
By: **Delegates Kach and V. Clagett**
Introduced and read first time: February 13, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Landscape Design - Noxious Weeds - Prohibitions**

3 FOR the purpose of providing that certain provisions prohibiting noxious weeds do
4 not apply to the growth of noxious weeds under certain circumstances; providing
5 that, subject to certain exceptions, a person may grow certain plants to any
6 height as part of a natural landscape design; permitting the unaided growth of a
7 noxious weed under certain circumstances; prohibiting a county or municipal
8 corporation from restricting the use of certain plants in a natural landscape
9 design; authorizing a county or municipal corporation to pass a certain
10 ordinance relating to noxious weeds; providing that a certain ordinance shall
11 contain a certain list of noxious weeds; providing that a county or municipal
12 corporation may only restrict the growth of certain plants under certain
13 circumstances; providing that natural landscape design is exempt from certain
14 setback requirements; defining certain terms; and generally relating to natural
15 landscape design and noxious weeds.

16 BY repealing and reenacting, with amendments,
17 Article - Agriculture
18 Section 9-409
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2003 Supplement)

21 BY adding to
22 Article - Agriculture
23 Section 9-901 through 9-903, inclusive, to be under the new subtitle "Subtitle 9.
24 Natural Landscape Design"
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 2003 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Agriculture

2 9-404.

3 (A) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO THE GROWTH OF
4 NOXIOUS WEEDS PERMITTED UNDER SUBTITLE 9 OF THIS TITLE.

5 [(a)] (B) No person may:

6 (1) Import or transport a noxious weed in the State in any form capable
7 of growth; or

8 (2) Contaminate any uninfested land with a noxious weed through the
9 movement of rootstocks, seed, soil, mulch, nursery stock, farm machinery, or any
10 other artificial medium.

11 [(b)] (C) Each landowner, including a landowner of public land, or person who
12 possesses and manages land infested with a noxious weed shall eradicate or control
13 the noxious weed on that land by using practices that the Secretary prescribes,
14 including mowing, cultivating, or treating with an approved herbicide.

15 SUBTITLE 9. NATURAL LANDSCAPE DESIGN.

16 9-901.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) (1) "NATIVE OR NATURALIZED PLANT" MEANS A PLANT THAT:

20 (I) IS INDIGENOUS TO THE AREA OF THE STATE IN WHICH IT IS
21 BEING GROWN; OR

22 (II) HAS ADAPTED TO THE ENVIRONMENT OF THE AREA IN WHICH
23 IT IS BEING GROWN IN A MANNER THAT ALLOWS IT TO GROW WITHOUT ARTIFICIAL
24 ASSISTANCE.

25 (2) "NATIVE OR NATURALIZED PLANT" INCLUDES:

26 (I) FERNS;

27 (II) GRASSES;

28 (III) SHRUBS;

29 (IV) TREES; AND

30 (V) WILDFLOWERS.

1 (C) "NATURAL LANDSCAPE DESIGN" MEANS A PLANNED AND DESIGNED YARD
2 OR LANDSCAPE INTENDED TO CONTROL, DIRECT, AND MAINTAIN THE GROWTH OF
3 NATIVE OR NATURALIZED PLANTS.

4 9-902.

5 (A) NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED IN
6 SUBSECTION (B) OF THIS SECTION, A PERSON MAY GROW NATIVE OR NATURALIZED
7 PLANTS TO ANY HEIGHT AS PART OF A NATURAL LANDSCAPE DESIGN.

8 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON
9 MAY NOT PLANT OR CULTIVATE A PLANT THAT:

10 (1) IS ON A LIST OF NOXIOUS WEEDS PROHIBITED BY THE STATE OR ANY
11 LOCAL JURISDICTION; OR

12 (2) CREATES A CLEAR AND PRESENT HAZARD TO PUBLIC HEALTH OR
13 SAFETY.

14 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE UNAIDED
15 GROWTH OF A NOXIOUS WEED IS PERMITTED IF THE GROWTH IS INCIDENTAL TO THE
16 DEVELOPMENT OF A NATURAL LANDSCAPE DESIGN.

17 9-903.

18 (A) EXCEPT AS PROVIDED IN THIS SECTION, A COUNTY OR MUNICIPAL
19 CORPORATION MAY NOT RESTRICT THE USE OF NATIVE OR NATURALIZED PLANTS IN
20 A NATURAL LANDSCAPE DESIGN.

21 (B) A COUNTY OR MUNICIPAL CORPORATION MAY PASS AN ORDINANCE THAT
22 PROHIBITS A PERSON FROM PLANTING AND CULTIVATING NOXIOUS WEEDS.

23 (C) AN ORDINANCE PASSED UNDER THIS SUBSECTION SHALL PROVIDE A
24 SPECIFIC AND CONCLUSIVE LISTING OF PLANT SPECIES THAT ARE TO BE
25 CONSIDERED NOXIOUS WEEDS.

26 (D) A COUNTY OR MUNICIPAL CORPORATION MAY ONLY PROHIBIT OR
27 RESTRICT THE PLANTING AND CULTIVATING OF A NATIVE OR NATURALIZED PLANT
28 THAT:

29 (1) IS ON THE NOXIOUS WEED LIST OF THE STATE OR LOCAL
30 JURISDICTION; OR

31 (2) CREATES A CLEAR AND PRESENT HAZARD TO PUBLIC HEALTH OR
32 SAFETY.

33 (E) NATURAL LANDSCAPE DESIGN IS EXEMPT FROM SETBACK
34 REQUIREMENTS IN LOCAL ORDINANCES.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
36 effect October 1, 2004.

