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DATE: April 16, 2008  
TO: Honorable Mayor and City Councilmembers  
FROM: Neighborhood Services Department – Housing and Code Enforcement  
SUBJECT: **INTRODUCTION OF AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING OCEANSIDE CITY CODE SECTION 17.1(g)(4) TO INCLUDE ARUNDO, PAMPAS GRASS, AND TAMARISK AS PUBLIC NUISANCE VEGETATION**

**SYNOPSIS**

Staff recommends that the City Council introduce an ordinance amending Oceanside City Code Section 17.1(g)(4) to include Arundo, Pampas Grass, and Tamarisk as Public Nuisance vegetation.

**BACKGROUND**

At its February 20, 2008 meeting, the City Council discussed the issue of prohibiting Arundo, Pampas Grass, and Tamarisk within the City of Oceanside. These species were presented as causing flood, fire, and water preservation issues, specifically in the City's watershed areas. Included in the discussion were issues of public education, enforcement, staffing, and other governmental agency responsibilities.

Code Enforcement, Fire, Engineering and City Attorney's Office staff subsequently met to discuss amending the applicable City Code section, to evaluate any potential staffing and enforcement impacts, and to consider including the species as prohibited plants in the development review process.

**ANALYSIS**

Oceanside City Code section 17.1(g)(4) provides a general definition of nuisance vegetation. Adding the three species of Arundo, Pampas Grass, and Tamarisk to the above referenced Code section would specify them as nuisance vegetation. For Development Plan review, these species are not listed as approved plants and therefore are not permitted in any new project.

For enforcement purposes, it is recommended that local environmental groups specifically trained in invasive plant species identification, prevention, and eradication provide the necessary education and assistance to property owners in maintaining their property clear of the vegetation. Enforcement of any residual non-compliant situations could ultimately be referred to the City's Vegetation Management (Weed Abatement) contractor for abatement as nuisance vegetation. In this process, property owners are notified to abate the vegetation. Failure to voluntarily comply could result in removal of the vegetation by abatement action.

Invasive vegetation located in wetlands, designated waterways, or protected habitat/species areas, which are governed by Federal and State Law, however, would not be subject to local enforcement and abatement regulations.

**FISCAL IMPACT**

Conducting a comprehensive inspection of all properties located within the city limits to identify the existence and volume of the subject vegetation is logistically and financially unfeasible by City staff at this time. As such, estimating the exact fiscal impact to the City as a result of amending the ordinance is unknown.

Contact with both the California Department of Food and Agriculture (CDFA) and the San Diego County Agricultural Commissioner (CAC), which are the lead agencies in invasive vegetation management, also confirms that there is insufficient funding for comprehensive effective eradication efforts.

**COMMISSION OR COMMITTEE REPORT**

At its March 20, 2008 meeting, the Police and Fire Commission unanimously recommended that the City Council introduce and subsequently adopt the proposed amendment to Oceanside City Code Section 17.1(g)(4).

**CITY ATTORNEY'S ANALYSIS**

The proposed ordinance amendment has been reviewed by the City Attorney's Office and approved as to form.

**RECOMMENDATION**

Staff recommends that the City Council introduce an ordinance amending Oceanside City Code Section 17.1(g)(4) to include Arundo, Pampas Grass, and Tamarisk as Public Nuisance vegetation.

PREPARED BY:

  
\_\_\_\_\_  
David L. Manley  
Neighborhood Services Division Manager

SUBMITTED BY:

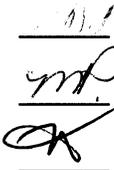
  
\_\_\_\_\_  
Peter A. Weiss  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Margery M. Pierce, Neighborhood Services Director

Terry Garrison, Fire Chief

  
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Attachments: 1. Ordinance  
2. Supplemental Information



1 SECTION 2. Severability.

2 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be  
3 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
4 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
5 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each  
6 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,  
7 subsections, clauses or phrases be declared invalid or unconstitutional.

8 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this  
9 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)  
10 days after its passage in the North County Times, a newspaper of general circulation published  
11 in the City of Oceanside.

12 This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day from and after  
13 its final passage.

14 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
15 California, held on the \_\_\_ day of \_\_\_\_\_, 2008, and, thereafter,

16 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
17 Oceanside, California, held on the \_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

18 AYES:

19 NAYS:

20 ABSENT:

21 ABSTAIN:

22 \_\_\_\_\_  
MAYOR, CITY OF OCEANSIDE

23  
24 ATTEST:

APPROVED AS TO FORM:

25  
26 \_\_\_\_\_  
CITY CLERK

27  
28 \_\_\_\_\_  
CITY ATTORNEY *SNCA*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING OCEANSIDE CITY CODE SECTION 17.1(g)(4) TO INCLUDE ARUNDO, PAMPAS GRASS, AND TAMARISK AS PUBLIC NUISANCE VEGETATION

**Source:** <http://www.issg.org/database/species>

**Arundo donax** (grass)

Giant reed (*Arundo donax*) is a perennial grass which has been widely introduced into primarily riparian zones and wetlands in subtropical and temperate areas of the world. Once established, it forms dense, homogenous stands at the expense of native plant species, altering the habitat of the local wildlife. **It is also both a fire and flood hazard.**

**Common Names:** **arundo** grass, bamboo reed, cana, cane, canne de Provence, carrizo grande, cow cane, donax cane, giant cane, giant reed, narkhat, ngasau ni vavalangi, Pfahlrohr, reedgrass, river cane, Spanisches Rohr, Spanish cane, Spanish reed

**Synonyms:** *Arundo donax* var. *versicolor* (P. Mill.) Stokes, *Arundo versicolor* P. Mill

**Cortaderia selloana** (grass)

*Cortaderia selloana* is a tall tussock grass that can reach heights of 4 meters. It is found in subtropical regions in habitats such as disturbed areas along roads and trails. **It forms dense stands that can exclude other plants and quickly become a fire hazard**, and its sharp leaves can cut skin and limit recreational use. It is often planted as an ornamental, and is also used as a wind barrier along highways and fodder for stock. A combination of physical and chemical control is required to manage this species.

**Common Names:** herbe de la pampa, **pampas grass**, silver pampas grass, silwergras, Uruguayan pampas grass

**Synonyms:** *Arundo selloana* Schult. and Schult. f., *C. argentea* (Nees) Stapf, *Cortaderia dioica* (Spreng.) Speg., *Gynerium argenteum* Nees

**Tamarix ramosissima** (shrub, tree)

*Tamarix ramosissima* is a deciduous shrub and can appear as a small tree that can grow in many different substrates. It can be found where its roots reach the water table, such as floodplains, along irrigation ditches and on lake shores and it can tolerate a wide range of saline or alkaline soils. **This species can replace or displace native woody species.** It is a poor quality food resource for aquatic consumers, and the stems change the landscape properties of gravel and cobble islands and bars. *T. ramosissima* supports few native insects and thus is poor habitat for birds. **It is able to dominate floodplain communities in the deserts of the Southwest United States** due to its ability to tolerate water stress for extended periods of time. An integrated management approach that incorporates multiple control techniques is required to manage this species.

**Common Names:** **salt cedar**, Sommertamariske, tamarisk, tamarix

**Synonyms:** *Tamarix pallasii* var. *brachystachys* Bunge, *Tamarix pentandra*