

## Article 8 Chapter 5

### LANDSCAPE MATERIALS

SECTION:

8-5-1: Definitions

8-5-2: Nuisance Declared

#### **8-5-1 Definitions.**

For the purpose of this chapter, the following shall be defined as:

*Landscape Material:* All elements typically used or present in a designed landscape, including but not limited to, brick, gravel, rock, or stone, concrete, timber, bitumen, glass, metals, sod, trees, bushes, mulch, fencing materials, and anything that may be used to landscape or to improve the property landscaping.

*Right-of-Way:* A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, and bridges.

#### **8-5-2 Nuisance Declared.**

It shall be unlawful for any person to store, accumulate, or keep, or allow the accumulation, storage or keeping of, any landscape materials on a public right-of-way except in accordance with the following provisions:

- A. Time limits.** Landscape materials may be stored on a public right-of-way for no more than three (3) days while such materials are in being installed on an adjacent property.
- B. Placement.** If placed in a town right-of-way, landscape materials must be stored on the right-of-way immediately adjacent to the property on which they will be used and in such a manner as to minimize disruption to the owners or occupants of adjacent property. Landscape materials shall not block access to and from side streets, alleys, maintenance roads, walkways, driveways, sidewalks, bike paths, fire hydrants, fire stations, fire escapes, mail boxes, dumpsters, parked vehicles, water valves, valve housing structures, or any other vital equipment.
- C. Erosion Barrier.** Landscape materials that can be eroded or moved by the elements shall be completely covered by material that will protect them from erosion or movement.

**D. Traffic Hazard Prohibited.** Landscape materials stored in the public right-of-way must be flagged, coned or otherwise marked in such a manner as to alert a reasonable person to the presence of the materials and allow such person to safely navigate around the materials.