

**City of Fort Oglethorpe  
State of Georgia**

**ORDINANCE NUMBER 2023- 17**

**IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FORT OGLETHORPE AN ORDINANCE TO AMEND THE FORT OGLETHORPE CODE OF ORDINANCES, CHAPTER 34, ENVIRONMENT, ARTICLE III – NUISANCE BY THE ADDITION OF SECTION 34-84 -VEGITATION CONTROL; TO REGULATE THE GROWTH OF VEGETATION ON PUBLIC AND PRIVATE PROPERTY WITHIN THE CITY; TO PROVIDE FOR PROVISIONS THEREIN AS AUTHORIZED BY STATE LAW; TO PROVIDE FOR MODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES OR PARTS THEREOF; TO PROVIDE FOR AN ADOPTION EFFECTIVE DATE; AND, FOR ALL OTHER PURPOSES ALLOWED BY LAW.**

**WHEREAS**, the duly elected governing authority of the City of Fort Oglethorpe, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia, the Official Code of Georgia Annotated, § 36-35-3, and the Charter of the City of Fort Oglethorpe, Georgia, to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Fort Oglethorpe, Georgia; and

**WHEREAS**, the duly electing governing authority of the City of Fort Oglethorpe, Georgia is vested in the City Council composed of a Mayor and five Council Members; and

**WHEREAS**, it is found and declared that within the city there is now and has existed a condition or use of real estate which renders that real estate and adjacent real estate unsafe or inimical to safe human habitation, due to the absence of control of vegetation by the owner and occupier of said property. Such use is dangerous and injurious to the health, safety, and welfare of the people of the city and a public necessity exists for the repair of such condition or the cessation of such use which renders the property and adjacent real estate unsafe or inimical to safe human habitation.

**WHEREAS**, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**WHEREAS**, that if any part of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of the ordinance unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

**IT IS NOW THEREFOR ORDAINED** that the Fort Oglethorpe Code Of Ordinances, Chapter 34, Environment, Article III -Nuisance is hereby amended by adding Section 34-84 – Control of Vegetation as follows:

Article III. – Nuisance Sec. 34-84. - Control of vegetation.

(a) Definitions. The following definitions shall apply to this section:

(1) Managed natural landscapes means a designed, intentional, and maintained cultivation of native or non-native grasses, hedges, wildflowers, ferns, shrubs, or trees that is self-sustaining with minimal resort to artificial methods of plant care and that serves at least one of the following purposes:

- a. The attraction and aid of wildlife.
- b. The offset and control of a potential or existing soil loss program.
- c. The enrichment or stabilization of soil fertility.
- d. Pest control.
- e. Governmental programs, including without limitation stormwater control.
- f. Educational studies.
- g. Food production.
- h. Establishment of or restoration of native plant habitats.

(2) Ornamental plants mean perennials, annuals, shrubs and woody plants, and groundcovers purposefully planted, cultivated, and managed for aesthetic reasons.

(3) Owner means the current owner of record as shown by the records of the tax commissioner and by the deed records of the clerk of superior court.

(4) Person in possession of property means a person or persons or entity in physical possession or control of a property pursuant to lease or other lawful possessory interest.

(5) Structure shall mean any structure attached to the ground which has a roof, and which is designed for the shelter, housing or enclosure of persons, animals, or property of any kind.

(6) Turf grass means grasses commonly used in regularly cut lawns or play areas, whether alive, dormant, or dead, including the following types: fescue, Bermuda, ryegrass, centipede, bluegrass or zoysia or blends thereof, intended to be maintained at a height of no more than ten inches.

(7) Weeds means all vegetation, including without limitation honeysuckle, kudzu, jimson, burdock, ragweed, thistle, cocklebur, dandelion, crabgrass, or Johnson grass, that is not managed or maintained by the owner or person in possession of property on which all such vegetation is located which exceeds the height restrictions in this section, but shall exclude trees, ornamental plants, vegetable gardens and managed natural landscapes.

(b) Height restrictions.

(1) Except as otherwise provided in subparagraph (2), every owner or person in possession of a lot or lands within the City of Fort Oglethorpe shall cause his/her lot or lands to be kept free from weeds and turf grasses over ten (10") inches in height by cutting and disposing of said cut weeds and turf grasses immediately. Such cut weeds and turf grasses may be removed from the lot or parcel and disposed in accordance with applicable law or maintained

onsite as mulch.

(2) The prohibition in the preceding sub-paragraph shall not apply to the following:

a. Any parcel in the Agricultural Residential (AR) zone greater than one acre in size.

b. Any parcel within a single-family residential zoning classification that is greater than three acres in size.

c. Forest regeneration areas.

d. Stormwater management facilities.

(c) Vegetation adjacent to structures. Every owner or person in possession of a lot or lands within the City of Fort Oglethorpe shall maintain such property so that any type of vegetation described in this section shall remain clear of a structures windows, doors, eaves, soffits, fascia, roof, utility meters, or exterior air conditioning units, and shall not obstruct or impede pedestrian or vehicular passage upon roads and driveways and at least one pedestrian walkway serving an entrance door of a structure.

(d) Managed natural landscapes.

(1) Vegetation within managed natural landscapes shall not be permitted to overhang or encroach onto any public or private properties or public sidewalks or streets adjacent to such lots or lands.

(2) Managed natural landscapes shall not include turf grass lawns or areas left unattended for the purpose of returning to a natural state.

(e) The Municipal Court for the City of Fort Oglethorpe shall have original

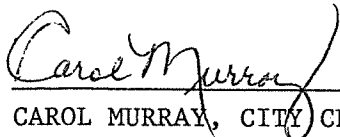
jurisdiction to hear citations issued under this section. A violation of this section shall be punished as provided for in the Charter of the City of Fort Oglethorpe 4.13.

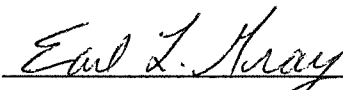
(f) No citation shall be issued for a violation of this section until an oral or written notice of such violation has first been given to the owner or person in possession of the property that is the subject of the violation. In the event the violation is unabated within five (5) days, or more than two (2) oral or written warnings of violations occur in a one (1) year period of time, the violation shall be subject to the enforcement provisions of Sec. 34-79.

FIRST READING - 06/26/23

SECOND READING - 07/10/23

THIRD AND FINAL READING - 07/24/23

  
CAROL MURRAY, CITY CLERK

  
EARL L. GRAY, MAYOR