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

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The County Council for Montgomery County, Maryland approves the following Act:
Section 1. Sections 49-17, 49-31 and 49-35 of the Code of [ille] are

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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.

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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

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ground cover that is environmentally sensitive and promotes
conservation of natural resources and more sustainable
landscaping, including plant species that:

(A) require reduced or no mowing, fertilizing, or other
maintenance;

(B) are drought tolerant and require little watering at any time;

(C) do not inhibit growth of nearby trees; and

(D) include non-turf grasses.

(4) Except as provided in paragraph (1), this subsection does not
imperil the County's right to enter, maintain, occupy, or otherwise
control any public right-of-way for any purpose.

Sec. 2. Effective Date.

This Act takes effect on the earlier of:

(1) the effective date of regulations issued under Section [[49-17(b)]]
49-35(k)(3) of the Code, as amended by this Act; or

(2) [[September]] December 1, 2000.

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

Michael L. Subin, President, County Council

Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary A. Edgar, Clerk of the Council

Date

Date

Date