



MINUTE BOOK 1998

GWINNETT COUNTY

Department of Planning & Development
(770)822-7500

Property Maintenance Ordinance Summary

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- **Fences & walls:** maintenance required.
- **Grass & weeds:** over 12 inches prohibited (exempts RA-200 & lots 1 acre or greater).
- **Junk vehicles:** junk vehicle regulations are proposed to move from the Zoning Resolution to this proposed ordinance with no changes.
- **Debris, junk & rubbish:** outdoor storage of debris, junk and/or rubbish prohibited.
- **Hazardous trees:** removal required.
- **Tree stumps & tree debris:** over 12 inches and tree debris must be removed (exempts RA-200 & lots 1 acre or greater).
- **Swimming pools:** maintenance required.
- **Exterior building maintenance:** maintenance of building exteriors required (e.g. exterior walls, roofs, windows, exterior doors, etc.).
- **Residential occupancy limitations:** limits established as follows:
 - **Bedroom Area:**
 - 1 occupant bedroom - 70 square feet;
 - 2 or more occupant bedrooms - 50 square feet per person.
 - **Living Room Area:**
 - 1 to 2 occupants - no requirement;
 - 3 to 5 occupants - 120 square feet;
 - 6 or more occupants - 150 square feet.
 - **Dining Room Area:**
 - 1 to 2 occupants - no requirement;
 - 3 to 5 occupants - 80 square feet;
 - 6 or more occupants - 100 square feet.
 - **Kitchen Area:**
 - 1 to 5 occupants - 50 square feet;
 - 6 or more occupants - 60 square feet.
- **Penalties:** minimum fine \$250; maximum fine \$1000; and/or up to 60 days in jail.
- **Effective date:** 01 January 1999.

wdj:propma10.sum

October 1998

Ordinance Entitled: Gwinnett County Property Maintenance Ordinance

Date of Reading and Adoption: 27 October 1998

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

| <u>Commission Members</u> | <u>Present</u> | <u>Vote</u> |
|---------------------------|----------------|-------------|
| Wayne Hill, Chairman | Yes | Aye |
| Tommy Hughes, District 1 | Absent | Absent |
| Patti Muise, District 2 | Yes | Aye |
| Judy Waters, District 3 | Yes | Aye |
| Kevin Kenerly, District 4 | Yes | Aye |

WHEREAS, the Board of Commissioners of Gwinnett County finds and declares that there exist within the unincorporated areas of the County conditions on private property where the accumulation, growth or maintenance of weeds, grass, uncultivated vegetation, dead, dying or diseased trees, and other conditions which render such premises or property to be unsafe, unhealthy, unsanitary, unsightly or unaesthetic to the citizens of the neighborhoods in which such conditions exist or in the community at large; and,

WHEREAS, the Board of Commissioners finds and declares that there exist within the unincorporated areas of the County overcrowding conditions which are unsafe, unhealthy, and unsanitary which create a nuisance to the community at large; and,

WHEREAS, the Board of Commissioners finds and declares that there exist within the unincorporated areas of the County buildings and structures which are unsafe, unhealthy, unsanitary, unsightly, or unaesthetic to the citizens of the neighborhoods in which such conditions exist or in the community at large; and,

WHEREAS, the Board of Commissioners finds and declares that there exist within the unincorporated areas of the County junk vehicles which create conditions tending to reduce property values, promote blight and deterioration, invite plundering and vandalism, create fire hazards, constitute attractive nuisances creating a hazard to the health and safety of minors, create a harborage for rodents and insects, and which are unhealthy, unsanitary, unsightly, or unaesthetic to the citizens of the neighborhoods in which such conditions exist or in the community at large; and,

WHEREAS, a public necessity exists for the abatement of such conditions which may be dangerous, injurious and inimicable to the health, safety, convenience, order and general welfare of the citizens of Gwinnett County; and,

WHEREAS, the minimum area requirements of the occupancy provisions of the ordinance are intended as minimum occupancy standards only and not, as building construction standards; and,

WHEREAS, the minimum occupancy standards of the ordinance do not preclude an owner of a dwelling unit from establishing a reasonable occupancy standard which is more restrictive than that set forth in the ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Gwinnett County Board of Commissioners, and it is hereby ordained by the authority of the same, that on motion of Commissioner Muise, seconded by Commissioner Kenerly, which carried 4-0, the following ordinance was adopted October 27, 1998:

Ordinance Entitled: Gwinnett County Property Maintenance Ordinance

BE IT FURTHER RESOLVED, that Article VI. Occupancy Limits for Residential Property, Sections 14-146 through 14-150, of the Code of Ordinances, Gwinnett County, Georgia, is hereby repealed.

BE IT FURTHER RESOLVED, that all regulations or parts of same in conflict with the ordinance attached hereto as Exhibit "A" and by this reference made a part hereof are hereby rescinded to the extent of said conflict.

BE IT FURTHER RESOLVED, that the Gwinnett County Property Maintenance Ordinance shall become effective January 1, 1999.

Attest:

Brenda Maddox
County Clerk

Date Signed: 10/29/98

Approved As To Form:

Van Stephens
County Attorney's Office

Date Signed: 10/28/98

Gwinnett County Board of Commissioners By:

F. Wayne Hill
F. Wayne Hill, Chairman

Date Signed: 10/29/98

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Gwinnett County Property Maintenance Ordinance

Article 1

Title, Purpose, Scope, Interchangeability and Definitions

Section 1.1. Title.

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

Section 1.2. Purpose.

The purpose of this ordinance 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 1.3. Scope.

This ordinance shall apply to all existing structures and premises and constitute minimum requirements and standards for existing structures and premises.

Section 1.4. 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 1.5. 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 though they were followed by the words "or any part thereof." The following definitions shall apply in the interpretation and enforcement of this ordinance:

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

Bedroom. Any room or space used or intended to be used for sleeping purposes.

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.

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

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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. 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 or discarded.

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

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.

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

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

Trash. Combustible and noncombustible waste material, except

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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.

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. All leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, and vegetative matter resulting from landscaping or maintenance activities.

**Article 2
Property Maintenance**

Section 2.1. Fences and Walls.

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.

Section 2.2. Grass, Weeds and Uncultivated Vegetation.

Premises and exterior property shall be maintained free from grass, weeds or uncultivated vegetation in excess of 12 inches in height.

Exceptions:

1. property one (1) acre or greater in size;
2. property zoned RA-200 (agriculture-residence district).

Section 2.3. Junk Vehicles.

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

Exceptions:

1. junk vehicles, limited to a maximum of two (2), 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 vehicles 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 is in the continual process of repair, reconditioning or remodeling;

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3. junk vehicles which are kept on property in zoning districts as authorized by the Zoning Resolution for a junk or salvage yard;
4. junk vehicles which are kept on residentially zoned property five (5) acres or greater in size.

Section 2.4. Open or Outdoor Storage.

The open or outdoor storage of appliances, building materials or rubbish, equipment, garbage, goods, glass, materials, merchandise, rubbish, trash or similar items shall not be permitted, maintained or stored on any premises for more than 24 hours.

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;
3. residentially zoned property five (5) acres or greater in size.

Section 2.5. Trees.

1. Hazardous Trees.

Dead, dying, damaged or diseased 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 or impending death of the tree, or due to damage by weather conditions or due to disease infestation.

2. 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 30 days after the tree has been cut.

Exceptions:

1. property covered by a valid land disturbing permit;
2. property one (1) acre or greater in size;
3. property zoned RA-200 (agriculture-residence district).

3. Tree Debris.

Felled trees, slash, removed tree limbs, or other portions of any tree shall not be permitted or maintained on the ground on any premises for more than 30 days.

Exceptions:

1. property covered by a valid land disturbing permit;
2. cut wood which is neatly stacked in lengths not to exceed 3 feet;
3. property one (1) acre or greater in size;
4. property zoned RA-200 (agriculture-residence district).

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Section 2.6. Swimming Pools.

Stagnant water in swimming pools conducive to the breeding or harboring of mosquitoes or other insects shall not be permitted or maintained on any premises. A finding by a health official of the Gwinnett County Environmental Health Department shall constitute prima-facie evidence that stagnant water in a swimming pool is conducive to the breeding or harboring of mosquitos or other insects.

**Article 3
Building Maintenance**

Section 3.1. 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 3.2. 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 3.3. 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, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices.

Section 3.4. 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 3.5. Windows.

Windows of buildings shall be fully supplied and maintained with glass window panes or with a substitute approved by the director of

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the Department of Planning and Development, which are without open cracks or holes. Screens, if provided, shall be securely fastened to the window.

Section 3.6. 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 3.7. Decorative Features.

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

Article 4**Residential Occupancy Limitations****Section 4.1. Privacy.**

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

Section 4.2. 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 4.3. 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

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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 4.4. Bedroom Requirements.

1. 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.

2. Prohibited Occupancy.

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

Section 4.5. Overcrowding.

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

| Table 4.5 Minimum Occupancy Area Requirements | | | |
|---|-------------------------------|---------------|---------------------|
| 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 4.4 | | |

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 4.4.

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.

Section 4.6. 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 4.7. 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.

Article 5

Enforcement, Unlawful Acts and Notice of Violation

Section 5.1. Enforcement.

This ordinance shall be enforced by the director of the Department of Planning & Development or by the director's duly authorized representative.

Section 5.2. Unlawful Acts.

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

Section 5.3. Notice of Violation.

Enforcement shall begin with a written notice of violation provided to the owner and occupant. The notice may be delivered personally or sent by first class mail. The notice shall contain a deadline for compliance which may be extended by the director. If the violation continues past the deadline, the director shall institute legal proceedings charging the person or persons, firm, corporation or agent with a violation of this ordinance.

Article 6

Penalties, Validity and Effective Date

Section 6.1. Penalties.

1. Fine and/or Sentence.

Any person convicted by a court of competent jurisdiction of violating any provision of this ordinance shall be guilty of

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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 alternate. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. **Powers of the Court.**

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

3. **Other Legal Remedies.**

In any case in which a violation of this ordinance 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 6.2. Validity.

If any article, section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6.3. Effective Date.

This ordinance shall become effective January 1, 1999.

Attest:

Approved As To Form:

Brenda Maddox
County Clerk

Van Steph
County Attorney's Office

Date Signed: 10/29/98

Date Signed: 10/28/98

Gwinnett County Board of
Commissioners By:

F. Wayne Hill
F. Wayne Hill, Chairman

Date Signed: 10/29/98

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