

VILLAGE OF YELLOW SPRINGS, OHIO

ORDINANCE 2019-41

**REPEALING SECTIONS 674.02 “REMOVAL OF PLANTS AND WEEDS BY OWNER” OF THE  
CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW  
SECTION 674.02 “REMOVAL OF PLANTS AND WEEDS BY OWNER”**

**WHEREAS**, Section 674.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio provides the requirements for property owners to maintain the plants on their property and to remove any noxious or harmful weeds; and

**WHEREAS**, Village Council has determined that it would be in the best interest of the Village to repeal section 674.02 entitled “Removal of Plants and Weeds by Owner”, and adopt a new section 674.02 entitled “Removal of Plants and Weeds by Owner”

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY ORDAINS THAT:**

**Section 1.** Section 674.02 entitled “Removal of Plants and Weeds by Owner” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

**Section 2.** A new Section 674.02 entitled “Removal of Plants and Weeds by Owner” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in Exhibit A with new language underlined and **bolded** and deleted language in ~~strike through~~, which is attached hereto and incorporated herin.

**Section 4** This ordinance shall take effect and be in full force at the earliest date permitted by law.

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Brian Housh, President of Council

Passed: 12-2-2019

Attest: \_\_\_\_\_

Judy Kintner, Clerk of Council

**ROLL CALL**

Brian Housh \_\_Y\_\_    Marianne MacQueen \_\_Y\_\_    Kevin Stokes \_\_Y\_\_

Lisa Kreeger \_\_Y\_\_    Kineta Sanford \_\_ABSENT\_\_

# EXHIBIT A

## 674.02 REMOVAL OF PLANTS AND WEEDS BY OWNER.

(a) The owner of any lot or parcel of land situated within the Village, whether the same is improved or unimproved, vacant or occupied, shall conform to the regulations herein provided. Otherwise, the Village shall act in accordance with Sections [674.03](#) and [674.04](#).

(1) Such owner shall cause the following to be removed, cut or otherwise destroyed:

- A. Common ragweed - *Ambrosia artemisiifolia*.
- B. Giant ragweed (also known locally as horseweed) - *Ambrosia trifida*.
- C. Canada thistle - *Cirsium arvense*.
- D. Poison ivy - *Toxicodendron radicans*.
- E. Purple loosestrife - *Lythrum salicaria*.
- F. Tree of Heaven.
- G. Lesser celandine.
- H. Japanese knotweed.

(2) No property owner should intentionally plant any species found to be invasive by the National Park Service or the Ohio Invasive Plant Council.

(3) The following invasive species are known to have created significant impacts in Ohio or the Yellow Springs area. Property owners are strongly advised to consider a management plan for the removal of these species, using the least environmentally impactful techniques for control, as articulated by the National Park Service or the Ohio Invasive Plant Council:

- A. Bush Honeysuckles - *Lonicera maackii*, *L. tatarica*, *L. morrowii*.
- B. Wintercreeper: *Euonymus fortunei*.
- C. Japanese Honeysuckle - *Lonicera japonica*.
- D. Common & Cut-leaved Teasel - *Dipsacus fullonum*, *D. laciniatus*.
- E. White & Yellow Sweet-clovers - *Melilotus alba*, *M. officinalis*.
- F. Autumn-Olive - *Elaeagnus umbellata*.
- G. Buckthorns - *Rhamnus frangula*, *R. cathartica*.
- H. Common Reed or Phragmites - *Phragmites australis*.
- I. Reed Canary Grass - *Phalaris arundinacea*.
- J. Narrow-Leaved Cattail - *Typha angustifolia*.
- K. Smooth Brome - *Bromus inermis*.
- L. Eurasian Water-milfoil - *Myriophyllum spicatum*.
- M. Garlic Mustard - *Alliaria petiolata*.

- N. Multiflora Rose - *Rosa multiflora*.
- O. Norway maple: *Acer platanoides*.
- P. Callery pear: *Pyrus calleryana*.
- Q. Asian bittersweet: *Celastrus orbiculatus*.
- R. Lesser celandine, Fig Buttercup: *Ficaria verna*.
- S. Common privet: *Ligustrum vulgare*.
- T. Japanese stiltgrass: *Microstegium vimineum*.

(4) Managed natural landscaping of intentionally planted and maintained areas of biodiverse native vegetation are permitted provided preexisting non-native vegetation was removed prior to planting and the managed area is free of weeds as defined in Section [674.02](#)(a)(1). Managed natural landscaping of native plant communities grown through their natural annual cycle is encouraged. Examples of natural landscaping include butterfly gardens, prairies, meadows, forest, rain gardens, and low maintenance native groundcovers. These plantings provide benefits to the community including habitat for pollinators; reducing surface water runoff; lower pesticide, synthetic fertilizer and fossil fuel use; reduced greenhouse gas emissions and carbon sequestration.

(5) Such owner of a managed natural landscaping of intentionally planted and maintained areas of biodiverse native vegetation shall cut or mow or cause to be cut or mowed to a height not exceeding nine inches such vegetation growing within five feet of the interior side or rear lot line in order to prevent the same from blooming or going to seed, or within ten feet of the street side or front lot line in order to not obstruct vision for ingress and egress and to prevent the same from blooming or going to seed, provided, however, that abutting property owners may agree to waive this requirement along their mutual side or rear property lines, but not within ten feet of the street side or front lot line in order to maintain a clear line of vision.

(6) Other than a managed natural landscaping as noted above, such owner shall cut or mow or cause to be cut or mowed any other non-woody plant growth exceeding a height of nine inches.

(7) No dumping, substandard structure or stagnant water will be permitted in conjunction with unmowed plant growth. It shall be the responsibility of the owner to remove any materials dumped in an unmowed area of a lot, whether or not he or she is responsible for their having been deposited on the property. Suitably managed compost piles are not restricted by this provision.

(b) Whoever violates or fails to comply with this section, after having been notified of the violation in the manner specified in Section [674.03](#), ~~notwithstanding any action by the Village to eliminate the violation~~, is guilty of a minor misdemeanor.