

STATE OF GEORGIA

CITY OF MORROW

ORDINANCE NO. 2019-10

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA BY REVISING SECTION 11-1-10 (“MAINTAINING STANDARDS OF NEIGHBORHOOD; MAINTAINING STANDARDS OF BUSINESS ESTABLISHMENT; PROHIBITION OF KEEPING JUNK, ABANDONED APPLIANCES, INOPERATIVE VEHICLES, AND OTHER EQUIPMENT ON PROPERTY”) IN CHAPTER 1 (“GENERAL PROVISIONS”) IN TITLE 11 (“OFFENSES”); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Morrow, Georgia (the “City”) is the Mayor and Council thereof; and

WHEREAS, the City is authorized to define, regulate, and prescribe procedures for general health, safety, and welfare; enforce standards to maintain health and sanitation, and provide subdivision regulation and the like as the City deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community for the City pursuant to, among other things, Section 1.12 of the City’s Charter; and

WHEREAS, the City previously exercised such power, having adopted a comprehensive regulation setting forth such conditions to maintain neighborhood and business establishment standards that presently is codified in Section 11-1-10 (“Maintaining standards of neighborhood; maintaining standards of business establishment; prohibition of keeping junk, abandoned appliances, inoperative vehicles, and other equipment on property”) in Chapter 1 (“General Provisions”) in Title 11 (“Offenses”) of the Code of Ordinances, City of Morrow, Georgia; and

WHEREAS, the governing authority has determined that it is necessary to amend said regulations to further protect the public health, safety and welfare of the citizens of the City.

BE IT AND IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF MORROW, GEORGIA, and by the authority thereof:

Section 1. That Section 11-1-10 (“Maintaining standards of neighborhood; maintaining standards of business establishment; prohibition of keeping junk, abandoned appliances, inoperative vehicles, and other equipment on property”) in Chapter 1 (“General Provisions”) in Title 11 (“Offenses”) of the Code of Ordinances, City of Morrow, Georgia is hereby amended by striking, in its entirety, the current text contained therein and by inserting in lieu thereof the provisions set forth in Exhibit “A”, which is attached hereto and made a part hereof by reference.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. That all ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. That this Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 6. That the effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 27th day of August, 2019.

CITY OF MORROW, GEORGIA

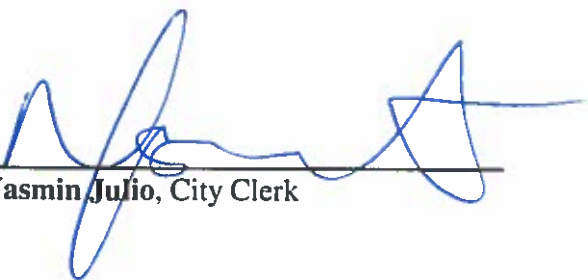


Jeffrey A. DeTar, Mayor

ATTEST:



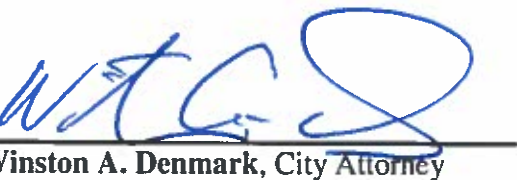
08/06/2019



A handwritten signature in blue ink, appearing to read 'Yasmin Julio', written over a horizontal line.

Yasmin Julio, City Clerk

APPROVED AS TO FORM:



A handwritten signature in blue ink, appearing to read 'Winston A. Denmark', written over a horizontal line.

Winston A. Denmark, City Attorney

08/06/2019

EXHIBIT A

Sec. 11-1-10. Residential Neighborhood Standards

In order to promote a quality of life that strengthens and supports economic development, sustainability, community pride, and a sense of ownership; and in order to protect property values and to enhance the beauty of the city, it shall be unlawful for any person to own, rent, lease or be in possession of any premises, dwelling unit or other structure, place or vacant lot wherein the property is permitted to deteriorate in appearance or condition so as to be degrading to the subject premises or to the surrounding premises. Conditions such as having tall grass, overgrown weeds and bushes, other undergrowth, and trash or debris of any type; the keeping of dilapidated or disheveled furniture or decorating features, appliances, machinery, bicycles, tools or accessories such as ladders, buckets, saws, lawn equipment, and ornamental yard elements, and other toys, equipment including automobiles which are either in a wholly or partially wrecked, junked, dismantled and/or in an inoperative condition, shall be declared to be unsightly, unkempt, degrading and in violation of this section of the Code.

- a) Failure to adhere to the following requirements at any single-family residential property or premises or common areas or exteriors of multifamily dwelling locations, (including condominium complexes, apartment communities, duplexes, townhomes) shall be found to be unlawful:
- 1) Any accumulation of litter, debris, refuse, vegetative debris, leaves, limbs, garbage, or animal excrement on any front, side or rear yard, or on any porch or patio, or underneath any building, or in any accessory building is prohibited;
 - 2) Any items of personal property not intended for outdoor use such as appliances and furniture designed for interior use and other household items, lumber and building materials (except when staging for active improvements or renovations), abandoned tires, dilapidated buildings or other such unsightly accumulations of debris are prohibited;
 - 3) Carports, open garages and other open spaces must be kept clean, neat, and in an uncluttered condition;
 - 4) Any overgrown grass or weeds of a height of five (5) inches or more, or any unkempt vegetation in any yard, front, side or rear is prohibited. Weeds, shrubs, vines, or any other vegetative growth shall not grow up the sides of the house, cover the windows or shutters, or create a condition that appears to be left unattended or abandoned. Vegetation shall not be allowed to grow in the gutters;
 - 5) Vegetative ground cover shall be established and maintained in all front, side and rear yards. Front and side yards shall be primarily ground cover. Bare dirt is prohibited. Established landscape islands must be free of weeds and overgrowth. If landscaping or ornamental features are not maintained, they must be removed. If landscape islands are removed, the area must be restored with vegetative ground cover;
 - 6) Buckets, pots and other container gardening items shall be in back yards only. A residential property under an acre in size may have a maximum of four (4) containers. Water retention containers shall be in back yards only. The containers shall be free of mosquito larvae. No more than two (2) water retention containers are allowed per acre of property.
 - 7) All buildings and structures shall be in good repair. Surface treatment, such as paint, shall show no signs of chipping, flaking or fading. All windows must be in good repair. All

landscape enhancements, such as screens, curtains and fences, must be displayed properly, clean and in good repair;

- 8) The city encourages residents to not use invasive plants in residential landscaping as features in gardens, buffers, ornamental yard décor, etc. However, should a homeowner use invasive plants, trees, or shrubs, growth must be managed and not allowed to grow into the public right of way, into a neighbor's yard, or grow in a way that impairs roadway visibility;
- 9) All clotheslines and other outdoor clothes drying equipment shall be placed and maintained in only the rear yard of a residence or other residential property. In no instance shall clothes, sheets, towels, or other household materials be hung from any object other than a clothesline or other equipment professionally constructed and specifically designed for outdoor drying;
- 10) Standing water shall be eliminated from all properties. Swimming pools must be properly maintained and secured in such a manner as to prevent the harboring of mosquitoes and accidental drowning;
- 11) The use of tarps and similar coverings as a means of creating outdoor storage is prohibited;
- 12) All vehicle parking shall be on a paved dust free surface. Street parking is prohibited. Heavy vehicle parking, as defined in Section 10-1-8 of this Code, is prohibited in residential areas of the city;
- 13) Openly stored vehicles shall be registered with current tag properly displayed, possess valid insurance, be mechanically sound and immediately drivable.

(b) The provisions of this section shall not apply to material which is being used in connection with construction activity being diligently pursued and in compliance with all applicable ordinances and codes of the city.

(c) It is unlawful to clean or maintain private property located in the city by blowing, raking or otherwise moving objects, debris, yard waste or other items onto adjoining property or onto public rights-of-way.

(d) Both the occupant and the owner of the premises shall be liable for compliance with the provisions of this article and shall be responsible for violations thereof. Lease of property of an owner which purports to transfer responsibility for this provision shall be ineffective in shielding the owner for responsibility under this provision, and such owner shall remain liable along with the occupant of the leased or otherwise occupied premises.

e) Whenever it appears that any provision of this article is being violated, the code enforcement officer shall notify the owner and/or tenant of the alleged violation(s). Such notice shall specify the violation involved, the corrective action needed, and shall state that, if such corrective action is not completed within five (5) days, or such other time as the code enforcement officer, in conjunction with the city manager or his or her designee may establish, that a citation will be issued for a violation of the article. Notice shall be given by any one of the following means: posting on the property, personal service, first class mail or by certified mail. Any time period provided in this section shall be deemed to commence on the date of the receipt of the notice. If the current whereabouts of the owner and/or occupant are unknown, or if service by certified mail cannot be affected, notice shall be mailed by first-class mail to such person's last known address, if any, and a copy of the notice shall be posted on the premises.

- f) Should an individual or property be found in violation of the same provision(s) of this Code within any twelve-month period, notwithstanding the requirements of part (a) of this section, a citation may be issued immediately, without any time allowed for corrective action.
- g) The failure to abate the alleged violation as set forth in the written notice within the five-day period or such other time as provided by the code enforcement officer, shall be deemed a violation of this article. The code enforcement officer shall issue a citation for such violation. The citation shall require the responsible party to appear before the municipal court to answer said charge. Payment of a fine does not eliminate the requirement to correct the code violating condition(s).
- h) Penalties shall occur for violations of the provisions of this article in accordance with section 1-1-8 of this Code. Violations of this article shall be of a continuing nature with each day of noncompliance constituting a separate offense.

Sec. 11-1-10. A - Commercial Neighborhood Standards

The Commercial properties in Morrow, and our business residents, are critical to the health of the city and we are committed to creating and maintaining the best environment for their success and sustainability. Commercial properties heavily impact the quality of life for residents, shoppers, and visitors, and continuously shape how we are perceived, our economic development efforts, and how we provide services. In order to promote a quality of life that enhances every aspect of our community, those big and small businesses along the larger commercial corridors, and those neighborhood businesses nestled within and around our residential neighborhoods, must adhere to the standards set forth in this code. It shall be unlawful for any business to fail to maintain conditions which set a standard of quality for conducting business inside the City of Morrow. These conditions include, but are not limited to maintaining standards which promote cleanliness, beauty, safety, and success for any subject property and their commercial and residential neighbors.

- i) Failure to adhere to the following requirements at any commercial property shall be found to be unlawful and a violation of this code:
 - 1) All outside areas of a business including parking areas, alleys, patios, driveways, yards, walkways, backs, sides, gardens, courtyards, or any spaces that make-up the campus for the business(es), must remain free of litter, debris, tires, car parts, mattresses, food, animal excrement, building materials (except for active permitted remodeling and improvement projects);
 - 2) For businesses whose campus includes a yard, wooded area, or retention pond, all such areas must remain groomed, free of debris or dumped materials, treated appropriately for mosquitoes or other vermin. Any damages caused by fallen limbs must be promptly repaired or mended;
 - 3) All businesses must keep landscaping in good health and condition. Dead plants, grasses, or trees must be removed and replaced with healthy growth. Shrubs, trees, leafy growth, grasses, and the like must be kept trimmed as not to impair public right of way, public navigation, or visibility. Shrubs, trees, leafy growth, grasses, etc. must also be kept in good condition to assist in maintaining the aesthetic appeal of Morrow's corridors so as not to diminish the quality of the area for shoppers, business owners, developers, etc;

- 4) All businesses that use shopping carts must keep carts in designated areas allowed by code or approved by city manager or their designee. It is the responsibility of the business to gather any stray carts regularly and return them to the designated areas;
 - 5) All businesses must provide outdoor garbage containers that are made of metal and specifically manufactured for outdoor use. The containers must not detract from the overall appearance of the property or surrounding properties and should not draw attention to the garbage container. Garbage containers must be of the size and count that can accommodate the garbage generated by that business. Garbage containers must be emptied every day. If a business is situated within a plaza of businesses (or strip mall), each individual business should have its own exterior trash can to help minimize the loose trash that scatters in and around the parking areas.
 - 6) All buildings and structures shall be in good repair. Flaking or chipping paint, rust or other corrosion or similar conditions are prohibited. No repairs shall leave inconsistent colors, materials, appearance, etc. All repairs must be made thoroughly such that they stabilize a consistent appearance;
 - 7) All exterior lighting and related fixtures shall be kept in good repair, blown or damaged light bulbs must be replaced and repaired promptly. See regulations related to signs in Article XIX in the Zoning Regulations of the Code;
 - 8) Parking lots shall be free of damage; spaces shall be clearly marked. Traffic control signage and devices shall be in good repair and easily readable. If businesses allow heavy vehicle deliveries to drive over landscaping and curbs, all repairs needed when such infrastructure is damaged is the responsibility of the property owner and occupant and must be repaired promptly. Such unsightly conditions have a negative impact on the overall appearance of the city and may have an unintended consequence of detracting new residents and businesses;
 - 9) Morrow appreciates and encourages public art. Any business that desires to include public art, including statues, murals, specialized lighting must be approved through the Morrow Art Committee;
 - 10) Heavy vehicle parking is addressed in Section 10-1-8 of this code.
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- j) It is unlawful to clean or maintain commercial property located in the city by blowing, raking or otherwise moving objects, debris, yard waste or other items onto adjoining property or onto public rights-of-way;
 - k) All commercial property and premises, exterior and interior that are open to the public shall be kept clean and in good repair. The following conditions shall be a violation of this code section: dirty or damaged flooring, ceilings or walls, dirty or damaged furniture or fixtures, unsanitary conditions, insufficient heating or cooling, and similar items showing excessive wear or age such as excessive dust, features and fixtures repaired with duct tape or plaster, and lettering that is broken or faded. Additionally, stacked boxes that create an unsafe or unsightly interior, cases displaying product that suffer neglect - that are broken or visibly dirty, frayed carpets, bathrooms with permanently broken toilets, cracked mirrors, dirty toilets or toilets with broken tanks or flushing mechanisms shall be a violation of this code. Any business with refrigeration shall maintain refrigeration (refrigerators, coolers, freezers, etc.) in good working order or shall remove such equipment and leave the space neat and uncluttered. Any other conditions within the interior or exterior that create a sense of deterioration beyond that of general use, shall be a violation of this code;

- l) Businesses open to members of the public under the age of twenty-one (21) shall not broadcast audio emitting language that is of an obscene or violence inciting nature.
- m) Both the occupant and the owner of the premises shall be liable for compliance with the provisions of this article, and shall be responsible for violations thereof. Lease of property of an owner which purports to transfer responsibility for this provision shall be ineffective in shielding the owner for responsibility under this provision, and such owner shall remain liable along with the occupant of the leased premises;
- n) Whenever it appears that any provision of this article is being violated, the code enforcement officer shall notify the owner and/or tenant of the alleged violation(s). Such notice shall specify the violation involved, the corrective action needed, and shall state that, if such corrective action is not completed within five (5) days, or such other time as the code enforcement officer, in conjunction with the city manager or his or her designee may establish, that a citation will be issued for a violation of the article. Notice shall be by posting on the property, personal service, first class mail or by certified mail. Any time period provided in this section shall be deemed to commence on the date of the receipt of the notice. If the current whereabouts of the owner and/or occupant are unknown, or if service by certified mail cannot be affected, notice shall be mailed by first-class mail to such person's last known address, if any, and a copy of the notice shall be posted on the premises;
- o) Should an individual or property be found in violation of the same provision(s) of this Code within any twelve-month period, notwithstanding the requirements of part (a) of this section, a citation may be issued immediately, without any time allowed for corrective action;
- p) The failure to abate the alleged violation as set forth in the written notice within the five-day period or such other time as provided by the code enforcement officer, shall be deemed a violation of this article; and the code enforcement officer shall issue a citation for such violation commanding the person to appear before the municipal court to answer said charge. Payment of a fine does not eliminate the requirement to correct the code violating condition(s);
- q) Penalties shall occur for violations of the provisions of this article in accordance with section 1-1-8 of this Code. Any violation of this article shall be of a continuing nature with each day of noncompliance constituting a separate offense.

The City of Morrow's primary concern is to help create, promote, and sustain properties that add to the vibrance and quality of life for the citizens, visitors, and customers within the City of Morrow. Morrow seeks to work with all businesses to help businesses succeed in a way that adds value to the community.