

Sec. 8-27. Definitions.

Where terms are not defined, they shall have their ordinary and accepted meanings within the context with which they are used. Words in the singular include the plural and the singular. Words used in the masculine gender include the feminine and the masculine. The following terms are defined as follows and shall apply to all sections of this code unless defined elsewhere in the code:

Brush shall mean scrub vegetation or dense undergrowth.

Carrion shall mean the dead and putrefying flesh of any animal, fowl or fish.

Filth shall mean any matter in a putrescent state.

Garbage shall mean all decayable waste.

Impure or unwholesome matter shall mean any putrescible or nonputrescible condition, object or matter, which tends, may or could produce injury, death or disease to human beings.

Junk shall mean all worn out, worthless or discarded material, including, but not limited to, any of the following materials, or parts of such materials, or any combination thereof: new or used iron, steel or nonferrous metallic scrap, brass or waste materials; used and/or inoperative household appliances, household electrical or plumbing fixtures, floor coverings and/or window coverings not currently in use; used lumber, brick, cement block, wire, tubing and pipe, tubs, drums, barrels, and/or roofing material not currently in use; air conditioning and heating equipment not currently in use; used vehicle components and parts not currently in use; used furniture other than that designed for outdoor use or that which would normally be considered as antique furniture; used and/or inoperative residential lawn care equipment and machinery not currently in use; used pallets, windows or doors not currently in use, new or used sheet metal, structural steel and/or chain not currently in use; used and/or inoperable vending machines, radios and/or televisions not currently in use; and any other type of used and/or inoperable machinery or equipment not currently in use.

Lateral clearance shall mean the dimension measured horizontally and perpendicular to a sidewalk, street, paved alley or easement within which no encroachment is allowed; or the dimension measured horizontally and perpendicular to an alley or easement beyond which no encroachment is allowed.

Owner shall mean any person who is the owner of record of any real property, or any person having or claiming to have any equitable interest in real or personal property.

Person shall mean any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any legal entity; or their legal representatives, agents, or assigns. The definition includes all Federal, State, and local governmental entities.

Premises shall mean any parcel, lot or tract of land, including any structure, building, landscaping or trees thereon or other structure or improvement located thereon.

Refuse shall mean an accumulation of worn out, used up, broken, rejected or worthless material and including but not limited to garbage, rubbish, paper or litter and other decayable or nondecayable waste.

Rubbish shall mean trash, debris, rubble, stone, useless fragments of building materials or other miscellaneous waste or rejected matter.

Structure shall mean any residential building, non-residential building, dwelling, condominium, townhouse, apartment unit, detached garage, shed, awning, fence, screening wall, sign, swimming pool, excavation, or any other edifice, erection or material placed or located on any property within the City of Gainesville and any other improvement of any kind or nature.

Tenant shall mean any person or their agent who occupies a structure or property.

Weeds and grasses shall mean vegetation that because of its height is objectionable, unsightly or unsanitary, but excluding:

- (1) Shrubs, bushes and trees;
- (2) Cultivated flowers; and
- (3) Cultivated crops.

(Ord. No. 1093-7-2005, § 2, 7-5-2005)

Sec. 8-30. Prohibited conduct: declaration of nuisance.

- (a) *Sanitation.* A person commits an offence if the person owns or is in control of property and permits or allows any stagnant or unwholesome water, filth, carrion, weeds, rubbish, refuse or junk or garbage, or impure or unwholesome matter of any kind, or objectionable, unsightly matter of whatever nature to accumulate or remain on such real property which constitute a public nuisance, contrary to the public health, safety or welfare.
- (b) *Grading and drainage.*

- (1) *Grading.* A person commits an offense if the person owns or is in control of property and fails to grade and maintain real property so as to prevent the accumulation of stagnant water thereon, or within or under any structure located thereon.
 - (2) *Drainage.* A person commits an offense if the person owns or is in control of property and fills, excavates or otherwise improves any property in a manner which will have an adverse effect on an existing drainage pattern on an adjacent property.
 - (3) *Enforcement.* Subsections (1) and (2) above shall be enforced by the director of public works.
- (c) *Sidewalks.* A person commits an offense if the person owns or is in control of property and fails to maintain sidewalks, walkways, steps and areas located on private property, other than single family properties not intended for public use, such as sidewalk from a street to the front door of a dwelling or business, a sidewalk from a parking area to the primary public entry door of a business, a sidewalk in front of retail businesses, such as shopping center and other similar conditions in a proper state of repair, free of mud, debris or other obstruction that would impair or prevent their use or fails to maintain private property adjacent to all sidewalks, walkways, steps and public areas located on public property free of mud, debris or other obstruction that would impair or prevent their use.
- (d) *Rodent and insect control.* A person commits an offense if the person owns or is in control of property and fails to keep property or a structure free of insects, rats, fire ants, vermin, or other pests which create a hazard or a nuisance to adjacent property or are otherwise detrimental to the public health, safety or welfare.
- (e) *Glare.* A person commits an offense if the person owns or is in control of property and places, erects or causes to be placed or erected exterior lights on private property which are not shielded, or are placed or erected so as to create a traffic hazard or a public nuisance.
- (f) *Trees, shrubs and plants.*
- (1) *Obstruction to ingress or egress.* A person commits an offense if the person owns or is in control of property and maintains or allows trees, shrubs and plants which obstruct the access to or from any door or window of any structure which is used, or is required by city codes and ordinances to be used, for ingress and egress.
 - (2) *Minimum clearances.* A person commits an offense if the person owns or is in control of property and maintains or allows trees, shrubs or plants in a manner which creates a hazard or an obstruction and which are not maintained within the following minimum clearances:

- a. Seven (7) feet of vertical clearance over public sidewalks and other public pathways;
- b. Six (6) inches from each edge of any public sidewalk or public pathway.
- c. Twelve (12) feet of vertical clearance over public streets.
- d. Unobstructed sight distance of one hundred (100) feet from the edge of any public street intersection.
- e. Unobstructed sight distance of one hundred (100) feet from any public sign or street marking.
- f. Twelve (12) feet vertical clearance over public alleys and easements which have been dedicated and improved for vehicular use.
- g. No encroachment over the edge of paving or extension of any tree, shrub or plant onto the alley or easement more than eighteen (18) inches, or in anyway obstructing or interfering with vehicular traffic on public alleys and easements which have been dedicated and improved for vehicular use.

(3) *Removal.* Fails to remove trees, shrubs or plants that are dead and which are hazardous to persons or property.

(g) *Weeds and grass.*

(1) *Maximum height.*

- a. A person commits an offense if the person owns, occupies or is in control of occupied or unoccupied premises containing less than two (2) acres of land in the city limits and permits weeds, grass or other vegetation located on the premises to grow to a height exceeding twelve (12) inches.
- b. A person commits an offense if the person owns, occupies or is in control of occupied or unoccupied premises containing two (2) acres of land or more and adjacent to property under different ownership which contains habitable buildings in the city limits and permits weeds, grass, or other vegetation located within one hundred (100) feet of the adjacent property to grow to a height exceeding twelve (12) inches.
- c. All vegetation not regularly cultivated and which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly,

except that regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street or easement, but shall be kept mowed.

- (2) *Accumulation.* A person commits an offense if the person keeps or allows cut weeds, grass, shrubs or other vegetation to accumulate on any public street, sidewalk or other public way.
- (3) *Deposit.* A person commits an offense if the person deposits weeds, grass, shrubs or other vegetation in any inlet, manhole or storm sewer or sanitary sewer system.
- (4) *Landscaping.* A person commits an offense if the person owns or is in control of property and fails to maintain the unpaved areas of the front yard with a grass, ground cover, or other type of landscaping to such an extent that the soil when wet will not be picked up and spread to sidewalks or adjacent private or public property and is not subject to erosion during rains.
- (5) *Animals and pens.* A person commits an offense if the person owns or is in control of property and keeps an animal pen, run, exercise area, fenced area, house, structure or enclosure, used or intended for keeping animals, in an unclean, unsanitary, unsightly or objectionable manner, which constitutes a public nuisance or is otherwise detrimental to the public health, safety and welfare.
- (6) *Accumulation of firewood, lumber, boxes, etc.* A person commits an offense if the person owns or is in control of property and places or maintains any lumber, boxes, barrels, bricks, stones or any other character of materials which may be used as a harborage for rats, rodents, or other vermin, or in which evidence of rats, rodents or other vermin is found. Useable lumber shall be neatly stacked at least eighteen (18) inches off of the ground. Firewood shall be neatly stacked.

(Ord. No. 1093-7-2005, § 2, 7-5-2005)

Secs. 8-31--8-55. Reserved.