

HOUSE BILL 197

N1, L6, M3

9lr1028

By: **Delegates G. Clagett, Barkley, Boteler, Dwyer, Hecht, Kullen, Levy, Robinson, Stocksdales, and Wood**

Introduced and read first time: January 26, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Installation and Use of Clotheslines on Residential Property**

3 FOR the purpose of providing that a certain provision of this Act regarding the
4 regulation of clotheslines by a local legislative body applies to charter counties
5 and Baltimore City; prohibiting a local legislative body from prohibiting the
6 installation or use of clotheslines on certain residential property; providing that
7 a contract, deed, covenant, restriction, instrument, declaration, rule, bylaw,
8 lease agreement, rental agreement, or any other document concerning the
9 installation or use of clotheslines on certain residential property may not
10 prohibit a homeowner or tenant from installing or using clotheslines on certain
11 residential property; providing that a homeowner or tenant may not be
12 prohibited from installing or using clotheslines on certain residential property,
13 regardless of the terms in any contract, deed, covenant, restriction, instrument,
14 declaration, rule, bylaw, lease agreement, rental agreement, or any other
15 document concerning the installation or use of clotheslines on certain
16 residential property; providing that this Act does not prohibit reasonable
17 restrictions, for certain purposes, on the dimensions, placement, or appearance
18 of clotheslines; defining certain terms; and generally relating to residential
19 property and the placement of clotheslines on residential property.

20 BY repealing and reenacting, with amendments,
21 Article 66B – Land Use
22 Section 1.02(b) and 2.13(b)
23 Annotated Code of Maryland
24 (2003 Replacement Volume and 2008 Supplement)

25 BY adding to
26 Article 66B – Land Use
27 Section 4.01.1
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2003 Replacement Volume and 2008 Supplement)

2 BY adding to

3 Article – Real Property

4 Section 14–130

5 Annotated Code of Maryland

6 (2003 Replacement Volume and 2008 Supplement)

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

9 **Article 66B – Land Use**

10 1.02.

11 (b) The following sections of this article apply to a charter county:

12 (1) § 1.00(j) (Definition of “sensitive areas”);

13 (2) § 1.01 (Visions);

14 (3) § 1.03 (Charter county – Comprehensive plans);

15 (4) § 4.01(b)(2) (Regulation of bicycle parking);

16 **(5) § 4.01.1 (REGULATION OF CLOTHESLINES);**

17 **[(5)] (6)** § 5.03(d) (Easements for burial sites);

18 **[(6)] (7)** § 7.02 (Civil penalty for zoning violation);

19 **[(7)] (8)** § 10.01 (Adequate Public Facilities Ordinances);

20 **[(8)] (9)** § 11.01 (Transfer of Development Rights);

21 **[(9)] (10)** § 12.01 (Inclusionary Zoning);

22 **[(10)] (11)** Except in Montgomery County or Prince George’s County, §
23 13.01 (Development rights and responsibilities agreements);

24 **[(11)] (12)** For Baltimore County only, § 14.02; and

25 **[(12)] (13)** For Howard County only, § 14.06.1.

26 2.13.

27 (b) The following sections of this article apply to Baltimore City:

(1) § 1.00(j) (Definition of “sensitive areas”);

(2) § 1.01 (Visions);

(3) § 1.03 (Charter county – Comprehensive plans);

(4) § 4.01(b)(2) (Regulation of bicycle parking);

(5) § 4.01.1 (REGULATION OF CLOTHESLINES);

[(5)] **(6)** § 5.03(d) (Easements for burial sites);

[(6)] **(7)** § 7.02 (Civil penalty for zoning violation);

[(7)] **(8)** § 10.01 (Adequate Public Facilities Ordinances);

[(8)] **(9)** § 11.01 (Transfer of Development Rights);

[(9)] **(10)** § 12.01 (Inclusionary Zoning); and

[(10)] **(11)** § 13.01 (Development Rights and Responsibilities
Agreements).

4.01.1.

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
MEANINGS INDICATED.**

(2) (I) “SINGLE-FAMILY HOME” MEANS:

1. A SINGLE-FAMILY DETACHED HOME; OR

2. A TOWNHOUSE.

**(II) “SINGLE-FAMILY HOME” DOES NOT INCLUDE A UNIT IN
A CONDOMINIUM OR COOPERATIVE HOUSING CORPORATION.**

**(3) “SINGLE-FAMILY PROPERTY” MEANS THE PLOT OR PARCEL
OF LAND ON WHICH A SINGLE-FAMILY HOME IS LOCATED AND THAT IS WITHIN
THE EXCLUSIVE USE OR CONTROL OF THE HOMEOWNER OR TENANT.**

**(4) “TOWNHOUSE” MEANS A SINGLE-FAMILY DWELLING UNIT
THAT IS CONSTRUCTED IN A HORIZONTAL SERIES OF ATTACHED UNITS WITH
PROPERTY LINES SEPARATING THE UNITS.**

1 **(B) A LOCAL LEGISLATIVE BODY MAY NOT PROHIBIT THE**
2 **INSTALLATION OR USE OF CLOTHESLINES ON SINGLE-FAMILY PROPERTY.**

3 **(C) THIS SECTION DOES NOT PROHIBIT REASONABLE RESTRICTIONS**
4 **ON:**

5 **(1) THE DIMENSIONS, PLACEMENT, OR APPEARANCE OF**
6 **CLOTHESLINES FOR THE PURPOSE OF PROTECTING AESTHETIC VALUES; OR**

7 **(2) THE PLACEMENT OF CLOTHESLINES FOR THE PURPOSE OF**
8 **PROTECTING PERSONS OR PROPERTY IN THE EVENT OF FIRE OR OTHER**
9 **EMERGENCIES.**

10 **Article – Real Property**

11 **14-130.**

12 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
13 **MEANINGS INDICATED.**

14 **(2) (I) “SINGLE-FAMILY HOME” MEANS:**

15 **1. A SINGLE-FAMILY DETACHED HOME; OR**

16 **2. A TOWNHOUSE.**

17 **(II) “SINGLE-FAMILY HOME” DOES NOT INCLUDE A UNIT IN**
18 **A CONDOMINIUM OR COOPERATIVE HOUSING CORPORATION.**

19 **(3) “SINGLE-FAMILY PROPERTY” MEANS THE PLOT OR PARCEL**
20 **OF LAND ON WHICH A SINGLE-FAMILY HOME IS LOCATED AND THAT IS WITHIN**
21 **THE EXCLUSIVE USE OR CONTROL OF THE HOMEOWNER OR TENANT.**

22 **(4) “TOWNHOUSE” MEANS A SINGLE-FAMILY DWELLING UNIT**
23 **THAT IS CONSTRUCTED IN A HORIZONTAL SERIES OF ATTACHED UNITS WITH**
24 **PROPERTY LINES SEPARATING THE UNITS.**

25 **(B) A CONTRACT, DEED, COVENANT, RESTRICTION, INSTRUMENT,**
26 **DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL AGREEMENT, OR**
27 **ANY OTHER DOCUMENT CONCERNING THE INSTALLATION OR USE OF**
28 **CLOTHESLINES ON SINGLE-FAMILY PROPERTY MAY NOT PROHIBIT A**
29 **HOMEOWNER OR TENANT FROM INSTALLING OR USING CLOTHESLINES ON**
30 **SINGLE-FAMILY PROPERTY.**

1 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR THE TERMS
2 OF ANY CONTRACT, DEED, COVENANT, RESTRICTION, INSTRUMENT,
3 DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL AGREEMENT, OR
4 ANY OTHER DOCUMENT CONCERNING THE INSTALLATION OR USE OF
5 CLOTHESLINES ON SINGLE-FAMILY PROPERTY, A HOMEOWNER OR TENANT MAY
6 NOT BE PROHIBITED FROM INSTALLING OR USING CLOTHESLINES ON
7 SINGLE-FAMILY PROPERTY.

8 (D) THIS SECTION DOES NOT PROHIBIT REASONABLE RESTRICTIONS
9 ON:

10 (1) THE DIMENSIONS, PLACEMENT, OR APPEARANCE OF
11 CLOTHESLINES FOR THE PURPOSE OF PROTECTING AESTHETIC VALUES; OR

12 (2) THE PLACEMENT OF CLOTHESLINES FOR THE PURPOSE OF
13 PROTECTING PERSONS OR PROPERTY IN THE EVENT OF FIRE OR OTHER
14 EMERGENCIES.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2009.