

AN ORDINANCE BY COUNCILMEMBER MARY NORWOOD TO AMEND VARIOUS SECTIONS OF THE ATLANTA HOUSING CODE OF 1987; TO AMEND CHAPTER 158, ARTICLE I "VEGETATION" AND ARTICLE II "TREE PROTECTION" IN ORDER TO PROVIDE CERTAIN DEFINITIONS AND EXEMPTIONS; TO AMEND PART 8, CHAPTER 2, ARTICLE B "BUILDINGS AND STRUCTURAL APPURTENANCES", SECTION 2-2095 "MAINTENANCE" TO PROVIDE FOR NEW DEFINITIONS; AND FOR OTHER PURPOSES.(HELD 5/23/17 BY THE COMMITTEE FOR ADDITIONAL INFORMATION AND FURTHER REVIEW.)

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. Amend Appendix E, "Atlanta Housing Code of 1987", Article I "Policy and Administration", Section 6 "Definitions", to amend and/or insert the following new definitions: *Brush* shall mean uncultivated woody shrubs or woody grasses such as bamboo not part of a planned, maintained landscape.

Fire hazard shall mean vegetation which is dry and combustible, including but not limited to weeds, grass or clippings, dead shrubs, trees or their parts, and other combustible vegetative materials.

Health hazard shall mean vegetation or refuse conducive to rodents, vermin or insect infestation, and vegetation which is poisonous or noxious or which creates a danger of contamination or disease.

Lawn shall mean an area of land planted with grasses or other durable plants, which are maintained at a short height and used for aesthetic and recreational purposes.

Naturescape shall mean landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for chemical pesticides, herbicides, fertilizers, and watering.

Nuisance plants are excluded.

Nuisance Plant List

Prohibited: Kudzu (*Pueraria Montana var. lobta*, Chinese wisteria (*Wisteria sinensis*)* *Poison ivy* (*Toxicodendron*), **Poison sumac* (*Toxicodendron vernix*)

Prohibited in naturescapes:

Thorny olive (*Elaeagnus pungens*), Autumn olive, (*Elaeagnus umbellata Thunb*) Chinese privet (*Ligustrum sinense*)

"*Safety hazard*" shall mean vegetation which overhangs the right of way in such a way as to impede the free and full use of the right of way or the presence of unrestricted growth of brush or vines

Thicket shall mean an area of dense or tangled growths of brush or vines.

Uncultivated shall mean not part of a planned, maintained landscape.

Vegetative growth shall mean any and all uncultivated growth exceeding a height or length of 12 inches, as measured from the surface of the ground, of any lot, tract or parcel of land.

Wooded areas shall mean all areas that are predominately woods.

Section 2. Amend Appendix E, "Atlanta Housing Code of 1987", Article I "Policy and Administration", Section 6 "Definitions"

Amend to read:

Weed shall mean all unrestricted vegetative growth, including nuisance plants. Section 3. Amend Appendix E, "Atlanta Housing Code of 1987", Article II "Minimum Standards", Section 25 "Owner and Tenant Responsibility for Cleanliness of Property"

Amended to read:

(a) It shall be the lawful duty of the owner or operator and the occupant of any premises, within their respective areas of responsibility as specified herein below to keep interiors and exteriors, including premises, yards, lawns, courts and alleys clean, clear and free of any public or attractive nuisance, accumulation of dirt, junk, junk vehicles, rubbish, garbage, debris, combustible materials and to ensure all vehicles are parked on all-weather surfaces at all times. Interiors and exteriors shall also be kept clean, clear and free of any conditions conducive to the spread of fire or disease. The exterior of the premises and the condition of necessary structures shall be maintained so as not to constitute a nuisance under Section 6 to neighboring or adjoining property owners. Responsibility for cleaning the interior of dwelling units shall include keeping the walls, floors and ceilings sanitary and free from accumulation of dirt or trash, and where appropriate, may require a coating on interior surfaces to make them resistant to vermin and insect infestation.

(1) Weeds/grass in lawn areas not to reach a height of twelve (12) or more inches.

- (2) No excessive growth of shrubs, brush, vines, thickets or similar matter conducive to fire, health or safety hazards permitted on the property including wooded yard areas.
- (3)Nuisance plants are restricted. (See Nuisance Plant List)
- (4) Vegetation not to encroach onto adjacent property. Vegetation on the property or in an adjacent sidewalk planting strips not to encroach onto the right-of-way.
- (5) Remove all brush, vines and other vegetation around buildings likely to hamper or obstruct the passage of fire or other emergency personnel.
- (6) Remove all dead shrubs, dead trees, branches, and stumps with the exception of such tree parts being maintained as part of a naturalscape area of a yard and; does not create safety, fire or health hazards or a nuisance. Nuisance plants are prohibited.
- (b) Any person violating these provisions shall be fined with penalties as provided in Subsection 18(d), titled "*Penalties*".

Section 4. Amend Chapter 158 "Vegetation", Article I "In General", Section 158-6 "Exemptions"

Amended to read:

This section shall not apply to city, county, state or federal property or governmentally mandated buffers, corridors, wetlands; detention ponds, dams, farms, natural or landscape areas, lakes, medians, etc. Furthermore, this article shall not apply to utility easements or rights-of-way, or tracts of property under single ownership 40,000 square feet or larger unless they are within a platted subdivision. Nuisance plants or any vegetative growth on exempted property not to encroach into the right of way, onto adjacent improved or greenspace property. Vegetative growth shall not create a 'fire, health or safety hazard' for adjacent improved or greenspace property or the right-of-way.

Section 5. Amend Chapter 158 "Vegetation", Article I "In General", Section 158-7 "Prohibited",

Amended to read:

It shall be a violation of this Code for the owner of any:

(a) Abandoned property to permit weeds/grass in lawn areas to reach a height of twelve (12) or more inches, no excessive growth of shrubs, brush, vines, thickets or similar matter conducive to fire, health or safety hazards on the property including wooded yard areas. Nuisance plants are restricted.

(b) Vacant property as defined in this section to permit grasses\weeds, vines, brush, or vegetative growth to obtain a height or length of exceeding 12 inches unless exempted as described in this section. Vegetative growth shall not encroach into the right of way or onto adjacent improved or greenspace property or create a safety, health or fire hazard.

Section 6. Amend Chapter 158 "Vegetation", Article II "Tree Protection", Section 158-26

"Definitions", to amend and/or insert the following new definitions

Brush shall mean uncultivated woody shrubs or woody grasses such as bamboo not part of a planned, maintained landscape.

Fire hazard shall mean vegetation which is dry and combustible, including but not limited to weeds, grass or clippings, dead bushes or trees or their parts, and other combustible vegetative materials.

Health hazard shall mean vegetation or refuse conducive to rodents, vermin or insect infestation, and vegetation which is poisonous or noxious or which creates a danger of contamination or disease.

Nuisance Plant List

Prohibited: Kudzu (*Pueraria Montana var. lobata*), *Poison ivy (*Toxicodendron*)

*Poison sumac (*Toxicodendron vernix*), Chinese wisteria (*Wisteria sinensis*),

Prohibited in naturescapes:

Thorny olive (*Elaeagnus pungens*), Autumn olive, (*Elaeagnus umbellate Thunb*)

Chinese privet (*Ligustrum sinense*)

Safety hazard shall mean vegetation which overhangs into the right-of-way in such a way as to impede the free and full use of the right of way or unrestricted growth of brush or vines.

Uncultivated shall mean not part of a planned, maintained landscape.

Vegetative growth shall mean any and all uncultivated growth exceeding a height or length of 12 inches, as measured from the surface of the ground, of any lot, tract or parcel of land.

Wooded areas shall mean all areas that are predominately woods.

Section 7. Amend Chapter 158 "Vegetation", Article II "Tree Protection", Section 158-26

"Definitions"

Amend as follows:

Weeds shall mean any unrestricted vegetative growths including nuisance plants.

Section 8. Amend Part 8 "Community and Human Development", Chapter 2 "Building

Regulations", Article B "Building and Structural Appurtenances", Section 8-2095

Amended to read:

1) Maintenance of grounds. The grounds of the premises and of all structures thereon shall be kept free of all nuisances, and any hazards to the safety of occupants, customers, pedestrians, neighbors, surrounding neighborhoods, and other persons utilizing the premises or viewing the premises from the outside, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:

a. Brush, weeds, vines, stumps, roots, nuisance plants, (replaced 'kudzu which was added ... same plant restrictions should apply in non-residential) obnoxious growths, and accumulations of filth, garbage, trash, refuse, debris, broken glass, and inoperative machinery;

b. Dead and dying trees, tree limbs and decorative landscaping specifically installed per section 8-2095 (7) a.2.

Section 9. That all ordinances and part of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

**CITY COUNCIL
ATLANTA, GEORGIA**

17-O-1275

SPONSOR SIGNATURES


Mary Norwood, Councilmember, Post 2 At-Large

**CITY COUNCIL
ATLANTA, GEORGIA**

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Workflow List:

Clerk of Council	Completed	05/16/2017 12:08 PM
Atlanta City Council	Completed	05/15/2017 1:00 PM
Community Development & Human Services Committee	Completed	05/23/2017 12:30 PM
Atlanta City Council	Completed	06/05/2017 1:00 PM
Community Development & Human Services Committee	Completed	06/13/2017 12:30 PM
Atlanta City Council	Completed	06/19/2017 1:00 PM
Community Development & Human Services Committee	Completed	06/27/2017 12:30 PM
Atlanta City Council	Completed	07/05/2017 1:00 PM
Community Development & Human Services Committee	Completed	07/11/2017 12:30 PM
Atlanta City Council	Completed	07/17/2017 1:00 PM
Community Development & Human Services Committee	Completed	07/25/2017 12:30 PM
Atlanta City Council	Pending	08/21/2017 1:00 PM
Mayor's Office	Pending	

HISTORY:

05/15/17 Atlanta City Council REFERRED WITHOUT OBJECTION

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 5/23/2017 12:30 PM
05/23/17 COMMITTEE	Community Development & Human Services Committee	HELD IN

RESULT:	HELD IN COMMITTEE [UNANIMOUS]
MOVER:	Mary Norwood, Post 2 At-Large
SECONDER:	Michael Julian Bond, Post 1 At-Large
AYES:	Archibong, Bond, Winslow, Norwood, Sheperd, Young Jr.
ABSENT:	Andre Dickens

06/05/17 Atlanta City Council RETURNED AS HELD

RETURNED AS HELD TO COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 6/13/2017 12:30 PM
06/13/17	Community Development & Human Services Committee	

06/19/17

Atlanta City Council

RETURNED AS HELD

**RETURNED AS HELD TO COMMUNITY DEVELOPMENT/HUMAN SERVICES
COMMITTEE WITHOUT OBJECTION**

RESULT:

RETURNED AS HELD

Next: 6/27/2017 12:30 PM

17-O-1275

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No Vote

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	