

# GRASS AND WEEDS

## GRASS ORDINANCE PLUS...

### Comment:

*This proposal is taken generally from the City of Calhoun Ordinance and has been modified in certain places to more suitably apply to rural properties. As an alternative, the existing county code incorporates the International Property Maintenance Code and all we need to do there is state the height restriction on grass. I have attached a copy of that provision for your consideration.*

## DRAFT ONE FOR DISCUSSION ONLY

### 1. DEFINITIONS.

As used in this article, certain terms shall be defined as follows:

**Grasses of rank growth** means any grass or form of ground vegetation located on any property within the unincorporated area of Gordon County that has exceeded the height established by this article.

**Improved lot means** a lot or parcel of land that is not maintained in a natural state and includes any structure, fixture, disturbance of the soil or topography, sewer/water taps or other forms of utility connections.

**Litter** means garbage, trash, rubbish, waste, peelings of vegetables, or fruits or other organic wastes, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, oil, chemicals and other similar materials, or anything of an unsightly or unsanitary nature, or anything serving no functional purpose for which it was intended at the location it is found.

**Noxious weeds** means those plants referred to as "Noxious Weed Seeds" by the "Georgia Seed Law" found at O.C.G.A. § 2-11-20 et al., and shall also include any list of seeds or plants promulgated as regulations by the commissioner of agriculture under the authority granted by state law. This term shall also mean any other forms of plant growth overgrowth such as kudzu or other plants normally deemed to be unsightly to the general public.

**Public nuisance** means any lot or land within the unincorporated area of Gordon County which by reason of its condition endangers human health or is likely to cause the spread of disease or otherwise cause injury to the health of persons; has noxious weeds, grasses of rank growth and/or litter; or causes a deteriorating and blighting influence on the property in issue or nearby properties and causes depreciation in the use, enjoyment and value of properties in the immediately surrounding area.

**Responsible person(s)** shall mean any of the following:

- (1) Owner;
- (2) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
- (3) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the county tax digest for the property in question determined by map and parcel number; and
- (4) Persons in possession of said property and premises.

**Owner** means the holder of the title in fee simple and every mortgagee of record.

**Unimproved lot** means a lot or parcel of land that is largely maintained in a natural state absent any structure, disturbance of the soil or topography, sewer/water taps or other forms of utility connections.

## 2. DUTY TO MAINTAIN GRASS, WEEDS, AND SHRUBBERY ON PROPERTY

(a) It shall be unlawful for any responsible person for any improved lot or land located in any Residential District within the unincorporated area of Gordon County to permit any grasses of rank growth or noxious weeds exceeding twelve inches in height, or other unhealthful or deleterious plant growth for a period of time to exceed 14 consecutive calendar days. If the condition exceeds such period of time, same shall constitute a public nuisance subject to notice and abatement by citation within the terms of this article.

(b) It shall be unlawful for any responsible person for any unimproved lot or land located in any Residential District within the unincorporated area of Gordon County to permit any grasses of rank growth or noxious weeds exceeding 24 inches in height, or other unhealthful or deleterious plant growth for a period of time to exceed 30 consecutive calendar days. If the condition exceeds such period of time, same shall constitute a public nuisance subject to notice and abatement by citation within the terms of this article.

## 3. PROHIBITED CONDITIONS; UNSANITARY CONDITIONS

(a) Where there is the unsheltered storage of old, unused, stripped, junked and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, or equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of 30 days or more on private property within the unincorporated areas of Gordon County and which is otherwise unsafe and unsanitary,

this situation shall then constitute a public nuisance subject to notice and abatement by citation within the terms of this article.

(b) Where there is an accumulation of trash, or any other junk not specified in subsection (a) of this section; filth, including but not limited to dead birds, animals, tainted meat, decayed fruit or vegetables, bird or human or other excrement or any other unsanitary or unsafe condition on private property within the unincorporated areas of Gordon County; and this condition continues for a period of time so as to also constitute a public nuisance subject to notice and abatement by citation within the terms of this article.

#### 4. ADDITIONAL DUTIES FOR NON-RESIDENT OWNED PROPERTIES

With regard to the obligations set forth above, both the occupant and the responsible person of the premises shall be liable for compliance with the provisions of this article, and shall be responsible for violations thereof. Lease of the property of an owner which purports to transfer responsibility for this provision shall be ineffective in shielding the owner for responsibility under this provision, and such owner shall remain liable along with the occupant of the leased premises. This shall also include any "absentee" owner of a vacant dwelling or other structure located within the municipal limits including, but not limited to, abandoned businesses or foreclosed properties. This provision shall also apply to the holder of any secured interest in the vacant or abandoned subject property so long as said interest is properly established by a deed to secure debt recorded in the deed records maintained by the clerk of superior court.

*International Property Maintenance Code  
Re: Grass height  
Comment: Incorporated by reference in  
London County Codes.*

## GENERAL REQUIREMENTS

ments of this chapter. *Occupants of a dwelling unit, rooming unit or housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit or premises* which they occupy and control.

- ❖ The owner is responsible for complying with the requirements of Chapter 3, except when the code places the responsibility on the occupants to keep their portion of the premises in a safe and sanitary condition.

Simply stated, owners must provide a safe and sanitary property and premises when they let it for occupancy. Occupants must continue to keep it safe and sanitary while they occupy, control or use the property and premises.

**301.3 Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

- ❖ Both vacant structures and vacant land present special concerns to communities. Because no one is living on these premises, they are often ignored by the owners. Consequently, this section establishes the code official's authority to order the cleanup of vacant lands and the securing of vacant structures that might present an attractive nuisance.

When the owner fails to secure a vacant structure, Section 108.2 provides the code official with the authority to arrange for securing such buildings. Additionally, Section 110 authorizes the code official to pursue demolition of any structure that is deemed unreasonable to repair. When a structure is reasonable to repair, the code official is authorized to require the necessary repairs.

## SECTION 302 EXTERIOR PROPERTY AREAS

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

- ❖ This section establishes a simple, straightforward requirement that exterior areas shall be clean and free from rubbish and garbage (see the definitions in Chapter 2). The code official may find that enforcement of this section is frequently neither straightforward nor simple.

Each jurisdiction has neighborhoods within the overall community that have distinct characteristics. Deteriorated, low-cost housing may dominate in one area, while another has expensive, well-maintained housing units. Sanitation standards should be enforced uniformly and consistently.

**302.2 Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent

the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** Approved retention areas and reservoirs.

- ❖ Improperly graded property areas create health and safety hazards. Stagnant water provides a home for many nuisance insects, especially the mosquito. Stagnant water next to a structure can cause mold growth, which can lead to the decay of wooden members. Pooled water is an attractive nuisance for children and has contributed to numerous drowning deaths.

Stagnant water is foul or stale water. Regrading the premises may be necessary to prevent stagnant water. If regrading is not practical, some type of water-diversion system must be installed. Other solutions include replacing nonabsorbent soil with absorbent soil, installing underground drain tile or building an underground leaching pit.

Soil erosion can be a nuisance if material is being deposited in drainage systems or on adjacent properties, and is an indication of improper grading. Planting and maintaining an acceptable ground cover generally prevents erosion.

As indicated by the exception, water retention areas or reservoirs are permitted by the code even though they may contain stagnant water; however, the code official must approve their use.

**302.3 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

- ❖ The code official is authorized to require that all sidewalks, walkways, stairs, driveways, parking spaces, etc., are usable and kept in proper repair. Walking surfaces that have deteriorated to a condition that presents a hazard to pedestrians must be repaired or replaced to eliminate the hazard and thus reduce the potential for accidents or injuries.

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

- ❖ Criteria establishing maximum heights for grass and weeds are necessary to reduce rodent shelters and pollen dust problems.