

Chapter 12

PARKS AND RECREATION*

* **Charter References:** Authority to control, etc., parks and recreational facilities, § 3(7).
Cross References: Operation of vehicles on driveway of Greenbelt Youth Center, § 11-26; restrictions on ball games in park, § 16-1.
State Law References: Municipal authority to establish and maintain parks, etc., Anno. Code of Md., Art. 23A, § 2(a)(20); authority to acquire land for such purposes, Anno. Code of Md., Art. 23A, § 2(a)(24).

Art. I. In General, §§ 12-1--12-15

Art. II. Park and Recreation Advisory Board, §§ 12-16--12-35

Art. III. Public Parks, Playgrounds, Etc., Generally, §§ 12-36--12-60

Art. IV. Attick Lake Park (Greenbelt Lake), §§ 12-61--12-99

Div. 1. Generally, §§ 12-61--12-75

Div. 2. Boating Regulations, §§ 12-76--12-90

Div. 3. Permit Parking Area, §§ 12-91--12-99

Art. V. Dog Park, §§ 12-100--12-109

Art. VI. Arts Advisory Board, §§ 12-110--12-120

Art. VII. Trees, §§ 12-121--12-139

Art. VIII. Forest Preserve Advisory Board §§ 12-140--12-149

Art. IX. Forest Preserve §§ 12-150--12-163

ARTICLE I.

IN GENERAL

Sec. 12-1. Rules and regulations for operation of city swimming pool.

The city manager is hereby authorized to prescribe rules and regulations for the operation of the swimming pool to provide for the safety, health, comfort and convenience of the residents of the city and their invited friends.

(Code 1971, § 13-1)

Secs. 12-2--12-15. Reserved.

ARTICLE II.

PARK AND RECREATION ADVISORY BOARD*

* **Cross References:** Boards and commissions generally, § 2-151 et seq.

Sec. 12-16. Established.

There is hereby established an advisory board to be known as the park and recreation advisory board.
(Code 1971, § 2-21)

Sec. 12-17. Membership.

(a) The park and recreation advisory board shall be composed of eleven (11) members, who shall serve without compensation, and who shall be selected from the citizenry of the city by the city council to serve a three-year term of office.

(b) The city manager and director of recreation shall be ex officio, nonvoting members of the park and recreation advisory board.

(c) The chairman of the park and recreation advisory board, with the consent of the majority of the members voting, may appoint additional persons having particular training, ability or interest in the area of parks and recreation as nonvoting members.

(d) Whenever a member of the park and recreation advisory board shall fail to attend three (3) or more regular meetings, the chairman may so advise the city council, which may void the appointment and appoint another person to fill the position.
(Code 1971, §§ 2-22--2-24, 2-27; Ord. No. 1295, 6-2-08)

Sec. 12-18. Officers; bylaws; meetings; annual report to city council.

The park and recreation advisory board shall elect from its members a chairman, vice-chairman, secretary and such other officers as it deems necessary. The board shall establish its own bylaws for the conduct of its activities. It shall meet regularly at a time and place established by it. It shall submit an annual report of its endeavors to the city council.
(Code 1971, § 2-25)

Sec. 12-19. Liaison with city council.

The mayor shall designate a member of the city council to serve as liaison between the city council and the park and recreation advisory board.
(Code 1971, § 2-26)

Sec. 12-20. Functions.

(a) The purpose of the park and recreation advisory board, in lending stability and continuity to general operations, shall be to determine needs, make recommendations and give other needed advisory services to the city council, the city manager and the recreation director on matters related to park and recreational services so that leisure time opportunities meaningfully and purposefully resulting in self development, satisfying activities and enriching social and cultural experiences will be available to the citizens of the city.

(b) The duties of the park and recreation advisory board shall be as follows:

- (1) To act in an advisory capacity to the city council, city manager and the recreation director in all matters pertaining to parks and recreation and to cooperate with other governmental agencies, civic groups and other appropriate organizations in the advancement of sound park and recreation planning and programming.
- (2) To have periodic inventories made of park and recreational services that exist or may be needed and interpret the needs of the public to the city council and to the recreation director.
- (3) To establish and continually revise a long term comprehensive park and recreational plan which provides an adequate system of standards for areas, facilities, equipment, programs, leadership and personnel consistent with total community planning.
- (4) To recommend policies for approval of the city council in order to maintain the highest quality and standard of park and recreational services.
- (5) To advise with the recreation director on problems of development of park and recreation areas, facilities, programs and improved park and recreation services.
- (6) To aid in coordinating the park and recreation services with programs of other governmental agencies and voluntary organizations.
- (7) To review the effectiveness of park and recreation services.
- (8) To interpret the policies and functions of the recreation department to the public and keep the city council and general public aware of the progress being made in achieving park and recreation goals and of the problems that confront the recreation department.
- (9) To review the annual budget for park and recreation services, advise the recreation director, the city manager and the city council on the development of long-range capital improvement program, and render appropriate advice concerning solicitation and encouragement of gifts of money and property for the benefit of the community recreation program.
- (10) To advise the city council and the city manager on matters of personnel policy and procedures for the recreation department.
- (11) To make special studies on matters concerning parks and recreation as assigned by the city council and to make recommendations to the city council as a result of the studies made.

- (12) To perform such other duties not prescribed by ordinance or other law, and consonant therewith establish such rules and procedures as may be necessary to implement and carry out the duties and responsibilities of this board.

(Code 1971, § 2-29)

Secs. 12-21--12-35. Reserved.

ARTICLE III.

PUBLIC PARKS, PLAYGROUNDS, ETC., GENERALLY

Sec. 12-36. Scope.

This article is enacted for the government and use of public parks, playgrounds and public parking areas within the city. These regulations do not extend to that land owned by the Interior Department of the United States Government, located south of the Greenbelt Road.

(Code 1971, § 13-13)

Sec. 12-37. Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor.

(Code 1971, § 13-27)

Sec. 12-38. Hours of use.

The lake park and its parking area and Braden Field including all adjacent park land thereto shall be open for public use between the hours of 5:00 a.m. and 11:00 p.m. daily. At all other times the park shall be closed to the public, and it shall be unlawful for any person to be in the park during such hours as it is closed to the public; provided, that this prohibition shall not apply to pedestrians utilizing the lighted, paved walkways at Braden Field for passage to a destination outside the park.

(Code 1971, § 13-13A)

Sec. 12-39. Use of motor vehicles generally.

No motor vehicle is permitted to enter any park or playground except areas designated as parking areas. Service vehicles in the performance of service are excluded from the above prohibition. All cars shall be parked in an orderly manner in designated parking areas and within the hours posted in these areas.

(Code 1971, § 13-14)

Sec. 12-40. Use of parking space by vendor for selling merchandise prohibited.

No vendor shall be permitted to occupy parking space in parking areas for the sale or dispensing of his merchandise.

(Code 1971, § 13-15)

Sec. 12-41. Litter.

No person shall deposit or throw in any playground, park or public parking area, including the waters of the lake, any garbage, sewage, refuse, waste, foodstuffs, paper, bottles or other litter or obnoxious material or things liquid or solid, except in receptacles provided for the purpose.

(Code 1971, § 13-16)

Cross References: Litter generally, § 17-16 et seq.

Sec. 12-42. Damaging, defacing, etc., prohibited.

No person shall injure, deface, disturb or befoul any part of a park or playground or public parking area or any building, sign, equipment or other public property therein.

(Code 1971, § 13-17)

Sec. 12-43. Removal, etc., of trees, flowers, etc., prohibited.

No person may remove or destroy any tree, flower, fern, shrub, rock or other plant or mineral except maintenance employees in the performance of their duties in connection with the maintenance and improvement of the parks and playgrounds.

(Code 1971, § 13-18)

Sec. 12-44. Hunting or trapping; use of firearms prohibited.

No person shall hunt or trap in the parks or playgrounds in the city. The use of firearms, including air rifles, air pistols, BB guns or sling shots is prohibited.

(Code 1971, § 13-19)

Sec. 12-45. Restrictions on playing certain games.

The use of city parks, playgrounds or public parking areas to play games involving the throwing or otherwise propelling objects such as balls, stones, arrows, javelins or model airplanes is prohibited except in areas set apart for such forms of recreation. Playing of games such as football, baseball, golf, tennis and basketball may be played only in fields or courts provided therefor.

(Code 1971, § 13-20)

Sec. 12-46. Fires.

Fires shall be confined to established fireplaces and shall be extinguished before leaving the area. This section does not apply to portable charcoal grills.

(Code 1971, § 13-23)

Sec. 12-47. Group picnics.

(a) The city manager shall establish at the park one or more picnic facilities for use by groups. Permits are required for the use of established group picnic facilities, and no group consisting of more than fifteen (15) persons shall hold a picnic without first obtaining a permit.

(b) Picnic permits shall be issued only to the following:

- (1) Greenbelt organizations which, for the purposes of this section, are defined as any organization, formal or informal in structure, meeting one of the following criteria:
 - a. Regularly meets in the city.
 - b. Has a membership, the majority of which are residents of the city.
 - c. Is sponsored by the city recreation department or is a participant in a program conducted by the recreation department.
 - d. Is sponsored by or is directly connected with a business or organization located within the city; provided, however, there is no commercial activity related to the holding of the group picnic.
- (2) Family groups, the permit for which is issued to a Greenbelt resident who is acting as the host for the group; provided, however, it is not the intent of this section to authorize the issuance of permits to a Greenbelt resident for the purpose of a group picnic being held in the park which is, in reality, an activity of an organization which does not meet the criteria established herein for a Greenbelt organization.
- (3) Non-Greenbelt school classes and other youth groups; provided, however, that such permits shall not be issued for group use on Saturdays, Sundays, official city holidays and in the evenings after 4:00 p.m.

(Code 1971, § 13-25)

Cross References: Public meetings, Ch. 15.

Sec. 12-48. Alcoholic beverages.

The use of any alcoholic beverage in the parks, playgrounds or public parking areas shall be prohibited. The possession of any opened or partially consumed container of any alcoholic beverage, either on the person or in a parked vehicle, shall be considered as a violation of this section.

(Code 1971, § 13-26)

Sec. 12-49. Posting of park rules and regulations.

In order to provide for the orderly use of city parks and recreation facilities and to provide for the safe enjoyment of the parks and recreation facilities for all users, the city council may order the posting of rules and regulations governing use, behavior and activities. Such postings shall be considered official orders of the city, and violations thereof shall be a municipal infraction, subject to the following fines:

First violation \$ 50.00

Second violation 100.00

Every subsequent violation 250.00

(Ord. No. 1217, 6-10-02)

Secs. 12-50--12-60. Reserved.

ARTICLE IV.

ATTICK LAKE PARK (GREENBELT LAKE)

DIVISION 1.

GENERALLY

Sec. 12-61. Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor.
(Code 1971, § 13-12)

Sec. 12-62. Fishing.

Fishing is permitted and encouraged in the Greenbelt Lake, provided it is done in conformity to the state law. A state license is required by all persons over the age of sixteen (16) years.
(Code 1971, § 13-2)

Sec. 12-63. Bathing or swimming prohibited.

Bathing or swimming is prohibited in the Greenbelt Lake.
(Code 1971, § 13-3)

Sec. 12-64. Damage, pollution, etc., prohibited.

Malicious damage, pollution or contamination of Greenbelt Lake and surrounding park areas shall be prohibited.
(Code 1971, § 13-4)

Sec. 12-65. Swans and ducks.

No ducks shall be permitted to be placed on the Greenbelt Lake except with the permission of the city manager. No swans shall be permitted at any time.
(Code 1971, § 13-5)

Sec. 12-66. Walking or skating on ice.

Walking or skating on ice on Greenbelt Lake and its tributaries shall be prohibited unless the city manager authorizes skating and signs permitting skating are posted. The city manager shall establish criteria for the thickness and condition of ice, based upon recognized standards for ice skating, which shall be the basis for permitting skating. Walking or skating on ice shall be prohibited in any area of the lake so designated by signs or warning devices at times when skating is permitted elsewhere on the lake. Skating shall be at a person's own

risk.
(Code 1971, § 13-21)

Secs. 12-67--12-75. Reserved.

DIVISION 2.

BOATING REGULATIONS

Sec. 12-76. Permit and registration.

(a) No person shall operate a boat or vessel on Greenbelt Lake which has not been registered with the director of public safety and for which a permit has not been issued. The owner of any boat or vessel which is to be used on Greenbelt Lake shall file application with the director of public safety on forms provided by the city. No permit shall be issued until the director of public safety or a member of his staff has verified that the boat or vessel for which a permit has been requested complies with the regulations provided in this division. All permits issued shall expire on April first of the following year, unless renewed.

(b) Permits to operate boats or vessels shall be issued only to city residents or concessionaires operating under a concession lease with the city for boats or vessels meeting the following requirements:

- (1) The boat shall be constructed of naturally buoyant material or shall contain built-in flotation devices so that it shall float even when capsized.
- (2) Only hand- or foot-propelled boats or vessels, rowboats, canoes, paddle boats and sailboats twenty (20) feet or less in length shall be permitted. No motor-propelled boat shall be permitted except for rescue or emergency equipment authorized by the director of public safety.

(c) There is hereby established an initial registration and permit fee for each boat registered and issued permits under the provisions of this division of three dollars (\$3.00), except, that boats to be used by schools, scouting organizations and other nonprofit groups for training purposes, or boats owned by the city or owned by a concessionaire operating under a concessionaire lease with the city shall not be charged a fee. There shall be no charge for annual permit fees after the payment of the initial registration and permit fee.
(Code 1971, §§ 13-6, 13-7, 13-11)

Sec. 12-77. Standards for boats or vessels.

It shall be unlawful for any person to operate any boat or vessel on Greenbelt Lake which does not meet the following requirements:

- (1) The registration number shall be marked on either side of the bow in characters not less than four (4) inches in height and of a color sharply contrasting to the background color, provided, that any boat registered by the state or the U. S. Coast Guard shall be assigned the same registration number by the city as that assigned to it by the state or U. S. Coast Guard and that number shall be displayed in accordance with state or U. S. Coast Guard regulations.

- (2) The boat or vessel shall be equipped with one life preserver or approved buoyant cushion for each person in the boat.
- (3) The boat or vessel shall be in good repair and safe operating condition. Boat oar locks, paddle wheel mechanisms and other mechanical parts shall be kept sufficiently lubricated so as to provide a minimum amount of noise when operated.

(Code 1971, § 13-8)

Sec. 12-78. Rules governing operation.

It shall be unlawful for any person to operate a boat or vessel, or for the owner to permit the operation of any boat or vessel on Greenbelt Lake without complying with the following regulations:

- (1) The number of persons occupying the boat shall not exceed the number of seats provided for passengers or the rated passenger capacity of the boat, if any.
- (2) Children under sixteen (16) years of age and all persons who cannot swim shall wear a personal flotation device that has been approved by the U.S. Coast Guard. All other persons occupying the boat shall have in their possession and easily accessible a U.S. Coast Guard-approved personal flotation device.
- (3) The boat or vessel shall be operated at all times in a safe and proper manner. The reckless propelling of a boat without regard to the safety of the boat or vessel or other boats or vessels on the water, or the improper standing or seating within a boat so as to cause unnecessary risk of capsizing or falling overboard, is prohibited.
- (4) Children under twelve (12) years of age shall be accompanied by at least one (1) person over eighteen (18) years of age in any boat or vessel on the lake; except that for a boat or vessel designed to be occupied by only one (1) person, any child under twelve (12) years of age shall be supervised on a one-to-one basis by a person over eighteen (18) years of age in a nearby boat or vessel on the lake.
- (5) No boat shall be operated on Greenbelt Lake during the hours of darkness (one-half hour after sunset to one-half hour before sunrise); except, that for special events the city manager may authorize the operation during specified hours of darkness boats or vessels authorized by this division, carrying a warning light and operated by a person over eighteen (18) years of age, as required by the director of public safety.

(Code 1971, § 13-9; Ord. No. 1274, 7-10-06)

Sec. 12-79. Response to hailing by police officers, etc.; inspections.

The operator of any boat or vessel on Greenbelt Lake shall respond to the hailing or other directions of a police officer or park attendant at any time and shall permit his boat or vessel to be inspected for compliance with the provisions contained in this division.

(Code 1971, § 13-10)

Secs. 12-80--12-90. Reserved.

DIVISION 3.

PERMIT PARKING AREA

Sec. 12-91. Generally.

The city manager shall establish in the parking lot at the Attick Lake Park an area to be designated for permit parking only. The permit parking area shall consist of at least twenty (20) parking spaces, and, if the city manager determines that there is a need for additional spaces to be provided for permit parking only, he may designate such additional parking spaces as may be necessary for such use; provided, that there shall always be no less than twenty (20) parking spaces provided for unrestricted use during the hours the park is open to the public. When signs are erected giving notice thereof, no person shall park a vehicle in the designated "permit parking only" area unless the vehicle has been registered with the city police department and a valid permit issued by the police department is properly displayed upon the vehicle.

(Code 1971, § 13-11A)

Sec. 12-92. Permits.

(a) Any person desiring to obtain a permit to park in the designated permit parking area at the Attick Lake Park may do so by registering his vehicle at the city police department and obtaining a permit to be displayed upon the vehicle. The city manager shall establish such regulations as may be necessary in conformance with this division, including regulations relating to the manner of application for permit, the hours of sale, the verification of vehicle registration, the form of the permit to be issued and the manner in which the permit shall be displayed upon the vehicle.

(b) There shall be charged for each vehicle registered and issued a permit fee in accordance with the following schedule:

- (1) For each vehicle owned by and registered to an employee of the city, there shall be no fee charged as the designated permit parking area shall serve as the employee parking area for the municipal service building.
- (2) For the registering and issuing of a parking permit to each vehicle registered with the state to an address within the corporate limits of the city, there shall be a permit fee of one dollar (\$1.00).
- (3) For the registering and issuing of a parking permit to any other vehicle, there shall be a permit fee of five dollars (\$5.00).

(c) Permits issued to employees of the city shall expire upon the termination of employment with the city and shall thereafter be removed from display upon the vehicle registered. All other permits shall expire on the last day of the calendar year in which the permit was issued.

(Code 1971, §§ 13-11B--13-11D)

Sec. 12-93. Enforcement of regulations.

With reference to the violation of parking regulations enumerated in this division, enforcement shall be in the same manner as is prescribed for the violation of parking regulations enumerated in Chapter 11 of this Code.
(Code 1971, § 13-11E)

Secs. 12-94--12-99. Reserved.

ARTICLE V.

DOG PARK

Sec. 12-100. Rules and regulations for operation of dog park(s).

The city manager is hereby authorized to prescribe rules, regulations and hours of use for the operation of dog park(s) to provide for the safety, health, comfort and convenience of the residents of the city.
(Ord. No. 1150, 8-26-96)

Sec. 12-101. Penalty.

Any person violating any of the provisions of this article shall be guilty of a municipal infraction and subject to fines as established by action of the city council.
(Ord. No. 1150, 8-26-96)

Sec. 12-102. Permits required.

Prior to the use of the dog park, a city dog park permit must be obtained by the owner for each dog to be exercised within or otherwise brought into the dog park. Such dog park permits are nontransferable between dogs. Dog permit tags shall be securely fastened to each dog's collar, and shall be worn by the dog at all times when at the dog park(s). Fees for a dog park permit shall be as established by action of the city council.
(Ord. No. 1150, 8-26-96)

Sec. 12-103. Litter.

No person shall deposit or throw in the dog park(s) any garbage, sewage, refuse, waste, foodstuffs, paper, bottles or other litter or obnoxious material or things liquid or solid, except in receptacles provided for the purpose. Each dog owner, or person with responsibility for a dog(s) within the dog park, shall promptly remove and properly dispose of in a receptacle provided for such purpose all excrement deposited by such dog within the dog park(s).
(Ord. No. 1150, 8-26-96)

Sec. 12-104. Restrictions on other uses.

The use of the dog park(s) for uses other than the exercise of dogs is prohibited.
(Ord. No. 1150, 8-26-96)

Secs. 12-105--12-109. Reserved.

ARTICLE VI.

ARTS ADVISORY BOARD*

* **Editors Note:** Inasmuch as Ord. No. 1150, adopted Aug. 26, 1996, set out provisions numbered §§ 12-100--12-104, the editor has redesignated §§ 12-100--12-103 adopted by Ord. No. 1154 as §§ 12-110--12-114.

Sec. 12-110. Established.

There is hereby established an advisory board known as the arts advisory board.
(Ord. No. 1154, 1-13-97)

Sec. 12-111. Membership.

(a) The arts advisory board shall consist of eleven (11) citizen members appointed by the city council for terms of three (3) years, except that of those first appointed four (4) shall be appointed for one-year terms and four (4) for two-year terms. Each of the appointments shall expire during the month of February of the year of expiration, or shall continue until a successor is appointed.

(b) A city staff member appointed by the city manager shall serve as a nonvoting member of the board.

(c) In making its appointments the city council shall try to select at least one member each from the performing, visual and literary areas of the arts.
(Ord. No. 1154, 1-13-97)

Sec. 12-112. Officers and bylaws.

The board shall elect its own officers who shall be selected from the citizen members. The board shall adopt its own bylaws and amendments thereto, subject to approval by the city council.
(Ord. No. 1154, 1-13-97)

Sec. 12-113. Liaison with city council.

The mayor shall designate a member of the city council to serve as liaison between the city council and the arts advisory board.
(Ord. No. 1154, 1-13-97)

Sec. 12-114. Functions.

(a) The arts advisory board shall be responsible for guiding the implementation of the city's arts policy.

(b) The duties of the arts advisory board shall be as follows:

- (1) Review and make recommendations regarding the city's formal arts policy.
 - (2) Advise the city council and the citizens on matters relating to the arts, including policies, programs, art in public places, funding for private groups and facilities for the arts.
 - (3) Promote and work to increase citizen participation in city and noncity arts programs and individual activities.
 - (4) Help city arts organizations raise funds by providing information and assistance.
 - (5) Supplement city staff as a liaison with arts related organizations.
 - (6) Aid in the planning and annual evaluation of the city's arts programs.
- (Ord. No. 1154, 1-13-97)

Secs. 12-115--12-120. Reserved.

ARTICLE VII.

TREES

Sec. 12-121. Definitions.

(a) *Street trees* are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying within the city right-of-way.

(b) *Park trees* are herein defined as trees, shrubs, bushes and all other woody vegetation on land owned by the city, excluding street rights-of-way.
(Ord. No. 1189, 2-28-00)

Sec. 12-122. Street tree species to be planted.

The city shall establish an official street tree list, which will identify tree species suitable for planting in city street rights-of-way. The list shall be approved by the city council. No species other than those included in this list may be planted as street trees without written permission of the city manager.
(Ord. No. 1189, 2-28-00)

Sec. 12-123. Spacing.

The spacing of street trees will be based on soil volume available exclusively to the tree (assuming a two (2) foot rooting depth) and the species size classes listed on the official street tree list. Small trees shall have a minimum of one hundred fifty (150) cubic feet of soil available, medium trees shall have a minimum of three hundred (300) cubic feet of soil, and large trees a minimum of four hundred (400) cubic feet; except in special plantings designed or approved by a landscape architect and/or the city horticulturist.
(Ord. No. 1189, 2-28-00)

Sec. 12-124. Permission to plant park trees.

No person or firm shall plant any park tree on city property without the written permission of the city manager or his/her designee, which shall approve the location of the proposed planting and the type of tree to be planted.

(Ord. No. 1189, 2-28-00)

Sec. 12-125. Approval of all street plantings.

No street tree planting shall occur without the written permission of the city manager or his/her designee. Any owner of a private residence wishing to plant a street tree shall reimburse the city for the cost of the street tree(s) obtained and city crews will plant the tree(s).

(Ord. No. 1189, 2-28-00)

Sec. 12-126. Distance from street corners and fire plugs.

No street tree shall be planted within twenty-five (25) feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted within ten (10) feet of any fire plug.

(Ord. No. 1189, 2-28-00)

Sec. 12-127. Tree care.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the right-of-ways of all city streets and city property, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The above activities may be performed by persons other than city staff with the written permission of the city manager or his/her designee.

The city manager or his/her designee may cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect or other pest.

(Ord. No. 1189, 2-28-00)

Sec. 12-128. Tree topping.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree or park tree on city property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the city manager or his/her designee.

(Ord. No. 1189, 2-28-00)

Sec. 12-129. Pruning and corner clearance of trees on private property.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property, at the owner's expense, when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.
(Ord. No. 1189, 2-28-00)

Sec. 12-130. Removal of trees on city property.

No person shall remove or destroy or cause the removal or destruction of a tree on any city property or undertake construction or other action that may significantly and permanently detract from the health or growth of such tree without having first obtained written permission from the city manager or his/her designee. Such trees may be removed only by the city horticulturist or his agent, unless this condition is waived by the city manager.
(Ord. No. 1189, 2-28-00)

Sec. 12-131. Removal of stumps.

All stumps of street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
(Ord. No. 1189, 2-28-00)

Sec. 12-132. Violations and penalties.

(a) Persons or firms found to be in violation of this article shall be subject to a municipal infraction as established by the city.

(b) The penalty for violation of this article shall be one thousand dollars (\$1,000.00) per violation. In a case where multiple trees are impacted by violation of this article, each tree impacted shall be considered a separate violation of this article.
(Ord. No. 1189, 2-28-00; Ord. No. 1230, 8-12-02)

Secs. 12-133--12-139. Reserved.

ARTICLE VIII.

FOREST PRESERVE ADVISORY BOARD

Sec. 12-140. Established.

There is hereby established an advisory board to be known as the forest preserve advisory board.
(Ord. No. 1279, 5-9-07)

Sec. 12-141. Membership.

(a) The forest preserve advisory board shall be composed of nine (9) members who shall be selected from the citizenry of the city by the city council to serve a three-year term of office, except that of those first appointed, three (3) shall be appointed to one-year terms, three (3) shall be appointed to two-year terms, and three (3) shall be appointed to three-year terms. With the consent of the majority of members voting, the board may involve additional people as nonvoting members for special projects based on their expertise.

(b) The city manager shall appoint a city staff member to serve as a nonvoting member of the board. The city council may designate one (1) of its members to serve as a council liaison to the board.

(c) Members may be removed for cause by the city council. If a member is repeatedly absent from regularly scheduled meetings, the city council may void the appointment and appoint another person to fill the position.

(Ord. No. 1279, 5-29-07)

Sec. 12-142. Officers and bylaws.

The board shall elect from its own members a chair, vice-chair and such other officers as it deems necessary. The board may adopt its own rules or bylaws, subject to approval by the city council.

(Ord. No. 1279, 5-29-07)

Sec. 12-143. Functions.

(a) The purpose of the forest preserve advisory board shall be to provide advisory guidance to the city council on the formulation of policy related to the management and maintenance of the forest preserve, the designation of forest preserve areas, and any other matters as directed by the city council.

(b) The duties of the forest preserve advisory board shall be as follows:

- (1) On an annual basis, report to the city council on the health and condition of the forest preserve.
- (2) As needed, monitor the health and condition of the forest preserve, as well as activities within the forest preserve, and report to the city council any circumstances indicating that intervention, consistent with the approved management and maintenance guidelines, is required.
- (3) As needed, review, interpret, and make recommendations to the city council on the management and maintenance guidelines and on the forest preserve article of this chapter.
- (4) Advise the city council on the designation of forest preserve areas.
- (5) Sponsor educational, interpretative, maintenance, or other programs, as appropriate and consistent with the forest preserve article and the management and maintenance guidelines, for the purpose of furthering the city's objectives of protecting the forest preserve areas.
- (6) Ensure coordination between the forest preserve advisory board and other city advisory boards

and committees by reporting to the city council and to the appropriate advisory groups should any matter before the board impact areas of interest and responsibility of those advisory groups, including but not limited to issues and matters related to forest health and the management and treatment of invasive plant species.

(Ord. No. 1279, 5-29-07)

Secs. 12-144--12-149. Reserved.

ARTICLE IX.

FOREST PRESERVE*

*Ord. No. 1279, adopted May 29, 2007 redesignated Art. VIII, §§ 12-132--12-145 as Art. IX, §§ 12-150--12-163.

Sec. 12-150. Intent.

In order to protect, manage, and administer certain designated areas for the present and future use and enjoyment of the citizens of Greenbelt by protecting them from the impacts of a growing population, expanding growth, and growing mechanization, thus preserving these lands as an enduring natural resource.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-151. Forest preserve defined.

Forest preserve areas shall be considered those parcels and lots, or portions thereof, and areas owned by the City of Greenbelt, characterized as predominantly undisturbed and wooded, which are to be protected and conserved in their existing natural state for the use and enjoyment of present and future generations, by restricting uses to those consistent with the goals of protection and conservation and by setting forth procedures for management and maintenance that are consistent with the goals of protection and conservation.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-152. Designated forest preserve areas.

(a) The North Preserve shall be defined as that area held in ownership by the City of Greenbelt and located north of Northway, west of the Baltimore-Washington Parkway, south of the corporate city limits, and east of Ridge Road, comprised of legal parcels described as Map 27, Grid A2, Parcel 10, consisting of 102.5869 acres; Map 27, Grid B2, Parcel 17, consisting of 13.90 acres; Map 27, Grid A1, Parcel 19, consisting of 24.3363 acres; Map 27, Grid B3, Parcel 20, consisting of 4.079 acres; and Map 27, Grid A3, Parcel 12, consisting of 10.6427 acres; excluding those areas designated for location of the observatory and appurtenance improvements, and a yard waste collection location and described as follows: Beginning at the southwest property corner and extending east for a distance of 1,025 feet, then extending north at a 90-degree angle for a distance of 275 feet, then extending east at a 90-degree angle for a distance of 450 feet, then extending south at a 90-degree angle for a distance of approximately 275 feet to its intersection with the southern property line.

(b) The South Preserve shall be defined as that area held in ownership by the City of Greenbelt and

located south of Northway, west of the Baltimore-Washington Parkway, and east of Ridge Road, comprised of legal parcels described as Map 27, Grid A3, Parcel 6, consisting of 20.4667 acres; Map 27, Grid A3, Parcel 7, consisting of 17.1919 acres; Map 27, Grid A3, Parcel 8, consisting of 11.8707 acres; Map 27, Grid A4, Parcel 9, consisting of 11.8707 acres; Map 27, Grid A4, Parcel 11, consisting of 9.34 acres; and Map 27, Grid A4, Parcel 21, consisting of 10.1552 acres.

(c) The Boxwood Preserve shall be defined as that area held in ownership by the City of Greenbelt and located north of Crescent Road, west of Lastner Lane, south of Ivy Lane, and east of Ridge Road, comprised of the legal parcel described as Map 26, Grid D3, Parcel 56, consisting of 8.81 acres; excluding those areas improved for active use and recreation, and described as follows:

- (1) The basketball court area located in the northwest corner of the Boxwood Preserve, consisting of .69 acres, and extending from the property corner at the point of intersection of Ridge Road and Ivy Lane, east along the Ivy Lane property line for a distance of 200 feet; and then extending south at a 90-degree angle for a distance of 150 feet; and then extending west at a 90-degree angle to the property line along Ridge Road for a distance of 200 feet; and then extending north along the Ridge Road property line for a distance of 150 feet to the point of origin.
- (2) The playground and picnic area, located in the northeast to north central quadrant of the Boxwood Preserve, consisting of 2.2 acres, more or less, and extending from the property corner at the point of intersection of Ivy Lane and Lastner Lane, and extending south along the Lastner Lane property line for a distance of 430 feet; and then extending northwest at a 70-degree angle for a distance of 350 feet; and then extending north for a distance of 110 feet; and then extending northeast to the point of origin.

(d) The Belle Point Preserve shall be defined as that area held in ownership by the City of Greenbelt and located south of the Greenbelt Lake; adjacent to Map 26, Parcel 81; northwest of Vanity Fair Drive; and east of I-495, comprised of the legal parcel described as Map 26, Parcel 59, consisting of 10.0 acres; except that an area located adjacent to the Belle Point subdivision, adequate in size and dimension to accommodate playground, picnic or similar neighborhood recreation amenities, as designated by the city council, shall be considered excluded from the area included in the forest preserve and shall not be regulated by the provisions of this chapter.

(e) The Sunrise Preserve shall be defined as that area held in ownership by the City of Greenbelt and located northwest of the Capital Beltway, Route I-495, north of Parcel B held in ownership by the City of Greenbelt, south of the Maryland Trade Center Parcel B, and southwest of the terminus of Hanover Drive, comprised of the legal parcel described as Tax Map 34, Grid E2, Parcel A and consisting of 9.9591 acres, more or less.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07; Ord. No. 1282, 6-18-07; Ord. No. 1283, 6-18-07; Ord. No. 1284, 6-18-07; Ord. No. 1285, 6-18-07)

Sec. 12-153. Designation of or addition to forest preserve areas.

(a) Any designation of or addition to a forest preserve area shall be accomplished by ordinance adopted by the city council.

(b) Prior to the introduction of any ordinance to designate or add to a forest preserve area, the city council shall cause to be prepared a report that includes but is not limited to: a description of the area proposed as a forest preserve, including its unique characteristics and its existing uses and users; and a map indicating the location and boundaries of the proposed forest preserve area.
(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-154. Removal of forest preserve designation.

(a) Removal of any lands, in whole or in part, from the forest preserve designation as set forth in section 12-152 shall be by ordinance of the city council, following a public hearing which shall be held not less than two (2) weeks preceding first reading of the ordinance.

(b) Approval of any ordinance to remove lands from the forest preserve designation shall be by supermajority vote of the city council.

(c) No ordinance passed by the city council to delete or reduce a forest preserve area may become effective until approved by the voters of the City of Greenbelt, by way of a question placed on the ballot of the next regularly scheduled general city election, in accord with the city Charter.
(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-155. Management and maintenance guidelines.

(a) Forest preserve areas as defined in this article shall be managed to provide for and protect the natural character of these lands and to allow for the use of these lands in a manner that does not alter or degrade the essential natural character of these lands.

(b) The city council shall adopt management and maintenance guidelines, which shall set forth policy on permissible, required, and prohibited management and maintenance activities. Such guidelines shall be subject to the limitation that any maintenance proposed is the minimum necessary to preserve and protect the natural resource.
(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-156. Prohibited activities.

(a) Except as otherwise provided in this article and subject to any existing rights, no commercial enterprise or permanent road, except for fire roads or temporary road required in emergencies involving the health and safety of persons and/or the area and its environs, shall be permitted within an area designated under this article as a forest preserve area. Prohibited activities shall also include the use of motorized vehicles, except for maintenance and public safety vehicles operated in conformance with the management and maintenance guidelines; landing aircraft; or other forms of mechanical transport except for that authorized subject to the Americans with Disabilities Act.

(b) The grading of any area shall be prohibited, except as provided in the adopted management and maintenance guidelines. Grading shall be considered the alteration of natural and existing grade by any means other than natural forces.

(c) Except as provided in the management and maintenance guidelines, the construction of bridges, shelters, culverts, levees, dams, dikes, or other manmade structures shall be prohibited, unless required by a state or federal agency whose authority supersedes that of the city, subject to approval by the city council.

(d) The construction, either permanent or temporary, of any structure, or the installation of any public facilities or utilities shall be prohibited.

(e) No action shall be taken to alter or modify the natural course of any water course or body, even if such body is only seasonal or intermittent in nature, unless required by a state or federal agency whose authority supersedes that of the city, subject to approval by the city council.

(f) Hunting, trapping, fishing, driving, harassing or otherwise capturing or harming wildlife shall be prohibited.

(g) All forms of biking shall be prohibited.

(h) The introduction of any exotic or invasive species is prohibited.

(i) No trail maintenance shall be permitted except as provided in the management and maintenance guidelines.

(j) The creation of trails or the widening, grading, or change of surface materials of any existing trail shall be prohibited except as provided in the management and maintenance guidelines or as set forth in an adopted trails plan.

(k) Dumping or depositing of soil, trash, yard waste, garbage, or other offensive material shall be prohibited.

(l) The addition, extension of, or modification to any utility, except as otherwise provided in this article, shall be prohibited.

(m) Clearing and pruning of vegetation shall not be permitted, unless for the benefit of the land and consistent with the management and maintenance guidelines.

(n) Camping, grilling, cooking, or creation of any fire, regardless of purpose, mechanism of combustion, type of fuel, or type of containment, is prohibited.
(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-157. Resource protection.

(a) Natural resources within a forest preserve area are considered protected and may not be harmed, damaged, killed, relocated or removed, except as related to exotic and/or non-native species that may be recommended for removal or as otherwise provided in the management and maintenance guidelines.

(b) Resources of the forest preserve area shall include all trees, indigenous plants and flora, all forms and species of wildlife, including fish, amphibians, and birds.

(c) Violation of this section shall be considered a misdemeanor.
(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-158. Permitted activities.

(a) Any activities intended to and conducted so as to result in the non-destructive experience of the forest preserve and its essential natural qualities are considered consistent with the intent of this article and are permitted activities.

(b) Maintenance activities as set forth in the approved management and maintenance guidelines are permitted.
(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-159. Management and maintenance activities.

(a) The upgrading or expansion of any electrical transmission line, distribution line, telephone line, natural gas line, or other aboveground or underground line is permitted, if the person or entity responsible for the line had the right, subject to any required approvals, to upgrade or expand the line in the forest preserve area prior to the designation of the area as a forest preserve.

(b) Normal maintenance of utility lines and related easement areas is permitted, such that the activities are consistent with the right-of-way and/or easement, and such that the utility line, easement, or right-of-way existed prior to the date that the forest preserve was so designated.

(c) Any activity related to the management and maintenance of existing public drainage within a forest preserve area is permitted, provided that such maintenance does not increase the impervious area of coverage and does not widen, extend, or modify the drainage channel such that it would increase volume, velocity, or rates of discharge of natural or stormwater flows.

(d) Maintenance improvements to existing roads and parking areas within forest preserve areas, or within twenty-five (25) feet of the edge of the existing road or parking areas, are permitted so long as such maintenance improvements do not alter the existing surface material, do not expand or extend the area of the improvement, and do nothing to increase impervious surfaces.
(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-160. Special events.

The city will not sponsor or permit special events to be conducted in forest preserve areas if those events might be inconsistent with the intent of this article. Special events that are principally commercial in nature or activities involving animal, foot or watercraft races, physical endurance of a person or animal, organized survival exercises, war games, or similar exercises shall be considered inconsistent with the intent of this article.
(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-161. Preexisting improvements.

Improvements existing within designated forest preserve areas as of the day of designation shall be considered preexisting improvements and may be continued and maintained, but may not be expanded in size, area, or character of the improvement or related use.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-162. Enforcement and violations.

Violations of this article shall be considered a municipal infraction and may be punishable with a fine of one thousand dollars (\$1,000.00) for each violation, except as provided in section 12-157 of this article.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)

Sec. 12-163. Changes to article.

(a) Prior to the consideration of any ordinance to amend this article, except for revisions to forest preserve boundaries as set forth in sections 12-152 through 12-154, the city council shall make a mandatory referral of the ordinance for review and comment to the forest preserve advisory board, in addition to any other city council advisory boards or committees, or other groups as determined by the city council.

(b) Prior to the consideration of any ordinance to amend this article, the city council shall schedule and hold a public hearing.

(c) Any ordinance that provides for an addition to, amendment of, or deletion from this article, except for revisions to forest preserve boundaries as set forth in sections 12-152 through 12-154, may be placed on the ballot as a referendum question as provided in the city charter.

(d) Any ballot question shall be placed on the ballot of the next regularly scheduled city election, in accord with the city charter.

(Ord. No. 1243, 10-27-03; Ord. No. 1279, 5-29-07)