

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 8.
ENVIRONMENTAL AND ANIMAL CONTROL
AND PROTECTION.

CHAPTER 6B.
URBAN FOREST PRESERVATION.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 6B. URBAN FOREST PRESERVATION.

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CHAPTER 6B. URBAN FOREST PRESERVATION.

§ 8-651.01. FINDINGS.

(a) The urban forest of the District of Columbia, growing on both public and private land, is one of the District's great natural resources.

(b) A healthy, vibrant urban forest provides numerous environmental benefits, including:

- (1) Heat island effect mitigation and reduced energy use;
- (2) Better air quality and reduced water pollution; and
- (3) Quieter and more beautiful neighborhoods.

(c) The trees comprising the urban forest have significant aesthetic value, which enhances property values and the quality of life in neighborhoods throughout the District.

(June 12, 2003, D.C. Law 14-309, § 101, 50 DCR 888.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 14-309, the "Urban Forest Preservation Act of 2002", was introduced in Council and assigned Bill No. 14-307, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-614 and transmitted to both Houses of Congress for its review. D.C. Law 14-309 became effective on June 12, 2003.

Delegation of Authority

Delegation of Authority to the Urban Forest Preservation Act of 2002 and the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, see Mayor's Order 2003-173, December 1, 2003 (50 DCR 10619).

§ 8-651.02. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Circumference" means the linear distance around the trunk of a tree, when measured at a height of 4 1/2 feet.
- (2) "Director" means the Director of the Department of Transportation.
- (3) "Hazardous tree" means a tree that, in the opinion of a certified arborist, is defective, diseased, dying, or dead and should be removed; poses a high risk of failure or fracture with the potential to cause injury to people or damage to property and should be removed; or is causing damage to property or structures that cannot be mitigated in any manner other than removal of the tree. In any case, the Mayor shall have the authority to determine that a tree is not hazardous.
- (4) "Public parking" means that area of public space devoted to open space, greenery, parks, or parking that lies between the property line, which may or may not coincide with the building restriction line, and the edge of the actual or planned sidewalk that is nearer to the property line, as the property line and sidewalk are shown on the records of the District.
- (5) "Special Tree" means a tree with a circumference of 55 inches or more.
- (6) "Top" means, as defined by the latest edition of the ANSI-A300 pruning standards, the unacceptable act of tree pruning resulting in the indiscriminate reduction of the tree's crown leading to disfigurement or death of the tree.
- (7) "Tree Fund" means the Tree Fund established pursuant to § 8-651.07.

(June 12, 2003, D.C. Law 14-309, § 102, 50 DCR 888.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-309, see notes following § 8-651.01.

§ 8-651.03. URBAN FOREST PRESERVATION PROGRAM.

(a)(1) There is hereby established an Urban Forest Preservation Program for the District of Columbia which shall be administered by the Mayor. The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall promulgate standards and regulations governing the administration of this program and the protection of trees.

(2) The regulations shall allow public utility companies regulated by the Public Service Commission to conduct utility construction, line maintenance, and emergency work within the District's rights-of-way without a Special Tree removal permit otherwise required by this chapter.

(b) The Mayor shall transmit the regulations prescribed in subsection (a) of this section to the Council no later than 270 calendar days following June 12, 2003 for approval or disapproval, by resolution. These regulations and each revision of these regulations shall be transmitted to the Council for a 45-day review period, excluding Saturdays, Sundays, holidays and periods of Council recess, and deemed disapproved in the absence of Council action within the 45- day review period.

(c) The Mayor shall be responsible for preparing and annually updating a 5-year urban forest report and master plan.

(June 12, 2003, D.C. Law 14-309, § 103, 50 DCR 888.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-309, see notes following § 8-651.01.

Resolutions

Resolution 18-140, the "Urban Forest Preservation Regulations Approval Resolution of 2009", was approved effective June 2, 2009.

§ 8-651.04. PRESERVATION OF SPECIAL TREES; PERMITS; PENALTIES.

(a) It shall be unlawful for any person or nongovernmental entity, without a Special Tree removal permit issued by the Mayor, to Top, cut down, remove, girdle, break, or destroy any Special Tree.

(b) The Mayor shall issue a Special Tree removal permit under this section where the applicant has:

(1) Shown that the Special Tree in question is a Hazardous Tree;

(2) Shown that the Special Tree in question is of a species that has been identified, by regulation, as appropriate for removal;

(3) Paid into the Tree Fund an amount equal to \$35 for each inch of the circumference of the Special Tree in question; or

(4) Averred in a signed Special Tree removal permit application that the applicant will plant, in compliance with the applicable regulations, a quantity of saplings whose aggregated circumference equals or exceeds the circumference of the Special Tree in question.

(c) The showings required by subsection (b) of this section may be satisfied by a combination of payments and plantings pursuant to subsection (b)(3) and (b)(4) of this section.

(d) A violation of subsection (a) of this section, or a failure to comply with the conditions contained in a Special Tree removal permit, shall constitute a violation subject to a fine of not less than \$100 per each inch of the circumference of the Special Tree in question.

(June 12, 2003, D.C. Law 14-309, § 104, 50 DCR 888.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-309, see notes following § 8-651.01.

§ 8-651.05. NOTIFICATION REQUIREMENTS FOR REMOVAL OF TREES ON PUBLIC SPACE.

(a) Unless the tree is a Hazardous Tree, before removing a tree on public space, the Director shall provide not less than 15 days written notice to the affected Advisory Neighborhood Commission, and shall set forth the reason for the proposed removal.

(b) Public utility companies shall provide not less than 20 days written notice to the Director or his or her designee prior to performing any work which affects trees on public space, except for permitted utility construction or emergency work conducted by a public utility company regulated by the Public Service Commission, as provided in § 8-651.03(a).

(June 12, 2003, D.C. Law 14-309, § 105, 50 DCR 888.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-309, see notes following § 8-651.01.

§ 8-651.06. HAZARDOUS TREES.

(a) Nothing in this chapter shall prohibit the Mayor or a property owner from immediately removing a Hazardous Tree.

(b) No property owner shall permit a tree or tree part, dead or alive, to stand on his or her property, including the public parking area associated with that property if it is a hazard to the public at-large, or endangers any public improvement or other public facility.

(c) If the Mayor identifies a tree hazard as described in subsection (b) of this section, the Mayor shall notify the property owner of the hazardous situation, and shall give the property owner not less than 10 days written notice, excluding Saturdays, Sundays, and legal holidays, to eliminate the hazard.

(d) Where the District has notified a property owner of a hazard and no action is taken by the property owner to eliminate the hazard, the Mayor may take corrective action to abate the hazard. The Mayor shall then send the property owner a bill for the cost of the abatement action including any administrative costs incurred by the District. If the bill remains unpaid after 60-days, it shall become a tax lien against the property.

(June 12, 2003, D.C. Law 14-309, § 106, 50 DCR 888.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-309, see notes following § 8-651.01.

§ 8-651.07. TREE FUND.

(a) There shall be established a fund designated as the Tree Fund, which shall be a sub-fund of the Local Road Construction and Maintenance Fund and separate from the General Fund of the District of Columbia. Monies deposited into the Tree Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section pursuant to an act of Congress. Donations, fees and penalties collected pursuant to this chapter or any rules established to implement this chapter shall be deposited into the Tree Fund. All receipts shall be deposited as soon as practicable. The Director shall maintain the fund in coordination with the Chief Financial Officer of the District of Columbia.

(b) The Fund shall be used to plant trees and for any associated costs incurred by the District in administering this chapter, and shall include providing income-contingent subsidies to assist District residents with the removal costs of hazardous trees in accordance with regulations submitted for Council approval within 60 days of September 18, 2007. The Fund may include income-contingent subsidies for the replacement of trees when owners are required to remove hazardous trees.

(c) The Chief Financial Officer shall submit to the Mayor and to the Council an annual statement of all receipts and disbursements for the Fund.

(d) Private voluntary donations to the Fund shall be tax deductible for purposes of District income and franchise taxes.

(June 12, 2003, D.C. Law 14-309, § 107, 50 DCR 888; Apr. 13, 2005, D.C. Law 15-354, § 21(a), 52 DCR 2638; Sept. 18, 2007, D.C. Law 17-20, § 6102, 54 DCR 7052.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-354, in subsec. (a), validated a previously made technical correction.

D.C. Law 17-20 rewrote subsec. (b), which had read as follows:

"(b) The Fund shall be used to plant trees and for any associated costs incurred by the District in administering this chapter, and may include providing income contingent subsidies that assist District residents with the removal costs of hazardous trees in accordance with regulations provided for in § 8-651.03."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 6102 of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

Legislative History of Laws

For Law 14-309, see notes following § 8-651.01.

For Law 15-354, see notes following § 8-103.06.

Law 17-20, the "Fiscal Year 2008 Budget Support Act of 2007", was introduced in Council and assigned Bill No. 17-148 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2007, and June 5, 2007, respectively. Signed by the Mayor on June 28, 2007, it was assigned Act No. 17-63 and transmitted to both Houses of Congress for its review. D.C. Law 17-20 became effective on September 18, 2007.

Miscellaneous Notes

Short title: Section 6101 of D.C. Law 17-20 provided that subtitle K of title VI of the act may be cited as the "Hazardous Tree Removal Subsidies for Low-Income Homeowners Amendment Act of 2007".

§ 8-651.08. ENFORCEMENT.

Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this chapter, or any regulations issued under the authority of this chapter, pursuant to Chapter 18 of Title 2.

(June 12, 2003, D.C. Law 14-309, § 108, 50 DCR 888.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-309, see notes following § 8-651.01.