

ATTACHMENT 1

(O-2002-124)

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 16, SECTIONS 63.1601 THROUGH 63.1604 RELATING TO THE SALE, DISTRIBUTION AND CULTIVATION OF GIANT REED (*ARUNDO DONAX*), PAMPAS GRASS (*CORTADERIA SELLOANA*), GERMAN IVY (*SENECIO MIKANIOIDES*), AND TAMARISK (*TAMARIX CHINENSIS*).

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter VI, Article 3, of the San Diego Municipal Code is amended by adding Division 16, titled as follows:

**Limitations on the Sale, Distribution and Cultivation of Noxious Weeds**

Section 2. That Chapter VI, Article 3, of the San Diego Municipal Code is amended by adding Division 16, sections 63.1601 through 63.1604, to read as follows:

**§ 63.1601 Legislative Findings and Intent of Division**

The Council finds that the plants giant reed (*Arundo donax*), pampas grass (*Cortaderia selloana*), German ivy (*Senecio mikanioides*) and tamarisk (*Tamarix chinensis*) used in residential and commercial landscaping are invasive and destructive non-native plants that are highly injurious to croplands, wetlands, waterways, watersheds, and open space park and recreation areas, and are destroying and eliminating native plant species and wildlife

habitats. Giant reed fuels dangerous wildfires, causes local flooding, consumes more water than natives, and eliminates native plants and wildlife habitat. Pampas grass invades and degrades habitats along the entire California coastline. German ivy displaces native plants, disrupts natural and wildlife habitats and infests coastal and riparian areas. Tamarisk infests wetlands and riparian areas, uses more water than native plants, and sterilizes the surrounding soil. These noxious weeds have been found within the City of San Diego in residential, commercial, and open space areas, along hillsides and in creeks, and in coastal and riparian zones in many communities of the City of San Diego including but not limited to Carmel Valley, Rose Canyon, Marian Bear Regional Park, Tecolote Canyon, Los Peñasquitos Lagoon and Canyon Preserve, Mission Valley Preserve, Mission Trails Regional Park, San Diego River valley, Point Loma Navy Base, and Famosa Slough. The Council finds that these noxious weeds most likely spread through sale and distribution by nurseries and garden centers and, once established, by self-fertilization and wind dispersal of seeds. The Council further finds that without drastic, local, preventive measures, these noxious weeds will continue to spread and kill native plant species, destroy native wildlife habitats in coastal and riparian zones and open space areas, and may become a significant fire hazard within this City's jurisdiction. The

purpose of this division is to establish laws that prevent the sale, distribution, and cultivation of these noxious weeds in the City of San Diego to protect and prevent further damage to the City's wetlands, waterways, watersheds, natural and wildlife habitats and open space park and recreation areas.

**§ 63.1602 Sale, Distribution, or Cultivation of Noxious Weeds Unlawful**

Except as provided in this division, it is unlawful for any person to sell, distribute, cultivate, transfer, or make a gift of any of the following plants: giant reed (*Arundo donax*), pampas grass (*Cortaderia selloana*), German ivy, (*Senecio mikanioides*), and tamarisk (*Tamarix chinensis*).

**§ 63.1603 Bona Fide Scientific Research Exception.**

A person may cultivate specimens of giant reed (*Arundo donax*), pampas grass (*Cortaderia selloana*), German ivy, (*Senecio mikanioides*), and tamarisk (*Tamarix chinensis*). for bona fide scientific research. Whether the research is bona fide shall be determined by a senior environmental biologist of the City's Environmental Services Department, or its successor department, based on objective criteria approved by the City Manager.

**§ 63.1604 Penalties**

(a) A violation of this division constitutes an infraction punishable by a fine of up to \$250 per violation. The designated Enforcement Official may also seek injunctive relief in the Superior Court pursuant to Municipal

Code section 12.0202.

(b) Each day a violation of this division persists constitutes a separate violation.

(c) Any fine that is levied under this division for violation of section 63.1602 may be waived by the City if the violator disposes of the plant by an acceptable method as determined by the City's Environmental Services Department.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By \_\_\_\_\_  
Carrie Gleeson  
Deputy City Attorney

CLG:mm  
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Or.Dept:PARK & REC.  
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