



Legislation Details (With Text)

File #: 0977-2017 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/4/2017 **In control:** Rules & Reference Committee

On agenda: 5/1/2017 **Final action:** 5/4/2017

Title: To amend Sections 703.24, 709.01, and 709.03 of the Columbus City Code in order to remove milkweed from the list of noxious weeds and to clarify the exception for the growth of noxious weeds when used for agricultural or horticultural purposes.

Sponsors: Elizabeth Brown, Jaiza Page

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/4/2017	1	CITY CLERK	Attest	
5/3/2017	1	MAYOR	Signed	
5/1/2017	1	COUNCIL PRESIDENT	Signed	
5/1/2017	1	Columbus City Council	Approved	Pass
4/17/2017	1	Columbus City Council	Read for the First Time	

BACKGROUND: This ordinance amends Sections 703.24, 709.01, and 709.03 of the Columbus Health, Sanitation, and Safety Code, Title 7, dealing with weeds and rank growth. In 2001, the City updated Title 7 resulting in Ordinance 0858-01. That ordinance created a new “Health, Sanitation, and Safety Code”. The Health, Sanitation, and Safety Code consisted of 7 new chapters. These new chapters included; a definition of weeds, a list of noxious weeds, and delineated the standards regarding such weeds. Since 2001, the City has been evaluating the status of noxious weeds in an effort to understand and improve natural habitats and impact on pollinators, and now proposes several minor changes involving the classification of milkweed and to clarify exceptions for growing noxious weeds. Milkweed is currently classified as a noxious weed by the City of Columbus. Milkweed is the only plant where monarch butterflies lay their eggs but the use of pesticides and habitat destruction has decreased the availability of milkweed to monarch butterflies. Monarch butterflies act as a pollinator and contribute to the wellbeing of the food system that all animals, including humans, depend on.

FISCAL IMPACT: None

To amend Sections 703.24, 709.01, and 709.03 of the Columbus City Code in order to remove milkweed from the list of noxious weeds and to clarify the exception for the growth of noxious weeds when used for agricultural or horticultural purposes.

WHEREAS, this ordinance revises portions of the Columbus Title 7, “Health, Sanitation, and Safety Code”; and

WHEREAS, in 2001, the city updated Title 7, “Health, Sanitation, and Safety Code,” resulting in Ordinance 0858-01;

and

WHEREAS, that update implemented new regulations regarding noxious weeds and an exception for the growth of weeds if used for agricultural or horticultural reasons; and

WHEREAS, since 2001, the City has been evaluating the status of noxious weeds and now proposes several minor changes; and

WHEREAS, these changes removes milkweed from the list of noxious weeds and from the definition of “Weeds”; and

WHEREAS, milkweed contributes to the health of the local ecosystem; and

WHEREAS, in this ordinance an adjustment is made to clarify the exception for agricultural and horticultural uses; and

WHEREAS, other changes are made to clarify meanings, improve readability, and correct formatting errors; **now, therefore,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the existing Section 703.24 of the Columbus City Codes is hereby amended to read as follows:

703.24 - Letter W.

"Weeds" shall mean those plant species including, but not limited to, brush, vines or shrubs as listed in Chapter 901:5-37 of the Ohio Administrative Code, titled "Prohibited Noxious Weeds," and thistles, burdock, jimson weed, ragweed, ~~milkweed~~, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other plant species of rank growth which may potentially create, directly or indirectly, an unhealthy or unsafe condition.

SECTION 2. That the existing Section 709.01 of the Columbus City Codes is hereby amended to read as follows:

709.01 - Purpose.

This chapter establishes minimum standards and governs the responsibility of person for the control cutting and removal of weeds, noxious weeds and rank growth that may be present on any property or premises in the city Weeds, noxious weeds or rank growth may include but are not limited to brush, vines, shrubs, thistles, burdock, jimson weed, ragweed, ~~milkweed~~, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other plant species which may potentially create, directly or indirectly, a health hazard or may endanger public safety.

SECTION 3. That the existing Section 709.03 of the Columbus City Codes is hereby amended to read as follows:

709.03 - Standards relative to noxious weeds.

(A) No owner or person having charge shall suffer to grow upon the pavements or in the gutters or upon the dedicated portion of the street, alley, easement, sidewalk, or right-of-way abutting his or her premise(s) and/or property any brush, vines, shrubs, thistles, burdock, jimson weed, ragweed, ~~milkweed~~, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other noxious weeds.

(B) No owner or person having charge shall permit to grow on any property or premises in the city, any brush, vines, shrubs, thistles, burdock, jimson weed, ragweed, ~~milkweed~~, mullein, poison ivy, poison oak, poison sumac, pokeberry, grass or other noxious weeds, exceeding twelve (12) inches in height.

(C) No owner or person having charge of a dwelling, dwelling unit, multiple dwelling, business building or premises shall allow grass, weeds, noxious weeds, brush or similar vegetation to remain on the premises at such a height and density as to constitute harborage, actual or potential, for rodents or vermin.

(D) For the purpose of this code, a height of twelve (12) inches constitutes a potential hazard. ~~The foregoing shall not apply to a premise or part thereof on which such growth may be reasonably demonstrated to be for agricultural or horticultural use.~~

(E) Divisions (A), (B), (C), and (D) of this section shall not apply to a premise or part thereof on which such growth may

be reasonably demonstrated to be for agricultural or horticultural use.

SECTION 4. That prior existing sections 703.24, 709.01, and 709.03 of the Columbus City Codes are hereby repealed.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.