



## CITY OF BRISBANE

Department of Public Works  
50 Park Place  
Brisbane, CA 94005-1310  
(415) 508-2130

### **A REGULATION OF THE CITY OF BRISBANE PROHIBITING THE PLANTING OF INVASIVE SPECIES ON, AND ESTABLISHING THE PROCEDURES FOR REMOVING INVASIVE SPECIES FROM, PROPERTIES WITHIN THE CITY OF BRISBANE**

Whereas, San Bruno Mountain is home to a number of rare and endangered plant and animal species, several of which are federally listed under the Endangered Species Act; and

Whereas, the listed insect endangered species (butterflies) depend on specific native host plants, which are required by their young; and

Whereas, invasive plants used in landscaped areas within the City of Brisbane are, by definition, plants that spread outside the areas in which they are planted, and thereby crowd out, compete for water, sunlight and food, and otherwise pose a threat to the native species of plants on San Bruno Mountain, including those that are used by the butterflies; and

Whereas, one of the invasive plants, French Broom, is a fire hazard that contributes to the rapid spread of wildfire and therefore it poses a fire threat to Brisbane homes and businesses; and

Whereas, Section 15.44.120 of the Brisbane Municipal Code provides that properties within Brisbane are to be maintained in such a way as to prevent a fire from rapidly spreading, and the planting of invasive species that are a fire hazard that could cause a fire to spread rapidly; and

Whereas, Section 15.44.120 of the Brisbane Municipal Code sets forth procedures for the removal of invasive species from properties within Brisbane, including a notice to remove such invasive species, authorizing the City to enter property to remove such invasive species from the property should the property owner fail to do so, and authorizing the City to place a lien on the property if the City incurs costs to remove the invasive species from property but the owner fails to pay such costs; and

Whereas, Section 15.44.120 authorizes the City Manager to promulgate regulations to implement and carry out the purpose of that Section.

NOW, THEREFORE, the City Manager of the City of Brisbane issues this Regulation to prohibit the planting of invasive species, to identify more specifically the invasive species set forth in Section 15.44.120, Brisbane Municipal Code and to set forth more specifically the procedures to be followed concerning the removal of invasive species from properties within Brisbane.

Section 1. The following table refers to the plants covered by the definition of “invasive species” as defined in Section 15.44.120, Brisbane Municipal Code. No invasive species in the table shall be planted on public or private property, including planting invasive species in containers.

Common	Latin	Do not plant	Must remove	Clear 2' perimeter from all property lines
Broom (any), Gorse		X	X	
Jubota, Pampas Grass	Cortaderia selloana	X	X	
Cotoneaster, pyracantha	Cotoneaster panossus, lacteus, frachetii, integrifolius	X	X	
Ivy (any)	Hedera (any), Delairea odorata	X	X *	X
Ice Plant	Ice Plant (any)	X		X
Himalayan blackberry	Rubus armeniacus	X		X
Fennel	Foeniculum vulgare	X		X
Cherry plum and Myrobalan plum	Prunus cerasifera	X		X
Coral Seas Passion Flower Vine	Passiflora Jamesonii	X		X
Pincushion flower	Scabiosa atropurpurea	X		
Acacia (any)		X		
Copper Tips (bulb), Fire Lily	Crocsmia	X		
Eucalyptus (any)		X		

\* = must remove all ivy from any protected tree

Section 2. After the date this Regulation is issued, no invasive species in the table in Section 1 shall be planted on public or private property, including planting invasive species in containers.

Section 3. Within one year after the date this Regulation is issued, invasive plants with an X in the “Must remove” column must be removed. Invasive species with an X in the final column must be removed to within two feet of the property line on the property in which they are growing, such that a two-foot buffer is established.

Section 4. A property owner may apply for an extension of the one year deadline in Section 3 by submitting a request to the public works director at least 90 days before the compliance deadline and explaining why an extension is needed. Upon demonstration of good cause for providing a

property owner additional time to comply with the requirements of this Regulation, the public works director may extend the property owner's time to comply and/or may require a plan for compliance. For purposes of this section, the term "good cause" shall mean a significant financial or other hardship which warrants an extension or conditional extension of the time limit for compliance established herein. The extension of the compliance period shall be tied to the property area and degree of hardship, may not extend beyond ten years, and shall require a plan for compliance that requires partial compliance in advance of full compliance. A property owner may appeal to the city manager any decision of the public works director concerning the request for an extension. The property owner must file such appeal with the city clerk not more than ten (10) days after the date on which the public works director has made a final written decision. The city manager may uphold, reverse or modify the decision and may refer the matter to the director of public works for such further consideration. The decision of the public works director, or the city manager if the decision is appealed, is the final administrative decision..

Section 6. The public works director, or his or her designee, in conjunction with the Code Enforcement Officer, shall notify property owners whose property has, or may have, invasive species and inform them of the provisions of this Regulation.

Section 7. The provisions of Section 15.44.120 shall apply to any property owner who fails or refuses to comply with this Regulation.

Dated: April 10, 2024



Clayton Holstine, City Manager