

ORDINANCE NO. _____ – 2021

AN ORDINANCE AMENDING SECTION 12-2(C)(4) OF THE CODE OF ORDINANCES TO PROVIDE AN EXCEPTION FOR NATIVE PLANTINGS CULTIVATED FOR THE PURPOSE OF INTENTIONAL NATURALIZATION FROM THE PROHIBITION ON EXCESSIVE GROWTH OF WEEDS, GRASS, AND OTHER VEGETATION AS A NUISANCE.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 12-2(c)(4) of the Code of Ordinances be and hereby is amended to read as follows:

(4) The excessive growth of weeds, grass and other vegetation as follows:

(a) Any weeds such as thistle, jimson, burdock, ragweed, cocklebur, poison ivy, poison oak, pokeweed, poison sumac, and poison hemlock and any other weed, plant or shrub, or other weed of a like kind classified by the United States Department of Agriculture as a noxious weed is prohibited and unlawful. This section shall not apply to property for which a current riparian buffer area permit is in effect.

(b) It shall be unlawful for the owner to permit any weeds, or grass, edible or not, to grow to a height exceeding ten (10) inches anywhere on such premises, including those portions thereof abutting any street, road, alley or other thoroughfare, and in the event such premises are crossed by a sidewalk, ditch, pathway, private roadway, fence or other natural or manmade boundary or divider, including those portions thereof between such boundary or divider and the edge of the thoroughfare; any such weeds or grass exceeding such height are hereby declared to be a nuisance. This section shall not apply to property for which a current riparian buffer area permit is in effect. This section shall also not apply to any crops, trees, bushes, shrubs, flowers or other ornamental plants or flowers which are maintained in a clearly definable fashion. This section shall also not apply to native plantings for the purpose of intentional naturalization, which includes plantings used for food or fiber, for aesthetic purposes, to attract or promote pollinators, to offset and control soil loss or erosion, to promote storm water control or water conservation, or to improve the soil. Naturalization does not include vegetation abandonment which is defined as the lack of premise management. Management activities include but are not limited to site preparation, planting, and maintenance. Naturalized gardens shall not contain plant species that are categorized as a level one threat by the Kentucky Exotic Plant Pest Council.

(c) It shall be unlawful for the owner or occupant of any premises to permit any tree, brush, hedge or other vegetation to grow in a manner which interferes with normal sidewalk traffic or vehicular traffic within the public right-of-way.

(d) All bushes, shrubs, plants, vines and other vegetation, whether classified as edible or not, must be maintained in a way to prevent the possible collection of trash, refuse, rubbish, garbage or debris and must not present a public safety risk and/or fire risk to the property or adjoining properties. Failure to maintain vegetation as indicated may result in its required removal.

(e) There is hereby exempted from the scope of the provisions of subsections (a) and (b) above property within the urban county zoned for agricultural uses, except that such exemption shall not apply when the property has been planned for development and a subdivision plat has been filed of record in the office of the county clerk reflecting the property as residential.

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL

PUBLISHED:

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