ARTICLE XVII

PROPERTY MAINTENANCE

SECTION 17.1 TITLE, PURPOSE, SCOPE, INTERCHANGEABILITY, AND DEFINITIONS

A. Title.
The title of this ordinance shall be the "City of Snellville Property Maintenance Ordinance" and may be cited hereinafter as "this ordinance."

B. Purpose.
The purpose of this ordinance is to establish minimum requirements and standards for premises and structures in order to promote and protect the public health, safety, convenience, order and general welfare of the citizens of the county.

C. Scope.
This ordinance shall apply to all existing and future structures and premises and constitute minimum requirements and standards for existing structures and premises.

D. 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 the singular.

E. Definitions.
Terms not defined herein shall have their meaning as defined in the Zoning Ordinance, 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," "roominghouse," "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 ordinance:

BATHROOM: A room containing plumbing fixtures including a bathtub or shower.

BEDROOM: Any room or space used or intended to be used for sleeping purposes.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

FOREST: A naturally forested residential and/or commercially zoned premise in excess of one acre, containing no habitable space.

HABITABLE SPACE: 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.

MAINTENANCE: The act of keeping property, structures or vegetation in a proper condition so as to prevent their decline, failure or uncontrolled growth.

OCCUPANCY: The purpose for which a building is utilized or occupied.

OCCUPANT: Any individual living or sleeping in a building; or having possession of a space within a building.

OPERATOR: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER: 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, Gwinnett County or City of Snellville 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 any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PREMISES: A lot, plot or parcel of land including any structures thereon.

TOILET ROOM: A room containing a water closet or urinal but not a bathtub or shower.

UNAUTHORIZED VEHICLES: 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 and/or one which does not have a valid license plate attached thereto.

WEEDS: 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.

SECTION 17.2 PROPERTY MAINTENANCE

A. Fences and Walls.
Fences and walls shall be maintained in a structurally sound condition and in good repair. Fences shall be free from loose or rotting materials and shall have braces and supports attached or fastened in accordance with common building practices.

B. Grass, Weeds and Uncultivated Vegetation.
Premises and exterior property which contain a habitable space or a business shall be maintained free from grass, weeds or uncultivated vegetation in excess of 12 inches in height.
Exceptions:

1. Forest

C. Unauthorized Vehicles.
Unauthorized vehicles shall not be kept, permitted, parked, stored or maintained on any premises or public street right-of-way.

Exceptions:

1. Unauthorized vehicles, limited to a maximum of two (2), 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 vehicles for personal use;
2. Unauthorized 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 vehicles are not stored for the purpose of salvage of parts but is in the continual process of repair, reconditioning or remodeling;
3. Unauthorized vehicles which are kept on property in zoning districts as authorized by the Zoning Resolution for a junk or salvage yard;

D. Location and Surface of Parking Areas.
In any residential district, the parking of any vehicle in the minimum front yard is prohibited, except on a hard-surfaced driveway or in a carport or garage. Excluding recreation vehicles, all parking of any vehicles within the rear or side yards is prohibited. All driveways must be paved with concrete, additional parking may be constructed out of concrete, asphalt, or an alternative pervious paving, as approved by the Director of Planning and Development or his/her designee. Not more than thirty-five percent (35%) percent of this required minimum front yard area shall be used for parking under any circumstances.

The Planning and Development Director or his/her designee shall have the power to grant administrative variances to allow construction of additional hard-surface parking areas in the side or rear yard, adjacent to the existing driveway(s), for the purposes of overflow parking where, in his/her opinion, the intent of the Zoning Ordinance can be achieved and equal performance obtained by granting a variance.

E. Maximum Occupancy of Dwelling Units.
There shall be no more than five (5) persons occupying a single dwelling unit, unless all residents are related by blood or marriage. Domestic servants employed on the premises may be housed on the premises without being counted towards this maximum occupancy limit.

SECTION 17.3 [RESERVED]

SECTION 17.4 ENFORCEMENT, UNLAWFUL ACTS AND NOTICE OF VIOLATION

A. Enforcement.
This ordinance shall be enforced by the Chief of Police or the Chief's duly authorized representative.

B. Unlawful Acts.
It shall be unlawful for a person, firm or corporation to be in conflict with, or in violation of, this ordinance.

C. Notice of Violation.
Enforcement shall begin when a complaint is received and documented by the Police Department. Written notice of violation shall be provided to the owner and/or occupant. The notice may be delivered personally or sent by first class mail. The notice shall contain a deadline for compliance which may be extended by the Chief of Police or his/her designee. If the violation continues past the deadline, the Chief shall institute legal proceedings charging the person or persons, firm, corporation or agent with a violation of this ordinance.

SECTION 17.5 PENALTIES, VALIDITY AND EFFECTIVE DATE

A. Penalties.
1. Fine and/or Sentence.
Any person convicted by a court of competent jurisdiction of violating any provision of this ordinance 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 $1000 per day, or by a sentence of imprisonment not to exceed 60 days 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 ordinance and the court may require payment of restitution or impose other punishment allowed by law.

3. Other Legal Remedies.
In any case in which a violation of this ordinance 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.

B. Validity.
If any article, section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

C. Effective Date.
This ordinance became effective June 21, 1999.

SECTION / ARTICLE	DESCRIPTION	AMENDMENT DATE
Section 17.2	Property Maintenance (amended)	08/16/1999
Section 17.1	Definitions (amended)	02/26/2007
Section 17.2	Property Maintenance (amended)	02/26/2007
Section 17.1	Definitions (amended)	09/24/2007
Section 17.2	Property Maintenance (amended) Note: Int'l Property Maintenance Code adopted into the Snellville Municipal Code (09/10/2007)	09/24/2007
Section 17.3	Building Maintenance (deleted and section reserved)	09/24/2007
Section 17.4	Enforcement, Unlawful Acts and Notice of Violation (amended)	09/24/2007