



**CITY OF ST. MARYS**  
418 OSBORNE STREET  
ST. MARYS, GEORGIA 31558  
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**PROPERTY COMMITTEE MEETING**

**April 7, 2009**

**3:00 p.m.**

**AMENDED  
AGENDA**

**I. CALL TO ORDER**

**II. ROLL CALL**

**QUORUM: YES\_\_\_ NO\_\_\_**

**III. BUSINESS:**

**A. MEMORY GARDEN**

**B. DRAFT PROPERTY MAINTENANCE ORDINANCE**

**C. DRAFT MOWING ORDINANCE**

**D. ANY OTHER CONCERNS PRESENTED BY THE COMMITTEE**

**IV. ADJOURNMENT:**

**C Trader**

**PURPOSE:**

**Refer the concept of consideration to allow a group of interested citizens to pursue cleaning up the current oak grove parking lot area and build a gazebo with landscaping to allow the area to be used as a memory garden (with allowing some area to remain as parking) to the property committee for review and consideration. This concept has been presented by several members of the community.**

## Property Maintenance Ordinance Summary

- **Fences & Walls (Section 14-301)**: maintenance in sound condition required. Fences to be free of protruding nails 1/16 inch or more. Multi-family parcels 8 units per acre or more require a chain link or wrought iron fence (excludes single family attached dwellings). All damaged or missing portions of a fence shall be replaced.
- **Grass & Weeds (Section 14-302)**: over 12 inches prohibited (exempts RA-200, greater than 1 acre or R-100, greater than 3 acres).
- **Junk Vehicles (Section 14-303)**: junk vehicle regulations moved from the Zoning Resolution to the Property Maintenance Ordinance.
- **Open or Outdoor Storage (Section 14-304)**: outdoor storage of appliances, building materials or rubbish, equipment, garbage, goods, glass, materials, merchandise, trash or similar items on premises for 24 hours (exempts cut wood, neatly stacked no more than 3 feet in height for the personal use of the owner).
- **Hazardous Trees (Section 14-305 (a))**: removal required.
- **Tree Stumps & Tree Debris (Sections 14-305 (b) & (c))**: stumps over 12 inches above ground level and tree debris must be removed within 14 days (exempts RA-200 and property covered by a valid land disturbing permit).
- **Swimming Pools, Spas, and Similar Structures (Section 14-306)**: maintenance required.
- **Registered Agents (Section 14-307)**: the agent for multi-family, commercial, office, industrial property, or mobile home park must update their name, City of St. Marys address, and 24 hour phone number with the Licensing and Revenue Section of the Department of Financial Services, once a year or prior to issuance of a Certificate of Occupancy.
- **Exterior Building Maintenance (Sections 14-321 through 14-327)**: maintenance of building exteriors required (exterior walls or surfaces, roofs, stairways, decks, porches, balconies, windows, exterior doors and door frames, and decorative features).
- **Vacant Buildings (Section 14-328)**: exterior doors require locks, windows secured and latched, exterior walls and roofs in good repair and free of holes, exterior free of accumulation of combustible materials, exterior free of trash and debris, existing fence in good repair and locked.
- **Burned Structures (Section 14-329)**: for partially burned structures owner or person in control of structure has 30 days to clear refuse, debris, charred lumber and material. For structure incapable of repair owner or person in control has 60 days to remove the building or structure after completion of scene investigation by Fire Department.
- **Garage Doors (Section 14-330)**: shall be capable of closing, properly attached, exterior surface weatherproof.
- **Foundation Walls (Section 14-331)**: shall be maintained plumb, safe design free from cracks and breaks so as not to be detrimental to public safety and welfare.
- **Driveways (Section 14-332)**: all private driveways shall be maintained in a passable condition so as to allow safe vehicular ingress and egress to the building served.

• **Residential Occupancy Limitations (Sections 14-341 through 14-347):** occupancy limits established as follows (no more than 8 individuals, related by blood or marriage or unrelated, shall occupy any residential dwelling unit unless a variance has been granted):

• **Bedroom Area (Section 14-344):**

- 1 occupant bedroom – 70 square feet;
- 2 or more occupant bedrooms – 50 square feet per person.

• **Living Room Area (Table 4.5):**

- 1 to 2 occupants – no requirement;
- 3 to 5 occupants – 120 square feet;
- 6 or more occupants – 150 square feet.

• **Dining Room Area (Table 4.5):**

- 1 to 2 occupants – no requirement;
- 3 to 5 occupants – 80 square feet;
- 6 or more occupants – 100 square feet.

• **Kitchen Area (Table 4.5):**

- 1 to 5 occupants – 50 square feet;
- 6 or more occupants – 60 square feet.

• **Penalties (Section 14-286):** minimum fine \$250; maximum fine \$1000 and/or up to 60 days in jail.

• **Transfer of Ownership (Section 14-287):** it is unlawful for an owner who has received a notice of violation to transfer ownership until the notice of violation is complied with.

• **Enforcement (Section 14-361):** Property Maintenance Ordinance is enforced by the Chief of Police or the Director of the City of St. Marys Department of Planning and Development. Whenever it is necessary to enforce the Property Maintenance Ordinance a police officer may enter the grounds of such property. If the structure is occupied the officer must present proper credentials and if entry is denied police officer shall have recourse to every remedy provided by law to secure entry.

• **Unlawful Acts (Section 14-362):** It is unlawful for a person, firm or corporation to be in conflict with, or in violation of this ordinance.

• **Liability (Section 14-363):** No officer, agent or employee of City of St. Marys is liable for any damage that may occur while an investigation is made for compliance with this ordinance.

\*\* End of Summary \*\*

# **Property Maintenance**

## **Division 1: Generally.**

### **Section 14-281. Title**

The title of this ordinance shall be the "City of St. Marys Property Maintenance Ordinance" and may be cited hereinafter as "this article."

### **Section 14-282. Purpose**

The purpose of this article is to establish minimum requirements and standards for premises and structures in order to promote and protect the public health, safety, convenience, order and general welfare of the citizens of the city.

### **Section 14-283. Scope**

This Article shall apply to all commercial, office, industrial, multi-family, and single-family residential structures and premises and shall constitute the minimum requirements and standards for existing structures and premises.

### **Section 14-284. Interchangeability**

Words stated in the present tense include the future. Words stated in the masculine gender include the feminine and neuter. Words stated in the singular number include the plural and the plural the singular.

### **Section 14-285. Definitions**

Terms not defined herein shall have their meaning as defined in the Zoning Resolution, the Development Regulations, and the Construction Code, or in the absence of such definition, words shall have their common dictionary definition. Whenever the words "dwelling unit," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this ordinance, they shall be construed as though they were followed by the words "or any part thereof." The following definitions shall apply in the interpretation and enforcement of this article:

**Bathroom.** A room containing plumbing fixtures including a bathtub or shower.

**Bedroom.** Any room or space used or intended to be used for sleeping purposes.

**Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Exterior Property.** The open space on the premises and on adjoining property under the control of owners or operators of such premises

**Garbage.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Habitable Space.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**Junk Vehicle.** Junk vehicle means any vehicle, automobile, truck, van, trailer of any kind or type, or contrivance or part thereof, which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned, discarded, or kept parked, stored or maintained on any premises or public right-of-way without a current license plate and/ or decal.

**Maintenance.** The act of keeping property, structures or vegetation in a proper condition so as to prevent their decline, failure or uncontrolled growth.

**Occupancy.** The purpose for which a building is utilized or occupied.

**Occupant.** Any individual living or sleeping in a building; or having possession of a space within a building.

**Operator.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**Owner.** 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 of Georgia or City of St. Marys 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.

**Premises.** A lot, plot or parcel of land including any structures thereon.

**Rubbish.** Rubbish means discarded waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass, crockery, dunnage, and/ or similar materials.

**Toilet Room.** A room containing a water closet or urinal but not a bathtub or shower.

**Trash.** Combustible and noncombustible waste material, except garbage, including paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, cans, metals, bricks, lumber, concrete, mineral matter, glass crockery, and including the residue from the burning of wood, coal, coke or other combustible material.

**Weeds.** All rank vegetative growth including but not limited to kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths; however, this term shall not include cultivated flowers, fruits and vegetables, and gardens.

**Yard Trimmings.** Yard trimmings means leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

#### **Section 14-286. Penalties**

(a) **Fine and/or Sentence.**

Any person convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the county and shall be punished either by a fine not less than \$250 per day and not to exceed \$1,000 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(b) **Powers of the Court.**

The court shall have the power and authority to order the violation corrected in compliance with this article and the court may require payment of restitution or impose other law. punishment allowed by

(c) **Other Legal Remedies.**

In any case in which a violation of this article has occurred, the county, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

#### **Section 14-287. Transfer of Ownership**

It shall be unlawful for the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building or structure until the provisions of the notice of violation have been complied with, or until such owner shall furnish to the Chief of Police a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such notice of violation. Any citation for violation of this section shall be issued to the transferor of the property listed on the face of the document evidencing conveyance of the property.

### **Division 2: Property**

#### **Section 14-301. Fences and Walls**

- (a) Fences and walls shall be maintained in a structurally sound condition and in good repair. Fences shall be free from loose or rotting materials and shall have braces and supports attached or fastened in accordance with common building practices. Fences shall be maintained free of nails protruding more than 1/16 inch beyond the face of any uncovered fence member.
- (b) All multi-family parcels which contain eight units per acre or more, excluding single-family attached dwellings, on parcels that contain a minimum of three acres shall be fenced on all sides with a chain link or wrought iron fence, or other material approved by the Director of the Department of Planning and Development, no less than four feet in height. Any new fence required by the adoption of this Ordinance shall be constructed within six months from the effective date of this Ordinance.
- (c) All damaged or missing portions of a fence shall be replaced with comparable materials and shall be attached to the existing portion of the fence. Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural members.

### **Section 14-302. Grass, Weeds and Uncultivated Vegetation**

\Premises and exterior property shall be maintained free from grass, weeds, or uncultivated vegetation in excess of twelve inches in height unless the property is zoned R-100 and is greater than three acres in size or is zoned RA-200 (Agriculture – Residence District) and is greater than one acre in size. Property owners abutting a right of way shall not allow cut grass, weeds, or shrubs to accumulate on a public street or sidewalk. The unpaved areas of front yards shall be maintained with grass, ground cover or other type of landscaping to such an extent that the soil is not subject to erosion.

### **Section 14-303. Junk Vehicles**

Junk vehicles shall not be kept, permitted, parked, stored or maintained on any premises or public right-of-way.

#### **Exceptions:**

- (1) Junk vehicles, which are kept within a fully enclosed building on property in residential zoning districts provided the owner or occupant of the property is in the process of reconditioning the junk vehicles for personal use;
- (2) Junk vehicles which are kept on property in zoning districts authorized by the Zoning Resolution for repairing, reconditioning or remodeling junk vehicles and provided that such junk vehicles are not stored for the purpose of salvage of parts but are in the continual process of repair, reconditioning or remodeling;
- (3) Junk vehicles which are kept on property in zoning districts as authorized by the Zoning Resolution for a junk or salvage yard.

### **Section 14-304. Open or Outdoor Storage**

The open or outdoor storage of appliances, building materials or rubbish, equipment, garbage, goods, glass, materials, merchandise, rubbish, trash or similar items shall not be permitted, maintained or stored on any premises for more than 24 hours.

#### **Exceptions:**

- (1) Property where outdoor storage is authorized by the Zoning Resolution;
- (2) Cut wood which is neatly stacked in lengths not to exceed 3 feet for the personal use of the owner or occupant;

### **Section 14-305. Trees**

#### **(a) Hazardous Trees.**

Dead trees shall not be allowed to exist or to be maintained on any premises which are hazardous to persons on adjacent property or to adjacent property. A finding by a registered forester or certified arborist shall constitute prima-facie evidence that a tree is in danger of falling upon adjacent lots or public streets due to the death of the tree.

#### **(b) Tree Stumps.**

Tree stumps greater than 12 inches in height above ground level shall not be permitted or maintained on any premises for more than fourteen days after the tree has been cut.

#### **Exceptions:**

- (1) Property covered by a valid land disturbing permit;
- (2) Property zoned RA-200 (Agriculture-Residence District).

#### **(c) Tree Debris.**

Felled trees, slash, or removed tree limbs shall not be permitted or maintained on the ground on any premises for more than fourteen days.

#### **Exceptions:**

- (1) Property covered by a valid land disturbing permit;
- (2) Cut wood which is neatly stacked in lengths not to exceed three feet and which is stored in a side or rear yard;
- (3) Property zoned AF (Agriculture-Residence District).
- (4) Composting activities which comply with state law.

### **Section 14-306. Swimming Pools**

Stagnant water in swimming pools conducive to the breeding or harboring of mosquitoes or other insects shall not be permitted or maintained on any premises. A finding by a health official of the County Environmental Health Department shall constitute prima facie evidence that stagnant water in a swimming pool is conducive to the breeding or harboring of mosquitos or other insects. Swimming pools, spas, and similar structures above ground, on ground, or in ground, shall be maintained in a safe, clean,

sanitary, secure, and structurally and mechanically sound condition. All swimming pools shall be completely surrounded by a fence having a minimum height of four feet.

#### **Section 14-307. Registered Agents**

Prior to the issuance of a Certificate of Occupancy for any multi-family development, commercial, office, or industrial property, or mobile home park, or during the first thirty calendar days of each year, whichever occurs earlier, the owner and each Occupation Tax Certificate holder for each multi-family development, commercial, office, or industrial property, or mobile home park must designate the name, City of St. Marys address, and twenty-four hour phone number of an agent for the property. The agent shall reside in City of St. Marys and shall be on twenty-four hour call, seven days a week, to accept notices of violation regarding any provision of the City of St. Marys Code. In addition, written notice to such agent shall be deemed delivered on the third business day following the mailing of such notice by first class mail to the agent at the address listed in such registration. The registration required by this paragraph shall be submitted to the Planning and Building Department of the City of St. Marys. Such registration shall be confirmed at the time of each annual registration. In the event that the holder of an Occupation Tax Certificate or the owner of the property desires to change the name or contact information with regard to the registered agent, the Occupation Tax Certificate holder and/ or owner shall supply written notice to the Planning and Building Department. No change in registration shall be effective until written modification thereof is received from the Planning and Building Licensing Department.

### **Division 3: Buildings**

#### **Section 14-321. Exterior Surface Treatment**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints shall be maintained weather resistant and water tight.

#### **Section 14-322. Exterior Walls**

Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials; and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration.

#### **Section 14-323. Roofs**

Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and have no defects which might admit rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof including, but not limited to, the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, and metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building.

b

#### **Section 14-324. Exterior Stairways, Decks, Porches and Balconies**

Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

#### **Section 14-325. Windows**

Windows of buildings shall be fully supplied and maintained with glass window panes or with a substitute approved by the Director of the Department of Planning and Development, and such glass or substitute material shall be without open cracks or holes. Screens, if provided, shall be securely fastened to the window. Windows other than fixed windows shall be capable of being opened with reasonable ease and shall be held in position by appropriate window hardware.

#### **Section 14-326. Exterior Doors and Frames**

Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Exterior door jambs, stops, headers and moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be provided with proper hardware and maintained in proper working condition.

#### **Section 14-327. Decorative Features**

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

#### **Section 14-328. Vacant Buildings**

Every vacant dwelling, house, building (residential or commercial) or other similar structure within the City of St. Marys shall comply with the following requirements:

1. All exterior doors and windows shall be kept in sound working condition free of broken glass.

2. All exterior doors shall be equipped with a workable lock or locking device and shall be kept securely locked during the period of time said building is vacant.
3. All windows shall be secured by latch, lock or other means so as to prevent easy entry into such structure by children, vagrants, or unauthorized persons.
4. All exterior walls and roofs shall be kept in good repair and free of holes, cracks, defective materials and structural deterioration so as to keep such building from becoming a breeding place for rodents, roaches and disease- carrying insects.
5. The exterior of said building and the premises thereon shall be kept free of any accumulation of flammable or combustible rubbish or waste materials of sufficient quantity to constitute a danger to said building or any other building or premises in the event that such waste materials become ignited.
6. The exterior of the premises shall be kept free of any accumulation of trash, garbage, rubbish or any waste material of such quantity as to constitute an unsanitary condition.
7. Any existing fence shall be maintained in good repair with gates locked at all times.

**Section 14-329. Burned Structures**

Whenever any building or structure is partially burned, the owner or person in control shall, within thirty days after completion of the scene investigation by the Fire Department and/or insurer of the property, remove from the premises all refuse, debris, and all charred and partially burned lumber and material. If such building or structure shall be burned to such an extent that it is rendered incapable to being repaired, the owner or person in control shall, within sixty days after completion of the scene investigation by the Fire Department and/or insurer of the property, remove from the premises all the remaining portion of the building or structure. If the building or structure is to be repaired, work shall begin within sixty days and shall be completed within one hundred twenty days after completion of the scene investigation by the Fire Department and/or insurer of the property.

**Section 14-330. Garage Doors**

Garage doors shall be capable of being closed reasonably plumb, properly attached, and the exterior surface of garage doors shall be maintained weatherproof so as to prevent deterioration.

**Section 14-331. Foundation Walls**

All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads of the structure and shall be maintained plumb and free from open cracks and breaks so as not to be detrimental to public safety and welfare. Every foundation, exterior wall, and other exterior surface shall be maintained in a workmanlike state of maintenance and repair.

**Section 14-332. Driveways**

All private driveways shall be maintained in a passable condition so as to allow safe vehicular ingress and egress to the building served. For purposes of this section, there is a rebuttable presumption that a private driveway is impassable if the driveway contains a grade separation of 6 inches or more.

**Division 4: Residential Occupancy Limitations.**

**Section 14-341. Privacy**

Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**Section 14-342. Minimum Room Widths**

A habitable room, other than a kitchen, shall not be less than 7.5 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

**Section 14-343. Minimum Ceiling Heights**

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

**Exceptions:**

- (1) In one and two family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height;
- (2) Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions;
- (3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7.5 feet over not less than 50% of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

**Section 14-344. Bedroom Requirements**

**(a) Area for Sleeping Purposes.**

Every bedroom occupied by one occupant shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one occupant shall contain at least 50 square feet of floor area for each occupant thereof.

**(b) Prohibited Occupancy.**

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

**Section 14-345. Overcrowding**

| Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 4.5 as follows: <b>Table 4.5 Minimum Occupancy Area Requirements</b> |                               |                     |     |
|--|-------------------------------|---------------------|-----|
| Space  | Minimum Area in Square Feet   |                     |     |
| 1-2 Occupants  | 3-5 Occupants                 | 6 or More Occupants |     |
| Living Room <sup>a,b</sup>   | No Requirements               | 120                 | 150 |
| Dining Room <sup>a,b</sup>   | No Requirements               | 80                  | 100 |
| Kitchen <sup>b</sup>   | 50                            | 50                  | 60  |
| Bedrooms   | Shall Comply with Section 4.4 |                     |     |

See paragraph 2 of this section for combined living room/dining room spaces.

See paragraph 1 of this section for limitations on determining minimum occupancy area for sleeping purposes.

**(1) Sleeping Area**

The minimum occupancy area required by Table 4.5 shall not be included as sleeping area in determining minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 14-344

**(2) Combined Spaces.**

Combined living room and dining room spaces shall comply with the requirements of Table 4.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Notwithstanding any other provision of the Code of Ordinances of St. Marys, Georgia to the contrary, not more than eight individuals, related by blood or marriage or unrelated, shall occupy any residential dwelling unit unless a variance has been granted by the Planning Commission of the City of St. Marys. The number of occupants of a dwelling unit may be further limited based upon septic system limitations and parking regulations applicable to a specific property.

**Section 14-346. Efficiency Unit**

Nothing in this article shall prohibit an efficiency dwelling unit meeting the following requirements:

- (1) An efficiency unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. An efficiency unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by paragraphs (2) and (3).
- (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
- (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
- (4) The maximum number of occupants shall be three (3).

**Section 14-347. Short Term Occupancy**

This article shall not apply to any occupancy which has not lasted, or is not intended to last, more than one (1) week.

**Division 5: Enforcement and Unlawful Acts.**

**Section 14-361. Enforcement**

- (a) This article shall be enforced by the City Marshall of the City of St. Marys or their duly authorized representatives, as applicable.
- (b) Whenever it is necessary to make an inspection to enforce the provisions of this Article, or whenever a police officer or code enforcement officer has reasonable cause to believe that there exists upon any property a condition or violation which is unsafe, dangerous, hazardous, or detrimental to the public interest, the officer may enter upon the grounds of such property at all reasonable times to inspect the same; provided, however that if such structure or property is occupied, the officer shall first present proper credentials and request entry upon such grounds. If such entry is refused, the officer shall have recourse to every remedy provided by law to secure entry upon such grounds.

**Section 14-362. Unlawful Acts**

It shall be unlawful for a person, firm or corporation to be in conflict with, or in violation of, this article.

**Section 14-363. Liability**

No officer, agent, or employee of the City of St. Marys shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties pursuant to this Article.

\*\* END \*\*

## **SUMMARY OF ARTICLE X – STREETS AND SIDEWALKS - KEEPING CLEAN**

- **Depositing loose advertising matter** (Section 46-230): No loose advertising on sidewalks, porches, lawns or other areas. Newspapers are exempt.
- **Advertising – Merchandising – Trash containers** (Section (46-231): No advertising materials in public ROW, trash cans only put out 24 hours in advance, and removed 24 hours after pickup;
- **Yard Waste** (Section 46 -232): Yard debris only put out 24 hours in advance of pickup (scheduled or unscheduled).
- **Scattering debris from vehicle.46-233:** No mud, dirt, gravel, dust, wood, or building materials dropped by vehicles entering or exiting property adjacent to a public street or sidewalk.
- **Building fires and mixing building materials.46-234:** No building of fires and or mixing of building materials on public streets or sidewalks without protection of the street or sidewalk
- **Sweeping and washing sidewalks.46-23:** Streets and sidewalks shall be kept clean of dirt, dust and debris at all time.
- **Removal of snow and ice.46-236:** In the rare event of snow and/or ice, the snow and/or ice shall be removed within 24 hours from any sidewalk.
- **Mowing of grass in City and/or State Right-of-way 46-237:** Every property owner shall be responsible for mowing grass, and maintaining the area between the edge of the street pavement/curb and the sidewalk, and between the sidewalk and the property line.
- **Violation – Penalty.46-238:** Up to \$500 fine and 90 days for violation of this article.

## **SUMMARY OF ARTICLE XI – PRIVATE USE OF STREET RIGHT OF WAY**

- **Street right-of-way – Duty of owner and/or occupant of property abutting public right-of-way. Section 46-239:** It shall the Property owners responsibility to maintain and repair the sidewalk and/or driveway abutting the property and maintain the sidewalk in proper repair. Property owner shall remove any obstructions in the Right of Way

The City is authorized to remove structures or obstructions installed within the public right-of-way in violation of subsection 46-239, A.9.

# **PROPOSED AMENDMENT TO ORDINANCE 46 - ENVIRONMENT**

## **ARTICLE X - STREETS AND SIDEWALKS – KEEPING CLEAN**

Sections:

|        |   |
|--------|---|
| 46-230 | Depositing loose advertising matter.              |
| 46-231 | Advertising – Merchandising – Trash containers.   |
| 46-232 | Yard Waste  |
| 46-233 | Scattering debris from vehicle.                   |
| 46-234 | Building fires and mixing building materials.     |
| 46-235 | Sweeping and washing sidewalks.                   |
| 46-236 | Removal of snow and ice.                          |
| 46-237 | Mowing of grass in City and/or State Right-of-way |
| 46-238 | Violation – Penalty.                              |

### **Section 46-230: Depositing loose advertising matter.**

It shall be unlawful for any person, firm or corporation to distribute, throw or deposit upon any street, alley or public place, or in or upon any vehicle thereon, or upon any private yard, lawn driveway, sidewalk, porch or steps of any residence, or upon or in any part of any structure or upon any vacant property in the City of St. Marys, any advertising sample, handbill, dodger, circular, booklet, paper or loose advertising matter of any kind or description; provided, however, that nothing in this section shall prohibit the distribution and delivery of any newspaper which is capable of being entered as second class matter under the provisions of the United States Postal Service and other United States statutes.

### **Section 46-231: Advertising – Merchandising – Trash containers.**

It shall be unlawful for any person to store, display, place, or cause or suffer to be stored, displayed or placed, any goods, wares, merchandise, or other articles or signs for purposes of sale, display, advertising or for any other purpose on any street, alley or sidewalk, including the space between the sidewalk and the street, curb or property line in the City of St. Marys, except while in the actual course of receipt or delivery thereof; provided, however, that the tenant or occupant of any ground floor room or store abutting upon a sidewalk may use and occupy such sidewalk for a distance of 18 inches immediately outside the property line for the display of goods, wares and merchandise and other articles; and provided further, where it is necessary to place garbage or trash containers upon a public sidewalk, alley or street to allow removal of such garbage and trash, such containers may be placed thereon for a reasonable period of time not to exceed 24 hours in advance of the pickup with containers removed within 24 hours after pickup; and further, excepting the use of said streets, alleys and sidewalks as may be otherwise specifically authorized by other City ordinances.

### **Section 46-232: Yard waste**

Where it is necessary to place yard waste upon or adjacent to a public sidewalk, alley or street, such yard waste may be placed thereon for a reasonable period of time not to exceed 24 hours in advance of the pickup excepting the use of said streets, alleys and sidewalks as may be otherwise specifically authorized by other City ordinances. Yard waste shall be defined as grass clippings, branches and limbs not exceeding 2” in diameter, weeds, leaves, and related small yard debris. Logs with a diameter over 2”, construction debris, trash, garbage, and the like is NOT yard waste and shall be properly and legally disposed of by the using non-City services at the sole expense of the person, firm or corporation. Yard waste deposited outside of the time limits so noted shall be subject to a fine based on the littering ordinances of the City of St. Marys.

### **Section 46-233: Scattering debris from vehicle.**

It is unlawful for any person, firm, or corporation to allow or cause to be allowed any tracking of debris over or along any public street or sidewalk by vehicles leaving their property. As used herein, the word “debris” includes, but is not limited to: mud, dirt, gravel, dust, wood, or building materials dropped by vehicles entering or exiting property adjacent to a public street or sidewalk.

### **Section 46-234: Building fires and mixing building materials.**

It is unlawful for any person to build a fire, mix mortar, or place any sand or gravel, building material or other substances upon any sidewalk, street or alley in the City without first obtaining a permit so to do from the Director of

Public Works. And whenever a fire is built, or mortar is mixed, or sand or gravel or other like building material is deposited upon any sidewalk or paved streets, the same shall be done in such a manner as to prevent injury to such sidewalk or pavement and to prevent the materials from coming in contact therewith or being scattered thereon.

**Section 46-235: Sweeping and washing sidewalks.**

It shall be the duty of the person having charge or control of any premises within the City to keep the walk or walks along the property in the street or streets adjacent thereto in a clean condition.

**Section 46-236: Removal of snow and ice.**

In the rare event of the depositing of snow and/or ice, it shall be the duty of every person having charge or control of any premises located within the City of St. Marys to remove or cause to be removed from the public walks along the side or in front of the premises all snow or ice which may have formed or been deposited therein within 24 hours after the same has fallen or been formed, and shall also cause such snow or ice to be removed from the gutter in front of such walk for a sufficient width to allow the water to run freely therein.

**Section 46-237: Mowing of grass in the City and/or State Right-of-Way**

It shall be the duty of the person having charge or control of any premises within the City to mow the grass strip (sometimes referred to as a ‘devil strip’) between the edge of the paved or unpaved road to the edge of any existing sidewalk.

It shall also be the duty of the person having charge or control of any premises within the City to mow the grass from the edge of the paved or unpaved road and any sidewalk to the property line of the premises. Mowing shall be only in the front yard area between the side property lines of the premises; or on a corner lot, any yard parallel to the street between the appropriate corner property pins.

**Section 46-238: Violation – Penalty**

Any person violating any of the provisions hereof shall be, upon conviction thereof, fined in any sum not exceeding \$500.00 or imprisoned in the County Jail for a period of not exceeding 90 days, or both, in the discretion of the Court.

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**ARTICLE XI - PRIVATE USE OF STREET RIGHT-OF-WAY**

**Section 46-239: Street right-of-way – Duty of owner and/or occupant of property abutting public right-of-way.**

- A. Abutter's Duty. It shall be unlawful for the owner and/or any person, firm, or corporation occupying or having charge or control of any premises abutting upon any street, alley, or other public right-of-way within the City of St. Marys to cause or contribute to a physical condition of the public right-of-way by constructing, placing, causing, creating, maintaining, or permitting to remain upon any part of the right-of-way lying between the curb line or, if there is no curb line, then between the adjacent edge of the traveled portion of the street roadway and abutting property line, any ‘thing’, structure, or condition dangerous or hazardous to the use of the right-of-way by the public, including, but not limited to, the following:
1. Defective sidewalk surfaces, including, but not limited to, broken cement or stub-toes and depressions within or between sidewalk joints;
  2. Defective cement surfaces placed adjacent to the public sidewalk or defects at the juncture between said cement surfaces and the public sidewalks, including stub-toes or depressions at the junction;
  3. Defects in sidewalks or public ways caused or contributed to by the roots of trees located either on private adjoining property or on the planting strip portion of the street right-of-way;
  4. Defective conditions caused by tree limbs, foliage, brush, or grass on or extending over public sidewalks;
  5. Defective conditions on the planting strip area between the curb line and the sidewalk or, if there is no curb line, then between the edge of the traveled portion of the street and the sidewalk and between the sidewalk and the abutting property line;
  6. Defects resulting from accumulation of ice and snow on public sidewalks or on the right-of-way between the curb line or, if there is no curb line, then between the adjacent edge of the traveled portion of the street roadway and the abutting property line;
  7. Defects consisting of foreign matter on the public sidewalks, including, but not limited to, gravel and oil thereon;
  8. Defective handrails or fences or other similar structures within or immediately adjacent to the right-of-way area;

9. Basketball hoops, bicycle ramps, skateboard ramps or other similar structures or obstructions within the right-of-way area.
- B. Removal of Created Obstructions. The City is authorized to remove structures or obstructions installed within the public right-of-way in violation of subsection 46-239, A.9 pursuant to the following procedure:
1. Procedure for Removal (Non-Emergency). If, seven days after the City sends written notice and posts notice on the object or thing itself to remove such object or thing, the property owner and/or person, firm, or corporation occupying or having charge or control of any premises abutting upon any street, alley or other public right-of-way within the City of St. Marys (hereinafter referred to as the "owner") has not removed the object or thing, the City Engineer may seize and impound the same. Failure to remove constitutes abandonment and waiver by the owner of such obstruction.
  2. Impoundment. The seizure shall be made by the City Engineer, or under his/her direction by an employee of the City Public Works Department, or by any police officer. The person making such seizure shall take such object or thing and store, impound and detain the same at any City storage yard or building until the same is redeemed or sold. The City shall not be responsible for any damages to such object or thing during removal and/or storage.
  3. Auction. If, after more than five days have elapsed since the seizing and impounding of any such object or thing, the same is not redeemed by and released to the owner by payment of costs and fees, the City shall give written notice informing the owner that all City costs must be paid within 60 days if the owner wishes to reclaim it. If, after more than 60 days have elapsed since the seizing and impounding of the object or thing, the owner has not reclaimed such object or thing, the City Engineer will either auction or dispose of such object or thing in a manner determined by the City Engineer. If auctioned, the City Engineer shall give 15 days' notice, by publication in the official newspaper of the City, of the time and place where the City will offer such object or thing for sale at public auction, unless for good and sufficient reason the period of sale be postponed. When sold, proceeds shall be used to pay all expenses incurred by reason of the seizure and impounding and all other necessary expenses incurred by the advertising and sale of the same, and any residue shall be paid into the City Treasury.
  4. Notice of Sale. The notice of sale shall describe with reasonable clarity the object to be sold and shall state the name of the reputed owner, if known to the City Engineer. If the owner is unknown, the notice shall so state. A copy of such notice shall be sent to the owner, if known, at least four days prior to the sale.
  5. Redemption. At any time within six months after the date of sale, the owner thereof, upon proper application to the City Treasurer, and upon presentation of satisfactory proof that he/she was the owner of the object or thing sold, shall receive the residue of the proceeds of such sale, after the necessary expenses have been deducted. If, at the expiration of six months, the former owner shall not have applied to the City Treasurer as provided in this section, the residue of the proceeds of such sale shall be deposited into the General Fund.
  6. Miscellaneous.
    - a. "Cost" means out-of-pocket expenses as well as those attributed to personnel, including administrative overhead, which shall be presumed to be 15 percent.
    - b. If no sale is consummated or the object is determined to be of less value than the anticipated expense to the City of sale, the City shall dispose of such object in a manner determined by City of St. Marys Municipal Code.
    - c. Notice shall be deemed effective upon deposit of the written form in the U.S. mail, first-class postage prepaid. If a person other than the owner described in subsection 46-238, B.1 establishes ownership of the object subject to impound to the satisfaction of the City Engineer, all notices shall thenceforth be provided to that person.
- C. Removal – Emergency. The foregoing shall not impair, and the City Engineer is hereby authorized to make, emergency removal of any obstruction which constitutes an imminent risk of harm to public safety. Any obstruction determined by the City Engineer to be imminently dangerous may be forthwith removed, and the removal in no event shall constitute a breach of the peace or trespass. Subsequent to emergency removal, the procedures set forth in subsection 46-238,B shall be followed for objects or things described in subsection 46-238, A.9.

### **Section 46-240 - Severability.**

The provisions of this chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application hereto to any person or circumstance, shall not affect the validity of its application to other persons and circumstances.