

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1225 concerning Repealing and Replacing City Code Chapter 81 Forest Conservation**
(Public Hearing)

Date: **7/7/2026**

Notice: Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

- Purpose:
- FYI
 - Read and Comment as Needed**
 - Action Required by July 20, 2026**
 - In Confidential File Drawer

Approve:

Johnny Boker	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment:	_____		
Casi Boyer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment:	_____		
Lizz Clarke	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment:	_____		
Matthew Ellis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment:	_____		
David Glenn	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment:	_____		
Vicki Jones	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
Comment:	_____		

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1225

Introduced by _____ Council Member Jones _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY UNDER ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO REPEAL AND REPLACE CITY CODE CHAPTER 81: FOREST CONSERVATION

On: July 6, 2026
at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for July 20, 2026 at 7:00 p.m.

EXPLANATION
Underlining indicates matter added to existing law.
[Bold Brackets] indicate matter deleted from existing law.
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

32 **WHEREAS**, the Maryland General Assembly enacted the Forest Conservation Act in 1991,
33 codified in Title 5, Subtitle 16 of the Natural Resources Article of the Annotated Code of
34 Maryland, for the purpose of conserving forest resources, reducing the loss of forest land
35 associated with development, and promoting afforestation and reforestation throughout the State;
36 and

37
38 **WHEREAS**, the Forest Conservation Act requires local jurisdictions to implement forest
39 conservation programs consistent with State law and regulations and authorizes local governments
40 to adopt and administer forest conservation ordinances; and

41
42 **WHEREAS**, the City of Havre de Grace by Ordinance 767 adopted in 1992 established Chapter
43 81, Forest Conservation, of the City Code in furtherance of the purposes of the Forest Conservation
44 Act and to protect forest resources, water quality, wildlife habitat, and the environmental health,
45 safety, and welfare of the residents of the City; and

46
47 **WHEREAS**, during the 2023 Session of the Maryland General Assembly, House Bill 723 and
48 Senate Bill 526, enacted respectively as Chapters 541 and 542 of the Acts of 2023 and collectively
49 entitled the “Forest Preservation and Retention Act,” substantially amended the Forest
50 Conservation Act and established enhanced standards and policies intended to promote the
51 retention, preservation, and replacement of forest resources throughout the State; and

52
53 **WHEREAS**, the General Assembly declared through Chapters 541 and 542 of the Acts of 2023 a
54 State policy favoring the preservation of existing forests, increased forest retention, and measures
55 designed to address the continuing loss of forest cover and tree canopy in Maryland; and

56
57 **WHEREAS**, during the 2024 Session of the Maryland General Assembly, House Bill 1511,
58 enacted as Chapter 457 of the Acts of 2024, further amended the Forest Conservation Act and
59 revised certain implementation and regulatory provisions adopted under the Forest Preservation
60 and Retention Act; and

61
62 **WHEREAS**, the Department of Natural Resources issued its model ordinance for local
63 governments to implement the 2023 and 2024 Amendments to the Forest Conservation Act on
64 Friday, June 26, 2026, and

65
66 **WHEREAS**, the Mayor and City Council of Havre de Grace find that it is in the best interests of
67 the City to update Chapter 81 of the City Code to maintain compliance with current State law, and
68 to provide for the conservation and protection of forest resources within the City by repealing the
69 current City Code Ch. 81 in its entirety and replacing it with the following:

70
71 Article I - Purpose and General Provisions.

72
73 1.1 Purpose.

74
75 The Mayor and City Council of Havre de Grace, a municipal corporation, (“City”) has determined
76 that to meet the requirements of Natural Resources Article, §§5-1601—5-1613, Annotated Code
77 of Maryland, the provisions of this Ordinance must be enacted.

78

79 Article II - Forest and Tree Conservation Definitions.

80

81 In this Ordinance the following terms have the meanings indicated.

82

83 2.1 "Afforestation" means:

84 A. Establishment of a forest on an area from which forest cover has been absent for a long
85 period of time; or

86 B. Planting of open areas which are not presently in forest cover.

87

88 2.2 "Agricultural activity" means farming activities including plowing, tillage, cropping,
89 installation of best management practices, seeding, cultivating, and harvesting for
90 production of food and fiber products (except commercial logging and timber harvesting
91 operations), the grazing and raising of livestock, aquaculture, sod production, orchards,
92 nursery, and other products cultivated as part of a recognized commercial enterprise.

93

94 2.3 "Agricultural and resource areas" means undeveloped areas zoned for densities of less than
95 or equal to one dwelling unit per 5 acres and corresponds to Harford County Zoning
96 Classification(s) if no separate City zoning classification applies.

97

98 2.4 "Applicant" means a person who is applying for subdivision or project plan approval or a
99 grading or sediment control permit, or who has received approval of a forest stand
100 delineation or forest conservation plan.

101

102 2.5 "Approved forest management plan" means a document:

103 A. Approved by the Department of Natural Resources forester assigned to the City in
104 which the property is located; and

105 B. Which operates as a protective agreement for forest conservation as described in the
106 Natural Resources Article, §§5-1607(e)-(f), Annotated Code of Maryland.

107

108 2.6 "Champion tree" means the largest tree of its species within the United States, the State,
109 City, or municipality.

110

111 2.7 "Commercial and industrial uses" means manufacturing operations, office complexes,
112 shopping centers, and other similar uses and their associated storage areas, yarding and
113 parking areas, and corresponds to the following City Zoning Classification(s): RO –
114 Residential Office; C-Commercial; RB – Residential Business; MOE – Mixed Office
115 Employment; and I-Industrial.

116

117 2.8 "Commercial logging or timber harvesting operations" means the cutting and removing of
118 tree stems from a site for commercial purposes, leaving the root mass intact.

119

120 2.9 "Critical habitat area" means a critical habitat for an endangered species and its surrounding
121 protection area. A critical habitat area shall:

122 A. Be likely to contribute to the long-term survival of the species;

123 B. Be likely to be occupied by the species for the foreseeable future; and

124 C. Constitute habitat of the species which is considered critical under Natural Resources
125 Article, §§4-2A-04 and 10-2A-06, Annotated Code of Maryland.

126

- 127 2.10 "Critical habitat for endangered species" means a habitat occupied by an endangered
128 species as determined or listed under Natural Resources Article, §§4-2A-04 and 10-2A-04,
129 Annotated Code of Maryland.
130
- 131 2.11 "Declaration of intent" means:
132 A. A signed and notarized statement by a landowner or the landowner's agent certifying
133 that the activity on the landowner's property:
134 (1) Is for certain activities exempted under this Ordinance or Natural Resources
135 Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland;
136 (2) Does not circumvent the requirements of this Ordinance or Natural Resources
137 Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland; and
138 (3) Does not conflict with the purposes of any other declaration of intent; or
139 B. The document required under COMAR 08.19.01.05 or this Ordinance.
140
- 141 2.12 "Degraded forest" means a forest ecosystem that has lost its natural structure, function, and
142 diversity due to human activity or other disturbances, leading to diminished capacity to
143 regenerate and provide ecosystem services.
144
- 145 2.13 "Department" means the City's Department of Planning charged with implementing the
146 local forest conservation program.
147
- 148 2.14 Development Project.
149 A. "Development project" means the grading or construction activities occurring on an
150 area of land that is 40,000 square feet or greater.
151 B. "Development project" includes redevelopment of land, inclusive of any existing
152 structure, that is 40,000 square feet or greater.
153
- 154 2.15 "Development project completion" means for the purposes of afforestation, reforestation,
155 or payment into a fund:
156 A. The release of the development bond, if required;
157 B. Acceptance of the project's streets, utilities, and public services by the Department; or
158 C. Designation by the Department or State that a:
159 (1) Development project has been completed; or
160 (2) Particular stage of a staged development project, including a planned unit
161 development, has been completed.
162
- 163 2.16 Forest.
164 A. "Forest" means a biological community dominated by trees and other woody plants
165 covering a land area of 10,000 square feet or greater.
166 B. "Forest" includes:
167 (1) Areas that have at least 100 live trees per acre with at least 50 percent of those trees
168 having a 2-inch or greater diameter at 4.5 feet above the ground and larger; and
169 (2) Areas that have been cut but not cleared.
170 C. "Forest" does not include orchards.
- 171 2.17 "Forest Conservancy District Board" means the forestry board created for each State forest
172 conservancy district under Natural Resources Article, §§5-601 - 5-610, Annotated Code of
173 Maryland.
174

- 175 2.18 "Forest conservation" means the retention of existing forest or the creation of new forest at
176 the levels set by the State or Department.
177
- 178 2.19 "Forest Conservation and Management Agreement" means an agreement as stated in Tax-
179 Property Article, §8-211, Annotated Code of Maryland.
180
- 181 2.20 "Forest Conservation Technical Manual" means the City's technical manual incorporated
182 by reference, used to establish standards of performance required in preparing forest stand
183 delineations and forest conservation plans unless otherwise noted.
184
- 185 2.21 "Forest conservation plan" means a plan approved pursuant to Natural Resources Article,
186 §§5-1606 and 5-1607, Annotated Code of Maryland.
187
- 188 2.22 "Forest cover" means the area of a site meeting the definition of forest.
189
- 190 2.23 "Forest management" means the planned application of silvicultural or other management
191 practices within a forest ecosystem, conducted in accordance with a forest management
192 plan approved by the Department or prepared by a licensed Maryland forester for the
193 purpose of achieving specific environmental, economic, and social objectives.
194
- 195 2.24 "Forest management plan" means a plan establishing best management practices and other
196 conservation measures, based on an assessment of the resource values of forested property.
197
- 198 2.25 "Forest mitigation bank" means an area of land approved by the Department or a local
199 authority for the express purpose of providing credits for afforestation and reforestation
200 requirements.
- 201 A. "Afforestation or reforestation mitigation bank" means an area of newly planted forest
202 land under an approved forest mitigation bank agreement and permanently protected,
203 for the purpose of generating credits to satisfy afforestation or reforestation
204 requirements.
- 205 B. "Qualified Conservation mitigation bank" means an area of existing forest permanently
206 protected through Qualified Conservation under an approved mitigation bank
207 agreement, for the purpose of generating credits to satisfy afforestation or reforestation
208 requirements.
209
- 210 2.25-1 "Forest mitigation bank agreement" means an agreement entered into by an individual
211 owning a forest mitigation bank and the Department or local government which commits
212 the banker to certain procedures and requirements when creating and operating the forest
213 mitigation bank.
214
- 215 2.25-2 "Forest mitigation bank plan" means a plan submitted for approval of a forest mitigation
216 bank to the Department, or a local government with an approved local program, by an
217 individual proposing to establish a forest mitigation bank.
218
- 219 2.26 "Forest stand delineation" means the methodology for evaluating the existing vegetation
220 on a site proposed for development, as provided in the Forest Conservation Technical
221 Manual.
222

- 223 2.27 "Growing season" means the period of consecutive frost-free days as stated in the current
224 soil survey for this City published by the National Cooperative Soil Survey Program, 16
225 U.S.C. §590 (a)—(f).
226
- 227 2.28 "High density residential areas" means areas zoned for densities greater than 1 dwelling
228 unit per acre, including both existing and planned development and their associated
229 infrastructure, such as roads, utilities, and water and sewer service, and are permitted or
230 conditional uses in the City's Zoning Classification(s) of R, R1, and R2-Residential
231 District, RB-Residential Business, and RO-Residential Office.
232
- 233 2.29 "Institutional development area" means schools, colleges and universities, military
234 installations, transportation facilities, utility and sewer projects, government offices and
235 facilities, golf courses, recreation areas, parks, and cemeteries as identified as permitted or
236 conditional uses in the City's Zoning Classification(s) of R-Residential, R-1-Residential,
237 R-2-Residential, RB-Residential, RO-Office, MOE-Mixed Office Employment, C-
238 Commercial, and I-Industrial.
239
- 240 2.30 "Intermittent stream" means a stream in which surface water is absent during a part of the
241 year as shown on the most recent 7.5 minute topographic quadrangle published by the
242 United States Geological Survey as confirmed by field verification.
243
- 244 2.31 "Landscaping plan" means a plan:
245 A. Drawn to scale, showing dimensions and details for reforesting an area at least 35 feet
246 wide and covering 2,500 square feet or greater in size;
247 B. Using native or indigenous plants when appropriate; and
248 C. Which is made part of an approved forest conservation plan.
249
- 250 2.32 "Linear project" means a project which:
251 A. Is elongated with nearly parallel sides;
252 B. Is used to transport a utility product or public service not otherwise contained in an
253 application for subdivision, such as electricity, gas, water, sewer, communications,
254 trains, and vehicles; and
255 C. May traverse fee simple properties through defined boundaries, or established easement
256 rights.
257
- 258 2.33 "Local agency" means each unit in the executive, legislative, or judicial branch of a City
259 or municipal government, including an office or department of public works.
260
- 261 2.34 "Lot" means a unit of land, the boundaries of which have been established by subdivision
262 of a larger parcel, and which will not be the subject of further subdivision, as defined by
263 Natural Resources Article, §5-1601, Annotated Code of Maryland, and this Ordinance
264 without an approved forest stand delineation and forest conservation plan.
265
- 266 2.35 "Maintenance agreement" means the short-term management agreement associated with
267 afforestation or reforestation plans required under Natural Resources Article, §5-1605,
268 Annotated Code of Maryland, and this Ordinance.
269

- 270 2.36 "Medium density residential areas" means areas zoned for densities greater than 1 dwelling
271 unit per 5 acres and less than or equal to 1 dwelling unit per acre, including both existing
272 and planned development and their associated infrastructure, such as roads, utilities, and
273 water and sewer service, and are permitted or conditional uses in the City's Zoning
274 Classification(s) of R-Residential, R-1-Residential, and R-2-Residential, RB-Residential
275 Business, and RO-Residential Office.
276
- 277 2.37 "Minor development project" means a project:
278 A. On less than 5 acres of land containing not more than four lots per acre; or
279 B. Substantively similar as defined by the Department and approved by the State.
280
- 281 2.38 "Mixed use development" means a single, relatively high density development project,
282 usually commercial in nature, which includes two or more types of permitted or conditional
283 uses in the MOE-Mixed Office/Employment District and/or the C-Commercial Corridor
284 Mixed Use District.
285
- 286 2.39 "Natural regeneration" means the natural establishment of trees and other vegetation with
287 at least 400 woody, free-to-grow seedlings per acre, which are capable of reaching a height
288 of at least 20 feet at maturity
289
- 290 2.40 "Net tract area" means:
291 A. Except in agriculture and resource areas, the total area of a site, including both forested
292 and nonforested areas, to the nearest 1/10 acre, reduced by that area where forest
293 clearing is restricted by another local ordinance or program;
294 B. In agriculture and resource areas, the part of the total tract for which land use will be
295 changed or will no longer be used for primarily agricultural activities, reduced by that
296 area where forest clearing is restricted by another local ordinance or program; and
297 C. For a linear project:
298 (1) The area of a right-of-way width, new access roads, and storage; or
299 (2) The limits of disturbance as shown on an application for sediment and erosion
300 control approval or in a capital improvements program project description.
301
- 302 2.41 Nontidal Wetlands.
303 A. "Nontidal wetlands" means an area that is:
304 (1) Inundated or saturated by surface or groundwater at a frequency and duration
305 sufficient to support, and under normal conditions does support, a prevalence of
306 vegetation typically adapted for life in saturated soil conditions, commonly known
307 as hydrophytic vegetation; and
308 (2) Considered a nontidal wetland in accordance with the publication known as the
309 "Federal Manual for Identifying and Delineating Jurisdictional Wetlands,"
310 published in 1989 and as may be amended and interpreted by the U.S.
311 Environmental Protection Agency.
312 B. "Nontidal wetlands" does not include tidal wetlands regulated under Environment
313 Article, Title 16, Annotated Code of Maryland.
314
- 315 2.42 "Offsite" means outside of the limits of the area encompassed by the tract.
316

- 317 2.43 "Onsite" means within the limits of the area encompassed by the tract, including an area
318 classified as a 100-year floodplain.
319
- 320 2.44 "100-year flood" means a flood which has a 1 percent chance of being equaled or exceeded
321 in any given year. Except for Class III waters (natural trout streams), a body of water with
322 a watershed less than 400 acres is excluded.
323
- 324 2.45 "100-year floodplain" means an area along or adjacent to a stream or body of water, except
325 tidal waters, that is capable of storing or conveying floodwaters during a 100-year
326 frequency storm event, or a 100-year flood.
327
- 328 2.46 "Perennial stream" means a stream containing surface water throughout an average rainfall
329 year, as shown on the most recent 7.5 minute topographic quadrangle published by the
330 United States Geological Survey, as confirmed by field verification.
331
- 332 2.47 "Person" means the federal government, the State, a City, municipal corporation, or other
333 political subdivision of the State, or any of their units, or an individual, receiver, trustee,
334 guardian, executor, administrator, fiduciary, or representative of any kind, or any
335 partnership, firm, association, public or private corporation, or any of their affiliates, or any
336 other entity.
337
- 338 2.48 "Planned unit development" means a development comprised of a combination of land uses
339 or varying intensities of the same land use in accordance with an integrated plan that
340 provides flexibility in land use design approved by the City with at least 20 percent of the
341 land permanently dedicated to open space and corresponds to City Zoning's
342 Classification(s)R-Residential, R-1-Residential, R-2-Residential, RB-Residential
343 Business, RO-Residential Office, C-Commercial, and MOE-Mixed Office/Employment.
344
- 345 2.49 "Planted Green Infrastructure" means the intentional establishment of vegetation in a
346 constructed or previously developed environment to provide ecological functions and
347 structural characteristics similar to forested conditions, including canopy cover, soil
348 infiltration, and habitat value.
349
- 350 2.50 "Priority funding area" means an area designated as a priority funding area under State
351 Finance and Procurement Article, §5-7b-02, Annotated Code of Maryland.
352
- 353 2.51 "Project plan" means a construction, grading, or sediment control activity on an area of
354 40,000 square feet or greater by a local agency.
355
- 356 2.52 "Public utility" means any:
357 A. Transmission line or electric generating station; or
358 B. Water, sewer, electric, gas, telephone, or television cable service line.
359
- 360 2.53 "Qualified Conservation" means the conservation of all or part of an existing forest that:
361 A. Has been approved by the appropriate State or local forest conservation program for
362 the purpose of establishing a forest mitigation bank; and
363 B. Is encumbered in perpetuity by a restrictive easement, covenant, or another similar
364 mechanism recorded in the land records to conserve its character as a forest.

- 365 2.54 "Qualified Professional" means a person who meets the requirements of COMAR
366 08.19.06.01.
367
- 368 2.55 Reforestation.
369 A. "Reforestation" or "reforested" means the:
370 (1) Creation of a biological community dominated by trees and other woody plants
371 containing at least 100 live trees per acre with at least 50 percent of those trees
372 having the potential of attaining a 2-inch or greater diameter measured at 4.5 feet
373 above the ground, within 7 years; or
374 (2) Establishment of a forest according to procedures set forth in the Forest
375 Conservation Technical Manual.
376 B. "Reforestation" or "reforested" includes landscaping of areas under an approved
377 landscaping plan establishing a forest at least 35 feet wide and covering 2,500 square
378 feet or more of area.
379 C. "Reforestation" or "reforested" for a linear project involving overhead transmission
380 lines may consist of a biological community dominated by trees and woody shrubs with
381 no minimum height or diameter criteria.
382
- 383 2.56 "Regulated activity" means any of the following activities, when that activity occurs on a
384 unit of land which is 40,000 square feet or greater:
385 A. Subdivision;
386 B. Grading;
387 C. An activity that requires a sediment control permit; or
388 D. Project plan of a local agency.
389
- 390 2.57 "Retention" means the deliberate holding and protecting of existing trees, shrubs, or plants
391 on the site according to established standards as provided in the Forest Conservation
392 Technical Manual.
393
- 394 2.58 "Sediment control permit" means the authorization of an activity regulated under a
395 sediment control plan as provided in Environment Article, Title 4, Annotated Code of
396 Maryland.
397
- 398 2.59 "Seedling" means an unbranched woody plant, less than 24 inches in height and having a
399 diameter of less than 1/2 inch measured at 2 inches above the root collar.
400
- 401 2.60 "Selective clearing" means the careful and planned removal of trees, shrubs, and plants
402 using specific standards and protection measures under an approved forest conservation
403 plan.
404
- 405 2.61 "Stream buffer" means all lands lying within 50 feet, measured from the top of each normal
406 bank of a perennial or intermittent stream.
407
- 408 2.62 "Stream restoration project" means an activity that:
409 A. Is designed to stabilize stream banks or enhance stream function or habitat located
410 within an existing stream, waterway, or floodplain;
411 B. Avoids and minimizes impacts to forests and provides for replanting on-site an
412 equivalent number of trees to the number removed by the project;

- 413 C. May be performed under a municipal separate storm sewer system permit, a watershed
414 implementation plan growth offset, or another plan administered by the State or local
415 government to achieve or maintain water quality standards; and
- 416 D. Is not performed to satisfy stormwater management, wetlands mitigation, or any other
417 regulatory requirement associated with proposed development activity.

418
419 2.63 "Subdivision" means any division of a unit of land into 2 or more lots or parcels for the
420 purpose, whether immediate or future, of transfer of ownership, sale, lease, or
421 development.

- 422
423 2.64 Timber Harvesting.
- 424 A. "Timber harvesting" means a tree-cutting operation affecting 1 or more acres of forest
425 or developed woodland within a 1-year interval that disturbs 5,000 square feet or more
426 of forest floor.
 - 427 B. "Timber harvesting" does not include grubbing and clearing of root mass.

428
429 2.65 "Tract" means property or unit of land subject to an application for a grading or sediment
430 control permit, subdivision approval, project plan approval, or areas subject to this law.

431
432 2.65-1 "Tract for a planned unit development" means the entire property subject to a planned unit
433 development.

434
435 2.66 "Tree" means a large, branched woody plant having one or several self-supporting stems
436 or trunks that reach a height of at least 20 feet at maturity.

- 437
438 2.67 Variance.
- 439 A. "Variance" means relief from Natural Resources Article, §§5-1601—5-1613,
440 Annotated Code of Maryland, or this Ordinance.
 - 441 B. "Variance" does not mean a zoning variance.

442
443 2.68 "Watershed" means all land lying within an area described as a subbasin in water quality
444 regulations adopted by the Department of the Environment under COMAR 26.08.02.08.

445
446 2.69 "Whip" means an unbranched woody plant greater than 24 inches in height and having a
447 diameter of less than 1 inch measured at 2 inches above the root collar.

448
449 Article III - Application.

- 450
451 3.1 Except as provided in §3.2 of this article, this Ordinance applies to:
- 452 A. A person making application for a subdivision, project plan, grading, or sediment
453 control approval on units of land 40,000 square feet or greater after the effective date
454 of this Ordinance;
 - 455 B. A public utility not exempt under §3.2E and F of this article;
 - 456 C. A unit of County, City or municipal government, including a public utility or public
457 works project, making application for a subdivision, project plan, grading, or sediment
458 control approval on areas 40,000 square feet or greater.

459

- 460 3.2 This Ordinance does not apply to:
- 461 A. Highway construction activities under Natural Resources Article, §5-103, Annotated
- 462 Code of Maryland;
- 463 B. Areas governed by the Chesapeake Bay Critical Area Protection Law, Natural
- 464 Resources Article,
- 465 §§8-1801—8-1817, Annotated Code of Maryland, including those areas into which
- 466 Critical Area forest protection measures have been extended under Natural Resources
- 467 Article, §5-1602(c), Annotated Code of Maryland;
- 468 C. Commercial logging and timber harvesting operations, including harvesting conducted
- 469 subject to the forest conservation and management program under Tax-Property
- 470 Article, §8-211, Annotated Code of Maryland, that are completed:
- 471 (1) Before July 1, 1991; or
- 472 (2) After July 1, 1991, on property which:
- 473 (a) Has not been the subject of application for a grading permit for development
- 474 within 5 years after the logging or harvesting operation; and
- 475 (b) Is the subject of a declaration of intent as provided for in §3.3 of this article,
- 476 approved by the Department;
- 477 D. Agricultural activities that do not result in a change in land use category, including the
- 478 operation and maintenance of orchards and tree farms, and the construction, use, and
- 479 maintenance of agricultural support buildings and other related structures built using
- 480 accepted agricultural best management practices, except that a person engaging in an
- 481 agricultural activity that clears 40,000 square feet or greater of forest within a one-year
- 482 period may not receive an agricultural exemption unless the person files a declaration
- 483 of intent as provided for in §3.3 of this article which includes:
- 484 (1) A statement that the landowner or landowner's agent will practice agriculture on
- 485 that portion of the property for 5 years from the date of the declaration; and
- 486 (2) A sketch map of the property which shows the area to be cleared;
- 487 E. The cutting or clearing of public utility rights-of-way licensed under Public Utility
- 488 Companies, §§7-207 and 7-208 or 7-205, Annotated Code of Maryland, or land for
- 489 electric generating stations licensed under Public Utility Companies, §§7-207 and 7-
- 490 208 or 7-205, Annotated Code of Maryland, or for existing public rights of way for
- 491 utilities for municipal water and sewer if:
- 492 (1) Required certificates of public convenience and necessity have been issued in
- 493 accordance with Natural Resources Article, §5-1603(f), Annotated Code of
- 494 Maryland; and
- 495 (2) Cutting or clearing of the forest is conducted to minimize the loss of forest;
- 496 F. Routine maintenance or emergency repairs of public utility rights-of-way licensed
- 497 under Public Utility Companies, §7-207 and 7-208 or 7-205, Annotated Code of
- 498 Maryland or existing municipal water, sewer, or stormwater management systems;
- 499 G. Except for a public utility subject to §3.2F of this article, routine maintenance or
- 500 emergency repairs of a public utility right-of-way, including existing municipal water
- 501 or sewer if:
- 502 (1) The right-of-way existed or was approved before the effective date of this
- 503 Ordinance; or
- 504 (2) The right-of-way's initial construction was approved under this Ordinance;
- 505 H. A residential construction activity conducted on an existing single lot of any size of
- 506 record at the time of application, or a linear project not otherwise exempted under this
- 507 Ordinance, if the activity:

- 508 (1) Does not result in the cumulative cutting, clearing, or grading of more than 20,000
- 509 square feet of forest;
- 510 (2) Does not result in the cutting, clearing, or grading of a forest that is subject to the
- 511 requirements of a previous forest conservation plan approved under this Ordinance;
- 512 and
- 513 (3) Is the subject of a declaration of intent filed with the Department, as provided for
- 514 in §3.3 of this article, stating that the lot will not be the subject of a regulated
- 515 activity within 5 years of the cutting, clearing, or grading of forest;
- 516 I. Strip or deep mining of coal regulated under Environment Article, Title 15, Subtitle 5
- 517 or 6, Annotated Code of Maryland;
- 518 J. Noncoal surface mining regulated under Environment Article, Title 15, Subtitle 8,
- 519 Annotated Code of Maryland;
- 520 K. An activity required for the purpose of constructing a dwelling house intended for the
- 521 use of the owner, or a child of the owner, if the activity:
- 522 (1) Does not result in the cutting, clearing, or grading of more than 20,000 square feet
- 523 of forest; and
- 524 (2) Is the subject of a declaration of intent filed with the Department, as provided for
- 525 in §3.3 of this article, which states that transfer of ownership may result in a loss of
- 526 exemption;
- 527 L. A preliminary plan of subdivision or a grading or sediment control plan approved
- 528 before July 1, 1991;
- 529 M. A planned unit development that, by December 31, 1991, has:
- 530 (1) Met all requirements for planned unit development approval; and
- 531 (2) Obtained initial development plan approval by the Department;
- 532 N. A real estate transfer to provide a security, leasehold, or other legal or equitable interest,
- 533 including a transfer of title, of a portion of a lot or parcel, if:
- 534 (1) The transfer does not involve a change in land use, or new development or
- 535 redevelopment, with associated land-disturbing activities; and
- 536 (2) Both the grantor and grantee file a declaration of intent, as provided for in §3.3 of
- 537 this article;
- 538 O. An activity on a previously developed area covered by impervious surface and located
- 539 in the priority funding area;
- 540 P. Maintenance or retrofitting of a stormwater management structure that may include
- 541 clearing of vegetation or removal and trimming of trees, if the maintenance or
- 542 retrofitting is within the original limits of disturbance for construction of the existing
- 543 structure, or within any maintenance easement for access to the structure; or
- 544 Q. A stream restoration project, as defined in Article II 2.62 of this ordinance, for which
- 545 the applicant for a grading or sediment control permit has executed a binding
- 546 maintenance agreement of at least 5 years with the affected property owner or owners.
- 547

548 3.3 Declaration of Intent.

- 549 A. The purpose of the declaration of intent is to verify that the proposed activity is exempt
- 550 under Natural Resources Article, §§5-103 and 5-1601—5-1613, Annotated Code of
- 551 Maryland, and this Ordinance.
- 552 B. A person seeking an exemption under §3.2C, D, H, K, and N of this article shall file a
- 553 declaration of intent with the Department.
- 554 C. The declaration of intent is effective for 5 years.
- 555 D. The existence of a declaration of intent does not preclude another exempted activity on

- 556 the property subject to a declaration of intent, if the activity:
557 (1) Does not conflict with the purpose of any existing declaration of intent; and
558 (2) Complies with the applicable requirements for an exempted activity.
- 559 E. If a regulated activity on the area covered by the declaration of intent occurs within 5
560 years of the effective date of the declaration of intent:
561 (1) There shall be an immediate loss of exemption; or
562 (2) There may be a noncompliance action taken by the Department, as appropriate,
563 under this Ordinance.
- 564 F. An applicant may apply for a regulated activity on that area of the property not covered
565 under the declaration of intent if the requirements of this Ordinance are satisfied.
- 566 G. The Department may require a person failing to file a declaration of intent or found in
567 noncompliance with a declaration of intent to:
568 (1) Meet the retention, afforestation, and reforestation requirements established in
569 Articles III—XIII of this Ordinance;
570 (2) Pay a noncompliance fee of 30 cents per square foot of forest cut or cleared under
571 the declaration of intent;
572 (3) Be subject to other enforcement actions appropriate under Natural Resources
573 Article,
574 §§5-1601—5-1613, Annotated Code of Maryland, and this Ordinance; or
575 (4) File a declaration of intent with the Department.
- 576 H. In its determination of appropriate enforcement action, the Department may consider
577 whether failure to file a declaration of intent by a person required to file is a knowing
578 violation of this Ordinance.
- 579 I. Commercial Logging and Timber Harvesting. The requirements for a declaration of
580 intent may be satisfied by a forest management plan for the entire tract, prepared by a
581 forester licensed in Maryland according to Business Occupations and Professions
582 Article, Title 7, Annotated Code of Maryland, which outlines management practices
583 needed to meet the stated objectives for a minimum of 5 years.
- 584 J. Agricultural Activities or Commercial Logging and Timber Harvesting. A declaration
585 of intent may be part of an amended sediment and erosion control plan which ensures
586 that the activity meets the conditions for an exemption as stated in Article III, §3.2C
587 and D of this Ordinance.

588
589 Article IV - General Requirements.

- 590
591 4.1 A person making application after the effective date of July 1, 2026, for subdivision or
592 local agency project plan approval, a grading permit, or a sediment control permit for an
593 area of land of 40,000 square feet or greater shall:
594 A. Submit to the Department a forest stand delineation and a forest conservation plan for
595 the lot or parcel on which the development is located; and
596 B. Use methods approved by the Department, as provided in the Forest Conservation
597 Technical Manual, to protect retained forests and trees during construction.
- 598
599 4.2 If a local agency or person using state funds makes an application to conduct a regulated
600 activity, the provisions of COMAR 08.19.04.01D—G apply.
601

602 Article V - Forest Stand Delineation.

603

604 5.1 Criteria.

605 A. A forest stand delineation shall be submitted at the initial stages of subdivision or
606 project plan approval, before a grading permit application, or before a sediment control
607 application is submitted for the tract being developed.

608 B. The delineation shall be prepared by a licensed forester, licensed landscape architect,
609 or a Qualified Professional who meets the requirements stated in COMAR
610 08.19.06.01A.

611 C. The delineation shall be used during the preliminary review process to determine the
612 most suitable and practical areas for forest conservation and shall contain the following
613 components:

614 (1) A topographic map delineating intermittent and perennial streams, and steep slopes
615 over 25 percent;

616 (2) A soils map delineating soils with structural limitations, hydric soils, or soils with
617 a soil K value greater than 0.35 on slopes of 15 percent or more;

618 (3) Forest stand maps indicating species, location, and size of trees and showing
619 dominant and codominant forest types;

620 (4) Location of 100-year floodplains;

621 (5) Information required by the Forest Conservation Technical Manual; and

622 (6) Other information the Department determines is necessary to implement this
623 Ordinance.

624 D. If approved by the Department, a simplified delineation, a concept plan or plat,
625 preliminary plat or plan, sediment control plan, or other appropriate document, verified
626 by a site visit, if appropriate, may substitute for the forest stand delineation if:

627 (1) No forest cover is disturbed during a construction activity; and

628 (2) Designated to be under a long term protective agreement.

629 E. The Department shall consider a simplified forest stand delineation, or other substitute
630 plan described in §5.1D, complete if it includes:

631 (1) All requirements under §5.1C(1), (2), (4), and (5) of this article;

632 (2) A map showing existing forest cover as verified by field inspection; and

633 (3) Other information required by this Ordinance.

634 F. An approved forest stand delineation may remain in effect for a period not longer than
635 5 years.

636 G. Time for Submittal.

637 (1) Within 30 calendar days after receipt of the forest stand delineation, the Department
638 shall notify the applicant whether the forest stand delineation is complete and
639 correct.

640 (2) If the Department fails to notify the applicant within 30 days, the delineation shall
641 be treated as complete and correct.

642 (3) The Department may require further information or provide for an additional 15
643 calendar days under extenuating circumstances.

644

645 Article VI - Forest Conservation Plan.

646

647 6.1 General Provisions.

648 A. In developing a forest conservation plan, the applicant shall give priority to techniques
649 for retaining existing forest on the site.

- 650 B. If existing forest on the site subject to a forest conservation plan cannot be retained, the
651 applicant shall demonstrate to the satisfaction of the Department:
652 (1) How techniques for forest retention have been exhausted;
653 (2) Why the priority forests and priority areas specified in Natural Resources Article,
654 §5-1604(c)(1), Annotated Code of Maryland, cannot be left in an undisturbed
655 condition:
656 (a) If priority forests and priority areas cannot be left undisturbed, how the
657 sequence for afforestation or reforestation will be followed in compliance with
658 Natural Resources Article,
659 §5-1607, Annotated Code of Maryland;
660 (b) Where on the site in priority areas afforestation or reforestation will occur in
661 compliance with Natural Resources Article, §5-1607, Annotated Code of
662 Maryland; and
663 (3) How the disturbance to the priority forests and priority areas specified in Natural
664 Resources Article, §5-1607(c)(2), Annotated Code of Maryland, qualifies for a
665 variance.
- 666 C. The applicant shall demonstrate to the satisfaction of the Department that the
667 requirements for afforestation or reforestation onsite or offsite cannot be reasonably
668 accomplished if the applicant proposes to make a payment into the local forest
669 conservation fund or to purchase credits from a forest mitigation bank.
- 670 D. Nontidal Wetlands. A regulated activity within the net tract area that occurs wholly or
671 partly in areas regulated as nontidal wetlands under Environment Article, Title 5,
672 Annotated Code of Maryland, is subject to both the nontidal wetlands regulatory
673 requirements and the requirements of this law, subject to the following:
674 (1) Any area of forest in the net tract area, including forest in nontidal wetlands that is
675 retained, shall be counted towards forest conservation requirements under this law;
676 (2) For the purpose of calculating reforestation mitigation under this Ordinance, a
677 forested nontidal wetland permitted to be cut or cleared and required to be mitigated
678 under Environment Article, Title 5, Annotated Code of Maryland, shall be shown
679 on the forest conservation plan and subtracted on an acre-for-acre basis from the
680 total amount of forest to be cut or cleared as part of a regulated activity;
681 (3) Nontidal wetlands shall be considered to be priority areas for retention and
682 replacement;
683 (4) Forested nontidal wetland identification and delineation should be included at the
684 earliest stage of planning to assist the applicant in avoidance and reduction of
685 impacts to the nontidal wetlands and to avoid delay in the approval process.
686
- 687 6.2 Preliminary Forest Conservation Plan.
- 688 A. A preliminary forest conservation plan shall be prepared by a licensed forester, a
689 licensed landscape architect, or a Qualified Professional who meets the requirements
690 stated in COMAR 08.19.06.01A.
- 691 B. A preliminary forest conservation plan shall:
692 (1) Be submitted with the preliminary plan of subdivision or proposed project plan;
693 (2) Include the approved forest stand delineation for the site;
694 (3) Include a table that lists the proposed values of the following, in square feet:
695 (a) Net tract area;
696 (b) Area of forest conservation required; and
697 (c) Area of forest conservation that the applicant proposes to provide,

- 698 including both onsite and offsite areas;
699 (4) Include a clear graphic indication of the forest conservation provided on the site
700 drawn to scale, showing areas where retention of existing forest or afforestation
701 or reforestation is proposed;
702 (5) Include an explanation of how the provisions of §6.1 of this article have been
703 met;
704 (6) In the case of afforestation or reforestation, include a proposed afforestation or
705 reforestation plan;
706 (7) Include a proposed construction timetable showing the sequence of forest
707 conservation procedures;
708 (8) Show the proposed limits of disturbance;
709 (9) Show proposed stockpile areas;
710 (10) Incorporate a proposed 2-year maintenance agreement that shows how areas
711 designated for afforestation or reforestation will be maintained to ensure
712 protection and satisfactory establishment; and
713 (11) Other information the Department determines is necessary to implement this
714 Ordinance.
715 C. The review of the preliminary forest conservation plan shall be concurrent with the
716 review of the preliminary site plan.
717 D. During the different stages of the review process, the preliminary forest conservation
718 plan may be modified provided the Department approves of the changes prior to the
719 date of final approval.
720

721 6.3 The Final Forest Conservation Plan.

- 722 A. A final forest conservation plan shall be prepared by a licensed forester, a licensed
723 landscape architect, or a Qualified Professional who meets the requirements stated in
724 COMAR 08.19.06.01A.
725 B. A final forest conservation plan shall:
726 (1) Be submitted with the following:
727 (a) A final subdivision plan;
728 (b) A final project plan;
729 (c) An application for a grading permit; or
730 (d) An application for a sediment control permit;
731 (2) Show proposed locations and types of protective devices to be used during
732 construction activities to protect trees and forests designated for conservation;
733 (3) In the case of afforestation or reforestation, include an afforestation or reforestation
734 plan, with a timetable and description of needed site and soil preparation, species,
735 size, and spacing to be used;
736 (4) Incorporate a binding 2-year maintenance agreement specified in COMAR
737 08.19.05.01 that details how the areas designated for afforestation or reforestation
738 will be maintained to ensure protection and satisfactory establishment, including:
739 (a) Watering; and
740 (b) A reinforcement planting provision if survival rates fall below required
741 standards, as provided in the Forest Conservation Technical Manual;
742 (5) Incorporate a long-term binding protective agreement as specified in COMAR
743 08.19.05.02 that:
744 (a) Provides protection for areas of forest conservation, including areas of
745 afforestation, reforestation, and retention; and

- 746 (b) Limits uses in areas of forest conservation to those uses that are designated and
- 747 consistent with forest conservation, including recreational activities and forest
- 748 management practices that are used to preserve forest;
- 749 (6) Include the substantive elements required under §6.2B(2)—(5), (7)—(9), and (11)
- 750 of this article, as finalized elements of the forest conservation plan; and
- 751 (7) Other information the Department determines is necessary to implement this
- 752 Ordinance.

753 C. Public Notice & Review Requirements.

- 754 (1) At least 20 days before approval of the final Forest Conservation Plan, the
- 755 Department shall:
 - 756 (a) Provide notice by certified mail (which certified mail cost is to be reimbursed
 - 757 to the City by the applicant) to all property owners abutting and adjacent to the
 - 758 boundary of the subject property of any proposed clearing of a priority retention
 - 759 area as described in Natural Resources Article, §5-1607(c), Annotated Code of
 - 760 Maryland and posting of the property, at City Hall, and on the City website of
 - 761 the final Forest Conservation Plan submission and review period; and
 - 762 (b) On a net tract area of at least 5 acres and at least 75 percent of the priority
 - 763 retention area is proposed to be cleared:
 - 764 (i) Provide an opportunity for written comment, and after allowing the
 - 765 applicant time to review and respond to written comments, the Department
 - 766 may schedule a hearing at the request of the abutting or adjacent property
 - 767 owners or the applicant before final plan approval; or
 - 768 (ii) For any other project where priority retention area is proposed for clearing,
 - 769 provide an opportunity for public written comment before plan approval.
 - 770 (c) Any written comments submitted under section C(1)(b) above must be filed
 - 771 with the City’s Director of Planning not later than 10 days after posting of
 - 772 public notice on the City’s website.
- 773 (2) Property separated from the subject property by a public right-of-way shall be
- 774 considered abutting and adjacent.
- 775 (3) Within 45 calendar days after receipt of the final forest conservation plan, the
- 776 Department shall notify the applicant whether the forest conservation plan is
- 777 complete and approved.
 - 778 (a) If the Department fails to notify the applicant within 45 calendar days, the plan
 - 779 shall be treated as complete and approved.
 - 780 (b) The Department may require further information or extend the deadline for an
 - 781 additional 15 calendar days under extenuating circumstances.
 - 782 (c) At the request of the applicant, the Department may extend the deadline further
 - 783 under extenuating circumstances.

784 D. The Department's review of a final forest conservation plan shall be concurrent with

785 the review of the final subdivision or project plan, grading permit application, or

786 sediment control application associated with the project. The Department may retain

787 the services of a licensed forester to review preliminary and/or final conservation plans,

788 or forest stand delineations, before making a final determination. In the event that a

789 licensed forester is retained by the City to facilitate review of the preliminary or final

790 forest conservation plan, or the forest stand delineation, the applicant must enter into a

791 reimbursement agreement with the City for reimbursement of such costs incurred to

792 have such plan reviewed by a licensed forester based on the applicable billing rate of

793 such forester.

- 794 E. The review of the final forest conservation plan by the Department is not reviewable
795 by the City’s Planning Commission or Board of Appeals. A person aggrieved by the
796 approval or disapproval of a final Forest Conservation Plan may file an appeal of the
797 Department’s written decision within 30 days to the Circuit Court for Harford County.
- 798 F. The Department may revoke an approved forest conservation plan if it finds that:
799 (1) A provision of the plan has been violated;
800 (2) Approval of the plan was obtained through fraud, misrepresentation, a false or
801 misleading statement, or omission of a relevant or material fact; or
802 (3) Changes in the development or in the condition of the site necessitate preparation
803 of a new or amended plan.
- 804 G. The Department may issue a stop work order against a person who violates a provision
805 of this Ordinance or a regulation, order, approved forest conservation plan, or
806 maintenance agreement.
- 807 H. Before revoking approval of a forest conservation plan, the Department shall notify the
808 violator in writing and provide an opportunity for a hearing. A person whose Forest
809 Conservation Plan has been revoked may file an appeal within 30 days of the
810 Department’s written decision to the Circuit Court for Harford County.

811
812 Article VII - Afforestation and Retention.

- 813
814 7.1 Afforestation Requirement. A person making application after the effective date of this
815 Ordinance for subdivision or project plan approval, a grading permit, or a sediment control
816 permit for an area of land of 40,000 square feet or greater, shall:
 - 817 A. Conduct afforestation on the lot or parcel in accordance with the following:
 - 818 (1) A tract having less than 20 percent of the net tract area in forest cover shall be
819 afforested up to at least 20 percent of the net tract area for the following land use
820 categories:
 - 821 (a) Agriculture and resource areas; and
 - 822 (b) Medium density residential areas;
 - 823 (2) A tract with less than 15 percent of its net tract area in forest cover shall be
824 afforested up to at least 15 percent of the net tract area for the following land use
825 categories:
 - 826 (a) Institutional development areas;
 - 827 (b) High density residential areas;
 - 828 (c) Mixed use and planned unit development areas; and
 - 829 (d) Commercial and industrial use areas;
 - 830 B. When cutting or clearing forest cover on a site where existing forest cover is below the
831 afforestation percentage described in §7.1A of this article, the required afforestation
832 level shall be determined based on the amount of forest existing on the site immediately
833 before cutting or clearing begins.
 - 834 C. Upon meeting the afforestation requirements in this section, all unforested riparian
835 buffers on site shall be afforested, unless the applicant demonstrates to the Department
836 that afforestation in the riparian buffer:
 - 837 (1) Would be in conflict with allowable uses as established for the riparian buffer;
 - 838 (2) Is located on park property and conflicts with the park’s documented mission or
839 stewardship practices; or
 - 840 (3) Is not suitable for the establishment and retention of the required planting materials,
841 in which case substitute environmental protection measures must be implemented.

- 842 7.2 Retention. The following trees, shrubs, plants, and specific areas are considered priority for
843 retention and protection and shall be left in an undisturbed condition unless the applicant
844 has demonstrated, to the satisfaction of the Department, that reasonable efforts have been
845 made to protect them and the plan cannot reasonably be altered:
- 846 A. Trees, shrubs, and plants located in sensitive areas including the 100-year floodplain,
847 intermittent streams and their buffer, of at least 50 feet from the stream channel,
848 perennial streams and their buffers of at least 100 feet from the stream channel, coastal
849 bays and their buffers, steep slopes, nontidal wetlands, and critical habitats;
 - 850 B. Contiguous forest that connects the largest undeveloped or most vegetated tracts of
851 land within and adjacent to the site.
 - 852 C. Forest suitable for forest interior-dwelling species;
 - 853 D. Forest located in a Tier II or Tier III high quality watershed as identified by the
854 Maryland Department of the Environment;
 - 855 E. Forest located in a water resource protection zone, a reservoir watershed, or wellhead
856 protection area as identified by the City; and
 - 857 F. Forests in urban areas that are most important for providing wildlife habitat or
858 mitigating flooding, high temperatures, or air pollution; as delineated in the priority
859 urban forest map in the Maryland State Forest Conservation Technical Manual.
- 860
- 861 7.2-1 Retention. The following trees, shrubs, plants, and specific areas are considered priority for
862 retention and protection and shall be left in an undisturbed condition unless the applicant
863 has demonstrated, to the satisfaction of the Department, that the applicant qualifies for a
864 variance in accordance with Section 14.1 of this article:
- 865 A. Trees, shrubs, or plants determined to be rare, threatened, or endangered under:
 - 866 (1) The federal Endangered Species Act of 1973 in 16 U.S.C. §§1531—1544 and in 50
867 CFR 17;
 - 868 (2) The Maryland Nongame and Endangered Species Conservation Act, Natural
869 Resources Article,
870 §§10-2A-01—10-2A-09, Annotated Code of Maryland; and
 - 871 (3) COMAR 08.03.08;
 - 872 B. Trees that:
 - 873 (1) Are part of an historic site;
 - 874 (2) Are associated with an historic structure; or
 - 875 (3) Have been designated by the State or the Department as a national, State, or City
876 champion tree; and
 - 877 C. Any tree having a diameter measured at 4.5 feet above the ground of:
 - 878 (1) 30 inches or more; or
 - 879 (2) 75 percent or more of the diameter of the current State champion tree of that species
880 as designated by the Department of Natural Resources.
- 881
- 882 7.2-2 Clearing Within Retention Areas.
- 883 A. The Department shall issue written findings and justification for clearing of any trees,
884 shrubs, plants, and areas that are identified for priority retention as described in 7.2
885 and 7.2-1 of this article.
 - 886 B. The Department shall provide a copy of the written findings and justification to the
887 Department of Natural Resources contemporaneous with approval of the clearing,
888 including the location and extent of the approved clearing and the basis for the
889 determination.

890 Article VIII - Reforestation.

891

892 8.1 Forest Conservation

893 A. A person subject to this Article who removes existing forest cover shall meet the
894 reforestation or permanent protection requirements set forth in this section, as
895 applicable to the land use category and project type.

896 (1) Except as provided in 8.1(A)(2) through (4), for all existing forest cover measured
897 to the nearest 1/10th acre cleared on the net tract area, the area of forest removed
898 shall be reforested at a ratio of 1 acre planted for every 1 acre removed;

899 (2) For all existing forest cover located in a priority funding area designated under §5-
900 7B-03 of the State Finance and Procurement Article, and not identified as a priority
901 for retention as described in Natural Resources Article §5-1607 (c) Annotated Code
902 of Maryland, measured to the nearest 1/10 acre cleared on the net tract area, the
903 area of forest removed shall be reforested at a ratio of ½ acre planted for every 1
904 acre removed;

905 (3) For all existing forest cover removed as part of a transit-oriented development, as
906 defined under §7-101 of the State Transportation Article, the area of forest removed
907 shall be reforested at a ratio of ¼ acre planted for every 1 acre removed or ½ acre
908 permanently protected for every 1 acre removed; and

909 (4) For all existing forest cover removed as part of the construction of multifamily
910 housing consisting of a single structure which contains at least 25 dwelling units,
911 the area of forest removed shall be reforested at a ratio of ¼ acre planted for every
912 1 acre removed or ½ acre permanently protected for every 1 acre removed.

913 B. Upon meeting the reforestation requirements in this section, all unforested riparian
914 buffers on site shall be reforested.

915

916 Article IX - Afforestation and Reforestation Sequence, Priorities, and Standards

917

918 9.1 Sequence for Afforestation and Reforestation.

919 A. After techniques for retaining existing forest on the site have been exhausted, the
920 preferred sequence for afforestation and reforestation, as determined by the
921 Department, is as follows:

922 (1) Forest creation in accordance with a forest conservation plan using one or more of
923 the following:

924 (a) Transplanted or nursery stock;

925 (b) Whip and seedling stock; or

926 (c) Natural regeneration where it can be adequately shown to meet the objective of
927 the Forest Conservation Technical Manual;

928 (2) In a municipal corporation with a tree management plan and in an existing
929 population center designated in a City master plan that has been adopted to conform
930 with the Economic Growth, Resource Protection, and Planning Act of 1992, or in
931 any other designated area approved by the Department, the use of:

932 (a) Street trees as a permissible step in the priority sequence for afforestation or
933 reforestation and with a mature canopy coverage may be granted full credit as
934 a mitigation technique;

935 (b) Acquisition of an off-site protection easement on existing forested areas not
936 currently protected in perpetuity as a mitigation technique, in which case the
937 afforestation or reforestation credit granted may not exceed 50 percent of the

- 938 area of forest cover protected;
- 939 (c) Qualified Conservation completed in a forest mitigation bank;
- 940 (d) Planted green infrastructure or planted environmental site design practices
- 941 established beyond the amount required under the Environment Article §4-203,
- 942 Annotated Code of Maryland.
- 943 (3) When all other options, both on-site and off-site, have been exhausted, landscaping
- 944 as a mitigation technique conducted under an approved landscaping plan that
- 945 establishes a forest at least 35 feet wide and covering at least 2,500 square feet of
- 946 area.
- 947 B. A sequence other than the one described in Subsection A of this article may be used for
- 948 a specific project, if necessary, to achieve the objectives of the City land use plan or
- 949 City land use policies, or to take advantage of opportunities to consolidate forest
- 950 conservation efforts.
- 951 C. The following are considered a priority for afforestation and reforestation:
- 952 (1) Those techniques that enhance existing forest and involve selective clearing or
- 953 supplemental planting on-site;
- 954 (2) On-site afforestation or reforestation where the retention options have been
- 955 exhausted, using methods selected in accordance with Subsection E of this section,
- 956 and the location being selected in accordance with this subsection; and
- 957 (3) Off-site afforestation or reforestation in the same watershed or in accordance with
- 958 an approved master plan where the applicant has demonstrated that no reasonable
- 959 alternative on-site exists, or where:
- 960 (a) Any on-site priority areas for afforestation or reforestation have been planted in
- 961 accordance with this subsection; and
- 962 (b) The applicant has justified to the Department's satisfaction that environmental
- 963 benefits associated with off-site afforestation or reforestation exceed those
- 964 derived from on-site planting.
- 965 D. Off-site afforestation or reforestation may include the use of forest mitigation banks
- 966 which have been designated in advance by the Department.
- 967 E. Standards for meeting afforestation or reforestation requirements shall be established
- 968 using one or more of the following methods:
- 969 (1) Establish or enhance forest buffers adjacent to intermittent streams, perennial
- 970 streams, and coastal bays and their buffers, to widths of at least 50 feet for
- 971 intermittent streams and 100 feet for perennial streams;
- 972 (2) Establish or increase existing forested corridors to connect existing forests within
- 973 or adjacent to the site and, where practical, forested corridors should be a minimum
- 974 of 300 feet in width to facilitate wildlife movement;
- 975 (3) Establish or enhance forest buffers adjacent to critical habitats where appropriate;
- 976 (4) Establish or enhance forested areas in the 100-year floodplains;
- 977 (5) Establish plantings to stabilize slopes of 25 percent or greater and slopes of 15
- 978 percent or greater with a soil K value greater than 0.35 including the slopes of
- 979 ravines or other natural depressions;
- 980 (6) Establish buffers adjacent to areas of differing land use when appropriate, or
- 981 adjacent to highways or utility rights-of-way;
- 982 (7) Establish forest areas adjacent to existing forests to increase the overall area of
- 983 contiguous forest cover, when appropriate; and
- 984 (8) Use native plant materials for afforestation or reforestation unless non-native
- 985 species are demonstrated to be more appropriate.

986 F. A person required to conduct afforestation or reforestation under this article shall
987 accomplish it within 1 year or two growing seasons, whichever is a greater time period,
988 following development project completion.
989

990 9.2 In addition to any required reforestation and afforestation, all unforested riparian buffers
991 on the site shall be afforested or reforested, except as provided under Natural Resources
992 Article, §5-1606(b)(2), Annotated Code of Maryland.
993

994 Article X - Payment Instead of Afforestation and Reforestation.
995

996 10.1 Forest Conservation Fund.

997 A. There is established a forest conservation fund in the local program that meets the
998 requirements of Natural Resources Article, §5-1610(h-1), Annotated Code of
999 Maryland.

1000 B. If a person subject to this Ordinance demonstrates to the satisfaction of the Department
1001 that requirements for reforestation or afforestation onsite or offsite cannot be
1002 reasonably accomplished and appropriate credits generated by a forest mitigation bank
1003 in the same City or watershed are not available, the person shall contribute money into
1004 the City forest conservation fund:

1005 (1) For a project inside a priority funding area, as defined in Natural Resources Article,
1006 §5-1610, Annotated Code of Maryland, at a rate per square foot of the area of
1007 required planting set by the Department; and

1008 (2) For a project outside a priority funding area, at a rate per square foot of the area of
1009 required planting set by the Department.

1010 C. Money contributed instead of afforestation or reforestation under this article shall be
1011 paid within 90 calendar days after development project completion.

1012 D. The City shall accomplish the reforestation or afforestation for the equivalent number
1013 of acres for which the money is deposited within 2 years or 3 growing seasons,
1014 whichever is a greater time period, after receipt of the money.

1015 E. Money deposited in the local forest conservation fund:

1016 (1) May be spent on the costs directly related to reforestation and afforestation,
1017 including site identification, acquisition, preparation, maintenance of existing
1018 forests, and achieving urban canopy goals;

1019 (2) Shall be deposited in a separate forest conservation fund; and

1020 (3) May not revert to the general fund.

1021 F. Sites for Afforestation or Reforestation Using Fund Money.

1022 (1) Except as provided in Subsection G(2) of this section, the reforestation or
1023 afforestation requirement under this article shall occur in the City and watershed in
1024 which the project is located.

1025 (2) If the reforestation or afforestation cannot be reasonably accomplished in the City
1026 and watershed in which the project is located, then the reforestation or afforestation
1027 shall occur in the City or watershed in the County in which the project is located.

1028 G. If there is no local forest conservation fund established, a person may contribute to the
1029 State fund. The Department of Natural Resources shall determine by regulation when
1030 contribution is allowable.
1031

1032 Article X.1 - Payment by Credits From a Forest Mitigation Bank.

1033

1034 10.1.1 Use of Forest Mitigation Bank.

1035 A. If a person subject to this Ordinance demonstrates to the satisfaction of the Department
1036 that requirements for reforestation or afforestation onsite or offsite cannot be
1037 reasonably accomplished, the person may contribute credits from a forest mitigation
1038 bank. A credit is required for each tenth of an acre of an area of required planting.

1039 B. The credits shall be debited from an approved forest mitigation bank within 90 calendar
1040 days after development project completion.

1041 C. Forest Mitigation Banks that utilize newly planted forest may be used to meet up to
1042 100% of the required afforestation or reforestation for a given project.

1043 D. Use of Qualified Conservation

1044 (1) Qualified Conservation may be used to satisfy up to 50 percent of the required
1045 afforestation or reforestation, provided that the afforestation or reforestation credit
1046 granted does not exceed 50 percent of the forest area encumbered in perpetuity.

1047 (2) Qualified Conservation may be used to satisfy up to 60 percent of the required
1048 afforestation or reforestation if approved by the Department of Natural Resources,
1049 provided that the afforestation or reforestation credit granted shall not exceed 50
1050 percent of the forest area encumbered in perpetuity. An application to the
1051 Department of Natural Resources for approval of up to 60 percent shall be
1052 accompanied by a written justification for the increase and may only be made after
1053 the Department has provided the opportunity for public comment on the proposed
1054 increase.

1055 (3) Any approval under subsection (2) shall be documented in the administrative record
1056 and shall include findings that the increased use of Qualified Conservation will not
1057 diminish overall forest conservation outcomes within the City.

1058

1059 Article X.2 - Establishing Forest Mitigation Banks.

1060

1061 10.1.2 Forest Mitigation Bank – Afforestation and Reforestation

1062 A. A person may create a forest mitigation bank from which applicants may purchase
1063 credits to meet the afforestation and reforestation requirements of this Ordinance.

1064 B. A forest mitigation bank that utilizes new planting shall be located in an area identified
1065 as priority for afforestation or reforestation pursuant to Natural Resources Article § 5-
1066 1607(d), or as identified in the City’s 2025 Envision Havre de Grace Comprehensive
1067 Plan, as may be subsequently amended.

1068 C. The forest mitigation bank shall:

1069 (1) Afforest or reforest an area of land in accordance with a forest mitigation bank
1070 agreement;

1071 (2) Be protected by an easement, deed restrictions, or covenants which require the land
1072 in the bank to remain forested in perpetuity and are enforceable by the Department
1073 and the Department of Natural Resources;

1074 (3) Limit the use of the land in the bank to those activities which are not inconsistent
1075 with forest conservation such as recreational activities, forest management under a
1076 permanent forest conservation and management agreement under Tax-Property
1077 Article, §8-211, Annotated Code of Maryland, or activities specified in a forest
1078 management plan prepared by a licensed forester and approved by the Department;

1079 (4) Use native plant materials for afforestation or reforestation unless inappropriate;

- 1080 and
1081 (5) Cause trees to be planted which:
1082 (a) Establish or enhance forested buffers adjacent to intermittent and perennial
1083 streams and coastal bays to widths of at least 50 feet from intermittent stream
1084 channels and at least 100 feet from perennial stream channels;
1085 (b) Establish or increase existing forested corridors, which, where practical, should
1086 be a minimum of 300 feet in width to facilitate wildlife movement, to connect
1087 existing forests within or adjacent to the site;
1088 (c) Establish or enhance forest buffers adjacent to critical habitats where
1089 appropriate;
1090 (d) Establish or enhance forested areas in 100-year floodplains;
1091 (e) Stabilize slopes of 25 percent or greater;
1092 (f) Stabilize slopes of 15 percent or greater with a soil K value greater than 0.35
1093 including the slopes of ravines or other natural depressions;
1094 (g) Establish buffers adjacent to areas of differing land use where appropriate, or
1095 adjacent to highways or utility rights-of-way; or
1096 (h) Establish forest areas adjacent to existing forests to increase the overall area of
1097 contiguous forest cover, when appropriate.
1098 D. A person proposing to create a forest mitigation bank shall submit to the Department
1099 a:
1100 (1) Completed application on a form approved by the Department which has been
1101 signed by a licensed Maryland forester, licensed landscape architect, or a Qualified
1102 Professional;
1103 (2) Forest mitigation bank plan which contains a:
1104 (a) Vicinity map of the proposed mitigation bank site;
1105 (b) Simplified forest stand delineation;
1106 (c) Detailed afforestation or reforestation plan, which shall include a timetable and
1107 description of the site and soil preparation needed, species, size, and spacing to
1108 be utilized, prepared by a licensed Maryland forester, a licensed landscape
1109 architect, or a Qualified Professional;
1110 (d) Proposed 2-year maintenance agreement that:
1111 (i) Sets forth how the areas afforested or reforested will be maintained to
1112 ensure protection and satisfactory establishment;
1113 (ii) Complies with COMAR 08.19.04.05C(4)(a); and
1114 (iii) Includes watering and reinforcement planting provisions if survival falls
1115 below required standards;
1116 (3) Copy of the deed to the property;
1117 (4) Survey or other legally sufficient description of the bank site for inclusion in the
1118 deeds of easement, deed restrictions, or covenants;
1119 (5) Title report or other assurance that:
1120 (a) The property is not encumbered by any covenants or other types of restrictions
1121 which would impair the property's use as a forest mitigation bank; and
1122 (b) There is legally sufficient access to the forest mitigation bank site which can be
1123 used by the Department and its assignees to inspect the forest mitigation bank;
1124 and
1125 (6) Description of the system to be used by the person owning and operating the forest
1126 mitigation bank to identify and keep track of which portions of the bank have been
1127 debited to meet an applicant's offsite afforestation or reforestation requirements.

- 1128 E. The owner of an approved forest mitigation bank shall enter into an agreement with the
- 1129 Department which contains:
- 1130 (1) The approved reforestation or afforestation plan;
- 1131 (2) The approved system for marking and tracking which portions of the bank have
- 1132 been debited; and
- 1133 (3) An acknowledgment that the bank may not debit any portion of the afforested or
- 1134 reforested land until 2 years of successful growth has been achieved unless the
- 1135 banker has posted a bond or alternate form of security.
- 1136

1137 10.1.3 Forest Mitigation Bank – Qualified Conservation

- 1138 A. A person may create a forest mitigation bank that retains existing forest from which
- 1139 applicants may purchase Qualified Conservation credits toward the requirements of this
- 1140 Ordinance.
- 1141 B. Retention of existing forest through the establishment of Qualified Conservation banks
- 1142 shall be located in priority areas for retention pursuant to Natural Resources Article §5-
- 1143 1607(c).
- 1144 C. The Qualified Conservation bank shall:
- 1145 (1) Consist of existing forest as defined in Natural Resources Article § 5-1601;
- 1146 (2) Be protected by a conservation easement, deed restriction, or covenant that:
- 1147 (a) Requires the land in the bank to remain forested in perpetuity;
- 1148 (b) Prohibits clearing, grading, or conversion of forest except as authorized under
- 1149 an approved forest management plan; and
- 1150 (c) Is enforceable by the Department or the Department of Natural Resources
- 1151 pursuant to Natural Resources Article § 5-1610.1;
- 1152 (3) Limit the use of the land in the bank to activities not inconsistent with forest
- 1153 conservation and permitted under a forest management plan.
- 1154 (4) Not generate credits for forest that is already permanently protected under a
- 1155 recorded conservation easement.
- 1156 D. A person proposing to create a Qualified Conservation bank shall submit to the
- 1157 Department a:
- 1158 (1) Completed application on a form approved by the Department of Natural Resources
- 1159 which has been signed by a licensed Maryland forester, licensed landscape
- 1160 architect, or Qualified Professional;
- 1161 (2) A Qualified Conservation mitigation bank plan which contains a:
- 1162 (a) Vicinity map of the proposed mitigation bank site;
- 1163 (b) Simplified forest stand delineation; which meets the criteria in COMAR
- 1164 08.19.04.02;
- 1165 (c) Documentation demonstrating the site’s location within a Priority Area for
- 1166 Retention pursuant to Natural Resources Article § 5-1607(c);
- 1167 (d) A proposed conservation easement, deed restriction, or covenant meeting the
- 1168 requirements of COMAR 08.19.05.02; and
- 1169 (e) A forest management plan;
- 1170 (3) Copy of the deed to the property;
- 1171 (4) Survey or other legally sufficient description of the bank site for inclusion in the
- 1172 deeds of easement, deed restrictions, or covenants;
- 1173 (5) Title report or other assurance that:
- 1174 (a) The property is not encumbered by any covenants or other types of restrictions
- 1175 which would impair the property's use as a forest mitigation bank;

- 1176 (b) There is legally sufficient access to the bank site which can be used by the
- 1177 Department and its assignees; and
- 1178 (6) Description of the system to be used by the person owning and operating the
- 1179 Qualified Conservation bank to identify and keep track of which portions of the
- 1180 bank have been debited to meet an applicant's offsite afforestation or reforestation
- 1181 requirements; and
- 1182 E. The owner of an approved Qualified Conservation bank shall enter into an agreement
- 1183 with the Department which contains:
- 1184 (1) The approved Qualified Conservation mitigation bank plan;
- 1185 (2) The approved system for marking and tracking which portions of the bank have
- 1186 been debited;
- 1187 (3) Confirmation that no credits may be debited until the required conservation
- 1188 easement, deed restriction, or covenant has been executed and recorded in the land
- 1189 records; and
- 1190 (4) Provisions for long-term inspection, enforcement, and stewardship of the protected
- 1191 forest.
- 1192 F. Credit Use and Limitations.
- 1193 (1) Qualified Conservation credits may be used to satisfy up to 50 percent of an
- 1194 applicant's afforestation or reforestation requirement.
- 1195 (2) If a local jurisdiction proposes, and after public comment the Department approves
- 1196 a written justification, Qualified Conservation credits may satisfy up to 60 percent
- 1197 of the requirement.
- 1198 (3) Credits may not be debited until the conservation easement, deed restriction, or
- 1199 covenant has been executed and recorded.
- 1200 (4) Credit ratios to be applied for Qualified Conservation credits are set forth in the
- 1201 State Forest Conservation Technical Manual.

1202 Article XI Recommended Tree Species.

1203 11.1 Recommended Tree Species List.

- 1204 A. Tree species used for afforestation or reforestation shall be native to the City, when
- 1205 appropriate, and selected from a list of approved species established by the Department
- 1206 of Natural Resources.
- 1207 B. The Department shall adopt a list of tree species to be used for any required
- 1208 afforestation or reforestation and incorporate it into the Forest Conservation Technical
- 1209 Manual.

1210 Article XII. Financial Security for Afforestation and Reforestation.

1211 12.1 Bonding.

- 1212 A. A person required to conduct afforestation or reforestation under this article shall
- 1213 furnish financial security in the form of a bond, an irrevocable letter of credit, or other
- 1214 security approved by the Department. The surety shall:
- 1215 (1) Assure that the afforestation, reforestation, and the associated maintenance
- 1216 agreement are conducted and maintained in accordance with the approved forest
- 1217 conservation plan;
- 1218 (2) Be in an amount equal to the estimated cost, as determined by the Department, of
- 1219 afforestation and reforestation; and
- 1220 (3) Be in a form and of a content approved by the Department.

- 1221 B. After one growing season, the person required to file a bond under §12.1A of this article
1222 may request reduction of the amount of the bond or other financial security by
1223 submitting a written request to the Department with a justification for reducing the bond
1224 or other financial security amount, including estimated or actual costs to ensure
1225 afforestation or reforestation requirements are met.
- 1226 C. The Department shall determine whether a lesser amount is sufficient to cover the cost
1227 of afforestation or reforestation, taking into account the following:
1228 (1) The number of acres;
1229 (2) The proposed method of afforestation or reforestation;
1230 (3) The cost of planting materials or replacement materials;
1231 (4) The cost of maintenance of the afforestation or reforestation project; and
1232 (5) Other relevant factors.
- 1233 D. If, after two growing seasons, the plantings associated with the afforestation or
1234 reforestation meet or exceed the standards of the Forest Conservation Technical
1235 Manual, the amount of the cash bond, letter of credit, surety bond, or other security
1236 shall be returned or released.
- 1237 E. A local forest conservation program may incorporate the financial security set forth in
1238 §12.1A—D of this article or in COMAR 08.19.05.01B.

1239 Article XIII - Standards for Protecting Trees from Construction Activities.

1240 13.1 Protection Devices.

- 1241 A. The City shall adopt standards for the protection of trees from construction activity.
- 1242 B. Before cutting, clearing, grading, or construction begins on a site for which a forest
1243 conservation plan is required by this article, the applicant shall demonstrate to the
1244 Department that protective devices have been established.

1245 Article XIV - Variances.

1246 14.1 Procedure.

- 1247 A. A person may request a variance from this Ordinance or the requirements of Natural
1248 Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, if the person
1249 demonstrates that enforcement would result in unwarranted hardship to the person.
- 1250 B. An applicant for a variance shall:
1251 (1) Describe the special conditions peculiar to the property which would cause
1252 unwarranted hardship;
1253 (2) Describe how enforcement of these rules will deprive the applicant of rights
1254 commonly enjoyed by others in similar areas;
1255 (3) Verify that the granting of the variance will not confer on the applicant a special
1256 privilege that would be denied to other applicants;
1257 (4) Verify that the variance request is not based on conditions or circumstances which
1258 are the result of actions by the applicant;
1259 (5) Verify that the request does not arise from a condition relating to land or building
1260 use, either permitted or nonconforming, on a neighboring property; and
1261 (6) Verify that the granting of a variance will not adversely affect water quality.
- 1262 C. The Department shall make findings that the applicant has met the requirements in
1263 Subsections A and B of this article before the Department may grant a variance.
- 1264 D. Notice of a request for a variance shall be given to the Department of Natural Resources
1265 within 15 days of receipt of a request for a variance.

- 1266 E. There is established by this Ordinance the right and authority of the Department of
- 1267 Natural Resources to initiate or intervene in an administrative, judicial, or other original
- 1268 proceeding or appeal in the State concerning an approval of a variance under Natural
- 1269 Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, or this
- 1270 Ordinance.
- 1271 F. A person who is denied a variance by the Department may appeal the decision within
- 1272 30 days to the Circuit Court for Harford County.

1273
1274 Article XV - Penalties.

1275 15.1 Enforcement.

1276 A. Noncompliance Fees.

1277 (1) A person found to be in noncompliance with this Ordinance, regulations adopted

1278 under this Ordinance, the forest conservation plan, or the associated 2-year

1279 maintenance agreement, shall be assessed by the Department the penalty of 30 cents

1280 per square foot of the area found to be in noncompliance with required forest

1281 conservation.

1282 (2) Money collected under Subsection A(1) of this article shall be deposited in the

1283 forest conservation fund as required by Article X of this Ordinance, and may be

1284 used by the Department for purposes related to implementing this Ordinance.

1285 B. Violation.

1286 (1) In addition to the provisions under Subsection A of this article, a person who

1287 violates a provision of this Ordinance or a regulation or order adopted or issued

1288 under this Ordinance is liable for a penalty not to exceed \$1,000, which may be

1289 recovered in a civil action brought by the Department.

1290 (2) Each day a violation continues is a separate violation.

1291 C. The Department may seek an injunction requiring the person to cease violation of this

1292 Ordinance and take corrective action to restore or reforest an area.

1293 D. In addition, the City adopts the enforcement provisions under COMAR 08.19.06.03.

1294 E. The Director of Planning shall provide to the State Department of Natural Resources

1295 notice of an enforcement action within 15 days after the commencement of

1296 enforcement by the local Department.

1297
1298 Article XVI - Annual Report.

1299 16.1 On or before March 1 of each year, the Department shall submit to the Department of

1300 Natural Resources a report which contains the:

1301 A. Number, location, and type of projects subject to the provisions of this Ordinance;

1302 B. Amount and location of acres cleared, conserved, and planted, including any areas

1303 located in the 100 year floodplain, in connection with a development project;

1304 C. Amount of reforestation and afforestation fees and noncompliance penalties collected

1305 and expended, the number of acres for which the fees were collected, and the number

1306 of acres reforested, afforested, or conserved using the fees;

1307 D. Costs of implementing the Forest Conservation Program;

1308 E. Location and size of all mitigation banks approved during the past year with a

1309 description of the priority areas afforested or reforested by the bank;

1310 F. Number of acres debited from each forest mitigation bank since the last annual report;

1311 G. Forest mitigation banks inspected since the last annual report;

1312 H. Number, location, and types of violations and types of enforcement activities
1313 conducted; and

1314 I. The size and location of all conserved and planted forest areas shall be submitted in an
1315 electronic geographic information system or computer aided design format if possible.
1316 If not possible, the location shall be given by Maryland State Plane Grid Coordinates
1317 and 8 digit sub watershed.

1318
1319 16.2 The annual report submitted pursuant to this Article shall be used by the Department of
1320 Natural Resources to evaluate whether local implementation of this Ordinance maintains
1321 or increases baseline forest cover within the jurisdiction, in accordance with Natural
1322 Resources Article § 5-1606.1.

1323
1324 Article XVII - Biennial Review by the Department of Natural Resources.

1325 17.1 The Department shall submit the necessary documentation to comply with COMAR
1326 08.19.02.04.

1327
1328 Article XVIII - Effective Date and Subsequent Amendments.

1329 18.1 This Ordinance is hereby enacted and becomes effective the date it is signed by the Mayor
1330 after City Council’s second reading of this ordinance, or after the review and approval of
1331 this ordinance by the Department of Natural Resources, whichever is later. This Ordinance
1332 may be amended as required. All amendments to this Ordinance are subject to the approval
1333 of the Department of Natural Resources.

1334
1335 **BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance shall take effect on the
1336 date the Ordinance is signed by the Mayor after Second Reading or the date the Department of
1337 Natural Resources approves the Ordinance, whichever is later.

1338 **NOW THEREFORE**, it is determined, decided, and ordained by the City Council that the repeal
1339 and replacement of City Code 81 with the foregoing provisions are hereby approved.

1340 **ADOPTED** by the City Council of Havre de Grace, Maryland this ___ day of _____, 2026.

1341 **SIGNED** by the Mayor and attested by the Director of Administration this ___ day of _____,
1342 2026.

1343
1344 **ATTEST:** MAYOR AND CITY COUNCIL
1345 OF HAVRE DE GRACE

1346
1347
1348 _____
1349 Christopher Ricci
1350 Director of Administration

1346
1347
1348 _____
1349 William T. Martin
1350 Mayor

1351 Introduced/First Reading: 7/6/2026

1352 Public Hearing:

1353 Second Reading/Adopted:

1354
1355 Effective Date: