

Bill No. 8-00
Concerning: Streets and Roads - Ground
Cover In Public Rights-of-Way
Revised: July 26, 2000 Draft No. 7
Introduced: March 7, 2000
Enacted: August 1, 2000
Executive: ~~August~~ 10, 2000
Effective: On the earlier of the effective
date of regulations issued
under Section 49-35(k)(3) of
the Code, as amended by
this Act; or December 1, 2000
Sunset Date: None
Ch. 23, Laws of Mont. Co. 2000

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Ewing and Krahnke

AN ACT to:

- (1) allow and encourage property owners to place alternative, conservation-promoting plants ~~[[and other ground cover materials on their property]]~~ in the public right-of-way adjacent to their property; and
- (2) generally amend County law regarding placement of objects in the public right-of-way.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections ~~49-17, 49-31, and 49-35~~

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

Section 1. Sections 49-17, 49-31, and 49-35 of the Code [fill] are

* * *

Ground cover: Dense masses of low growing, low maintenance, leafy, grassy, or floral vegetation that cover soil. Unless specifically authorized by regulation, **ground cover** does not include bushes, shrubs, or any plant identified as a **weed** under County law.

* * *

49-35. General provisions.

* * *

(k) Ground cover.

(1) A **property owner** may plant and maintain **ground cover** in a public right-of-way adjacent to the **owner's** property if the **owner:**

(A) complies with regulations issued under paragraph (3);

(B) maintains the **ground cover** to prevent any obstruction of the public right-of-way prohibited under Section 49-17;

and

(C) holds the County harmless for any damage to the **ground cover**, and any damage or injury caused by the **ground cover.**

(2) In this subsection, **property owner** or **owner** includes each person with a legal interest in the property and any successor to that person's interest.

(3) The **Director**, after consulting the Director of Environmental Protection and the Director of Permitting Services, must issue regulations that allow and encourage a **property owner** to place and maintain **ground cover** in the public right-of-way adjacent to the **owner's** property. The regulations must encourage use of

- 1 **ground cover** that is environmentally sensitive and promotes
 2 conservation of natural resources and more sustainable
 3 landscaping, including plant species that:
- 4 **(A)** require reduced or no mowing, fertilizing, or other
 5 maintenance;
 - 6 **(B)** are drought tolerant and require little watering at any time;
 - 7 **(C)** do not inhibit growth of nearby trees; and
 - 8 **(D)** include non-turf grasses.
- 9 **(4)** Except as provided in paragraph (1), this subsection does not
 10 impair the County's right to enter, maintain, occupy, or otherwise
 11 control any public right-of-way for any purpose.

12 ~~[(k)]~~

13 ~~(l)~~


14 **Sec. 2. Effective Date.**

15 This Act takes effect on the earlier of:

- 16 (1) the effective date of regulations issued under Section ~~[[49-17(b)]]~~
 17 ~~49-35(k)(3)~~ of the Code, as amended by this Act; or
- 18 (2) ~~[[September]]~~ December 1, 2000.

19 Between ~~[[September]]~~ December 1, 2000, and any later date when regulations
 20 first take effect, the **ground cover** referred to in Section ~~[[49-17(a)(2)(C)]]~~
 21 ~~49-35(k)~~, as amended by this Act, may include any ~~[[material or]]~~ plant
 22 species placed or maintained by the **property owner** that does not visually or
 23 physically obstruct the public right-of-way or otherwise impede vehicle or
 24 pedestrian traffic.

1 *Approved:*

2 
Michael L. Subin, President, County Council

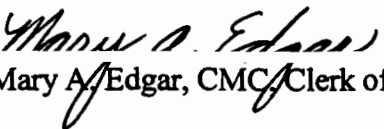
8/3/2000
Date

3 *Approved:*

4 
Douglas M. Duncan, County Executive

8/10/00
Date

5 *This is a correct copy of Council action.*

6 
Mary A. Edgar, CMC, Clerk of the Council

8/14/00
Date