

156 CHAPTER 17: PROPERTY MAINTENANCE ORDINANCE

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ARTICLE I: GENERALLY

17-101 **Title**

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

17-102 **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.

17-103 **Scope**

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

17-104 **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.

17-105 **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:

1. “Bathroom” means a room containing plumbing fixtures including a bathtub or shower.
2. “Bedroom” means any room or space used or intended to be used for sleeping purposes.
3. “Closing” means causing a property to be vacated and secured against unauthorized entry.

4. “Drug crime” means an act which is a violation of O.C.G.A. Title 16, Chapter 13, Article 2, known as the "Georgia Controlled Substances Act."
5. “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.
6. “Exterior Property” means the open space on the premises and on adjoining property under the control of owners or operators of such premises.
7. “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.
8. “Garbage” means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
9. “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.
10. “Interested Party” means the property owner(s), those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9, any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of any easement or right of way whose interest is properly recorded which interest shall remain unaffected, and persons in possession of said property and premises.
11. “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.
12. “Maintenance” means the act of keeping property, structures or vegetation in a proper condition so as to prevent their decline, failure or uncontrolled growth.
13. “Occupant” means any individual living or sleeping in a building; or utilizing the space within a building.

14. “Operator” means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
15. “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.
16. “Premises” means a lot, plot or parcel of land including any structures thereon.
17. "Public authority" means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.
18. “Public officer” means any person listed in Section 17-502.
19. “Repair” means altering or improving a property so as to bring any dwelling, building, or structure into compliance with the applicable codes in the jurisdiction where the property is located and/or the cleaning or removal of debris, trash, and other materials present and accumulated which create unsanitary and unsafe conditions which are an endangerment to the public health or safety in or about any property.
20. ‘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. “Toilet Room” means a room containing a water closet or urinal but not a bathtub or shower.
22. “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.

23. “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.
24. “Yard Trimmings” means all leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, and vegetative matter resulting from landscaping or maintenance activities.

ARTICLE II: PROPERTY

17-201 **Fences and Walls**

The building of fences and walls and growing of hedges may be permitted in any required yard, or along the edge of any yard except for the Front Yard. In the Front Yard only a decorative fence not exceeding four (4) feet in height may be constructed. A decorative fence shall not be made of chain link, wire or similar unattractive materials. A fence or hedge in the Front Yard shall not be built along the sides or front edge of any Front Yard in a way that obstructs the view of persons entering or exiting from any driveway or street. (Capitalized terms shall have the meanings given to them in Article VI of the City of Lawrenceville Zoning Code 2005.)

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.

17-202 **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.

17-203 **Vehicles**

Capitalized terms in Subsections 1-4 of this Section shall have the same meanings given in Article VI of the City of Lawrenceville Zoning Code 2005.

1. Residential lots may have a maximum of two (2) Business Vehicles, provided that any ladders must be removed from the Business Vehicles while parked at the residence.
2. Commercial Vehicles are prohibited in all residential zoning districts
3. Residential lots may have a maximum of two (2) Recreational Vehicle(s), provided that it has a maximum length of forty-five (45) feet and is stored or parked completely within a garage or carport, or in the side or rear yard on a hardened surface of gravel or on pavement as wide and long as the vehicle. The Recreational Vehicle may be connected to an outlet but may not be occupied. The setback for a Recreational Vehicle shall be five (5) feet on the side yard, and ten (10) feet in the rear yard. A Recreational Vehicle may not

be parked or stored where it would constitute a clear and demonstrable vehicular traffic hazard or be a threat to public health or safety.

4. Residential lots may have Watercraft, provided that each Watercraft be thirty (30) feet or less in length, must be stored or parked completely within a garage or carport, or in the side yard or the rear yard on a hardened surface of gravel or on pavement as wide and long as the vehicle. The setback for Watercraft shall be five (5) feet on the side lot line and ten (10) feet in the rear yard. Watercraft may not be parked or stored where it would constitute a clear and demonstrable vehicular traffic hazard or be a threat to public health or safety.
5. 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:

- a. 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;
- b. Junk vehicles which are kept on property in zoning districts as authorized by the Zoning Resolution for a junk or salvage yard; and
- c. Junk vehicles stored in an enclosed building.

⁷17-204

Open or Outdoor Storage

Outdoor Storage, as defined in Article VI of the City of Lawrenceville Zoning Code 2005, is prohibited except for grills, basketball goals, toys, lawn equipment and other like equipment in good operating order that are actually used as a part of, and strictly for the residential purposes of the owner. All lawn equipment shall be stored in the rear or side yard. Basketball goals shall be maintained in good repair and positioned in such a way that those using the goal are not located within the right of way. No permanent structures, including but not limited to basketball goals, satellite dishes and other permanently anchored structures shall be constructed within the right of way. This provision is not intended to and shall not be interpreted to prohibit the construction of mailboxes, driveways, walkways, lamp posts, decorative columns, or landscaping within the right of way, provided such structures are located behind the curb line and do not create a traffic hazard.

17-205

Trees

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.

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:

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

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:

- a. Property covered by a valid land disturbing permit; and
- b. Cut wood which is neatly stacked in lengths not to exceed three (3) feet.
- c. Undeveloped property and portions of developed property where the intent is to leave the property in its natural state.

³**17-206**

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 securely affixed and must remain in good repair. Accumulated leaves and tree debris must be removed to insure the pool cover is visible and to prevent damage or breach of the cover.
4. Stagnant water located within swimming pools or on swimming pool covers conducive to the breeding and harboring of mosquitoes or other insects shall not be permitted or maintained on any premises.

ARTICLE III: BUILDINGS

17-301 Exterior Surface Treatment

All exterior surfaces, including but not limited to siding, doors, door and window frames, cornices, porches, window shutters, gutters, and other similar exterior surfaces 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 or masonry joints shall be maintained weather resistant and water tight. All exterior surfaces shall be kept clean of visible signs of mold, mildew or algae growth.

17-302 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.

17-303 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. Roofs and gutters shall be kept free of excessive accumulations of leaves, pine straw, or other debris.

17-304 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 in good repair.

17-305 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.

17-306 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 proper hardware and maintained in proper working condition.

17-307 **Decorative Features**

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair.

17-308 **Accessory Use Buildings**

Under no circumstances shall Accessory Use Buildings, as defined in Article VI of the City of Lawrenceville Zoning Code, be constructed or repaired in whole or in part with tarp, or any tar-like material, vinyl, plastic or PVC.

ARTICLE IV: RESIDENTIAL OCCUPANCY LIMITATIONS

17-401 Overcrowding

Dwelling units shall not be occupied by more persons than permitted by area requirements set forth in the following table and elsewhere in this section:

Table of Minimum Area Requirements			
Space	Minimum Area (in Square Feet)		
	1-2 Occupants	3-5 Occupants	6+ Occupants
Living Room ¹	No Requirement	120	150
Dining Room ¹	No Requirement	80	100
Kitchen	50	50	60
Bedrooms	See "Sleeping Areas"		

¹ Living room and dining room spaces may be combined, 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 / dining room.

SLEEPING AREAS

Every person occupying a dwelling unit shall have a sleeping area of no less than 50 square feet of floor area. Required kitchen, dining room, or living room space may not be used to calculate sleeping area. Bathrooms, hallways, unfinished basements, garages, or non-heated spaces may not be used in the calculation of sleeping space. Furthermore, partial spaces in separate rooms may not be combined to arrive at the required 50 square feet of floor area.

EFFICIENCY UNITS

An efficiency unit is permissible, if it meets the following requirements:

1. The unit shall be provided with a kitchen area to include a sink, cooking appliance, and refrigeration unit each with at least 30 inches of front clearance;
2. The unit shall include a separate bathroom containing a toilet, sink, and bathtub or shower;
3. The unit shall have no more than three (3) occupants; and
4. The unit shall have a floor area of 220 square feet for up to two occupants and 320 feet for three occupants. These required floor areas are exclusive of the required kitchen and bathroom spaces listed above.

SHORT-TERM OCCUPANCY

This section shall not apply to short-term occupancy which shall not last longer than one week. However, the week limitation may be extended at the discretion of the Chief of Police in cases of displacement due to natural or man-made disaster.

**ARTICLE V: DUTIES OF PROPERTY OWNERS,
ENFORCEMENT, UNLAWFUL ACTS, NOTICE OF VIOLATION,
AND EMERGENCY NUISANCE PROCEDURE**

17-501 **Duties of Property Owner(s)**

It is the duty of the owner(s) of every property located within the city limits:

1. To construct and maintain such property in conformance with all applicable codes in force within the city limits, and any such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any property in violation of such codes or ordinances; and
2. To keep such property reasonably clean and free of any materials or conditions which create a health or safety hazard either on such property or to surrounding persons or properties.

17-502 **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.

17-503 **Unlawful Acts**

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

17-504 **Notice of 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.

17-505

Penalties

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 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.

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.

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.

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.

17-506 **Emergency Nuisance Procedure**

1. *Determination.* Whenever a request is filed with a public officer by a public authority or by at least five residents of the City charging that any building, dwelling, structure, or property:
 - a. Is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;
 - b. Is vacant and being used in connection with the commission of drug crimes; or
 - c. Constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions including, but not limited to, defects therein increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness including the accumulation of grass, weeds, trash, junk, or filth, and the violation of any standard set out in this Chapter

The public officer with whom the request is filed shall make an investigation or inspection of the specific property to determine if such conditions exist under applicable codes. The public officer shall have the authority to enter upon premises to conduct an inspection, provided such entry is made with the least possible inconvenience to the person(s) in possession. If such an inspection is necessary, the public officer shall endeavor to obtain the permission of the owner to conduct such inspection. If permission is withheld, the public officer may seek the assistance of the city attorney's office to obtain an inspection warrant from a court of competent jurisdiction. The public officer may determine that the property is being used in the commission of drug crimes upon personal observation or report of a law enforcement agency.

2. *Judicial complaint and summons.* If the public officer's investigation or inspection confirms that any property meets one or more of the three enumerated standards from subsection (1), the public officer may file in the Municipal Court a complaint in rem against the lot, tract, or parcel of real property on which the nuisance complained of exists and shall cause summons and a copy of the complaint to be served on the interested parties for such property pursuant to section 17-505(3). The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance.

3. *Notice of Violation.* Complaints issued by a public officer pursuant to this chapter shall be served in the following manner. At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
 - a. For interested parties 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.
 - b. A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the property, dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
 - c. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this subsection on any interested party who answers the complaint or appears at the hearing.
 - d. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

4. *Time of hearing.* The summons shall notify the interested parties that a hearing will be held before the Municipal Court at a date and time certain.

Such hearing shall be held no sooner than 15 days and no later than 45 days after the filing of said complaint in the Municipal Court.

5. *Right to be heard.* The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for the hearing.
6. *Order.* If, after such notice and hearing, the court determines that the property in question meets one or more of the standards enumerated in subsection (1) so as to constitute a public nuisance, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order which does one of the following:
 - a. If the repair of the said property can be made at a reasonable cost in relation to its present value, the order shall require the owner, within a specified time not to exceed thirty (30) days, to repair such property so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to effect a closing of any structure so that it cannot be used in connection with the commission of drug crimes; or
 - b. If the repair of the said property in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value thereof, the order shall require the owner, within a specified time not to exceed thirty (30) days, to demolish and remove the noncompliant dwelling, building, or structure and all debris from the property.

For purposes of this section, in cases in which the nuisance complained of is a dwelling, building, or structure of any kind, the court shall make its determination of "reasonable cost in relation to the present value" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A. Title 43, Chapter 39A, qualified building contractors with a current business license to do work in the county, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations.

7. *Remedies of public officer in the event of noncompliance with order.*

- a. The order entered under subsection (5) shall further provide that, if the owner fails to comply with an order to repair, demolish, or close the property within the specified time, the public officer may cause such property to be repaired, demolished, or closed. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The public officer is also authorized to file a motion for attachment for contempt against the owner with the court which issued the order as an alternate or additional remedy.
- b. If the public officer chooses to have the work done as ordered on any dwelling building or structure, he or she shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words, including the Spanish translation:

“This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.”

8. *Salvage.* If the public officer has a structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. Neither the public officer nor the county shall have any liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
9. *Appellate procedure.* Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a property shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

10. *Alternate remedies.* Nothing in this section shall be construed as to limit or impair the authority of public officers or other county employees under existing and future ordinances to issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and to seek to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this code section. The issuance of a citation for a violation of any such codes shall not be required as a prerequisite to issuing a complaint in rem under this section.

17-507

Recoupment and Collection of Costs; Lien Rights

1. *Lien for costs.* The order issued pursuant to Section 17-506 (5) shall provide that the amount of all costs associated with the abatement action shall be a lien against the real property upon which such cost was incurred. Such costs shall include but not be limited to the cost of abatement and/or demolition, reasonable attorneys' fees and all court costs, appraisal fees, administrative costs incurred by the municipal tax collector or city revenue officer, restoration to grade of the real property should it be demolished, and title examination costs. Such lien shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition, in the office of the clerk of superior court, and shall relate back to the date of the filing of the lis pendens notice required under Section 17-504(3). The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien for costs of abatement on the general execution docket. Such lien should cross-reference the order and include the original caption and case number from the nuisance abatement action. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid in full.
2. *Enforcement of lien.*
 - a. Upon a final determination of costs, fees, and expenses incurred in accordance with this article, the public officer shall transmit to the municipal tax collector or city revenue officer a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the public officer shall be transmitted within 90 days of completion of the repairs, demolition, or closure. It shall be the duty of the municipal tax collector or city revenue officer to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. Title 48, Chapter 4; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before

commencing a tax foreclosure shall not apply. The municipal tax collector or city revenue officer shall remit the amount collected to the general fund of the City.

- b. Enforcement of liens may be initiated at any time following receipt by the municipal tax collector or city revenue officer of the final determination of costs. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this article.
 - c. The redemption amount in any enforcement proceeding shall be the full amount of the costs as finally determined with interest, penalties, and costs incurred by the county and the tax commissioner in the enforcement of the lien. Redemption of the property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81.
3. *Waiver of lien.* The City Council may waive and release any such lien imposed on property of the owner for costs incurred by the City up to the time of the entry of the order and any additional costs incurred subsequent thereto in attempting to bring the property into compliance by entering into a contract with the owner in which the owner agrees to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrates the financial means to accomplish such rehabilitation.

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.

⁶ Ordinance to Amend Chapter 17 of the City of Lawrenceville General Code of Ordinances was adopted on December 7, 2009. The Property Maintenance Ordinance was thereby moved from Article XXI of the Development Regulations for the City of Lawrenceville to Chapter 17 of the City of Lawrenceville General Code of Ordinances.

⁷ Ordinance to Amend Sections 17-204, 17-206, 17-301, 17-303 of the City of Lawrenceville's General Code of Ordinances was adopted on September 12, 2011.