



Committee: T&E
Committee Review: Completed
Staff: Jim Ogorzalek, Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM #1A
April 7, 2026
Action

SUBJECT

Bill 26-25, Vegetation – Invasive Plants

Lead Sponsor: Councilmember Glass

Co-Sponsors: then-Council President Stewart and Councilmember Luedtke

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The Transportation & Environment (TE) Committee recommends (3-0) the enactment of Bill 26-25, with amendments.
- The Council will hold a roll call vote on the TE Committee recommendation to enact Bill 26-25, with amendments.

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:

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Racial Equity and Social Justice Impact Statement	© 13
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MEMORANDUM

April 2, 2026

TO: County Council

FROM: Jim Ogorzalek, Legislative Attorney

SUBJECT: Bill 26-25, Vegetation – Invasive Plants

PURPOSE: Action – roll call vote expected

<p><u>Committee Recommendation:</u> The Transportation & Environment (TE) Committee voted (3-0) to recommend the enactment of Bill 26-25, with amendments.</p>

Bill 26-25, Vegetation – Invasive Plants, was introduced on June 17, 2025. Its Lead Sponsor is Councilmember Glass. Its Co-Sponsors are then-Council President Stewart and Councilmember Luedtke. A public hearing on the bill occurred on July 22, 2025, at 1:30 p.m. The Transportation & Environment (TE) Committee considered the bill on December 8, 2025, and recommended (3-0) the enactment of the bill, with amendments.

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.”

Racial Equity and Social Justice Impact. OLO “anticipates Bill 26-25 will have a minimal impact on racial equity and social justice (RESJ) in the county. Eliminating weed removal requirements for native plants and grasses and banning the sale of invasive bamboo could have offsetting impacts on property owners and business owners who are disproportionately White and Asian. Nonetheless, OLO anticipates all community members could proportionately benefit from the positive environmental effects of the changes proposed in Bill 26-25.”

Economic Impact. The Office of Legislative Oversight (OLO) “anticipates that Bill 26-25 would have a minimal impact on economic conditions in the County, as measured by the Council’s priority economic indicators.” OLO assessed that “while banning the sale of invasive bamboo would likely lead some plant retailers and related businesses to lose revenue, such losses would be small.”

SUMMARY OF PUBLIC TESTIMONY

A public hearing for Bill 26-25 was held on July 22, 2025. The Council also received additional written testimony as part of the record.¹ Testimony was largely in support of Bill 26-25. Testimony in support of the bill focused on the positive environmental and ecological benefits that native plants could provide, which would help support pollinators and reverse the loss of biodiversity in the area. Additionally, testimony argued that the use of native plants would improve stormwater management, which has become increasingly important due to the increase in floods. Also highlighted was the fact that there is already public interest in native plant programs, which this bill could further. Although most of the testimony received was in support of Bill 26-25, the Council did receive testimony in opposition to the bill.² Those in opposition highlighted that not all native plants thrive in urban or suburban areas and that professionals should have flexibility to select plants based on site conditions. Opposition also noted that non-native species sometimes

¹ Written testimony is available here:

<https://www.montgomerycountymd.gov/COUNCIL/OnDemand/testimony/20250722/item6.html>.

² Much of the testimony in opposition to Bill 26-25 was directed at companion ZTA 25-10. Although a summary of testimony in opposition is included here, actual opposition related to Bill 26-25 was minimal.

offer better performance and resilience than native plants. Questions regarding how the bill would be implemented and enforced were also raised.

SUMMARY OF THE COMMITTEE WORKSESSION³

The Transportation & Environment (TE) Committee considered the bill on December 8, 2025, and recommended (3-0) the enactment of the bill, with amendments.

1. Amendment to redefine weed

As introduced, Bill 26-25 retained and added to the enumerated list of weeds in existing County law, including reference to “State law.” The Committee adopted an amendment offered by the bill’s Lead Sponsor, Councilmember Glass, which would remove the enumerated list of weeds and make express reference to lists maintained by the Maryland Department of Agriculture and Maryland Invasive Species Council as invasive or noxious.

Amend lines 15–19, as follows:

Weed[: Poison] means [[poison ivy; ragweed; kudzu; Canada, musk, nodding, plumeless, and bull thistles; Johnsongrass; Palmer amaranth; shattercane; tall waterhemp;]] any weed or plant[[, except another thistle,]] identified by the Secretary of the Maryland Department of Agriculture by regulation as a noxious weed in the State or any terrestrial or aquatic plant identified by the Maryland Invasive Species Council as an invasive species of concern in Maryland [[under State law; and any other plant which the Director finds by regulation endangers public health or safety if allowed to grow unchecked]].

2. Amendment to allow immediate action to protect public health and safety

Existing law does not permit the County to order an owner, lessee, agent, or person in charge of land to correct a violation immediately if the violation leads to a danger to public health or safety. Rather, the notice may only require compliance within ten days. The Committee adopted an amendment offered by Councilmember Glass to allow the Director of the Department of Housing and Community Affairs under § 58-4, to order immediate action to correct or abate a violation after finding that such immediacy is necessary to protect public health and safety.

³ Following publication of the December 4, 2025, Committee worksession staff report for Bill 26-25, the County Executive transmitted a memorandum to the Council proposing multiple amendments to Bill 26- 25, which is incorporated into this staff report. Multiple amendments proposed by the County Executive were substantively duplicative of amendments already considered and adopted by the Committee (as set forth in this staff report). The Committee considered but did not adopt any of the non-duplicative proposed amendments in the County Executive’s memorandum, in part because the Committee believed some of the proposed amendments exceeded the intended scope of the bill, as introduced.

Add lines 40–42, as follows:

(c) If the Director finds that immediate action is needed to protect the public health and safety as a result of a violation, the Director may order the owner to immediately correct or abate the violation.

3. Amendment to allow immediate action to protect public health and safety

In consideration of the amendment to allow immediate action to protect public health and safety, Council Vice President Balcombe suggested that in instances where a violation poses an immediate risk to public health and safety, the required notice period prior to removal by the County should match the compliance deadline rather than be ten days. The Committee adopted an amendment offered by Council Vice President Balcombe to allow the Director of the Department of Housing and Community Affairs to remove a violation when the property owner does not comply by the deadline set forth in the notice provided under § 58-4.

Amend lines 41–42, as follows:

If the owner to whom a notice issued under section 58-4 is directed does not comply ~~[[within 10 days]]~~ by the deadline set forth in the notice, the [director] County may:

4. Amendment to delete appeals process

As introduced, the bill contained a new appeals process that could conflict with the process to issue citations and pursue code enforcement measures. The Committee accepted an amendment offered by Councilmember Glass deleting the appeal to the Board of Appeals.

Amend lines 64–69, as follows:

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.]] **Reserved.**

5. Amendment to clarify definition of invasive bamboo

The Committee adopted an amendment offered by Councilmember Glass to further clarify the definition of invasive bamboo in Article 2.

Amend lines 63–65, as follows:

Invasive bamboo means a woody grass in the Poaceae family 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, Pseudosasa, Bambusa, and Pleioblastus genera, which can spread through runners and are not native to the Mid-Atlantic region.

6. Amendment to exempt certain consumer bamboo uses from regulation and clarify restriction on planting and transplanting invasive bamboo

As introduced, Bill 26-25 would prohibit the sale of all invasive bamboo within the County, including those not intended for use in yards or gardens. The amendment offered by Councilmember Glass and accepted by the Committee would clarify certain types of bamboo often offered for sale, which would not be prohibited under the bill. To further clarify the intended prohibition, the amendment expressly prohibits the planting or transplanting of invasive bamboo within the County.

Amend line 74, as follows:

- (a) A person or entity in the County must not sell or offer for sale invasive bamboo. The sale of invasive bamboo does not include indoor bamboo houseplants and decoration, bamboo for consumption, and cut and dried bamboo stalks.
- (b) A person may not plant or transplant invasive bamboo on any property in the County.

7. Amendment to delegate authority over invasive bamboo regulation to the Department of Environmental Protection

Under existing law, the entirety of Chapter 58 is enforced by the Department of Housing and Community Affairs. As introduced, this would include the administration and enforcement of the invasive bamboo regulation in Bill 26-25’s new Article II. Because subject-matter expertise and enforcement of commercial enterprises rest more appropriately with the Department of Environmental Protection, rather than the Department of Housing and Community Affairs, the Committee voted to recommend an amendment offered by Councilmember Glass to shift responsibility of Article 2 of Chapter 58 (“Invasive Bamboo”) from DHCA to DEP.

Amend lines 76–79, as follows:

- (a) Complaints about the sale of invasive bamboo may be reported to the Director of the Department of Environmental Protection.
- (b) The Director of the Department of Environmental Protection may conduct any necessary inspections and issue a notice of violation [Class B violation notice]] to the property owner.

Next Step:⁴ Roll call vote on whether to enact Bill 26-25.

<u>This packet contains:</u>	<u>Circle #</u>
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⁴ The Council authorizes Council Legislative Attorneys to make non-substantive technical corrections necessary to fix any typographical, stylistic, formatting, or grammatical errors in Bill 26-25.

Bill No. 26-25
Concerning: Vegetation – Invasive Plants
Revised: 3/25/2026 Draft No. 2
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 weed or plant[[, except another thistle,]] identified by the
 18 Secretary of the Maryland Department of Agriculture by regulation as a noxious
 19 weed in the State or any terrestrial or aquatic plant identified by the Maryland
 20 Invasive Species Council as an invasive species of concern in Maryland [[under
 21 State law; and any other plant which the Director finds by regulation endangers
 22 public health or safety if allowed to grow unchecked]].

23 **58-2. Regulations.**

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

26 **58-3. Duty of landowners and persons in charge of land.**

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

- 29 (a) [The] the generalized growth of any weed; and
- 30 (b) [Any] any generalized plant growth more than 12 inches high within 15
 31 feet of any property boundary. Generalized plant growth does not include
 32 trees, ornamental shrubs, flowers, native plants and grasses, or garden
 33 vegetables.

34 **58-4. Notice.**

- 35 (a) If the owner, lessee, agent, or person in charge fails to comply with
 36 section 58-3, the [director] Director may:
 - 37 (1) [Notify] notify the owner in writing of the violating conditions
 38 existing on the land and the requirements of this chapter; and
 - 39 (2) [Direct] direct the owner to comply with section 58-3 within 10
 40 days after receiving the notice.
- 41 (b) The notice may be personally served or may be mailed to the address of
 42 the owner shown on the assessment records of the County.
- 43 (c) If the Director finds that immediate action is needed to protect the public
 44 health and safety as a result of a violation, the Director may order the
 45 owner to immediately correct or abate the violation.

46 **58-5. Removal by County.**

- 47 (a) If the owner to whom a notice issued under section 58-4 is directed does
 48 not comply ~~[[within 10 days]]~~ by the deadline set forth in the notice, the
 49 [director] County may:
 - 50 (1) remove any generalized growth of weeds; or
 - 51 (2) cut any generalized plant growth within 15 feet of the boundary
 52 of the land.

- 53 (b) If the [director] County removes any generalized growth of weeds or cuts
 54 any generalized plant growth, the landowner must pay the reasonable
 55 cost. The [county] County may collect the cost:
 56 (1) as a lien against the land on the property tax bill; or
 57 (2) in any other way legally available for collection of debts owed the
 58 County.

59 **58-6. [Reserved] [Appeals.**

- 60 (a) Any person aggrieved by an action of the Director under this Chapter may
 61 appeal to the Board of Appeals within 10 days after the date of notice of
 62 the violation.
 63 (b) Any party may seek judicial review of a decision of the Board under
 64 Section 2-114.]] Reserved.

65 **58-7. Penalty for violation of chapter.**

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

67 **Article [[2]]II. Invasive bamboo.**

68 **58-8. Definitions.**

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

70 Invasive bamboo means a woody grass in the Poaceae family commonly
 71 referred to as bamboo [[that is characterized by spreading behavior and is not
 72 native to the Mid-Atlantic Region]], including bamboo species in the [[genus]]
 73 Phyllostachys, Pseudosasa, Bambusa, and Pleioblastus genera, which can
 74 spread through runners and are not native to the Mid-Atlantic region.

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

78 Property owner means any person or entity:

- 79 (a) holding title to property; or

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

82 **58-9. Regulation of invasive bamboo.**

83 (a) A person or entity in the County must not sell or offer for sale invasive
84 bamboo. The sale of invasive bamboo does not include indoor bamboo
85 houseplants and decoration, bamboo for consumption, and cut and dried
86 bamboo stalks.

87 (b) A person may not plant or transplant invasive bamboo on any property in
88 the County.

89 **58-10. Reporting, inspection, and notices of violation.**

90 (a) Complaints about the sale of invasive bamboo may be reported to the
91 Director of the Department of Environmental Protection.

92 (b) The Director of the Department of Environmental Protection may
93 conduct any necessary inspections and issue a notice of violation **[[Class**
94 **B violation notice]]** to the property owner.

95 **Sec. 2. Short Title.** This Act may be referred to as part of the “Native Plant
96 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

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 26-25: VEGETATION – INVASIVE PLANTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 26-25 will have a minimal impact on racial equity and social justice (RESJ) in the County. Eliminating weed removal requirements for native plants and grasses and banning the sale of invasive bamboo could have offsetting impacts on property owners and business owners who are disproportionately White and Asian. Nonetheless, OLO anticipates all community members could proportionately benefit from the positive environmental effects of the changes proposed in Bill 26-25 by race and ethnicity.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is important to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF BILL 26-25

In Montgomery County, bamboo is considered an invasive species. Due to their extremely fast growth and resilience, invasive bamboo is difficult to contain and displaces native plants. In Maryland, four main groups of bamboo species are considered invasive.³

Native plants and grasses refer to plant species that occur naturally in a region.⁴ Generally, native plants support local wildlife by providing food and shelter.⁵ They can also reduce environmental impacts associated with lawn care since they:⁶

- Require less water and pesticides compared to lawns;
- Prevent erosion by increasing the soil's capacity to store water and reduce runoff; and
- Reduce air pollution related to lawncare and promote biodiversity.

If enacted, Bill 26-25 would prohibit the sale of invasive bamboo in the County. It would also exempt native plants and grasses from weed removal requirements.^{7,8}

Bill 26-25 is a part of the recently introduced *Native Plant Protection Act*. The Act also includes a zoning text amendment (ZTA) that would require all landscaping in new construction projects to include at least 50 percent of plants native to the Mid-Atlantic region.⁹

The Council introduced Bill 26-25 on June 17, 2025.

This RESJIS builds on the one for Bill 25-22, Forest Conservation – Trees, which OLO published in October 2022.¹⁰ It also builds on the Climate Assessment for Bill 26-25.¹¹ Please refer to Bill 25-22's RESJIS for background on the climate gap and racial equity.

RESJ Impact Statement

Bill 26-25

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 26-25 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

OLO identified the following groups who would be impacted by Bill 26-25:

- **Property owners in the County** would benefit from the elimination of weed removal requirements for native plants and grasses. This could help reduce their costs for weed removal.

As shown in Table A (Appendix), homeowners in the County are more likely to be White or Asian. Further, as shown in Table B (Appendix), White community members are largely overrepresented among landlords and other real estate business owners in the County who are also responsible for weed removal requirements. Conversely, Black and Latinx community members are less likely to be homeowners and are underrepresented among landlords and other real estate business owners.
- **Community members at-large** would benefit from the positive environmental effects of controlling invasive bamboo growth and promoting the growth of native plants and grasses. As found in the Climate Assessment for Bill 26-25, these changes would help improve the County's climate resilience.¹²

OLO does not have enough data to determine if there are planting patterns for native plants and grasses and invasive bamboo that differentially impact community members by race and ethnicity. Assuming these patterns are consistent throughout the County, OLO anticipates all community members would proportionately benefit from the positive environmental effects of the changes proposed in Bill 26-25 by race and ethnicity.

- **Business owners who sell invasive bamboo** would be burdened by the ban on invasive bamboo sales. The ban would eliminate a revenue source for these business owners.

OLO considered that business owners in the agriculture and retail sectors are most likely to sell invasive bamboo. County-level data on the demographics of business owners in these sectors by race and ethnicity is unavailable. However, available data for the DC metro area (Table C, Appendix) suggests White people are largely overrepresented in the Agriculture, Forestry, Fishing and Hunting sector. Moreover, Asian people are overrepresented in the Retail Trade sector, while White people are overrepresented in the sector compared to their share of the adult population in the region. Black people are proportionately represented in the Retail Trade sector compared to their share of business ownership in all sectors, while Latinx people are underrepresented.

OLO anticipates Bill 26-25 will have a minimal impact on RESJ in the County. White and Asian property owners in the County could disproportionately benefit from reduced costs that could result from the elimination of weed removal requirements for native plants and grasses. However, this benefit will be offset at least in part by the loss of revenue from the ban on invasive bamboo to business owners who are likely disproportionately White and Asian. Nonetheless, OLO anticipates all community members could proportionately benefit from the positive environmental effects of the proposed changes by race and ethnicity.

RESJ Impact Statement

Bill 26-25

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.¹³ OLO anticipates Bill 26-25 will have a minimal impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than 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.

APPENDIX

Table A. Homeownership Rate by Race and Ethnicity, Montgomery County

Race or ethnicity ¹⁴	Homeownership Rate
Overall	64.4
Asian	75.1
Black	43.9
White	74.4
Latinx	48.8

Source: [Table S0201, 2023 American Community Survey 1-Year Estimates, Census Bureau.](#)

Table B. Percent of Real Estate and Rental and Leasing Employer Firms by Race and Ethnicity, Montgomery County

Race or ethnicity	Real Estate and Rental and Leasing Business Owners (NAICS 53) ¹⁵	All Sectors (NAICS 00)	Adult Population
Asian	12.4	21.8	16.0
Black	5.1	7.6	18.3
Native American	-	1.4	0.5
Pacific Islander	-	0.1	0.0
White	82.3	69.1	46.6
Latinx	3.9	10.0	18.7

Source: OLO analysis of [Table AB2200CSA01, 2022 Annual Business Survey](#) and [Table S2101, 2023 American Community Survey 5-Year Estimates](#), Census Bureau.

RESJ Impact Statement

Bill 26-25

Table C. Percent of Employer Firms for Select Sectors by Race and Ethnicity, Washington-Arlington-Alexandria, DC-VA-MD-WV Metro Area

Race or ethnicity	Agriculture, Forestry, Fishing and Hunting (NAICS 11)	Retail Trade (NAICS 44-45)	All Sectors (NAICS 00)	Adult Population
Asian	-	33.7	21.3	11.2
Black	-	8.5	9.9	25.3
Native American	-	-	1.0	0.5
Pacific Islander	-	0.1	0.1	0.1
White	96.4	57.7	68.0	47.2
Latinx	-	4.8	9.0	15.7

Source: OLO analysis of [Table AB2200CSA01, 2022 Annual Business Survey](#) and [Table S2101, 2023 American Community Survey 5-Year Estimates](#), Census Bureau.

¹ Definition of racial equity and social justice adopted from [Marlysa Gamblin et al., "Applying Racial Equity to U.S. Federal Nutrition Programs," Bread for the World](#) and [Racial Equity Tools](#).

² Ibid.

³ ["Containing and Removing Bamboo", University of Maryland Extension](#).

⁴ ["Ornamental and Native Grasses for the Landscape", University of Maryland Extension](#).

⁵ ["Why Native Plants Matter", Audubon Society](#).

⁶ ["Native Gardening: Why Garden with Native Wildflowers?", U.S. Forest Service](#).

⁷ [Introduction Staff Report for Bill 26-25, Montgomery County Council, Introduced June 17, 2025](#).

⁸ County law requires the removal of generalized growth of any weed. It also requires the removal of any generalized plant growth more than 12 inches high within 15 feet of any property boundary. Currently, trees, ornamental shrubs, flowers, and garden vegetables are exempt from removal requirements. Refer to [Montgomery County Code § 58-3](#).

⁹ ["Councilmember Evan Glass Introduces Native Plant Protection Act", Montgomery County Council Press Releases, June 17, 2025](#).

¹⁰ [RESJIS for Bill 25-22, Office of Legislative Oversight, October 4, 2022](#).

¹¹ [Climate Assessment for Bill 26-25, Vegetation – Invasive Plants, July 15, 2025](#).

¹² Ibid.

¹³ [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council](#).

¹⁴ Race is inclusive of Latinx origin for all data points in this RESJIS.

¹⁵ Margins of error for data points in Tables B and C may be large.

Economic Impact Statement

Montgomery County, Maryland

Bill 26-25: Vegetation – Invasive Plants

Summary

The Office of Legislative Oversight (OLO) anticipates that Bill 26-25 would have a minimal impact on economic conditions in the County, as measured by the Council's priority economic indicators. The Bill would prohibit the sale of invasive bamboo in the County and exempt native plants and grasses from weed removal requirements. Because OLO was unable to identify any impact evaluations that assess the economic effects of invasive bamboo bans, OLO interviewed representatives from a non-representative sample of four local garden centers to inquire about the anticipated economic impacts of the Bill.

While banning the sale of invasive bamboo would likely lead some plant retailers and related businesses to lose revenue, such losses could be small. The local garden centers interviewed reported that they do not offer invasive bamboo and have rarely lost business as a result of not carrying it. They noted that customers are generally willing to choose alternative plants.

Finally, eliminating weed removal requirements for native plants and grasses could reduce landscaping costs for some residents, whereas the ban on invasive bamboo sales may cause certain residents to spend more on alternatives.

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 also can 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 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.⁶

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 ["Councilmember Evan Glass Introduces Native Plant Protection Act", Montgomery County Council Press Releases, June 17, 2025.](#)

The Council introduced Bill 26-25 on June 17, 2025.

Information Sources, Methodologies, and Assumptions

As required by 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the impacts of Bill 26-25 on residents and private organizations, using the Council’s priority economic indicators as the measure. In doing so, it examines whether the Bill would have a net positive or negative impact on overall economic conditions in the County.⁷

OLO was unable to identify any impact evaluations that assess the economic effects of invasive bamboo bans. To gather evidence, OLO interviewed representatives from a non-representative sample of four local garden centers. The analyst first asked if the business carries invasive bamboo. When all reported that they do not, the analyst inquired whether not selling these products negatively affects their business—thus assessing whether the proposed ban could reduce overall sales or simply cause customers to purchase substitute plants instead. This approach was informed by the substitution effect. This refers to an economic principle which states that demand for a good with substitutes will shift toward those alternatives if the good becomes too expensive or unavailable. In contrast, a non-substitutable good is one where demand does not shift towards an alternative.⁸

Variables

The primary variables that would affect the economic impacts of enacting Bill 26-25 are the following:

- Number of businesses carrying invasive bamboo; and
- Consumer preferences for alternatives to invasive bamboo.

Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

OLO anticipates that Bill 26-25 could have some negative impacts on certain private organizations in the County.

The Bill would primarily affect garden centers, big box stores, online retailers, and landscaping companies that currently sell invasive bamboo. A ban on selling invasive bamboo may cause them to lose some revenue from such sales. All else being equal, lower revenues would reduce net business income. However, the impact on these businesses would likely be marginal.

First, it is unclear how many businesses currently offer invasive bamboo. As previously stated, representatives from the four garden centers interviewed for this analysis indicated that none of the businesses carries invasive bamboo. They cited its harmful environmental effects as their reason. Although this is a small and non-random

⁷ Montgomery County Code, “[Sec. 2-81B, Economic Impact Statements](#).”

⁸ “Substitution Effect,” ScienceDirect, accessed September 17, 2025, <https://www.sciencedirect.com.proxy.library.cornell.edu/topics/economics-econometrics-and-finance/substitution-effect>.

sample of local vendors, the finding suggests that selling invasive bamboo is unlikely essential to plant retailers' business models.

Second, for many customers, invasive bamboo appears to be a substitutable good. When asked whether not offering invasive bamboo negatively affects their business, only one representative reported occasionally losing customers who refused to purchase an alternative. Representatives from the other businesses said they do not recall ever losing business due to not carrying invasive bamboo.

Beyond these potential impacts, the Bill is unlikely to affect private organizations in terms of the other indicators prioritized by the Council.

Residents

OLO anticipates that Bill 26-25 could have mixed impacts on certain residents in the County.

The Bill would primarily affect property owners in the County. On the one hand, the elimination of weed removal requirements for native plants and grasses may reduce landscaping costs. On the other hand, the ban on invasive bamboo sales may cause certain residents to spend more on alternatives to bamboo.

Beyond these potential impacts, the Bill is unlikely to affect residents in terms of the other indicators prioritized by the Council.

Net Impact

OLO anticipates that Bill 26-25 would have a minimal impact on economic conditions in the County, as measured by the Council's priority economic indicators. The Bill would prohibit the sale of invasive bamboo in the County and exempt native plants and grasses from weed removal requirements. Because OLO was unable to identify any impact evaluations that assess the economic effects of invasive bamboo bans, OLO interviewed representatives from a non-representative sample of four local garden centers to inquire about the anticipated economic impacts of the Bill.

While banning the sale of invasive bamboo would likely lead some plant retailers and related businesses to lose revenue, such losses could be small. The local garden centers interviewed reported that they do not offer invasive bamboo and have rarely lost business as a result of not carrying it. They noted that customers are generally willing to choose alternative plants.

Finally, eliminating weed removal requirements for native plants and grasses could reduce landscaping costs for some residents, whereas the ban on invasive bamboo sales may cause certain residents to spend more on alternatives.

Discussion Items

Not applicable

Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. 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.

Contributions

Stephen Roblin, PhD (OLO) prepared this report.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

December 5, 2025

TO: Councilmember Evan Glass, Chair, Transportation & Environment
Councilmember Marilyn Balcombe
Councilmember Kate Stewart

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Amendments to Bill 26-25, Vegetation – Invasive Plants

I remain supportive of your legislation, Bill 26-25, Vegetation – Invasive Plants. My office, and the Departments of Environmental Protection (DEP) and Housing and Community Affairs (DHCA), have reviewed the staff packet for Monday's committee session and we, collectively, have remaining concerns with the legislation and wish to offer amendments for the committee's consideration.

DEP and DHCA have worked closely for months to meticulously review and develop amendments to Chapter 58, and have solicited and received input from three other Departments whose enforcement efforts and operations are impacted by this section of the code, including the Department of Permitting Services (DPS), the Department of Transportation (DOT), and the Department of General Services (DGS).

The amendments requested by DHCA and DEP, with the approval of DPS, DOT, and DGS are outlined below, and a full blackline of edits is also attached.

The proposed amendments aim to support and improve upon Bill 26-25's goal of increasing acceptance of native plantings to ensure Chapter 58 is operationally realistic when code enforcement is necessary. DHCA and DEP recognize the need to revise Chapter 58 to clarify vegetation requirements more effectively. The departments have regularly discussed concerns and issues with the code, and the introduction of Bill 26-25 created a timely opportunity to resolve several other ambiguities with the code. As such, there are many small technical edits,

some unrelated to Bill 26-25, that were required to ensure the overall code is robust, enforceable, and clear to property owners.

The Committee packet for Monday's worksession includes several amendments proposed by Councilmember Glass. Some of the amendments listed below may overlap with those already in the packet. Where our proposed amendments differ or provide additional detail, we have included them here to ensure clarity on the Administration's position and to offer alternative or more comprehensive language for the Committee's consideration.

Please note, the line numbers below refer to the line numbers in the attached version of the amended bill, not the line numbers in the committee's packet.

Collectively, the proposed amendments to Chapter 58 include:

ARTICLE I:

In Article 1, proposed amendments encourage a broader acceptance of native plants and naturalized garden areas by amending the definitions to eliminate the need for specific plant identification. Instead, the recommended definition describes the conditions and attributes of plants that would be problematic and necessitate maintenance or removal (e.g., height, distance from the property line, etc.). This will better accommodate property owners and County inspectors who have limited plant identification knowledge, making enforcement easier and clearer.

Our proposed amendments open the door to well-maintained meadows or reforested areas instead of monoculture grass/sod yards, by allowing vegetation to exceed current height restrictions throughout most areas of a property. This is a desired goal of not only our constituents but also for departmental goals and objectives.

Language has been amended to clarify the spaces in which people may be able to support naturalized landscapes as well as native plantings. This language makes it clearer to property owners and property managers what is allowed, simplifies enforcement actions for DHCA, and supports goals to allow for more native plants.

Amendments to Titles

Chapter Title and Article I title:

Amendment to change the Chapter Title from 'Weeds' to 'Vegetation', and Article I from 'Weeds and Invasive Plants' to 'General Vegetation'. These language changes reflect amendments proposed by the Departments and clarify for the public what this Code is applicable to.

Amendments to Applicability

Chapter 58 is currently only applicable to Subdivisions, and therefore does not apply to all private property or County property. Amendments will change the applicability of this law to all persons and property owners.

Amended lines 18-28, as follows:

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

Person means an individual, group of individuals, corporation, firm, partnership, or voluntary association; or a department, bureau, agency, or instrument of the County or any municipality, or of any other government to the extent allowed by law.

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.

Amendments to Definitions

A definition of lawn is added to clarify enforcement of overgrown lawn areas. DHCA had been reliant on a separate county code, Chapter 26, to manage overgrown lawns, but defining and regulating overgrown lawns is best regulated within Chapter 58.

Added lines 13-14, as follows:

Lawn means low growing vegetation that is meant to be maintained by routine mowing or other types of maintenance.

The definition of native plants is removed and replaced with broader definitions of vegetation, which are more inclusive and easier to identify and enforce, and encompass all native plants. DCHA staff are not trained in plant identification. An expert level of botanical knowledge is required to identify thousands of different plants during all four seasons, and DEP does not have these technical skills. DHCA received over 700 weed complaints in FY25 alone. It is not operationally possible to enforce complaints about weeds if inspectors will be required to become trained in native plant identification. As written, the legislation is not feasible to implement or enforce.

Identifying one or several appropriate native plant lists for allowable vegetation requires plant experts and constant monitoring. Ultimately this would require frequent updates to regulations. Identification would remain problematic for enforcement. Creating lists specific to Montgomery County would be just as difficult, requiring experts to create the lists and regular updates. Lists developed by outside agencies are not easy for the public to find.

Not all native plants are appropriate in all situations (e.g. poison ivy is a native species), and if DHCA receives complaints about poison ivy overgrowing a fence line, for example, they need the ability to enforce code related to that situation. As written, this legislation would not allow DHCA to require removal of that native species. Amended definitions address these concerns by indicating that a well-maintained and cared-for garden is allowed, but that a garden that is not maintained, even if it contains native plants, will be subject to enforcement. Additionally, native plants are included in the definition of Vegetation.

The previous definition of “weed” created significant ambiguity for both DHCA Code Inspectors and property owners, leading to inconsistent interpretations of what vegetation required cutting and in which areas. Removing this unclear definition eliminates confusion, strengthens the clarity of the regulations, and ensures consistent, fair, and enforceable standards for both property owners and DHCA Code Enforcement.

Amended lines 15-17, as follows:

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

Amended lines 29-33, as follows:

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

Added line 34, as follows:

Vegetation means any species in the Kingdoms Plantae or Fungi.

Amendments to regulations of vegetation growth on properties

Most vegetation complaints occur in sensitive, highly visible areas, such as along property lines, sidewalks, roadways, fences, structures, and overgrown lawns, where unclear regulations make enforcement extremely difficult. It is imperative that DCHA Code Enforcement have the ability to properly enforce vegetation growth for the community.

For many years, DHCA Code Enforcement has been forced to rely on other chapters of County law, primarily Chapter 26, to address vegetation complaints because Chapter 58, as written, applied only to subdivisions and lacked the clarity needed for consistent enforcement. This gap has created long-standing practical challenges for inspectors and property owners alike.

While DEP provides subject-matter expertise and guidance on vegetation management, this support could not fully resolve many concerns under the code as written. Additionally, conflicting or overlapping language across DHCA, DPS, and DOT codes has led to confusion, inconsistent expectations, and frustration among residents. The proposed amendments provide much-needed clarity by establishing enforceable, consistent standards for vegetation management in these common trouble areas, while still allowing property owners to maintain environmentally beneficial landscapes, such as native plantings, meadows, forests, and other naturalized areas. These changes will enhance transparency for residents, promote fairness for property owners, and provide DHCA inspectors with the clear legal and regulatory tools they have long needed to protect public safety and community character.

Amended and added lines 42-43 as follows:

A person or property owner must keep lawns mowed below 12 inches at all times.

Amended and added lines 47-53 as follows:

A person or property owner must not allow any vegetation to grow more than 12 inches high within 10 feet of any property boundary, structure, sidewalk, or curb unless it is intentionally maintained with techniques such as regular pruning, weeding, mulching, edging, or other routine garden maintenance and may not allow any vegetation to extend beyond their property line in such a way that inhibits free or safe passage of people, pets or vehicles.

Amendment to regulate vegetation harboring pests

Pest management is a routine enforcement issue for DHCA. Related codes refer back to Chapter 58 to enforce pest situations related to vegetation, or do not address the management of vegetation harboring pests. It is crucial for DHCA to have language in Chapter 58 to enforce vegetation harboring pests.

The term “pest” is not created by DHCA; it is already a defined term in County law under Chapter 33B and is used throughout several other County codes and regulations (e.g., pest control, integrated pest management, and pesticide application standards). While DHCA primarily enforces Chapter 26, which uses terms such as insects, rodents, or vermin, any revisions to terminology in Chapter 58 should remain consistent with existing County definitions to avoid conflicts across departments and ensure legally defensible enforcement. DHCA is open to alternative wording if directed by the Council but must align terminology with established definitions in the broader code.

Added lines 55-60, as follows:

A person or property owner must not allow the growth of vegetation such that it harbors pests and disease vectors including rodents, bird colonies, mosquitoes, or other pests. If the Director determines that vegetation is growing such that it harbors pests or disease vectors, the property owner will be required to take containment or control measures such as to eliminate the pest habitat.

Amendment to allow immediate action to protect public health and safety

Existing law does not permit the County to order a person or property owner in charge of land to correct a violation immediately if the violation leads to a danger to public health or safety. Rather, the notice may only require compliance within ten days. DHCA requires a mechanism to order immediate action to correct or abate a violation after a finding that such immediacy is necessary to protect public health and safety. Severe conditions language is used in various other County codes enforced by DHCA, and using the same language is recommended.

Added lines 74-78, as follows:

Severe conditions. If the Director finds that immediate action is needed to protect the public health and safety as a result of a violation of this Chapter, Chapter 8, Chapter 17, Chapter 22, or Chapter 26, the Director may, without notice, conference, or hearing, order the owner to immediately correct or abate the violation.

Amendment to delete appeals process

As introduced, the bill contained a new appeals process that could conflict with the process to issue citations and pursue code enforcement measures. The amendment deletes the appeal to the Board of Appeals.

Amend lines 98-103, as follows:

[[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.]]

ARTICLE II:

Proposed amendments strengthen the bamboo ban.

Amendment to the ban on sale of bamboo

A ban on the sale of bamboo in the County would likely have little impact. Amendments would remove the ban on sale largely because bamboo would be available for purchase in most local jurisdictions within the county and all neighboring jurisdictions, rendering enforcement to be costly yet ineffective. Bamboo species also are sold as large indoor plants for spaces like offices and malls and would restrict such business. A ban on sale of bamboo would likely increase County fiscal needs considerably, requiring continuing outreach/education and enforcement to nurseries and retailers. DHCA also does not conduct retail education and enforcement; therefore, this would fall to another agency, most likely DEP. The proposed amendments include language banning the sale but both DHCA and DEP recommend removing it.

Amended lines 124-125 as follows:

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

Amendment to ban the planting of bamboo

The agencies would like to see a ban on *planting* bamboo. A ban on planting would be more effective at reducing bamboo than a ban on sales. Additionally, it can be administered by DHCA. By stopping new plantings of bamboo, native and non-invasive vegetation can replace bamboo plantings as well as stop the spread of a plant that generates significant neighbor conflicts due to the nature and habit of its growth and spread.

Added lines 126-127, as follows:

A person may not plant or transplant invasive bamboo outdoors on any property in Montgomery County.

Amendment to provide regulation of bamboo from adjacent properties

A regulatory mechanism to require control of bamboo when complaints arise from patches that spread from adjacent properties has been needed and discussed by DHCA and DEP for years.

Amendments proposed give DHCA a mechanism to deal with adjacent neighbor complaints that require bamboo be controlled within 15 feet of the property line. Most bamboo runners can stretch underground 15 feet or more, and tall patches of bamboo lean over and stretch into adjacent properties. Amendments provide for complaints from adjacent properties to be addressed by requiring the property owner to keep bamboo within 15 feet of a property line from exceeding 6 inches. By reducing the height of the bamboo, the population can be reduced to a level that limits or curtails its underground spread and allow for the adjacent property to manage the spread on their property. Additionally, the amendments will allow for the property where the bamboo originates to keep the bamboo tall if they wish, provided they implement containment measures.

Added lines 128-138, as follows:

Complaints of bamboo spreading onto an adjacent property may be submitted to the Director from said adjacent property owner. If the Director receives a complaint from the owner of an adjacent property, the property owner whose bamboo is spreading must prevent all bamboo located within 15 feet from the adjacent property from exceeding 6 inches in height, and must employ and maintain effective containment or control measures to prevent the spread of bamboo onto the adjacent property such as barriers, trenches, etc. The complainant also must prevent all bamboo located within 15 feet from the adjacent property from exceeding 6 inches in height.

Bird colonies, mosquitoes, and other disease vectors that shelter or roost in bamboo patches are problematic for not only adjacent properties but can provide a public health threat to the broader community. When bamboo patches on properties harbor disease vectors, DHCA requires a regulatory mechanism to control the pests, which may require control of the bamboo itself.

Added lines 139-144, as follows:

A person or property owner must not allow the growth of bamboo on any property such that it harbors pests and disease vectors including mosquitoes, rodents, bird colonies, or other pests. If the County determines that bamboo harbors a pest, the property owner will be required to install and maintain containment or control measures to eliminate the conditions harboring pests.

Amendments to general language

Multiple non-substantive technical corrections were made to fix typographical, stylistic, formatting, or grammatical errors. Legal terminology was amended in multiple places to ensure clarity and enforceability.

Fiscal Impact Statement

Depending on which amendments are accepted in the final version of Bill 26-25, revised FISs from DHCA, DEP, DOT, DPS, and DGS may be necessary. For example, if the ban on sale is retained as written, outreach and education of retail establishments will be necessary. Similarly, a ban on planting bamboo will require some public outreach, though less extensive than notifications to all retail establishments. Should amendments that would simplify identification of non-compliant vegetation not be accepted and, instead, specific native species identification requirements are retained in the code, significant costs associated with increased FTE and skills training will require a new FIS for several of the departments. Should amendments that would simplify identification of non-compliant vegetation not be accepted and, instead, specific native species identification requirements are retained in the legislation, significant costs associated with increased FTE and skills training will require a new FIS for several of the departments.

Enclosures: Bracketed Version of Amendments to Bill 26-25

cc: Valeria Carranza, Chief of Staff to Councilmember Glass, Montgomery County Council
Craig Howard, Executive Director, Montgomery County Council
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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 58-7, 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, and 58-6, and 58-7]] are amended**
2 **and Sections 58-7, 58-8, 58-9, and 58-10 are added as follows:**

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

4 **Article I. [[Weeds and Invasive Plants]] General Vegetation.**

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 (a) any other agency of County government which the Chief Administrative
10 Officer assigns to enforce this Chapter; or

11 (b) an applicable municipal agency in any municipality where this Chapter
12 applies.

13 *Lawn* means low growing vegetation that is meant to be maintained by routine
14 mowing or other types of maintenance.

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

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

21 *Person* means an individual, group of individuals, corporation, firm,
22 partnership, or voluntary association; or a department, bureau, agency, or
23 instrument of the County or any municipality, or of any other government to the
24 extent allowed by law.

25 *Property owner* means any person or entity:

26 (a) holding title to property; or

27 (b) any lessee, tenant, or occupant having care, custody, control, or

28 management of any property.

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

34 Vegetation means any species in the Kingdoms Plantae or Fungi.

35 **58-2. Regulations.**

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

38 **58-3. Duty of [[landowners and]] persons and property owners[[in charge of**
39 **land]].**

40 [[An owner, lessee, agent, and any other person in charge of land in a subdivision
41 or within 100 feet of a subdivision must not allow:]]

42 (a) [[[The] the generalized growth of any weed; and]]A person or property
43 owner must keep lawns mowed below 12 inches at all times.

44 (b) [[[Any] any generalized plant growth more than 12 inches high within 15
45 feet of any property boundary. Generalized plant growth does not include
46 trees, ornamental shrubs, flowers, native plants and grasses, or garden
47 vegetables.]]A person or property owner must not allow any vegetation to
48 grow more than 12 inches high within 10 feet of any property boundary,
49 structure, sidewalk, or curb unless it is intentionally maintained with
50 techniques such as regular pruning, weeding, mulching, edging, or other
51 routine garden maintenance and may not allow any vegetation to extend
52 beyond their property line in such a way that inhibits free or safe passage
53 of people, pets or vehicles.

54

55 (c) A person or property owner must not allow the growth of vegetation
 56 such that it harbors pests and disease vectors including rodents, bird
 57 colonies, mosquitoes, or other pests. If the Director determines that
 58 vegetation is growing such that it harbors pests or disease vectors, the
 59 property owner will be required to take containment or control measures
 60 such as to eliminate the pest habitat.

61 **58-4. Notice~~[[.]] of violation; order to comply.~~**

62 (a) If the ~~[[owner, lessee, agent, or person in charge]]~~ property owner fails
 63 to comply with section 58-3, the ~~[director]~~ Director may notify the
 64 property owner in writing of:

65 (1) ~~[[[Notify] notify the owner in writing of the conditions existing on~~
 66 ~~the land]]~~ the violating conditions on the property and the
 67 requirements of this ~~[[chapter]]~~ Chapter; and

68 (2) ~~[Direct]~~ direct the owner to comply with ~~[[section]]~~ Section 58-3
 69 within 10 days after receiving the notice.

70 (b) The notice may be personally served or may be mailed to the address of
 71 the owner shown on the assessment records of the County. In addition, the
 72 notice must be posted on the property in a conspicuous location on or near
 73 each dwelling or nonresidential structure affected by the notice.

74 (c) Severe conditions. If the Director finds that immediate action is needed to
 75 protect the public health and safety as a result of a violation of this
 76 Chapter, Chapter 8, Chapter 17, Chapter 22, or Chapter 26, the Director
 77 may, without notice, conference, or hearing, order the owner to
 78 immediately correct or abate the violation.

79 **58-5. Removal by ~~[[County]]~~ Director.**

80 (a) If the person or property owner to whom a notice is issued under section
 81 58-4 (a) or (b) ~~[[is directed]]~~ does not comply within 10 days, or the
 82 person or property owner to whom an order is issued under 58-4(c) does not

83 comply immediately, the [director][[County]] Director may:

84 (1) remove any [[generalized growth of weeds]] vegetation in violation
 85 of this chapter; or

86 (2) cut any [[generalized plant growth]] vegetation within [[15]] 10
 87 feet of the [[boundary of the land]] property line or any structure;
 88 or [.]

89 (3) take actions as necessary to correct or abate pests or disease
 90 vectors caused by vegetation on the property.

91 (b) If the [director][[County]] Director removes or cuts any vegetation in
 92 violation of this Chapter [[generalized growth of weeds or cuts any
 93 generalized plant growth]], the [[landowner]] property owner must pay the
 94 reasonable cost. The [county] County may collect the cost:

95 (1) as a lien against the land on the property tax bill; or

96 (2) in any other way legally available for collection of debts owed the
 97 County.

98 **[[58-6. [Reserved] Appeals.**

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

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

104 **58-[[7]] 6. Penalty for violation of chapter.**

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

106

107 **Article [[2]] II. Invasive bamboo.**

108 **58-[[8]] 7. Definitions.**

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

110 Invasive bamboo means a woody grass commonly referred to as bamboo

111 [[that is characterized by spreading behavior and is not native to the
 112 Mid-Atlantic Region,]] including bamboo species in the genus
 113 Phyllostachys and all species within the Bambusa genus of the Poaceae
 114 family which can spread through runners and are not native to the Mid-
 115 Atlantic Region.

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

119 [[Property owner means any person or entity:

120 (a) holding title to property; or

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

123 **58-[[9]] 8. Regulation of invasive bamboo.**

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

126 (a) A person may not plant or transplant invasive bamboo outdoors on
 127 any property in Montgomery County.

128 (b) Complaints of bamboo spreading onto an adjacent property may be
 129 submitted to the Director from said adjacent property owner. If the
 130 Director receives a complaint from the owner of an adjacent
 131 property, the property owner whose bamboo is spreading must
 132 prevent all bamboo located within 15 feet from the adjacent
 133 property from exceeding 6 inches in height, and must employ and
 134 maintain effective containment or control measures to prevent the
 135 spread of bamboo onto the adjacent property such as barriers,
 136 trenches, etc. The complainant also must prevent all bamboo
 137 located within 15 feet from the adjacent property from exceeding 6
 138 inches in height.

139 (c) A person or property owner must not allow the growth of bamboo

140 on any property such that it harbors pests and disease vectors
 141 Including mosquitoes, rodents, bird colonies, or other pests. If the
 142 County determines that bamboo harbors a pest, the property owner
 143 will be required to install and maintain containment or control
 144 measures to eliminate the conditions harboring pests.

145 **58-[[10]] 9. Reporting, inspection, and notices of violation.**

146 (a) Complaints [[about the sale of invasive bamboo may be reported
 147 to the Director.]] of bamboo spreading onto an adjacent property
 148 may be submitted to the Director from said adjacent property
 149 owner. If the Director issues a notice of violation to a property
 150 owner for growing bamboo in violation of 58-8(c), the property
 151 owner must reply to the Director within 30 days with a written
 152 response about a plan for control or containment and commence
 153 effective control or containment measures within six (6) months
 154 and must complete the measures within twenty-four (24) months.
 155 Upon demonstration of effective control or containment measures,
 156 the property owner may request a one-time six (6) month extension
 157 for completion.

158 (b) If [[The]] the Director [[may conduct any necessary inspections and
 159 issue a Class B violation notice to the property owner.]] issues a
 160 notice of violation to a property owner for growing bamboo in
 161 violation of 58-8(d), the property owner must commence
 162 corrective actions immediately to eliminate any pest and pest
 163 habitat. If the Director finds that immediate action is needed to
 164 protect the public health and safety as a result of a violation of 58-
 165 8(d) the Director may, without notice, conference, or hearing,
 166 order the owner to correct or abate the violation.

167 (c) Notice of violations under this Section are subject to a Class A

168 violation. Any necessary inspections and the issuance of
 169 violations to the property owner may be carried out by the
 170 Director.

171 **Sec. 58-10. Removal by Director.**

172 (a) If the owner to whom a notice issued under section 58-9 is directed does
 173 not comply, the Director may:

174 (1) Cut and remove the bamboo and any other vegetation intermingled
 175 in the bamboo.

176 (2) Take actions as necessary to correct or abate pests or disease
 177 vectors caused by bamboo on the property.

178 (b) If the Director cuts any bamboo, the property owner must pay the
 179 reasonable cost. The County may collect the cost:

180 (1) As a lien against the land on the property tax bill; or

181 (2) In any other way legally available for collection of debts owed to
 182 the County.

Notes

*Cross reference-Allowing weeds on vacant land, § 22-78; exterior § 26-9; grounds maintenance, § 26-10.