

Amended Ordinance No. 04 -19

By: Troy Markham

An Ordinance to amend Section 1492.01 in order to.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That Section 1492.01 is hereby amended as follows:

1492.01 VEGETATION/WEED CONTROL REQUIRED.

(a) No owner or occupant having charge or control of a premises in the City shall permit noxious or rank vegetation/weeds to grow thereon, constituting a nuisance or danger to public health and safety.

(1) ——"Noxious vegetation/weeds" are defined as any plant designated as injurious to public health, agriculture, recreation, wildlife, or property and include, but are not limited to:

- (a) Non-ornamental varieties of thistle (*Cirsium arvense*, *Cirsium vulgare*, *Carduus arvensis*)
- (b) burdock (*Arctium minus*)
- (c) jimson weed (*Datura stramonium*)
- (d) ragweed (*Ambrosia artemisiifolia*)
- (e) mullein (*Verbascum thapsus*)
- (f) poison hemlock (*Conium maculatum*)
- (g) poison ivy (*Toxicodendron radicans*)
- (h) poison oak (*Toxicodendron diversilobum*)
- (i) poison sumac (*Toxicodendron vernix*)
- (j) pokeweed (*Phytolacca decandra*)

(1) "Noxious vegetation/weeds" are defined to include, but are not limited to:

- A. Thistle
- B. Burdock
- C. Jimsonweed
- D. Ragweed
- E. Mullein
- F. Poison ivy
- G. Poison oak
- H. Poison sumac

(2) Vegetation of rank growth includes, but is not limited to excessive growth of plants that blocks vision or is uncultivated, grass/lawn areas that exceed eight inches in height and bushes, shrubs, flowers, trees, branches and limbs that extend into or

overhang the public right-of-way. Such vegetation shall constitute a public nuisance or danger to public health and safety.

(b) Restrictions on Growth of Bamboo.

(1) Definitions. As used in this chapter, certain terms are defined as follows:

A. "Bamboo" means any tropical or semi-tropical grasses classified as "running bamboo" with monopodial (leptomorph) rhizome (root) systems which typically send off the rhizomes far away from the plant.

B. "Bamboo Owner" means any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property. Any property owner or resident at whose property Bamboo is found will be considered a Bamboo Owner, except any property owner or resident who:

1. Did not plant or grow or cause Bamboo to be planted or grown on his or her property; and
2. Has provided satisfactory proof to the City that, within a reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining or neighboring property, advised the owner of such property, by delivery of a written notice, of an objection to the encroachment of the Bamboo and a request for the Bamboo to be removed; and
3. Has initiated steps for the removal of the Bamboo from the property.

(2) Applicability. For purposes of this Section **1492.01** (b), Bamboo found growing upon property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and with the consent of the owner upon whose property the Bamboo is growing. If the Bamboo is found to have encroached, spread, invaded or intruded upon any property other than the property on which it was planted, including public property and right-of-way, it shall be presumed that the Bamboo is "running bamboo" as defined herein, and subject to the provisions of this Section **1492.01** (b).

(3) Duty to Confine. All Bamboo Owners must confine Bamboo in a manner that will prevent the Bamboo from encroaching, spreading, invading or intruding onto any other private or public property or right-of-way, and shall be required to take any such reasonable measure to do so, including but not limited to the installation of a properly constructed and maintained underground physical barrier system. A Bamboo Owner who fails to confine Bamboo to the Bamboo Owner's property shall be subject to the provisions of Section **1492.03** and **1492.04** herein.

(4) Property Owners Affected by Bamboo. In the event that a property owner notifies a Bamboo Owner that Bamboo is encroaching, spreading, invading or intruding upon such property owner's property, as required under Section **1492.01** (a), such notifying property owner shall give consent to the Bamboo Owner for the Bamboo Owner to enter such notifying property owner's property in order that the Bamboo Owner may remove the Bamboo thereon. Failure to give consent shall hold the notifying property owner responsible for the removal of the encroaching Bamboo at such property owner's cost. Consent hereunder shall also be

deemed to be consent given to a contractor that the Bamboo Owner may hire for the removal of the Bamboo, and to the City or the City's contractor should that become necessary. Neither the Bamboo Owner, the City, nor a contractor hired on behalf of the Bamboo Owner or the City to remove Bamboo from a neighboring property, shall be liable for incidental damages caused by the removal of the Bamboo.

(Ord. 17-18. Passed 8-28-18.)

Section 2.

That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.


Passed Feb. 19th, 2019



Lori Ann Felbel, President of Council

Attest: , 2019
William Harvey, Clerk of Council

Approved: Feb 19, 2019



Benjamin Kessler, Mayor

First Reading: 1-22-19

Second Reading: 2-5-19

Third Reading: 2-19-19