

INTEROFFICE MEMO

OFFICE OF THE CITY ATTORNEY

TO: Honorable Mayor and
Members of City Council

DATE: February 21, 2017

FROM: R. Joel Stern
City Attorney

SUBJECT: OLEANDERS; OUR FILE NO. 17-009

On November 15, 2016, council directed staff to research other municipalities and counties for the banning of oleanders.

I asked Executive Legal Assistant Melissa Drake to complete the assignment. Attached are her findings.

The bottom line, Norco, California is the only city that bans oleanders outright due to their chemical composition. Norco is a horse friendly community in Southern California and the ban was enacted to protect equines.

Some Arizona cities prohibit oleanders as part of their landscaping ordinance. Phoenix and Mesa prohibit oleanders in portions of the city since they are non-native species. *See* attached for additional research results.

Should council desire an ordinance be drafted to prohibit oleanders from being planted in the city, a direction to staff is needed.



R. Joel Stern
City Attorney

Attachment

INTEROFFICE MEMO

TO: Joel Stern
City Attorney

DATE: January 25, 2017

FROM: Melissa Drake
Executive Legal Assistant

SUBJECT: Summary of Oleander Research

Restrictions on oleander plants varies greatly from city to city. Norco, CA is the only city which passed an ordinance banning the plant (Ord. No. 304, 1974) due to its potential toxicity. Norco municipal code section 6.08.010 states "Due to the poisonous nature of the oleander plant, the oleander plant is hereby declared a public nuisance. For this reason, no person, corporation, or public agency shall plant, cultivate or maintain the oleander plant at any place in the city for any purpose whatsoever. Any oleander plant existing as of the date of this enactment shall be removed."

No city or town in Arizona has a similar ordinance banning oleanders citywide.

The Town of Cave Creek prohibits oleander (*Nerium oleander*) "in any zone within the Town of Cave Creek" as a part of their landscaping design guidelines.

The City of Cottonwood prohibits oleander (*Nerium oleander*) classifying it as "large invasive and toxic shrub" and including oleanders on the city's list of prohibited plants. Cottonwood Zoning Ordinance, Section 407(H)(4): Prohibited Plants - The following plants shall not be approved for use with required landscaping plans due to their tendencies as high water use plants, invasive species and/or high-pollen producing characteristics. Plants with these characteristics should generally be avoided for landscaping plantings in the Cottonwood area.

The City of Phoenix and City of Mesa do not ban oleander's city wide. However, certain areas within the City prohibit oleanders, not because of their toxicity but because they are a non-native species. The City of Phoenix North Black Canyon Overlay District Design Guidelines list *Oleander sp.* (except petite varieties) as a prohibited/invasive plant species. The City of Mesa prohibits oleander (*Nerium oleander*) within the Desert Uplands Area. These regulations are detailed in the

Mesa City Code, Title 9, Chapter 6, Section 5, Desert Uplands Development Standards.

The City of Show Low does not specifically prohibit oleanders in any part of the city however oleander is not included on the city's list of approved plant species. Any plants not found on the approved plant species list must be approved by the city before planting.

The Town of Marana mentions oleanders as a "toxic plant" however it is neither prohibited nor restricted anywhere within the town code.

The following Arizona cities, towns and counties do not consider oleanders a prohibited or restricted species: Buckeye, Chino Valley, Flagstaff, Maricopa County, Pima County, Pinal County, Prescott, Prescott Valley, Queen Creek and Tucson.

Melissa Drake

Oleander Summary

Banned by ordinance

Norco, California

Prohibited citywide by zoning/landscape design guidelines

Cave Creek and Cottonwood

Restricted within subdivisions/zones

Mesa and Phoenix

Requires city approval before planting

Show Low

Mentioned as toxic but not restricted

Marana

No regulations

Buckeye, Chino Valley, Flagstaff, Maricopa Co., Pima Co., Pinal Co., Prescott, Prescott Valley, Queen Creek and Tucson