

and burned. If the owner shall appear before the County Forester pursuant to the notice, the County Forester may thereafter withdraw his original directive or may issue a final order directing such person to remove and burn the tree within five days from the issuance of such order. Upon failure of any person to comply with such final order, the County shall cause the tree described in such order to be removed and burned.

Section 2. Section 113-7, Chapter 113, titled "Elm Disease," of the Montgomery County Code 1965, is hereby repealed and re-enacted, with amendments, to read as follows:

113-7. Same—Right of aggrieved persons to hearing before Board of Appeals.

Any person who feels aggrieved by any final order issued by the County Forester pursuant to the provisions of the three preceding Sections, may, within five days after issuance of such order, petition the County Board of Appeals in writing for a hearing. Within ten days after receipt of such petition, the County Board of Appeals shall, after due notice to all interested persons, hold such a hearing, after which it may affirm, modify or reverse the order of the County Forester. No enforcement action shall be taken, nor shall any tree be removed or burned by the County in any instance during the period within which an appeal to the County Board of Appeals may be taken or pending final action by the County Board of Appeals if a hearing is requested as provided above.

Section 3. Severability.

The provisions of this Act are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the Act or any part thereof is inapplicable had been specifically exempted therefrom.

Section 4. Effective Date.

This Act shall take effect on December 7, 1970.

Chapter 27

(Bill No. 18-70)

An Act to amend Chapter 44, Section 44-3(a) and Section 44-6, repeal Section 44-7 in its entirety, to provide that in order to obtain tax exemption from the parking lot district tax, land and improvements shall meet all of the design standards, schedules and other requirements of the Off-Street Parking Requirements contained in Section 111-27.

Be It Enacted by the County Council for Montgomery County, Maryland, that—