

ORDINANCE 2018-07

AN ORDINANCE BY THE GOVERNING AUTHORITY FOR THE CITY OF STONE MOUNTAIN, GEORGIA TO AMEND CHAPTER 5 BUILDING AND PROPERTY REGULATIONS, DIVISION 4. GENERAL REQUIREMENTS, SECTION 5-267 EXTERIOR PROPERTY REQUIREMENTS OF THE CITY OF STONE MOUNTAIN CODE OF ORDINANCES; TO AMEND CHAPTER 13 MOTOR VEHICLES AND TRAFFIC, ARTICLE III, TO AMEND APPENDIX A, ZONING, ARTICLE V: DISTRICT REGULATIONS, SEC. 5-1.7, SECTION 5-2.7, SECTION 5-3.7, SECTION 5-4.7, SECTION 5-5.7, AND SECTION 5-6.7 MINIMUM PARKING REQUIREMENTS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

PART I

The Council of the City of Stone Mountain hereby ordains that CHAPTER 5 BUILDING AND PROPERTY REGULATIONS, DIVISION 4. GENERAL REQUIREMENTS, SECTION 5-267 EXTERIOR PROPERTY REQUIREMENTS of *The Code of the City of Stone Mountain, Georgia* be amended as follows:

1. To delete Subsection 5-267 in its entirety:

Sec. 5-267. - Exterior property requirements.

- (a) *Keep exterior premises in clean, safe and sanitary condition.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- (b) *Maintain grading and drainage to prevent soil erosion and stagnant water.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Excepted from this subsection are approved retention areas and reservoirs.
- (c) *Keep sidewalks and driveways repaired and free of hazardous conditions.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- (d) *Weeds; definition; assessment.*
 - (1) All premises and exterior property, including both developed and undeveloped lots in platted subdivisions, shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited.
 - a. The term "weeds" means all grasses, annual plants and vegetation, other than trees or shrubs.
 - b. The term "weeds" does not include cultivated flowers and gardens.
 - (2) Upon the failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, he or she shall be subject to prosecution in

accordance with article IV of this chapter and as prescribed by the authority having jurisdiction.

- (e) *Rodent harborage prohibited.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents 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 eliminate rodent harborage and prevent reinfestation.
- (f) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another vent.
- (g) *Accessory structures to be maintained.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (h) *Motor vehicles.*
 - (1) Prohibited. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
 - (2) Exception. A vehicle of any type is permitted to undergo major overhaul, including body work; provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
- (i) *Defacement of property.*
 - (1) Prohibited. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.
 - (2) Owner's responsibility to restore and maintain. It shall be the owner's responsibility to restore said surface to an approved state of maintenance and repair.

and

2. Add new Subsection 5-267:

Sec. 5-267. – Exterior property requirements.

- (a) *Keep exterior premises in clean, safe and sanitary condition.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- (b) *Maintain grading and drainage to prevent soil erosion and stagnant water.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Excepted from this subsection are approved retention areas and reservoirs.

- (c) *Keep sidewalks and driveways repaired and free of hazardous conditions.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- (d) *Weeds; definition; assessment.*
- (1) All premises and exterior property, including both developed and undeveloped lots in platted subdivisions, shall be maintained free from weeds, underbrush, or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited, except as provided in this section.
- a. The term "weeds" means all grasses, annual plants and vegetation, other than trees or shrubs.
- b. The term "weeds" does not include cultivated flowers and gardens.
- c. The term "noxious weeds" means species of invasive plants that are harmful to the environment by outcompeting and displacing native species. Noxious weeds include, but not limited to, Kudzu (*Pueraria lobata*), English ivy (*Hedera helix*), Privet (*Ligustrum sinense, japonicum, lucidum* and *vulgare*), Japanese honey-suckle (*Lonicera japonica*), and Johnson grass (*Sorghum halepense*).
- (i). English ivy may be used as ground cover, erosion control, or decorative purposes, but must be pruned to remain under 12 inches tall, free of other weeds, and kept off of trees, buildings, utility poles, and street signs. Ivy is prohibited on any fence or structure that presents a public safety hazard (e.g., limits view on street curves and intersections).
- (2) Upon the failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, he or she shall be subject to prosecution in accordance with article IV of this chapter and as prescribed by the authority having jurisdiction.
- (e) *Rodent harborage prohibited.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents 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 eliminate rodent harborage and prevent reinfestation.
- (f) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another vent.
- (g) *Accessory structures to be maintained.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (h) *Motor vehicles.*
- ~~(1) Prohibited. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being~~

~~stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.~~

- ~~(2) Exception. A vehicle of any type is permitted to undergo major overhaul, including body work; provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.~~
- (1) *Unregistered and unlicensed motor vehicle.* No person shall park or permit any other person to park any motor vehicle, except a motor vehicle parked in an enclosed building, on any premises in a residential district, if the vehicle:
- (a) Is unregistered;
 - (b) Has expired registration; or
 - (c) Does not have a lawful license plate or lawful temporary tag, which plate or tag is currently registered to that vehicle displayed thereon.
- (2) *Inoperable vehicles.* No owner or occupant of any premises shall park any inoperable vehicle or permit any other person to park any inoperable vehicle on the owner's or occupant's premises for more than seventy-two (72) hours, unless the inoperable vehicle is parked in an enclosed structure. No person shall park any inoperable vehicle upon any public street, alley, or other public property. A court of competent jurisdiction shall have the authority, upon conviction of a violation of this subsection, to order the owner and/or occupant of the premises to replace ground cover beneath the inoperable vehicle, if appropriate.
- (3) No vehicle in a state of disrepair, or in the process of being stripped or dismantled, shall be parked, kept or stored on any premises. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
- (3) *Major overhaul.*
- (a) No person shall perform a major overhaul of any vehicle or permit any other person to perform a major overhaul of any vehicle on premises in a residential zone unless:
 - (i) The person performing the overhaul is the occupant of the premises;
 - (ii.) The person performing the overhaul is the owner of the vehicle; and
 - (iii.) The work is done inside an enclosed garage.
 - (b) No person shall perform a major overhaul of any vehicle or permit any other person to perform a major overhaul of any vehicle on any premises in a business, commercial, or industrial district, unless the overhaul is performed at an approved automobile sales or repair establishment.
- (4) *Storage of vehicles used for recreational purposes.* No person shall park or permit any other person to park any unlicensed, unregistered, inoperable or junk vehicles which are used for recreation purposes including, but not limited to, boats, snowmobiles, travel trailers, cargo trailers, campers, all-terrain vehicles and motor homes, on premises in a residential district, unless they are stored within an enclosed building.
- (5) In residential district, no trailer, recreational vehicle, travel trailer, camper, pickup coach, motorized home, boat trailer or boat shall be permitted to be parked in front of the principal structure or within twenty (20) feet of the rear lot line, unless it is parked or stored completely within an enclosed garage or roofed carport. Approved surfaces

shall be in accordance the minimum parking requirements provided for each district within Appendix A, Zoning, Article V. District Regulations .

- (6) Storage of machinery, implements and equipment. No person shall park or permit any other person to park any machinery, implements or equipment designed for use in agriculture, construction, or other commercial enterprise, unless the machinery, implement or equipment is parked in an enclosed garage. This requirement does not apply to single parcels zoned for commercial or industrial purposes or to single agricultural parcels greater than five (5) acres. This requirement does not apply to such machinery, implements or equipment that is being used in construction of structures or dwellings so long as such machinery, implements or equipment is removed after fifteen (15) days.
- (7) Parking in front yard of dwelling prohibited. No person shall park or permit any other person to park any vehicle in the front yard of any residential dwelling, except for permitted driveways. Front yard is defined as a yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building of any projections of uncovered steps, uncovered balconies of uncovered porches. On multi-frontage lots all yards fronting on a public street shall be considered front yards.
- (i) *Defacement of property.*
- (1) Prohibited. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.
- (2) Owner's responsibility to restore and maintain. It shall be the owner's responsibility to restore said surface to an approved state of maintenance and repair.
- (j) Junk, etc. prohibited. It shall be unlawful for the owner, operator or occupant of a dwelling, building or structure to use the premises of such property for the open storage of any inoperable vehicle, household appliance, glass, building material, building trash or similar item. It shall be the duty and the responsibility of each owner, operator or occupant to maintain the premises of such property and to remove from the premises all abandoned items as listed above, including, but not limited to, dead trees (in accordance with Historic Preservation District guidelines as applicable), garbage and trash, weeds, upon notice of the City.

PART II

The Council of the City of Stone Mountain hereby ordains that CHAPTER 12 MOTOR VEHICLES AND TRAFFIC, ARTICLE III. STOPPING, STANDING, AND PARKING of *The Code of the City of Stone Mountain, Georgia* be amended as follows:

1. To add Subsection 13-61. Authority to set rules for vehicle parking areas.

The City Manager shall have the authority to set rules for vehicle parking areas owned or leased by the City in order to promote most effective use of the area. Such rules include, but are not limited to, prohibition of parking, manner of parking, and time limits of parking. Rules will be promulgated via appropriate or temporary signage, markings, or other devices.

- (1) The parking of vehicles in lots owned or leased by the City shall be in accordance with rules displayed by permanent or temporary signage, markings, or other devices. Vehicles not in compliance with such rules may be cited and/or removed by any officer authorized to enforce the City Ordinances of Stone Mountain.

PART III

The Council of the City of Stone Mountain hereby ordains that APPENDIX A, ZONING, ARTICLE V: DISTRICT REGULATIONS, SECTION 5-1.7 SINGLE-FAMILY RESIDENTIAL, SECTION 5-2.7 TRADITIONAL RESIDENTIAL, SECTION 5-3.7 INTOWN NEIGHBORHOOD RESIDENTIAL, SECTION 5-4.7 SHERMANTOWN RESIDENTIAL, SECTION 5-5.7 VILLAGE CENTER MIXED-USE, AND SECTION 5-6.7 MULTI-FAMILY RESIDENTIAL MINIMUM PARKING REQUIREMENTS of *The Code of the City of Stone Mountain, Georgia* be amended as follows:

1. To delete Subsection 5-1.7(A)(7) in its entirety; and
2. To add new Subsection 5-1.7(A)(7)

A maximum of one piece of major recreational equipment may be parked or stored on a single family residential lot provided that it is parked in compliance with section ~~5-104~~ 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

and

3. To delete Subsection 5-2.7(A)(10) in its entirety; and
4. To add new Subsection 5-2.7(A)(10)

A maximum of one piece of major recreational equipment may be parked or stored on a single family residential lot provided that it is parked in compliance with section ~~5-104~~ 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

and

5. To delete Subsection 5-3.7(A)(11) in its entirety; and
6. To add new Subsection 53.7(A)(11)

A maximum of one piece of major recreational equipment may be parked or stored on a single family residential lot provided that it is parked in compliance with section ~~5-104~~ 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

and

7. To delete Subsection 5-4.7(A)(13) in its entirety; and
8. To add new Subsection 5-4.7(A)(13)

A maximum of one piece of major recreational equipment may be parked or stored on a single family residential lot provided that it is parked in compliance with section ~~5-104~~ 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

and

9. To delete Subsection 5-5.7(A)(8) in its entirety; and
10. To add new Subsection 5-5.7(A)(8)

A maximum of one piece of major recreational equipment may be parked or stored on a single family residential lot provided that it is parked in compliance with section ~~5-104~~ 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

and

- 11. To delete Subsection 5-6.7(A)(8) in its entirety; and
- 12. To add new Subsection 5-6.7(A)(8)

A maximum of one piece of major recreational equipment may be parked or stored on a single family residential lot provided that it is parked in compliance with section ~~5-104~~ 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

PART IV

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART V

This ordinance shall become effective on the _____ day of _____, 2018
This ordinance was proposed by Council Member _____ with a motion to adopt. Thereafter, the motion was seconded by Council Member _____ . _____ Council Members voted in favor of the motion and _____ Council Members voted against the motion.

Mayor Patricia Wheeler

Rhonda Blackmon, City Clerk

Approved as to form: _____
City Attorney Joe Fowler

First read: _____

Second read: _____