

## **Ordinance 02-2014**

### **Weed Control**

#### **1. Prohibited Vegetation.**

1.01 It shall be unlawful for any owner, occupant, or person in control of any lot or parcels of land within the Town of Lonaconing to fail to control on any such lot or parcel of land any noxious weeds<sup>1</sup>, ragweed, poison ivy, poison oak, or poison sumac.

1.02 Such weeds may be destroyed by spraying with a chemical compound, by cutting or removal, by plowing under, or by such other method recommended by the University of Maryland Cooperative Extension Service.

#### **2. Height Limitation.**

2.01 It shall be unlawful for any owner, occupant, or person in control of any lot or parcels of land within Town of Lonaconing to allow or maintain on any such lot or parcel of land any growth of grass, weeds, or rank vegetation to a height over twelve (12) inches (excepting trees, shrubs, and plants of an ornamental, incidental nature)

#### **3. Exceptions.**

3.01 The height requirement contained in Section 2.01 may be modified at the discretion of the Mayor and Council.

3.02 Exempt from the terms of this Ordinance are naturally wooded areas, property in bona-fide agricultural use, unimproved areas of more than three (3) acres, areas publicly owned and maintained as natural areas, and private open-space areas covenanted within Town of Lonaconing as recreational areas to be maintained in their natural state.

#### **4. Prohibited acts; penalty for violations.**

4.01 Any owner, occupant, person, corporation, partnership, or association in control of any lot or parcel of land within Town of Lonaconing who shall fail to comply with any of the provisions of this section shall upon conviction thereof be fined in any such instance not exceeding twenty dollars (\$20.00). Each day of violation shall constitute a separate offense.

#### **5. Enforcement.**

5.01 Notwithstanding the penalty contained in Section 4.01, and in addition thereto, when a representative from the Town of Lonaconing ascertains that the owner, occupant, or person in control of any lot or lands within the Town of Lonaconing has allowed or maintained on such lot or lands any

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<sup>1</sup> Those plants listed in MD. Code Ann, Agriculture 9-401, as amended from time to time.

growth of weeds or rank vegetation to a height over twelve (12) inches or that noxious weeds, as set forth in Section 1, are growing on land within the Town of Lonaconing, he shall cause written notice to be served upon the owner, lessee, agent or tenant having charge of any lot or lands within the Town of Lonaconing, that weeds or rank vegetation have been allowed to grow to a height exceeding twelve (12) inches, and that such weeds or other vegetation must be cut to a height not exceeding five (5) inches, or that noxious weeds are growing on such lands and that they must be destroyed, and that the cutting of such weeds or rank vegetation or the destruction of noxious weeds must be commenced within five (5) days after the service of such notice. If any such order of the representative from the Town of Lonaconing issued under the authority of the provisions of this section is not complied with within ten (10) days after the service thereof, then the Town of Lonaconing may cause said growth of weeds or rank vegetation to be cut to a height not exceeding five (5) inches or shall cause said noxious weeds to be destroyed. If the Town of Lonaconing cuts the vegetation, the owner of said lot or land shall pay the greater of the expense incurred incident to said order or \$200.00, and the amount until so paid shall be a lien upon the realty and recoverable as other liens on realty in Town of Lonaconing.

5.02 Service of the notice provided in Section 5.01 to property owner; or persons within the Town of Lonaconing may be made by registered mail or by an designated representative of the Town of Lonaconing. If the owner or other person having charge of such lands is a nonresident whose address is known, such notice shall be sent to that address by registered mail. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, it shall be sufficient to post such notice on the lot or land.

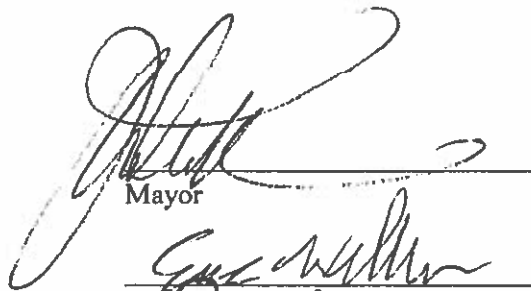
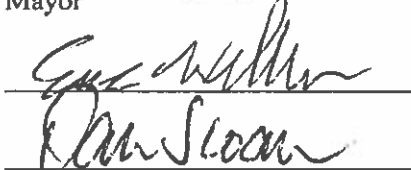
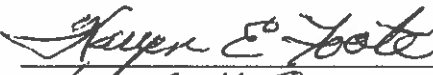
## 6. Effect.

6.01 The adoption of this ordinance shall not discharge, impair or replace any contract, obligation, duty, liability or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal pending or which may hereafter be instituted for cause of action now existing or offenses already committed against any law or ordinance repealed by this Ordinance shall be instituted, proceeded with and prosecuted to final determination and judgement as if this Ordinance had not become effective.

Passed this 6<sup>th</sup> day of October, 2014.

ATTEST

  
Town Clerk

  
Mayor  
  
Dan Sloan  
  
Kaye E. Fote  
  
Mark H. Smith

Introduced: September 8, 2014  
Enacted: October 6, 2014  
Effective: October 26, 2014