

AN ORDINANCE BY

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AS SUBSTITUTED (1/29/08) BY
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

A SUBSTITUTE ORDINANCE TO AMEND ARTICLE II, SECTION 25, ENTITLED "OWNER AND TENANT RESPONSIBILITY FOR CLEANLINESS OF PROPERTY", OF THE ATLANTA HOUSING CODE OF 1987, SO AS TO REQUIRE THAT ALL OUTSIDE STORAGE ITEMS, UTILIZED IN CONNECTION WITH A PERMITTED USE OF THE PROPERTY, BE PLACED IN THE REAR YARD AND INVISIBLE WHEN THE PROPERTY IS VIEWED FROM A FRONT VIEW; TO PRECLUDE THE EXCESSIVE ACCUMULATION OF OUTSIDE STORAGE ITEMS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 25 of the Atlanta Housing Code of 1987 imposes a duty upon owners and tenants of residential property to maintain both the interior and exterior premises clear and free of any public or attractive nuisance; and

WHEREAS, the placement of storage items in the front yard of the premises creates an eyesore to the community, constitutes a nuisance, and serves as a basis for complaints from neighborhood residents; and

WHEREAS, restricting the placement of outside storage items will detract from the nuisance of the unsightly storage and greatly assist the City of Atlanta Housing Code Enforcement Officers with enforcement thereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: Article II, Section 25 (a) of the Atlanta Housing Code of 1987, which reads:

(a) It shall be the lawful duty of the owner or operator and the occupant of any premises, within their respective areas of responsibility as specified herein below to keep interiors and exteriors, including premises, yards, lawns, courts and alleys clean, clear and free of any public or attractive nuisance, accumulation of dirt, junk, junk vehicles, rubbish, garbage, debris, combustible materials, kudzu, excessive growth of weeds, grass, shrubs, bushes or similar matter conducive to rodent, vermin or insect infestation. Interiors and exteriors shall also be kept clean, clear and free of any conditions conducive to the spread of fire or disease. Responsibility for cleaning the interior of dwelling units shall include keeping the walls, floors and ceilings sanitary and free from accumulation of dirt or trash, and where appropriate, may require a coating on interior surfaces to make them resistant to vermin and insect infestation.

be hereby amended to read as follows:

(a) It shall be the lawful duty of the owner or operator and the occupant of any premises, within their respective areas of responsibility as specified herein below to keep interiors and exteriors, including premises, yards, lawns, courts and alleys clean, clear and free of any public or attractive nuisance, accumulation of dirt, junk, junk vehicles, rubbish, garbage, debris, combustible materials, kudzu, excessive growth of weeds, grass, shrubs, bushes or similar matter conducive to rodent, vermin or insect infestation. Interiors and exteriors shall also be kept clean, clear and free of any conditions conducive to the spread of fire or disease. **The exterior of the premises and the condition of necessary structures shall be maintained so as not to constitute a nuisance under Sec. 6 (Sec. 6 defines nuisance – see below) to neighboring or adjoining property owners. (This statement clarifies and strengthens care of the interior and exterior of property.)**

Responsibility for cleaning the interior of dwelling units shall include keeping the walls, floors and ceilings sanitary and free from accumulation of dirt or trash, and where appropriate, may require a coating on interior surfaces to make them resistant to vermin and insect infestation.

Section 2: Article II, Section 25 of the Atlanta Housing Code of 1987, is hereby amended by adding a new subsection (f) to be read as follows:

(f) Outside Storage Restrictions: All items utilized in connection with a permitted use of the property, but which are stored outside, shall be placed in the rear yard of the primary structure and shall not be visible on the premises from a front view. There shall be no excessive accumulation.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**Nuisance shall mean any condition, act or occurrence that results in annoyance, harm, inconvenience or damage to another; and the fact that the act or occurrence may otherwise be lawful shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary reasonable person.*