

ORDINANCE NO. 2017-18

AN ORDINANCE AMENDING CHAPTER 42 - ENVIRONMENT, ARTICLE III - NUISANCES, DIVISION 2 - VEGETATION, OF THE CODE OF ORDINANCES OF THE CITY OF VALDOSTA, GEORGIA

BE IT ORDAINED by the Mayor and Council of the City of Valdosta, Georgia, and it is hereby ordained by authority of same, as follows:

Chapter 42, Environment, Article III, Nuisances, Division 2, Vegetation, is hereby amended by striking said sections and in their entirety and substituting in lieu thereof a new version which shall read as follows:

Sec. 42-110. Purpose.

The City finds that certain landscaping conditions existing in the City are in need of regulation because overgrown and unsightly lots have a negative effect upon the public health and safety of the citizens. Additionally, in order protect and maintain property values within the community, the City desires to improve the aesthetic appearance of commercial, industrial and residential properties to eliminate blight, vermin harborage and other nuisance conditions.

Sec. 42-111. Certain weeds, grasses and plants declared a nuisance; exemptions and applicability.

- a. Any weeds such as kudzu, poison ivy, jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the city, and any weeds, grasses or plants other than trees, bushes, flowers or other ornamental plants growing to a height exceeding eight inches anywhere in the city are declared to be a nuisance, subject to abatement as provided in this division.
- b. Grass growing to a height exceeding eight inches anywhere in the city is declared to be a nuisance, subject to abatement as provided in this division.
- c. Any tree, shrub, or parts thereof growing on private property that: (1) interferes or endangers the use of the public streets; (2) obscures sight distances and creates a traffic hazard at intersections; or (3) endangers the life, health, or property of persons is declared a public nuisance.
- d. Any shrubbery, vines, or other plantings surrounding a perimeter of a structure, residential or otherwise, left in an unaltered, un-cultivated or un-pruned state which attaches through growth to the structure, or exceeds six feet in height (trees excluded) or blocks egress between the plantings and the perimeter of the structure are declared to a public nuisance.

- e. Garden flowers, vegetables, cultivated agricultural crops, and trees shall not be considered weeds, grass or vegetation within the meaning of this section.
- f. This ordinance applies to all improved and previously improved property in the City including but not limited to front yards, side yards and rear yards. This ordinance also applies to all property over which the City may have an easement including ditches and all property to the street curb or edge of pavement.

Section 42-112. Maximum height of weeds, grass, shrubs, etc.

- a. It shall be unlawful for the owner of improved property or previously improved property in the City, whether zoned residential, commercial, industrial or other, to have, place or allow grass, weeds and/or other undergrowth to exceed the height of eight (8) inches or more on such property. This includes but is not limited to front, side or rear yard all the way to the public right of way.
- b. It shall be unlawful for any tree, shrub, or parts thereof growing on private property to: (1) interfere or endanger the use of the public streets; (2) obscure sight distances and create a traffic hazard at intersections; or (3) endanger the life, health, or property of person.
- c. It shall be unlawful for any shrubbery, vines, or other plantings surrounding a perimeter of a structure, residential or otherwise, to be left in an unaltered, uncultivated or un-pruned state (1) which attaches through growth to the structure; (2) exceeds six feet in height (trees excluded); and/or (3) blocks egress between the plantings and the perimeter wall of the structure.

Section 42-113. Notice to abate violation of Section 42-112.

- a. In the event of a violation of this Section 42-112, the record owner of said property shall be given notice to abate said nuisance within ten (10) calendar days. Said notice shall be served by certified mail, return receipt requested forwarded to the record owner(s) of said property. The mailed notice shall provide a description of the location of the property, identification of this code section and nature of the violation, and contact information of the enforcing agency. Said notices shall also state that unless corrective action is taken within ten calendar (10) days from the date of the notices, the City will begin abatement proceeding against the property in accordance with Section 42-114.
- b. If, in the preceding twenty-four (24) month period, a property owner who has received the notice provided for in sub-paragraph (a) on a property and the subject property is determined by the Valdosta Community Protection Division to be in violation of Section 42-112 for a second or subsequent time, the City may forgo the notice provisions specified in sub-paragraph (a) and proceed immediately to abatement proceeding as provided for in Section 42-114.

Section 42-114. Hearing and Abatement.

- a. Upon the second or subsequent violation of Section 42-112 within the preceding twenty-four month period or the failure to comply with a Notice of Abatement pursuant to Section 42-113(a), a citation shall be filed in the Municipal Court of the City of Valdosta and hearing scheduled to determine whether a violation of Section 142-112 has occurred and/or whether said nuisance shall be abated. The property owner shall be served with the citation in the following manner: (1) certified mail, return receipt requested forwarded to the record owner(s) of said property; (2) first class mail to the persons in possession of the subject property; and (3) physical posting of the subject property. The citation shall provide a description of the location of the property, identification of the code section and nature of the violation, and contact information of the enforcing agency. The citation shall specify the time and date of the hearing which shall be no less than fifteen (15) calendar days prior to the date of certified mailing advising of the hearing date. Abating the nuisance after the filing of the citation shall not relieve the property owner from appearing at said hearing.
- b. If the property owner is found in violation of Section 42-112, he/she shall be fined in accordance with Section 42-115, ordered to abate the violation within a reasonable time not to exceed seven calendar (7) days or a combination of both. If the property owner fails to abate said violation as ordered by the Court, the City shall be allowed to enter said property to abate same. If the property owner fails to appear at said hearing after proper notice, and if the violation is proven by competent evidence, in addition to fines, the city may ask to immediately abate such nuisance.
- c. It shall be no defense that any property owner cited with a violation of Section 42-112 abated or remedied the conditions on the property prior to trial.
- d. It shall be no defense that any property owner cited with a violation of Sec. 42-112 has a private agreement, through a lease or otherwise, with a tenant, occupant, property manager or lawn maintenance contractor for the upkeep of the property.
- e. Costs of abatement incurred by the City shall be recorded and billed to the property owner. Failure to pay the costs within thirty calendar days shall result in a lien being placed upon the real property. Such lien shall attach to the real property upon the filing of an itemized statement of the total sum of costs in the real estate records maintained by the Clerk of Superior Court of Lowndes County, Georgia. A schedule of abatement fees will be maintained in the Valdosta Community Protection Division.

Section 42-115. Violations and Contempt of Abatement Order.

- a. If the property is found to be in violation of Section 42-112, the property owner shall be fined \$150.00 for the first offense. If a property owner has had other violations of Section 42-112 at the subject property or other properties within the City in the twenty-four months preceding the date of citation, he/she shall be fined as follows: 2nd offense: \$300.00; 3rd offense: \$500.00; and 4th or subsequent offense[s]: \$1000.00. The date of offenses shall be measured from the date of the citations issued to the property owner.
- b. In addition to the fines referenced in sub-paragraph (a), nothing contained herein shall prevent or prohibit the municipal court from punishing by its contempt powers any owner that willfully fails or refuses to comply with an abatement or other order of the court.

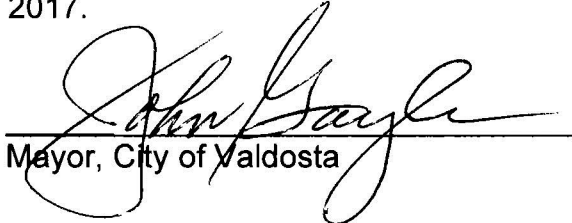
Sec. 42-116. Remedies.

The remedies provided in this division are cumulative of all other remedies the City has for the accomplishment of the objectives set forth in this article. Nothing in this division shall be construed as relieving any person from the obligation to comply with this Code, all ordinances, laws or regulations of the city, or to permit the maintenance by any person of a nuisance; and any nuisance shall be subject to be abated in the manner provided by law.

Sec. 42-117. Award of contracts for clearing of lots by city.

Prior to the commencement of each fiscal year, the City may obtain bids from contractors or other qualified persons for clearing lots of weeds, grass and other vegetation not in excess of two inches in diameter, and for clearing lots of weeds, grass and other vegetation in excess of two inches but not in excess of four inches in diameter; and the mayor and council shall award a contract to the lowest and best bidder, such contract to remain in effect during the ensuing fiscal year.

SO ORDAINED, this 10th day of August, 2017.



Mayor, City of Valdosta

ATTEST:



Clerk of Council