



Discussion and Direction Regarding Potential Landscape Code Amendments

Town Council Study Session

June 10, 2021

Issue for Council Discussion and Direction

- Property Owners adjacent to ROW are responsible for maintaining the landscape adjacent to their property
- Some individuals and/or HOAs are slow to maintain them
- Public Works has authority to clear sidewalks, rights of way, and bike lanes...when it rises to a public health and safety issue.
- The Town Council is being asked whether staff should return after the legislative break with additional language in the code (Article 8-1) further specifying property owner responsibilities to keep vegetation further away from sidewalks and rights of way.

Section 8-1-1 Accumulation of Litter and Junk

- A. Accumulation of Litter: It is unlawful for any person to throw, deposit, or allow to accumulate, any glass, rubbish, waste, construction debris or other refuse upon the streets, alleys, highways, public parks or other property of the Town, or upon any private property.
- D. The property owner is responsible for the maintenance and clean up of:
 1. Private property, as specified in subsection A above, and property of the Town, or upon any private property.
 2. **The right of way area between the property line and the curb or to the edge of the pavement where no curb exists.**

Section 8-1-12 Weeds

- A. Every person owning, occupying, or controlling any premises fronting on any street, alley, or public place in the Town shall cut or cause to be cut all grass and weeds growing on such frontage as often as the same may require cutting, to the end that said grasses or weeds shall not attain a height of over six inches, and every person who shall permit grass or weeds to grow to a height exceeding six inches between the property line of such property and the street shall be guilty of a violation of this Code.

- B. Every person owning, occupying, or controlling any lot or lots within the Town shall cause all weeds and other noxious growths to be cut thereon as often as the same may require cutting to prevent the same from attaining a height of over six inches, and every person owning, occupying or controlling any lot or lots within the Town who shall permit on such lot or lots weeds or other noxious growth to grow to a height exceeding six inches, or who shall permit any rubbish, dirt, debris, or other matter to accumulate upon such lot or lots, shall be guilty of a violation of this Code.

Section 8-1-13 Corner Vision

As an aid to safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, and operators of vehicles, there shall be limitations on the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, construction and planting on all corner lots.

- A. A. Such barriers to clear, unobstructed vision at corners of intersecting streets shall be limited to a height of not over two (2) feet above the street elevation of the nearest edge of pavement, for a distance of fifty (50) feet along both the front and side lot lines, measured as indicated below.
- B. Within the triangle formed by connecting the ends of the respective fifty (50) foot distances as illustrated in figure 8-1-13, all the structures, fixtures, construction, hedges, shrubbery and other plantings shall be limited to a height of two (2) feet above the elevation of the nearest edge of pavement at the said intersecting streets.
- C. Paragraphs A and B of this Section notwithstanding, trees may be located within the fifty (50) foot clear distance if their trunks are no more than eight (8) inches in diameter at a height of twelve (12) inches from the ground, and the foliage is cleared to a height of eight (8) feet above the ground.
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- E. **This Section is applicable to that area within the property, but the property owner is also responsible for that area between the property line and the curb, and to the pavement where no curb exists.**

Section 8-4-1 Public Nuisance Purpose and Scope

Purpose and scope: The purpose of this Chapter is to promote the health and safety of the Town of Paradise Valley and its residents, and to protect neighborhoods against physical, and visual deterioration. To that end, the Town intends by this Chapter to prohibit nuisances that:

- (1) Contribute to or cause injury or endangerment to the Health, safety or welfare of others;
- (2) are contrary to community standards;
- (3) are offensive to the senses;
- (4) unlawfully interfere with, obstruct or tend to obstruct or render dangerous the free passage or use, in the customary manner, of any watercourse, sidewalk, public street or roadway,**
- (5) obstruct the free use of property so as to interfere with the comfortable enjoyment of life and property by the public.

Section 8-6-2 Enumerated Violations

It is unlawful, a civil and criminal violation of this Code, and a public nuisance for any occupant, lessee or owner:

G. To cause or permit any object, debris, building, tree, bush or landscaping to interfere with, obstruct, tend to obstruct, or render dangerous the free passage, use or vision in the customary manner of any sidewalk, street, or right of way or in violation of the Town Code.

Section 8-6-4 Option to Proceed Criminally or Civilly

The health officer or his designee (hereinafter referred to as "health officer") may proceed pursuant to this Article by citation for civil sanctions or by criminal complaint pursuant to the general penalties provision of § 1-9-2 of this Code.

Typical Landscape Maintenance Issues

- Bike Lane encroachment
- Landscape leans out over sidewalk
- Overhanging trees do not provide adequate clearance
- Visual clutter





Invergordon and Bar Z Lane, HOA code enforcement
Public Works Stepped In for Public Safety

Provides passage, but still infringes

Mockingbird (6200 block)

- One hedge trimmed back further so it doesn't intrude on the sidewalk.
- Any change in the Code would attempt to regulate this type of setback of oleanders and other landscape that doesn't yet meet the public safety level to **“obstruct, tend to obstruct, or render dangerous the free passage...”**



Council Discussion and Direction

Should staff return after the legislative break with additional language in Article 8-1 of the Town code to further specify property owner responsibilities to keep vegetation further away from sidewalks and rights of way?