

ARTICLE XXIV
CLEAN COMMUNITY REGULATIONS

Section 2401. Nuisances.

It is hereby declared to be an offense for any owner, occupant, tenant, lessee, proprietor, agent or person in charge to maintain or allow a nuisance to exist in the City. Each day a nuisance is continued shall constitute a separate offence. In addition to the remedies expressed in this Article, violations may be punishable in accordance with all law enforcement ordinances of the City.

Section 2402. Nuisance Activities and Conditions.

The following conditions or activities, among others which may be so declared from time to time, are declared to be nuisances:

1. Grass or other vegetation in a developed residential or commercial area of the city, except for undeveloped islands, which exceeds an average of twelve inches (12") in height, excluding trees, ornamental shrubbery or crops.
2. Any trash, debris, garbage or unkempt premises which could be an attraction to or harborage for rats or other rodents.
3. Stagnant water which could be a breeding ground for mosquitoes or otherwise detrimental or annoying to the inhabitation of the city.
4. Dead or decaying matter, animal, weeds, vegetation or any fruit, vegetable or living animal which is odorous or capable of causing disease or annoyance to the inhabitants of the city.
5. The generation of dust, smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitation of the city.
6. The pollution of public water or the injection of matter or rainwater into the public sewage system, which would be damaging thereto.
7. Maintaining a dangerous or diseased animal or fowl.
8. Obstructing a public street, public access area, highway, or sidewalk without a permit from the city. Public access as used in this ordinance is defined to include all city parking places, either owned by the city or patrolled by the city pursuant to an agreement with the city and private owner, all public parks and all public recreation facilities.
9. Loud or unusual noises, such as loud music, or recreational or commercial activities, which are detrimental or annoying to the public.
10. Loud or excessive noises created by domestic animals or fowl in a residentially zoned or commercial area of the city.

11. All walls, trees, and buildings that may endanger persons or property.
12. Any business, building or property where illegal activities are conducted.
13. Unused motor vehicles, boats, trailers, appliances or other mechanical devices or parts thereof, or discarded building materials, furniture or other debris which are left outside within plain view of adjoining property or public right-of-way.
14. Any trees, shrubbery, signs, plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city.
15. Any building which is in violation of city, county or state building, housing or health codes or regulations.
16. Any other condition constituting a nuisance under state law.
17. Unsecured vacant buildings, commercial or residential.
18. Any premises which shall not be maintained so as to prevent the accumulation of stagnant water thereon, or within any building, structure, swimming pool or other recessed are located thereon.
19. Any premises which shall not be graded and maintained so as to prevent soil erosion which may damage the building, structures, or premises and adjoining buildings, structures or premises.

Every owner of a building, structure or premises shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination on the exterior area of the premises of a single family dwelling. Whenever infestation exists in the shared or public portions of the premises of other than a single family dwelling, extermination shall be the responsibility of the owner.

Section 2403. Proper Maintenance of Private Property Required.

Every building, residential, commercial, or industrial, located within the City shall comply with the requirements of this Article and any other ordinance of the City, including, but not limited to the following:

1. *Generally.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents and other vermin.
2. *Foundations.* The foundation elements shall adequately support the building at all points.

3. *Wall; wood surfaces.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timber, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior wood surfaces, other than decay resistant wood, but not limited to walls, shall be made impervious to adverse effects of weather by periodic application of paint or a similar protective covering or treatment. All exterior surfaces which exhibit defects such as scaling, peeling or loose paint over more than fifty percent (50%) of the surface of any exterior wall or wood surface shall be considered a violation of this Article and shall require repair and maintenance by the owner, occupant, lessee, proprietor, agent, tenant, or person in charge.

Section 2403.1. Stairs, Porches, Walks and Parking Areas.

1. Stairs and other exit facilities shall be adequate for safety as provided in the building code.
2. Every outside stair, every porch, every walkway, every driveway, and every appurtenances attached thereto, shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code, and shall be kept in sound condition and good repair.

Section 2403.2. Windows, Doors, and Hatchways.

1. Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.
2. Every window sash shall be fully supplied with glass window panes or an approved substitute.
3. Every window sash shall be in good condition and fit reasonable tight within its frame.
4. Every window, other than a fixed window, shall be capable of being easily opened.
5. Every exterior door shall be equipped with hinges and door latch and shall be maintained in good condition.
6. Every exterior door, when closed, shall fit well within its frame.
7. Every window, door and frame shall be constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the structure.

Section 2403.3. Maintenance of Accessory Structures

All accessory structures, including detached buildings and fences, shall be maintained structurally sound and in good repair.

Section 2403.4. Open Wells to be Filled.

It shall be the duty of any person owning property in the City on which is located an open well which is not in use and which has been abandoned and not kept properly closed to fill the well so as to render it safe to persons or animals using or going upon the premises.

Section 2404. Compliance with this Article.

No person shall own, occupy, offer for sale, or allow to remain unoccupied any residential, commercial, or industrial building, structure, or premises or portion thereof, which does not comply with the requirements of this Article and other ordinances of the City or portion thereof. The City shall cause periodic inspections to be made of all premises to secure compliance with these requirements.

Conducting Business with Non-Complying Structures.

The City shall not conduct any business with any commercial establishment that does not comply with this Article. No business license shall be granted to any business operating out of or occupying any building not in compliance with this Article or any other provision of this Zoning Ordinance.

Utility Service to Non-complying Structures.

No city utility service will be provided to any structure that does not comply with this Article.

Section 2405. Littering of Public and Private Properties Prohibited.

It shall be unlawful for any person to:

- 2405.1. Sweep, throw or deposit any garbage, trash, brush, stagnant water, dead animals, discarded items or other debris into, upon or along a drain, gutter, street, sidewalk, vacant lot or upon any public or private premises within the City: provided, however, that nothing in this section shall prevent the placing of such items on private property at or near the front property line thereof for routine pickup in accordance with the policies of the City; or
- 2405.2. Place, store, dump, park or broadcast any junk, metal, brickbats, stones, plaster, lumber, trash, garbage, litter, paper or similar

- rubbish and junk upon any public street or sidewalk in the City of Clarksville; or
- 2405.3. Keep on the streets or sidewalks in the City any crates, boxes, or similar containers except authorized trash receptacles other than when loading, unloading, packing or unpacking merchandise; or
- 2405.4. Throw or spit hulls, peelings, gum, or other litter upon the sidewalk or in or upon the floors of churches, public buildings, theaters, auditoriums, and other similar public places; or
- 2405.5. Place or to throw, leave or abandon on any street in the City any glass bottle or can or the fragments thereof, or any broken glass or crockery of any kind, or nails, tacks, bricks, or any article of object likely to injure barefoot persons using such streets or sidewalks or to injure or puncture the tires of vehicles.
- 2405.6. Transport any garbage, trash, refuse, or other cargo upon the public thoroughfares in the City if the same is of character or substance which is likely to be deposited from the motor vehicle onto the public rights-of-way unless the same is secured by containers, tarpaulin, or other device in such fashion as to effectively prevent such deposit on the public rights-of-way. The duties and responsibilities herein imposed shall be applicable alike to the owner of the motor vehicle and the operator thereof.

Section 2406. Cleanliness of Private Properties Required.

Every owner, occupant, tenant, lessee, proprietor, and person in charge of every house, building, business, commercial establishment, institution, and industrial establishment shall, jointly and severally, be required to comply with the following:

- 2406.1. Keep driveways, yards, parking, loading, work areas and areas adjacent thereto and under his control reasonably clean at all times and to place sweepings in a container to prevent re-scattering; and
- 2406.2. Provide litter containers of such size, number and type as may be specified by the City Manager to be reasonably required to hold litter generated by operations on the premises; and

- 2406.3. Maintain garbage storage areas in a clean condition and to insure that all garbage is properly containerized; and
- 2406.4. Furnish containers for construction debris and litter, and to containerize all such litter by the end of each work day; and
- 2406.5. Maintain surveillance of the subject property to insure that all litter is placed in the proper container and that the subject areas are kept clean.

Section 2407. Control of Vegetation.

No owner of any lot, place or area within the City, or the agent of such owner, shall permit, on such lot, place or area, or upon any sidewalk abutting the same, any weeds, grass, or deleterious, unhealthful growths, unsightly and/or unsafe, uncontrolled growth of shrubs and trees, or other noxious matter, that may be growing, lying or located thereon.

Section 2408. Enforcement, Abatement and Cost Recovery by City.

2408.1 **Notification.**

The City Manager is authorized and empowered to notify, in writing by registered or certified mail, the owner of any lot, place or area within the City or the agent of such owner, to cut, trim, destroy and/or remove any litter, weeds, grass, unsafe, growing shrubs and/or trees, or deleterious, unhealthful growths, or other noxious matter found growing, lying or located on such owner's property, or upon the sidewalk abutting same.

2408.2. **Action upon Non-Compliance.**

Upon the failure, neglect, or refusal of any owner or agent so notified, to cut, trim, destroy and/or remove litter, weeds, grass, unsafe trees and shrubs, or deleterious, unhealthful growths, or other noxious matter, growing, lying, or located upon such owner's property, or upon sidewalk abutting same, or otherwise comply in all respects with any term or condition of this Ordinance within thirty (30) days after receipt of the written notice provided for in Section 2404.1. above or within thirty-five (35) days after the date of such notice, in the event the same is returned to the City because of its inability to make delivery thereof, provided the same was properly addressed to

the last known address of such owner, or agent, the City Manager is hereby authorized and empowered to pay for the cutting, trimming, destroying and/or removal of such litter, weeds, grass, unsafe trees and/or shrubs, or deleterious, unhealthful growths or other noxious matter or to order the removal by the City.

2408.3. **Charge Included in Tax Bill.**

When the City has effected the removal of such litter or obnoxious growth or has paid for its removal or other cost to bring the property in compliance with this Ordinance, the actual cost thereof, plus accrued interest at the rate of Twelve (12%) percent per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the City, and said charge shall be due and payable by said owner at the time of payment of such tax bill.

2408.4. **Recorded Statement Constitutes Lien.**

Where the full amount due the City is not paid by such owner within thirty (30) days after the cutting, trimming, destroying and/or removal of such litter, weeds, grass, unsafely growing trees and/or shrubs or deleterious, unhealthful growths, or other noxious matter, as set forth in sub-sections above, then, and in that case, the City Manager shall cause to be recorded in the office of the Clerk of Superior Court a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made; said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further shall be subject to a delinquent penalty of One (1%) percent in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent; sworn statements recorded in accordance with the provisions hereof shall be "prima facie" evidence that all legal formalities have been

complied with and the work has been done properly and satisfactorily done, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. Action by the City under this section shall not preclude prosecution for a violation of this article or pursuit of any other remedy allowed by law.

Section 2409. Burning Restrictions. This section is new Ordinance adopted 12-06-2010

Section 2409. Open Burning Restrictions

Unless otherwise specified by this section, no person shall kindle an open fire in any public or private place outside any building. Fires started in Violation of This Ordinance shall be promptly extinguished by the person responsible for same upon notice by the city manager, or Fire Department Chief or their duly designated agents.

2409.1. *Exception for open burning without a permit.*

Open burning may be done without a permit for: in performance of an official duty by any public officer if necessary to prevent a fire hazard, to instruct public or private employees under the Fire Department's supervision, or to protect public health; on private property in an unaltered, commercially manufactured or professionally installed outdoor fireplace or similar appliance or structure designed for outdoor entertaining where a nuisance or public safety hazard is not created; for the cooking of food where no nuisance or public safety hazard is created.

2409.2. *Exception for open burning with a permit from Fire Department.*

An open burning permit may be issued by the Fire Department between the dates of October 1 and April 30 if: in the opinion of the issuing officer, atmospheric conditions on the day of burning are suitable for outdoor burning; a permit number issued by the Fire Department is obtained on the same day of burning; material to be burned is natural, untreated, unprocessed material such as fallen brush and leaves only; accelerants of any form are not used to kindle fire; area of burning does not exceed ten(10) feet in diameter and is not in excess of three(3) feet in height; Area of burning is at least fifty (50) feet from any structure and twenty (20) feet from any live tree, shrub or overhanging foliage; Area of burning is accompanied at all times by an adult, eighteen (18) years or older, until completely extinguished; A water source, adequate enough to quickly extinguish fire if needed,

is available at all times at the burning area; Any and all products of combustion, including embers and / or smoke are completely extinguished prior to sunset; fire shall not be kindled prior to sunrise on the day of burn.

An extended open burning permit may also be issued by the Chief of the Fire Department if in the issuing officer's opinion; there is no other practical alternative disposal method, if no hazardous condition will be created, and if no public collection of such materials to be burned is provided; for heating by construction workers, other workers, or citizens exposed to the outdoors where no practical heat source is available and where no nuisance or public safety hazard is provided; for special community events where the outdoor burn can be deemed, by the issuing officer not to pose a nuisance or public safety hazard. Any permit issued may be limited by the imposition of additional conditions to protect property and the health, safety and comfort of persons from the effects of the burning. Any permit issued can be revoked for breach of ordinance or in the opinion of the issuing officer, a change in conditions that may pose an unreasonable nuisance or threat to public safety has occurred.

Section 2410. Abandonment of Motor Vehicles.

It shall be unlawful for any person to abandon any motor vehicle on public or private property. Every day after a vehicle is deemed to be an abandoned motor vehicle, as defined by this ordinance, shall constitute a new and separate violation for which the titled owner may be prosecuted.

Section 2411. Junk Motor Vehicles Prohibited.

Except on properties that meet the definition of a wrecked motor vehicle compound and such uses are permitted in the zoning district in which they are located, no person owning real estate within the City limits of Clarkesville shall allow or keep any junk motor vehicle or parts thereon on said property. The City Clerk shall give the property owner ten (10) days written notice by certified mail to his last known address to remove or dispose of said vehicles or parts thereof. Failure of the property owner to remedy the situation within said ten (10) days shall constitute a violation of this section and every day thereafter that such a motor vehicle or part thereof remains on said owner's property shall constitute a new and separate offense.

Section 2412. Screening of Wrecked Motor Vehicle Compounds Required.

Any person who owns, operates or maintains a wrecked motor vehicle compound, automobile repair garage, automobile body shop, or other permitted use involving junk or junk motor vehicles outdoors shall provide a solid vertical wall or fence of a minimum height of six (6) feet, measured along the ground level along the entire perimeter of the subject yard, compound or area, including entrance and exit gates, such that screening is provided on all sides from the view from public streets and adjacent properties.