



ORDINANCE 2023-03

**An Ordinance establishing an amendment to the Brentwood code,
§44-7, SECTION TWO (2) AND SECTION FOUR (4) (BRUSH, GRASS, AND WEEDS).**

WHEREAS the life and health of the Town of Brentwood's residents are our utmost priority; and

WHEREAS traffic crashes are among the leading causes of death and injury within the United States and the State of Maryland; and

WHEREAS traffic deaths and serious injuries in the United States have disproportionately impacted pedestrians, cyclists, people of color, low-income households, older adults and youth, people with disabilities, and households with limited vehicle access; and

WHEREAS it is the express interest of this Town to avoid preventable accidents and deaths by maintaining clear lines of vision at intersections for pedestrians, cyclists, and motorists,

SECTION 1. NOW THEREFORE, BE IT ORDAINED and enacted by the Mayor and Council of the Town of Brentwood, that §44-7, Section Two (2) of the Brentwood Code is hereby amended as follows:

SECTION TWO CODE:

(A)-(F) UNCHANGED

(g) No person may maintain or allow to exist on the property which they own, or which is in their possession or control plantings, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof, which obstruct the view necessary for the safe operation of motor vehicles or otherwise cause danger to the public in the use of town streets. It shall be the duty of the person who owns, possesses, or controls the property to remove or trim and keep trimmed any obstructions to the view.

(h) No hedge bordering within three feet of any state road may grow to a height of more than three feet, measured from the surface of the sidewalk grade or path.



(i) A clear vision area shall be maintained on the corners of all property adjacent to an intersection. The clear vision area for all corner lots that are adjacent to a state road shall be that area within 25 feet of the corner of a property located at an intersection of two streets; the clear vision area for all other corner lots shall be that area within 15 feet of the corner of a property located at an intersection of two streets.

(j) A clear vision area shall contain no plantings, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof, structure, or temporary or permanent obstruction, except for a utility pole or retaining wall, except when the height of the obstruction does not exceed three feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be in this area provided branches and foliage are removed to a height of eight feet above the street centerline grade or in the case of saplings, maintained to not obstruct the view necessary for the safe operation of motor vehicles or otherwise cause danger to the public in the use of town streets.

(k) Upon the failure, refusal, or neglect of the owner/resident to maintain a clear vision and to cut plantings, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs as required herein, the Town shall notify the owner/occupier of such condition and shall order such person to comply within ten (10) business days. Such an order shall be in writing and may be served personally to or sent by ordinary mail to, the owner/resident of the property.

(l) If the order is not complied with within the ten (10) day period, the Town may cause the plantings, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs to be cut and removed or may have such failure prosecuted as a violation of the Ordinance, or both.

(m) Whenever it shall be necessary for the Town to have the plantings, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof cut and removed, as provided above, the cost shall constitute a debt owed to the Town, and unless paid, the same shall be added to the personal property tax bill or real estate tax bill sent to the owner and may thereafter be collected in the same manner as taxes are collected. Or, if the Mayor and Council are so determined, said charges may be collected as debt.

SECTION 2. Now therefore, be it ordained and enacted by the Mayor and Council of the Town of Brentwood, §44-7, Section Four of the Brentwood code is amended as follows:



SECTION FOUR EXCEPTIONS:

(A)-(D) UNCHANGED.

(E) REQUEST for a variance. The owner/occupier of a property may submit a request for variance within ten business days of receiving a courtesy notice. Variance requests are available from the Town Clerk during regular business hours. Any request for variance submitted past ten (10) business days of initial notice from the Town will be deemed ineligible. Any request for a variance must be accurate and complete before it may be considered received by the Town Clerk.

(1) RESPONSIBILITY of the Town. Once a timely and complete variance request is received by the Town Clerk, the Brentwood Police Chief or their Agent and a Brentwood Code Officer will have five (5) business days to add their recommendations in writing. Thereafter, the variance request is to be considered by the Council in the next regularly scheduled, public meeting. The Council shall issue a written decision either granting, granting with modifications or conditions, or denying the variance request within five business days from the closing of the meeting. The Council shall provide a copy of its written decision to the persons of record.

(2) STANDARD OF REVIEW. Any request for variance not related to pedestrian and vehicular safety will be deemed ineligible. The Council may consider granting a variance when:

- (I) The granting of the variance will not substantially impair the intent, purposes, or integrity of the ordinance, will not conflict with county law, and will not adversely affect the health, safety, welfare, or peace of the general public; and either
- (II) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions; or
- (III) The strict application of the general regulations herein will result in peculiar and unusual practical difficulties too, or exceptional or undue hardship upon, the owner/occupier of the property.

(F) Any person aggrieved by a final order of the mayor and town council issued under this section may file a petition for judicial review with the clerk of the circuit court of Prince George's County. The procedures for an appeal from a final order of the mayor and town council shall be governed by Title 7, Chapter 200 (judicial review of administrative agency decisions) of the Maryland rules, as amended.



SECTION 3. Be it further ordained that all ordinances or parts of ordinances in conflict with this Ordinance and any of the provisions of this Ordinance are hereby repealed.

SECTION 4 Be it further ordained this Ordinance shall become effective at the expiration of thirty (30) calendar days following its adoption.

Passed and Adopted this _____ day of _____ 2023.

Rocio Treminio-Lopez, Mayor

Stefan Leggin, Vice Mayor

Marcus Monroe, Council Member

Quianna Taylor, Council Member

Lauren Rauk, Council Member

ATTEST:

Larry Moran, Town Clerk