

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 16-O-17

Introduced By:	Mayor Patrick L. McGrady
Date Introduced:	October 24, 2016
Public Hearing:	November 7, 2016
Date Adopted:	November 21, 2016
Date Effective:	December 12, 2016

AN ORDINANCE concerning

FOREST CONSERVATION

FOR the purpose of prohibiting within platted residential lots areas designated for forest conservation, priority forests and priority areas; prohibiting areas within platted residential lots from being subject to long-term forest protection agreements; providing additional enforcement and penalties for violation of City forest conservation requirements, plans and agreements; and generally relating to the City of Aberdeen's forest conservation program and compliance with that program.

BY adding
Chapter 280 Forest Conservation
Article VI Forest Conservation Plan
Section 280-10.E.
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 280 Forest Conservation
Article VI Forest Conservation Plan
Sections 280-12.B.(5)
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 280 Forest Conservation
Article XVII Penalties
Sections 280-24.C.
Code of the City of Aberdeen (2010 Edition as amended)

1 **BY** adding
2 Chapter 280 Forest Conservation
3 Article XVII Penalties
4 Sections 280-24.F.
5 Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

* * * indicates existing unmodified text omitted from Ordinance

6 **SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF**
7 **ABERDEEN**, that Section 280-10.E. is added to the Code of the City of Aberdeen (2010 Edition
8 as amended), Chapter 280 Forest Conservation, Article VI Forest Conservation Plan, to follow
9 immediately after Section 280-10.D. and to read as follows:

10
11 **Chapter 280 Forest Conservation**

12
13 **Article VI Forest Conservation Plan**

14
15 § 280-10 General Provisions.

16
17 E. PLATTED LOTS IN A RESIDENTIAL SUBDIVISION MAY NOT INCLUDE:

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19 (1) AREAS DESIGNATED FOR FOREST CONSERVATION;

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21 (2) PRIORITY FORESTS; OR

22
23 (3) PRIORITY AREAS.

24
25 **SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY**
26 **OF ABERDEEN**, that Section 280-12.B.(5) of the Code of the City of Aberdeen (2010 Edition
27 as amended), Chapter 280 Forest Conservation, Article VI Forest Conservation Plan, is repealed
28 and reenacted, with amendments, to read as follows:

29
30 **Chapter 280 Forest Conservation**

31
32 **Article VI Forest Conservation Plan**

33
34 § 280-12 Final forest conservation plan.

B. A final forest conservation plan shall:

(5) Incorporate a long-term binding protective agreement as specified in COMAR 08.19.05.02 that:

(a) Provides protection for areas of forest conservation, including areas of afforestation, reforestation, and retention; and

(b) Limits uses in areas of forest conservation to those uses that are designated and consistent with forest conservation, including recreational activities and forest management practices that are used to preserve forest; BUT

(C) MAY NOT INCLUDE LAND WITHIN PLATTED RESIDENTIAL LOTS AS AREAS OF FOREST CONSERVATION.

SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Section 280-24.C. of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 280 Forest Conservation, Article XVII Penalties, is repealed and reenacted, with amendments, to read as follows:

Chapter 280 Forest Conservation

Article XVII Penalties

§ 280-24 Enforcement.

C. The Department may seek an injunction requiring the person to cease violation of AND COMPLY WITH this chapter, A REGULATION OR ORDER ADOPTED OR ISSUED UNDER THIS CHAPTER, A FOREST CONSERVATION PLAN, A TWO-YEAR MAINTENANCE AGREEMENT OR A LONG-TERM BINDING PROTECTIVE AGREEMENT, and TO take corrective action to restore or reforest an area.

SECTION 4. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Section 280-24.F. is added to the Code of the City of Aberdeen (2010 Edition as amended), Chapter 280 Forest Conservation, Article XVII Penalties, to follow immediately after Section 280-24.E. and to read as follows:

Chapter 280 Forest Conservation

Article XVII Penalties

§ 280-24 Enforcement.

F. IN ADDITION TO THE OTHER PROVISIONS OF THIS SECTION, A PERSON WHO VIOLATES A PROVISION OF THIS CHAPTER, A REGULATION OR ORDER ADOPTED OR ISSUED UNDER THIS CHAPTER, A FOREST CONSERVATION PLAN, A TWO-YEAR MAINTENANCE AGREEMENT OR A LONG-TERM BINDING PROTECTIVE AGREEMENT, IS GUILTY OF A MUNICIPAL INFRACTION AND IS LIABLE FOR A FINE IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500) FOR AN INITIAL VIOLATION AND ONE THOUSAND DOLLARS (\$1,000) FOR EACH REPEAT OR SUBSEQUENT VIOLATION. EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

SECTION 5. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that this Ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.

COUNCIL OF THE CITY OF ABERDEEN


Patrick L. McGrady, Mayor


Steven E. Goodin, Councilman


Sandra J. Landbeck, Councilwoman


Timothy W. Lindecamp, Councilman


Melvin T. Taylor, Councilman

ATTEST:

SEAL:


Monica A. Correll, City Clerk

Date November 21, 2016