



Introduced and Read: October 17, 2018

2nd Reading November 7, 2018

Adopted: December 12, 2018

Effective Date: January 12, 2018

TOWN OF BRENTWOOD

ORDINANCE 2018-04

**ORDINANCE ESTABLISHING AN AMENDMENT TO THE BRENTWOOD CODE ADDING
SUBSECTION 44-7 TO SECTION 44 (BRUSH, GRASS AND WEEDS)**

WHEREAS, the Mayor and Town Council of Brentwood acknowledges that a variety of landscapes adds diversity and richness to the quality of life in our community. There are, nonetheless, reasonable expectations regarding the city's landscapes which, if not met, may decrease the value of nearby properties, degrade the natural environment, or threaten the public health and safety. It is therefore in the public interest, and within the purview of this legislation, to provide standards for the development and maintenance of the town's landscapes, whether corporate, private, or public. clarify nuisance weed and grass violations and to allow the use of native plantings to encourage water conservation and habitat enhancement. It is unlawful for an owner or occupant to allow "noxious weeds" as defined by Maryland Department of the Environment or volunteer plants which are not customarily or intentionally planted to grow on their lot.

WHEREAS, the Town recognizes the landowners' interest in having managed turf grass landscapes. At the same time, the Town encourages the preservation, restoration, and management of native plant communities and wildlife habitats within the city limits. The Town recognizes that the use of wildflowers and other native plants in home, school, corporate, municipal, or other managed landscapes is economical, reduces maintenance, effectively conserves water, soil, and other elements of the natural community. Moreover, landscaping with native plants and the preservation, restoration, and management of native plant communities and wildlife habitats may preclude the introduction of toxic pesticides, herbicides, fertilizers, and other pollutants into the environment.

WHEREAS, the Town further acknowledges the need to enjoy and benefit from the variety, beauty, and practical values of natural landscapes, and seeks to guarantee citizens the freedom to employ varying degrees of natural landscaping as viable and desirable alternatives to other conventional modes of landscaping.

WHEREAS, the Town seeks to encourage each landowner to create and sustain a condition of ecological stability on his or her land, that is, a state of good health and vigor, as opposed to one of impairment and decline. It is not the intent of this legislation to allow vegetated areas to be unmanaged or overgrown in ways that may adversely affect human health or safety or pose a threat to agricultural activity.

WHEREAS, it is the express intent of this Town that it shall be lawful to grow native plants, including, but not limited to ferns, grasses, forbs, aquatic plants, trees, and shrubs in a landscape when these plants were obtained not in violation of local, state, or federal laws.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Brentwood, that Chapter 44-7 of the Brentwood Code is enacted as follows:

SECTION ONE. NOTICES:

Courtesy Notice: After the observance of a code violation, a *Courtesy Notice* (door hanger or flyer) served on the owner/occupier of a property from which the nuisance arises. The notice identifies the deadline to comply, a description of the violations; the Town code violated; and what a person must do to resolve the violation. The notice encourages the owner/resident to contact the Brentwood Code Enforcement office if they have any questions.

Notice of Violation: The code enforcement officer will return to the site within 10 business days to re-inspect. If the issue remains unresolved, a *Notice of Violation* is issued by mail, and an additional notice will be physically posted on front door of property. The notice will advise of the violation and establish a specific expectation of compliance.

SECTION TWO. CODE:

(a) The term, "weeds and grass", as used herein, shall mean and include all weeds, grasses, plants, bushes, poison oak, poison ivy, and other vegetation, except trees, ornamental shrubbery, flowers, garden vegetables, compost piles, or other plants or vegetables customarily planted and/or cultivated by farmers or gardeners. A general growth of "weeds and grass" in excess of twelve (12) inches is hereby declared to be a menace to public health and safety.

(b) Grass may not exceed 12 inches in height. This includes the grass bordering the front or side of the property and grass between the sidewalk and the curb. Bushes or hedges bordering a sidewalk may not exceed 48 inches in height and may not inhibit full use of the sidewalk. It shall be unlawful for any owner, occupant, lessee, or agent in charge of land in Town to permit "weeds and grass" to remain uncut and exceed a general height of twelve (12) inches.

(c) Upon the failure, refusal, or neglect of an owner, occupant, lessee, or agent to cut "weeds and grass" as required herein, the Town shall notify such owner, occupant, lessee, or agent of such condition and shall order such person to eliminate such "weeds and grass" within ten (10) days. Such order shall be in writing and may be served personally on, or sent by ordinary mail to, the owner of the property at the address shown on the assessment records of the County.

(d) If the order is not complied with within the ten (10) day period, the Town may cause the "weeds and grass" to be cut and removed or may have such failure prosecuted as a violation of this Ordinance, or both.

(e) The Town recognizes that weeds even below 12 inches in height, as such, when matured so as to bear seeds, may readily become a fire menace when dry; and that they may furnish a breeding place for mosquitoes and adversely affect and impair the economic welfare of adjacent property and the neighborhood in which located; and are hereby declared to be a public nuisance subject to the penalties and procedures hereinafter prescribed.

(f) Whenever it shall be necessary for the Town to have the "weeds and grass" cut and removed, as above provided, the cost thereof shall constitute a debt owed to the Town, and unless paid, the same shall be added to the personal property tax bill or real estate tax bill sent to the owner and may thereafter be collected in the same manner as taxes are collected. Or, if the Mayor and Council so determine, said charges may be collected as a debt.

SECTION THREE. FEES AND FINES:

(a) The Mayor and Council shall, by resolution establish municipal infraction fines for this chapter.

(b) Fines for violations of this chapter shall increase with each subsequent violation, as provided by the resolution of the Mayor and Council.

SECTION FOUR. EXCEPTIONS:

(a) If work to correct the violation is underway or the weather has prevented the owner from fully addressing the violation, the owner may request additional time to correct the outstanding violation(s). Requests for extensions shall be reviewed on a case-by-case basis.

(b) However, on occupied residential properties, areas that are actively protected, maintained, or cultivated for a use other than a lawn (e.g., wildflower garden, wildlife habitat, meadow, or vegetable or herb garden) shall not be considered a code violation unless they are a threat to health or public safety, a fire hazard, a substantial and unreasonable interference with the use and enjoyment of neighboring property, or an obstruction of public right of way.

(c) A Finding that an area is being actively protected, maintained, or cultivated for a non-lawn use shall be based on consideration of the circumstances in the area, including but not limited to, favorable consideration of the following factors:

(1) Presence of native plant species

(2) Presence of wildflowers, vegetables, or herbs

(3) Presence of the four requirements for wildlife: food (which may come from plantings or feeders), water, places to take cover, and places to raise their young

(4) Presence of wildlife, such as birds, squirrels, spiders, and insects

(5) Evidence of appropriate native vegetation which is defined as vegetation found in the natural community that is suited to the soil, topography, and hydrology of a particular site. Evidence provided by the landowner to establish active involvement in protecting, maintaining, or cultivating the area, which may include certification by a recognized state or national wildlife or natural habitat organization

(d) Native plants shall be those listed by the United States Fish and Wildlife Service for The Piedmont or Coastal plain areas of Maryland, as well as those listed by the Maryland Department of Agriculture.

SECTION FIVE. PROVISIONS SEVERABLE:

The provisions of this Ordinance shall be construed as severable and should any section or part thereof be held unconstitutional or for any reason invalid or unenforceable by a court of competent jurisdiction hereto the unaffected portions thereof shall remain valid and shall be given full force and effect.

SECTION SIX. CONFLICTS:

All Ordinances or parts of Ordinances in conflict with any other Ordinance and any of the provisions of this Ordinance are hereby repealed.

SECTION SEVEN. EFFECTIVE DATE:

This Ordinance shall become effective at the expiration of thirty (30) calendar days following its adoption.

PASSED AND ADOPTED this 12th day of December 2018.



Rocio Treminio-Lopez, Mayor



Victor R. Olano, Vice Mayor



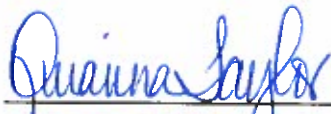
Jerry L. Burgess, Council Member



Tonya Y. Harrison, Council Member



ATTEST:



Quianna M. Taylor, Interim Town Clerk