

**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: NUISANCES**

CHAPTER 57

WEEDS

57.01 Cutting
57.02 Costs

57.03 Natural Landscape

57.01 CUTTING. All weeds, vines, brush or other growth which constitutes a health, safety or fire hazard shall be cut or destroyed by the property owners as needed (to be determined by the Council or its authorized representative, if the property owner fails to do so) but in any event, no later than May 15 of each year and thereafter shall be cut and destroyed no later than the first day of each succeeding month through and including October 1 of each year. In the event any property owner fails to cut or destroy weeds, vines, brush, or other growth as above described, then a person or persons duly designated and appointed by the Council shall destroy such weeds, vines, brush or other growth as above described by cutting or such other method as may be necessary to make such destruction. In the event the City destroys such weeds, vines, brush, or other growth, any loss or damage to crops growing on the property or other damage caused to the property shall be borne by the owners or occupants of said property and not by the City or its employees or agents. In the event such weeds, vines, brush or other growth cannot be destroyed by the usual and ordinary methods because of the terrain or rough surface of the property, then the person or persons herein designated may grade or otherwise level said property such that a proper destruction of said weeds, vines, brush or other growth can be accomplished. In addition to the requirements provided in this section for destruction by the property owners as needed and monthly from May 15 through October 1, the Council or its duly authorized representative may from time to time require the property owners to cut or destroy weeds, vines, brush or other growth as herein described at other times, and upon failure of the property owners to cut or destroy such weeds, vines, brush or other growth, then persons herein designated shall cut and destroy such weeds, vines, brush or other growth for and on behalf of the City and the costs shall be assessed as provided herein. Upon completion thereof, the duly designated person or persons shall certify the costs and expenses as provided by law against the property to be paid as required by law.

57.02 COSTS. The costs and expenses to be assessed against the property for the cutting or destroying of weeds, vines, brush or other growth by persons designated in Section 57.01 shall be as follows:

1. Hand crews, \$22.50 per hour, minimum one hour.
2. Tractor mowers (5-7 ft. cut), \$25.00 per hour, minimum one hour.
3. Large mower (15 ft. cut), \$50 per hour, minimum \$25.00 for one-half hour or less.

(Chapter 57 added by Ordinance No. 358)

57.03 NATURAL LANDSCAPE.

1. Purpose. The purpose of this section is to promote the use of native vegetation, including native grasses and wildflowers, in managed yards and landscapes to allow the use of such plants in the preservation or restoration of natural plant communities. It is not the intent of this chapter to allow vegetated areas to be unmanaged or overgrown when such growth provides either a direct health hazard or provides a demonstrated breeding ground for fauna known to create a safety or health hazard. The City Council recognizes that a limited number of species may be indicators of neglect, a condition which may adversely affect human health or safety. Below, the City has specifically defined certain noxious weeds recognized to be indicators of neglect. The use of wildflowers and other native plants in managed landscape design can be economical, low-maintenance, effective in soil and water conservation, and may preclude the excessive use of pesticides, herbicides, and fertilizers. Furthermore, native vegetation and native plant communities, on a worldwide basis, are disappearing at an alarmingly rapid rate. The City recognizes the desirability of permitting and encouraging managed natural vegetation within the City limits of Carlisle while maintaining public health and safety.

2. Definitions. The following plant species are defined as noxious weeds and do not come within the protection of this chapter:

NOXIOUS WEEDS

<i>Sonchus asper</i> (L.) Hill	Asteraceae	Sow Thistle
<i>Sorghum halepense</i> (L.) Pers.	Poaceae	Johnson Grass
<i>Ambrosia</i> sp.	Asteraceae	Rag Weed
<i>Cenchrus incertus</i> M.A. Curtis	Poaceae	Grass Bur
<i>Rumex crispus</i> L.	Polygonaceae	Curly Dock
<i>Croton capitatus</i> Michx.	Euphorbiaceae	Dove Weed
<i>Chenopodium</i> sp.	Chenopodiaceae	Goosefoot
<i>Amaranthus</i> sp.	Amaranthaceae	Pig Weed
<i>Rhus toxicodendron</i> L.	Anacardiaceae	Poison Ivy
<i>Cirsium</i>	Arvense	Canada Thistle
<i>Convolvulus Arvensis</i>	Creeping Jenny	Field Bindweed
<i>Euphorbia</i>	Esula	Leafy Spurge
<i>Ambrosia Artemisifolia</i>		Ragweed
<i>Psilostachya</i>		Ragweed
<i>Trifida</i>		Ragweed
	English Charlock	Wild Mustard
<i>Marijuana</i>		
		Goatsbeard
		Field Dodder
		Indian Mustard
		Oxeye Daisy
		Harmful Barberry
		Bull Thistle
<i>Conyza canadensis</i> (L.) Cronq.	Asteraceae	Horse Weed

The term "managed" as used in this section means a planned and designed yard or landscape with the intent to control, direct, and maintain the growth of natural vegetation.

3. Managed Natural Landscaping. It shall be lawful to grow native and naturalized plants to any heights, including ferns, wildflowers, grasses, forbs, shrubs, and trees, in a managed landscape design as long as said plants were not obtained not in violation of local, State, or Federal laws. All managed natural landscapes are subject to the prior approval of the City Council. No employee of the City may undertake to damage, remove, burn, or cut vegetation on a managed natural landscape incorporating native plants, except those specifically prohibited herein, and except on order of the City Council following a hearing at which it is established that noxious weeds exist in a managed natural landscape and that a condition creating a clear and present hazard to public health or safety has arisen. An action for a City Council order under this subsection shall provide that the destruction, cutting, or removal of vegetation shall be selective unless general cutting, destruction, or removal is necessary to eliminate the offending condition.

4. Statements of Intent.

A. If a complaint is filed by a citizen or the City against a piece of property, the burden of proof lies with the complainant to establish that a health or safety hazard in fact exists. Natural landscapes shall be assumed to be harmless, until proven otherwise.

B. This section shall be proactively and uniformly enforced, and shall apply to all property not specifically exempted within the City limits.

C. Aesthetic judgments shall not be a consideration or play any role in determining non-compliance or compliance with this section.

D. The City shall notify the property owners of their rights of appeal.

E. It shall not be the policy of the City to enter upon private land and to destroy property thereon without due process of law.

(Section 57.03 added by Ord. 579 – Mar. 08 Supp.)

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