

From: [Linda Yates](#)
To: [Patsy Adkins](#)
Subject: Item for the March 7, 2017 Commission Regular Meeting
Date: Sunday, February 26, 2017 6:42:55 PM
Attachments: [Draft Revisions City Code Chapter 42 Article II Lot Clearing.docx](#)

Patsy, please submit for the **March 7, 2017 Commission Regular Meeting**

Subject: Ordinance No. 2017-09, first reading, amending Part II, Chapter 42, Article II of the City Code, repealing Article II Lot Clearing in its entirety, enacting a new Article II Lot Clearing

Recommended Action: Continue Ordinance 2017-09 to the March 28, 2017 Commission Regular Meeting for a second reading.

Background:

At the February 21, 2017 Special Meeting the Commission discussed the current city code and potential revisions as it pertains to excessive growth and dead trees.

Prior to changes made to Chapter 42 Article II sec. 42-21 by adoption of Ordinance 2012-27 in February 2013, it had been a violation for growth of vegetation to impinge upon neighboring properties and property owners were required to remove any and all dead trees on their property. Ordinance 2012-27 removed language pertaining to dead trees as well as impinging growth on neighboring properties therefore eliminating code enforcement action and instead by default corrective action would require civil action. The code changes were primarily driven by staffing and budgetary challenges during that time as well as to address the issue of property owners being restricted from allowing their land to return to its natural state.

Over time there has been public feedback expressing the desire to restore language in the code regarding dead trees and impinging growth on neighboring properties. At the February 21st meeting I mentioned that I had drafted a revised version of Article II in its entirety to address impinging growth and dead trees and also clean up some of the language that appeared inconsistent, irrelevant and or unclear. Commission directed that I present a revised Article II in an Ordinance for first reading at the March 7th Commission Regular Meeting and also provide a draft strike through and underlined version of the language changes.

Ordinance 2017-09 is attached which repeals the existing Chapter 42 Article II code and replaces it with a new Article II. Also attached is an updated draft showing changes in strike through and underlined format with notations. The essential changes to the code language reflects the following:

- Consistency throughout Article II in defining excessive growth and its application.
- Reorganization of language including removing redundant text and combining relevant text.
- Clarifying a fire and/or health hazard and breeding places for critters and pests as created by accumulation of debris.
- Removing definitions which had no relevancy within the provisions of this section of the code.
- Added and clarified definitions relevant to provisions of this section of the code
- Added language to address impinging growth on improved or developed properties with

enforcement actions prompted by a complaint made to the city.

- Considerations for existing habitat of state or federal endangered species.
- Clarified language to preserve private property rights in retaining or returning land to its natural state.
- Clarified private property owners are not burdened with responsibility for property they do not own nor for damages on their property caused by the public's use of right-of-way easement areas.
- Added language for removal of hazardous trees within striking distance of people or objects.

This item is for Commission consideration of Ordinance No. 2017-09 and continuing it with changes, if any, to the March 28, 2017 Commission Regular Meeting for a second reading.

Attachments:

Ordinance 2017-09

Draft Revisions City Code Chapter 42 Article II Lot Clearing

Sincerely,

Mayor Linda M. Yates

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"The bridge to tomorrow is strengthened through the prosperity of our citizens today. Together, we the people can make a difference." Linda M. Yates

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