

ORDINANCE NO. 25-79

BY: Nancy Moore

Amending Section 153.03 and enacting new Sections 155.07 and 155.08 of the Administrative Code; amending Sections 747.01, 747.02, 747.03, 747.04 and 747.07 of the General Offenses Code; amending Section 1111.02 of the Traffic Code; amending Sections 1319.03 and 1319.08 of the Building Code; and amending Sections 1412.01, 1412.02 and 1412.03 of the Housing Code of the Shaker Heights Codified Ordinances to update requirements for landscaping on private property and the use of the tree lawns in the right-of-way of the City.

WHEREAS, Section 153.03 of the Administrative Code was enacted in Ordinance 03-107, on August 25, 2003; Sections 747.01, 747.02, and 747.03 were enacted by Ordinance 6439, on September 17, 1956, Section 747.04 was enacted in Ordinance 64-145, on September 21, 1964, and Section 747.07 was enacted in Ordinance 70-29, on February 23, 1970 in the General Offenses Code; Section 1111.02 of the Traffic Code was enacted in Ordinance 81-46, on May 18, 1981; Sections 1319.03 and 1319.08 of the Building Code were enacted in ordinance 99-42, on April 26, 1999, and in Ordinance 13-114, on December 16, 2013; and Sections 1412.01 and 1412.03 were enacted in Ordinance 02-93, on July 22, 2002, and Section 1412.02 was enacted in Ordinance 18-109, on December 17, 2018 in the Housing Code of the Shaker Heights Codified Ordinances; and

WHEREAS, the tree lawns of the City are located in the public right-of-way, which is held in trust by the City for the public benefit, and while adjacent property owners are required to maintain the tree lawn adjacent to their property, the City has a responsibility to regulate and limit the use of the tree lawn and the planting or installation of plants or human made objects which may impede public access and safety in roadways and sidewalks along tree lawns, harm City-planted trees, or hinder the ability of the City to provide services such as leaf, grass bag or brush pickup; and

WHEREAS, Council agrees that landscaping on private property and the adjacent tree lawn, including areas of turf grass, and ornamental or naturalized plantings, should be designed, planted and maintained in a manner consistent with good landscaping practice, and kept in a healthy, well managed condition, that does not include: vegetation which blocks or impedes walkways, entrances, or driveways; vegetation which is overgrown, in poor condition, has significant dead material, or contains noxious weeds; vegetation that creates safety concerns due to its limiting of visibility for vehicles or pedestrians; poorly managed grass, ornamental plantings or other vegetation allowed to grow in a manner that causes a public nuisance; or vegetation which is in a condition that violates another section of the Codified Ordinances; and

WHEREAS, the Directors of Public Works and Building and Housing have recommended that the landscaping regulations for private property and the regulations for the use of the tree lawns in the right-of-way of the City should be updated to make them internally consistent, more clear, and better defined.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Section 153.03 of the Administrative Code; Sections 747.01, 747.02, 747.03, 747.04 and 747.07 of the General Offenses Code; Section 1111.02 of the Traffic Code; Sections 1319.03 and 1319.08 of the Building Code; and Sections 1412.01, 1412.02 and 1412.03 of the Housing Code of the Shaker Heights Codified Ordinances, as heretofore in effect, are hereby repealed.

Section 2. Section 153.03 and new Sections 155.07 and 155.08 of the Administrative Code; Sections 747.01, 747.02, 747.03, 747.04 and 747.07 of the General Offenses Code; Section 1111.02 of the Traffic Code; Sections 1319.03 and 1319.08 of the Building Code; and Sections 1412.01, 1412.02 and 1412.03 of the Housing Code of the Shaker Heights Codified Ordinances shall be enacted or enacted as amended, to read as follows:

155.03 REPAIR BY OWNER OR CONTRACTOR.

If the construction, grading, repairs or replacement is performed by the owner or the owner's agent, the owner or agent shall first obtain a public property permit and pay any fees established by ordinance of Council. The work shall be performed under the supervision and to the satisfaction of the Director of Public Works.

155.07 RESTRICTIONS ON THE USE AND PLACEMENT OF ITEMS IN THE TREE LAWN AND SIDEWALKS

(a) No person may use any tree lawn or sidewalk, or place any object in the tree lawn or sidewalk, without the express written approval of the City, which approval shall be at the sole discretion of the City. If the City gives its approval, such approval may be in the form of a license, easement, franchise or other agreement.

(b) No person may attach to any living or human made object, or install, in a tree lawn or on any public property, a rope, wire, chain, sign, mailbox, container, camera, sports equipment, lights, decorations, or other device or object without the express approval of the City in writing.

(c) Tree lawns may not be used for camping, sleeping, parking of vehicles, scooters or bicycles, sales of any products or services (unless specifically authorized by the Codified Ordinances), or storage of any kind (except temporary storage of leaves, brush or grass bags as allowed and in compliance with the policies established by the City).

(d) A property owner may not place or allow in the adjacent tree lawn any of the following: fences or stone walls or edges, bare dirt, asphalt paving, gravel, noxious weeds, invasive species of plants, any plants taller than 24 inches not including flower stalks, except street trees planted and/or maintained by the City, any plants taller than 6 inches within 3 feet of a fire hydrant, or any plants allowed to overhang or obstruct the sidewalk, curb and/or roadway.

(e) No irrigation system may be installed in the tree lawn without the City's approval.

(f) This section does not apply to installations in the tree lawn or sidewalks by a governmental entity such as the City, the United States post office, or the regional transit authority, or any public utility that has City or State of Ohio approval to use the right-of-way. Such uses and/or installations may be subject to other approvals or regulations of the City.

(g) If any property owner, or any person occupying the property, violates this Section on the sidewalk or tree lawn adjacent to the property, the City may declare such violation a nuisance and take such actions as are authorized under Chapter 107 of the Codified Ordinances.

(h) The City is not responsible for damage to irrigation systems, ornamental plantings, or decorative paving in a tree lawn, and shall not be required to maintain, repair or replace such plantings or paved areas.

155.08 DEFINITIONS OF TREE LAWN AND PUBLIC RIGHT-OF-WAY

(a) Tree lawn, as used in the Codified Ordinances, shall mean that portion of the public right-of-way located between the edge of a parcel of land and the roadway, or if there is a sidewalk abutting a parcel of land, then that portion of the public right-of-way between the outer edge of the sidewalk abutting a parcel of land and the roadway excluding any public sidewalk.

(b) Public right-of-way, as used in the Codified Ordinances, shall mean the dedicated strip between parcels of land that is held by the City, or other governmental entity, in trust for the use of the public. The public right-of-way may include, without limitation, a roadway, curbs, tree lawn, and/or sidewalk.

CHAPTER 747 - LANDSCAPING; TREES, GRASS 747.01 INJURY TO TREES AND SHRUBS.

It shall be unlawful for any person:

- (a) To remove, destroy, cut down, break, climb or injure any tree, ornamental plant or shrub in any roadway, tree lawn, or other public property within the City, or any stake, wire or device protecting the same, except with and in conformance to the written permission of the Director of Public Works, which permission shall be given only when the Director finds that the proposed action is necessary to preserve the appropriate use of the roadway, tree lawn or public property.
- (b) To prune, fertilize, spray or otherwise treat any tree, ornamental plant or shrub, except when employed by the City to do so, or with and in conformance to the written permission from the Director, which permission shall be given only when the Director finds that the proposed action will not substantially injure the tree, ornamental plant or shrub. Upon application for approval to prune any tree, plant or shrub, the Director, or a subordinate designated by the Director, shall make an actual inspection of the tree, plant or shrub proposed to be pruned, and shall point out to the applicant, or mark with paint or both, the branches, if any, which may be removed and the point of removal, and the designation shall constitute a part of the approval.
- (c) To attach to any tree, ornamental plant, or shrub in a tree lawn or on any public property, a rope, wire, chain, sign, mailbox, container, camera, sports equipment, lights, or other device or object without the express approval of the Director in writing.
- (d) To permit any gas, salt, brine, oil, liquid dye or other substance deleterious to tree life to come in contact with the soil surrounding the roots of any tree, ornamental plant or shrub in such manner as to kill or injure the same.
- (e) To place or maintain upon the ground in any public roadway, tree lawn, or public property any stone, concrete or other impervious material in such manner as to obstruct the free access of air and water to the roots of the tree, ornamental plant or shrub. An area of less than nine (9) square feet of open ground around the base of the trunk of a tree three (3) inches in diameter with an increase of one (1) square foot of open ground for every two (2) inches increase in diameter shall be prima-facie evidence of violation of this subsection.
- (f) To cause or procure or knowingly or negligently to permit a wire or other conductor charged with electricity to come in contact with any tree, ornamental shrub, or plant so as to kill or injure the same, or fail to remove any wire or conductor or to cut off the current therefrom within forty-eight (48) hours after written notice from the Director to do so, in case the Director finds it necessary to cut, prune or remove the tree.
- (g) To fail to provide a good and sufficient protection for any tree,

- ornamental plant or shrub against any injury arising from any building operation.
- (h) To cause or knowingly or negligently to permit any animal to injure any tree, ornamental plant or shrub.
 - (i) To maintain any of the nuisances defined in this chapter.

747.02 NUISANCES IN CONNECTION WITH TREES.

(a) The following acts, things and conditions done or existing within this City are declared to constitute nuisances:

- (1) Any tree on any parcel of property with roots that have penetrated the public right-of-way or under the surface thereof.
- (2) Any tree, plant or shrub on any parcel of property infected with any parasite, insect, fungus or pest, which may be communicated to any other tree, plant or shrub.
- (3) Any tree on a parcel of property which has fallen or is in such condition as is likely to fall on any public or private property, including the property upon which it is situated.
- (4) Any tree, plant or shrub on a parcel of property which overhangs or encroaches into the public right-of-way in such manner as to obstruct or impede pedestrians or traffic on any roadway, sidewalk or public property. Branches or plant growth overhanging any public sidewalk, pavement or roadway closer than nine (9) feet above the surface shall be deemed prima-facie to be a nuisance that obstructs or impedes pedestrians or traffic thereon.

(b) Whenever in the opinion of the Director any of the nuisances defined in this section exists, the Director shall cause its abatement and cause the cost of the abatement to be charged and collected in the manner provided by ordinance of this City.

747.03 LANDSCAPING; PLANTING TREES AND SHRUBS.

(a) No tree, ornamental plant or shrub shall be planted on any tree lawn, right-of-way or public property except by persons employed or contracted with by the City for that purpose, or with and in conformance with the Codified Ordinances or the written permission of the Director of Public Works, who shall grant such permission only if the Director finds that the proposed planting will not interfere with the appropriate public use of the street or ground and is consistent with any plan of planting already in effect thereon. Such permission shall specify the manner in which the planting shall be done, in order to insure such consistency and lack of interference, and to promote the proper growth of the trees, ornamental plants or shrubs proposed to be planted.

(b) Landscaping on private property may include turf grass, clover, ornamental plantings, meadows, prairie plantings, wildflower gardens and other natural landscaping that is well planned and maintained, and does not create a public nuisance. Landscaping on private property may also include naturally wooded areas. All landscaping on private property and the adjacent tree lawn, including areas of turf grass and/or areas of ornamental or naturalized plantings, shall be designed, planted and/or maintained in a manner consistent with good landscaping practice, and kept in a healthy, well managed condition, that does not include: vegetation which blocks or impedes walkways, entrances, or driveways; vegetation which is overgrown, in poor condition, has significant dead material, or contains noxious weeds; vegetation that creates safety concerns due to its limiting of visibility for vehicles or pedestrians; poorly managed grass, ornamental plantings or other vegetation allowed to grow in a manner that causes a public nuisance as defined in Chapter 107 of the Codified Ordinances; or vegetation which is in a condition that violates another section of the Codified Ordinances.

(c) Landscaping in a tree lawn is limited as follows:

- (1) plantings may not be allowed to grow higher than twenty-four (24) inches in height not including flower stalks, and not including street trees planted and/or maintained by the City;
- (2) a portion of the tree lawn must include an area of turf grass or other low growing ground cover that is allowed to grow no higher than 6 inches, and/or an area paved with bricks or decorative paving, that is at least five (5) feet wide along the curb, and extending in depth to the sidewalk or property boundary edge;
- (3) plants may not overhang or obstruct the sidewalk, driveway apron, curb and/or roadway; and
- (4) no plants taller than 6 inches may be allowed to grow within 3 feet of a fire hydrant.

747.04 GRASS, LANDSCAPING AND NOXIOUS WEEDS.

The existence upon any lot or parcel of land within the City of grass or weeds likely to catch fire and spread the same to other property, or of noxious weeds which are spreading or maturing seeds, or about to do so, or any landscaping in violation of Section 747.03 of the Codified Ordinances, is declared to be a nuisance. No person being the owner, occupant or person in control of any lot or parcel of land within the City shall permit a nuisance as herein defined to exist or continue thereupon. The existence of any nuisance may be abated as set forth in Chapter 107 of the Codified Ordinances.

747.07 DUTCH ELM DISEASE AND DUTCH ELM DISEASED TREES DECLARED TO BE NUISANCES.

It is hereby declared and determined that the following things and conditions are nuisances which may be abated by the Director of Public Works as provided in Chapter 107 of the Codified Ordinances, to-wit:

- (a) Dutch Elm disease.
- (b) Elm bark beetles.
- (c) Any living or standing elm tree, or part thereof, infested with the Dutch Elm disease fungus, or in a weakened condition which harbors any of the elm bark beetles.
- (d) Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm tree material from which the bark has not been removed, burned or buried.

1111.02 OBSTRUCTING TREES, PLANTS, OR SHRUBS.

No person shall maintain trees, plants or shrubs on private property or the tree lawn in a manner which obstructs the necessary view of a driver of a motor vehicle on a public street or on a private driveway, or which interferes with the driver's control, or obstructs or limits visibility of bicycles or pedestrians on streets or sidewalks. The Director of Public Works shall have the authority to order the trimming or removal of trees, plants or shrubs upon private property or on the adjacent tree lawn when they find such action necessary to public safety. When such action is deemed necessary the owner affected shall be notified in writing. The owner may appeal the decision affecting their property within thirty (30) days of the date of notice to the Board of Appeals by submitting an appeal in writing to the Director of Law with the reasons for the appeal.

1319.03 DEFINITIONS.

(a) The following terms, wherever used in this chapter, shall have the following meanings:

- (1) "Basement" means that portion of a structure which is partly or completely below grade.

- (2) "Bathroom" means a room containing plumbing fixtures including a bathtub or shower.
- (3) "Building" means any structure occupied or intended for supporting or sheltering any occupancy.
- (4) "Commercial property" means a lot or tract of land or building or other structure or grounds which are used or intended to be used or which property's last active use was primarily for commercial purposes. For purposes of this chapter only, "commercial property" also includes property owned or operated by the City.
- (5) "Commissioner" means the Commissioner of Building or their designee.
- (6) "Deteriorate" means to fall below the conditions of good repair.
- (7) "Poorly managed vegetation" means all vegetation, dead or alive, other than the following: ground cover, shrubbery, plants, flowers and trees which are planted and maintained in accordance with good landscape practice and the standards set forth in the Codified Ordinances and/or the City's policies, rules and regulations. Poorly managed vegetation shall include, without limitation: vegetation which blocks or impedes walkways, entrances, or driveways; vegetation which is overgrown, in poor condition, has significant dead material, or contains noxious weeds; vegetation that creates safety concerns due to its limiting of visibility for vehicles or pedestrians; poorly managed grass, ornamental plantings or other vegetation allowed to grow in a manner that causes a public nuisance as defined in Chapter 107 of the Codified Ordinances; or vegetation which is in a condition that violates another section of the Codified Ordinances.
- (8) "Exterior" means those portions of a building or structure or grounds which are exposed to public view from the outside.
- (9) "Exterior property" means the open space on the premises and on adjoining property under the control of owners or operators of such premises.
- (10) "Extermination" means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.
- (11) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (12) "Graffiti" means unauthorized drawings or markings on an exterior surface, without regard to the content of the drawing or marking.
- (13) "Grounds" means that portion of real estate property which does not support a building or structure.
- (14) "Infestation" means the presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.
- (15) "Interior" means those portions of a building or structure located within the outer walls of said building or structure including, but not limited to, balconies, mezzanines, attics, basements and storage areas.
- (16) "Obsolete" means no longer serving any current purpose, either aesthetic or functional.
- (17) "Occupancy" means the purpose for which a building or portion thereof is utilized or occupied.

- (18) "Occupant" means any person who has actual or constructive possession of commercial property, including but not limited to a lessee, sublessee, assignee, licensee or permittee.
- (19) "Openable area" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (20) "Operator" means any person who has the charge, care or control of commercial property.
- (21) "Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- (22) "Person" means any entity, either natural or created by law, including but not limited to a natural person, corporation, partnership, association, executor, administrator, trustee, receiver, guardian or other fiduciary.
- (23) "Plumbing" means the practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances.
- (24) "Plumbing fixture" means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.
- (25) "Premises" means a lot, plot or parcel of land including any structures thereon.
- (26) "Public nuisance" includes the following:
 - A. The physical condition or occupancy of any premises regarded as a public nuisance at common law; or
 - B. Any premises that has unsanitary sewerage or plumbing facilities; or
 - C. Any premises designated as unsafe for human habitation; or
 - D. Any premises from which the plumbing, heating or facilities required by this chapter have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective; or
 - E. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
 - F. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.
- (27) "Rubbish" means combustible and noncombustible waste materials, except garbage; the term includes the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

- (28) "Structure" means that which is built or constructed or a portion thereof.
- (29) "Toilet room" means a room containing a water closet or urinal but not a bathtub or shower.
- (30) "Ventilation" means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
- (31) "Yard" means an open space on the same lot with a structure.

1319.08 GROUNDS.

(a) Exterior Property Areas.

- (1) General. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. Exterior property areas shall be free of excessive vegetation, weeds, trash and debris.
- (2) Grading and drainage. All premises shall be graded and maintained to prevent the accumulation of stagnant water, including accumulation within structures, with the exception of water retention areas and reservoirs approved by the Commissioner of Building.
- (3) Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particular wastes directly upon abutting or adjacent public or private property.
- (4) Accessory structures. Structures and equipment placed or erected upon paved grounds, including curbs, guardrails, signs, light fixtures and poles, garages, fences and walls, shall be maintained in good repair. Structures and equipment which are deteriorated or obsolete shall be removed or replaced.
 - A. Signs indicating driver instructions, ownership of property and use restrictions shall be maintained in good repair and clearly visible to pedestrians and operators of vehicles.
 - B. Curbs, guardrails and wheel stops shall be maintained in good repair, and shall be placed in suitable locations so as to facilitate traffic flow and the safety of pedestrians, and so as to prevent vehicle encroachment upon adjacent property or landscaping. If a parking plan is required by the City Zoning Code, curbs, guardrails and wheel stops shall be placed in accordance therewith, as approved by the Planning Director. Guardrails shall be properly aligned and the surrounding areas shall be free of all debris and excessive vegetation. Telephone poles, railroad ties and other materials which deteriorate quickly shall not be used for guardrails or wheel stops.
 - C. The placement of bicycle curbs and racks shall comply with the purpose and intent of this chapter, and shall be approved by the Commissioner of Building. Bicycle curbs and racks shall be maintained in good repair. Bicycle curbs and racks shall be placed so that neither the curbs and racks, nor the bicycles parked thereon, shall block sidewalks, building entrances, or impede pedestrian or vehicular traffic.
- (5) Paved grounds and parking areas. Paved grounds, including parking areas, shall be maintained in good repair, free of debris, chuck holes, loose gravel, loose asphalt, loose concrete and vegetation. Parking areas with more than four spaces shall have each space striped. Parking areas shall be marked with appropriate traffic control markings and

islands. Striping and markings shall be clearly visible to pedestrians and operators of vehicles.

(6) Stairs. All stairs and handrails shall be structurally sound and capable of supporting normally imposed loads.

(7) Rat harborage. All structures and exterior property areas shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(8) Motor vehicles. No motor vehicle, boat, camper or trailer, shall at any time be kept or stored in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type, or a boat, camper or trailer, is permitted to undergo mechanical repairs and body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Exception: Motor vehicles, boats, campers and trailers are permitted in impound lots operated by the City, or used in connection with the operation of the Police Department, and/or otherwise approved by the City.

(9) Graffiti. All surfaces, including but not limited to walls, fences, parking lots, sidewalks, curbs, furniture and equipment, signs, and dumpsters shall be maintained free of graffiti.

(b) Landscaping.

(1) Grounds which are unpaved shall be landscaped with a healthy stand of grass, appropriate ground cover, or other appropriate vegetation as permitted under the Codified Ordinances, and/or policies, rules and regulations of the City.

(2) Trees, shrubs, ground cover, grasses and other landscape materials shall be designed, planted and maintained in a manner consistent with good landscaping practice.

(3) Landscape materials which die or are damaged shall be replaced with appropriate vegetation, and shall comply with any approved site plan or other City approval, if any.

(4) (5) No landscaping shall impede vehicular or pedestrian traffic.

(c) Sidewalks and Tree Lawns.

(1) Sidewalks and tree lawns shall be maintained in good repair and free from hazardous conditions. Sidewalks shall be kept broom clean. Sidewalks and tree lawns shall be free of poorly managed vegetation, trash and debris.

(2) Freestanding objects, including but not limited to trash receptacles, vending machines and benches, shall be maintained in good repair and free of trash, debris and poorly managed vegetation.

(d) Rubbish and Garbage.

(1) All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage, such as to cause a health hazard or public nuisance.

(2) Equipment, materials, baled or bound containers, and merchandise stored on grounds shall be in good repair, stored in accordance with the City Zoning Code, free of all public nuisances, and shall be screened from public view. The placement of such storage shall be approved by the Planning Director.

- (3) Dumpsters shall be maintained in good repair and free from rust and damaged components. Areas surrounding dumpsters shall be free from trash, debris and excessive vegetation. Dumpsters shall be adequate to hold all garbage and rubbish with a closed cover. Covers shall remain closed at all times except when filling and emptying. Dumpsters shall be located in an appropriate place so as not to impede pedestrian or vehicular traffic.
- (4) Dumpsters shall be placed in locations and screened from public view so as to comply with the Zoning Code. The placement of dumpsters shall be approved by the Planning Director.
- (5) Rubbish or garbage kept or disposed of in violation of the City Health Code or the Zoning Code shall be deemed to be a public nuisance.

1412.01 PURPOSE.

The landscaping and yard maintenance requirements specified in this chapter are intended to protect and preserve the value, appearance, character, health, safety and welfare of the community while preventing the blighting and deteriorating effect caused by dust, debris, and overgrown, invasive, and dead or dying vegetation.

1412.02 LANDSCAPING AND YARD MAINTENANCE REQUIREMENTS.

The Director of Building and Housing or the Director's designee shall inspect landscaping and yard maintenance as part of the Building and Housing Department's housing inspection programs.

1412.03 MAINTENANCE STANDARDS.

(a) The owner, the owner's agent, and/or occupant of the premises shall be responsible for the maintenance and repair of all landscaping materials and barriers, including refuse disposal areas.

(b) Yard Landscaping Materials.

- (1) Grounds which are unpaved shall be landscaped with a healthy stand of grass, appropriate ground cover, or other appropriate vegetation as permitted under the Codified Ordinances, and/or policies, rules and regulations of the City.
- (2) All landscaping, including areas of turf grass and/or areas of ornamental or naturalized plantings, shall be designed, planted and/or maintained in a manner consistent with good landscaping practice, and kept in a healthy, well managed condition, that does not include: vegetation which blocks or impedes walkways, entrances, or driveways; vegetation which is overgrown, in poor condition, has significant dead material, or contains noxious weeds; vegetation that creates safety concerns due to its limiting of visibility for vehicles or pedestrians; poorly managed grass, ornamental plantings or other vegetation allowed to grow in a manner that causes a public nuisance as defined in Chapter 107 of the Codified Ordinances; or vegetation which is in a condition that violates another section of the Codified Ordinances. All plantings must be alive and exhibit healthy growth, free from significant signs of disease or pest infestations. Any plant not in this condition shall be pruned, trimmed, removed and/or replaced, when necessary, in a timely manner.
- (3) No landscaping shall impede vehicular or pedestrian traffic, or encroach upon or impede any ingress or egress, or the public sidewalk or roadway.

Fences, walls, barriers, edging, trellises, gazebos, and other decorative structures shall be structurally sound, maintained in good repair, free from peeling paint, rust, or other signs of deterioration.

- (5) Lawns shall be maintained in a healthy, neat, and orderly condition and shall not be allowed to grow, uncut, to a length in excess of six (6) inches above the ground.
- (6) Landscaped areas must be kept free of weeds exceeding 6 inches, ensuring that weeds do not overtake intended plantings.
- (7) Exposed soil in planting beds should be covered with mulch, decorative stone, or live ground cover to prevent erosion and suppress weed growth.
- (8) Clear edges shall be established between different landscape areas (e.g. between a garden and lawn) using physical borders or distinct transitions to prevent unintended spreading of plants.
- (9) Landscaped areas must be kept free of litter, thick layer of fallen leaves on turf grass areas, and other debris to maintain a healthy, well-managed appearance.
- (10) Dead annual plants should be removed promptly at the end of their growing season, and perennials should be cut back as appropriate to promote healthy regrowth.

(c) Sidewalks and Tree Lawns.

- (1) Sidewalks and tree lawns shall be maintained in good repair and free from hazardous conditions.
- (2) Sidewalks shall be kept broom clean. Sidewalks and tree lawns shall be free of poorly managed vegetation, trash and debris.
- (3) Tree lawn areas which are unpaved shall be landscaped with a healthy stand of grass, appropriate ground cover, or other appropriate vegetation as permitted under the Codified Ordinances, and/or policies, rules and regulations of the City. Lawn grass in a tree lawn shall be maintained and shall not be allowed to grow, uncut, to a length in excess of six (6) inches above the ground.

Section 3. This ordinance shall take effect from and after the earliest time allowed by law.

Enacted

Approved this ____ day of _____, 2025.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN

1st Reading 07/28/25

Clerk of Council

coun25/0728Landscaping-CODORDAMEND