

CITY OF SOUTHGATE, KENTUCKY

ORDINANCE NO.26-08

AN ORDINANCE OF THE CITY OF SOUTHGATE, CAMPBELL COUNTY, KENTUCKY AMENDING THE DEFINITIONS IN CHAPTER 90 DECLARING THE UNCONTAINED GROWTH OF INVASIVE PLANTS A NUISANCE, AND ADDING A NEW SECTION TO CHAPTER 90 OF THE SOUTHGATE CODE OF ORDINANCES FOR THE REGULATION OF THE GROWING AND SPREADING OF INVASIVE PLANT SPECIES IN THE CITY

WHEREAS, the administration and City Council have received requests from citizens to regulate and prevent the growth of invasive plant species into their yards from neighboring residents; and

WHEREAS, studies have shown that certain invasive plants if not properly controlled or contained, result in the rapid spread and/or infestation of invasive species plants through the root systems and underground rhizomes, which will infest nearby areas and properties, causing serious and substantial damage to neighboring properties, roads, structures, and other real and personal property; and,

WHEREAS, the City Council recognizes that Kentucky follows the “Massachusetts Rule” permitting landowners to use self-help when vegetation from a neighbor’s property grows across property lines, and the intent of this ordinance is to follow said rule and enhance it; and

WHEREAS, the uncontained growth of invasive plant species negatively affects the quiet enjoyment of other properties, and can also negatively impact property values of neighboring properties, and cause said neighboring properties to incur substantial costs in removal of the infestation, and containment of said infestation;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHGATE, KENTUCKY THAT:

The City of Southgate Code of Ordinances Section 90.06 titled Invasive Plant Species, is hereby created as written herein.

SECTION I

§ 90.06 INVASIVE PLANT SPECIES AS A NUISANCE.

(A) DEFINITIONS.

- (a) **“Invasive Plant Species”** shall mean those specific types of vegetation and/or plants and trees as defined and set forth in the Kentucky Invasive Plant Council List, including, but not limited to, all species of bamboo.

- (b) **Invasive Plant Property Owner** shall mean any property owner or resident who has planted and/or grows an invasive plant species or who maintains such on their property, or who has permitted invasive plants to grow or spread to another property, even if the invasive plant's origin is from an adjoining property.
- (c) **"Self Help"** shall mean that when invasive plant species from a neighbor's property grows across a resident's property line, the resident so offended has the right to trim back any vegetation growing across the resident's property line.

(B) INVASIVE PLANT SPECIES PROHIBITED.

1. No person or other legal entity shall plant or cause to grow any invasive plant species on any lot or parcel of land within the limits of the City after the effective date of this Ordinance.
2. No known invasive plant species shall be planted within any public rights-of-way, or upon any City owned or controlled property or easement unless permission is granted by the City of Southgate's Mayor, with approval of the City Council.
3. The planting and uncontained growth of any invasive plant species in violation of the provisions of this Ordinance is hereby declared a Nuisance under Section 90.02 and as such is subject to enforcement by the City Code Enforcement Officer, subject to the enforcement, appeal and penalty provisions contained Chapter 32.50-32.99 of the City Code of Ordinances.

(C) PRE-EXISTING INVASIVE PLANTS

1. Any invasive plant species which has been planted, installed, maintained, or otherwise continues to grow prior to the effective date hereof is subject to the following compliance requirements:
 - (a) The invasive plant property owner shall be responsible to ensure that any pre-existing invasive plant species plant does not encroach or grow upon any adjoining property or properties. Such measures may include installation of sheathing comprised of metal or other impenetrable material at a sufficient depth within the property line or lines where such preexisting invasive plant is planted or is growing
 - (b) The invasive plant property owner shall take measures to ensure that the root system of those invasive species plant(s) which spread through root systems is entirely contained either through impenetrable material or within an appropriate container or vessel of such design, material, and location as to prevent the spread and/or growth of the root system outside of the property lines.
 - (c) Any invasive plant species that is planted or otherwise permitted to grow on property within the City shall not: (i) be planted, maintained, or otherwise

permitted to exist within ten (10) feet of the edge of the pavement, or traveled portion of any public or private road; (ii) be planted, maintained or otherwise permitted to exist within ten (10) feet of the property line of any neighboring or adjoining property; or (iii) encroach or grow upon any adjoining property or properties, including all public property and rights-of-way.

(D) NOTICE AND REMOVAL OF VIOLATING INVASIVE PLANTS

1. Each Invasive Plant Property Owner shall be responsible to ensure that any invasive plant on their property, does not violate the provisions of this Ordinance. In the event that there is any invasive plant growing in violation of the provisions of this Ordinance, the City shall, through the City Code Enforcement Officer, notify the offending property owner in writing of the existence of the violation.
2. Any Invasive Plant Property Owner receiving notice under this Ordinance shall take measures to remove or contain all invasive plants, including bamboo, consistent with the provisions of this Ordinance, and all invasive plants shall be removed or contained within 30 days of receipt of the written notice issued by the Code Enforcement Officer, or within any extended time period for remediation per written authorization by the Code Enforcement Officer.
3. In the event that any Invasive Plant Property Owner does not within the 30 days of receipt of notice of the violation set forth in Section (D)(2) remedy the violation, the offending property owner may be served a citation by the Code Enforcement Officer, subject to appeal to the Code Enforcement Board, pursuant to Chapter 32.50-32.99
4. In the event that any Invasive Plant Property Owner fails to remove or contain all invasive plants within 30 days from receipt of the written notice described in Section (D)(2), said Invasive Plant Property Owner shall be subject to a civil fine of \$200.00 for each offense, in addition to the penalties set out under Section 32.99 of the City Code of Ordinances, and further subject to the filing of a Code Enforcement lien for the collection of said penalty(s) and fines.
5. In the event that the City shall be required to remove or contain said Invasive Plant Species from any public rights-of-way or City owned or controlled property or easement, the Invasive Plant Species Owner shall be liable to the City, upon invoice for the cost of removal or containment. Failure to pay said cost of removal or containment by the date specified by the Code Enforcement Officer or Code Enforcement Board shall result in a Code Enforcement Lien being placed upon the Invasive Plant Property Owner's property for the cost of the removal or containment. This lien shall be in addition to any fines and/or penalties accrued for violation of this Ordinance.

6. The City shall not be liable in damages to the Invasive Plant Species Property Owner for damages to real or personal property arising from the City's removal or containment of invasive plants.
7. Self Help: Kentucky follows the "Massachusetts Rule" and nothing in this Ordinance shall impede, prevent or supersede the right of any resident to exercise self-help at their own expense to trim back any vegetation growing across the resident's property line or to seek damages from the Invasive Property Owner in separate judicial proceedings consistent with Kentucky law.

(E) PENALTY

In addition to the above, the violation of any provision of this Chapter is a civil offense and shall be enforced pursuant to Sections 32.50 – 32.99 of this Code

SECTION II

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

SECTION III

If any sentence, clause, section or part of this Ordinance or the application thereof to any particular situation, is for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION IV

This Ordinance shall take effect and shall be in full force and effect upon its enactment by the City Council and publication as required by law.

SECTION VI

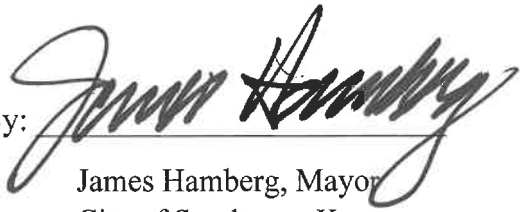
This Ordinance may be read in summary form and published in summary form by alternative internet publication pursuant to Kentucky law.

Adopted this 1st day of July, 2026

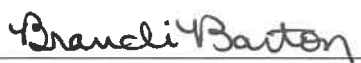
1st Reading – June 17, 2026

2nd Reading – July 1, 2026

publish July 6, 2026

By: 
James Hamberg, Mayor
City of Southgate, Ky.

Attest:


Brandi Barton, City Clerk

