

**BALTIMORE COUNTY WEED ORDINANCE:
Recommendations to the Baltimore County Council
From CEQ**

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Executive Summary

County Councilmember David Marks requested that CEQ provide guidance to the Council related to County Code 13-7-401, Weed Ordinance. County residents have received violation citations for alternate landscape designs. However, current trends in landscaping feature the reduced use of extensive turf grass areas and the installation of “Low Impact Landscaping”. Many of the plant species used in Low Impact Landscaping (including in pollinator gardens and other planting areas requiring few inputs such as water or chemicals) do not conform to the 8-inch limit for plant height that is currently in the statute.

CEQ has gathered information on possible recommendations to the County Council for changes to the Weed Ordinance code and the benefits and risks of each. CEQ has proposed two options for the Council to consider. Both options obviate the requirement that citations be issued for alternative plant selections.

Option A: ABOLISH THE MOWING HEIGHT MAXIMUM

Factors in favor of this change in County code:

- Many plant species used in low impact landscaping naturally grow taller than 8 inches.
- Many low impact landscaping plants attract significantly more pollinators and beneficial insects, and absorb more stormwater, than turf areas do.
- Obviate the requirement that citizens with alternative plant selections would receive citations simply on the basis of plant height.
- Educational opportunities may arise if a neighbor complains, similar to the opportunity if a neighbor complains about other sorts of areas that are already exempt from the ordinance (naturally vegetated landscape buffers in residential areas, stream protection areas, and so on).

Risks:

- Maintaining low impact landscaping may require additional horticultural skills compared to maintaining turf lawn.
- Some neighbors may have concerns.

Option B: ADD AN EXCEPTION FOR MANAGED LOW IMPACT LANDSCAPING SITES

Factors in favor of this change in County code: same as above, also this change would be consistent with pertinent State law.

Risks: Same as above, also that inspectors must be trained to recognize low impact landscaping features, just as they are trained already to recognize the other sorts of areas that are exempt from the ordinance.

SUPPORTING MATERIAL

Introduction

At the September 27, 2023 CEQ meeting, Kirsten Hoffman from the Green Towson Alliance spoke on “Proposed Changes to the Baltimore County Weed Ordinance”. She addressed recent changes in MD State Law and its definition of “Low Impact Landscaping”, related laws in other jurisdictions, and a recommendation for updating County code by adding Low Impact Landscaping to the allowed items in the modification of requirements section under Prohibited Acts (13-7-401 of the code¹)

Low Impact Landscaping

We live in a time of increasing climate change with more extreme weather events (more hot days and stronger storms and floods) and drastic declines in pollinators. Although lawns are a cherished feature of American landscapes and culture, present conditions suggest that we need to modify our thinking about lawns to include more sustainable land management; we need to work with nature and support pollinators and other wildlife; turf grass areas can be reduced and low impact landscaping areas increased which will create a diverse landscape that will help protect clean air and water and support wildlife.

Benefits of low impact landscaping are numerous including: lower input requirements (e.g. generally use less water, fertilizer, and herbicides); retain and filter stormwater; have longer roots than turf grass (allowing better water penetration); provide year-round wildlife shelter, food, and nesting sites; improve air quality (e.g. less mowing or pesticides); and increase biodiversity thus providing increased capacity for resilience to climate change.

Low impact landscaping is also called Conservation Landscaping, Natural Managed Landscaping, BayScaping, Eco-Friendly landscaping, and Xeriscaping, among others. The CEQ produced a report on Conservation Landscaping in 2007.

The Pollinator Crisis

In 2017, the Center for Biodiversity found that more than one-half of native bee species were declining, and ¼ were at risk of extinction (Kopec and Burd 2017). The United States Geological Society points out that “In almost all crops, native bees are the primary pollinator or they significantly supplement the activity of honey bees” and they are critically needed (USGS 2023). Low impact landscaping promotes the survival of bees and other pollinators.

Maryland State Law

MD State Law [HB0322](#) defines Low Impact Landscaping as “landscaping techniques that conserve water, lower maintenance costs, provide pollution prevention, and create habitat for wildlife. Such techniques include bio-habitat gardens designed to attract wildlife and pollinator gardens designed to attract pollinator species.”

¹https://library.municode.com/md/baltimore_county/codes/code_of_ordinances?nodeId=ART13PUHESAEN_TIT7NU_SUBTITLE_4WECO_S13-7-401PRACPE

MD State Law HB0322 states that unreasonable limitations cannot be imposed on low-impact landscaping “such as rain gardens, pollinator gardens, and xeriscaping”. “Unreasonable limitations on low-impact landscaping include provisions that significantly increase the cost of low-impact landscaping or significantly decrease the efficiency of the techniques” if the property owner “maintains and regularly tends to the low-impact landscaping”.

The law does not apply to County code but rather it applies to instruments affecting the transfer or sale of real property and any other interest in real property, which include rules of condominium and homeowner associations (See Appendix A for further information).

Current Baltimore County Code

The Baltimore County Weed Ordinance has an 8–inch limit on plant height. It states that a person “may not allow or maintain... a growth of grass, weeds, or other rank vegetation to a height exceeding 8 inches.” If someone complains to the County, the County is required to cite and fine the homeowner, and if the vegetation is not cut to a height no higher than 3 inches then the County can mow down the plants. Part B of the code exempts agricultural property and certain sorts of landscape buffers and types of natural habitat and storm water management areas. However, at present there is no exception for Low-Impact Landscaping (Appendix B).

Other Jurisdictions’ Related Exceptions to Weed Ordinances

Examples of other jurisdictions with exceptions to their Weed Ordinances are shown in Appendix C.

Suggested Change to the Baltimore County Code

Commission for Environmental Quality proposes two different options to address this situation: 1) abolish the plant height limits; or 2) add an exception for managed Low-Impact Landscaping to the list of exceptions for otherwise prohibited acts in the County Code (see Appendix B for proposed wording of County Code 13-7-401 part B). The suggested changes to Baltimore County Code are consistent with the recently enacted MD State Law [HB0322](#). (For additional information on the background, definition and what the MD law includes as Low-Impact Landscaping, see Appendix A).

Low-impact Landscaping would not be required to replace all turfgrass

In discussions at the CEQ meeting, some commissioners pointed out that turfgrass is often needed for access or specific uses that cannot be replaced by otherwise planted areas, and that therefore Low-Impact Landscaping cannot be used exclusively. The uses of turf grass areas include play, social events, and areas for pets to use. That said, there are still many places for Low Impact Landscaping – including large borders around or within turfgrass areas - and having a turfgrass area is not required.

Conclusion

There is increasing acceptance of Low-Impact Landscaping and support of pollinators and biodiversity. More native plants and other plants used in Low-Impact Landscaping are available at nurseries and there are many options. Minimizing inputs of added water, herbicides, pesticides and the fossil fuels used in mowing, which are minimized with Low-Impact Landscaping, will benefit Baltimore County and its pollinators, other wildlife, and its citizens' biodiverse, natural environment.

The CEQ respectfully advises that the Prohibited Acts section of Baltimore County code on weed control be changed to add Low Impact Landscaping to the list of exceptions to the code or remove the vegetation height restriction altogether.

References

Kopec, K., Burd, L.A. 2017. A systematic status review of North American and Hawaiian native bees. Center for Biological Diversity. Retrieved on October 20, 2023: www.biologicaldiversity.org/campaigns/native_pollinators/pdfs/Pollinators_in_Peril.pdf.

USGS. 2023. What is the role of native bees in the United States? Retrieved on October 20, 2023: <https://www.usgs.gov/faqs/what-role-native-bees-united-states>

APPENDICES

Appendix A: MARYLAND STATE LAW, HOUSE BILL 322 (2021)

Real Property – Restrictions on Use – Low-Impact Landscaping

Low-Impact Landscaping includes:

1. **BIO-HABITAT GARDENS** and other features designed to attract wildlife,
2. **POLLINATOR GARDENS** and other features designed to attract pollinator species,
3. **RAIN GARDENS** and other features that use natural biological principles to return rainwater to the soil and to filter rainwater of excess nutrients, and
4. **XERISCAPING** and other forms of landscaping or gardening that reduce or eliminate the need for supplemental water from irrigation.

<https://casetext.com/statute/code-of-maryland/article-real-property/title-2-rules-of-construction/section-2-125-low-impact-landscaping>

Appendix B: BALTIMORE COUNTY CODE

§ 13-7-401. - PROHIBITED ACTS; PENALTY.

(b) Authority to modify the requirements.

The Department may modify the requirements of subsection (a) of this section in the cases of bona fide agricultural property, natural wooded areas, naturally vegetated landscape buffers in residential areas, stream protection areas, habitat protection areas, steep slope and erodible soil protection areas, storm water management facilities areas, unimproved areas in more than 3 acres, areas publicly owned and maintained as natural areas, and private open-space areas covenanted with the county as recreational areas to be maintained in their natural state.

https://library.municode.com/md/baltimore_county/codes/code_of_ordinances?nodeId=ART13PUHESAEN_TIT7NU_SUBTITLE_4WECO_S13-7-401PRACPE

Proposed change would insert “managed low impact landscaping” in the list directly following the item, “naturally vegetated landscape buffers in residential areas”.

Appendix C: MUNICIPAL ORDINANCES

1. MARYLAND MUNICIPAL ORDINANCES

College Park, Maryland: All turf grass used as ground cover, which for the purpose of this article shall include weeds, shall not be permitted to grow to a height of more than one foot, except as allowed for naturalized or native managed landscapes. (157-5-B-[11]-[a])

Other MD jurisdictions with similar ordinances include **Brentwood, Hyattsville, and Bowie**

<https://ecode360.com/9898275>

2. OTHER MUNICIPAL ORDINANCES

Minneapolis, Minnesota Provisions for “Managed Natural Landscapes”:

a) **Managed natural landscapes** may include plants and grasses in excess of eight (8) inches in height and which have gone to seed, but may not include any noxious weeds and must be maintained so as to not include unintended vegetation.

b) **Managed natural landscapes** may not include any plantings, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property.

c) **Managed natural landscapes** shall not include turf-grass lawns left unattended for the purpose of returning to a natural state.

https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=COOR_TIT11HESA_CH227NUGE_ARTIISPCOAC_227.90OFCOVEDE

Green Bay, Wisconsin Provisions for “Managed Natural Landscapes”:

Edging required.

A planned natural landscaping area must have a distinct and clearly defined border. The border may consist of any combination of mowed grass, fencing of up to three feet in height, a permitted fence installed along a property line, or natural materials neatly arranged to create the appearance of an edge to contain the planned natural landscaping area.

https://library.municode.com/wi/green_bay/codes/code_of_ordinances?nodeId=COOR_CH24NU_ARTIINUAB_DIV2CHNUPR_S24-84NOWEMAVE

Courtesy: Green Towson Alliance

Low-Impact Landscaping Examples

Prepared for:
Baltimore County PAI

*Green Towson Alliance
Commission on Environmental Quality*



Low-Impact Landscaping - Designs

- Landscaped areas maintained to achieve the goals of “low-impact landscaping” come in a wide variety of designs. The examples in this presentation are of gardens in the Towson area that meet one or all of the goals of low-impact landscaping, and they add beauty and enjoyment to their neighborhoods.
- Many of the gardens use border techniques such as grass or mulched edges and paths, gravel or stone edges and paths, fencing or stone walls.
- Many also incorporate signage from various certifying organizations (e.g., Baywise gardens certified by University of Maryland Extension Master Gardeners) and signage describing the goals of the garden (e.g., Pollinator Garden).

Low-Impact Landscaping - Background

The Maryland General Assembly passed legislation in 2021 defining low-impact landscaping as:

“Landscaping techniques that conserve water, lower maintenance costs, provide pollution prevention, and create habitat for wildlife.”

Low-Impact Landscaping - Types

The 2021 legislation also specified 4 types of low-impact landscaping:

1. **Bio-Habitat Gardens** and other features designed to attract wildlife;
2. **Pollinator Gardens** and other features designed to attract pollinator species;
3. **Rain Gardens** and other features that use natural biological principles to return rainwater to the soil and to filter rainwater of excess nutrients; and
4. **Xeriscaping** and other forms of landscaping or gardening that reduce or eliminate the need for supplemental water from irrigation.

Low-Impact Landscaping - Codes

To help illustrate the types of landscaped areas and the ecological and design functions they fulfill, we have added functional codes to the examples. These functions have a great deal of overlap, and most gardens will fulfill several functions.

Codes:

B = Bio-Habitat

P = Pollinator Support

R = Rain Garden

X = Xeriscape

E = Edges defined

U = Use shown by paths, benches, etc.

S = Signage and Certification

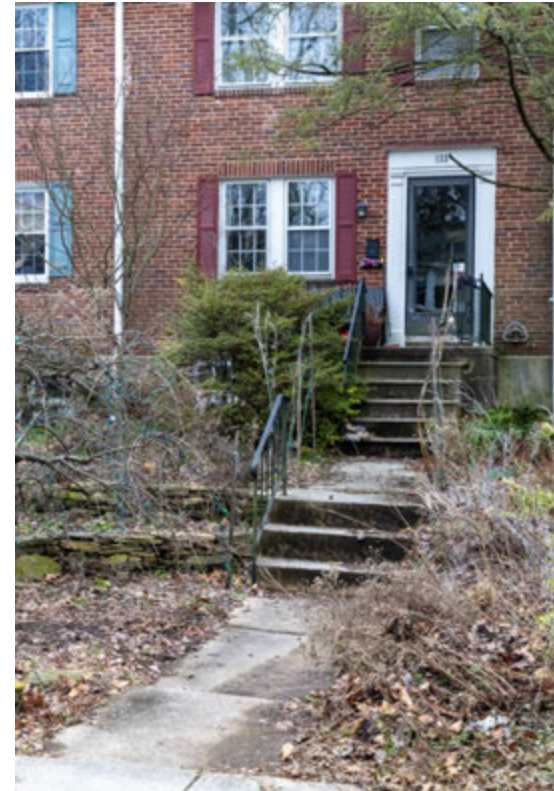
Low-Impact Landscaping – Example 1

Beginning native plant garden in traditional landscape bed.

B P E U



Low-Impact Landscaping – Example 2



Tall front yard pollinator garden. Tall perennials, shrubs and trees provide better absorption of storm water. Contrast summer versus winter views. Leaving leaves and stalks through the winter months is beneficial to native wildlife.

B P R U

Low-Impact Landscaping – Example 3

Shady front yard lawn replacement with low-growing native plants, ground covers and trees.

B P U



Low-Impact Landscaping – Example 4

Side yard garden and lawn replacement with plants of various heights and bloom times.

B P R U



Low-Impact Landscaping – Example 5

Ferns and other native plants and trees provide erosion control on hillside.
Fenced edge not shown.



B R E X



Low-Impact Landscaping – Example 6

Front yard pollinator garden in fall. Plants grown to full height with colors more muted than in the summer. See wood edging at the public side of the garden.



BPRE

Low-Impact Landscaping – Example 7



Seasonality:
Low-impact landscaping changes with the seasons.
Compare this summer and winter view of a
pollinator garden.

BPREU

Low-Impact Landscaping – Example 8

B P R



Large front yard garden with trees, shrubs and perennials.

Low-Impact Landscaping – Example 9

Front yard garden with shrubs and ground cover. Paths indicate usability and fence separates the garden from neighboring yard.

B P E U



Low-Impact Landscaping – Example 10

Front yard garden with tall perennials and mulched borders.

B P R E



Low-Impact Landscaping – Example 11

Garden signage examples.



BES

Low-Impact Landscaping – Example 12

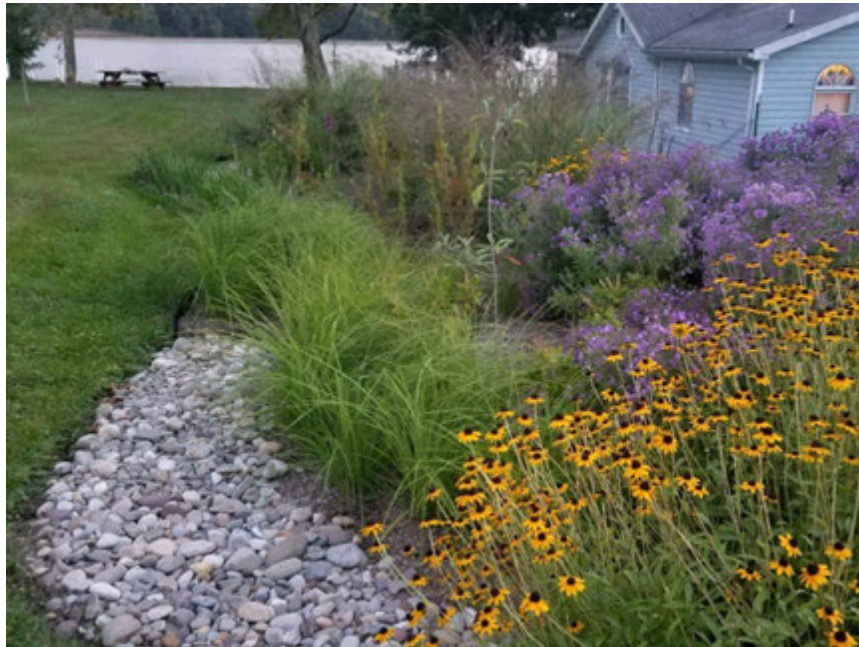
Perennial garden separated from street edge by mulched area.

B P R E



Low-Impact Landscaping – Example 13

Rain gardens profiled by Gunpowder Valley Conservancy.



P R E



Low-Impact Landscaping – Example 14

Radebaugh Park pollinator meadow. Densely planted perennial plants will absorb and filter more rainwater than turf grass.

BPREU



Low-Impact Landscaping – Example 15

Radebaugh Park path through pollinator meadow and trees, and close up of meadow plants.



BPREU

Low-Impact Landscaping – Example 16



Wawa, East Joppa Road
Pollinator garden with native plants

B P R U E