



SPONSOR: Sen. Walsh

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE AMENDMENT NO. 2
TO
HOUSE BILL NO. 176

AMEND House Bill No. 176, as amended, on line 11 by deleting "root system, limbs," and inserting in lieu thereof "limbs".

FURTHER AMEND House Bill No. 176, as amended, on line 27 by deleting "bulkheads, streets, and other grounds," between "areas," and "where" and inserting in lieu thereof "bulkheads, and streets,".

FURTHER AMEND House Bill No. 176, as amended, on line 28 by deleting "and" after "law," and before "to" therein.

FURTHER AMEND House Bill No. 176, as amended, by deleting lines 7 through 12 of House Amendment No. 1 to House Bill No. 176 in their entirety.

FURTHER AMEND House Bill No. 176, as amended, by deleting lines 33 through 37 in their entirety and inserting in lieu thereof the following:

"1. L. Maintain, care for, and remove, if necessary, trees on any lot, including common areas, if the tree is at least 25 feet in height or has a main stem or trunk larger than 6 inches in diameter. Such maintenance, areas. Maintenance, care, and removal means of trees includes those steps required to maintain a tree in a live and healthy tree condition per standard horticultural practices in accordance with the standards as set forth by the American Association of Nurserymen. condition under the standards established by the International Society of Arboriculture. Removal of a tree must include the removal of the stump to below the surface of the ground so that the top of the stump does not project above the surface of the ground.".

FURTHER AMEND House Bill No. 176, as amended, by inserting the following after line 37:

"Section 3. This Act takes effect 6 months after its enactment into law.".

SYNOPSIS

This amendment revises House Bill No. 176 by doing all of the following:

1. Deletes "root system" from the definition of "tree".
2. Deletes the addition of "other grounds" to the areas that a landlord must maintain to prevent the accumulation of standing water.
3. Deletes the addition of the word "and" to § 7008(a)(13) because it is unnecessary.

4. Deletes language added by House Amendment No. 1, limiting the exception to areas that a landlord must maintain to prevent the accumulation of standing water to those areas that do not contain a constructed community asset.
5. Revises the requirements for maintenance of trees by doing all of the following:
 - Reorganizes the paragraph, retaining the revision made by House Amendment No. 1, updating the reference to the group that currently establishes industry standards for tree maintenance.
 - Clarifies that the removal of a tree means removing the stump below the surface of the ground.
 - Repeals the details of trees that a landlord must maintain because those details are currently in the definition of “tree” under § 7003 of Title 25.
6. Makes this Act effective 6 months after its enactment into law.

Author: Senator Walsh