

ARTICLE 7

DANGEROUS PLANTS

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ARTICLE 7

DANGEROUS PLANTS

SEC. 3-7.00 KEEPING OF CASTOR BEAN PLANT PROHIBITED. Except as hereinafter provided, it shall be unlawful for any person having possession of or responsible for the management or upkeep of any lot, parcel, or portion of real property within the City of Hayward to (1) willfully and knowingly plant, grow, nurture, keep, or harbor any castor bean plant (*Ricinus Communis*) or the seeds or beans thereof upon said real property, or (2) refuse, fail, or neglect for a period of forty-eight (48) hours after receiving notice as hereinafter provided, to remove any such plant and all parts and seeds or beans thereof from said real property.

SEC. 3-7.02 KEEPING OF CASTOR BEAN PLANT. EXCEPTIONS. The provisions of this Article shall not apply to any of the following circumstances.

- (1) The keeping of castor bean plants or the seeds or beans thereof by any person engaged in educational scientific, or research activity, or having a botanical collection or display for such purposes;
- (2) The commercial cultivation or cropping of castor bean plants or the seeds or beans thereof, provided that the premises or portion thereof where same is carried on shall be completely enclosed or shall be inaccessible so as to effectively prevent small children from entry upon such premises or portion thereof;
- (3) The possession of castor bean plants or the seeds or beans thereof for sale at retail or wholesale, provided that any such plants or seeds or beans where displayed or exposed to members of the general public or sold to anyone shall be in packages or containers, which in the case of such seeds or beans shall be securely sealed or closed, and such packages or containers shall have written thereon or upon a label securely fastened thereto the information that such plants or seeds or beans are poisonous to persons or animals if chewed, eaten, or swallowed.

SEC. 3-7.05 NOTICES. The notices hereinabove referred to shall be in writing, may be given by personal service upon the person concerned, or by registered or certified mail addressed to and received by him, or by posting upon a conspicuous place upon the premises concerned, and shall be given by a public officer who is specifically charged with the duty of enforcing this law or who finds it necessary or convenient in the discharge of the duties of his office to enforce this law.

SEC. 3-7.06 VIOLATION OF THIS ARTICLE A NUISANCE. It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Article within the City of Hayward is a public nuisance and dangerous to the public health and safety of persons within said City, and, in addition to any other remedies provided by law, the Chief of Police is authorized and directed to investigate any such nuisance, to notify in the form and manner hereinabove provided any person or persons maintaining such nuisance to abate same in conformance to the provisions of this Article, and, upon failure to comply, to enter upon said premises, public private wherein said nuisance exists and summarily abate same.