

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 17

Bill No. 81-15

Mr. Wade Kach, Councilman

By the County Council, October 19, 2015

A BILL
ENTITLED

AN ACT concerning

Nuisances – Prohibiting the Growth of Bamboo

FOR the purpose of prohibiting an owner, occupant, or person in control of a lot or parcel of land in the County from maintaining a growth of bamboo within a certain distance of a property line adjoining an occupied residential, commercial, or industrial property; providing for notice to a property owner; and generally relating to regulating the growth of bamboo under certain circumstances.

BY repealing and re-enacting, with amendments

Section 13-7-401 and 13-7-402(c)
Article 13 - Public Health, Safety, and the Environment
Title 7 - Nuisances
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the laws of Baltimore County read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 Section 13-7-401. Prohibited Acts; Penalty.

2 (a) *In general.* An owner, occupant, or person in control of a lot or parcel of land in the county may
3 not allow or maintain on the lot or parcel of land:

4 (1) A growth of grass, weeds, or other rank vegetation to a height exceeding 1 foot;[or]

5 (2) Ragweed, poison ivy, and all other noxious weeds that are generally known to be either
6 allergenic, a skin irritant, or toxic when ingested[.]; OR

7 (3) A GROWTH OF BAMBOO, IF WITHIN 20 YARDS OF AN ADJOINING PROPERTY
8 LINE, INCLUDING BUT NOT LIMITED TO BAMBUSA, PHYLLOSTACHYS, PSEUDOSASA
9 SPECIES, AND RELATED GENUS OF BAMBOO.

10 (b) *Authority to modify the requirements.*

11 (1) The Department may modify the requirements of subsection (a) of this section in the
12 cases of bona fide agricultural property, natural wooded areas, naturally vegetated landscape buffers
13 in residential areas, stream protection areas, habitat protections areas, steep slope and erodible soil
14 protection areas, storm water management facilities areas, unimproved areas in more than 3 acres,
15 areas publically owned and maintained as natural areas, and private open-space areas covenanted
16 with the county as recreational areas to be maintained in their natural state.

17 (2) (i) Notwithstanding paragraph (1) of this subsection, noxious weeds as described in
18 subsection (a)(2) of this section AND BAMBOO AND RELATED SPECIES DESCRIBED IN
19 SUBSECTION (A)(3) OF THIS SECTION may not be allowed to grow within 20 yards of a
20 property line adjoining an occupied residential, commercial, or industrial property.

21 (ii) The setback requirement of subparagraph (i) of this paragraph does not apply to
22 wetlands, stream protection areas, habitat protections areas, steep slope and erodible soil protection
23 areas, storm water management facilities areas, naturally vegetated landscape buffers in residential
24 areas, and nature study areas.

1 (c) *Destruction of noxious weeds.* Noxious weeds may be destroyed by:

- 2 (1) Spraying with a chemical compound;
- 3 (2) Cutting and removal;
- 4 (3) Plowing under; or
- 5 (4) Another method recommended by the Department of Health.

6 (d) *Penalty - Criminal.*

7 (1) An owner, occupant, or person in control of a lot or parcel of land who fails to comply
8 with this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
9 \$1,000.

10 (2) Each day a violation continues constitutes a separate offense.

11 §13-7-402. Issuance of Notice.

12 (c) Contents of the notice. The correction notice required under this section shall inform the
13 owner, occupant, or person in control of a lot or lands that:

14 (1) (i) Grass, weeds, or other rank vegetation have grown to a height exceeding 1 foot and
15 that the owner, occupant, or person in control shall cut the weeds or other vegetation to a height not
16 exceeding 3 inches; or

17 (ii) Noxious weeds, OR BAMBOO WITHIN 20 YARDS OF AN ADJOINING
18 PROPERTY LINE, are growing on the lands and that the owner, occupant, or person in control shall
19 destroy the noxious weeds OR BAMBOO by any of the methods authorized under this subtitle; and

20 (2) The owner, occupant, or person in control shall begin compliance with the notice within
21 5 days after service of the notice.

22 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five
23 (45) days after its enactment.