



## Official Notice of Violation Explanation Sheet

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### PROPERTY MAINTENANCE ORDINANCE

Notice of Violation (14-363) 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.

**Fences and Walls (14-301)** – Fences & walls shall be maintained in a structurally sound condition and in good repair. Fences shall be free of 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.

**Grass, Weeds, and Uncultivated Vegetation (14-302)** – Premises and exterior property shall be maintained free of grass, weeds, and uncultivated vegetation in excess of 12 inches in height unless the property is zoned R-100 and is greater than 3 acres in size or zoned RA-200 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.

**Junk Vehicles (14-303)** – Junk vehicles shall not be kept, permitted, parked, stored or maintained on any premises or public street right-of-way regardless of property size. A Junk Vehicle is defined as any vehicle, automobile, truck, van, trailer, which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned, discarded, or kept parked, stored, maintained on any premises or public right-of-way without a current license plate and/or decal. Junk vehicles may be kept in a fully enclosed building in a residential district provided the owner or occupant of the property is in the process of reconditioning the junk vehicle for personal use. Junk Vehicles may be kept on property zoned for repairing, reconditioning, or remodeling provided that the junk vehicle are not stored for the purpose for salvage of parts, but are in continual process of repair, reconditioning, or remodeling. (Officers must wait 24 hours prior to impounding junk vehicles on roadway.)

**Open or Outdoor Storage (14-304)** – The open or outdoor storage of appliances, building materials or rubbish, equipment, garbage, goods, glass, materials, merchandise, trash, or similar items shall not be permitted, maintained, or stored on any premises for more than 24 hours.

**Trees (14-305)** – **Dead and hazardous 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. **Tree stumps** greater than 12 inches above ground level and **tree debris** (felled trees, slash, or removed tree limbs, or any other detached portion of tree) are not permitted for more than 14 days. Cut wood which is neatly stacked in lengths not to exceed three (3) feet stored on side or rear of home are exempt. Properties covered by a valid land-disturbing permit are exempt from tree stumps and tree debris. Composting activities, which comply with state law, are exempt from tree debris.

**Swimming Pools (14-306)** – Any structure intended for noncommercial swimming or recreational bathing that contains water over 24 inches deep including in-ground, aboveground, and on-ground swimming pools, hot tubs, and spas are only permitted in the rear yard of a home (ZR600). Stagnant water in swimming pools conducive to the breeding or harboring of mosquitoes or other insects shall not be permitted. 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 4 feet with a self-latching gate.

**Exterior Surface Treatment (14-321)** – 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.

**Exterior Walls (14-322)** – Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials. The wall should be properly surfaced as needed to prevent deterioration.

**Foundation Walls (14-331)** – All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads of the structure and maintained plumb and free from open cracks & 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 (14-323)** – Roofs of buildings shall be maintained so that they are structurally sound and in safe condition and have no defects that might admit rain or cause dampness. All portions, additions, or sections of a roof including 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.

**Exterior Stairways, Decks, Porches, and Balconies (14-324)** – Exterior stairways, decks, porches, & balconies shall be maintained so that they are structurally sound, in good repair, with proper anchorage, & capable of supporting imposed loads.

**Windows (14-325)** – Windows of buildings shall be fully supplied and maintained with glass window panes or with a substitute approved by the Director 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.

**Exterior Doors and Frames (14-326)** – Exterior doors of buildings (including garage doors) shall be maintained so that they fit reasonably well within their frames. Exterior doorjamb, stops, headers, and moldings shall be maintained in good condition without splitting or deterioration. The door or frame shall be maintained in good condition without splitting or deterioration. Doors shall be maintained in proper working condition.

**Garage Doors (14-330)** – 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, and similar decorative features shall be maintained in good repair. (Example- window shutters)

**Overcrowding (14-345)** – No more than 2 persons are allowed per 120 square foot bedroom.

**Transfer of Ownership (14-287)** – 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 & 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.

**Vacant Buildings (14-328)** – 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: All exterior doors & windows shall be kept in sound working condition free of broken glass. All exterior doors shall be equipped with a workable lock or locking devise and shall be kept securely locked during the period of time said building is vacant. 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. All exterior walls & roofs shall be kept in good repair & free of holes, cracks, defective materials & structural deterioration so as to keep such building from becoming a breeding place for rodents, roaches and disease-carrying insects. The exterior and the premises shall be kept free of 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. 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. Any existing fence shall be maintained in good repair with gates locked at all times.

**Burned Structures (14-329)** – Whenever any building or structure is partially burned, the owner or person in control shall, within 30 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/structure is burned beyond repair, the owner shall remove from the premises all remaining portions within 60 days after completion of the scene investigations. If the building/structure is to be repaired, work shall begin within 60 days and completed within 120 days after completion of the scene investigation by the Fire Department and/or insurer of the property.

**Driveways (14-332)** – All private driveways shall be maintained in a passable condition so as to allow safe vehicular ingress and egress to the building served. For purposes of this section, there is a rebuttable presumption that a private driveway is impassable if the driveway contains a grade separation of six (6) inches or more.

## **ZONING RESOLUTION**

**Accessory Uses or Structures (ZR600)** – Accessory Structures shall be permitted only in rear yards. In a residential neighborhood, accessory uses customarily located within front or side yards of residences may include but shall not be limited to the following: walls and fences (as permitted in Section 700), mailboxes, driveways, walkways, lamp posts, landscaping, vegetable gardens, and basketball goals adjacent to driveways. Accessory structures or uses customarily located within the rear yards of residences may include: storage buildings, patios, swimming pools, dog runs, dog pens, dog houses, detached garages, tennis courts, playground equipment, fences and walls (as permitted in Section 700).

**Basketball Goals (ZR600)** – No accessory structure (including basketball goals), except driveways, mailboxes, or landscaping shall be located within a public right-of-way.

**Walls and Fences (ZR 700)** – Walls and fences are permitted in any zoning district. There is no setback requirement. No wall or fence can 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: 1) cannot exceed 4 feet in height; 2) cannot be made of woven wire, metal fabric such as chain link, barbed wire; 3) must be ornamental or decorative made of brick, stone, wood, stucco, wrought iron or split rail. No wall or fence can be made of exposed concrete block, tires, junk or other discarded materials and cannot be electric or barb wire.

**Interior Driveways (ZR1001.2)** – Interior driveways shall connect each parking space with a public right-of-way.

**Off Street Parking (ZR1001.5)** – In any residential district, the parking of any vehicle except on a hard surfaced driveway or in a carport or garage is prohibited. A hard-surfaced driveway is an area that has been packed and covered with gravel and confined by landscaping timbers, railroad cross-ties, brick, or rock wall and must be kept free of any vegetation. Vehicles or equipment used for agricultural purposes on RA-200 or R-100 zoned property with 5 or more acres are allowed to park in the rear yard. The maximum allowable paved parking or hard surface area in front yards shall not exceed more than 35%.

**Off Street Parking Spaces (ZR1002)** – Off street parking spaces for residential districts are limited to 6 parking spaces. Each residence must have a minimum of 2 parking spaces.

**Business Vehicle Parking (ZR1007)** – In all residential zoning districts the parking of the following commercial vehicles are prohibited: Limousines, flat bed trucks, dump trucks, tow trucks, transport wreckers, tandem axle trucks, cab-on-chassis trucks, tractor trailers, wheeled attachments or trailers, buses, earthmoving machinery, semi-trailers, and any vehicle over 20 feet long, 7 feet high, or 7 feet wide. Vehicles or equipment used for agricultural purposes on RA-200 or R-100 zoned property with 5 acres or more are permitted if parked outside the required front yard setback. In all residential zoning districts, the parking of the following commercial vehicles is permitted: 1) An automobile, pick-up truck, van or SUV used to provide daily transportation to and from work, 2) A commercial vehicle that is parked temporarily in conjunction with a commercial service, sale, or delivery, and 3) School buses used for the primary purpose of transporting children to and from state licensed or accredited elementary, middle, or high schools, provided such vehicle is parked off any public thoroughfare, on a hard-surfaced area, and in the side or rear yard.

**Livestock (ZR1301.7)** –The raising and keeping of livestock (goats, sheep, horses, cattle, swine, chicken, roosters, hens, ducks, geese, mink, and foxes) for personal pleasure or utility on a lot which contains the dwelling of the owner of the livestock is prohibited unless the parcel is zoned RA200 or the lot is at least three (3) acres in area. If allowed, the animal quarters cannot be located any closer than 100 feet to any property line. No more than eight (8) rabbits are allowed on one parcel of land with the quarters kept in the rear of the home. A purebred Vietnamese pot-bellied pig is allowed provided that the lot is at least one-half acre in size, no hobby breeding, and only one pig shall be allowed per lot.

**Building Permit Required (ZR1501)** – 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 32 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).

**Home Occupation (ZR607)** – In addition to obtaining a Business License (18-1), 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 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 (pickup truck or van) used exclusively by the resident is allowed.  
It must be parked in a carport, garage, side/rear yard as meets all the requirements of ZR1001.5 regulating Off Street Parking). The vehicle cannot be larger than a pickup truck or van.

**Non-Permitted Use (ZR Sections 1300-1318)** – Only certain uses are allowed in each zoning district. Single Family residential districts allow either a family related by blood, marriage adoption or three (3) unrelated persons or two 2 unrelated persons and their children. All are subject to the overcrowding requirements found in Section 14-345 of the Property Maintenance Ordinance.

## **OTHER VIOLATIONS**

**Accumulation of Refuse on Residential Property [4-2005(e)]** – Occupants shall prevent the continued, excessive and unsightly accumulation of refuse (garbage, rubbish, and solid waste) upon their property or the public thoroughfares bounding upon occupants' property.

**Graffiti (42-27)(16-7-23)** – It shall be unlawful 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.

## **COMMERCIAL VIOLATIONS**

**Operating Without a Business License / Occupational Tax Certificate** (18-1) – 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).

**Screening and/or Buffers** (ZR606.3) – Screening, fences, and/or buffers shall be required for the purposes of obscuring the features of a dumpster.

**Accumulation of Solid Waste** (4-2005 e) – No owner, occupant, manager or other person in charge of any premises, place, or facility shall allow the accumulation on premises under his or her control, or on or about his or her residential unit or commercial establishment of solid waste where such solid waste creates or may create a health hazard to neighbors or other citizens, or is unsightly, or emits foul or obnoxious odors which constitute either a public or private nuisance. Such conduct shall constitute a violation of this ordinance. Each day the solid waste remains on the premises may constitute a separate violation of this ordinance.

**Off Street Parking Lots** (ZR1001.3 b) – Each parking space, except for grassed paving systems, shall be clearly marked by a painted stripe no less than three (3) inches wide running the length of each of the longer sides of the space or by curbing or by other acceptable method which clearly marks and delineates the parking space within the parking lot.

**Maintenance and Appearance of Parking Lots** (ZR1001.4) – Parking lots shall be maintained in good condition, free of potholes, weeds, dust, trash and debris.

**Handicapped Parking Spaces** (ZR1002) – Parking spaces for the physically handicapped shall be as required by Georgia State Law, and shall be included in the calculation of overall parking provided.

**Commercial Vehicle Signage** (ZR1007) – 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, except vehicles parked temporarily while making delivery, providing a service, or purchasing goods or services.