

Introduced: October 20, 2020
Adopted: January 5, 2020

**CITY OF MOUNT RAINIER, MARYLAND
ORDINANCE NO. 10-2020**

Introduced by: Councilmember Luke Chesek

Amending Section 6-112 of the Mount Rainier Code

WHEREAS, the Mayor and Council has the authority to legislate on matters concerning public health and nuisances;

WHEREAS, the Mayor and Council recognize the need to ensure city rights-of-ways are clear of overgrowth or other hazards and property owners are free of overgrowth or other hazards protruding from a neighbor's property onto their own.

WHEREAS, the Mayor and Council recognize that a variety of landscaping techniques – including but not limited to the use of native plants and wildflowers – improve the biodiversity in the city and are valued by many residents;

WHEREAS, the Mayor and Council seek to balance the two interests cited in the paragraphs above through amendment of Section 6-112 of the City Code.

NOW THEREFORE BE IT RESOLVED that, effective immediately, Section 6-112 of the *Mount Rainier Code* is hereby amended as follows:

Section 6-112. – Landscaping

A Definitions.

1. "Turf grass" is defined as grass commonly used in regularly-cut lawns or play areas, such as, but not limited to bluegrass, fescue, and ryegrass blends.
2. "Invasive plants" are defined as those Tier 1 and 2 plants determined by the state's Department of Natural Resources to be illegal to propagate, import, transfer, sell, purchase, transport, or introduce (Tier 1), or legal to sell but with proper signage indicating invasiveness (Tier 2). The listing process is on-going, and current information on the law and listed species can be found here:

[mda.maryland.gov/plants-](https://mda.maryland.gov/plants-pests/Pages/maryland_invasive_plants_prevention_and_control.aspx)

[pests/Pages/maryland_invasive_plants_prevention_and_control.aspx](https://mda.maryland.gov/plants-pests/Pages/maryland_invasive_plants_prevention_and_control.aspx).

3. "Noxious weeds" are defined by the State of Maryland Department of Agriculture in its regulations concerning noxious weeds. The listing process is on-going, and current information on the law and listed species can be found through the Maryland Department of Agriculture (as of the date of passage of this code, that listing could be found at https://mda.maryland.gov/plants-pests/Pages/noxious_weeds_in_md.aspx).

B Landscaping Requirements.

1. Vegetation on private property shall be managed such that it does not create a fire hazard, substantial and unreasonable interference with the use and enjoyment of neighboring property, or an obstruction of public rights of way.
2. In determining whether an area is in violation of subsection B.1, the City shall consider the following factors:
 - i. Evidence of neglect or abandonment;
 - ii. Presence of trash, debris, litter or garbage;
 - iii. The impact on neighboring properties specifically as pertains to encroachment of vegetation on neighboring properties and rights of way; or
 - iv. the unmanaged presence of invasive plants or noxious weeds.
3. All turf grass shall not be permitted to grow more than one (1) foot tall.
4. Hedges which serve as a privacy screen within two feet of a sidewalk, street, or alley may not exceed 48 inches in height, may not inhibit full use of the sidewalk or, if it is on a street corner, inhibit the sightlines of drivers or pedestrians. A property owner may request a variance of this provision if the property owner is adjacent to a business(es), public park, major thoroughfare (i.e., 34th Street, Rhode Island Avenue, Arundel Road), or public building where landscaping in excess of this height is desired to retain the privacy and enjoyment of the property owner. Any such variance shall be requested pursuant to the variance process described in 12-103. Any property not in compliance with the 48-inch height restriction as of January 1, 2021 shall be grandfathered and deemed compliant with the 48-inch height restriction unless it inhibits full use of the sidewalk or, if it is on a street corner, inhibits the sightlines of drivers or pedestrians.

C Natural Habitats.

1. For occupied residential properties only, an area which is being actively protected, maintained, or cultivated for a use other than a lawn – such as a wildflower garden, wildlife habitat, native plant landscape, meadow, or vegetable/herb garden – shall be considered a Natural Habitat and not be considered a violation of paragraph B, above, unless it is a fire hazard, creates a substantial and unreasonable interference with the use and enjoyment of neighboring property, or is an obstruction of public rights of way. A property owner is not required to but may initiate City consideration of a property as meeting the requirements of subsection 6-112(C) by providing a letter to the City Manager that the owner intends to maintain a non-lawn use meeting the requirements of this subsection.
2. Being designated as a "Wildlife Habitat," pursuant to Section 12B-25, or a member of the City's "Native Plant Network," pursuant to Chapter 12C, shall make the property *de facto* compliant with subsection 6-112(C) unless it is a fire hazard, creates a substantial and unreasonable interference with the use and enjoyment of neighboring property, or is an obstruction of public rights of way.
3. Invasive species or noxious weeds shall not be considered as part of a "natural habitat" and may be considered a violation of subsection B, above, if it otherwise meets the prohibitions of subsection B, above. Examples of such species are: bamboo, kudzu (*pueraria montana var. lobate*), and English ivy (*hedera helix*), multiflora rose (*rosa multiflora*), mile-a-minute (*persicaria perfoliate*), porcelainberry

(*amelopsis glandulosa* var. *brevipedunculata*), garlic mustard (*alliaris petiolate*), tree of heaven (*ailanthus altissima*), and must meet the requirements of subsection B, above.

- D Any person violating Section 6-112 shall first be issued a door hanger, notifying them of an alleged violation of Section 6-112, and including a description of the alleged violation, a photograph of the alleged violation, and any appeal process. Any subsequent violation and appeal process will be governed by Sections 16-101-107.
- E To the extent this Section conflicts with Section 3A-105 of the Code, this Section or any variance received through the processes described herein shall govern.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 5th DAY OF JANUARY, 2021.

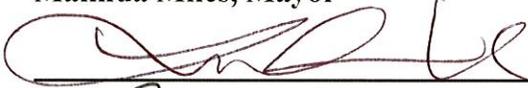
Attest:



Latasha Gatling, Interim City Manager



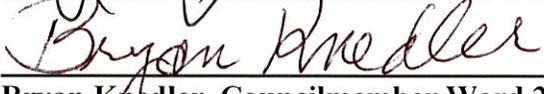
Malinda Miles, Mayor



Luke Cheseck, Councilmember Ward 1



Celina Benitez, Councilmember Ward 1



Bryan Knedler, Councilmember Ward 2



Scott Cecil, Councilmember Ward 2