CITY of ALBUQUERQUE SIXTEENTH COUNCIL

COUNCIL BILL NO		L BILL NO ENACTMENT NO
SPONSORED BY:		
	1	ORDINANCE
	2	AMENDING SECTION 9-12-5 ROA 1994 TO PROHIBIT THE PLANTING OF
	3	CERTAIN GENERA IN THE CITY.
	4	Section 1. Section 9-12-5 ROA 1994 is amended to read:
	5	"§9-12-5 REGULATED TREES.
	6	(A) Regulated genera, species, cultivars or varieties for which growing,
	7	sale, importation or planting is prohibited include the following:
	8	(1) Genus Cupressus — Cypress— all members
	9	(2) Genus Juniperus—"Juniper" a/k/a "Cedar".
	10	(a) Male members of the species, cultivars or varieties.
.w tion	11	(3) Genus Morus—"Mulberry"— all.
- New Deletion	12	(4) Genus Populus— Cottonwoods and poplars— All species,
王上	13	varieties or cultivars of the genus excepting P. fremontii var. Wizlizenii "Rio
terië	14	Grande" Cottonwood and P. tremuloides "Quaking Aspen," and P. acuminata,
Mate	15	"Lance leaf or Mountain Cottonwood" providing that each of the named
ored gh 1	16	species of tree sold is labeled as high pollen/high allergen potential.
Frsc	17	(5) [- Genus species ulmus pumila—"Siberian Elm "-] [+ <u>Genus</u>
Nde K	18	Ulmus -"Elm"—all members except those listed in Subsections B and
[+ <u>Bracketed/Underscored Materia</u> +] - New - Bracketed/Strikethrough Material -] - Deletio	19	<u>C.</u> +]
	20	[-(6)-] [+B+] The following genera [+and species+] of wind pollinated trees
Bra ack	21	may be sold and planted in the city provided that they are identified as high
<u>+</u> #	22	pollen/high allergen potential by means of individual labels.
	23	[- (a)-] [+ <u>(1</u>)+] Platanus—"Sycamore"— London Plane Tree.
	24	[-(b) -] [+ <u>(2)</u> +] Fraxinus—"Ash".
	25	[-(c)-] [+ <u>(3)+]</u> dioecious Chinese elm-ulmus parvifolia.

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     [-The genera of wind pollinated trees listed in Subsections (6) may be sold and
 2
     planted in the city provided that they are identified as high pollen/high allergen
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     potential by means of individual labels-]
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     [+(C)+] The following [-genera-] [+species+] of non-flowering and non-pollen
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      producing trees may be sold and planted in the City:
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                     [(a)- ulmas-] [+(1) ulmus+] Americana-ascendens;
 7
                     [-(b)- ulmas-] [+(2) ulmus+] glabra – horizontals;
                     [-(c)- ulmas-] [+(3) ulmus+] minor – gracilis; and
 8
                     [-(d)-] [+(4)+] any other non-flowering trees."
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         Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
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     clause, word or phrase of this ordinance is for any reason held to be invalid or
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      unenforceable by any court of competent jurisdiction, such decision shall not
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     affect the validity of the remaining provisions of this ordinance. The Council
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      hereby declares that it would have passed this ordinance and each section,
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      paragraph, sentence, clause, work or phrase thereof irrespective of any
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      provision being declared unconstitutional or otherwise invalid.
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         Section 3. COMPILATION. This ordinance shall be incorporated in and
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     compiled as part of the Revised Ordinances of Albuquerque, New Mexico,
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      1994.
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         Section 4. EFFECTIVE DATE. This ordinance shall take effect five days
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      after publication by title and general summary.
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30Legislation/ordinances/pollen