

Model Weed Ordinance

- Draft - 7/11/2008

Purpose:

A variety of landscapes add diversity and richness to the quality of life in <location>. There are, nonetheless, reasonable expectations regarding the <city or township's> landscape which, if not met, may decrease the value of nearby properties, degrade the natural environment, or threaten public health and safety. It is, therefore, in the public interest and within the purview of this legislation to provide standards for the development and maintenance of the <city or township's> or township's> landscapes, whether corporate, private, or public.

The <city or township> recognizes the landowners' interest in having managed turf grass landscapes. At the same time, the <city or township> encourages the preservation, restoration, and management of native plant communities and wildlife habitats within the <city or township> limits. The <city or township> recognizes that the use of wildflowers and other native plants in managed landscapes is economical, reduces maintenance, and effectively conserves water, soil, and other elements of the natural community. Moreover, the preservation, restoration, and management of native plant communities and wildlife habitats may reduce introduction of toxic pesticides, herbicides, fertilizers, and other pollutants into the environment.

The <city or township> further acknowledges the need to enjoy and benefit from the variety, beauty, and practical values of natural landscapes, and seeks to guarantee citizens the freedom to employ varying degrees of natural landscaping as viable and desirable alternatives to other conventional modes of landscaping.

The <city or township> seeks to encourage each landowner to create and sustain a condition of ecological stability on his or her land, that is, a state of good health and vigor, as opposed to one of impairment and decline. It is not the intent of this legislation to allow vegetated areas to be unmanaged or overgrown in ways that may adversely affect human health or safety, or pose a threat to agricultural activity. It is the express intent of this <city or township> that it shall be lawful to grow native plants, including, but not limited to ferns, grasses, forbs including wildflowers, aquatic plants, trees, and shrubs in a landscape when these plants were obtained in accordance with local, state, and federal laws.

Standards relative to noxious weeds and Invasive Plants

A. Definitions: The following terms shall have the stated meanings.

Landowner: One who owns or controls land within the <city or township>, including the <city or township> itself.

Turf Grass: Grass commonly used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends).

Preservation or Restoration Area: Any lands managed to preserve or restore Ohio's regionally native grasses and forbs, trees, shrubs, wildflowers, and aquatic plants; an old-field succession of native and non-native, non-noxious plants; or, a combination of these.

Destruction: The complete killing of plants, or effectually preventing such plants from maturing to the bloom or flower stage.

B. Weeds and Invasive Plants: The following plant species are defined as "noxious weeds":

Wild Mustard (*Brassica kaber* var. *pinnatifida*), Musk Thistle/Nodding Thistle (*Carduus nutans*), Oxeye Daisy (*Leucanthemum vulgare*), Canada Thistle (*Cirsium arvense*), Poison Hemlock (*Conium maculatum*), Wild Carrot/Queen Annes Lace (*Daucus carota*), Purple Loosestrife (*Lythrum salicaria*), Wild Parsnip (*Pastinaca sativa*), Mile-a-Minute Weed (*Polygonum perfoliatum*), Russian Thistle (*Salsola iberica*) Cressleaf Groundsel (*Senecio glabellus*) Shattercane (*Sorghum bicolor*), Johnsongrass (*Sorghum halepense*) abandoned Grapevines (*Vitis* spp.), Giant Hogweed (*Heracleum mantegazzianum*), Apple of Peru (*Nicandra physalodes*), Marestail (*Conyza canadensis*), Kochia (*Bassia scoparia*) and Palmer amaranth (*Amaranthus palmeri*). Two species are regulated from sale, offer for sale, or plant seed or plants without a permit issued by the director of agriculture for controlled experiments: (927.682) Purple Loosestrife (*Lythrum salicaria*) and (927.681) Multiflora rose (*Rosa multiflora*).

The following plant species are defined as "Invasive plants" which escape yards and cause harm to natural areas in the <city or township> of <city or township name>: Amur, Morrow and Tatarian Honeysuckle (*Lonicera maackii*, *L. morrowii* and *L. tatarica*), Glossy Buckthorn and Common Buckthorn (*Rhamnus frangula* and *R. cathartica*), Garlic Mustard (*Alliaria petiolata*), Purple Loosestrife cultivars and related hybrids (*Lythrum virgatum* L), Common Reed Grass (*Phragmites australis*), Reed Canary Grass (*Phalaris arundinacea*), Autumn-Olive and Russian-Olive (*Elaeagnus umbellata* and *E. angustifolia*), Japanese Honeysuckle (*Lonicera japonica*), Asian Bittersweet (*Celastrus orbiculatus*), Japanese Knotweed (*Polygonum cuspidatum*), Narrow-leaved and Hybrid Cattail (*Typha angustifolia* and *T. Xglauca*), Eurasian Water-Milfoil (*Myriophyllum spicatum*), Smooth Brome Grass (*Bromus inermis*) Canada Thistle (*Cirsium arvense*), Common and Cut-Leaved Teasel (*Dipsacus fullonum (sylvestris)* and *D. laciniatus*), White and Yellow Sweet-Clover (*Melilotus alba* and *M officinalis*), Tree-of-Heaven (*Ailanthus altissima*), Lesser Naiad (*Najas minor*), and Curly Pondweed (*Potamogeton crispus*).

C. Landowners' Rights and Responsibilities: This ordinance shall apply equally to all landowners, including the <city or township> of <city or township name>. Every landowner having lawns of the conventional turf grass type shall be responsible for managing the turf grass at a height not to exceed 12 inches (Ord. 858-01 §§ 1 (part), 6 (part)). Every landowner must manage vegetated areas in a landscaped fashion so there are no adverse effects to human safety or health. No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall allow previously defined noxious weeds or Invasive plants to remain on the premises and shall be responsible for the destruction of all previously defined noxious weeds or Invasive plants on land that he/she shall own or control. Every landowner has the right to allow vegetation to stand through winter to provide essential elements to the natural ecosystem that maintains local environmental health and to allow snags (dead tree trunks with

portions of sound limbs that provide nesting opportunities for native birds) to remain standing that would not pose a safety issue. Owners must keep pavements, gutters, and dedicated portion of the street, alley or easement abutting his or her property clear of all health hazards including Ragweed allergens, including Common and Giant Ragweed (*Ambrosia artemisiifolia* and *Ambrosia trifida*), plants with dangerously large stickers, Poison Ivy (*Toxicodendron radicans*/*Rhus radicans*), and should shorten all limbs and height of any dead trees to maintain human and property safety.

D. Controls. The <city or township> may not damage, remove, burn, or cut vegetation of any landowner for which the <city or township> does not have management responsibilities, except those species prohibited herein (see SECTION B Weeds and Invasive Plants), and except on order of a court of record following a hearing at which it is established (1) that previously defined noxious weeds or Invasive plants specifically named in the landscape ordinance exist in the landscape; or (2) that a condition creating a clear and present hazard to public health or safety has arisen; or (3) that the condition is a threat to the agricultural economy; or (4) that the conditions of SECTION C, entitled Landowners' Rights and Responsibilities, have not been met. A court order under these subsections shall provide that the destruction, cutting, or removal of the offending vegetation shall be selective so as not to harm that vegetation which is compliant with the law. In all such cases, the cost of the undertaking shall be attached to the landowner's tax statement.