

ORDINANCE NO. 2002-1135

ABATEMENT OF NOXIOUS WEEDS

WHEREAS, the United States Plant Protection Act of 2000 defines Noxious Weeds as "...any plant or plant product that can directly or indirectly injure or cause damage to crops...or other interests to agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment"; and,

WHEREAS, the Oregon State Weed Board defines Noxious Weeds as "...exotic, non-indigenous, species that are injurious to public health, agriculture, recreation, wildlife, or any public or private property"; and,

WHEREAS, Oregon Revised Statute 570.505 declares that noxious weeds are a menace to the public welfare, and that steps leading to eradication and control are necessary; and,

WHEREAS, Many properties throughout Sherwood are infested with noxious vegetation, and Sherwood's municipal code does not adequately address the abatement of noxious vegetation; and,

WHEREAS, many local property owners and businesses still propagate, plant, and sell plants identified as being noxious by State and Federal Noxious Weed Lists; and,

WHEREAS, the City of Sherwood wishes to contribute to the eradication of noxious weeds, and improve the condition of natural areas in the city and state;

Section 1. Purpose

Chapter 8.16.160 of the Property Maintenance Code requires property owners to maintain their properties free of weeds, and Chapter 9.44.020 Nuisances (Noxious Vegetation) requires property owners to remove vegetation that poses a threat to public safety. This ordinance serves to address specific noxious weeds and identify some of the region's more prevalent and disruptive species, with measures to prevent the introduction and establishment of weed infestations, and encourage the removal of existing infestations.

Section 2. Findings

After full and due consideration of the Noxious Weed Management Plan adopted by Council Resolution 2002-047, the record and findings of fact, the Council adopts the findings contained in the staff report dated May 3, 2002 (to City Council), and further finds that the proposed amendment to the Sherwood Municipal Code is consistent with the purposes of ORS 570.505.

Section 3. Decision

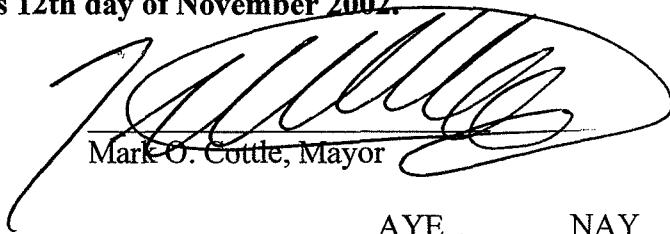
The Abatement of Noxious Weeds Ordinance is approved and Title 9 of the Sherwood Municipal Code amended to include ordinance language detailed in attached Exhibit A, dated October 22, 2002.

Section 4. Severability

If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

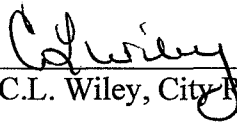
Section 2. Effective Date. This ordinance shall become effective the 30th day after its adoption by the City Council and approval by the Mayor.

Duly passed by the City Council this 12th day of November 2002.



Mark O. Cottle, Mayor

ATTEST:



C.L. Wiley, City Recorder

	<u>AYE</u>	<u>NAY</u>
Heironimus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Durrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Claus	<u>Absent</u>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fox	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cottle	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7 th seat vacant		<input type="checkbox"/>

EXHIBIT 'A'

ORDINANCE 2002-1135 ABATEMENT OF NOXIOUS WEEDS

Section 1. Purpose. Chapter 8.16.160 of the Property Maintenance Code requires property owners to maintain their properties free of weeds, and Chapter 9.44.020 Nuisances (Noxious Vegetation) requires property owners to remove vegetation that poses a threat to public safety. This ordinance serves to address specific noxious weeds and identify some of the region's more prevalent and disruptive species, with measures to prevent the introduction and establishment of weed infestations, and encourage the removal of existing infestations.

Section 2. Definitions

1. **"Control"** means, as appropriate, eradicating, suppressing, reducing, or managing weed species populations, preventing the spread of weeds from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of weeds and to prevent further invasions.
2. **"Introduction"** means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.
3. **"Native species"** means, with respect to a particular ecosystem, a species that historically occurred or currently occurs in that ecosystem, other than as a result of introduction.
4. **"Natural Areas"** are lands set aside for the preservation of significant natural resources, open space, and remnant landscapes, including wetland, riparian and upland areas and are intended to be left-alone or managed in a natural state.
5. **"Noxious Weeds"** are exotic, non-indigenous, plant species that are injurious to public health, agriculture, recreation, wildlife, or any public or private property.
6. **"Nuisance Plants"** are native, naturalized, or exotic plant species that tend to dominate plant community and/or pose an inherent risk to public health.
7. **"Prohibited Plants"** are plants that are banned from being used in all landscaping situations, propagated, and sold within the City limits.
8. **"Species"** means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.
9. **"Wetlands"** are areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 3. Nuisance Plants. While the following list of plants are not prohibited within the city limits, the City encourages and may require removal if upon

determination the infestations pose a public health risk or threaten to invade an adjacent, uninfected, sensitive area. These plants may be native, naturalized, or exotic. They are divided into two groups — plants which are considered a nuisance because of their tendency to dominate plant communities, and plants which are considered harmful to humans. Other local, state, or federal laws may still regulate removal of certain plants on this list.

Dominating Plants	
Scientific Name	Common Name
Acer platanoides	Norway Maple
Ailanthus altissima	Tree-of-heaven
Alliaria officinalis	Garlic Mustard
Chelidonium majou	Lesser Celandine
Cirsium arvense	Canada Thistle
Cirsium vulgare	Common Thistle
Clematis ligusticifolia	Western Clematis
Clematis vitalba	Traveler's Joy
Convolvulus seppium	Lady's-nightcap
Cortaderia selloana	Pampas grass
Crataegus sp. except C. douglasii	Hawthorn, except native species
Daucus carota	Queen Anne's Lace
Egeria densa	South American Waterweed
Elodea densa	South American Waterweed
Erodium cicutarium	Crane's Bill
Geranium robertianum	Robert Geranium
Hypericum perforatum	St. John's Wort
Ilex aquafolium	English Holly
Iris pseudacorus	Yellow Flag
Lemna minor	Duckweed, Water Lentil
Leontodon autumnalis	Fall Dandelion
Myriophyllum spicatum	Eurasian Watermilfoil
Poa annua	Annual Bluegrass
polygonum coccineum	Water Smartweed
Polygonum convolvulus	Climbing Bindweed
Polygonum sachalinense	Giant Knotweed
Prunus laurocerasus	English, Portugese Laurel
Rubus laciniatus	Evergreen Blackberry
Senecio jacobaea	Tansy Ragwort
Solanum dulcamara	Blue Bindweed
Solanum sarrachoides	Hairy Nightshade
Taraxacum officinale	Common Dandelion
Utricularia vulgaris	Common Bladderwort
Vinca major	Periwinkle (large leaf)
Vinca minor	Periwinkle (small leaf)
Xanthium spinoseum	Spiny Cocklebur

various genera	Bamboo sp.
Harmful Plants	
Scientific Name	Common Name
Conium maculatum	Poison-hemlock
Laburnum watereri	Golden Chain Tree
Rhus diversiloba	Poison Oak
Solanum nigrum	Garden Nightshade

Section 4. Prohibited Plants. Prohibits the following plants from being used in all landscaping situations, propagated, and sold within the City limits. This provision applies to the below named species only, and includes any sub-species, varieties, or cultivars of these species. Additional plant species may be prohibited by adopted land use plans in specific areas or situations.

Prohibited Plants	
Scientific Name	Common Name
Convolvulus arvensis	Field Morning-glory
Cytisus scoparius	Scotch Broom
Hedera helix	English Ivy
Lythrum salicaria	Purple Loosestrife
Phalaris arundinacea	Reed Canarygrass
Rubus discolor	Himalayan Blackberry

Section 5. Modification of plant lists. Plants may be added to or removed from the lists provided in Sections 3 and 4, when requested and approved by Council. When an amendment to either list is requested, Staff will consult with at least 3 or more knowledgeable persons with botany, biology, or landscape architecture backgrounds to determine if the requested change is warranted.

Section 6. Requirement to abate plants identified in Sections 3 and 4. Property owners may be required to remove infestations of certain plants, identified in Sections 3 and 4, based upon one of the following determining factors: the plant species poses an inherent risk to public health, as per Chapter 9.44.020; the plant species was not previously found within the region and is known to significantly impact local environmental resources; and the plant species poses an inherent risk of invading and significantly altering and impacting nearby uninfected properties.

Section 7. Eradication of weeds when owner or occupant refuses to do so. If the owner or occupant of the land fails or refuses to immediately destroy or cut weeds, when requested per Section 6, the City Manager or designee may authorize Staff to go upon the property and destroy the noxious weeds; unless the destruction or control of the weeds on any property is in the judgment of Staff impracticable because the weeds may be too far advanced or if for any other reason the means of control available are unsatisfactory.

Section 8. Weed abatement activities on public lands subject to certain regulations. Private citizens wanting to perform noxious weed control activities on public lands shall request written permission from the city or jurisdictional agency prior to the commencement of any work. All work must comply with practices outlined in the City's Weed Management Plan.

Section 9. Wetlands and Natural Areas. Prohibits the deliberate introduction and planting of vegetation identified in Sections 3 and 4 in natural areas and wetlands within the City of Sherwood. Weed control activities within properties designated as wetlands and natural areas, shall utilize approved treatment techniques that minimize impact to the surrounding ecosystem. Treatment area shall be restored with regionally-historic native plant species.

Section 10. Noxious weed debris disposal and transportation. All cut debris will be disposed of in such a way as to limit seed dispersal or new growth on uninfected properties. No person shall, without prior authorization, deposit cut noxious weed debris on public property or the private property of another person. Prior to transportation, cut debris shall be covered and contained in such a way to prevent seed and cutting dispersal.

Section 11. Duty to clean machinery before moving. No person operating or having control of any machinery used to remove or cut plants identified in Sections 2 and 3, shall move said machinery over any public road or from one property to another without first thoroughly cleaning and inspecting the machinery following any noxious weed treatment operation, as to prevent the spread of seeds and cuttings to uninfected properties.

Section 12. Coordination with county, state and federal authorities. Staff shall coordinate weed control activities in addressing regionally identified high priority weed species and ensure all weed control activities comply with county, state, and federal regulations and laws.

Section 12. Violation-Penalty. Any person violating any provision of this chapter or any rule or regulation adopted pursuant hereto, upon conviction, shall be punishable by a fine of not more than five hundred dollars (\$500.00)