



# City of Columbus Legislation Report

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

File Number: 1720-2009

**ORIGINAL**

## 30-Day

**File Number:** 1720-2009

**File Type:** Ordinance

**Status:** First Reading

**Version:** 1

**Controlling Body:** Rules and Reference Committee

**File Name:** Code Revision: Title 7, Noxious Weeds

**Introduced:** 12/15/2009

**Requester:** Dev Drafter

**Cost:**

**Final Action:**

**Auditor Cert #:**

**Auditor:** When assigned an Auditor Certificate Number 1, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

**Contact Name/No.:** Paul Freedman (645-0704)

**Floor Action (Clerk's Office Only)** MENTEL ABSENT

JAN 25 2010 P 6-0

**Mayor's Action**

Mayor

JAN 27 2010

Date

**Council Action**

JAN 25 2010

Date Passed/ Adopted

PRO-TEM

President of Council

Veto

Date

City Clerk

## Title:

To amend Columbus City Code Sections 703.24, 709.01 and 709.03, dealing with the definition of weeds in Title 7, "Health, Sanitation and Safety Code", in order to correct a reference to an Ohio Administrative Code Section and to add poison sumac and pokeberry to the list of Prohibited Noxious Weeds in the City of Columbus.

**Sponsors:**

**Indexes:**

**Attachments:**

## History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Dev Drafter	12/15/09	Sent for Approval	DEVELOPMENT DIRECTOR			
	<b>Action Note:</b> Building Services Division						
1	DEVELOPMENT DIRECTOR	12/15/09	Reviewed and Approved	Dev Drafter			
	<b>Action Note:</b> nmb						
1	Dev Drafter	12/17/09	Sent for Approval	Atty Inbox			
1	CITY ATTORNEY	12/17/09	Reviewed and Approved	Dev Drafter			
	<b>Action Note:</b> jsg						
1	Dev Drafter	12/17/09	Sent to Clerk's Office for Council	City Clerk Inbox			

**EBOCO:** Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

**City Attorney:** Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

## Explanation

**BACKGROUND:**

This proposed code change deletes a reference to a section of the Ohio Administrative Code that no longer exists as the Ohio Administrative code has been updated so that all codes dealing with noxious weeds and rank growth are in one code section. This code change ensures that the local code reflects this consolidation of state code and that the Ohio Administrative Code reference that remains in the Columbus City Codes is correct

The ordinance also adds poison sumac and pokeberry, also know as inkberry, to the local list of prohibited noxious weeds as these plants can produce sever allergic reactions in members of the community and otherwise pose a nuisance when cultivated or simply allowed to grow.

These code changes were reviewed by the Columbus Property Maintenance Appeals Board at their December 14, 2009, meeting and recommended these code changes for adoption by Columbus City Council

**FISCAL IMPACT:** None.

## Title

To amend Columbus City Code Sections 703.24, 709.01 and 709.03, dealing with the definition of weeds in Title 7, "Health, Sanitation and Safety Code", in order to correct a reference to an Ohio Administrative Code Section and to add poison sumac and pokeberry to the list of Prohibited Noxious Weeds in the City of Columbus

## Body

**WHEREAS**, this proposed code change deletes a reference to a section of the Ohio Administrative Code that no longer exists as the Ohio Administrative code has been updated so that all codes dealing with noxious weeds and rank growth are in one code section; and

**WHEREAS**, this code change ensures that the local code reflects this consolidation of state code and that the Ohio Administrative Code reference that remains in the Columbus City Codes is correct; and

**WHEREAS**, the ordinance also adds poison sumac and pokeberry, also known as inkberry, to the local list of prohibited noxious weeds as these plants can produce severe allergic reactions in members of the community and otherwise pose a nuisance when cultivated or simply allowed to grow; and

**WHEREAS**, these code changes were reviewed by the Columbus Property Maintenance Appeals Board at their December 14, 2009, meeting and recommended these code changes for adoption by Columbus City Council; 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, 1959, 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 901:5-31 of the Ohio Administrative Code, titled "Noxious Weeds,"~~ and Chapter 901:5-37 of the Ohio Administrative Code, titled "Other 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 703.24 of the Columbus City Codes, 1959, 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, 1959, 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 or easement abutting his or her 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.

**Section 4.** That prior existing sections 703.24, 709.01 and 709.03 of the Columbus City Codes, 1959, are hereby repealed.

**Section 5.** That this ordinance shall take effect and be in force from and after the earliest period provided by law.