

ARTICLE XIX. EXOTIC PLANTS

Sec. 54-621. Findings of fact.

It is hereby found and determined that:

- (1) Melaleuca, Australian Pine, Brazilian Pepper, Carrotwood, Chinese Tallow and Beach Naupaka plant species have spread rapidly in many areas of Sarasota County and Florida, displacing the diverse native Florida vegetation and associated wildlife habitat, and creating ecologically undesirable vegetative monocultures.
- (2) Melaleuca, Australian Pine and Brazilian Pepper plant species have a variety of noxious qualities, including but not limited to adverse effects upon human health and present safety hazards during high wind conditions.
- (3) The health, safety, and welfare of the present and future residents of Sarasota County are dependent on minimizing degradation of the native ecological systems of the County.
- (4) The Comprehensive Plan (Apoxsee) states that Melaleuca, Australian Pine and Brazilian Pepper are plant species that are of serious concern and must be controlled.
- (5) The County of Sarasota wishes to encourage the removal of Beach Naupaka, Chinese Tallow, Carrotwood, Melaleuca, Australian Pine and Brazilian Pepper.
- (6) The plant species specifically targeted in this article are not all-inclusive of invasive plants occurring within the County. Federal, State and local jurisdictions may regulate other invasive plants.

(Ord. No. 90-001, § 1, 1-2-1990; Ord. No. 96-013, § A, 2-20-1996; Ord. No. 97-024, § 1, 3-11-1997)

Sec. 54-622. Title.

This article may be cited as the "Sarasota County Invasive Plant Species Ordinance."

(Ord. No. 90-001, § 2, 1-2-1990; Ord. No. 97-024, § 2, 3-11-1997)

Sec. 54-623. Definitions.

Administrator: The designated representative of the Sarasota County Administrator.

County: Means Sarasota County, a political subdivision of the State of Florida.

Importation: Means the conveyance, by any means, of plants into Sarasota County.

Planting: Means the placing on or setting into the ground of live plant material.

Propagating: Means the physical act of causing plants to multiply by any process of reproduction from plant stock.

Sale: Means the act of transferring or conveying plants to a purchaser for consideration.

Transportation: Means the act of carrying or conveying plants from one place to another for the purpose of Sale, Planting, Importation or propagation, within Sarasota County.

(Ord. No. 90-001, § 3, 1-2-1990; Ord. No. 96-013, § B, 2-20-1996; Ord. No. 97-024, § 3, 3-11-1997)

Sec. 54-624. Prohibitions.

The Importation, Transportation, Sale, propagation, or Planting of the following plant species is prohibited in Sarasota County:

- (1) Melaleuca (*Melaleuca quinquenervia*).
- (2) Australian Pine (*Casuarina* spp.).
- (3) Brazilian Pepper (*Schinus terebinthifolius*).
- (4) Carrotwood (*Cupaniopsis anacardioides*).
- (5) Chinese Tallow (*Sapium sebiferum*).
- (6) Beach Naupaka (*Scaevola taccada* or *Scaevola sericea* Vahl.).

(Ord. No. 90-001, § 4, 1-2-1990; Ord. No. 96-013, § C, 2-20-1996; Ord. No. 97-024, § 4, 3-11-1997)

Sec. 54-625. Applicability.

This article shall be applicable within the legal boundaries of Sarasota County, including all unincorporated and incorporated areas.

(Ord. No. 90-001, § 6, 1-2-1990; Ord. No. 97-024, § 5, 3-11-1997)

Sec. 54-626. Enforcement and penalties.

- (a) The Administrator shall be responsible for administering and enforcing this article.
- (b) Violation of this article shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the County jail not to exceed 60 days or by both such fine and imprisonment.
- (c) In addition to the enforcement procedures provided herein, the Board may enforce this article by any other means provided by law, and may further enforce this article by actions at law and in equity, including actions for injunctive relief, and, if the County prevails in any such action, the County shall be entitled to its costs and reasonable attorneys' fees incurred in such action.
- (d) This article may also be enforced through code enforcement proceedings as authorized by F.S. ch. 162 or by Sarasota County Ordinance No. 93-006 (Chapter 2, Article VIII, of this Code).
- (e) Each plant which is imported, transported, sold, propagated or planted in violation of this article shall constitute a separate and distinct violation.

(Ord. No. 90-001, § 7, 1-2-1990; Ord. No. 96-013, § E, 2-20-1996; Ord. No. 97-024, § 6, 3-11-1997)

Sec. 54-627. Severability.

If any provision of this article is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

(Ord. No. 90-001, § 8, 1-2-1990; Ord. No. 96-013, § E, 2-20-1996; Ord. No. 97-024, § 7, 3-11-1997)

Sec. 54-628. Interpretation.

Where any provision of this article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any redesignation thereof or amendments thereto.

(Ord. No. 96-013, § F, 2-20-1996; Ord. No. 97-024, § 8, 3-11-1997)

Secs. 54-629--54-650. Reserved.