



Official Notice of Violation Explanation Sheet

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PROPERTY MAINTENANCE ORDINANCE

A Notice of Violation is 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.

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 or 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.

Fences and Walls (14-301) – Fences & 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 1/16th 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.

Graffiti (14-302) – 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.

Grass, Weeds, and Uncultivated Vegetation (14-303) – Premises and exterior property shall be maintained free from grass, weeds, or uncultivated vegetation in excess of twelve inches in height. The only exceptions are: 1) any parcel zoned RA-200 (Agriculture-Residence District) that is greater than one acre in size or 2) any parcel within a single-family residential zoning classification that is greater than 3 acres in size. Property owners abutting a right-of-way shall not allow yard trimmings 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 (14-304) – Junk vehicles shall not be kept, permitted, parked, stored or maintained on any premises or public right-of-way. A *Junk Vehicle* is defined as 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. 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, are allowed. 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.

Driveways and Walkways (14-305) – 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.

Open or Outdoor Storage (14-306) – The open or outdoor storage of appliances, building material or debris, equipment, garbage, glass, material, merchandise, rubbish, trash or similar items shall not be permitted, maintained or stored on any premises. Exceptions include: Cut wood which is neatly stacked in lengths not to exceed 3 feet for the personal use of the owner or occupant and which is stored in a side or rear yard; 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.

Trees (14-307) – **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. **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. **Tree debris** Felled trees, slash, or removed tree limbs shall not be permitted or maintained on the ground on any premises for more fourteen days. Cut wood which is neatly stacked in lengths not to exceed three (3) feet and which is stored in a side or rear yard is exempt. Properties that are 1) covered by a valid land-disturbing permit or 2) zoned RA-200 (Residence-Agriculture) are exempt from tree stumps and tree debris. Composting activities, which comply with state law, are exempt from tree debris.

Swimming Pools (14-308) – 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, so as to prevent stagnant water, which is conducive to the harboring or breeding of mosquitoes or other insects. 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. All swimming pools shall be completely surrounded by a fence or other barrier having a minimum height of four feet. When the sides of an above ground pool are used as the barrier the ladder or steps shall be capable of being secured, locked or removed to prevent access; or the ladder or steps shall be surrounded by a barrier which meets these requirements. 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).

Numbering Requirements (14-321) – 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.

Exterior Surface Treatment (14-322) – 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.

Exterior Walls (14-323) – 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.

Foundation Walls (14-324) – 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.

Roofs (14-325) – 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.

Exterior Stairways, Decks, Porches, and Balconies (14-326) – 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.

Windows (14-327) – 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.

Exterior Doors and Frames (14-328) – 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.

Garage Doors (14-329) – 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 (14-330) – 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.

Vacant Structures (14-331) All vacant structures located within unincorporated Gwinnett County require a vacant structure permit within fourteen (14) days of the structure becoming vacant as defined in this ordinance. At the time the owner submits an application for a vacant structure permit as required above, the owner shall submit to the department a Maintenance Plan. The vacant structure shall at a minimum:

- (1) Have all doors and windows and other openings weather-tight 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 subsection.
- (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 Article 14 of the Gwinnett County Code of Ordinances and all other applicable codes and ordinances of Gwinnett County.

For complete details regarding Vacant Structure Permits, see www.gwinnettqualityoflife.com, select the Property Maintenance Ordinance.

Boarding-up Structures (14-332) – 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 subsection.

For complete details regarding Board-up Permits, see www.gwinnettqualityoflife.com, select the Property Maintenance Ordinance.

Burned Structures (14-333) – 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. 1) 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 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**, a permit shall be obtained and work shall begin within sixty days after completion of the scene investigation by the Fire Department and/or insurer of the property and shall be completed within one hundred eighty days from the date a permit is obtained.

Overcrowding (14-345) – Occupancy limits allow a maximum of 2 persons for each 120 square foot bedroom space. A minimum of 50 square foot of bedroom space must be added for each additional occupant. (See also Non-Permitted Use for definition of Family).

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). . Walls and fences are not allowed to be placed in the county right of way.

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

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.

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, barb 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 barbed wire. Walls and fences are not allowed to be placed in the county right of way (ZR 600).

Off Street Parking (Yard Parking) (ZR1001.5) – In any residential district, the parking of any motor vehicle except on a hard-surfaced driveway or in a carport or garage is prohibited. Any recreational vehicle or any non-motor vehicle may only be parked in a carport, enclosed structure, or in the rear yard on a paved surface (or approved porous or grassed paving system). Any vehicles parked in the rear yard not in a carport or an enclosed structure must be parked at least fifteen (15) feet from the property line. Vehicles or equipment used for agricultural purposes on RA-200 or R-100 zoned property with 5 or more acres are exempt from hard surface parking requirements if parked outside the required front yard setback. The maximum allowable paved parking or hard surface area in front yards shall not exceed more than 35% in most zonings.

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.

Non-Permitted Use (ZR Sections 1300-1318) – Only certain uses are allowed in each zoning district. For example: 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. Also, single family residences cannot be converted to a multi-family dwelling without rezoning approval. Commercial businesses are not allowed to operate in residential districts.

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 /CC 103.1.1) – 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).

Certificate of Occupancy Required (ZR1502 / CC 103.9.1- Occupancy or CC 103.9.2- Completion) – A Certificate of Occupancy issued by The Department of Planning and Development is required prior to use or occupancy of any lot or building or change in any use thereof and shall not be issued unless the lot or building or structure complies with all the provisions of this Resolution.

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).

Non-Permitted Use (ZR Sections 1303-1318) – Only certain uses are allowed in each zoning district. There are several commercial zoning classifications such as C-1 Neighborhood Business District, C-2 General Business District, C-3 Highway Business District, then there are M-1 Light Industry District and M-2 Heavy Industry District as well as others. Within each, there are certain additional uses allowed when granted a Special Use Permit.

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

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.

Numbering Requirements (PMO 14-321) – **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 six 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.

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 and /or street number of such building in figures at least four inches high on a contrasting background that will allow 24-hour visibility. If the numbers are not placed within 15 feet of the back of the street curbing or edge of the street surface, then such figures shall be at least six inches high. A quadrant designation will be posted as part of the address in figures at least two inches high on a contrasting background of a material that will allow 24-hour visibility and be placed with the number designation.

SIGN VIOLATIONS

Prohibited Signs [SO Section 86-108 (1-24)] – Types of prohibited signs include roof signs, streamers, portable, trailer, sidewalk, sandwich, curb, or A-frame signs, multi-faced signs, animated signs (motion, flashing, blinking, rotating, varying light intensity), weekend directional signs.

Although a sign may be allowed, it cannot be placed within any public right-of-way or nailed, fastened or affixed to any tree, rock, post, curb, utility pole, natural feature, street sign or marker, traffic control sign or other structure and cannot be placed on property without the owner's permission.

Window signs cannot exceed 20% of the window area per building elevation. Signs that contain obscenities or simulate or hide a traffic control device are not allowed. Signs that emit noise, interfere with road visibility, obstruct the flow of traffic or access to fire escapes are not allowed. Signs that do not conform to building & electrical codes or that fail to display a permit number when required are prohibited.

Temporary signs are not allowed in any **Overlay District**. All signs which are structurally unsound, dilapidated or neglected or abandoned commercial signs are also prohibited.

Exempt Signs (SO 86-111) Signs that are considered exempt or allowed would include:

Non-illuminated, temporary freestanding signs (banners excluded). Each lot or parcel is allowed either one large sign (16 square foot or less) **OR** 4 small signs (4 square feet or less). None can be taller than 8 feet above the grade level. These signs must be placed on private property, **not in the public right-of-way**.

Signs for address numbers or private trespassing signs.

Graduation banners placed on residentially zoned property. Such banners may be no more than 24 square feet in size and must be maintained in good condition and individually attached to a pole, mast, arm, or other structure. A graduation banner may not be displayed on any lot for more than 60 consecutive days.

Those erected by a public official in the performance of his/her duty.

Business signs not visible from a street or placed inside the business, office or mall (note: window signs have a maximum of 20% of the window space). One official Emissions sign is allowed per road frontage. Small swinging signs (less than 3 square feet), or projecting signs (no more than 4 feet) that are attached under an eave or awning of a building above a business entrance. Also, signage (8 sq. ft. maximum) on courtesy benches & trash receptacles (1 sign per bench or receptacle), newspaper boxes, automated teller kiosks and phone booths is allowed as well as coin-operated beverage dispensers (maximum 3 per lot) as long as they are not located in the required front yard setback for that zoning district.

Temporary Signs (SO 86-109). A permit is required for the following: (1) **Air or gas-filled device** (maximum 20 feet tall, 150 square feet in area) in commercial zones / 4 feet tall, 16 square feet in residential zones). (2) **Banners** (maximum 16 square feet in area, must be individually attached to a pole, mast or arm, only one per public street frontage and maintained in good condition). (3) **Search lights** and similar devices.

Flags (SO 86-110). All flags must be displayed on purpose-built, professionally fabricated flagpoles and both maintained in good repair. In commercial zones, poles cannot exceed 50 feet unless approved. In residential zones, poles cannot exceed 25 feet in height. Each lot is allowed a maximum of 3 flagpoles with 2 flags per pole. Flagpoles must be setback from all property boundaries the same distance as their height. Flags displaying a logo, message, statement or commercial message and banners are subject to temporary sign requirements. On officially designated county, state or federal holidays there shall be no maximum flag size or number on display. A sign permit is not required for flags.