

Open Work Session
Grass Clippings on County Roads – Proposed Regulations
May 5, 2020

Mr. Dodd said this is something he suggested. He explained, a lot of times he sees yard companies blowing grass and leaves on the street, and in some areas it is illegal. He said he thinks the City has something in their Property Maintenance Code about it, but he thinks it is forgotten. He said he knows the State has something, but it is all clumped in with debris and other issues, and a lot of enforcement people are not aware of it. He said he was asked about this. He said he rides a motorcycle, and he hit a patch of grass when he was younger just going around a U-turn, and thought he broke his leg because his bottom kicked out and he caught his leg on the foot peg. He said he has not forgotten that. He said he sees articles all the time in biker magazines and in the news where motorcycles are hitting these patches of grass and wiping out, and they are dying. He said, as a matter of fact, he read something that happened this time last year in Virginia when a lady was killed while she was riding a motorcycle by herself and hit a patch of grass. He said he did a Google search, and there are tons of articles on this, and what he has come up with is that a lot of jurisdictions are not aware of these Codes that are mixed in together. He said he will ask Mr. Taylor to expand on the State Code, but a lot of States are that way. He said there is one County where the news went to them about it after the person was killed, and the Sheriff said they did not even know there was Legislation on the books about grass clippings on the road. He said he would like to work on some Legislation in the near future before someone gets killed. He then asked Mr. Taylor to expand on this.

Mr. Taylor said, first of all, they actually have something in the Code. He said it is kind of arcane, and it requires looking at two different sections, but they have something under their nuisance law that references another part of the Code that prohibits putting what they call yard trimmings, and that is a commonly used statutory term that includes, grass, leaves, brush, clippings, twigs, etc., so they have something. He clarified, the reason he wanted to look at State Code was he wanted to see what, if anything, they had, and he found that they do have something that is more or less the same kind of prohibition. He said, in the case of the State Code, they are fairly stiff misdemeanor penalties, including a fine of up to \$1,500, and he thinks three months in jail, but he will say, from doing a little research, this is not very common. He said the other part is there are provisions in the State statute that, essentially, preempt County Legislation. He said it is very unusual because, under the preemption part, it confers upon all the municipalities in Maryland the power to enact their own Legislation, but for a County, they have to be specially approved by the General Assembly, and there are four, including one that was added this year in Anne Arundel County. He said he thinks, if they are going to do anything further, they probably should get the same kind of authority that Anne Arundel got this year and that three other Counties have gotten in the past. He said, as far as immediate enforcement, he thinks they have something on the books, but whether it is preempted or not, but he cannot tell them that right now. He said there is something there, and he thinks, if they want to amend it or augment it, it would be wise to get State authority before they do that. Mr. Dodd said he agrees with Mr. Taylor.

Mr. Dodd said another issue with the grass clippings is environmental issues. He said there are environmental laws out there with this, and he knows he always looks to Mr. Hastings as being the environmental expert, so he may be able to elaborate on the environmental issues with grass clippings

hitting the rivers, creeks, and the Bay. He then asked Mr. Hastings to comment on that, to which Mr. Hastings responded, there are a lot of things to say there. He said it depends on if it is a farm or a smaller operation, but he thinks the bigger issue seems to be in the City. He said he does not know that there is any specific Legislation that he knows of that prevents that, but it is an issue with getting nitrogen or phosphorus into the Bay through this. He said, with grass clippings in general, and pet waste, they definitely want to keep that out of the water, and out of the waterways and ditches.

Mr. Dodd said he would like to move forward on this, but they do not have to do it right away, and he would like to look into the State more, and he knows Carroll County has this on the books. He said he and Mrs. Hurley had a discussion, and he found another County that has the law in another State, but they also have a web page set up for education. He said maybe they could start off with the County webpage and try to educate people and some of these yard companies on the right way to cut grass.

Mr. McCain said he is not so sure this is something Legislatively they need to be moving forward with rather than more of a public service educational campaign to educate their residents. He said they have, essentially, laws on the books, and the State has laws on the books saying they should not have grass clippings going onto the County roads, so maybe their focus needs to be more on an educational campaign to make people aware of this. Mr. Hastings said he will add on by saying that certainly in the City of Salisbury there are a lot of grass clippings, pine needles, and sticks clogging up the drains that cause a bit of a flooding issue. He said, as Mr. McCain said, this might be an issue of public education too. He said there is only so much they can do Legislatively, but, at the same time, they obviously do not want to have continued flooding, and he sees that on his street and others. Mr. Dodd said anytime it rains he can ride down any street that has gutters and he sees where the drains are clogged with grass, leaves, sticks, and even trash. Mr. Dodd said he is willing to start with just the educational process.

Mr. Taylor said, obviously, for grass cutting companies that are doing this on a regular basis, maybe after a warning, there is that State Code provision, which is pretty stiff, so there is some way if somebody is flagrantly doing this to address it right now. He said, on the proposed State Legislation, the thing for Anne Arundel County went through with no amendments and an entirely unanimous vote in both Houses, so he thinks all they would have to do is ask their local Delegation to take that law and just change Anne Arundel County to Wicomico County, and put it in the hopper.

Mr. Cannon said Council could go to that trouble to appeal to the State, and they could have the additional regulations, but the only thing is they are going to still be in the same position. He clarified, just because they create a new law, which is sort of repeating the existing law, it does not mean that the public is going to be any more cooperative. He said half of them are not even going to know they have passed this Legislation, so he thinks it comes back to the educational process. He said they only have one Sheriff's Department, so it is very easy, he thinks, to educate law enforcement, and it is not as if there are five or six of them they would have to talk to, there is only one. He said the other side of that is to educate the public. He said, if they go to the State of Maryland and try to go through all the routines of getting Legislation passed, and they already have it on the books, he does not think it is going to add to the enforceability of it. Mr. Dodd said his thought on that, and Mr. Cannon brought up a good point, is it was pretty much explained that it is vague, and that people do not know it is there, so his thought was to make it separate. He explained, he has done a lot of research on this in the last two

years, and in the last week or so he has done a lot more research. He said, when he Googles grass clippings and legislation, it will come up with many articles, and it is all across the nation, but a lot of people do not even know it is on their books. He said he would like to keep this on their radar screen, but start with some education, if that is okay. Mr. Cannon said he guesses the question is, and Mr. Dodd would probably have to go through the Executive's Office on this, but who would do this, where would this come through, would it be Emergency Services, and who is going to do the process? Mrs. Aclé said, unfortunately, she found there is not one Department that really does community outreach, and that is something they are definitely missing in the County. Mr. Cannon said maybe it could be part of an educational process with Public Works as they have done similar things with ditches and things like that.

Mr. Strausburg said he thinks that this really is an issue for their Roads Department in their Public Works Department. He said this is definitely an MS4 issue, and he thinks they could start with a public education campaign, and then that could evolve whereas, if they continue to put grass clippings, leaves, etc. onto County Roads and pan gutters, they are going to have the ability to fine them. He said it is clearly an issue, and he thinks it is an MS4 issue, and he thinks it needs to be addressed.

Mr. Dodd said it is all over the County, and they have a Sheriff's Department with quite a few motorcycle riders in their motor unit, and he would hate to lose one of them because they come around a corner and hit a patch of that grass. He said they have Delmarva Bike Week coming up with over 100,000 coming through here, so it is really difficult to think about somebody getting injured or killed on a motorcycle. He said this past Friday one of the local schools cut their grass and it was all out front on the street. He said he took a picture of it and showed it to Mrs. Hurley, so it is an education process with many Departments. Mr. Strausburg said he hears Mr. Dodd loud and clear, and he thinks they need to address this. Mr. Dodd said he is willing to work with Mr. Strausburg, and he is sure the Sheriff would too because he has people out there who he cannot afford to lose. There was no further discussion.

Signatures on next page

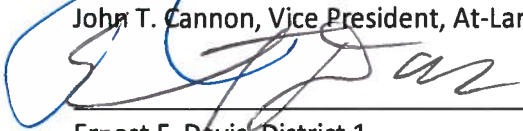
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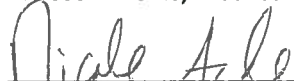
Larry W. Dodd, President, District 3



John T. Cannon, Vice President, At-Large



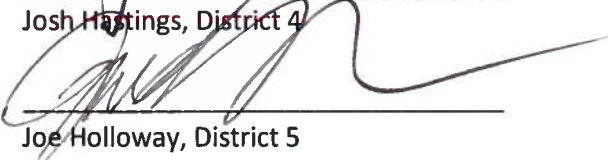
Ernest F. Davis, District 1



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Laura Hurley, Council Administrator