



## Official Notice of Violation Explanation Sheet

[www.GwinnettQualityofLife.com](http://www.GwinnettQualityofLife.com)

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### **PROPERTY MAINTENANCE ORDINANCE**

A Notice of Violation is no longer required. From 10-27-1998 until 09-20-2005, enforcement shall begin with a written notice of violation provided to the owner and occupant. An ordinance adopted 09-20-2005 deleted this requirement.

**Transfer of Ownership** (14-260) – 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.

**Fences and Walls** (14-284) – Fences & 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<sup>th</sup> inch beyond the face of any uncovered fence member. All multi-family parcels which contain eight units per acre or more, shall be fenced on all side with a chain link or wrought iron fence or other material approved by the Director of Planning and Development, no less than 4 feet in height. 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.

**Graffiti** (14-285) – 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.

**Grass, Weeds, and Uncultivated Vegetation** (14-286) – Premises & exterior property shall be maintained free from grass, weeds, or uncultivated vegetation in excess of twelve (12) inches in height. The only exceptions are: 1) any parcel zoned RA-200 (Agriculture-Residence District) that is greater than one acre in size or 2) any parcel within a single-family residential zoning classification that is greater than 3 acres in size. Property owners abutting a right-of-way shall not allow yard trimmings to accumulate on a public street or sidewalk. 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.

**Junk Vehicles** (14-287) – Shall not be kept, permitted, parked, stored or maintained on any premises or public right-of-way. A *Junk Vehicle* is defined as 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. Exceptions: 1) kept within a fully enclosed building on property in residential zoning districts, 2) kept on property zoned for repairing, reconditioning, or remodeling (cannot be stored for salvage).

**Driveways and Walkways** (14-288) – All private driveways & walkways connecting a driveway to a building shall be maintained in a passable condition so as to allow safe vehicular & pedestrian ingress/ egress to the building served. It is considered impassable if the driveway or walkway contains a grade separation of six inches or more.

**Open or Outdoor Storage** (14-289) – 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 include: 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; 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.

**Trees (14-290) – 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. **Tree Stumps** greater than 12 inches in height above ground level shall not be permitted or maintained on any premises for more than 14 days after the tree has been cut. **Tree debris** - Felled trees, slash, or removed tree limbs shall not be permitted or maintained on the ground on any premises for more than 14 days. Cut wood which is neatly stacked in lengths not to exceed 3 feet and which is stored in a side or rear yard is exempt. Properties that are 1) covered by a valid land-disturbing permit or 2) zoned RA-200 (Residence-Agriculture) are exempt from tree stumps and tree debris. Composting activities, which comply with state law, are exempt from tree debris.

**Swimming Pools (14-291) –** 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 4 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.

**Numbering Requirements (14-318) –** 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 four inches high on a contrasting background that will allow 24-hour visibility.

**Exterior Surface Treatment (14-319) –** 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.

**Exterior Walls (14-320) –** Exterior walls of buildings shall be maintained free from holes, breaks, rotting or loose materials; and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration.

**Foundation Walls (14-321) –** 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.

**Roofs (14-322) –** 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.

**Exterior Stairways, Decks, Porches, and Balconies (14-323) –** 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.

**Windows (14-324) –** 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.

**Exterior Doors and Frames (14-325)** – 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.

**Garage Doors (14-326)** – 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.

**Decorative Features (14-327)** – 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.

### **Vacant Structure Registration (Permit) (VPR 14-437)**

Vacant Real property that is intended for habitation, but not lawfully inhabited for at least 60 days and has no evidence of utility usage within the past 60 days or is partially constructed or incomplete without a valid building permit must be registered with Planning and Development, Building Permits Department within fourteen (14) days of the structure becoming vacant.

### **Vacant Structure Maintenance (PMO 14-328)**

All vacant structures located within unincorporated Gwinnett County must be maintained in good repair and be in compliance with all applicable laws, codes and ordinances. Any 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 (Property Maintenance Ordinance).

**Boarding-up Structures (14-329)** – 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.

All boarded openings shall be painted with a minimum of 2 (two) coats of exterior paint, which is of a color compatible with the exterior color of the building (matching). For complete details regarding Board-up Permits, see [www.gwinnettqualityoflife.com](http://www.gwinnettqualityoflife.com), select the Property Maintenance Ordinance.

**Burned Structures** (14-330) – 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. 1) 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.

**Overcrowding** (14-353) – Occupancy limits allow a maximum of 2 persons for each 120 square foot bedroom space. A minimum of 50 square foot of bedroom space must be added for each additional occupant. (See also Non-Permitted Use for definition of Family).

## UNIFIED DEVELOPMENT CODE

### **Accessory Building, Structure and Uses.** (UDO 230-120) –

All accessory buildings, structures and uses of land such as a detached garage, utility building, shed, gazebo, barn, pool or tennis court:

- Shall be clearly subordinate to and supportive of the principal use
- Located on the same lot as the principal use to which they are accessory
- Located in the **rear yard ONLY.**
- Cannot be located in the public right-of-way.
  - **Basketball Goals** adjacent to driveways are allowed in most residential zoning districts. They are prohibited from being placed in the right-of-way (at the street).
  - **Landscaping** shall not be located within the public right-of-way unless approved by Gwinnett County Department of Transportation.
- Is not allowed in the side yard of a *corner lot* that faces a public street, (considered a front yard).
- Cannot be built before its principal building is constructed.
- Cannot be utilized unless the principal structure is also occupied.
- Set back a minimum of 5 (five) feet from any property line.

In residential districts, accessory buildings cannot:

- Exceed 50% of the primary dwelling.
- Be used for any commercial operation or human habitation.
- Be used to store hazardous materials, waste products or putrescent materials.

Customary uses allowed in the **front yard**: fences, walls, gates and gatehouses, signs, mailboxes, covered mail kiosks, sidewalks, walkways, driveways, parking pads, parking lots, parking decks, lampposts, flagpoles, birdbaths, arbors, trellises, and landscaping. Walls and fences are not allowed to be placed in the county right of way.

Exceptions:

- In agricultural zoning districts, barns and stables, silos, animal enclosures and agricultural buildings that are customarily related to commercial farming are allowed in front yards.
- In commercial zoning districts, fountains, statuary and similar decorative features; gasoline pumps and canopies; vacuum stands and canopies; donation collection boxes (Section 230-130) are allowed in front yards.

**Building Permit Required** (14-26/CC 106.1) – No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit issued by the Department of Planning and Development. A building permit is required to be obtained for accessory buildings and structures that are 121 square feet or greater in size. A building permit is required regardless of size if the proposed structure contains electrical or plumbing systems. (Example: shed, workshop, gazebo, carport, deck).

**Certificate Required** (14-26 / CC 113.1- Occupancy or CC 113.2- Completion) – A Certificate of Occupancy issued by The Department of Planning and Development is required prior to use or occupancy of any lot or building or change in any use thereof and shall not be issued unless the lot or building or structure complies with all the provisions of this Resolution.

**Dumpsters** (UDO 230-120.14) Dumpsters and screening shall be located only in the rear or side yard a minimum of 5 feet from property lines and any buffer. They must be placed on a concrete pad of sufficient size & strength to support the weight of service vehicles. Minimum pad size is 10 feet wide by 30 feet long. Screening is required not less than 6 feet in height. Construction dumpsters are allowed for 30 days or with an active building permit and are exempt from screening requirements.

**Home Occupation** (UDO 230-130.3.R) – In addition to obtaining a Business License (18-20), operating a business within the dwelling of the home must meet the following requirements:

1. Only family members residing in the home can conduct the home based business.
2. No sale of product or service can occur on or adjacent to the home without a Special Use Permit.
3. The home occupation shall not involve group instruction or group assembly of people on premises.
4. There shall be no exterior evidence of a business. No business activity or signage.  
The business shall be conducted only within the enclosed living area of the home (basement included).  
There shall be no display or storage of products, materials, or machinery on the exterior of the home.
5. There shall be no increase or decrease in the normal flow of traffic.  
There shall be no increase in on-street or off-street parking.
6. No equipment, supplies or materials may be utilized or stored in the conduct of the home occupation except that which is normally used for purely domestic or household purposes. Samples, however, may be kept on the premises but neither sold nor distributed from the residence.
7. No more than 25% of the home may be used for the business.
8. One business vehicle used exclusively by the resident is permissible. This vehicle may only be an automobile, pick-up truck, van or sport-utility vehicle.
9. Signage is not allowed (see Sign Ordinance 78-27)

### **Livestock** (UDO 230-130.3.DD)

In agricultural zoning districts: corrals, stables, barns, pens, coops, chicken houses, and other similar livestock quarters shall be located no closer than 100 feet to any property line.

In non-agricultural zoning districts: the raising and keeping of livestock (cattle, horses, donkeys, mules, goats, sheep, swine and other hooved animals; poultry, ducks, geese, pigeons, peacocks and other live fowl; and fur or hide-bearing animals; (other than small species of pigs, cage birds or rabbits kept within a dwelling as a household pet or chickens) whether owned or kept for pleasure, utility or sale on a parcel which contains the dwelling of the owner of the livestock is permitted, provided that the parcel is at least 3 acres in area and all animal quarters are located no closer than 100 feet to any property line.

- **Chickens** (UDO 230-130.3DD) In non-agricultural residential zoning districts: the keeping of chickens for personal pleasure or utility on a parcel which contains the dwelling of the owner is permitted, subject to the following requirements:
  - a) Minimum lot size – 10,500 square feet
  - b) Kept securely in an enclosed yard or 6-sided pen at all times
  - c) Minimum pen area for chickens – 10 square feet per bird
  - d) Housed at least 20 feet from any property line & 50 feet from any residence other than the owner’s
  - e) Any structure housing chickens must be located in the rear yard
  - f) Roosters are prohibited (not allowed).
  - g) Maximum number of chickens per lot size
    - a. 3 birds = 10,500 sq. ft. – 12,499 sq. ft.
    - b. 5 birds = 12,500 sq. ft. – 24,999 sq. ft.
    - c. 8 birds = 25,000 sq. ft. – 39,999 sq. ft.
    - d. 10 birds = 40,000 sq. ft. – 2.99 acres

- e. No maximum = 3 acres
- h) Minimum coop size – 4 square feet per bird
- i) Birds are only permitted as pets or for egg laying production; cannot be kept for slaughter.
- j) Birds must be kept under sanitary conditions & not a public nuisance as defined by State law.

**Non-Permitted Use** (UDO 230-100) – Only certain uses are allowed in each zoning district.

Residential Examples include:

Single Family residential districts do not allow multi-family dwellings or occupancy. A single-family dwelling allows one family defined as one of three situations: 1) related by blood, marriage adoption or 2) no more than three (3) unrelated persons; or 3) two 2 unrelated persons and their children. All are subject to the overcrowding requirements found in Section 14-345 of the Property Maintenance Ordinance. Also, single family structures cannot be converted to a multi-family dwelling without rezoning approval. Operating a commercial business from a residential zoning would also be prohibited (exception – customary home occupation).

**Off Street Parking (Yard Parking)** (UDO 240-10.3.B,C) – In a residential district, the parking of any motor vehicle except on a hard-surfaced driveway or in carport or garage is prohibited. Any recreational vehicle or non-motor vehicle may only be parked in a carport, enclosed structure, or in the rear yard on a paved surface or approved porous or grassed paving system. Any vehicles parked in the rear yard not in a carport or an enclosed structure must be parked at least 15 feet from the property line.

Vehicles or equipment used for agricultural purposes on residential property with 5 or more acres are exempt from hard surface requirements if parked outside the required front setback. The maximum allowable paved parking or hard surface area in front yards shall not exceed more than 35% in most zonings.

No parking areas may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment. (UDO 240.10.5)

**Off Street Parking Spaces** (UDO 240.20.3) – Off street parking spaces for most residential districts are limited to 6 parking spaces. Each residence must have a minimum of 2 parking spaces.

**Swimming Pool Permits & Location** (UDO 330-50) A Swimming Pool Permit is required for any structure intended for swimming, recreational bathing or wading that contains water over 18 inches including in-ground, above-ground and on-ground swimming pools, hot tubs, spas and fixed-in-place wading pools. These are permitted as an accessory use and can be located only in the rear or side yard. (UDO 230-120.3)

**Vehicle Parking Area – Residential** (UDO 240-110.2) –In all residential zoning districts, the parking of the following vehicles is prohibited: any vehicle for hire including but not limited to limousines, taxis, box trucks, flatbed trucks, dump trucks, tow trucks, transport wreckers, tandem axle trucks, cab-on-chassis trucks, tractor trailers, wheeled attachments, pull behind cement mixers, or trailers, bucket trucks, buses, earth moving machinery, semi-trailers, and this restriction also applies to any vehicle over 20 feet in length, or 7 feet in height, or 7 feet in width. Vehicles used for agricultural purposes on residential property with five (5) acres or more are permitted if parked outside the required front yard setback.

Exceptions: An automobile, pick-up truck, van, or SUV used to provide daily transportation to and from work (except those vehicles that fall under the requirements for Section 230-130 Customary Home Occupation) and a commercial vehicle that is parked temporarily in conjunction with a commercial service, sale, or delivery.

**Walls and Fences** (UDO 230-80) – Walls and fences are permitted in any zoning district. There is no setback requirement. They cannot exceed 8 feet in height within a side or rear yard. Corner lots have 2 front yards.

Any wall or fence in the front yard of property less than 3 acres:

- 1) cannot exceed 4 feet in height
- 2) must be ornamental or decorative made of brick, stone, wood, stucco, wrought iron or split rail.
- 3) cannot be made of woven wire, metal fabric (chain link, hog wire or barbed wire) or electric.

No wall or fence can be made of exposed concrete block, tires, scrap metal, sheet metal, plastic/fiberglass sheeting, vinyl siding or fabric, plywood, pallet material, junk or other discarded items (residential and commercial). Walls and fences are not allowed to be placed in the county right of way.

## **Common COMMERCIAL VIOLATIONS**

**Commercial Vehicle Signage** (UDO 240-110.1) – In any commercial zoning district, delivery/service vehicles & vehicles displaying advertising must be parked within the side or rear yard & may not be parked within the front yard.

**Dumpsters** (UDO 230-120.14) Dumpsters & screening shall be located only in the rear or side yard a minimum of 5 feet from property lines and any buffer. They must be placed on a concrete pad of sufficient size & strength to support the weight of service vehicles. Minimum pad size is 10 feet wide by 30 feet long. Screening is required not less than 6 feet in height. Construction dumpsters - allowed for 30 days or with an active building permit & exempt from screening.

**Handicapped Parking Spaces** (UDO 240-50) – Off-street parking shall comply with ADA standards and Georgia State Law for Accessible Design and the Georgia Accessibility Code for Buildings and Facilities for all multifamily and non-residential uses.

**Maintenance and Appearance of Parking Lots** (UDO 240-60.3.C) – Parking lots shall be maintained in good condition, free of potholes, weeds, dust, trash and debris. Porous paving and grass paving systems shall be maintained to function as designed.

**Non-Permitted Use** (UDO 230-100) – Only certain uses are allowed in each zoning district. There are several commercial zoning classifications such as C-1 Neighborhood Business District, C-2 General Business District, C-3 Highway Business District, then there are M-1 Light Industry District and M-2 Heavy Industry District as well as others. Within each, there are certain additional uses allowed when granted a Special Use Permit. For example: Both Auto repair and Auto Sales are allowed in C-3 zoning; however each would also be allowed in C-2 provided a Special Use Permit is obtained.

**Numbering Requirements** (PMO 14-318) –

**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 four 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 four inches high on a contrasting background, with the number and/or address of each and every individual apartment/unit or numerical range of apartment units to which access is provided through that common entrance.

**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 4 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 6 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.

**Off Street Parking** (UDO 240-10.3.A) - In any non-residential district, the parking of any vehicle on other than a paved surface is prohibited.

**Operating Without a Business License / Occupational Tax Certificate** (18-20) – Each person engaged in any business, trade, profession, or occupation in unincorporated Gwinnett County shall pay an occupation tax for such business, trade, profession, or occupation. The actual Business License is to be kept on display in a conspicuous place

and must be valid at all times. Businesses Not Covered By This Chapter (18-33) – The following businesses are not covered by the provisions of this ordinance but may be assessed an occupation tax or other type of tax: 5) insurance companies, 6) motor common carriers, and 9) depository financial institutions (banks).

**Vehicle Parking Area – Commercial** (UDO 240-110.1) In any commercial or office zoning district, delivery/service vehicles and vehicles displaying advertising must be parked within the side or rear yard and may not be parked within the front yard.

## **Solid Waste**

### **Placement of Containers & Collection Hours** (82-56.a.6.c)

Each residential service unit shall place the solid waste storage container at the curb no earlier than 3:30 p.m. on the day prior to the scheduled pick up and shall have the container removed from the curb no later than the day following scheduled collection.

## **SIGN VIOLATIONS**

**Prohibited Signs** [SO Section 78-9 (1-24)] – Types of prohibited signs include roof signs, streamers, portable, trailer, sidewalk, sandwich, curb, or A-frame signs, multi-faced signs, animated signs (motion, flashing, blinking, rotating, varying light intensity), weekend directional signs.

Although a sign may be allowed, it cannot be placed within any public right-of-way or nailed, fastened or affixed to any tree, rock, post, curb, utility pole, natural feature, street sign or marker, traffic control sign or other structure and cannot be placed on property without the owner's permission.

Window signs cannot exceed 20% of the window area per building elevation. Signs that contain obscenities or simulate or hide a traffic control device are not allowed. Signs that emit noise, interfere with road visibility, obstruct the flow of traffic or access to fire escapes are not allowed. Signs that do not conform to building & electrical codes or that fail to display a permit number when required are prohibited.

Temporary signs are not allowed in any **Overlay District**. All signs which are structurally unsound, dilapidated or neglected or abandoned commercial signs are also prohibited.

**Exempt Signs** (SO 78-12) Signs that are considered exempt or allowed would include:

Non-illuminated, temporary freestanding signs (banners excluded). Each lot or parcel is allowed either one large sign (16 square foot or less) **OR** 4 small signs (4 square feet or less). None can be taller than 8 feet above the grade level. These signs must be placed on private property, **not in the public right-of-way**.

Signs for address numbers or private trespassing signs.

Graduation banners placed on residentially zoned property. Such banners may be no more than 24 square feet in size and must be maintained in good condition and individually attached to a pole, mast, arm, or other structure. A graduation banner may not be displayed on any lot for more than 60 consecutive days.

Those erected by a public official in the performance of his/her duty.

Business signs not visible from a street or placed inside the business, office or mall (note: window signs have a maximum of 20% of the window space). One official Emissions sign is allowed per road frontage. Small swinging signs (less than 3 square feet), or projecting signs (no more than 4 feet) that are attached under an eave or awning of a building above a business entrance. Also, signage (8 sq. ft. maximum) on courtesy benches & trash receptacles (1 sign per bench or receptacle), newspaper boxes, automated teller kiosks and phone booths is allowed as well as coin-operated beverage dispensers (maximum 3 per lot) as long as they are not located in the required front yard setback for that zoning district.



**Temporary Signs** (SO 78-10)- A permit is required for the following: (1) **Air or gas-filled device** (maximum 20 feet tall, 150 square feet in area) in commercial zones / 4 feet tall, 16 square feet in residential zones). (2) **Banners** (maximum 16 square feet in area, must be individually attached to a pole, mast or arm, only one per public street frontage and maintained in good condition). (3) **Search lights** and similar devices.

**Flags** (SO 78-11) - All flags must be displayed on purpose-built, professionally fabricated flagpoles and both maintained in good repair. In commercial zones, poles cannot exceed 50 feet unless approved. In residential zones, poles cannot exceed 25 feet in height. Each lot is allowed a maximum of 3 flagpoles with 2 flags per pole. Flagpoles must be setback from all property boundaries the same distance as their height. Flags displaying a logo, message, statement or commercial message and banners are subject to temporary sign requirements. On officially designated county, state or federal holidays there shall be no maximum flag size or number on display. A sign permit is not required for flags.

**Garage / Yard Sales** (18-42) A private individual or group may conduct, not more than once in a six-month period, a sale of used items, baked goods, or other food items. Such an event shall be limited to three consecutive days. (SO 78-9) Signs advertising these events shall not be placed within the public right-of-way, on trees, utility poles and or traffic control devices. Signage allowed is as follows: up to four (4) four square feet signs, or one (1) single sign with a maximum square footage of sixteen (16) feet.

## Miscellaneous

**Driveway Design Standards** (UDO 900-40) Driveways shall generally intersect streets at right angles. The portion of the driveway located within a public right of way shall be paved. Driveways providing access to parking lots which contain five or more spaces shall be paved in accordance with the parking requirements in Chapter 240.

### **Construction Noise** (38-47.c.)

1) It shall be unlawful for any person to make, continue, or cause to be made or continued any construction noise in such a manner so as to be plainly audible at a distance of 300 feet or more beyond the boundary of the property from which the noise emanates between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 9:00 a.m. and 6:00 p.m. on Saturday.

2) It shall be unlawful for any person to make, continue, or cause to be made or continued any construction noise on Sunday; on the following federally-recognized holidays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day; before 9:00 a.m. and after 6:00 p.m. on Saturday; and before 7:00 a.m. and after 9:00 p.m. Monday through Friday.

3) Notwithstanding this prohibition, the director of the department of planning and development or his designee may determine when the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration, in which case the director or his designee may grant a permit for a period of time not to exceed ten days for construction work to be done between the hours of 9:00 p.m. and 7:00 a.m. on weekdays.

4) The prohibitions of this subsection (c) shall not apply to government road, water, sewer, storm water construction or maintenance projects or to utility company construction or maintenance projects.