

CITY OF GRAYMOOR-DEVONDALE
ORDINANCE #5, SERIES 2024
AN ORDINANCE REPEALING AND REPLACING CITY ORDINANCES RELATING
TO PROPERTY MAINTENANCE STANDARDS AND NUISANCES

WHEREAS, the City Council of the City of Graymoor-Devondale (the "City Council") is concerned about the property values in the City of Graymoor-Devondale (the "City") as well as the public health and safety of its citizens and the enforcement of City ordinances;

AND WHEREAS, the City desires to revise and modernize the city ordinance sections that relate to property maintenance standards and the restriction of nuisance conditions and to establish a more detailed and definitive mechanism to promote the public health and safety by prohibiting nuisances,

NOW THEREFORE, be it ordained by the City of Graymoor-Devondale:

Section 1: Section 92.03 of the City of Graymoor-Devondale Codified Ordinances, be and hereby is, amended as follows:

§ 92.03 CERTAIN CONDITIONS DECLARED A NUISANCE.

It shall be unlawful for the owner, occupant or person having control or management of any land within the city to permit a public nuisance to develop thereon. The following conditions are declared to be public nuisances:

(A) Dangerous trees or stacks adjoining street. Any tree, stack or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage or injury to persons or property upon the public streets or public ways adjacent thereto, by the falling thereof or of parts thereof.

(B) Accumulation of rubbish. An accumulation on any premises of filth, refuse, trash, garbage or other waste material which endangers the public health, welfare or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or communicate fire, attract and propagate vermin, rodents or insects, or blow rubbish into any street, sidewalk or property of another.

(C) Storage of explosives. The storage of explosive material which creates a safety hazard to other property or persons in the vicinity.

(D) Weeds and grass. The excessive growth of weeds, grass, or other vegetation. Unless otherwise provided, EXCESSIVE shall mean ~~growth to a height of 10 inches or more.~~ as follows:

1. Traditional lawn grass must be mowed regularly, and lawn growth to a height of 10 inches or more is not allowed.

2. Traditional ornamental landscape planting beds must be regularly maintained, and trimmed, including trimming landscape bushes and plants, or they will not be considered ornamental plantings.
3. Vegetable and fruit gardens and plantings must be regularly maintained and tended. Reasonable maintenance requires consistent cultivation and includes removing wild overgrowth. Annual crops and plant materials must be cleared away and properly disposed of at the end of their productive season. Perennial crops and plants must be trimmed, and maintained. Compost bins must be enclosed and kept tidy and can be located only in the rear yard. Irrigation, rain barrels and other watering devices must be sound, functional, and maintained. Except for container gardening, pots, containers, wood, mulch, bags, bales, tools, and any other equipment used in the gardening operation must be periodically collected and stored in a garage or carport, no resident is permitted to leave such material simply laying scattered around the yard.
4. Natural Landscapes. Rather than a traditional ornamental landscape, an owner may maintain a naturalized landscape on their property, but only if their plantings utilize environmentally sound practices and are properly planned, managed, and maintained. As guidance for the community, naturalized landscapes must meet the following standards, or they will be considered excessive growth:
 - i. Naturalized landscape areas shall be at least 15 feet from the edge of pavement of any public roadway, and 5 feet from adjacent property lines.
 - ii. Naturalized landscape areas shall be managed and maintained according to a demonstratable plan. Naturalized landscapes are not areas for wild overgrowth. They are areas in which specific species of plants are planted, managed, and maintained to provide a non-traditional landscaping plan that resembles attractive woodland, or meadowland scenes, not a collection of brambles.
 - iii. Naturalized landscape areas shall not be allowed to accumulate trash and refuse, grow up in wild overgrowth that is not managed or maintained, nor provide a breeding ground for flora and fauna known to create a safety or health hazard. Unhealthful plant growth such as but not limited to jimson, burdock, ragweed, thistle, cocklebur, kudzu, poison ivy or poison oak, or any other growth of a noxious or poisonous kind or any plant growth not intended for aesthetic appeal, food, or other legitimate purpose is not allowed.
 - iv. Whether a certain plant or planting is allowed shall be determined by the city's Enforcement Officer, under the direction of the Mayor, after consideration as to whether the plants or plantings serves some reasonably discernable and clearly recognizable management. Evidence of those characteristics include, but are not limited to: (1) Defined planting boundaries, (2) Evidence that the resident actually cultivates the plants and plantings regularly to provide for a

reasonable landscape scheme, (3) Can articulate a discernable landscaping scheme for the plants or plantings, (4) Has spent time or money on the creation and upkeep of the plants or plantings.

(E) Open wells. ~~The maintenance of~~ Any open, uncovered or insecurely covered cistern, cellar, well, pit, excavation or vault situated upon private premises in any open or unfenced lot or place.

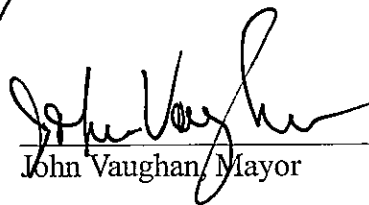
(F) Trees and shrubbery obstructing streets, sidewalks, and drainage. The growing and maintenance of trees or shrubbery which in any way interferes with the use, construction or maintenance of streets or sidewalks, causes injury to streets or sidewalks, or constitutes an obstruction to drainage.

(G) Keeping of animals. The failure to keep an animal's pen, yard, lot, or other enclosure in a sanitary condition and free from preventable offensive odors.

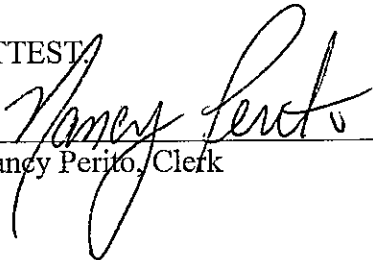
(H) Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts or scrap metal within the city limits except on premises authorized by the city for the purposes.

Section 2: This ordinance shall take effect upon its adoption and publication as required by law.

First Reading: 3/19/24
Second Reading: 4/16/24
Passed and approved: 4/16/24



John Vaughan, Mayor

ATTEST


Nancy Perito, Clerk

In Favor 3
Opposed 1