ORDINANCE NO. 2016-04

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING SECTION 7.06.203(1)(e) REGARDING VEGETATION USED TO SCREEN PERSONAL PROPERTY

WHEREAS, by Ordinance 2014-16 the Ivins City Council prohibited the use of noxious, toxic or invasive plants to screen the storage of personal property but made an exception for any existing use of the invasive plant arundo donax, sometimes referred to as giant cane, Carrizo, arundo, Spanish cane, Colorado River Reed, wild cane, giant reed or simply "bamboo" (all referred to herein as "bamboo); and

WHEREAS, such existing bamboo has proven to be very flammable and has been the cause of significant debris in public rights-of-way that has covered storm drain inlets which could lead to flooding of both public and private property; and

WHEREAS, the Ivins City Council desires to amend Section 7.06.203(1)(e) of the Ivins City Code to require property owners who are using existing bamboo to screen the storage of personal property to be responsible for the immediate cleanup, and/or the cost of the City to cleanup, debris in public rights-of-way and to clarify that such property owner is liable for any and all damages that may be caused by such bamboo, whether due to fire, flooding or otherwise;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH:

Section 7.06.203(1)(e) of the Ivins City Code, regarding the use of bamboo to screen the storage of personal property, is hereby amended to now read as follows:

> **7.06.203(1)(e)** Screened from View: Screened by either: a solid six foot (6') high wall/fence, vegetation (other than any vegetation that is defined by the State of Utah as a noxious, toxic or invasive plant: that is at least six feet (6') in height, or stored in an approved enclosed structure, whereby the personal property is not visible from either a public street/place or from adjoining private property. All materials used to screen personal property from view must be in compliance with city code and design guidelines and approved by the building official; ~~The foregoing notwithstanding,~~ however, any existing use of the invasive plant arundo donax, sometimes referred to as giant cane, Carrizo, arundo, Spanish cane, Colorado River Reed, wild cane, giant reed and/or simply "bamboo" (collectively referred to as "bamboo) may be allowed to continue to exist so long as it does not spread (as opposed to naturally filling along an existing boundary) and shall not be permitted to be replaced in the event of removal or destruction by any means. The foregoing exception for existing bamboo notwithstanding, any property owner who continues to use existing bamboo shall be responsible for immediate cleanup of any bamboo debris in the public rights-of-way, or shall pay the costs of the city cleaning up such debris, and may be liable for damages that may be caused by such bamboo, whether due to fire, flooding or otherwise.

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS _____ DAY OF MARCH, 2016 BY THE FOLLOWING VOTE: