

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: **Property Maintenance Ordinance**

READING AND ADOPTION: **January 18, 2011**

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	Present	Vote
Shirley Lasseter, District 1		
Lynette Howard, District 2		
Mike Beaudreau, District 3		
John Heard, District 4		

On motion of (**Commissioner Name**), which carried (**Vote**), the Code of Ordinances of Gwinnett County is hereby amended by repealing Article VIII, "Building Numbering," and Article X, "Property Maintenance," of Chapter 14 of the Code of Ordinances of Gwinnett County in their entirety and replacing them with a new Article X of Chapter 14, entitled "Property Maintenance" and the Department of Planning and Development's Fee Schedule is amended to include fees for certain new permits.

WHEREAS, the Gwinnett County Property Maintenance Ordinance was first adopted in October, 1998; and

WHEREAS, since the adoption of the Property Maintenance Ordinance, Gwinnett County has experienced a noticeable improvement in the maintenance and appearance of residential property; and

WHEREAS, Gwinnett County has experienced an increase in the number of vacant buildings or structures due to owners abandoning the property, foreclosure sales, and the failure of owners/builders to complete permitted structures; and

WHEREAS, the Board of Commissioners finds that such vacant buildings or structures can lead to the deterioration and instability in neighborhoods and surrounding areas because of lack of maintenance and increased risk of fire and other hazards; and

WHEREAS, the Board of Commissioners desires to protect neighborhoods and Gwinnett County from deterioration and blight due to the lack of maintenance of vacant buildings or structures; and

WHEREAS, the Board of Commissioners finds that it is in the best interests of Gwinnett County to adopt the following amendments to the Property Maintenance Ordinance to address the registration, maintenance, and securing of vacant buildings or structures; and

WHEREAS, the Board of Commissioners desires to set certain fees for vacant structure permits and boarding-up permits; and

WHEREAS, the Quality of Life Unit and the Department of Planning and Development have also identified certain additional revisions to the Property Maintenance Ordinance which would enhance enforcement efforts; and

WHEREAS, the Board of Commissioners has also identified certain beneficial revisions to the County's existing Property Maintenance Ordinance;

NOW, THEREFORE, BE IT ORDAINED that the Gwinnett County Board of Commissioners hereby repeals Article VIII, "Building Numbering," and Article X, "Property Maintenance," of Chapter 14 of the Code of Ordinances of Gwinnett County in their entirety and replacing them with a new Chapter 14, Article X, entitled "Property Maintenance" and the Department of Planning and Development's Fee Schedule is hereby amended to include fees for certain new permits.

Ordinance Number: PMO-2011
GCID Number: 2011-0112

GWINNETT COUNTY BOARD OF COMMISSIONERS

BY: _____
SHIRLEY LASSETER, VICE CHAIRMAN

ATTEST:

BY: _____ (SEAL)
DIANE KEMP, COUNTY CLERK

APPROVED AS TO FORM:

BY: _____
SENIOR ASSISTANT COUNTY ATTORNEY

SECTION 1 – Articles VIII and Article X of Chapter 14 of the Code of Ordinances of Gwinnett County are hereby repealed in their entirety and replaced with the following new Article X:

CODE OF ORDINANCES OF GWINNETT COUNTY

CHAPTER 14 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE X – PROPERTY MAINTENANCE

**Division I
Generally.**

Section 14-281. Title.

The title of this ordinance shall be the “Gwinnett County Property Maintenance Ordinance” and may be cited hereinafter as this article.”

Section 14-282. Purpose.

The purpose of this article is to establish minimum requirements and standards for premises and structures in order to promote and protect the public health, safety, convenience, order and general welfare of the citizens of the county.

Section 14-283. Scope.

This Article shall apply to all commercial, office, industrial, multi-family, and single-family residential structures and premises and shall constitute the minimum requirements and standards for existing structures and premises.

Section 14-284. Interchangeability.

Words stated in the present tense include the future. Words stated in the masculine gender include the feminine and neuter. Words stated in the singular number include the plural and the plural the singular.

Section 14-285. Definitions.

Terms not defined herein shall have their meaning as defined in the Zoning Resolution, the Development Regulations, and the Construction Code, or in the absence of such definition, words shall have their common dictionary definition. Whenever the words “dwelling unit,” “premises,” “building,” “rooming house,” “rooming unit or “story” are stated in this ordinance, they shall be construed as they were followed by the words “or any part thereof.” The following definitions shall apply in the interpretation and enforcement of this article:

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Bedroom. A private room planned or intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Boarding-up. Erecting, installing, placing, or maintaining boards over the doors, windows, or other openings of any building or structure or otherwise securing such openings by a means other than the conventional method used in the original construction and design of the building or structure.

Default. The failure to fulfill a contractual obligation, monetary or otherwise, and either the expiration of any cure period or the sending by the mortgagee of a notice of default.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Evidence of vacancy. Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, past due utility notices, disconnected utilities, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, government employees, or the like, that the property is vacant.

Exterior Property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Foreclosure Proceeding. Any process under Title 44, Article VII of Georgia law whereby a grantor of a secured debt in real property is divested of all rights to said real property and title to the real property is not sold in an arms-length transaction but retained by a creditor or mortgagee after a foreclosure sale or proceeding or transferred to a creditor or mortgagee pursuant to a deed in lieu of foreclosure.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Junk vehicle. Junk vehicle means any vehicle, automobile, truck, van, trailer of any kind or type, or contrivance or part thereof which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned, discarded, or kept parked, stored or maintained on any premises or public right-of-way without a current license plate and/or decal displayed on the vehicle.

Local Agent. Any person or entity empowered by a creditor, mortgagee, or transferee, as it pertains to the foreclosed real property, with authority: (1) to ensure security and maintenance; (2) to comply with code enforcement orders issued by the County; (3) to provide a trespass authorization upon request of an enforcement officer;

(4) to conduct inspections; and (5) to serve as an agent authorized to receive any citation under this Chapter and notice pertaining to any court or enforcement proceeding in connection with the enforcement of this Chapter.

Maintenance. The act of keeping property, structures or vegetation in a proper condition so as to prevent their decline, failure or uncontrolled growth.

Mortgagee. A person or entity that holds or receives a deed to secure debt, deed of trust, or other instrument conveying a lien upon or security title to real property. Absent actual notice received by the County, the mortgagee shall be presumed to be the owner or holder of the mortgage as set forth in the public records of Gwinnett County, Georgia.

Occupancy. The purpose for which a building is utilized or occupied.

Occupant. Any individual living or sleeping in a building; or having possession of a space within a building.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State of Georgia or Gwinnett County as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Premises. A lot, plot or parcel of land including any structures thereon.

Property. Any unimproved or improved residential or non-residential real property, or portion thereof, situated in unincorporated Gwinnett County and includes the buildings or structures located on the real property regardless of condition.

Rubbish. Rubbish means discarded waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass, crockery, and/or similar materials.

Securing. Such measures as may be directed by the Director of the Department of Planning and Development or his designee that render the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining or padlocking of gates, the repairing of doors, windows or other openings.

Swimming Pool. A water filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or

an above ground pool, having a depth of more than thirty inches, designed, used, and maintained for swimming and bathing.

Toilet Room. A room containing a water closet or urinal but not a bathtub or shower.

Trash. Combustible and noncombustible waste material, except garbage, including paper, rags, cartons, boxes, wood, excelsior rubber, leather, tree branches, yard trimmings, cans, metals, bricks, lumber, concrete, mineral matter, glass crockery, and including the residue from the burning of wood, coal, coke or other combustible material.

Vacant Structure. A building or structure that is

- (1) Not legally occupied for a period of at least sixty (60) days, without evidence of water, electric and/or gas utility usage; or
- (2) partially destroyed, or partially constructed or incomplete after the building permit authorizing its construction has expired; or
- (3) Held by a mortgagee or creditor pursuant to a foreclosure proceeding; or
- (4) In default under a mortgage held on the property and is found to be vacant or shows evidence of vacancy.

Weeds. All rank vegetative growth including but not limited to kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths; however, this term shall not include cultivated flowers, fruits and vegetables, and gardens.

Yard Trimmings. Yard trimmings means leaves, brush, grass clippings, pruned shrub and tree deris, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

Section 14-286. Penalties.

(a) Fine and/or Sentence.

Any person convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the county and shall be punished either by a fine not less than \$250 per day and not to exceed \$1,000 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternative. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(b) Powers of the court.

The court shall have the power and authority to order the violation corrected in compliance with this article and the court may require payment of restitution or impose other punishment allowed by law.

(c) Other legal remedies.

In any case in which a violation of this article has occurred, the county, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

Section 14-287. Transfer of Ownership.

It shall be unlawful for the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building or structure until the provisions of the notice of violation have been complied with, or until such owner shall furnish to the Chief or Police a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such notice of violation. Any citation for violation of this section shall be issued to the transferor of the property listed on the face of the document evidencing conveyance of the property.

**Division 2.
Property.**

Section 14-301. Fences and walls.

- (a) Fences and walls shall be maintained in a structurally sound condition and in good repair. Fences shall be free from loose or rotting materials and shall have braces and supports attached or fastened in accordance with common building practices. Fences shall be maintained free of nails protruding more than 1/16 inch beyond the face of any uncovered fence member.
- (b) All multi-family parcels which contain eight units per acre or more, excluding single-family attached dwellings on parcels that contain a minimum of three acres shall be fenced on all sides with a chain link or wrought iron fence, or other material approved by the Director of the Department of Planning and Development, no less than four feet in height. Any new fence required by the adoption of this Ordinance shall be constructed within six months from the effective date of this Ordinance.
- (c) All damaged or missing portions of a fence shall be replaced with comparable materials and shall be attached to the existing portion of the fence. Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural members.

Section 14-302. Graffiti.

It shall be a violation of this Article for any person having a legal or equitable interest in a parcel of real property to permit graffiti to remain on a structure located thereon for a continuous period of more than 72 hours. For purposes of this section, the term "graffiti" shall have the same meaning as set forth in O.C.G.A. § 17-15A-2.

Section 14-303. Grass, Weeds, and Uncultivated Vegetation.

- (a) Premises and exterior property shall be maintained free from grass, weeds, or uncultivated vegetation in excess of twelve inches in height.
Exceptions:
 - (1) Any parcel zoned RA-200 (Agriculture – Residence District) that is greater than one acre in size.
 - (2) Any parcel within a single-family residential zoning classification that is greater than three acres in size.
- (b) Property owners abutting a right of way shall not allow yard trimmings to accumulate on a public street or sidewalk.
- (c) The unpaved areas of front yards shall be maintained with grass, ground cover or other type of landscaping to such an extent that the soil is not subject to erosion.

Section 14-304. Junk Vehicles.

Junk vehicles shall not be kept, permitted, parked, stored or maintained on any premises or public right-of-way.

Exceptions:

- (1) Junk vehicles, which are kept within a fully enclosed building on property in residential zoning districts provided the owner or occupant of the property is in the process of reconditioning the junk vehicle for personal use;
- (2) Junk vehicles which are kept on property in zoning districts authorized by the Zoning Resolution for repairing, reconditioning or remodeling junk vehicles and provided that such junk vehicles are not stored for the purpose of salvage of parts but are in the continual process of repair, reconditioning or remodeling;
- (3) Junk Vehicles which are kept on property in zoning districts as authorized by the Zoning Resolution for a junk or salvage yard.

Section 14-305. Driveways and Walkways.

All private driveways and walkways connecting a driveway to a building shall be maintained in a passable condition so as to allow safe vehicular and pedestrian ingress and egress to the building served. For purposes of this section, there is a rebuttable presumption that a private driveway or walkway is impassable if the driveway or walkway contains a grade separation of six inches or more.

Section 14-306. Open or Outdoor Storage.

The open or outdoor storage of appliances, building material or debris, equipment, garbage, glass, material, merchandise, rubbish, trash or similar items shall not be permitted, maintained or stored on any premises.

Exceptions:

- (1) Property where outdoor storage is authorized by the Zoning Resolution;
- (2) Cut wood which is neatly stacked in lengths not to exceed 3 feet for the personal use of the owner or occupant and which is stored in a side or rear yard;

- (3) Rubbish, garbage, trash or other similar items placed outside for collection by an authorized waste hauler not more than 24 hours prior to the designated collection date for that property.

Section 14-307. Trees.

(a) Dead Trees.

Dead trees shall not be allowed to exist or to be maintained on any premises which are hazardous to persons on adjacent property or to adjacent property. A finding by a registered forester or certified arborist shall constitute prima-facie evidence that a tree is in danger of falling upon adjacent lots or public streets due to the death of the tree.

(b) Tree Stumps.

Tree Stumps greater than 12 inches in height above ground level shall not be permitted or maintained on any premises for more than fourteen days after the tree has been cut.

Exceptions:

- (1) Property covered by a valid land disturbing permit;
- (2) Property zoned RA-200 (Agriculture – Residence District)

(c) Tree Debris.

Felled trees, slash, or removed tree limbs shall not be permitted or maintained on the ground on any premises for more fourteen days.

Exceptions:

- (1) Property covered by a valid land disturbing permit;
- (2) Cut wood which is neatly stacked in lengths not to exceed three feet and which is stored in a side or rear yard;
- (3) Property zoned RA-200 (Agriculture – Residence District);
- (4) Composting activities which comply with state law.

Section 14-308. Swimming Pools.

Swimming pools, spas, and similar structures above ground, on ground, or in ground, shall be maintained in a safe, clean, sanitary, secure, and structurally and mechanically sound condition, so as to prevent stagnant water, which is conducive to the harboring or breeding of mosquitoes or other insects. A finding by a health official of the County Environmental Health Department shall constitute prima facie evidence that stagnant water in a swimming pool is conducive to the breeding or harboring of mosquitoes or other insects. All swimming pools shall be completely surrounded by a fence or other barrier having a minimum height of four feet. When the sides of an above ground pool are used as the barrier the ladder or steps shall be capable of being secured, locked or removed to prevent access; or the ladder or steps shall be surrounded by a barrier which meets these requirements.

Section 14-309. Registered Agents.

Prior to the issuance of a Certificate of Occupancy for any multi-family development, commercial, office or industrial property, or mobile home park, or during the first thirty calendar days of each year, whichever occurs earlier, the owner and each Occupation Tax Certificate holder for each multi-family development, commercial, office, or industrial property, or mobile home park must designate the name, Gwinnett County address, and twenty-four hour phone number of an agent for the property. The agent shall reside in Gwinnett County and shall be on twenty-four hour call, seven days a week, to accept notices of violation regarding any provision of the Gwinnett County Code. In addition, written notice to such agent shall be deemed delivered on the third business day following the mailing of such notice by first class mail to the agent at the address listed in such registration. The registration required by this paragraph shall be submitted to the Licensing and Revenue Section of the Department of Planning and Development. Such registration shall be confirmed at the time of each annual registration. In the event that the holder of an Occupation Tax Certificate or the owner of the property desires to change the name or contact information with regard to the registered agent, the Occupation Tax Certificate holder and/or owner shall supply written notice to the Licensing and Revenue Section of the Department of Planning and Development. No change in registration shall be effective until written modification thereof is received by the Licensing and Revenue Section of the Department of Planning and Development.

Division 3.
Buildings.

Section 14-321. Numbering Requirements.

- a. Assignment. Street numbers for dwelling units and places of business on all public streets and street numbers and/or building numbers for dwelling units and places of business within apartments/condominiums and nonresidential developments located on private streets shall be assigned by the department of development in accordance with its administrative procedures.
- b. One and two family dwelling unit requirements. Each one and two-family dwelling unit shall have posted and maintained in a conspicuous place on the property, visible from the street, providing general public access, the street number of such dwelling unit in figures at least three inches high on a contrasting background that will allow 24-hour visibility.
- c. Multifamily requirements. Each multifamily building with three or more dwelling units shall have posted and maintained in a conspicuous place on the building, visible from the parking lot or street providing general public access, the addresses or numbers of the building in figures at least six inches high on a contrasting background and each individual apartment/unit within the building shall be marked on or about its main entrance with the individual apartment/unit number and/or

address in figures at least three inches high on a contrasting background that will allow 24-hour visibility. In addition to these requirements, where a multifamily building has more than one exterior entrance, each such entrance shall be marked, in figures at least three inches high on a contrasting background, with the number and/or address of each and every individual apartment/unit to which access is provided through that common entrance.

- d. Business and other nonresidential building requirements. Each business or other nonresidential building shall have posted and maintained in a conspicuous place of the property visible from the street providing public access, the address and /or street number of such building in figures at least four inches high on a contrasting background that will allow 24-hour visibility. If the numbers are not placed within 15 feet of the back of the street curbing or edge of the street surface, then such figures shall be at least six inches high. A quadrant designation will be posted as part of the address in figures at least two inches high on a contrasting background of a material that will allow 24-hour visibility and be placed with the number designation.

Section 14-322. Exterior Surface Treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints shall be maintained weather resistant and water tight.

Section 14-323. Exterior Walls.

Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials; and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration.

Section 14-324. Foundation Walls.

All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads of the structure and shall be maintained plumb and free from open cracks and breaks so as not to be detrimental to public safety and welfare. Every foundation, exterior wall, and other exterior surface shall be maintained in a workmanlike state of maintenance and repair.

Section 14-325. Roofs.

Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and have no defects which might admit rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof including, but not limited to, the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, and metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices. Gutters must be free of vegetation and in good repair. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building.

Section 14-326. Exterior Stairways, Decks, Porches and Balconies.

Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Section 14-327. Windows.

Windows of buildings shall be fully supplied and maintained with glass window panes or with a substitute approved by the Director of the Department of Planning and Development, and such glass or substitute material shall be without open cracks or holes. Screens, if provided, shall be securely fastened to the window and maintained in good repair. Windows other than fixed windows shall be capable of being opened with reasonable ease and shall be held in position by appropriate window hardware.

Section 14-328. Exterior Doors and Frames.

Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Exterior door jambs, stops, headers and moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be provided with proper hardware and maintained in proper working condition.

Section 14-329. Garage Doors.

Garage doors shall be capable of being closed reasonably plumb, properly attached, and the exterior surface of garage doors shall be maintained weatherproof so as to prevent deterioration.

Section 14-330. Decorative Features.

Cornices, belt courses, corbels, terra cotta trim, wall facings, shutters, light fixtures, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Section 14-331. Vacant Structures.

(a) Vacant Structure Permit. All vacant structures located within unincorporated Gwinnett County require a vacant structure permit ("Permit"). As set forth below, the County will issue the permit after receipt of the completed application including the applicant's vacant structure maintenance plan ("Vacant Structure Maintenance Plan"), completion and passage of any necessary inspections, and receipt of all necessary fees. The permit shall be valid for a period of twelve (12) months. The permit may be renewed within thirty (30) days of the expiration of the original by supplying information required by the Department by submitting an updated application, updated maintenance plan, any additional information required, and payment of necessary fees. A new permit must be obtained if the original permit is not renewed within thirty (30) days of the expiration of the original permit.

(b) Registration of Vacant Structures.

- (1) An owner or mortgagee of any vacant structure shall obtain a vacant structure permit from the Gwinnett County Department of Planning and Development within fourteen (14) days of the structure becoming vacant as defined in this ordinance.
- (2) Any mortgagee that holds a mortgage on property that is improved with a building or structure shall, upon default under the mortgage, perform an inspection of the property that is encumbered by the mortgage. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed a vacant structure within the meaning of this Chapter and the mortgagee shall, within fourteen (14) days of the inspection, apply for a vacant house permit.
- (3) Upon receiving information that a structure is vacant as defined in this ordinance and the owner has not applied for a vacant structure permit as set forth in subsection (2)(a), the County shall provide a written notice to the owner of the existence of a vacant structure. The owner shall, within fourteen (14) calendar days of the date shown on such notice, submit the permit application and proposed maintenance plan to the Department of Planning & Development, and pay all applicable fees.
- (4) The fees for residential and commercial permits and inspections are set forth in the schedule of fees adopted by the Board of Commissioners.
- (5) The owner registering a vacant structure shall supply the following information on an authorized permit application form provided by the department:
 - i. Name, current address and telephone number of the owner;
 - ii. Name, current address and telephone number of any responsible party, if applicable;
 - iii. Name, address and telephone number of any local (within 50 miles of the subject property) agent or representative of the owner, if applicable;
 - iv. Name, current address and telephone number of all persons with any legal interest in the property, building or premises, including mortgagees and successors in interest;
 - v. Legal description and tax parcel identification number of the premises on which the structure is situated;
 - vi. Common address of the structure;
 - vii. Date on which the structure became vacant;
 - viii. Vacant Structure Maintenance Plan;
 - ix. Whether the property is a foreclosure or is in default; and
 - x. Additional information as may be required by the Department shall be submitted within fourteen (14) days after request thereof.
- (6) The owner shall notify the Department of Planning and Development in writing of any change in the above required information within fourteen (14) days of said change.

(c) Vacant Structure Maintenance Plan.

- (1) At the time the owner submits an application for a vacant structure permit as required above, the owner shall submit to the department a Maintenance Plan. The Plan shall include at least the following:
 - i. The length of time the owner expects the vacancy to continue;
 - ii. The proposed rehabilitation or improvements, if any, to be made to the structure so as to make the structure suitable for its intended use and the time schedule for same;
 - iii. A maintenance plan detailing the securing, monitoring and maintenance of the structure and premises thereof in conformance with this article.
- (2) Upon a change in ownership of the vacant structure, the new owner shall be required to apply for a new vacant structure permit if the structure is to remain vacant for more than sixty (60) days after the change in ownership.

(d) Inspection of Vacant Structures.

- (1) At the time the permit is initially issued, the County may perform an inspection of the property and any vacant structures thereon. The purpose of this inspection is to ensure that the vacant structure is in compliance with the requirements of this ordinance and does not constitute a hazard to the health, safety, and welfare of the public.
- (2) The Department is hereby authorized to collect a fee to offset the cost of inspections. The fee for inspections shall be set forth in the schedule of fees adopted by the Board of Commissioners.

(e) The vacant structure shall at a minimum:

- (1) Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals. The vacant structure shall be secured using the conventional methods used in the original construction. Where securing the structure through conventional methods is not feasible or where the owner desires to board up the vacant structure, the owner or interested party must obtain a separate boarding-up permit from the Department of Planning and Development.
- (2) All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the structure.
- (3) The structure must be maintained in good repair, be structurally sound and free from rubbish, garbage and other debris.
- (4) Supporting members of the structure shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.
- (5) The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other

- surface shall be protected from the elements by appropriate weather coating materials (paint or similar treatment).
- (6) All balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair and appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall also be protected from the elements against rust or decay by appropriate application of paint or similar weather coating.
 - (7) Any accessories or appurtenant structures, including but not limited to garages, sheds or other storage facilities shall meet the standards set forth in this subsection.
 - (8) Have a plan for winterization of the vacant property if necessary.
 - (9) Retaining walls, drainage systems, or other structures must be maintained in good repair and be structurally sound. Any existing fence shall be maintained in good repair with gates locked at all times.
 - (10) Be in compliance with all applicable provisions of Article 14 of the Gwinnett County Code of Ordinances and all other applicable codes and ordinances of Gwinnett County.

Section 14-332. Boarding-up Structures.

- (a) Boarding-up Permit. No person, firm, association or corporation shall erect, install, place, or maintain boards over the doors, windows or other opening of any building or structure or otherwise secure such opening by a means other than the conventional method used in the original construction and design of the building or structure without first obtaining a valid boarding-up permit in accordance with this subsection. Any properties with boards existing at the time of the adoption of this subsection will have sixty (60) days from the date of the adoption of this subsection to submit an application to the Department of Planning and Development for a permit to continue to board.
- (b) The Department of Planning and Development may issue a boarding-up permit only upon satisfaction of the following conditions:
 - (1) Submission of a written application by the owner of the property or his authorized representative, including the following information:
 - i. Name, address and telephone number of the owner;
 - ii. Name, address and telephone number of any responsible party;
 - iii. Name, address and telephone number of any local agent or representative of the owner;
 - iv. Tax parcel identification number of the premises on which the structure is situated;
 - v. Common address of the structure;

- vi. Other information as may be required by the Department.
 - (2) Payment of the required fee by the owner of the property or his/her authorized representative.
 - (3) Submission of a written statement or plan by the owner or the property or his authorized representative specifying:
 - i. Length of time the owner expects the boarding-up to continue;
 - ii. Proposed plan to secure or board up the structure, including a detailed description regarding the manner and materials.
 - iii. Proposed maintenance plan detailing the monitoring and maintenance of the structure and premises in conformance with this article.
 - (4) The County may conduct an inspection of the subject property to ensure that the structure is boarded up in accordance with the plan approved by the Department of Planning and Development.
- (c) A boarding-up permit issued pursuant to this subsection shall authorize the boarding-up or other securing of a building or structure for a period of six (6) months. An owner of a property desiring to continue to board his property beyond the six-month term must submit a renewal application to renew the boarding-up permit and continue to meet the requirements for the issuance of a new boarding-up permit. The permit may be renewed within thirty (30) days of the expiration of the original upon payment of necessary fees. A new permit must be obtained if the original permit is not renewed within thirty (30) days of the expiration of the original permit.
- (d) No boarding-up permit shall be required to board-up a building for up to thirty (30) days in the event of a temporary emergency situation, including but not limited to damage caused by vandalism, theft or weather. In the event an emergency situation requires a building or structure to be board-up for more than thirty (30) days, the owner of the building or structure or his authorized representative must obtain a valid building permit for repair or a valid boarding-up permit in accordance with this section.
- (e) The boarding of doors, windows, or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall be according to the specifications approved under the permit. All boarded openings shall be painted with a minimum of two (2) coats of exterior paint, which is of a color compatible with the exterior color of the building or structure.
- (f) Any structure which is boarded shall be in compliance with all applicable codes and ordinances of Gwinnett County.

- (g) Any structure which is boarded up shall be posted with the name, permit information, and twenty-four hour contact phone number of the local agent or responsible party.

Section 14-333. Burned Structures.

Whenever any building or structure is partially burned, the owner or person in control shall, within thirty days after completion of the scene investigation by the Fire Department and/or insurer of the property, remove from the premises all refuse, debris, and all charred and partially burned lumber and material. If such building or structure shall be burned to such an extent that it is rendered incapable of being repaired, the owner or person in control shall, within sixty days after completion of the scene investigation by the Fire Department and/or insurer of the property, remove from the premises all the remaining portion of the building or structure. If the building or structure is to be repaired, a permit shall be obtained and work shall begin within sixty days after completion of the scene investigation by the Fire Department and/or insurer of the property and shall be completed within one hundred eighty days from the date a permit is obtained.

Division 4.
Residential Occupancy Limitations.

Section 14-341. Privacy.

Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

Section 14-342. Minimum Room Widths.

A habitable room, other than a kitchen, shall not be less than 7.5 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counterfronts and appliances or counterfronts and walls.

Section 14-343. Minimum Ceiling Heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions:

- (1) In one and two family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height;
- (2) Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions;
- (3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7.5 feet over not less than 50% of the required minimum floor area. In

calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

Section 14-344. Bedroom Requirements.

(a) Area for Sleeping Purposes.

Every bedroom occupied by one occupant shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one occupant shall contain at least 50 square feet of floor area for each occupant thereof.

(b) Prohibited Occupancy.

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

Section 14-345. Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 4.5 as follows:

Space	Minimum Area in Square Feet		
	1-2 Occupants	3-5 Occupants	6 or More Occupants
Living Room ^{a,b}	No requirements	120	150
Dining Room ^{a,b}	No requirements	80	100
Kitchen ^b	50	50	60
Bedrooms	Shall Comply With Section 14-344(a)		

Note a. See paragraph 2 of this section for combined living room/dining room spaces.

Note b. See paragraph 1 of this section for limitations on determining minimum occupancy area for sleeping purposes.

(1) Sleeping Area.

The minimum occupancy area required by Table 4.5 shall not be included as sleeping area in determining minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 14-344.

(2) Combined Spaces.

Combined living room and dining room spaces shall comply with the requirements of table 4.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Notwithstanding any other provision of the Code of Ordinances of Gwinnett County, Georgia to the contrary, individuals shall only occupy any residential dwelling unit in compliance with the definition of family in the 1985 Zoning Resolution unless a variance has been granted pursuant to Section 1605A of the 1985 Zoning Resolution of Gwinnett County. The number of occupants of a dwelling unit may be further limited based upon septic system limitations and parking regulations applicable to a specific property.

Section 14-346. Efficiency Unit.

Nothing in this article shall prohibit an efficiency dwelling unit meeting the following requirements:

- (1) An efficiency unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. An efficiency unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by paragraphs (2) and (3).
- (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
- (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
- (4) The maximum number of occupants shall be three (3).

Section 14-347. Short Term Occupancy.

This article shall not apply to any occupancy which has not lasted, or is not intended to last, more than one (1) week.

**Division 5.
Enforcement and Unlawful Acts.**

Section 14-361. Enforcement.

- (a) This article shall be enforced by the Chief of Police or the Director of the Gwinnett County Department of Planning and Development or their duly authorized representatives, as applicable.
- (b) Whenever it is necessary to make an inspection to enforce the provisions of this Article, or whenever a police officer or code enforcement officer has reasonable cause to believe that there exists upon any property a condition or violation which is unsafe, dangerous, hazardous, or detrimental to the public interest, the officer may enter upon the grounds of such property at all reasonable times to inspect the same; provided, however that if such structure or property is occupied, the officer shall first present proper credentials and request entry upon such grounds.. If such entry is refused, the officer shall have recourse to every remedy provided by law to secure entry upon such grounds.

Section 14-362. Unlawful Acts.

It shall be unlawful for a person, firm or corporation to be in conflict with, or in violation of, this article.

Section 14-363. Liability.

No officer, agent, or employee of Gwinnett County shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties pursuant to this Article.

**SECTION II – The following fees shall be added to the Department of
Planning and Development’s Fee Schedule:**

Vacant House Permit Fee	\$100
Renewal	\$50
Boarding-up Permit Fee	\$200
Renewal	\$100