



Committee: T&E
Committee Review: At a future date
Staff: Jim Ogorzalek, Legislative Attorney
Purpose: To receive testimony – no vote expected

AGENDA ITEM #6
June 22, 2025
Public Hearing

SUBJECT

Bill 26-25, Vegetation – Invasive Plants

Lead Sponsor: Councilmember Glass

Co-Sponsors: Council President Stewart and Councilmember Luedtke

EXPECTED ATTENDEES

Members of the public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To receive public testimony

DESCRIPTION/ISSUE

Bill 26-25 would:

- (1) regulate weeds and invasive bamboo in the County;
- (2) exempt native species from the requirements for weed removal;
- (3) prohibit, and provide penalties for, selling invasive bamboo; and
- (4) generally amend the laws regarding vegetation in the County.

SUMMARY OF KEY DISCUSSION POINTS

N/A

This report contains:

Staff Report	Pages 1–2
Bill 26-25	© 1
Fiscal Impact Statement	© 6
Climate Assessment	© 8

*The Economic Impact Statement and Racial Equity & Social Justice Impact Statements were not available at the time of publication of this staff report. They can be found at the below address when available: [Racial Equity and Social Justice, Economic, and Climate Impact Statements - Office of Legislative Oversight- Montgomery County, Maryland \(montgomerycountymd.gov\)](https://www.montgomerycountymd.gov/legislativeservices/Pages/Racial-Equity-and-Social-Justice-Economic-and-Climate-Impact-Statements.aspx)

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MEMORANDUM

July 17, 2025

TO: County Council

FROM: Jim Ogorzalek, Legislative Attorney

SUBJECT: Bill 26-25, Vegetation – Invasive Plants

PURPOSE: To receive testimony – no Council vote expected

Bill 26-25, Vegetation – Invasive Plants, was introduced on June 17, 2025. Its Lead Sponsor is Councilmember Glass. Its Co-sponsors are Council President Stewart and Councilmember Luedtke. A public hearing on the bill will occur on July 22, 2025, at 1:30 p.m. A worksession of the Transportation & Environment (TE) Committee is tentatively scheduled for October 6, 2025, at 9:30 a.m.

Bill 26-25 would:

- (1) regulate weeds and invasive bamboo in the County;
- (2) exempt native species from the requirements for weed removal;
- (3) prohibit, and provide penalties for, selling invasive bamboo; and
- (4) generally amend the laws regarding vegetation in the County.

Background

Chapter 58 of the Montgomery County Code defines and governs weeds, including the duties of landowners to control weed growth and the authority of the County to remove weeds under certain conditions.

Bill Specifics

The bill amends Chapter 58, Article I by revising the definition of “weed.” It also adds a newly defined “native plants and grasses,” which is included in the enumerated list of plants not included in generalized plant growth and is therefore not subject to the duties imposed upon landowners or the County’s removal authority. The bill adds a new appeals section for persons aggrieved by actions taken by the County under Article I.

The bill also adds a new Article II, which defines “invasive bamboo” and prohibits the sale or offer for sale of invasive bamboo in the County. The bill sets a violation of Article II as a Class B violation under the County Code.

SUMMARY OF IMPACT STATEMENTS

Fiscal impact. DEP does not anticipate a fiscal impact. Increased support from DEP to DHCA is anticipated to be nominal enough to be absorbed within current staffing levels. DGS and DOT also do not anticipate a fiscal impact.

Climate assessment. “The Office of Legislative Oversight (OLO) anticipates Bill 26-25 will likely have a small, positive impact on the County’s community climate resilience as encouraging the planting of native plants by exempting native species from weed removal requirements and prohibiting the sale of bamboo, an invasive species, would positively impact community climate resilience.”

<u>This packet contains:</u>	<u>Circle #</u>
Bill 26-25	1
Fiscal Impact Statement	6
Climate Assessment	8

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Bill No. 26-25
Concerning: Vegetation – Invasive Plants
Revised: 5/8/2025 Draft No. 1
Introduced: June 17, 2025
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Glass
Co-Sponsors: Council President Stewart and Councilmember Luedtke

AN ACT to:

- (1) regulate weeds and invasive bamboo in the County;
- (2) exempt native species from the requirements for weed removal;
- (3) prohibit, and provide penalties for, selling invasive bamboo; and
- (4) generally amend the laws regarding vegetation in the County.

By amending:

Montgomery County Code
Chapter 58
Article I
Sections 58-1, 58-2, 58-3, 58-4, 58-5, 58-6 and 58-7

By adding:

Montgomery County Code
Chapter 58
Article II
Sections 58-8, 58-9 and 58-10

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Sections 58-1, 58-2, 58-3, 58-4, 58-5, 58-6, and 58-7 are amended**
 2 **and Sections 58-8, 58-9, and 58-10 are added as follows:**

3 **Chapter 58. [Weeds] Vegetation**

4 **Article I. Weeds and Invasive Plants.**

5 **58-1. Definitions.**

6 In this Chapter, these words have the following meanings:

7 *Director*[: The] means the Director of the Department of Housing and
 8 Community Affairs or the Director's designee.

9 *Native plants and grasses* means vegetation that is native to the Mid-Atlantic
 10 region, which includes Maryland, Virginia, Delaware, New Jersey, New York,
 11 Pennsylvania, North Carolina, West Virginia, and the District of Columbia.

12 *Subdivision*[: Any] means any land which is on a subdivision plat approved
 13 under Section 50-8. A copy of the subdivision plat is prima facie evidence that
 14 the land on the plat is in a subdivision.

15 *Weed*[: Poison] means poison ivy; ragweed; kudzu; Canada, musk, nodding,
 16 plumeless, and bull thistles; Johnsongrass; Palmer amaranth; shattercane; tall
 17 waterhemp; any plant, except another thistle, identified as a noxious weed under
 18 State law; and any other plant which the Director finds by regulation endangers
 19 public health or safety if allowed to grow unchecked.

20 **58-2. Regulations.**

21 The County Executive may adopt regulations under [method] Method (2) to
 22 administer this Chapter.

23 **58-3. Duty of landowners and persons in charge of land.**

24 An owner, lessee, agent, and any other person in charge of land in a subdivision
 25 or within 100 feet of a subdivision must not allow:

26 (a) [The] the generalized growth of any weed; and

- (b) [Any] any generalized plant growth more than 12 inches high within 15 feet of any property boundary. Generalized plant growth does not include trees, ornamental shrubs, flowers, native plants and grasses, or garden vegetables.

58-4. Notice.

- (a) If the owner, lessee, agent, or person in charge fails to comply with section 58-3, the [director] Director may:
- (1) [Notify] notify the owner in writing of the conditions existing on the land and the requirements of this chapter; and
 - (2) [Direct] direct the owner to comply with section 58-3 within 10 days after receiving the notice.
- (b) The notice may be personally served or may be mailed to the address of the owner shown on the assessment records of the County.

58-5. Removal by County.

- (a) If the owner to whom a notice issued under section 58-4 is directed does not comply within 10 days, the [director] County may:
- (1) remove any generalized growth of weeds; or
 - (2) cut any generalized plant growth within 15 feet of the boundary of the land.
- (b) If the [director] County removes any generalized growth of weeds or cuts any generalized plant growth, the landowner must pay the reasonable cost. The [county] County may collect the cost:
- (1) as a lien against the land on the property tax bill; or
 - (2) in any other way legally available for collection of debts owed the County.

58-6. [Reserved] Appeals.

(a) Any person aggrieved by an action of the Director under this Chapter may appeal to the Board of Appeals within 10 days after the date of notice of the violation.

(b) Any party may seek judicial review of a decision of the Board under Section 2-114.

58-7. Penalty for violation of chapter.

Any violation of this [chapter] Chapter is a [class] Class B violation.

Article 2. Invasive bamboo.

58-8. Definitions.

As used in this Article the following terms have the stated meaning:

Invasive bamboo means a woody grass commonly referred to as bamboo that is characterized by spreading behavior and is not native to the Mid-Atlantic Region, including bamboo species in the genus Phyllostachys.

Mid-Atlantic Region means Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia.

Property owner means any person or entity:

(a) holding title to property; or

(b) any lessee, tenant, or occupant having care, custody, control, or management of any property.

58-9. Regulation of invasive bamboo.

A person or entity in the County must not sell or offer for sale invasive bamboo.

58-10. Reporting, inspection, and notices of violation.

(a) Complaints about the sale of invasive bamboo may be reported to the Director.

(b) The Director may conduct any necessary inspections and issue a Class B violation notice to the property owner.

80 **Sec. 2. Short Title.** This Act may be referred to as part of the “Native Plant
81 Protection Act.”



Fiscal Impact Statement

Office of Management and Budget

Bill 26-25

Vegetation - Invasive Plants

Bill Summary

Bill 26-25 will exempt native plants and grasses from weed removal requirements and prohibit the sale of invasive bamboo in the County.

Fiscal Impact Summary

The Department of Environmental Protection (DEP) anticipates no impact on County revenues or expenditures. DEP anticipates an increase in staff time for supporting the Department of Housing and Community Affairs (DHCA) to assist with responses to complaints, but those staff hours could be absorbed by current DEP staff. The Department of General Services (DGS) and the Department of Transportation (DOT) also do not anticipate fiscal impact from this bill.

Fiscal Year	2026	2027	2028	2029	2030	2031	Total
Personnel Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Operating Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Revenues	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Impact	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00	

Fiscal Impact Analysis

DEP does not anticipate a fiscal impact. Increased support from DEP to DHCA (see Staff Impact section) is anticipated to be nominal enough to be absorbed within current staffing levels. DGS and DOT also do not anticipate a fiscal impact.

Staff Impact

Currently, DEP supports DHCA by providing 20-60 staff hours per year to assist with responses to the weed ordinance. The bill would require more expert time to identify native plants, distinguish and mark them, educate property owners, and DHCA responses. DEP estimates it could amount to an additional 20-40 hours per year for a total of 40-100 staff hours. DEP staff time would come from staff who are currently fulfilling existing programming obligations. The additional hours would be added to their work portfolio, and other current work efforts would need to be adjusted to accommodate the new work requirements.

Actuarial Analysis

The bill is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

The bill does not authorize future spending.



Contributors

Jodi Rose, Department of Environmental Protection
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Climate Assessment

Office of Legislative Oversight

BILL 26-25: VEGETATION – INVASIVE PLANTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 26-25 will likely have a small, positive impact on the County's community climate resilience as encouraging the planting of native plants by exempting native species from weed removal requirements and prohibiting the sale of bamboo, an invasive species, would positively impact community climate resilience.

BACKGROUND AND PURPOSE OF BILL 26-25

In Montgomery County, bamboo is considered an invasive species. Invasive bamboo, due to their extremely fast growth and resilience, are difficult to contain and displace native plants. In Maryland, four main groups of bamboo species are considered invasive.¹

Native plants and grasses refer to plant species which occur naturally in a region.² Generally, native plants support local wildlife by providing food and shelter.³ They can also reduce environmental impacts associated with lawn care as native plants require less water and pesticides compared to lawns, prevent erosion by increasing the soil's capacity to store water and reduce runoff, reduce air pollution related to lawncare, and promote biodiversity.⁴

Bill 26-25 would prohibit the sale of invasive bamboo in the County and exempt native plants and grasses from weed removal requirements.⁵ The Bill is a part of the Native Plant Protection Act which includes a zoning text amendment (ZTA) that would require all landscaping in new construction projects to include at least 50% of plants native to the Mid-Atlantic region.

Bill 26-25 was introduced by the County Council on June 17, 2025.

METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

Methodology. OLO reviewed literature on lawns, including their environmental impacts and ways to mitigate these impacts, including using native grasses. OLO also reviewed literature on invasive bamboo and its impacts.

Assumptions. This assessment assumes property owners with lawns made up of native grasses would use less lawncare treatments such as water, pesticides, fertilizers, and mowing compared to lawns with non-native grasses.

Uncertainties. OLO is unable to determine the number of lawns in the County using non-native grasses vs. native grasses, nor the overall amount of maintenance required for lawns, such as frequency of mowing, fertilizers and pesticides used, and other inputs.

ENVIRONMENTAL IMPACTS OF INVASIVE PLANTS AND ENCOURAGING THE USE OF NATIVE GRASSES AND PLANTS

Native plants and grasses are those that occur naturally in a region. Some grasses native to Maryland include Blue Fescue, Bottlebrush grass, and Big and Little Bluestem.⁶ Conversely, invasive plants and grasses are those that do not occur naturally in a region. Invasive plants and grasses are difficult to contain and can displace native plants. In Maryland, four main groups of bamboo species are considered invasive.⁷

Bamboo, due to its rapid growth, can easily crowd out and harm native species in regions where bamboo is invasive.⁸ Invasive bamboo species, specifically running bamboo, can rapidly spread underground and new shoots grow from the underground stems called rhizomes. Containing and removing running bamboo is extremely time and cost intensive.⁹ In Montgomery County, bamboo growth has damaged nearby structures, such as driveways, and has harmed native grasses, plants, and shrubs.¹⁰

In general, lawn care impacts the environment negatively. Typical lawns in America consist of one species of grass¹ and maintenance associated with lawns, including frequent mowing, pesticides, fertilizers, and other chemicals applied to lawns decreases local water quality through runoff.¹¹ Chemicals in pesticides not only impact human health but impact wildlife, particularly aquatic life.¹² Intensive lawn care, particularly for lawns made up of a single non-native species, can reduce food sources for local pollinators, such as bees. Overall, intensive lawn care and non-native grasses can negatively impact local water quality and biodiversity.¹³

There are ways to mitigate environmental impacts of lawns, which includes planting native grasses. Native grasses typically require less maintenance, such as less irrigation, less frequent mowing and less pesticides and

¹ Also referred to as monoculture lawns

fertilizers.¹⁴ Further, switching from a monoculture lawn to different types of lawns, like meadows, can be even more beneficial for the local environment. Adding multiple varieties of native plants support local wildlife, including pollinators and insects which control pests. Compared to monoculture lawns, they require less watering, fewer chemicals, and for some ornamental grasses, no mowing.¹⁵

Switching to more sustainable landscaping that includes native grasses and plants can improve community climate resilience. Particularly, landscaping which requires less irrigation or no irrigation at all, saves a significant amount of water.¹⁶ As extreme heat and global temperatures continue to rise due to climate change, more intensive lawn care and more intensive watering will be needed to keep up with maintenance needs of monoculture lawns, particularly those that use a non-native species.¹⁷ Lawns and landscaping which require less mowing can improve local air quality by decreasing the use of gas-powered mowers and other lawn equipment.¹⁸

ANTICIPATED IMPACTS

The Bill proposes the ban of sales on invasive species of bamboo in the County and removing native grasses from weed control requirements. These changes would likely encourage the use of native grasses and plants in landscaping around the County. Banning the sale of invasive bamboo would likely decrease the use of bamboo in landscaping, which would have a positive impact on biodiversity and protect native grasses and plants which are harmed by the spread of invasive bamboo. Removing native grasses from weed control requirements would allow native grasses to thrive and could encourage increased use of native grasses and plants in County landscaping. Native grasses and plants improve biodiversity and local water quality, as they provide food and habitation for pollinators and insects and typically need less water, mowing, and chemicals for maintenance compared to non-native plants and grasses.

Encouraging increased use of native grasses in landscaping can lead to more sustainable and climate resilient landscapes in the County. Lawns and gardens that require less water and maintenance can improve local community climate resilience.

As the Bill proposes changes that would likely encourage increased planting of native plants and would prohibit the sale of bamboo, an invasive species, OLO anticipates Bill 26-25 would have a small, positive impact on the County's climate resilience.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.¹⁹ OLO does not offer recommendations or amendments as Bill 26-25 is likely to have a small, positive impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptive capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ ["Containing and Removing Bamboo", University of Maryland Extension, Accessed July 8, 2025.](#)

² ["Ornamental and Native Grasses for the Landscape", University of Maryland Extension, Accessed July 8, 2025.](#)

³ ["Why Native Plants Matter", Audubon Society, Accessed July 8, 2025.](#)

⁴ ["Native Gardening: Why Garden with Native Wildflowers?", U.S. Forest Service, Accessed July 8, 2025.](#)

⁵ [Introduction Staff Report for Bill 26-25, Vegetation - Invasive Plants, Montgomery County Council, Introduced June 17, 2025.](#)

⁶ ["Ornamental and Native Grasses for the Landscape", University of Maryland Extension, October 24, 2024.](#)

⁷ ["Containing and Removing Bamboo", University of Maryland Extension, Accessed July 8, 2025.](#)

⁸ ["Impacts of bamboo spreading: a review", Buziquia, S. T., et. al., Biodiversity and Conservation, December 2019.](#)

⁹ ["Containing and Removing Bamboo", University of Maryland Extension, Accessed July 8, 2025.](#)

¹⁰ ["County Council bill would ban sale of invasive bamboo in MoCo", Bethesda Magazine, June 18, 2025.](#)

¹¹ ["Lawns and Toxins: An Ecology of the City", Robbins, P., Polderman, A., and Birkenholtz, T., Cities, December 2001.](#)

¹² [Ibid.](#)

¹³ ["Ecological and economic benefits of low-intensity urban lawn management", Watson, C. J., et. al., Journal of Applied Ecology, October 21, 2019.](#)

¹⁴ ["Sustainable plants in urban parks: A life cycle analysis of traditional and alternative lawns in Georgia, USA", Smetana, S. M. and Crittenden, J. C., Landscape and Urban Planning, February 2014.](#)

¹⁵ ["Native Plants Add Beauty and Support Wildlife", Maryland Grows: University of Maryland Extension, April 28, 2023.; Meadow Planting | Harford County, MD](#)

¹⁶ ["Sustainable plants in urban parks: A life cycle analysis of traditional and alternative lawns in Georgia, USA", Smetana, S. M. and Crittenden, J. C., Landscape and Urban Planning, February 2014.](#)

¹⁷ ["More Sustainable \(and Beautiful\) Alternatives to a Grass Lawn", Natural Resources Defense Council \(NRDC\), September 30, 2016.](#)

¹⁸ [Ibid.](#)

¹⁹ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022