

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CHAPTER 179, “TREE AND LANDSCAPE MAINTENANCE”, BY
REPEALING AND RE-ENACTING §179-2, “PURPOSE; APPLICABILITY”, TO
REVISE AND CLARIFY THE PURPOSE OF THE TREE AND LANDSCAPE
BOARD AND CHAPTER 11, “AUTHORITIES”, §11-1, “FINDINGS” TO UPDATE A
CODE REFERENCE, AND TO DELETE CHAPTER 15, “BOARDS, COMMISSIONS
AND COMMITTEES”, ARTICLE V, “ANIMAL CONTROL BOARD” AS AN
OUTDATED REFERENCE

WHEREAS, §5-202 of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the residents of the municipality; and

WHEREAS, the Mayor and Council have adopted Chapter 179, “Tree and Landscape Board” for certain purposes, which are amended after review by the Board and the Council after a review of City Code with respect to Boards, Commissions and Committees; and

WHEREAS, a review of City Code with respect to Boards, Commissions and Committees has revealed two changes, in chapters 11 and 15, that must be updated respectively to reflect a proper code reference and to delete any the Animal Control Board, which has been disbanded.

Section 1. **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park that Chapter 179, “Tree and Landscape Maintenance”, §179-2, “Purpose; applicability” be and is hereby repealed and reenacted with amendments to read as follows:

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

§ 179-2 Purpose; applicability.

A. It is the policy of the City of College Park, Maryland, to educate and encourage all persons in the City to use safe and desirable installation, removal and maintenance practices to promote healthy trees, shrubs and ground covers on private and public lands within the City limits.

B. The provisions of this chapter apply to trees, shrubs and ground covers presently or hereafter planted and established within the City limits.

C. The organizational provisions of this chapter create positions and a Board whose purposes are to:

(1) Enhance the beauty of the City.

(2) Advise the City staff on planting, removal and maintenance of trees, shrubs and ground covers in or upon public ways or public areas within the City limits.

(3) Protect trees, shrubs, ground covers and other materials located on public property from undesirable or unsafe installation, removal and maintenance practices to ~~[insure]~~ ENSURE that no liability occurs from said practices.

(4) ~~[Eliminate]~~ IDENTIFY and guard against landscape conditions (e.g., trees weakened by diseases, construction, storm damage, etc.) that may result in injury to persons using the public ways and areas and/or damage to public property.

(5) ~~[Guard plants]~~ COORDINATE WITH STATE AGENCIES TO MONITOR AND GUARD CITY LANDSCAPE against the spread of diseases or pests.

(6) EDUCATE AND encourage College Park ~~[citizens]~~ RESIDENTS to adopt practices that promote and protect healthy trees, shrubs and ground covers on private land.

D. When it is in the public interest, the City reserves the right to protect trees on private lands from diseases, pests or destruction.

Section 2. BE IT FURTHER ENACTED, by the Mayor and Council of the City of College Park that Chapter 11, “Authorities”, §11-1, “Findings” be and is hereby repealed and reenacted with amendments to read as follows:

§ 11-1 Findings.

A. It is hereby found and determined that insanitary and unsafe inhabited dwelling accommodations exist in the City of College Park, Maryland.

B. It is hereby found and determined that there is a shortage of safe and sanitary dwelling accommodations in the City of College Park, Maryland, available to families of low income at rentals they can afford.

C. Pursuant to the Housing Authorities Law, as amended,^[1] it is hereby found and declared that there is need for a Housing Authority to function in the City of College Park, Maryland. *[1]Editor's Note: See [Article 44A, § 1-101 et seq.,] §12-101 ET SEQ. OF DIVISION II, HOUSING AUTHORITIES, HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.*

Section 3. BE IT FURTHER ENACTED, by the Mayor and Council of the City of College Park that Chapter 15, “Boards, Commissions and Committees”, Article V, Animal Control Board be and is hereby repealed as follows:

~~[Article V, Animal Control Board
§ 15-30 Duties and responsibilities.~~

~~The Animal Control Board shall perform those functions enumerated in § 102-13 of Chapter 102 of the College Park Code, entitled "Dogs and Other Animals."~~

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for _____ on the ____ day of _____ 2021, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. That this Ordinance shall become effective twenty days after

adoption provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Introduced on the ____ day of _____, 2021

Adopted on the ____ day of _____, 2021

Effective on the ____ day of _____, 2021

ATTEST:

CITY OF COLLEGE PARK

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney