

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 125 “HOUSING REGULATIONS” BY REPEALING AND
REENACTING ARTICLE I, §125-1, “DEFINITIONS” AND §125-8,
“RESPONSIBILITIES OF OWNERS AND OCCUPANTS”; AND CHAPTER 157,
“PROPERTY MAINTENANCE”, ARTICLE §157-2, “DEFINITIONS; WORD USAGE”
AND §157-5 “RESPONSIBILITIES OF OWNERS AND OCCUPANTS” TO AUTHORIZE
MAINTENANCE OF NATURALIZED OR NATIVE MANAGED LANDSCAPES

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, the Mayor and Council have adopted requirements, set out in Chapter 125 and 157 of the City Code, that all properties in the City must maintain certain standards with respect to yard maintenance; and

WHEREAS, the Mayor and Council have determined that it is appropriate to authorize naturalized or native landscapes to the extent that they are managed and maintained.

WHEREAS, the Mayor and Council have determined that it is in the public interest to incorporate these changes in Chapters 125 and 157.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park that Chapter 125 “Housing Regulation”, §125-1, “Definitions” be and is hereby repealed and reenacted with amendments to read as follows:

§ 125-1 Definitions; word usage.

A. The following definitions shall apply in the interpretation and enforcement of this article:

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

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NATURALIZED OR NATIVE MANAGED LANDSCAPES – ON ANY RESIDENTIAL OR COMMERCIAL PROPERTY, A LANDSCAPE WHERE ANY TREES, SHRUBBERY, GROUNDCOVER, FLOWERS, AND ORNAMENTAL GRASSES ARE CULTIVATED OR MANAGED SUCH THAT THE GROWTH DOES NOT ENCROACH ON ADJACENT PROPERTIES, SIDEWALKS, OR CURBS. THE LANDSCAPE MAY NOT INCLUDE TURF GRASS, UNLESS GROWN TO THE HEIGHT ALLOWED IN THIS CODE OR NOXIOUS WEEDS AND PLANTINGS THAT ARE A HAZARD TO PUBLIC HEALTH.

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Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 125 “Housing Regulation”, §125-8, “Responsibilities of owners and occupants” be and is hereby repealed and reenacted with amendments to read as follows:

§ 125-10_Responsibilities of owners and occupants.

A. - I. * * * *

J. It shall be unlawful for any property owner or occupant to allow any weeds, briars, brush, or dead or dying trees or tree limbs which constitute a hazard to person or property in the vicinity thereof, and TURF grass more than one foot in height, other than garden and yard plantings OR NATURALIZED OR NATIVE MANAGED LANDSCAPES properly maintained by the owner or occupant, to accumulate or grow on any private property adjoining any of the streets, alleys or lanes and within 200 feet thereof in the City of College Park, or to be moved or displaced onto adjoining public or private property. The owner or occupant shall keep adjacent City streets, sidewalks and rights-of-way clear of all such obstructions. Any notice of violation issued by a Code Enforcement Officer for a violation of this subsection shall give the property owner, renter, lessee or other occupant 72 hours to correct the violation. Where a municipal infraction citation has been issued for a violation of this subsection, each seventy-two-hour period following the issuance of said citation during which the violation continues shall constitute a separate violation. Procedures for enforcement shall be as set forth in § 125-3C.

K. – P. * * * *

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 157 “Property Maintenance”, Article I, §157-

1, “Definitions; word usage” be and is hereby repealed and reenacted with amendments to read as follows:

§ 157-2 Definitions; word usage.

A. The following terms, wherever used herein or referred to in this chapter, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

* * * *

NATURALIZED OR NATIVE MANAGED LANDSCAPES – ON ANY RESIDENTIAL OR COMMERCIAL PROPERTY, A LANDSCAPE WHERE ANY TREES, SHRUBBERY, GROUND COVER, FLOWERS, AND ORNAMENTAL GRASSES ARE CULTIVATED OR MANAGED SUCH THAT THE GROWTH DOES NOT ENCROACH ON ADJACENT PROPERTIES, SIDEWALKS, OR CURBS. THE LANDSCAPE MAY NOT INCLUDE TURF GRASS, UNLESS GROWN TO THE HEIGHT ALLOWED IN THIS CODE OR NOXIOUS WEEDS AND PLANTINGS THAT ARE A HAZARD TO PUBLIC HEALTH.

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Section 4. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 157 “Property Maintenance”, Article I, §157-5, “Responsibilities of owners and occupants” be and is hereby repealed and reenacted with amendments to read as follows:

§157-5, Responsibilities of owners and occupants

A. * * * *

B. Duties and responsibilities of owner:

(1) Maintenance of exterior of premises

[a] The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and free of insanitary conditions, and any of the foregoing shall be promptly removed. It shall be the duty of the owner to keep the premises free of hazardous areas, which include but are not limited to the following:

[1] – [10] * * * *

[11] The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted as part of a plan of urban renewal by the City of College Park and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values, including the following:

[a] Landscaping. Premises shall be kept landscaped and lawns, hedges and bushes shall be kept cut and trimmed and kept from being overgrown and unsightly. 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. Following notification of noncompliance, penalties for violation of this subsection are listed under § 157-4A(2)

[b] – [d] * * * *

[12] * * * *

Section 5. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 P.M. on the 22nd day of May, 2018, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or

special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on _____, 2018 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 8th day of May, 2018.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2018.

EFFECTIVE the _____ day of _____, 2018.

ATTEST:

CITY OF COLLEGE PARK

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney