

^{1 5}ARTICLE XXI

CITY OF LAWRENCEVILLE PROPERTY MAINTENANCE ORDINANCE

DIVISION 1
GENERALLY

21.1 TITLE

The title of this ordinance shall be the “City of Lawrenceville Property Maintenance Ordinance” and may be cited hereinafter as “this article.”

21.2 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 City.

21.3 SCOPE

This article shall apply to all existing structures and premises and constitute minimum requirements and standards for existing structures and premises.

21.4 INTERCHANGEABILITY

Words stated in the present tense include the future. Words stated in the masculine gender include the feminine and neuter. Words stated in the singular number include the plural and the plural singular.

21.5 DEFINITIONS

Terms not defined herein shall have their meaning as defined in the Zoning Resolution, the Development Regulations, and the Construction Code, or in the absence of such definition, words shall have their common dictionary definition. Whenever the words “dwelling unit,” “premises,” “building,” “rooming house,” “rooming unit,” or “story,” are stated in this ordinance, they shall be construed as though they were followed by the words “or any part thereof.” The following definitions shall apply in the interpretation and enforcement of this article:

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

21.5.2 Bedroom means any room or space used or intended to be used for sleeping purposes.

- 21.5.3 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.
- 21.5.4 Exterior Property means the open space on the premises and on adjoining property under the control of owners or operators of such premises.
- 21.5.5 Floor Area means the area of a given room as measured from wall face to wall face, or in the case where an obstruction (cabinet, appliance, etc.) the face of that obstruction.
- 21.5.6 Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- 21.5.7 Habitable Space Means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
- 21.5.8 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 or discarded, or not having a current tag affixed to the vehicle.
- 21.5.9 Maintenance means the act of keeping property, structures or vegetation in a proper condition so as to prevent their decline, failure or uncontrolled growth.
- 21.5.10 Occupant means any individual living or sleeping in a building; or utilizing the space within a building.
- 21.5.11 Operator means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- 21.5.12 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 of Georgia or Gwinnett County as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- 21.5.13 Premises means a lot, plot or parcel of land including any structures thereon.

21.5.14 Rubbish/Trash means combustible and noncombustible waste materials, except garbage, including paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin, cans, metals, bricks, lumber, concrete, mineral matter, glass, crockery, and including the residue from the burning of wood, coal, coke or other combustible material.

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

21.5.16 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, this term shall not include cultivated flowers, fruits and vegetables, and gardens.

21.5.17 Wooded Lot means a lot or portion of a lot to be left in its natural state. Not meant to be manicured and usually devoid of grass.

21.5.18 Yard Trimmings means all leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, and vegetative matter resulting from landscaping or maintenance activities.

DIVISION 2 PROPERTY

21.6 FENCES AND WALLS

Fences and walls shall be maintained in a structurally sound condition, in good repair, and free from loose or rotting materials. If painted, the paint on such fences and walls shall be maintained without excess wear as evidenced by peeling, chipping, or flaking. Fences and walls shall be kept clean of visible signs of mold, mildew or algae growths.

21.7 GRASS, WEEDS AND UNCULTIVATED VEGETATION

Premises and exterior property shall be maintained free from grass, weeds or uncultivated vegetation in excess of twelve (12) inches in height. This regulation is not to be applied to undeveloped property and to portions of developed property where the intent is to leave the property in its natural state.

21.8A JUNK VEHICLES

Junk vehicles shall not be kept, permitted, parked, stored or maintained on any premise or public street right-of-way. Junk vehicles found to be on the public

street shall be subject to immediate removal to an impound facility by an officer of the Lawrenceville Police Department.

Exceptions:

- (1) Junk vehicles which are kept on property in zoning districts authorized by the Zoning Resolution for repairing, reconditioning or remodeling junk vehicles and provided that such junk vehicles are not stored for the purpose of salvage of parts but is in the continual process of repair, reconditioning or remodeling;
- (2) Junk vehicles which are kept on property in zoning districts as authorized by the Zoning Resolution for a junk or salvage yard; and
- (3) Junk vehicles stored in an enclosed building.

21.8B PARKED VEHICLES

- A. Parking in residential districts shall in addition to the requirements of the zoning ordinance meet the following requirements:
 - (1) All vehicles in the front or side yard must be parked on a concrete, asphalt, grass crete, or other non-pervious surfaces including but not limited to pavers. Parking in the rear may be on gravel but not grass or dirt.
 - (2) No person shall stop or stand any truck or bus with a body more than eight feet or 2.4384m wide or ten feet or 3.048m high on any street or public place including any parking lot for use by the general public without the driver or chauffeur being actually present and in charge thereof.
 - (3) No person shall park or stand any truck camper, camper trailer, motor home, boat, boat trailer or other recreational vehicle on any residential street or public place for more than one hour at any time during the day or night
- B. All public parking in office, business and commercial zoning classifications shall be subject to the following use restriction:
 - (1) No delivery/service vehicles and vehicles, including but not limited to, 18 wheel tractor trailers and vehicles displaying advertising shall be parked in the front yard of the property except

vehicles parked temporarily while making a delivery, providing a service, or purchasing goods or services.

- (2) No person shall park or stand any bus, truck or other freight- or passenger-carrying vehicle in excess of one-half ton capacity upon any public street or highway for a period longer than one hour at any time during the day or night.
- (3) No person shall stop or stand any truck or bus with a body more than eight feet or 2.4384m wide or thirteen feet six inches or 4.145m high on any street or public place including any parking lot for use by the general public without the driver or chauffeur being actually present and in charge thereof.
- (4) No person shall park or stand any truck camper, camper trailer, motor home, boat, boat trailer or other recreational vehicle on any street or public place for more than one hour at any time during the day or night.
- (5) Parking of a vehicle for sale or for private sale of the vehicle is prohibited except at a dealership or lot specifically approved in the zoning ordinance as a car lot or dealership for the sale of vehicles. Private sale is defined as a sale by an entity or individual that is not a licensed new or used vehicle dealer.
- (6) Any vehicle in violation of this article and which remains in violation for the period of 24 hours or more shall be presumed to be abandoned and may be impounded by the police department.

21.9 OPEN OR OUTDOOR STORAGE

The open or outdoor storage of appliances, building materials or rubbish/trash, garbage, goods, equipment, glass, materials, merchandise, rubbish, trash or similar items shall not be permitted, maintained or stored on any premises for more than twenty-four (24) hours. For purposes of this section, "open" shall mean outside of the roofed area of the main structure on a lot and not within a walled secondary or accessory building.

Exceptions:

- (1) Property where outdoor storage is authorized by the Zoning Resolution;
- (2) Cut wood which is neatly stacked in lengths not to exceed three (3) feet for the personal use of the owner or occupant;

- (3) During construction of the initial structure of the property;
- (4) Unless being used for remodeling of the premises and is covered by tarpaulin when not actively being used;
- (5) Household refuse stored in a trash can pursuant to the City's solid waste ordinance; and
- (6) City-approved recycle bins.

21.10 TREES

21.10.1 Hazardous Trees

Dead, dying, damaged or diseased 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 prime-facie evidence that a tree is in danger of falling upon adjacent lots or public streets due to the death or impending death of the tree, or due to the damage by weather conditions or due to disease infestation.

21.10.2 Tree Stumps

Tree stumps greater than twelve (12) inches in height above ground level shall not be permitted or maintained on any premises.

Exceptions:

- (1) Property covered by a valid land-disturbing permit.
- (2) Undeveloped property and portions of developed property where the intent is to leave the property in its natural state.

21.10.3 Tree Debris

Felled trees, slash, removed tree limbs, or other portions of any tree shall not be permitted or maintained on the ground on any premises.

Exceptions:

- (1) Property covered by a valid land disturbing permit; and
- (2) Cut wood which is neatly stacked in lengths not to exceed three (3) feet.

- (3) Undeveloped property and portions of developed property where the intent is to leave the property in its natural state.

21.11 SWIMMING POOLS

In addition to any state laws, county ordinances, or health codes which govern the maintenance of residential swimming pools within the City of Lawrenceville, the following regulations shall apply:

- (1) All residential swimming pools, when uncovered, shall be maintained in such a manner that the water in the pool is kept clear and free of algae. The bottom of the pool, at its deepest point, shall be visible at all times.
- (2) When not covered, the filtration system must be operational either continuously or at set intervals as controlled by an electronic timing device to prevent water from becoming stagnant.
- (3) When covered, the cover shall remain free of standing water and must remain in good repair.

DIVISION 3 BUILDINGS

21.12 EXTERIOR SURFACE TREATMENT

All exterior surfaces, including but not limited to siding, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than decay resistant woods, shall have a 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.

21.13 EXTERIOR WALLS

Exterior walls of buildings shall be maintained free from holes, breaks, or loose or rotting materials, and shall be maintained weatherproof and properly surface-coated as needed to prevent deterioration.

21.14 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.

21.15 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.

21.16 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, Zoning and Inspections, which are without open cracks or holes. Screens, if provided, shall be securely fastened to the window or window frame.

Exceptions:

- (1) A commercial business that has closed may board up the windows for security for a period not to exceed sixty (60) days.

21.17 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 the 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 property hardware and maintained in proper working condition.

21.18 DECORATIVE FEATURES

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

DIVISION 4 RESIDENTIAL OCCUPANCY LIMITATIONS

21.19 PRIVACY

Dwellings units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

21.20 MINIMUM ROOM WIDTHS

A habitable room, other than a kitchen, shall not be less than 7.5 feet in any plan dimension. Kitchens shall have a clear passageway of not less than three (3) feet between counterfronts and appliances or counterfronts and walls.

21.21 MINIMUM CEILING HEIGHTS

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven (7) feet.

Exceptions:

- (1) In one and two family dwellings, beams or girders spaced no less than four (4) feet on center and projecting not more than 6 inches below the required ceiling height;
- (2) Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six (6) feet eight (8) inches with not less than six (6) feet four (4) inches of clear height under beams, girders, ducts and similar obstructions;
- (3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7.5 feet over not less than fifty percent (50%) of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five (5) feet or more shall be included.

21.22 BEDROOM REQUIREMENTS

21.22.1 Area for Sleeping Purposes

Every bedroom occupied by one occupant shall contain at least seventy (70) square feet of floor area, and every bedroom occupied by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.

21.22.2 Prohibited Occupancy

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

21.23 OVERCROWDING

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 4.5 as follows:

Table 4.5 Minimum Occupancy Area Requirements			
Space	Minimum Area in Square Feet		
	1-2 Occupants	3-5 Occupants	6 or More Occupants
Living Room ^{a,b}	No Requirements	120	150
Dining Room ^{a,b}	No Requirements	80	100
Kitchen ^b	50	50	60
Bedrooms	Shall Comply with Section 21.23		

Note a. See paragraph 2 of this section for combined living room/dining room spaces.

Note b. See paragraph 1 of this section for limitations on determining minimum occupancy area for sleeping purposes.

Sleeping Area

The minimum occupancy area required by Table 4.5 shall not be included as sleeping area in determining minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 21.23.

21.23.2 Combined Spaces

Combined living room and dining room spaces shall comply with the requirements of Table 4.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

21.24 EFFICIENCY UNIT

Nothing in this article shall prohibit an efficiency dwelling unit meeting the following requirements:

21.24.1 An efficiency unit occupied by not more than two occupants shall have a clear floor area of not less than two hundred twenty (220) square feet. An efficiency unit occupied by three occupants shall have a clear floor area of not less than three hundred twenty (320) square feet. These required areas shall be exclusive of the areas required by paragraphs (2) and (3);

21.24.2 The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty (30) inches in front;

21.24.3 The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower;

21.24.4 The maximum number of occupants shall be three (3).

21.25 SHORT TERM OCCUPANCY

This article shall not apply to any occupancy which has not lasted, or is not intended to last, more than one (1) week.

DIVISION 5 ENFORCEMENT, UNLAWFUL ACTS AND NOTICE OF VIOLATION

21.26 ENFORCEMENT

This article shall be enforced by the Director of the Department of Planning & Zoning, by the Director's duly authorized representative, or by the City of Lawrenceville Police Department.

21.27 UNLAWFUL ACTS

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

21.28 VIOLATION

Enforcement shall begin with a written notice of violation provided to the owner and occupant. The notice may be delivered personally or sent by first class mail. The notice shall contain a deadline of three (3) days for compliance.

If the violation continues past the deadline, the City shall institute legal proceedings charging the person or persons, firm, corporation or agent with a violation of this article. In all cases in which the City institutes a Complaint pursuant to this Ordinance, a copy of the Complaint and Summons shall be conspicuously posted at the subject property within three (3) business days of filing the complaint and at least ten (10) days prior to the date of the hearing. Furthermore, a copy of the Complaint and Summons shall be served in the following manner:

If each owner and party in interest is a resident of the county, service shall be either personal or by statutory overnight delivery, return receipt requested, shall

be perfected at least fourteen (14) days prior to the date of the hearing, and a return of service, filed with the Clerk of Court, shall be deemed sufficient proof that service was perfected;

If any owner or party in interest is a resident of this state but resided outside of the county, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in county tax filings and mailed at least fourteen (14) days prior to the date of the hearing;

Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least fourteen (14) days prior to the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.

21.29 PENALTIES

21.29.1 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 City and shall be punished either by a fine not less than \$250 per day and not to exceed \$1,000.00 per day, or by a sentence of imprisonment not to exceed six (6) months in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

21.29.2 Powers of the Court

The court shall have the power and authority to order the violation corrected in compliance with this article and the court may require payment of restitution or impose other punishment allowed by law.

21.29.3 Lien Imposition

If, after thirty (30) days from the date of the Municipal Court imposed fine, any person or entity has not paid said fine in full, the City of Lawrenceville shall have the authority to file a lien on the property in violation for the amount of the imposed fine and shall record it with the Gwinnett County Clerk's Office.

21.29.4 Other Legal Remedies

In any case in which a violation of this article has occurred, the City, 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.

Where a determination is made that the property is in violation of the Property Maintenance Ordinance, and any other codes and laws enforced by the City of Lawrenceville, and all reasonable efforts and means to obtain compliance having been exhausted, the City of Lawrenceville is authorized to effect such compliance at public expense. The cost of effectuating compliance shall constitute a lien upon the property and said lien shall be recorded by the City of Lawrenceville with the Gwinnett County Clerk's Office.

21.30 EMERGENCY PUBLIC HEALTH AND SAFETY PROCEDURE

Violations of this Article that rise to the level of nuisance per se shall be treated as follows:

1. If the Mayor and Council, upon completion of an investigation from the Quality of Life Division of the City of Lawrenceville Police Department, the Planning and Zoning Department, the Board of Health, or any other qualified governmental agency, conclude there is in fact an emergency nuisance per se, a Complaint and Lis Pendens shall be filed in the Municipal Court of Lawrenceville. An emergency nuisance per se is defined as a property maintenance violation that is so severe that it poses an immediate health hazard to surrounding residents and properties.
2. Simultaneous with the filing of the Complaint and Lis Pendens, the City of Lawrenceville shall publish in a local newspaper notice of the pending Complaint and that a hearing on the issue shall be held before the City Municipal Court no sooner than fourteen (14) days after publication.
3. At the hearing, the Municipal Court may order immediate abatement of the nuisance by authorizing employees of the City of Lawrenceville, or any other appropriate governmental agency, to take one or more of the following actions:
 - (a) Grass and vegetation cutting;
 - (b) Removal of dangerous structures;
 - (c) Removal of neglected receptacles or gutters that are retaining stagnant water resulting in the proliferation of insects;
 - (d) Sealing broken doors and other points of entry;
 - (e) Any other repairs or work necessary to meet the emergency and protect the health and safety of the public.

4. Upon abatement of the nuisance, the City will then mail an invoice to the property owner for the costs and expenses incurred by the City. If the property owner fails to reimburse the City for the costs and expenses within ten (10) days, the City shall then be authorized to go forward with this nuisance action and, if appropriate, attach a lien on the property as authorized by Section 21.29.3 of this Code.

¹ Ordinance to Amend the City of Lawrenceville Property Maintenance Ordinance, Article XXI of the Development Regulations for the City of Lawrenceville, Georgia was adopted on February 15, 2006.

² Ordinance to Amend Section 21.29 of Development Regulations for City of Lawrenceville was adopted on August 7, 2006.

³ Ordinance to Amend Section 21.11 of Development Regulations for City of Lawrenceville was adopted on August 6, 2007.

⁴ Ordinance to Amend Penalty Provisions and to make Technical Revisions within Certain Sections of the City of Lawrenceville's 2005 Lawrenceville Code of Ordinances was adopted on September 10, 2007.

⁵ Ordinance to Amend the City of Lawrenceville Property Maintenance Ordinance, Article XXI of the Development Regulations for the City of Lawrenceville, Georgia was adopted on April 7, 2008.