

IN THIS SUBTITLE, ROADSIDE TREE MEANS ANY TREE OR SHRUB GROWING WITHIN THE RIGHT-OF-WAY OF ANY PUBLIC ROAD.

REVISOR'S NOTE: This section presently appears as Article 66C, section 359 of the Code, as amended by Chapter 290, Acts of 1972. The only changes made are in style.

5-402. POWERS OF DEPARTMENT; ESTABLISHMENT OF STATE FOREST NURSERIES.

THE DEPARTMENT MAY PLANT TREES ALONG THE ROADSIDES, MAKE RULES AND REGULATIONS GOVERNING THE PLANTING, CARE FOR AND PROTECT ANY ROADSIDE TREE, AND ESTABLISH ONE OR MORE STATE FOREST NURSERIES FOR THE PROPAGATION OF TREES FOR ANY ROADSIDE PLANTING.

REVISOR'S NOTE: This section presently appears as Article 66C, section 358 of the Code. The reference to the "Department of Forests and Parks" is proposed for deletion and replaced with "Department of Natural Resources" in light of Chapter 348, Acts of 1972. The only other changes made are in style.

5-403. PLANS FOR PLANTING OR CARE OF TREES.

(A) APPLICATION.—IF THE GOVERNING BODY OR THE ROAD SUPERVISORS OF ANY COUNTY OF THE STATE, THE DEPARTMENT OF TRANSPORTATION, THE COUNCIL OF ANY MUNICIPALITY, OR ANY ORGANIZATION OR PERSON APPLIES TO THE DEPARTMENT TO PLANT, CARE, OR PROTECT ANY ROADSIDE TREE, THE DEPARTMENT SHALL EVALUATE THE APPLICATION AND INFORM THE APPLICANT CONCERNING THE ADVISABILITY OF THE REQUESTED PLANTING, CARE, OR PROTECTION. IF, IN THE JUDGMENT OF THE DEPARTMENT, THE REQUESTED PLANTING, CARE, OR PROTECTION IS ADVISABLE, THE DEPARTMENT SHALL PREPARE AND SUBMIT TO THE APPLICANT A PLAN FOR THE SAME, INCLUDING AN ESTIMATE OF THE COST.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 360 of the Code, as amended by Chapter 290, Acts of 1972. The only changes made are in style.

(B) APPROVAL AND IMPLEMENTATION OF PLAN.—ANY PLAN TO PLANT, CARE, OR PROTECT ROADSIDE TREES MAY NOT BECOME OPERATIVE UNTIL THE APPLICANT APPROVES THE PLAN