

ORDINANCE NO.

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

WHEREAS, the Oceanside City Council finds that arundo (*Arundo donax*), pampas grass (*Cortaderia selloana* and *Cortaderia jubita*) and tamarisk or salt cedar (*Tamarix chinensis*, *Tamarix gallica*, *Tamarix parviflora* and *Tamarisk ramsissima*) constitute a danger to public safety by creating a fire and/or flood hazard; and

WHEREAS, the California Legislature has found and declared that noxious and invasive weeds such as arundo, pampas grass, and tamarisk damage the integrity of riparian systems by altering erosion, sedimentation, flooding and fire; and

WHEREAS, arundo, pampas grass and tamarisk are noxious weed species within the meaning of California Food and Agriculture Code Section 5004; and

WHEREAS, the Oceanside City Council finds amendments to Oceanside City Code Section 17.1(g)(4) will not prevent, hinder or delay the effect or application of Division 4 of the California Food and Agriculture Code; and

WHEREAS, it is not the intent of the Oceanside City Council to subject areas that are governed by Federal and/or State Law, such as wetlands or designated waterways, to local enforcement and abatement regulations under Chapter 17.1;

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Oceanside City Code Section 17.1(g)(4) is amended to read:

(4) Any tree, plant, vine, or foliage, whether living, dormant, or dead, that is otherwise noxious, dangerous, or injurious to people or to city trees, or that interferes with the maintenance or inspection of a city tree, or that constitutes a danger to public safety by creating a fire and/or flood hazard, including, but not limited to, the following types of plants: arundo (*Arundo donax*), pampas grass (*Cortaderia selloana* and *Cortaderia jubita*) and tamarisk or salt cedar (*Tamarix chinensis*, *Tamarix gallica*, *Tamarix parviflora* and *Tamarisk ramsissima*).

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 (30th) 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:

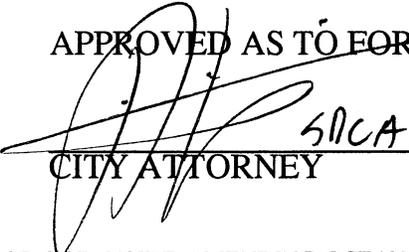
21 ABSTAIN:

22 _____
MAYOR, CITY OF OCEANSIDE

24 ATTEST:

APPROVED AS TO FORM:

25 _____
26 CITY CLERK

25 
26 _____
CITY ATTORNEY

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28 17.1(g)(4) TO INCLUDE ARUNDO, PAMPAS GRASS, AND TAMARISK AS PUBLIC NUISANCE VEGETATION