

ORDINANCE 96-4  
Amendment #1

**AN ORDINANCE TO AMEND ORDINANCE 96-4 TO REGULATE YARD MAINTENANCE, GRASS HEIGHT AND YARD TRIMMING DISPOSAL WITHIN THE CITY OF DAHLONEGA, TO ESTABLISH PENALTIES FOR VIOLATION OF REGULATIONS AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council for the City of Dahlonega is responsible for establishing regulations for protecting the health, safety and welfare of the citizens of Dahlonega; and

**WHEREAS**, the overgrowth or improper disposal or storage of grass, weeds and other deleterious unhealthful growths promotes harborage for mice, rats, snakes, rodents and other vermin which may be harmful to the health, safety and welfare of the citizens of Dahlonega.

**NOW, THEREFORE**, it is hereby Ordained by the City Council for the City of Dahlonega that Ordinance 96-4 is hereby amended and restated in its entirety as follows:

**SECTION ONE - DEFINITIONS**

For the purpose of this ordinance, the following terms shall have the meanings respectfully ascribed to them:

- (a) Commercial Solid Waste - All types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial wastes.
- (b) Composting - The controlled biological decomposition of organic matter into a stable, odor free humus.
- (c) Deleterious Unhealthful Growth - Any invasive species of plant, whether indigenous or nonindigenous which due to its natural growth spreads easily onto adjacent properties and cannot be easily controlled.
- (d) Improved Lot - Any lot or parcel of land upon which a residential or commercial structure is located.
- (e) Municipal Solid Waste - Any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single family and multifamily residences, hotels, motels, bunkhouses, campground, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste; but does not include solid waste from mining, agricultural or silvacultural operations or industrial processes or operations.
- (f) Municipal Solid Waste Disposal Facility - Any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with

commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

- (g) Municipal Solid Waste Landfill - A disposal facility where any amount of municipal solid waste, whether or not mixed with commercial waste, industrial waste, non-hazardous sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.
- (h) Undergrowth - Low growing plants, saplings, shrubs or vegetation of any kind which grow beneath trees in a wooded or partially wooded area of any parcel or tract of land.
- (i) Untrimmed Grass - Grass that exceeds 12 inches in height on any property with improvements located thereon; or exceeding 18 inches in height on any unimproved vacant lot or parcel of land; or exceeding 18 inches in height for any other property which does not fall into either of the two categories specifically addressed in this definition.
- (j) Weeds shall be deemed to mean jimson, burdock, ragweed, thistle cocklebur, dandelion or other unsightly growths of a like kind.
- (k) Yard Trimmings - Leaves, brush, grass clippings, shrub and tree pruning, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvacultural operations.
- (l) Wooded Areas - Those tracts or parcels of land or portions of improved lots which consist of a dense growth of trees, which exceed three (3) inches in diameter.

## **SECTION TWO - YARD MAINTENCE AND GRASS HEIGHT**

Be it ordained by the City Council of Dahlenega and it is so ordained by the authority thereof that from and after the effective date of this ordinance it shall be unlawful for the owner of any lot, parcel, or area of land within the city, or the agent of such owner, or tenant of an owner, or other occupant of the premises, to permit on such lot, parcel or area of land, to have, place or allow to be placed any of the following on such premises, including the front, side or rear yard, sidewalk or right-of-way:

- (a) Any accumulation of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, dead organic matter, rubbish, garbage, animal intestinal waste and urine, and toxic or otherwise hazardous liquids and substances and material.
- (b) Dead plant material piled such that it emits objectionable and foul odors or presents a haven for rodents, snakes, rats, mice or other vermin.
- (c) Any condition that would create or provide a harborage for mice, rats, snakes, rodents or other vermin.

- (d) Dead trees, shrubs or other plant materials which if they should fall, would present a safety hazard to adjacent public or private property;
- (e) Any vegetation which, because of its characteristics of growth, spreads onto adjacent property and cannot be controlled;
- (f) Grass, weeds or undergrowth that exceed twelve (12) inches or more in height on any tract, lot or parcel of land upon which a residential or commercial structure is built;
- (g) Grass, weeds or undergrowth that exceed eighteen (18) inches in height on any unimproved vacant tract, lot or parcel of land; or
- (h) Grass, weeds or undergrowth that exceed eighteen (18) inches in height on any tract, lot or parcel of land other than those described above.
- (i) All clotheslines and other outdoor clothes drying equipment shall be placed and maintained in only the rear yard of a residence or other residential property. In no instance shall clothes, sheets, towels or other household materials be hung from any object other than a clothesline or other outdoor drying equipment. The placement or hanging of clothes, sheets, towels or other household materials on fences, cars, hand railings, decks, porches, playground or other similar objects shall be considered a violation of this chapter.
- (j) A swimming pool, pond, stream, or other body of water which is abandoned, unattended, unfiltered, stagnant, or not otherwise maintained, resulting in the water becoming polluted.
- (k) Except as set forth in Section Three hereof, it is unlawful to clean or maintain private property located in the city by blowing, raking or otherwise moving objects, debris, yard waste or other items onto adjoining property, the right-of-way or the street.
- (l) Both the occupant and the owner of the premises shall be liable for compliance with the provisions of this ordinance, and shall be responsible for violations thereof. Lease of 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.

Notwithstanding the foregoing, for the purposes of this section, Wooded Areas as defined in Section One hereof shall be EXEMPT from the requirements of items (f) through (h) of this Section Two.

**SECTION THREE – PLACEMENT AND DISPOSAL OF YARD TRIMMINGS, WEEDS, UNTRIMMED GRASS, DELETERIOUS GROWTHS: PROHIBITED**

- (a) It shall be unlawful to place or mix yard trimmings with municipal solid waste within the City of Dahlonega.
- (b) Yard trimmings shall not be disposed at any solid waste disposal facility within the City of Dahlonega.
- (c) No owner or tenant of any lot, parcel or area of land within the city limits of Dahlonega shall permit on such tract, lot, parcel or area of land, or upon any sidewalk abutting the same, any weeds, untrimmed grass, deleterious or unhealthful growths or other debris of any kind which may impair the visibility of persons using the public streets or which may constitute an impediment on or overhanging the sidewalks along any of the streets of the City of Dahlonega.
- (d) Yard trimmings shall be sorted and stored in the following manner:
  - 1. Residential brush and tree limbs shall be limited to one collection per week per address.
  - 2. Residential brush and tree limbs will be collected at the curbside by the city and chipped into mulch. The City will only collect brush and tree limbs created by the property owner or tenant of the property. The City will not collect brush or tree limbs from commercial properties, institutional properties or trimmings created by professional lawn or tree services.
  - 3. Tree limbs shall be limited to no larger than 6 inches in diameter and no longer than 4 feet in length. No brush pile shall exceed an area of 24 square feet. Grass clippings and other material too small for chipping must be composted by the property owner or tenant thereof and properly disposed.
  - 4. Leaves will be collected at the curbside or street side by the city and disposed of by the city.

**SECTION FOUR – PENALTIES**

Violation of any of the above provisions shall be punishable as a misdemeanor in the Municipal Court of the City of Dahlonega and each day of noncompliance shall constitute a separate violation.

A violation of this Ordinance is an infraction, and shall be treated as a misdemeanor. The minimum fine for the each offense shall be no less than \$250.00 and no more than \$500.00 and/or jail time not to exceed 30 days for each subsequent offense.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

It is so ordained this 2<sup>nd</sup> day of Dec, 2013.

Gary McCallum  
Mayor

Rou Stewart  
Attest: City Clerk