

Ordinance #2024-3

ORDINANCE AMENDING SUBSECTION 62-2 OF CHAPTER 62 THE CITY CODE
ENTITLED "SANITATION" TO CLARIFY THE INTENT, EXPECTATION AND
CODE ENFORCEMENT OF NATURAL LANDSCAPES

BE IT ORDAINED, by the Mayor and Winston-Salem City Council as follows:

SECTION I. Subsection 62-2 of Chapter 62 of the City Code is hereby amended to read as follows:

Sec. 62-2. Nuisances enumerated; obstructing stream or drainageway; control of weeds.

- (a) *General enumeration.* The following are hereby declared to be nuisances:
- (1) Whatever is dangerous to human life or health, or is in violation of any city, county or state health regulation.
 - (2) Whatever renders the air, food or water unwholesome.
 - (3) Whatever building, erection, structure or part of cellar thereof is overcrowded or not provided with adequate means of ingress or egress, or is not sufficiently supported, ventilated, drained, cleaned or lighted.
 - (4) All pools of stagnant water, and all cellars and foundations of houses whose bottoms contain stagnant or putrid water.
 - (5) All business organizations, such as public motor vehicle garages, service stations, dry cleaning establishments, and any other businesses or industrial organizations which shall discharge any petroleum products, chemicals or other such substances which would or could pollute any creek or stream within the zoning jurisdiction of the city.
 - (6) Any building or premises which is constructed or maintained in such a manner so as to provide food, shelter or protection for rats.
 - (7) Household furniture such as sofas, stuffed chairs and mattresses, which are not designed to withstand the elements and outdoor use shall not be permitted to be placed on porches, accessory structures, yards, and landings. Such furniture may provide a location where insects, rodents, or other vermin may breed or may reasonably be expected to breed. This section shall not prohibit the storage of such household furniture on a totally enclosed porch having a roof, walls, screens, or glass windows.
- (b) *Obstructing stream or drainageway.* It shall be unlawful for any person to obstruct the flow of water in any stream or drainageway within the city by throwing or placing stumps, brush, rubbish, litter or other material within or along the banks of any such stream or natural drainageway.
- (c) *Control of unmanaged vegetation.* It is hereby declared a nuisance to permit the growth of ~~rank~~ noxious vegetation on one's business or residential lot to a height greater than eight

inches, or to permit the lot to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard. It shall also be the duty of the owner to cut and remove all ~~rank~~ noxious vegetation as often as necessary so as to comply with this subsection.

For the purpose of this section:

- (1) ~~Rank~~ Noxious vegetation includes, but is not limited to, non-native grasses that are not turf, nuisance plants that cause a traffic or health hazard, exotic invasive plants, poisonous plants, plants causing rashes, profusely and vigorously growing vegetation, and untended vegetation exceeding a uniform size and shape. ~~grass, weeds, noxious plants, exotic invasive plants, poisonous plants, plants causing rashes, profusely and vigorously growing vegetation, unmanaged vegetation, and untended vegetation exceeding a uniform size and shape. Unmanaged means a property lacking direction, control, and maintenance of vegetation.~~
- (2) A developed parcel consisting of any adjacent vacant lots under ~~one~~ the same ownership ~~will~~ shall be considered as one lot for the purpose of this section.
- (3) Except as noted herein, this subsection does not apply to lots exceeding one acre in size, a parcel of adjacent vacant lots exceeding one acre in total size, or lots covered with trees. Lots exceeding one acre in size, vacant lots, or lots covered with trees shall be maintained in accordance with this subsection to a depth of 20 feet from the property lines for ~~rank~~ noxious vegetation where the main trunk, main stem, or main shaft is less than one inch in thickness if and only if the adjacent property ~~is occupied~~ by contains a dwelling or other structure.
- (4) All lots shall be maintained in accordance with this subsection to a depth of 20 feet from ~~the~~ any adjacent improved road surface for ~~rank~~ noxious vegetation where the main trunk, main stem, or main shaft is less than one inch in thickness.
- (5) This subsection shall not apply to property which consists of a ravine or creek bank or other severe slope so as to make such maintenance unsafe except that severe slopes with terraces, or benches, shall be maintained in accordance with this subsection on the terraced, non-severe slope areas. For the purpose of this subsection, severe slope is defined as greater than 40 degrees from the horizontal.
- (6) A Natural Landscape Area is a carefully planned and intentionally maintained area that combines the beauty of native and non-native vegetation to achieve specific goals such as conservation, aesthetics, and ecological balance. Natural Landscape Areas shall be permitted under the following conditions:
 - a. Turf grasses shall not exceed eight inches in height.
 - b. Natural Landscape Areas ~~landscape areas~~ shall be ~~setback 20~~ setback 5 feet from property lines and from ~~the~~ any adjacent improved road surface and/or public sidewalk. Vegetation shall not overhang into the setback area. The setback is not required where the defined Natural Landscape Area abuts another similar private or public landscape area or if a fully opaque fence at least four feet in height is installed along the lot line adjoining the planned Natural Landscape Areas; and the areas does not extend into the public right of way.

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- c. Natural Landscape Areas shall utilize borders along the visible edge of the right of way. Borders may consist of, but not be limited to, edging material, an edge of low plants, wood timber, or stone or woodchips. Natural Landscape Areas shall not exceed 50 percent of the parcel's square area less setback areas, structure footprints, and improved parking and driveway areas. Areas meeting the severe slope definition, as defined in this section, shall be excluded from the landscape area calculation.
 - d. Natural landscape areas shall utilize borders to define the areas. Borders may consist of, but not be limited to, edging material, an edge of low plants, wood timber, or stone or woodchips. A City-approved sign is posted on the property along the edge of the landscape border, ensuring it is easily visible to the public, advising that a meadow, prairies, pollinator garden, or natural landscape is being established on-site. This sign is required only if the planting is in an area likely to be seen by the public.
 - e. Pre-existing natural landscape areas that exceed limitations as set forth in subsections (6)b. and (6)c. at the time of adoption shall be exempt from the requirement herein. Exempt areas may not be further enhanced to exceed the exemption granted at the time of adoption.
- (7) Natural Landscape Registration. Natural Landscape Registration is required if a proposed landscape includes grasses that exceed or are expected to exceed 8 inches in overall height. Registration applications shall be submitted to the City Sustainability Department. Approval for a Natural Landscape Area shall be granted where the following conditions are met:
- a. Turf grass is eliminated, and native plants, trees and shrubs are planted. Soil stabilization methods sufficient to inhibit erosion should be employed while the ground is bare of plants. Stabilization is the sole responsibility of the property owner or occupant;
 - b. If noxious vegetation covers more than 25% of the planting area, it must be maintained at a height of no more than 8 inches.
 - c. A violation of any of the requirements set forth above shall result in warning that provides 30 days to the registrant to remedy the violation. If the registrant is not in compliance at the 30-day mark, then the City of Winston-Salem may revoke the Natural Landscape Registration approval. If registration is revoked, occupant may choose to reapply for the Natural Landscape Registration after a 6-month period.
- (d) *Control of shrubs, vines or other vegetation.* It is hereby declared a nuisance to permit the growth of shrubs, vines or other vegetation on one's business or residential lot in such a manner as to allow such shrubs, vines or other vegetation to become a breeding place for mosquitoes, a refuge for rats and snakes, a collecting place for trash and litter, or a fire hazard. It shall be the duty of the owner to trim, cut or remove all shrubs, vines or other vegetation as often as necessary so as to comply with this section. This subsection does not

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apply to lots using shrubs, vines or vegetation as a wall or barrier as long as such does not become a nuisance.

- (e) *Chronic violator.* The city may notify a chronic violator of subsections (c) and/or (d) that, if the violator's property is found to be in violation of subsections (c) and/or (d), the city shall, without further notice in the calendar year in which notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property in accordance with G.S. 160A-193. The initial annual notice shall be served by registered or certified mail. When service is made by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after the mailing. A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave a notice of violation at least three times under subsections (c) and/or (d). Pursuant to G.S. 160A-193(b), the expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. G.S. 160A-193(b) shall not apply if the person in default can show that the nuisance was created solely by the actions of another.
- (f) *Assessment of civil penalty.* A civil penalty will be assessed to the owner of any lot in violation of subsections (c), (d) and (e), by the assistant city manager/public works or his authorized representative if the violation is not corrected before the expiration of the notice of violation and nuisance; and notification of such assessment shall be given to the owner by the city. The civil penalty shall be \$165.00 or ten percent of the cost of abatement, whichever is greater. If, in accordance with the procedures set out in chapter 62, the city abates the nuisance, the costs of abatement in addition to the civil penalty imposed shall be assessed to the property owner.

SECTION II This Ordinance shall be effective upon adoption