

WEED CONTROL ORDINANCE

FOR

WASHINGTON COUNTY, MARYLAND

Adopted February 23, 2010
Effective February 23, 2010

WEED CONTROL ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

1. Prohibited Vegetation.

1.01 It shall be unlawful for any owner, occupant, or person in control of any lot or parcels of land within Washington County to fail to control on any such lot or parcel of land any noxious weeds,¹ ragweed, poison ivy, poison oak, or poison sumac.

1.02 Such weeds may be destroyed by spraying with a chemical compound, by cutting or removal, by plowing under, or by such other method recommended by the University of Maryland Cooperative Extension Service.

2. Height Limitation.

2.01 It shall be unlawful for any owner, occupant, or person in control of any lot or parcels of land within Washington County to allow or maintain on any such lot or parcel of land any growth of grass, weeds, or rank vegetation to a height over eighteen (18) inches (excepting trees, shrubs, and plants of an ornamental, incidental nature)

3. Exceptions.

3.01 The height requirement contained in Section 2.01 may be modified at the discretion of the Department of Permits and Inspections after consultation with The University of Maryland Cooperative Extension Service in the following cases:

- (a) on any lot not within a commercial or residential subdivision;
- (b) on any existing lot of record not developed commercially or residentially;
- (c) on any existing lot of record undeveloped, whether commercially or residentially, adjacent to a developed lot or recorded residential lot; or
- (d) on any lot of one or more acres gross area utilizing environmentally responsible management practices to mitigate stormwater runoff, control pests,

¹ Those plants listed in Md. Code Ann., Agriculture § 9-401, as amended from time to time.

or reduce pollutants in the Chesapeake Bay watershed; conducted pursuant to guidelines, regulations, programs, or recommendations promulgated by an agency of the County, State, or Federal government; verified as such by the Washington County Soil Conservation District; and having a buffer area equal to 15' from any property boundary line between different property owners.

(e) The height requirement contained in Section 2.01 shall not apply to wetlands,² bird or game sanctuaries,³ nature study areas,⁴ and property used for bona fide agricultural purposes.⁵

3.02 Exempt from the terms of this Ordinance are naturally wooded areas, property in bona-fide agricultural use, unimproved areas of more than three (3) acres, areas publicly owned and maintained as natural areas, and private open-space areas covenanted within Washington County as recreational areas to be maintained in their natural state.

4. Prohibited acts; penalty for violations.

4.01 Any owner, occupant, person, corporation, partnership, or association in control of any lot or parcel of land within Washington County who shall fail to comply with any of the provisions of this section shall upon conviction thereof be fined in any such instance not exceeding fifty dollars (\$50.00). Each day of violation shall constitute a separate offense.

5. Enforcement.

5.01 Notwithstanding the penalty contained in Section 4.01, and in addition thereto, when a representative from the Department of Permits and Inspections ascertains that the owner, occupant, or person in control of any lot or lands within Washington County has allowed or maintained on such lot or lands any growth of

² Marshes, swamps, or saturated land.

³ A natural reserve established and maintained for the bona fide refuge and safety of birds and game.

⁴ Areas devoted to the study of or teaching about the biosphere for the accumulation or dissemination of knowledge and certified as such by the Board of Education or the Cooperative Extension Service.

⁵ Property assessed as being in agricultural use by the Department of Assessments and Taxation pursuant to Md. Code, Tax – Property Article, §8-209, or gardens used for the cultivation of fruit, herbs, flowers, and vegetables, or verified as used for agriculture by the University of Maryland Cooperative Extension Service.

weeds or rank vegetation to a height over eighteen (18) inches or that noxious weeds, as set forth in Section 1, are growing on lands within Washington County, he shall cause written notice to be served upon the owner, lessee, agent or tenant having charge of any lot or lands within Washington County, that weeds or rank vegetation have been allowed to grow to a height exceeding eighteen (18) inches, and that such weeds or other vegetation must be cut to a height not exceeding five (5) inches, or that noxious weeds are growing on such lands and that they must be destroyed, and that the cutting of such weeds or rank vegetation or the destruction of noxious weeds must be commenced within five (5) days after the service of such notice. If any such order of the representative from the Permits and Inspections Department issued under the authority of the provisions of this section is not complied with within ten (10) days after the service thereof, then Washington County may cause said growth of weeds or other rank vegetation to be cut to a height not exceeding five (5) inches or shall cause said noxious weeds to be destroyed. If Washington County cuts the vegetation, the owner of said lot or land shall pay the greater of the expense incurred incident to said order or \$250, and the amount until so paid shall be a lien upon the realty and recoverable as other liens on realty in Washington County.

5.02 Service of the notice provided in Section 5.01 to any person; or persons within Washington County may be made by registered mail or by any designated representative of the Department of Permits and Inspections. If the owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to that address by registered mail. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, it shall be sufficient to post such notice on the lot or land.

6. Effect.

6.01 The adoption of this ordinance shall not discharge, impair or replace any contract, obligation, duty, liability or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal pending or which may hereafter be instituted for cause of action now existing or offenses already committed against any law or ordinance repealed by this Ordinance shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Ordinance had not become effective.