

March 18, 2022

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Offered by: COUNCILWOMAN HOLLAND, COUNCILMAN FUSCO

ORDINANCE NO. _____-2022 amending and/or supplementing Title 9, Chapter 94 “Health, Safety and Sanitation,” Article 2 “Nuisances,” Section 94.29 “Noxious Weeds” of the Akron Codified Ordinances in order to support the habitats of pollinating insects; and declaring an emergency.

WHEREAS, there is a national effort to protect pollinators, such as bees and monarch butterflies, whose survival is critical to food supply and a healthy ecosystem; and

WHEREAS, the loss of milkweed plants, loss of habitat, and climate change, particularly along annual migratory paths, pose the greatest threat to the survival of the monarch butterfly population; and

WHEREAS, Northeast Ohio is in the annual migratory flight path of the monarch butterflies and local efforts to conserve the habitat and nectar sources of monarch butterflies will directly benefit the monarch butterflies that pass through Akron; and

WHEREAS, changes to Section 94.29 of the Akron Codified Ordinances updates the plants considered as “noxious weeds” to exclude certain plants that may be beneficial to pollinating and migratory insects, such as monarch butterflies, and further aligns the City’s defined “noxious weeds” with those defined by the State.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. That Title 9, Chapter 94 “Health, Safety and Sanitation,” Article 2 “Nuisances,” Section 94.29 “Noxious Weeds” of the Akron Codified Ordinances is hereby amended and/or supplemented to read as follows:

94.29 - Noxious weeds.

A. Definitions. For purposes of this section, the following definitions shall apply:

1. **“Noxious weeds” shall have the same meaning as in Section 901:5-37-01 of the Ohio Administrative Code (as may be amended) and shall also mean poison ivy and poison oak.**
2. **“Unmaintained plants” means all plants or vegetation, but does not include mowed grasses (turf lawns), trees, shrubs, cultivated flowers, gardens, or plants that are planted and maintained as part of landscaping, erosion control, or rain gardens.**
3. **“Mowed grasses” or “turf lawn” means an area of grass not to exceed eight inches in height that does not contain unmaintained plants.**
4. **“Master mowing list” means a record maintained by the City that includes properties that have failed to comply with this section.**

- B. ~~A.~~ No person who is the owner **of and/or in charge control of or responsible for** land within the City shall permit to grow **on such land** thereon any ~~ragweed, field daisies, goldenrod, burdock, yellowdock, dandelions, thistles, jimson weeds, milkweeds, polygonum, mullein, poison ivy, poison oak, or other weeds or~~ **plants that are noxious weeds. Nor shall a person who is the owner of and/or in control of or responsible for land within the City permit to grow on such land unmaintained plants and/or** grasses of rank growth, exceeding eight inches in height. Inspection shall occur during the growing season, beginning not later than April 1st of each year, and concluding no earlier than the first killing frost as recorded by the Department of Commerce, National Weather Service Office of local jurisdiction.
- C. ~~B.~~ On information that noxious weeds, including ~~ragweed, field daisies, dandelions, goldenrod, burdock, yellow dock, polygonum, thistles, or any other weeds~~ **and/or other unmaintained plants** grasses or growth which gives off offensive or noxious odors, or from which any injurious, offensive, or annoying pollen, dust, down, seed, or particles may be carried, or which may conceal filthy deposits, are growing on land within the City, the ~~Director of Neighborhood Assistance will cause the notice to~~ **shall** be posted in a conspicuous place on the subject property and served by personal service to both an occupant of the property and the owner of the property, or if personal service is not accomplished, then by mailing, by regular mail, to the address of the subject property if there is a dwelling thereon, and to the property owner at the location to which the auditor mails the tax bill for the subject property notifying the owner, lessee, agent, tenant, or other person having charge of the subject property that such **noxious** weeds or ~~other growth~~ **unmaintained plants** must be cut **and/or** destroyed within five days after posting of such notice. This notice shall contain the date of posting and the location of the property. Such **noxious** weeds or ~~other growth~~ **unmaintained plants** must be cut **and/or** destroyed within five days after personal service, mailing or posting of such notice, whichever occurs first. Such written notice and order and any appeal therefrom shall be governed by § 94.31.
- D. ~~C.~~ If the owner **and/or** other person in charge **control of or responsible for** the subject property fails to comply within ~~seven~~ **five** days from the posting of the notice, the ~~Director of Neighborhood Assistance City~~ shall cause the noxious weeds to be cut **and/or** destroyed **such noxious weeds and/or unmaintained plants** and may employ **or cause** the necessary labor to perform such work. ~~or cause it to be done by the appropriate City division.~~
- E. ~~D.~~ All expenses, administrative charges, and/or fines resulting from the City cutting and/or destroying such noxious weeds **and/or unmaintained plants** grasses shall be assessed pursuant to § 94.32.
- F. ~~E.~~ ~~One~~ **Any** notice to cut or destroy noxious weeds **and/or unmaintained plants** shall be deemed notice for all subsequent violations at the subject property, subject to the following conditions:
1. Upon service of a notice to cut **and/or remove** **destroy** noxious weeds **and/or growth** **unmaintained plants** pursuant to subsection (BC) of this section, the ~~Director of Neighborhood Assistance~~ **Director of Public Service, or their designee,** shall include the subject property **shall be included** upon a master mowing list of properties unless and until:
 - (a) The owner **and/or** other person **in control of or** responsible for the subject property successfully appeals the notice pursuant to § 94.31 such that the notice is dismissed; or

(b) ~~The Director of Neighborhood Assistance observes that~~ **The owner and/or other person in control of or** responsible for the subject property maintains the subject property in compliance with subsection (AB) of this section for a period of one hundred twenty (120) consecutive days during a growing season.

G. ~~F. Upon the Director of Neighborhood Assistance observing that a property listed upon the master mowing list has satisfied~~ **satisfaction of** subsection (Fe) of this section, ~~he shall~~ **the property shall be removed** ~~the subject property from the master mowing list. record that the notice has been complied, and otherwise close the matter with written notice to the owner or other person responsible for the subject property that such has occurred by regular mail.~~

~~G. The Director of Neighborhood Assistance shall maintain the master mowing list as a public record, updated as necessary and provided upon request, and may provide electronic access by means of a link to the website maintained by the City.~~

H. **The prohibitions described in paragraphs A and B of this section do not apply to public parks, including but not limited to, those parks owned and/or maintained by Summit Metro Parks.**

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that it is immediately necessary to support the habitats of pollinating and migratory insects, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed _____, 2022

Clerk of Council

President of Council

Approved _____, 2022

MAYOR

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AFTON CITY COUNCIL

Akron City Council - Uniform Council Report (UCR)

PART I – General Information

Subject of Requested Legislation:
Repeal/Replace Akron Noxious Weeds Ordinance to Protect Pollinators

Department/Division: Council/Elected

Requestor: Nancy Holland and Jeff Fusco Phone/Ext: 2256

If applicable, previous legislation on this subject (reference by ordinance/resolution number):

Purpose/Objective of Legislation:
To decriminalize propagation/cultivation and growth of pollinator-supporting plants, particularly Monarch Butterflies, and to make Akron's Noxious Weeds List consistent with the State of Ohio's

PART II – Financial Information

Does this Legislation directly involve the expenditure of funds? ☐ YES ☒ NO
Was this expenditure budgeted for in the current operating budget? ☐ YES ☒ NO

If "YES," describe how the budgeted amount for the project compares to the actual or estimated costs:

City Expenditures

Budgeted Costs	
Amount:	
Fund:	
Org:	
Acct:	

Estimate of Costs	
Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

City Receipts

City Receipt of Funds	
Amount:	
Fund:	
Org:	
Acct:	

Other Consideration	

Total expenditure (if applicable): \$_____

Total receipts (if applicable): \$_____

PART III – DETAILED INFORMATION:

Attach detailed information/documentation, as described in UCR Instruction Sheet.