



GWINNETT COUNTY
Department of Planning & Development
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Property Maintenance Ordinance Summary
(Adopted 27 October 1998 & Effective 01 January 1999)
(Revised October 1, 2006)

- **Fences & Walls (Section 14-301):** maintenance in sound condition required.
- **Grass & Weeds (Section 14-302):** over 12 inches prohibited (exempts RA-200, greater than 1 acre or R-100, greater than 3 acres).
- **Junk Vehicles (Section 14-303):** junk vehicle regulations moved from the Zoning Resolution to the Property Maintenance Ordinance.
- **Open or Outdoor Storage (Section 14-304):** outdoor storage of appliances, building materials or rubbish, equipment, garbage, goods, glass, materials, merchandise, trash or similar items on premises for 24 hours (exempts cut wood, neatly stacked no more than 3 feet in height for the personal use of the owner).
- **Hazardous Trees (Section 14-305 (a)):** removal required.
- **Tree Stumps & Tree Debris (Sections 14-305 (b) & (c)):** stumps over 12 inches above ground level and tree debris must be removed within 14 days (exempts RA-200 and property covered by a valid land disturbing permit).
- **Swimming Pools (Section 14-306):** maintenance required.
- **Registered Agents (Section 14-307):** the agent for multi-family, commercial, office, industrial property, or mobile home park must update their name, Gwinnett County address, and 24 hour phone number with the Licensing and Revenue Section of the Department of Financial Services, once a year or prior to issuance of a Certificate of Occupancy.
- **Exterior Building Maintenance (Sections 14-321 through 14-327):** maintenance of building exteriors required (exterior walls or surfaces, roofs, stairways, decks, porches, balconies, windows, exterior doors and door frames, and decorative features).
- **Residential Occupancy Limitations (Sections 14-341 through 14-347):** occupancy limits established as follows (no more than 8 individuals, related by blood or marriage or unrelated, shall occupy any residential dwelling unit unless a variance has been granted):
 - **Bedroom Area (Section 14-344):**
 - 1 occupant bedroom – 70 square feet;
 - 2 or more occupant bedrooms – 50 square feet per person.
 - **Living Room Area (Table 4.5):**
 - 1 to 2 occupants – no requirement;
 - 3 to 5 occupants – 120 square feet;
 - 6 or more occupants – 150 square feet.
 - **Dining Room Area (Table 4.5):**
 - 1 to 2 occupants – no requirement;
 - 3 to 5 occupants – 80 square feet;
 - 6 or more occupants – 100 square feet.
 - **Kitchen Area (Table 4.5):**
 - 1 to 5 occupants – 50 square feet;
 - 6 or more occupants – 60 square feet.
- **Penalties (Section 14-286):** minimum fine \$250; maximum fine \$1000 and/or up to 60 days in jail.

Article X. Property Maintenance

Division 1. 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 though 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. 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.

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.

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. Rubbish means discarded waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass, crockery, dunnage, and/ or 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 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. Yard trimmings means leaves, brush, grass clippings, shrub and tree prunings, 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 alternate. 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.

Division 2. Property.

Section 14-301. 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. All multi-family parcels which contain eight units per acre or more, excluding single-family attached dwellings, shall be fenced on all four 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 twelve months from the effective date of this Ordinance.

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 12 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.

Section 14-303. 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 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 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 14-304. 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;

Section 14-305. Trees.

(a) Hazardous 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 than 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 14-306. 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 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.

Section 14-307. 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 Financial Services. 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 Financial Services. No change in registration shall be effective until written modification thereof is received by the Licensing and Revenue Section of the Department of Financial Services.

Division 3. Buildings.

Section 14-321. 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 14-322. 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 14-323. 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 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 14-324. 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 14-325. 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, which are without open cracks or holes. Screens, if provided, shall be securely fastened to the window.

Section 14-326. 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 14-327. 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.

**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:

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 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, not more than eight individuals, related by blood or marriage or unrelated, shall occupy any residential dwelling unit 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.

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

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.

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List of Amendments

1. PMO2005-001 – September 20, 2005 Amendment to Section 14-285. Definitions, Section 14-303. Junk Vehicles, Section 14-305. Trees, Section 14-345. Overcrowding, Section 14-363. Notice of Violation of the Gwinnett County Property Maintenance Ordinance as follows: add a sentence at the end of definition of Junk Vehicle contained in Section 14-285; revise definition of Rubbish as contained in Section 14-285; revise definition of Yard Trimmings as defined in Section 14-285; delete Section 14-303 in its entirety and substitute in lieu thereof a new section titled Section 14-303. Junk Vehicles; delete Section 14-305 in its entirety and substitute in lieu thereof a new section titled Section 14-305. Trees.
2. PMO2006-001 – August 15, 2006. Delete Section 14-283 in its entirety and insert in lieu thereof a new definition for Section 14-283. Scope; delete Section 14-301 in its entirety and insert in lieu thereof a new definition for Section 14-301. Fences and Walls; delete Section 14-302 in its entirety and insert in lieu thereof a new definition for Section 14-302. Grass, Weeds, and Uncultivated Vegetation; delete Subsection (4) of Section 14-303 in its entirety; delete Subsection (3) of Section 14-304 in its entirety; delete Subsection (b) (2) of Section 14-305 in its entirety; delete Subsection (c) (3) of Section 14-305 in its entirety. Add a new Section 14-307. Registered Agents, in its entirety; delete section 14-363. Notice of Violation, in its entirety.