

KNOX COUNTY, INDIANA
BOARD OF COMMISSIONERS

ORDINANCE NO. 11 - 2018

AN ORDINANCE PROHIBITING THE SALE AND PLANTING
OF CERTAIN INVASIVE PLANT SPECIES (NOT SEEDS)
IN
KNOX COUNTY, INDIANA

BE IT ORDAINED by the Knox County Commissioners, Knox County, Indiana that:

WHEREAS, the Knox County Commissioners recognize the detrimental effect that invasive plant species have on Knox County agriculture, forests, natural habitats and to animal and human health in general; and

WHEREAS, the Indiana Invasive Species Council has warned that landowners are spending significant funds managing the impact of invasive species in Indiana; and

WHEREAS, the Knox County Commissioners desire to mitigate the impact of invasive plants by preventing their purposeful introduction into Knox County, Indiana; and

WHEREAS, invasive species are exotic plants that cause harm to human health, economic harm, and harm to our natural areas and ecosystems; and

WHEREAS, invasive species with a rating of medium or high on the Indiana Invasive Species Council list (located at www.indianainvasivespecies.org) are causing harm to the natural ecosystem of Knox County, Indiana; and

WHEREAS, the Indiana Invasive Plant Advisory Committee determines the ratings of the invasive plants and that listing, as may be amended from time to time, may be found at www.indianainvasivespecies.org; and

WHEREAS, the Knox County Commissioners find that the attached list of plants, not seeds (**Exhibit A**) as amended by the State of Indiana or the Hearing Authority created herein, with noted exceptions crossed out, should no longer be sold, traded or imported into Knox County; and

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF KNOX COUNTY, INDIANA, as follows:

Section 1. INVASIVE SPECIES. Invasive species are non-native plants, animals or microbes that pose serious threats to human health and well-being, the environment, or our economy. Invasive plants are capable of rendering forests unrecognizable, by shading out native plants, saplings and wildflowers. Particular invasive plants are capable of hybridizing native plants and can negatively affect soil chemistry.

Section 2. PROHIBITION OF SALE OF PLANTS (not seeds). Invasive plant species identified on **Exhibit A (with exceptions)** shall not be sold in Knox County, Indiana by nurseries, retailers, grocery stores, chain stores or any other vendor (collectively “Vendor(s)”) beginning **January 1, 2020**. Other potential invasive species identified in **Exhibit B** shall not be regulated at this time, but nurseries, retailers, etc. are encouraged to avoid selling them due to some invasive tendencies in the surrounding area. If the species in **Exhibit B** or other plant species become ranked Medium or High on the Indiana Invasive Plant list, they may be regulated by this ordinance.

Section 3. INVASIVE SPECIES ALREADY PLANTED. For those landowners who have invasive species already located on their property, this Ordinance does not require that they be removed as this Ordinance is not retroactively applied.

Section 3.1. Landowners are encouraged to remove invasive species and can contact the Cooperative Invasive Species Management Authority (CISMA), currently located at 604 South Quail Run Road, Vincennes, Indiana 47591, Phone Number 812-882-8210 for technical and advisory support.

Section 4. ENFORCING AUTHORITY. The Knox County Natural Resource Specialist, or another appointee of the Knox County Commissioners shall be the enforcing authority and shall be authorized to inspect points of sale to determine if any Vendors are operating in violation of this Ordinance. The Enforcing Authority shall be authorized to administer and to proceed under the provisions of the law in ordering the removal and disposal of any of the invasive species as specified herein.

Section 4.1. The Knox County Commissioners will address the compensation for the Enforcing Authority during the budget process in 2019 for the 2020 budget and for each year thereafter.

Section 5. CONTENTS OF ORDER AND NOTICE OF HEARING. The enforcement authority may issue an order requiring action relative to any violation of this Ordinance, including:

- (1) order to cease and desist of the sale of the invasive plants;
- (2) order the immediate disposal of the offending plants;
- (3) order the immediate surrender of the offending plants to Knox County for it to dispose of the same if the vendor does not have adequate disposal facilities;
- (4) notice that costs of enforcement and disposal will be assessed against the vendor;
- (5) notice of a hearing date to be held, no sooner than ten (10) days after the service of the Order on the Vendor and no more than sixty (60) days after the service of the order on the Vendor.

Section 6. HEARING AUTHORITY. The Knox County Commissioners shall appoint a five (5) member board to be known as the Knox County Invasive Species Board (KCISB). The KCISB shall be the Hearing Authority herein. The KCISB shall use the State

Invasive Plant Species List (plants not seeds) as modified to address local Knox County requirements.

Section 6.1 Board Appointments. The initial terms of the five members will be staggered with one member serving one year, one member serving two years, one member serving three years, one member serving four years and one member serving five years. After the initial terms, all appointments are for five years or until a replacement is appointed. All appointments serve at the pleasure of the Knox County Commissioners. At all times, at least one member shall be associated with the agricultural industry and one member shall be associated with the horticulture industry.

The Hearing Authority shall meet in January of each year to organize and thereafter as needed based on Orders issued by the Enforcement Authority, or changes made by the State of Indiana to the invasive species plant list necessity meeting to discuss.

Section 6.2 Hearings, Penalties and Judicial Review. At the conclusion of any hearing at which a continuance is not granted, the Hearing Authority may make findings and take action to:

- (1) affirm the order;
- (2) rescind the order; or
- (3) modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its terms less stringent.
- (4) Impose penalties as follows:
 - (A) A fine not exceeding \$2,500 for the first violation; and
 - (B) A fine not exceeding \$7,500 for second and subsequent violations; and
 - (C) A separate violation shall be deemed committed upon each day during which a violation occurs or continues.
 - (D) The Hearing Authority has the sole discretion to determine if the violation(s) applies per plant or per location.

Judicial review of the hearing authority's order may be had by filing a complaint within ten (10) days of the action of the hearing authority. The Knox Superior Court II is the Court of judicial review for violation of this ordinance.

Upon the expiration of the above ten (10) days, the Enforcement Authority shall take the action contained in the Order.


Failure of the Vendor to pay the costs and/or fines associated with the violation of the Ordinance may result in a damages action being filed against the Vendor in the Knox County Superior Court II.

Section 7. EMERGENCY ACTION. The Enforcing Authority may take emergency action if the Enforcement Authority finds a Vendor's violation so egregious that emergency action must be taken in order to protect life, safety, or property. Emergency action may be taken without issuing an order or giving notice. However, this emergency action must be limited to removing plants in violation of this Ordinance to prevent further danger to Knox County's ecosystem.


Section 8. SEVERABILITY. Should any section, paragraph, sentence, clause, or any other portion of this Ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall be given the effect intended by Knox County in adopting this Ordinance. To this end, the provisions of this ordinance are severable.

Section 9. PUBLISHING. The Knox County Auditor shall cause this ordinance to be published within thirty (30) days of passage.

PASSED by the Knox County Commissioners this 7 day of August, 2018 by
a vote of 3 to 0 with _____ abstaining.



Kellie Streeter, President

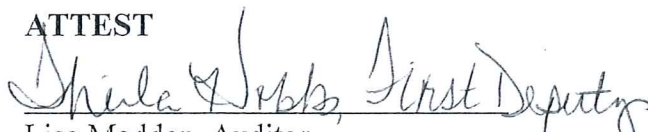


Tim Ellerman, Vice-President



Trent Hinkle, Commission Member

ATTEST



Lisa Madden, Auditor

A. The following are prohibited invasive plants (strikethrough indicates plants ranked M or H that will not be regulated at this time):

- 1) *Acer platanoides* (Norway maple).
- 2) *Achyranthes japonica* (Japanese chaff flower).
- 3) *Ailanthus altissima* (tree of heaven).
- 4) *Alliaria petiolata* (garlic mustard).
- 5) *Alnus glutinosa* (black alder).
- 6) *Artemisia vulgaris* (mugwort).
- 7) *Arthraxon hispidus* (small carpgrass).
- 8) *Berberis thunbergii* (Japanese barberry).
- 9) *Cardamine impatiens* (narrowleaf bittercress).
- 10) *Carduus acanthoides* (spiny plumeless thistle).
- 11) *Carduus nutans* (musk thistle).
- 12) *Celastrus orbiculatus* (Asian bittersweet).
- 13) *Centaurea stoebe* (spotted knapweed).
- 14) *Cirsium vulgare* (bull thistle).
- 15) *Conium maculatum* (poison hemlock).
- 16) *Convolvulus arvensis* (field bindweed).
- 17) *Coronilla varia* (crown vetch).
- 18) *Daucus carota* (Queen Anne's Lace).
- 19) *Dioscorea polystachya* (*oppositifolia*) (Chinese yam).
- 20) *Dipsacus fullonum* (common teasel).
- 21) *Dipsacus laciniatus* (cut-leaved teasel).
- 22) *Elaeagnus umbellata* (autumn olive).
- 23) *Elaeagnus angustifolia* (Russian olive).
- 24) *Euonymus alatus* (burning bush).
- 25) *Euonymus fortunei* (wintercreeper).
- 26) *Euphorbia esula* (leafy spurge).
- 27) *Frangula alnus* (glossy buckthorn).
- 28) *Galega officinalis* (goatsrue).
- 29) *Glechoma hederacea* (creeping charlie).
- 30) *Hedera helix* (English ivy).
- 31) *Heracleum mantegazzianum* (giant hogweed).
- 32) *Hesperis matronalis* (dame's rocket).
- 33) *Humulus japonicus* (Japanese hops).
- ~~34) *Kummerowia stipulacea* (Korean lespedeza).~~
- 35) *Kummerowia striata* (striate lespedeza).
- 36) *Lepidium latifolium* (pepperweed).
- 37) *Lespedeza bicolor* (bicolor lespedeza).
- 38) *Lespedeza cuneata* (sericea lespedeza).
- 39) *Ligustrum obtusifolium* (blunt leaved privet).
- 40) *Lonicera japonica* (Japanese honeysuckle).
- 41) *Lonicera maackii* (Amur honeysuckle).
- 42) *Lonicera morrowii* (Morrow's honeysuckle).

- 43) *Lonicera tatarica* (Tatarian honeysuckle).
- 44) *Lonicera x bella* (Bell's honeysuckle).
- 45) *Melilotus alba* (white sweet clover).
- 46) *Melilotus officinalis* (yellow sweet clover).
- 47) *Microstegium vimineum* (Japanese stiltgrass).
- 48) *Miscanthus sinensis* (Chinese maiden grass).
- 49) *Morus alba* (white mulberry).
- 50) *Pastinaca sativa* (wild parsnip).
- 51) *Phalaris arundinacea* (reed canarygrass).
- 52) *Phellodendron amurense* (Amur cork tree).
- 53) *Phragmites australis* subspecies *australis* (common reed).
- 54) *Polygonum perfoliatum* (mile-a-minute vine).
- 55) *Pyrus calleryana* (callery pear).
- 56) *Reynoutria japonica* (Japanese knotweed).
- 57) *Reynoutria sachalinensis* (giant knotweed).
- 58) *Reynoutria x bohemica* (Bohemian knotweed).
- 59) *Rhamnus cathartica* (common buckthorn).
- 60) *Saponaria officinalis* (bouncing bet).
- ~~61) *Schenodorus arundinacea* (tall fescue).~~
- 62) *Ulmus pumila* (Siberian elm).
- 63) *Vicia cracca* (bird vetch).
- 64) *Vinca minor* (periwinkle).
- 65) *Vincetoxicum nigrum* (black swallow-wort).
- 66) *Vincetoxicum rossicum* (pale swallow-wort).

B. The following are potentially invasive plants that are not regulated at this time but are not recommended for use:

- 1) *Albizia julibrissin* (mimosa tree).
- 2) *Lunaria annua* (money plant).
- 3) *Liriope spicata* (creeping liriope).
- 4) *Liriope muscari* (lilyturf).
- 5) *Perilla frutescens* (beefsteak plant).
- 6) *Phyllostachys aurea* (golden bamboo).
- 7) *Saccharum ravennae* (ravenna grass).
- 8) *Wisteria sinensis* (Chinese wisteria).