

ORDINANCE NO. 2023-20

**AN ORDINANCE BY THE CITY OF GRANTVILLE, GEORGIA
TO AMEND CHAPTER 26 OF THE CODE OF ORDINANCES TO ADD AN ARTICLE
VII- VEGETATION; TO ADDRESS INVASIVE VEGETATION; ESTABLISH A
MAXIMUM HEIGHT FOR WEEDS AND GRASS; ESTABLISH A PROCESS FOR
NOTICE AND HEARING TO ADDRESS THE ABATEMENT OF THE NUISANCE AND
PROVIDE FOR PENALTIES FOR VIOLATION THEREOF AND FOR OTHER
PURPOSES**

WHEREAS, the Mayor and City Council of the City of Grantville are charged with safeguarding the safety, health and welfare of the citizens of the City, and

WHEREAS, the Mayor and City Council have determined that the safety, health and welfare of the citizens of the City is better safeguarded by declaring that certain conditions relating to vegetation and invasive vegetation constitute a nuisance with the City of Grantville, which condition should be abated;

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Grantville, Georgia, and it is hereby ordained by the authority of the same that the following ordinance is hereby adopted:

ARTICLE VII. VEGETATION

Sec. 26-165. Vegetation and Invasive Vegetation

(a) There shall be no dead or hazardous trees, shrubs, ground cover or weeds likely to harbor vermin or insects, restrict or impede access to or public use of adjacent sidewalks, paths, trails and streets, obstruct traffic-control signs and devices and fire hydrants, or pose a risk of physical injury to the public.

(b) Invasive plant species on premises and exterior property shall be maintained whereby damage to existing trees and encroachment onto adjacent properties is prevented. Invasive plant species within the City are defined by the Georgia Exotic Pest Plant Council (EPPC) Invasive Plant List, which is maintained by the Center for Invasive Species and Ecosystem Health, University of Georgia: <https://www.gaepc.org/list/>. The list includes, but is not limited to, English Ivy (*Hederahelix*), Chinese Wisteria (*Wisteria sinensis*), Kudzu (*Pueraria montana* var. *lobata*), *Elaeagnusumbellata*, Tree of Heaven (*Ailanthus altissima*), all Privet species (*Ligustrum* spp.), and all Bamboo species other than the native species River Cane, Switch Cane.

(c) Invasive species is defined as any species that is not native to that ecosystem; and whose introduction does or is likely to cause economic or environmental harm or harm to human health. For the purposes of the city code, the guiding document will be the Georgia Exotic Pest Plant Council (EPPC) Invasive Plant List, which is maintained by the Center for Invasive Species and Ecosystem Health, University of Georgia. <https://www.gaepc.org/list/At> this time

an amendment to the nuisance vegetation section of the city code to explicitly require the removal of invasive vegetation that is encroaching from one property to another

Sec. 26-166. - Maximum height of weeds, grass, etc.

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 ten inches or more on such property, including but not limited to, the front, side or rear yard, or right-of-way. Notwithstanding the above, grass, weeds and/or other undergrowth of a height of ten inches or more are declared to be a public nuisance and abatable as such.

Sec. 26-167. - Notice to abate; violation of section 26-166

(a) In the event of a violation of section 26-166, the record owner of said property shall be given notice to abate said nuisance within ten business days. Said notice shall be served by: (1) certified mail, return receipt requested forwarded to the record owner(s) of said property; and (2) physical posting of the subject 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 business days from the date of the notices, the city will begin abatement proceeding against the property in accordance with section 26-168.

(b) If, in a calendar year, a property owner who has received the notice provided for in subsection (a) on a property and the subject property is determined by the City of Grantville Code Enforcement Division to be in violation of section 26-166 for a second or subsequent time, the city may forgo the notice provisions specified in subsection (a) and proceed immediately to the hearing and abatement proceeding as provided for in section 26-168.

Sec. 26-168. - Hearing and abatement.

(a) Upon the second or subsequent violation of section 26-166 or the failure to comply with a notice of abatement pursuant to subsection 26-167(a), a citation shall be filed in the Municipal Court of the City of Grantville and hearing scheduled to determine whether a violation of section 26-166 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 15 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 26-166, he/she may be fined in accordance with section 26-170, ordered to abate the violation within a reasonable time 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)Costs of abatement incurred by the city shall be recorded and billed to the property owner. Failure to pay the costs within 30 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 Coweta County, Georgia.

Sec. 26-169. - Award of contracts for clearing of lots by city.

Prior to the commencement of each fiscal year, the city will contract with 3 vendors/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 best three qualified vendors, such contract to remain in effect during the ensuing fiscal year. The vendors will be given work orders in a rotation between the three for the whole year.

Sec. 26-170. - Violations and contempt of abatement order.

(a) If the property owner is found to be in violation of section 26-166 the property owner shall be fined \$150.00 for the first offense. If a property owner has had other violations of section 26-166 the subject property or other properties within the calendar year, he/she shall be fined as follows: 2 nd offense: \$300.00; 3 rd and subsequent offenses: \$500.00. 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 subsection (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.