

Introduced: Ms. Mach
1st Reading: May 14, 2007
Passed: May 29, 2007
Posted: May 30, 2007
Effective: June 8, 2007

ORDINANCE NUMBER 1279

AN ORDINANCE TO AMEND CHAPTER 12, "PARKS AND RECREATION," OF THE GREENBELT CITY CODE FOR THE PURPOSE OF ESTABLISHING A FOREST PRESERVE ADVISORY BOARD AND UPDATING THE FOREST PRESERVE ARTICLE

WHEREAS, in 2003, the City Council adopted Ordinance No. 1243 to amend Chapter 12 of the City Code to establish a Greenbelt Forest Preserve; and

WHEREAS, the ordinance required that the City Council adopt management and maintenance guidelines setting forth policy to govern activities within designated forest preserve areas; and

WHEREAS, the City Council adopted Resolution No. 967 establishing a Forest Preserve Task Force, which included members from several standing City Council advisory boards and committees, as well as incorporating the expertise and talents of other interested citizens from the public at large; and

WHEREAS, the task force was charged with developing a draft of the required management and maintenance guidelines, as well as making other recommendations; and

WHEREAS, the Forest Preserve management and maintenance guidelines completed by the task force represent only the initial step in an ongoing effort to protect the City's forest preserve areas. NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Greenbelt, Maryland, that Chapter 12 of the City Code be amended as follows to establish a Forest Preserve Advisory Board and to update the Forest Preserve article:

**Chapter 12
PARKS AND RECREATION**

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ARTICLE VII. TREES

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

ARTICLE VIII.

FOREST PRESERVE ADVISORY BOARD

Sec. 12-140. Established.

There is hereby established an advisory board to be known as the forest preserve advisory board.

Sec. 12-141. Membership.

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

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

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

Sec. 12-142. Officers and bylaws.

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

Sec. 12-143. Functions

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

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

- (1) On an annual basis, report to the City Council on the health and condition of the forest preserve.
- (2) As needed, monitor the health and condition of the forest preserve, as well as activities within the forest preserve, and report to the city council any circumstances indicating that intervention, consistent with the approved management and maintenance guidelines, is required.

- (3) As needed, review, interpret, and make recommendations to the city council on the management and maintenance guidelines and on the forest preserve article of this chapter.
- (4) Advise the city council on the designation of forest preserve areas.
- (5) Sponsor educational, interpretative, maintenance, or other programs, as appropriate and consistent with the forest preserve article and the management and maintenance guidelines, for the purpose of furthering the city's objectives of protecting the forest preserve areas.
- (6) Ensure coordination between the forest preserve advisory board and other city advisory boards and committees by reporting to the city council and to the appropriate advisory groups should any matter before the board impact areas of interest and responsibility of those advisory groups, including but not limited to issues and matters related to forest health and the management and treatment of invasive plant species.

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

ARTICLE IX.

FOREST PRESERVE

Sec. 12-132150. Intent.

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

Sec. 12-133151. Forest preserve defined.

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

Sec. 12-134152. Designation of forest preserve areas.

(a) The "North Preserve" shall be defined as that area held in ownership by the City of Greenbelt and located north of Northway, west of the Baltimore-Washington Parkway, south of the corporate city limits, and east of Ridge Road, comprised of legal parcels described as Map 27, Grid A2, Parcel 10, consisting of 102.5869 acres; Map 27, Grid B2, Parcel 17, consisting of

13.90 acres; Map 27, Grid A1, Parcel 19, consisting of 24.3363 acres; and Map 27, Grid B3, Parcel 20, consisting of 4.079 acres.

(b) The "South Preserve" shall be defined as that area held in ownership by the City of Greenbelt and located south of Northway, west of the Baltimore-Washington Parkway, and east of Ridge Road, comprised of legal parcels described as Map 27, Grid A3, Parcel 6, consisting of 20.4667 acres; Map 27, Grid A3, Parcel 7, consisting of 17.1919 acres; Map 27, Grid A3, Parcel 8, consisting of 11.8707 acres; Map 27, Grid A4, Parcel 9, consisting of 11.8707 acres; Map 27, Grid A4, Parcel 11, consisting of 9.34 acres; and Map 27, Grid A4, Parcel 21, consisting of 10.1552 acres.

Sec. 12-135153. Designation of or Addition of forest preserve areas.

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

(b) Prior to the introduction of any ordinance to designate or add to a forest preserve area, the City Council shall cause to be prepared a report that includes but is not limited to: a description of the area proposed as a forest preserve, including its unique characteristics and its existing uses and users; and a map indicating the location and boundaries of the proposed forest preserve area.

~~— (a) — Any addition to any forest preserve area as defined in this article shall be first recommended by way of public notice published in a periodical of general circulation in the city and shall contain both a description of the area and a map designating the area under consideration.~~

~~— (b) — Any addition to any existing forest preserve area, or designation of a new forest preserve area, shall become effective only after adoption of an ordinance by the city council.~~

~~— (c) — The city manager and/or the forest preserve advisory board may present to the city council recommendations for the designation of forest preserve areas. Such recommendation shall be accompanied by a description of the unique characteristics of the area as a natural resource and a map indicating the location and boundaries of the proposed forest preserve area.~~

Sec. 12-136154. Removal of forest preserve designation.

(a) Removal of any lands, in whole or in part, from the forest preserve designation as set forth in section 12-134152 shall be by ordinance of the city council, following a public hearing which shall be held not less than two (2) weeks preceding first reading of the ordinance.

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

(c) No ordinance passed by the city council to delete or reduce a forest preserve area may become effective until approved by the voters of the City of Greenbelt, by way of a question placed on the ballot of the next regularly scheduled general city election, in accord with the city charter. ~~unless such general city election will be held less than sixty (60) days following passage~~

~~of a council ordinance. In such a case, the question shall be delayed to the next regularly scheduled general city election.~~

Sec. 12-137155. Management, and maintenance ~~and use~~ guidelines.

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

(b) The city council shall adopt management and maintenance ~~policy~~ guidelines, which shall set forth policy on permissible, required, and prohibited management and maintenance activities. Such ~~policy~~ guidelines shall be subject to the limitation that any maintenance proposed is the minimum necessary to preserve and protect the natural resource.

Sec. 12-138156. Prohibited activities.

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

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

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

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

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

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

(g) All forms of biking shall be prohibited.

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

(i) No trail maintenance shall be permitted except as provided in the management and maintenance ~~policy as set forth in this article~~ guidelines.

~~{(j) —Reserved.}~~

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

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

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

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

(n) Camping, grilling, cooking, or creation of any fire, regardless of purpose, mechanism of combustion, type of fuel, or type of containment, is prohibited.

Sec. 12-139157. Resource protection.

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

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

(c) Violation of this section shall be considered a misdemeanor.

Sec. 12-140158. Permitted activities.

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

(b) Maintenance activities as set forth in ~~an~~the approved management and maintenance ~~policy~~ guidelines are permitted.

Sec. 12-141159. Management and maintenance activities.

(a) The upgrading or expansion of any electrical transmission line, distribution line, telephone line, natural gas line, or other aboveground or underground line is permitted, if the person or entity responsible for the line had the right, subject to any required approvals, to

upgrade or expand the line in the forest preserve area prior to the designation of the area as a forest preserve.

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

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

(d) Maintenance improvements to existing roads and parking areas within forest preserve areas, or within twenty-five (25) feet of the edge of the existing road or parking areas, are permitted so long as such maintenance improvements do not alter the existing surface material, do not expand or extend the area of the improvement, and do nothing to increase impervious surfaces.

Sec. 12-142160. Special events.

The city will not sponsor or permit special events to be conducted in forest preserve areas if those events might be inconsistent with the intent of this article. Special events that are principally commercial in nature or activities involving animal, foot or watercraft races, physical endurance of a person or animal, organized survival exercises, war games, or similar exercises shall be considered inconsistent with the intent of this article.

Sec. 12-143161. Preexisting improvements.

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

Sec. 12-144162. Enforcement and violations.

Violations of this article shall be considered a municipal infraction and may be punishable with a fine of one thousand dollars (\$1,000.00) for each violation, except as provided in section 12-139157 of this article.

Sec. 12-145163. Changes to article.

(a) (c) Any ordinance that provides for an addition to, amendment of, or deletion from this article, except for revisions to forest preserve boundaries as set forth in sections 12-152 through 12-154 ~~12-12-134, 12-135, and 12-136~~, may be referred for voter approval by way of a ballot question, if so directed by a majority vote of the city council placed on the ballot as a referendum question as provided in the city charter.

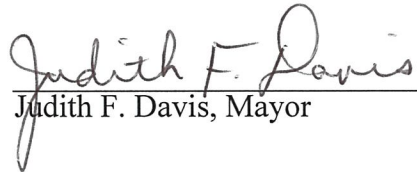
(b) (d) Any ballot question shall be placed on the ballot of the next regularly scheduled city election, subject to the procedures set forth in section 12-136 (d) of this article in accord with the city charter.

(e) (a) Prior to the consideration of any ordinance to amend this article, except for revisions to forest preserve boundaries as set forth in sections 12-152 through 12-154, the city council shall make a mandatory referral of the ordinance for review and comment to the forest preserve advisory board, in addition to any other ~~one or more~~ city council advisory boards or committees, or other groups as determined by the city council. ~~Nothing herein constrains the city council from making additional referrals to other city groups or tasks forces.~~

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

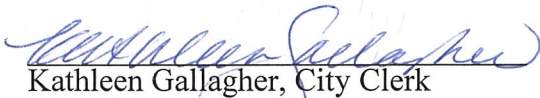
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PASSED by the Council of the City of Greenbelt, Maryland, at its regular meeting of May 29, 2007.



Judith F. Davis, Mayor

ATTEST:


Kathleen Gallagher, City Clerk

Key:

Underscoring indicates language added to existing law.

~~Overstriking~~ indicates language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.