

**BOARD OF COMMISSIONERS**

**AN AMENDMENT TO THE**

**PROPERTY MAINTENANCE ORDINANCE OF GWINNETT COUNTY**

**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**, during 2005, the Board of Commissioners initiated Operation Fixing Broken Windows which emphasized property maintenance code enforcement in areas in need of revitalization; and

**WHEREAS**, in 2007, the Board of Commissioners consolidated the County's code enforcement personnel with an existing Quality of Life Unit spearheaded by the Gwinnett County Police Department; and

**WHEREAS**, the Quality of Life Unit has identified certain revisions to the Property Maintenance Ordinance which would enhance enforcement efforts; and

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

**NOW, THEREFORE, BE IT ORDAINED** that the Property Maintenance Ordinance of Gwinnett County found at Sections 14-281 through 14-363 be amended as follows:

1.

**Section 14-361** is amended by striking said section in its entirety and inserting in lieu thereof the following:

**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.

2.

**Section 14-306** is amended by striking said section in its entirety and inserting in lieu thereof the following:

**Section 14-306. 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 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. 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. All swimming pools shall be completely surrounded by a fence having a minimum height of four feet.

3.

**Section 14-302** is deleted in its entirety and the following language is inserted in lieu thereof:

**Section 14-302. Grass, Weeds, and Uncultivated Vegetation.**

Premises and exterior property shall be maintained free from grass, weeds, or uncultivated vegetation in excess of twelve inches in height unless the property is zoned R-100 and is greater than three acres in size or is zoned RA-200 (Agriculture-Residence District) and is greater than one acre in size. Property owners abutting a public right-of-way shall not allow cut grass, weeds, or shrubs 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.

4.

**Section 14-301** of the Property Maintenance Ordinance is hereby deleted in its entirety and the following is inserted in lieu thereof:

**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. 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.

(b) 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.

**5.**

A new **Section 14-287** is inserted to read as follows:

**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 of 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.

**6.**

A new **Section 14-328** is inserted to read as follows:

**Section 14-328. Vacant Buildings.**

Every vacant dwelling, house, building (residential or commercial) or other similar structure within the unincorporated area of Gwinnett County shall comply with the following requirements:

1. All exterior doors and windows shall be kept in sound working condition free of broken glass.
2. All exterior doors shall be equipped with a workable lock or locking device and shall be kept securely locked during the period of time said building is vacant.
3. All windows shall be secured by latch, lock or other means so as to prevent easy entry into such structure by children, vagrants, or unauthorized persons.
4. All exterior walls and roofs shall be kept in good repair and free of holes, cracks, defective materials and structural deterioration so as to keep such building from becoming a breeding place for rodents, roaches and disease-carrying insects.

5. The exterior of said building and the premises thereon shall be kept free of any accumulation of flammable or combustible rubbish or waste materials of sufficient quantity to constitute a danger to said building or any other building or premises in the event that such waste materials shall become ignited.
6. The exterior of the premises shall be kept free of any accumulation of trash, garbage, rubbish or any waste material of such quantity as to constitute an unsanitary condition.
7. Any existing fence shall be maintained in good repair with gates locked at all times.

7.

A new **Section 14-329** shall be inserted to read as follows:

**Section 14-329. 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 to 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, work shall begin within sixty days and shall be completed within one hundred twenty days

after completion of the scene investigation by the Fire Department and/or insurer of the property.

8.

A new **Section 14-330** shall be inserted to read as follows:

**Section 14-330. 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.

9.

A new **Section 14-331** is inserted to read as follows:

**Section 14-331. 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.

10.

**Section 14-323** shall be deleted in its entirety and the following language is inserted in lieu thereof:

**Section 14-323. 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 to 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. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building.

11.

**Section 14-325** is deleted in its entirety and the following language is inserted in lieu thereof.

**Section 14-325. 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. Windows, other than fixed windows, shall be capable of being opened with reasonable ease and shall be held in position by appropriate window hardware.

12.

**Section 14-363** is amended by striking said Section in its entirety and inserting in lieu thereof the following:

**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.

13.

This Ordinance shall become effective on January 1, 2008.

14.

All laws or parts of laws in conflict with this Ordinance are hereby repealed.

This Ordinance is adopted by the Gwinnett County Board of Commissioners this the 11<sup>th</sup> day of December, 2007.

**GWINNETT COUNTY, GEORGIA**

BY:   
**CHARLES E. BANNISTER, Chairman**  
**Gwinnett County Board of Commissioners**

**ATTEST:**

  
**County Clerk/Deputy County Clerk**



**APPROVED AS TO FORM:**

  
**VAN STEPHENS**  
**Chief Assistant County Attorney**