

**AN ORDINANCE BY COUNCIL MEMBER, MARY NORWOOD.**

**AN ORDINANCE 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.**

**WHEREAS**, the City of Atlanta (the "City") desires to prevent the loss and creation of trees that become a threat to public safety due to the presence of invasive vines such as English ivy, Kudzu and Wisteria that are covering acres of trees throughout the City; and

**WHEREAS**, approximately 60 % of the City's land are single family residential which is where 77% of all trees are located; and

**WHEREAS**, the majority of English ivy infested trees are on single family residential property where the vine was planted (and still being planted) in yards decades ago and escaped its intended boundaries; and

**WHEREAS**, the City wishes to add clarity to the Atlanta Code of Ordinances that will encourage the planting of native species and restoration of the urban forest and allow for more consistency in the enforcement of our vegetation and housing codes.

**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***

<b><i>Kudzu prohibited</i></b>	<b><i>Pueraria Montana var. lobata</i></b>	<b><i>Thorny olive in naturescapes</i></b>	<b><i>Elaeagnus pungens</i></b>
<b><i>Chinese wisteria in naturescapes or on trees</i></b>	<b><i>Wisteria sinensis</i></b>	<b><i>Autumn olive in naturescapes</i></b>	<b><i>Elaeagnus umbellate Thunb</i></b>
<b><i>English ivy-when present on trees</i></b>	<b><i>Hedera helix</i></b>	<b><i>Chinese privet in naturescapes</i></b>	<b><i>Ligustrum sinense</i></b>
<b><i>*Poison ivy prohibited</i></b>	<b><i>Toxicodendron</i></b>	<b><i>*Poison sumac prohibited</i></b>	<b><i>Toxicodendron vernix</i></b>

***"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 live wisteria, kudzu or English ivy vines on a tree.

***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 live wisteria, English ivy or kudzu above the bottom 4 feet 6 inches of a tree or 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, including *kudzu* 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 naturescape 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 live wisteria, English ivy or kudzu above the bottom 4 feet 6 inches of a tree or 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*

<b>Kudzu prohibited</b>	<i>Pueraria Montana var. lobata</i>	<b>Thorny olive in naturescapes</b>	<i>Elaeagnus pungens</i>
<b>Chinese wisteria in naturescapes or on trees</b>	<i>Wisteria sinensis</i>	<b>Autumn olive in naturescapes</b>	<i>Elaeagnus umbellate Thunb</i>
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*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 the presence of live wisteria, kudzu or English ivy vines on trees.

*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, stumps, roots, kudzu, obnoxious growths, and accumulations of filth, garbage, trash, refuse, debris, broken glass, and inoperative machinery;
  - b. Live wisteria, English ivy or kudzu above the bottom 4 feet 6 inches of any tree. 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.

ATTACHMENT

Tree\Nuisance Vines Enforcement Threshold Policy

*This*

*Not this*



Mid to large trees 18 inches or larger with English ivy, Wisteria or Kudzu vines above 4 feet 6 inches

Small trees (Dogwood, young trees, etc.) no amount of English ivy, Wisteria or Kudzu vines above 4 feet 6 inches

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BY COUNCILMEMBER MARY  
NORWOOD**

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- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: 11/21/2016  
 Referred To: CD/HR  
 Date Referred:  
 Referred To:  
 Date Referred:  
 Referred To:

**First Reading**

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

**FINAL COUNCIL ACTION**  
 2<sup>nd</sup>     1<sup>st</sup> & 2<sup>nd</sup>     3<sup>rd</sup>

**Readings**  
 Consent     V Vote     RC Vote

<b>Committee</b>	<b>Committee</b>
<b>Date</b>	<b>Date</b>
<b>Chair</b>	<b>Chair</b>
<b>Action</b> Fav, Adv, Hold (see rev. side) <b>Other</b>	<b>Action</b> Fav, Adv, Hold (see rev. side) <b>Other</b>
<b>Members</b>	<b>Members</b>
<b>Refer To</b>	<b>Refer To</b>

**CERTIFIED**

<b>Committee</b>	<b>Committee</b>
<b>Date</b>	<b>Date</b>
<b>Chair</b>	<b>Chair</b>
<b>Action</b> Fav, Adv, Hold (see rev. side) <b>Other</b>	<b>Action</b> Fav, Adv, Hold (see rev. side) <b>Other</b>
<b>Members</b>	<b>Members</b>
<b>Refer To</b>	<b>Refer To</b>

**MAYOR'S ACTION**