

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: PROPERTY MAINTENANCE ORDINANCE

ADOPTION DATE: JUNE 6, 2023

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

Name	Present	Vote
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland Carden, District 1	Yes	Aye
Ben Ku, District 2	No	—
Jasper Watkins III, District 3	Yes	Aye
Matthew Holtkamp, District 4	Yes	Aye

On the motion of Commissioner Carden, which carried by a 4-0 vote, the Code of Ordinances of Gwinnett County is hereby amended by repealing Article VII of Chapter 14, entitled "Property Maintenance," in its entirety and replacing it with a new Article VII of Chapter 14, entitled "Property Maintenance."

WHEREAS, the Board of Commissioners is authorized to adopt ordinances for the purpose of protecting and preserving the public health, safety, and welfare of Gwinnett County and its residents; and

WHEREAS, the Gwinnett County Board of Commissioners first adopted a Property Maintenance Ordinance in 1998 and most recently amended the Property Maintenance Ordinance in 2012; and

WHEREAS, the Property Maintenance Ordinance, as amended, provides minimum standards for the exterior condition of structures and properties in unincorporated Gwinnett County; and

WHEREAS, since the adoption of the Property Maintenance Ordinance, Gwinnett County has experienced a noticeable improvement in the maintenance and appearance of residential and non-residential structures and properties; and

WHEREAS, Gwinnett County receives inquiries, concerns, and complaints from its residents regarding the interior condition of residential rental properties that Gwinnett County is unable to address because the Property Maintenance Ordinance currently does not regulate the interior condition of structures; and

WHEREAS, the Board of Commissioners believes it is necessary for the public health, welfare, safety, and quality of life of Gwinnett County and its residents to establish minimum standards for the interiors of residential rental properties and to update, strengthen, and clarify the standards applicable to the exteriors of residential and non-residential structures and properties to better meet the needs of its residents; and

WHEREAS, pursuant to O.C.G.A. § 8-2-25, Gwinnett County is authorized to adopt and enforce certain state minimum standard codes; and

WHEREAS, the International Property Maintenance Code, 2018 Edition with 2021 Georgia State Amendments (IPMC), is one of the state minimum standard codes Gwinnett County is authorized to adopt; and

WHEREAS, the IPMC addresses interior conditions, including the following: (1) structural maintenance, (2) light, ventilation and occupancy, (3) plumbing, heating and electricity, and (4) fire safety; and

WHEREAS, to meet the needs of individual local governments, O.C.G.A. § 8-2-25 provides a process for the adoption of local amendments to the state minimum standard codes, including the IPMC, upon a demonstration by the local governing body that local conditions justify such amended requirements that are not less stringent than those specified in the state minimum standard codes for the protection of life and property; and

WHEREAS, the process established by O.C.G.A. § 8-2-25 requires that proposed local amendments to the state minimum standard codes, legislative findings of the local governing body regarding the proposed amendments, and such other documentation as the local governing body deems helpful in justifying the proposed amendments be submitted to the Department of Community Affairs for review and recommendation prior to adoption of local amendments by the local governing body; and

WHEREAS, by Resolution adopted February 21, 2023, the Board of Commissioners made legislative findings regarding proposed local amendments to the IPMC and directed the Director of the Department of Planning and Development to submit the proposed local amendments to the Department of Community Affairs for review and recommendation pursuant to O.C.G.A. § 8-2-25; and

WHEREAS, by letter dated April 18, 2023, Ted Miltiades, Director of the Office of Construction Codes for the Department of Community affairs, notified the Director of the

Department of Planning and Development that the Department of Community Affairs had completed its review of the proposed local amendments and had no comment on the proposed amendments; and

WHEREAS, the Board of Commissioners finds that it is in best interests of Gwinnett County to amend the Property Maintenance Ordinance to include adoption of the IPMC, with the local amendments reviewed by the Department of Community Affairs, to establish minimum standards for the interiors of residential rental properties; and

WHEREAS, the Board of Commissioners further finds that it is in the best interests of Gwinnett County to make additional amendments to the Property Maintenance Ordinance to update, strengthen, and clarify the standards applicable to the exteriors of residential and non-residential structures and properties.

NOW, THEREFORE, BE IT ORDAINED that the Gwinnett County Board of Commissioners hereby repeals Article VII of Chapter 14 of the Code of Ordinances of Gwinnett County, entitled "Property Maintenance", in its entirety and replaces it with a new Article VII of Chapter 14, entitled "Property Maintenance", which is attached hereto as Exhibit A and incorporated by reference herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this ordinance shall become effective on July 31, 2023.

BE IT FURTHER RESOLVED that all ordinances, regulations or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

BY: *Nicole L. Hendrickson*
NICOLE L. HENDRICKSON, CHAIRWOMAN

ATTEST:

Tina M. King
TINA KING, COUNTY CLERK



APPROVED AS TO FORM:

Jenny S. Carter
JENNY S. CARTER
DEPUTY COUNTY ATTORNEY

EXHIBIT "A"
PROPERTY MAINTENANCE ORDINANCE
ARTICLE VII OF CHAPTER 14

Sections 14-255 through 14-415 shall be deleted in their entirety and replaced with the following:

Article VII. – Property Maintenance

Division 1. - Generally

Sec. 14-255. - Title.

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

Sec. 14-256. - 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.

Sec. 14-257. - Scope.

This article shall apply to all commercial, office, industrial, multifamily, and single-family residential structures and premises and shall constitute the minimum requirements and standards for existing structures and premises.

Sec. 14-258. - Definitions.

Unless otherwise noted, terms not defined herein shall have their meaning as defined in the Unified Development Ordinance and the Gwinnett County Construction Code, or in the absence of such definition, words shall have their common dictionary definition. Whenever the term "dwelling unit," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this article, they shall be construed as if they were followed by the words "or any part thereof." The following definitions shall apply in the interpretation and enforcement of this article:

Bathroom means a room containing plumbing fixtures, including a bathtub or shower.

Bedroom means a separate room planned or intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Boarding-up means erecting, installing, placing, or maintaining boards over the doors, windows, or other openings of any building or structure or otherwise securing such openings by a means other than the conventional method used in the original construction and design of the building or structure.

Dwelling unit means 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 means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable space means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, garages, and similar areas are not considered habitable spaces.

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 displayed on the vehicle.

Local agent means any person or entity empowered by a creditor, mortgagee, or transferee to:

- (1) Ensure security and maintenance;
- (2) Comply with code enforcement orders issued by the county;
- (3) Provide a trespass authorization upon request of an enforcement officer;
- (4) Conduct inspections; and
- (5) Serve as an agent authorized to receive any citation under this article and notice pertaining to any court or enforcement proceeding in connection with the enforcement of this article.

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

Occupancy means the purpose for which a building is utilized or occupied.

Occupant means any individual living or sleeping in a building; or having legal possession of a space within a building.

Operator means any person who has charge, care or control of a structure or premises which is let or offered for occupancy. A real estate broker or salesperson licensed pursuant to O.C.G.A. title 43, ch. 40 (O.C.G.A. § 43-40-1 et seq.) is not an operator for the purposes of this article unless such broker or salesperson is under contract to provide property management services to the owner of such structure or premises.

Owner means 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 or 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 means a lot, plot or parcel of land including any structures thereon.

Property means any unimproved or improved residential or nonresidential real property, or portion thereof, situated in unincorporated Gwinnett County and includes the buildings or structures located on the real property regardless of condition.

Rubbish means discarded waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass, crockery, and/or similar materials.

Securing means such measures as may be directed by the director of the department of planning and development or his designee that render the property inaccessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining or padlocking of gates, the repairing of doors, windows or other openings.

Swimming pool means a water filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an aboveground pool, having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing.

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

Trash means 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 means 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, the term "weeds" shall not include cultivated flowers, fruits and vegetables, and gardens.

Yard trimmings means leaves, brush, grass clippings, pruned shrub and tree debris, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

Sec. 14-259. - 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 \$250.00 per day and not to exceed \$1,000.00 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternative. 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 punishments 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.

Sec. 14-260. - 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 director of planning and development or designee 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.

Secs. 14-261 – 14-283. – Reserved.

Division 2. – Property

Sec. 14-284. - 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. Fences shall be maintained free of nails protruding more than 1/16 -inch beyond the face of any uncovered fence member.

(b) Wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Paint that is peeling, flaking, chipped, or faded to the extent that it no longer protects the underlying surface shall be eliminated and surfaces repainted.

(c) 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.

(d) Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

Sec. 14-285. - Graffiti.

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.

Sec. 14-286. - Grass, weeds, and uncultivated vegetation.

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

Exceptions:

(1) Any parcel zoned RA-200 (Agriculture-Residence District) that is greater than one acre in size.

(2) Any parcel within a single-family residential zoning classification that is greater than three acres in size.

(b) Property owners abutting a right-of-way shall not allow yard trimmings to accumulate on a public street or sidewalk.

(c) 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.

Sec. 14-287. - 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 vehicle for personal use;
- (2) Junk vehicles which are kept on property in zoning districts authorized by the UDO 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 UDO for a junk or salvage yard.

Sec. 14-288. - Driveways and walkways.

All private driveways and walkways connecting a driveway to a building shall be maintained in a passable condition so as to allow safe vehicular and pedestrian ingress and egress to the building served. For purposes of this section, there is a rebuttable presumption that a private driveway or walkway is impassable if the driveway or walkway contains a grade separation of six inches or more.

Sec. 14-289. – Outdoor storage.

Outdoor storage of any goods, materials, merchandise, equipment, appliances, building material, other materials, or similar items shall not be permitted or maintained on any premises. Outdoor storage shall include portable moving or storage containers and tractor trailers.

Exceptions:

- (1) Property where outdoor storage is authorized by the Unified Development Ordinance;
- (2) Cut wood which is neatly stacked in lengths not to exceed three feet for the personal use of the owner or occupant and which is stored in a side or rear yard;

Sec. 14-290. - Trees.

(a) *Dead 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 14 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 14 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.

Sec. 14-291. - Swimming Pools, Spas, and Hot Tubs

(a) *Swimming Pools*. Swimming pools shall be maintained in a clean and sanitary condition and shall be structurally and mechanically sound.

(b) *Enclosures*. Private swimming pools, hot tubs, and spas containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. An existing pool enclosure shall not be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. When the sides of an above ground pool are used as the barrier, the ladder or steps shall be secured, locked, or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets these requirements.

Sec. 14 – 292. - Lighting

Lighting fixtures in parking lots, common areas, and on buildings within non-residential, hotel, and multifamily properties shall be maintained in good working order to provide consistent illumination of the surrounding area.

Sec. 14 – 293. – Sanitation

Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The owner and occupant shall be responsible for keeping the exterior property in a clean and sanitary condition and preventing the accumulation of stagnant water. The exterior property and premises shall be kept free of garbage, rubbish, litter, and trash.

Exception:

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.

Secs. 14-294 - 14-317. - Reserved.

Division 3. – Buildings

Sec. 14-318. - Numbering requirements.

(a) *Assignment.* Street numbers for dwelling units, places of business, apartment and condominium developments, and nonresidential developments on public and private streets shall be assigned by the department of planning and development in accordance with its administrative procedures.

(b) *One- and two-family dwelling unit requirements.* 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.

(c) *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 four 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.

(d) *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, street number, and/or building number of such building in figures at least four inches high on a contrasting background that will allow 24-hour visibility.

Sec. 14-319. – 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. Paint that is peeling, flaking, chipped, or faded to the extent that it no longer protects the underlying surface shall be eliminated and surfaces repainted. All siding and masonry joints shall be maintained weather-resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion.

Sec. 14-320. - 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.

Sec. 14-321. – Foundation walls and structural members

All foundation walls and structural members 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.

Sec. 14-322. - 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, 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.

Sec. 14-323. - 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.

Sec 14-324. – 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 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, to include a functioning locking mechanism, and maintained in proper working condition.

Sec 14-325. – 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, to include a functioning locking mechanism, and maintained in proper working condition

Sec. 14-326. - 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.

Sec. 14-327. - Decorative features.

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.

Sec. 14-328. – Overhang Extensions

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 14-329. – Chimneys and towers

Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 14-330. - Vacant structures.

Vacant structures shall 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 weathertight 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 section.
- (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 this chapter and all other applicable codes and ordinances of Gwinnett County.

Sec. 14-331. - Boarding-up structures.

(a) 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 section. Any properties with boards existing at the time of the adoption of the ordinance from which this section is derived will have 60 days from the date of the adoption of the ordinance from which this section is derived to submit an application to the department of planning and development for a permit to continue to board.

(b) The department of planning and development may issue a boarding-up permit only upon satisfaction of the following conditions:

(1) Submission of a written application by the owner of the property or his authorized representative, including the following information:

- a. Name, address and telephone number of the owner;
- b. Name, address and telephone number of any local agent of the owner;
- c. Tax parcel identification number of the premises on which the structure is situated;
- d. Common address of the structure;
- e. Other information as may be required by the department.

(2) Payment of the required fee by the owner of the property or his authorized representative.

(3) Submission of a written statement or plan by the owner or the property or his authorized representative specifying:

- a. Length of time the owner expects the boarding-up to continue;
- b. Proposed plan to secure or board up the structure, including a detailed description regarding the manner and materials.
- c. Proposed maintenance plan detailing the monitoring and maintenance of the structure and premises in conformance with this article.

(4) The county may conduct an inspection of the subject property to ensure that the structure is boarded up in accordance with the plan approved by the department of planning and development.

(c) A boarding-up permit issued pursuant to this section shall authorize the boarding-up or other securing of a building or structure for a period of six months. An owner of a property desiring to continue to board his property beyond the six-month term must submit a renewal application to renew the boarding-up permit and continue to meet the requirements for the issuance of a new boarding-up permit. The permit may be renewed within 30 days of the expiration of the original upon payment of necessary fees. A new permit must be obtained if the original permit is not renewed within 30 days of the expiration of the original permit.

(d) No boarding-up permit shall be required to board-up a building for up to 30 days in the event of a temporary emergency situation, including, but not limited to, damage caused by vandalism, theft or weather. In the event an emergency situation requires a building or structure to be boarded-up for more than 30 days, the owner of the building or structure or his authorized representative must obtain a valid building permit for repair or a valid boarding-up permit in accordance with this section.

(e) The boarding of doors, windows, or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall be according to the specifications approved under the permit. All boarded openings shall be painted with a minimum of two coats of exterior paint, which is of a color compatible with the exterior color of the building or structure.

(f) Any structure which is boarded shall be in compliance with all applicable codes and ordinances of the county.

(g) Any structure which is boarded up shall be posted with the name, permit information, and 24 hour contact phone number of the local agent.

Sec. 14-332. - Burned structures.

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 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 60 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 60 days after completion of the scene investigation by the fire department and/or insurer of the property and shall be completed within 180 days from the date a permit is obtained.

Secs. 14-333 – 14-348. – Reserved.

Division 4. – Residential Interior Property Maintenance

Sec. 14-349 - Adoption of International Property Maintenance Code

The edition of the International Property Maintenance Code promulgated pursuant to O.C.G.A §8-2-25, as amended from time to time, is adopted by reference, subject to all exceptions, amendments, and modifications contained in this Division. In any case where a provision of this code shall be in conflict with any other code or requirement of the county, the provision which establishes the higher standard for the promotion and protection of the health and safety of the public shall prevail, such higher standard being that determined by the director of planning and development or his or her designee.

Sec. 14-350 – Amendments to International Property Maintenance Code

1. Section 101.1 – Title - shall be deleted in its entirety and replaced with the following:

Title. These regulations shall be known as the International Property Maintenance Code of Gwinnett County, Georgia, hereinafter referred to as "this code."

2. Section 101.2 - Scope - shall be deleted in its entirety and replaced with the following:

Scope. The provisions of this code shall apply to all existing residential structures and existing residential premises and constitute minimum requirements and standards for residential premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. The provisions of this code shall only apply to structures and premises that are not occupied by the owner and are being rented or made available for rent.

3. Section 102.3 - Application of other codes - shall be deleted in its entirety and replaced with the following:

Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Gwinnett County Construction Code and Unified Development Ordinance, International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Gwinnett County Unified Development Ordinance.

4. Section 103 - Department of Property Maintenance - shall be amended to have a new title that reads as follows: Code Enforcement Division

5. Section 103.1 - General - shall be deleted in its entirety and replaced with the following: General. The Director of Planning and Development or his or her designee shall be responsible for enforcing the provisions of this code and shall be known as the code official.

6. Sections 103.2 – Appointment, 104.3 - Right of entry, 106.1 - Unlawful acts, 106.3 - Prosecution of violation, and 106.4 - Violation penalties - shall be deleted in their entirety.

7. Section 107.2 – Form - shall be deleted in its entirety and replaced with the following: Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

- i. Be in writing.
- ii. Include a description of the real estate sufficient for identification.
- iii. Include a statement of the violation or violations and why the notice is being issued.
- iv. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

8. Section 107.6 – Transfer of Ownership – shall be deleted in its entirety and replaced

with the following:

Transfer of Ownership. Requirements related to transfer of ownership are included in Section 14-260 of the Gwinnett County Code.

9. Section 108 - Unsafe Structures and Equipment - shall be deleted in its entirety and replaced with the following:

Unsafe Structures and Equipment. The inspection, determination, and abatement of unsafe structures and other nuisances shall be administered pursuant to Article II of Chapter 38 of the Gwinnett County Code.

10. Section 110 - Demolition - shall be deleted in its entirety and replaced with the following:

Demolition. The inspection, determination, and abatement of unsafe structures and other nuisances shall be administered pursuant to Article II of Chapter 38 of the Gwinnett County Code.

11. Section 111 - Means of Appeal - shall be deleted in its entirety

12. Section 112 - Stop Work Order - shall be deleted in its entirety and replaced with the following:

Stop Work Order. A stop work order shall be issued as warranted pursuant to Section 111.3 of the Gwinnett County Construction Code and Section 120-40 of the Unified Development Ordinance.

13. Section 201.3 - Terms defined in other codes - shall be deleted in its entirety and replaced with the following:

Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, Gwinnett County Construction Code, Unified Development Ordinance or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

14. Section 202 - General Definitions - shall be amended to include the following new or amended definitions:

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative. Whenever the term "code official" appears in the code, it shall be construed to mean the director of planning and development or his or her designee.

DWELLING shall have the meaning provided in Title I of the Unified Development Ordinance.

HISTORIC BUILDING shall have the meaning provided in Title I of the Unified Development Ordinance.

15. Sections 302 - Exterior Property Areas - shall be deleted in its entirety and replaced with the following.

Exterior Property Areas. Requirements related to exterior property areas are included in Division 2 of Chapter 14 of the Gwinnett County Code.

16. Section 303 - Swimming pools, spas, and hot tubs - shall be deleted in its entirety and replaced with the following:

Swimming pools, spas, and hot tubs. Requirements related to swimming pools, spas, and hot tubs are included in Section 14-291 of the Gwinnett County Code.

17. Section 304 – Exterior Structure - shall be deleted in its entirety and replaced with the following:

Exterior Structure. Requirements related to exterior structural maintenance are included in Division 3 of Chapter 14 of the Gwinnett County Code.

18. Section 404.3 – Minimum ceiling heights – shall be amended to include a new exception:
4. Rooms that met applicable state minimum building codes when a certificate of occupancy was issued

19. Sections 502.3 – Hotels, 502.4 – Employees’ facilities, 502.5 – Public toilet facilities, and 503.3 - Location of employee toilet facilities, and 507.1 - General - shall be deleted in their entirety.

20. Section 602.3 - Heat supply - shall be amended to add applicable dates of January 1 through December 31.

21. Section 602.4 - Occupiable work spaces - shall be deleted in its entirety.

22. Section 701.1 - Scope - shall be deleted in its entirety and replaced with the following:

Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. The provisions of this chapter shall not apply to premises within the jurisdiction of the Gwinnett County fire marshal.

23. Sections 702.2 - Aisles, 703.4 - Opening protectives, 703.5 - Ceilings, 703.6 - Testing, 703.7 - Vertical shafts, and 703.8 - Opening protective closers - shall be deleted in their entirety.

Secs. 14-351 – 14-383. – Reserved.

Division 5. – Enforcement and Unlawful Acts

Sec. 14-384. – Enforcement.

(a) Divisions 1-3 of this chapter shall be enforced by the chief of police or the director of the department of planning and development or their duly authorized representatives, as applicable. Division 4 of this chapter shall be enforced by the code official, as defined in the International Property Maintenance Code, as amended.

(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.

Sec. 14-385. - Unlawful acts.

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

Sec. 14-386. - Liability.

No officer, agent, or employee of the 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.

Secs. 14-387 – 14-415. – Reserved.