocation of costs.

The town may assume up to forty (40) percent of the costs of curb and gutter construction or repair, the remaining sixty (60) percent to be paid for by the property owner or owners or assessed against his, her or their property and collected as hereinafter provided. (Ordinance 474 aka B-48 effective 6/21/1955, historical reference 14)

In any area in which street construction has not commenced as of July 17, 1972, the entire cost of curb and gutter construction or repair shall be paid by the abutting property owner, or assessed against the abutting property and collected as herein provided. (Ordinance 537 aka B-80 effective 7/17/1972)

The entire cost of repairs or reconstruction of damaged or defective curbs and/or street gutters, may be borne by the town; provided, however, that when any property owner shall request permission to lower or otherwise modify the grade, dimensions or shape of any existing curb and/or sidewalk, for the purpose of or as a part of constructing a private driveway or entrance to such owner's property, the entire cost of such alteration shall be borne by such owner. (Ordinance 474 aka B-48 effective 6/21/1955, historical reference 14)

Sec. 24-31. Same - Assessment of property owners.

The cost of the curb and gutter improvements may be levied against abutting property by an ordinance passed by the council; said cost constitute a lien against the abutting property. (Ordinance 474 aka B-48 effective 6/21/1955, historical reference 14)

Sec. 24-32. Same - Specifications.

All curbs and gutters shall be constructed in accordance with the standard plans and specifications prepared by the town engineer and on file in the office of the town clerk. (Ordinance 474 aka B-48 effective 6/21/1955, historical reference 14)

Article II. House numbers.

Sec. 24-33. Establishment of numbering system.

A numbering system for all houses, storerooms and other buildings on the streets, avenues, lanes and public ways of the Town of Easton, such numbering system to apply generally to the front or main entrance of the premises numbered. (Ordinance 384 aka E-6 effective 2/18/1936)

Sec. 24-34. Method of numbering.

(a) On the streets, avenues and public ways which run in a general "east and west" direction, the numbers assigned to buildings on the southerly sides of such streets, avenues and public ways shall be "even" numbers and the numbers assigned to buildings on the northerly side of such streets, avenues, and public ways which run in a general "north" and "south" direction, the numbers assigned to buildings on the easterly side thereof shall be "even" numbers

and the numbers assigned to buildings on the westerly side of such streets, avenues, and public ways shall be "uneven" numbers.

(b) Building numbers shall be divided into four series, to wit: north, south, east and west. The division line between the north series and the south series of numbers shall extend continuously along Court Street, Dover Street and Dover Road, from the westerly to the easterly boundaries of the town. The division line between the east series and the west series of numbers shall be continuously along Washington Street from the southerly to the northerly boundaries of the town.

(c) The buildings in each block or interval between main cross-streets, north and south, east and west, shall be numbered centesimally, starting with number one and proceeding in each direction from the above stated division streets, and beginning each such successive block with the next higher hundred than the last. In establishing such block numbers, due regard shall be given "dead-end" streets so as to develop the most orderly numbering of all buildings along each particular street, avenue or public way.

(Ordinance 384 aka E-6 effective 2/18/1936)

Sec. 24-35. Adoption of house numbering system atlas.

The numbers of all buildings and properties within the corporate limits of the town are hereby declared to be as shown on an atlas entitled "House Numbering System Atlas," which is filed in the office of the town clerk as No. "D-35" of the Town Plans and Maps, and which atlas is hereby made a part of this section, and such atlas and all notations, references and other data shown thereon is by this reference made a part hereof to the same extent as if the information set forth on such atlas were fully described and incorporated herein. (Ordinance 384 aka E-6 effective 2/18/1936)

Sec. 24-36. Official identification of buildings after July 1, 1936.

On and after the first day of July, 1936, no number on any building in the town shall be recognized as official, except those assigned under the provisions of this article. (Ordinance 384 aka E-6 effective 2/18/1936)

Sec. 24-37. Duties of town officials in regard to house numbering system.

(a) The town engineer shall, from time to time, revise, correct and keep the house numbering system atlas up to date and he shall also assign numbers to new buildings at the time building permits are applied for, such house number shall be indicated on each building permit by the town clerk prior to issuance of such permit.

(b) The mayor, with the advice and assistance of the town engineer, shall be, and is, hereby authorized to make such revisions in the herein established numbering system, as may become necessary or advisable on account of the opening of new streets or other future developments of the town; provided, however, that such revisions or changes shall not be inconsistent with the general system herein established and described.

(Ordinance 384 aka E-6 effective 2/18/1936.)

Sec. 24-38. Posting numbers.

Numerals indicating the official numbers of each house and building shall be posted in such a manner as to be visible from the street on which the property is located. (1967 Code by Ordinance 519 aka E-34 effective 5/7/1967)

Sec. 24-39. Purpose.

The purpose of Sections 24-39 through 24-46 is to establish a system for the assignment of certain street names and the numbering of certain properties located in the Town of Easton. (Ordinance 178 effective 6/10/1990)

Sec. 24-40. Application and territorial limits.

Sections 24-39 through 24-46 shall apply to the following lands, properties, buildings and other structures located within the territorial limits of the Town of Easton:

- (1) All lands, properties, buildings and other structures abutting the westerly boundary of the right-of-way of U.S. Route 50;
- (2) All lands, properties, buildings and other structures situate and lying on the easterly side of U.S. Route 50; and
- (3) All lands, properties, buildings and other structures situate and lying on the westerly side of Maryland Route 322, excepting therefrom, however, all those properties, buildings, and other structures bounded on the north, south and west by the North and South Branches of the Tred Avon River, and bounded on the east by Maryland Route 322, and commonly known as "Easton Point".
(Ordinance 178 effective 6/10/1990)

Sec. 24-41. Definitions.

As used in Sections 24-39 through 24-46, the following terms have the meanings indicated:

- (1) STREET - A public or private way which provides a means of access to abutting property. The term shall include road, street, avenue, drive, circle, highway, or similar term.
- (2) TAX ASSESSMENT MAPS - Maps prepared by the Maryland Department of Assessments and Taxation which show properties and streets in the Town of Easton.
(Ordinance 178 effective 6/10/1990)

Sec. 24-42. Street naming and addressing manual and maps.

- (a) The Town Engineer shall prepare and maintain a Street Naming and Addressing Manual which describes in detail the criteria, procedures and methods used to name streets and to assign address numbers to properties in the Town subject to the provisions of Sections 24-39 through 24-46 of the Code. This manual shall include the development of a grid system from which the address numbers will be derived.
- (b) The Town Engineer shall keep and maintain a set of maps of the Town of Easton which display the address grid system and the names of streets.
(Ordinance 178 effective 6/10/1990)

Sec. 24-43. Official street name list.

- (a) The Town Engineer shall maintain an official Street Name List of the Town of Easton.
- (b) Any new street opened, platted, or created shall be incorporated into the Official Street Name List by the Town Engineer if the street meets the criteria contained in the Street Naming and Addressing Manual. The Town Engineer and the Planning and Zoning Commission shall have the authority to approve the name of any new street.
(Ordinance 178 effective 6/10/1990)

Sec. 24-44. Address numbers.

- (a) All property subject to the provisions of Sections 24-39 through 24-46 containing a home, business to other primary use or structure shall have an address number assigned in accordance with the criteria and procedures specified in the Street Naming and Addressing Manual.

(b) The Town Engineer shall assign an address number to a property subject to the provisions of Sections 24-39 through 24-46 prior to the issuance of a building permit.
(Ordinance 178 effective 6/10/1990)

Sec. 24-45. Notification, use, and display of address number.

(a) Following the initial assignment of addresses, the Town Engineer shall mail a notification of the new address to the owner of the property by U.S. mail, first class postage prepaid. The name and address of the property owner shall be as obtained from the records of the Maryland Department of Assessments and Taxation.

(b) The owner of any property who receives notification of a new address number shall be responsible for informing all tenants or occupants of the new address.

(c) The owner or occupant shall have a period of one (1) year from the date the notification is mailed to make all address changes or adjustments. Thereafter, the address number assigned under this Chapter shall be the only street address used by the owner or occupant of the property.

(d) Within one (1) year from the date the notification of the new address is mailed, the owner shall have placed on the property, in a location visible from the street upon which the address number is assigned, figures at least (3) inches high showing the number of the house or building. Numbers placed on mailboxes or signs shall satisfy this requirement only if the home or building is clearly identifiable in relation to the mailbox or sign.
(Ordinance 178 effective 6/10/1990)

Sec. 24-46. Enforcement and penalties.

(a) A violation of any provision of Sections 24-39 through 24-46 or failure to comply with any requirement thereof, shall constitute a civil infraction. Each day on which a violation continues shall constitute a separate offense. Any person found by a court of competent jurisdiction to have violated any provision of Sections 24-39 through 24-46 shall pay a fine of One Hundred Dollars (\$100.00) for the first violation. The fine for each subsequent violation shall be One Hundred Dollars (\$100.00).

(b) Once a person charged with a violation has received the infraction citation for the first violation, it shall not be necessary to deliver an infraction citation for any subsequent violation of the same provision or section of this Chapter. A subsequent violation shall mean a violation of the same section or provision of this Chapter, upon the same parcel or piece of real property which has occurred not more than 30 days, but not less than 24 hours after the first violation.

(c) The Town of Easton may enforce this Chapter by civil action for declaratory judgment and/or injunction, in addition to, or instead of citing the violator for a civil infraction. In the case of a civil action for declaratory judgment and/or injunction, the Town may recover its legal fees and costs from the violator.

(d) The owner and/or tenant of any building, structure, premise, or part thereof, and any architect, builder, contractor, agent, or any other person who causes, commits, participates in, assists in, or maintains a violation of this Chapter shall be guilty of a separate offense, and subject to all the penalties set forth herein.
(Ordinance 178 effective 6/10/1990)

Article III. Trees

Sec. 24-47 Purpose.

It is the purpose of this ordinance to establish a policy for the planting, maintenance, and removal of trees located on public property in the Town of Easton and to name the Town of Easton's Public Works (PW) Department as the agency responsible for carrying out the provisions of this ordinance. This ordinance is intended to act as guidance

for PW in carrying out its duties. However, it is not intended to replace the Town Engineer's and the Superintendent of PW's ability to make decisions in their best judgment, nor is it intended to supersede the Town of Easton's Zoning Ordinance or any other provision of the Town's Charter or Code. The provisions of this ordinance are in addition to any other responsibilities or rights of the Town to enforce any provision of the Town's Charter, Code, or other regulation applicable within the Town. (Ordinance 464 effective 1/5/2004)

Sec. 24-48 Goals.

This article establishes policies to act as guidance to accomplish the following goals:

1. Establish and maintain the appropriate amount of tree cover on public lands and maintain an inventory of Town trees.
2. Maintain and conserve Town trees in a healthy and non hazardous condition through good arboricultural practices.
3. Establish and maintain diversity toward native tree species and age classes to provide a healthy and stable urban forest.
4. Assist and work with persons as they develop their properties, including new residential, commercial or industrial sites; preserve existing trees or oversee proper replacement of trees removed from the site being developed.

(Ordinance 464 effective 1/5/2004)

Sec. 24-49 Definitions.

ANSI A300—American National Standards Institute, Inc. Standard Practices for Tree Care Operations—Tree, Shrub and Other Woody Plant Maintenance.

Conservation—maintenance of the existing order from loss, waste, or harm.

dbh—is the diameter/caliper of the tree trunk at a height of 4.5' from the ground.

Developer includes an individual, group of individuals or corporation or other entity having intent to develop and/or subdivide or improve a lot, piece or parcel of land for the purpose of transfer of ownership or leasehold or building development.

Emergency situations—emergency situations, i.e. fallen limbs, where immediate attention to protect the public's safety is required.

ISA—International Society of Arboriculture.

Large tree should be selected to be any tree exceeding 45' at maturity.

Medium tree should be selected *not* to exceed 45' in height at maturity.

Park trees are herein defined as trees and shrubs in public parks, public open spaces and all areas to which the public has free access, except right-of-ways owned by the Town.

Person—a natural person, individual, partnership, corporation, limited liability company, trust, voluntary association, club, society or any group of persons acting as a group.

PW—The Town of Easton's Public Works Department

Street trees are herein defined as trees and shrubs on public land located along any Town streets, avenues or alley rights-of-ways.

Small tree should be selected *not* to exceed 15' — 20' in height at maturity.

Topping/Pollarding—is the severe internodal cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. (Ordinance 464 effective 1/5/2004)

Sec. 24-50 Objectives of the Department of Public Works (PW).

1. Complete a street/park tree inventory; review and update the information every two years.
2. Develop and maintain a street/park tree master plan document for the Town of Easton. Such a plan shall contain a recommended tree species planting list and shall govern the sizes of trees that can be planted in areas of its jurisdiction.
3. Study, investigate, develop and/or update a written plan for the care, conservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to Town Council; and be used as the basis for budget funding.
4. Prepare and submit a tree planting, garden and maintenance budget to Town Council as directed by the Mayor. This budget shall be discussed during workshop sessions with the Mayor and Town Council for consideration in the final Town of Easton budget.
5. Make application for and receive grants or contributions of money, technical assistance and labor from any person, organization or agency, if and when they are available and are deemed to be appropriate for Easton.
6. Define work specifications in order to request bid submissions from qualified contractors, initiate contracts and arrangements for the proper care, planting or conservation of trees, when required.
7. Educate the public about the benefits of trees and their proper care.
(Ordinance 464 effective 1/5/2004)

Sec. 24-51 Specifications for Planting.

1. Spacing of trees: Spacing of street trees will be in accordance with the growth characteristics of the ultimate tree canopy with the three species size classes, and in accordance with the Easton Zoning Ordinance.
 - Small—plant no closer than 30' apart.
 - Medium—plant no closer than 40' apart
 - Large—plant no closer than 50' apart.

Note: no street trees should be planted so as to create a safety hazard.
2. Utilities: no street trees should be planted so as to constitute a hazard or obstruction to utilities, whether those utilities are above or below the ground.
3. Tree size: all street trees shall conform to American Association of Nurserymen Standards and be at least 1-1/4" to 1-1/2" in dbh and at least eight to ten feet tall when planted unless special conditions exist and the Superintendent of Public Works or the Town Engineer approves a deviation.
4. Planting: MD's Department of Natural Resources Forest Service Urban program recommended planting techniques for the type of tree to be planted (balled & burlap, containerized, bare root) should be followed. Such specifications are to be given to contractors each time a contract for tree planting is awarded.

5. Species to be planted: The Town Engineer and Planning & Zoning shall determine the appropriateness of trees within the Town of Easton. No individual person or organization is allowed to plant on any public property without first receiving written permission from the Town Engineer or the Town Planner. The Tree Management Plan and recommended species list shall be the guideline followed with exceptions for special plantings to be approved by the Town Engineer or the Town Planner.
(Ordinance 464 effective 1/5/2004)

Sec. 24-52 Maintenance.

1. The Town shall have the right to treat, plant, prune, maintain and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, parks, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such grounds. It shall be the responsibility of PW to provide adequate maintenance for all Town trees.
2. PW may remove or order the removal of any tree or part thereof (using ANSI A300 Standards) which is in a hazardous condition or which by reason of its nature is injurious to sewer lines, electric power lines, gas lines, water lines, or other public improvements; or is infected with a non-treatable, infectious disease, infested with pests, or cannot be treated economically.
3. No property owner shall plant, spray, prune, remove, cut above or below ground or otherwise disturb any Town street or park trees. Any street or park trees removed by a property owner shall be replaced at the property owner's expense. (In the interest of good conservation, practices are acceptable when agreed upon by PW and tree care professionals.)
4. Any individual or firm contracted by PW to provide pruning maintenance on street or park trees is required to follow ANSI A300 standard practice.
5. Tree topping/pollarding: except as otherwise stated, it shall be unlawful for any person, firm, Town department, or utility company to top any street tree, park tree, or other tree on public property. No street or park trees are to be exempted from this specific practice unless unusual damage (storm, etc.) allows best care practice via a Certified Arborist consultation for best practices.
6. Pruning of Overhanging Trees; Cost: Any property owner with a tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not significantly obstruct the light from the public street lights or obstruct the view of any street intersection. Trees or other vegetation shall also be pruned to provide a clear space above the surface of sidewalks and streets to allow for unobstructed passage of pedestrians and vehicles. The owners should remove all dead, infectious, diseased or hazardous trees, or broken or decayed limbs that constitute a hazard to the safety of streets. Upon finding any of the above conditions, PW shall request a Town Code Enforcement Officer to notify the property owner of the problem(s) and direct the property owner to correct the problem(s) in a timely manner. After the expiration of the time provided in the notification letter, PW and/or its contracted agent shall have the right to prune any tree when it interferes with the proper spread of street lighting or interferes with visibility of any traffic control device or sign. The property owner shall be responsible for the cost of this maintenance.
7. Removal/treatment of dead, diseased, infectious, non-treatable pest-infested, non correctable, or otherwise hazardous trees.
 - a. PW shall have the right to remove any dead, diseased, pest-infested or other hazardous trees on Town-owned property when such items constitute a hazard to life or property in the public right-of-way.
 - b. PW shall have the right to request that a Code Official notify private property owners in accordance with established procedures to have dead, diseased or pest-infested trees on their property treated by an ISA certified arborist or a MD licensed pesticide applicator, or removed when said trees are in such close proximity to Town trees so as to pose a threat to the health of Town owned trees or a threat to the public health, safety, or welfare.

- c. When **PW** plants a tree, costs involved in removing the tree/stump, and repairing damage to sidewalks and curbs caused by the Town-owned trees are the Town's responsibility.
- 8. Removal of Stumps: all stumps of street and park trees should be removed to 6" below grade as near to the time the tree is removed as possible so they do not pose a hazard to the public.
- 9. Replacement/Mitigation Policy: a tree is to be planted and allowed to become established in close proximity to a declining tree, for a period of at least five years prior to the removal of the declining tree. When such replacement/establishment policy, in accordance with the Tree Management Plan cannot be followed due to time constraints or budgetary constraints, prior to removal of the declining tree, any tree that is removed should be replaced by one or more trees of an appropriate species as noted in the table below. One of the required numbers of trees should be planted in as close proximity to the one removed as is feasible and the remaining specified number within one year from the date of removal.

<u>dbh of Tree Removed</u>	<u>Replacement Quantity</u>	<u>dbh of Replacement(s)</u>
less than 6"	1	1-3/4" minimum
6"-9"	1	1-3/4" minimum
9"-12"	2	1-3/4" minimum

- 10. A State of MD Roadside Tree Expert or licensed MD Tree Expert or the equivalent certification is preferred for tree pruning, treating, or removal.
(Ordinance 464 effective 1/5/2004)

Sec. 24-53 New Developments; Street Renovation Projects.

- 1. In new residential, commercial or industrial developments, refer to the Town of Easton's Zoning Ordinance, as amended.
- 2. Town street renovation projects shall make provision for Street Tree plantings. The Town Planner, Town Engineer, and PW shall work with the contracted project engineer/landscape architect during the design and implementation phases of the project, and shall be responsible for making final recommendations.
(Ordinance 464 effective 1/5/2004)

Sec. 24-54 Interference with the Department of Public Works.

- 1. It shall be unlawful for any person to prevent, delay or interfere with PW and/or its agents in the course of its carrying out the provisions of this ordinance, i.e. mulching, weeding, pruning, spraying, planting or removing of any street tree, park tree, or those on Town-owned or private property as authorized in this ordinance.
- 2. Abuse of Street or Park Trees: Unless specifically authorized in writing by PW, no person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters or other contrivance to any tree; allow gaseous liquid or solid substance which is harmful to such trees to come in contact with the tree or root zones; or set fire to burn when such fire or heat thereof will injure any portion of any tree on Town property.
(Ordinance 464 effective 1/5/2004)

Sec. 24-55 Certification; Insurance.

- 1. Any firm contracted by PW to prune or remove a Town-owned tree shall show proof of ISA Certified Arborist or MD Licensed Tree Expert certification to PW and shall be familiar with and follow ANSI A300 standard pruning practices before a contract for the work can be awarded.

2. Any firm contracted by PW or its agents to spray for or otherwise treat pests and diseases shall show proof that it has an ISA Certified Arborist or an MD Licensed Tree Expert status and holds a current MD Pest Control Operator's License.
3. Firms contracted by PW or its agents, shall provide to PW Superintendent proof of Workman's Compensation Insurance and adequate Liability Insurance coverage in the minimum amounts of \$1,000,000 for bodily damage and \$100,000 for property damage, indemnifying the Town from liability for any person or property injured or damaged resulting from the pursuit of such endeavors as described herein.
(Ordinance 464 effective 1/5/2004)

Sec. 24-56 Penalty.

A violation of any provision of this Article by any private person or failure to comply with any requirement thereof, shall constitute a municipal infraction. Each day on which a violation continues shall constitute a separate offense. (Ordinance 464 effective 1/5/2004)