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Chapter 105 - BUILDINGS AND BUILDING REGULATIONS
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Sec. 105-56. - Title.

The title of this ordinance shall be the "City of Lilburn Property Maintenance Ordinance" and may be cited hereinafter as this article.

Sec. 105-282. - 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.

Sec. 105-283. - Scope.

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

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Sec. 105-284. - 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.

Sec. 105-285. - Definitions.

Unless otherwise noted, 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 if they were followed by the words "or any part thereof." The following definitions shall apply in the interpretation and enforcement of this article:

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

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

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

Department. The Department of Planning and Economic Development.

Drop Box. A temporary structure used for the collection of donated items.

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.

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

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

Junk vehicle. Junk vehicle means any vehicle, automobile, truck, van, trailer of any kind or type, or contrivance or part thereof which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned, discarded, or kept parked, stored or maintained on any premises or public right-of-way without a current license plate and/or decal displayed on the vehicle.

Local Agent. Any person or entity empowered by a creditor, mortgagee, or transferee: (1) to ensure security and maintenance; (2) to comply with code enforcement orders issued by the City; (3) to provide a trespass authorization upon request of an enforcement officer; (4) to conduct inspections; and (5) to serve as an agent authorized to receive any citation under this Chapter and notice pertaining to any court or enforcement proceeding in connection with the enforcement of this Chapter.

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 legal possession of a space within a building.

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Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy. A real estate broker or salesperson licensed pursuant to Chapter 40 of Title 43 of the Official Code of Georgia is not an operator for the purposes of this article unless such broker or salesperson is under contract to provide property management services to the owner of such structure or premises.

Owner. 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 City of Lilburn as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

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

Property. Any unimproved or improved residential or non-residential real property, or portion thereof, situated in the City of Lilburn and includes the buildings or structures located on the real property regardless of condition.

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

Securing. Such measures as may be directed by the Director of the Department of Planning and Development or his designee that render the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining or padlocking of gates, the repairing of doors, windows or other openings.

Swimming Pool. A water filled enclosure, permanently constructed or portable, having a depth of more than 24 inches below the level of the surrounding land, or an above ground pool, having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing.

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

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

Weeds. 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.

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

Sec. 105-286. - Penalties.

- (a) *Fine and/or Sentence.* Any person convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the city and shall be punished either by a fine not less than \$250.00 per day and not to exceed \$1,000.00 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternative. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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

Sec. 105-287. - Transfer of ownership.

It shall be unlawful for the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building or structure until the provisions of the notice of violation have been complied with, or until such owner shall furnish to the Department a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such notice of violation. Any citation for violation of this section shall be issued to the transferor of the property listed on the face of the document evidencing conveyance of the property.

Secs. 105-288—105-300. - Reserved.

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Sec. 105-301. - Fences and walls.

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

Sec. 105-302. - Graffiti.

It shall be a violation of this Article for any person having a legal or equitable interest in a parcel of real property to permit graffiti to remain on a structure located thereon. Graffiti is regulated by Chapter 42, Article II of the City Code.

Sec. 105-303. - Grass, weeds, and uncultivated vegetation.

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

Exceptions: Any improved residential parcel that is greater than 1 acre in size. Any undeveloped lot of any size.

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

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Sec. 105-304. - Junk vehicles.

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

Exceptions:

- (1) Junk vehicles, which are kept within a fully enclosed building on property in residential zoning districts provided the owner or occupant of the property is in the process of reconditioning the junk vehicle for personal use;
- (2) Junk vehicles which are kept on property in zoning districts authorized by the 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 are in the continual process of repair, reconditioning or remodeling;
- (3) Junk Vehicles which are kept on property in zoning districts as authorized by the Zoning Resolution for a junk or salvage yard.

Sec. 105-305. - Driveways and walkways.

All private driveways and walkways connecting a driveway to a building shall be maintained in a passable condition so as to allow safe vehicular and pedestrian ingress and egress to the building served.

Sec. 105-306. - Open or outdoor storage.

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:

- (1) Property where outdoor storage is authorized by the Zoning Resolution;
- (2) 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;
- (3) 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.

Note: Storage of ordinary household items within a carport or outdoors when appropriately screened from view from the right-of-way does not constitute open or outdoor storage.

Sec. 105-307. - Trees.

- (a) *Dead Trees.* Dead and damaged 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.

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- (b) *Tree Stumps*. Tree Stumps greater than 12 inches in height above ground level shall not be permitted or maintained on any premises for more than 30 days after the tree has been cut.

Exceptions:

- (1) Property covered by a valid land disturbing permit;
 - (2) Property greater than one acre in size.
- (c) *Tree Debris*. Felled trees, slash, or removed tree limbs shall not be permitted or maintained on the ground on any premises for more than 30 days.

Exceptions:

- (1) Property covered by a valid land disturbing permit;
- (2) Cut wood which is neatly stacked in lengths not to exceed 3 feet and which is stored in a side or rear yard;
- (3) Property greater than one acre in size;
- (4) Composting activities which comply with state law.

Sec. 105-308. - Swimming pools.

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 4 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.

Sec. 105-309. – Drop Boxes.

No more than 2 drop boxes for clothing, newspapers/magazines, etc. are permitted per non-residential property provided a permit is obtained from the Department. The drop box shall include the name and phone number of a local contact. The drop box shall not be located closer than 50 feet from the edge of any adjacent roadway and shall not interfere with the flow of traffic on the property. The maximum size of the drop box shall be 80 square feet. The drop box shall be maintained in good condition.

At a minimum, the \$100 permit shall include:

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- (1) Property owner's name, address, and contact information.
- (2) Property owner's approval.
- (3) Property location
- (4) Drop box owner information.

Sec. 105-310. - Registered agents.

Prior to the issuance of a Certificate of Occupancy for any multi-family development, commercial, office or industrial property, or during the first 30 calendar days of each year, whichever occurs earlier, the owner and each Occupation Tax Certificate holder for each multi-family development, commercial, office, or industrial property, must designate the name, City of Lilburn address, and 24-hour phone number of an agent for the property. The agent shall reside in Gwinnett County and shall be on 24-hour call, 7 days a week, to accept notices of violation regarding any provision of the City of Lilburn Code. In addition, written notice to such agent shall be deemed delivered on the 3rd business day following the mailing of such notice by first class mail to the agent at the address listed in such registration. The registration required by this paragraph shall be submitted to the Finance Department. Such registration shall be confirmed at the time of each annual registration. In the event that the holder of an Occupation Tax Certificate or the owner of the property desires to change the name or contact information with regard to the registered agent, the Occupation Tax Certificate holder and/or owner shall supply written notice to the Finance Department. No change in registration shall be effective until written modification thereof is received by the Finance Department.

Secs. 105-310—105-320. - Reserved.

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Sec. 105-321. - Numbering requirements.

- a. *Assignment.* Street numbers for dwelling units and places of business on all public streets and street numbers and/or building numbers for dwelling units and places of business within apartments/condominiums and nonresidential developments located on private streets shall be assigned by the department of development in accordance with its administrative procedures.
- b. *One and two family dwelling unit requirements.* Each one and two-family dwelling unit shall have posted and maintained in a conspicuous place on the property, visible from the street, providing general public access, the street number of such dwelling unit in figures at least 3 inches high on a contrasting background that will allow 24-hour visibility.
- c. *Multifamily requirements.* Each multifamily building with three or more dwelling units shall have posted and maintained in a conspicuous place on the building, visible from the parking lot or street providing general public access, the addresses or numbers of the building in figures at least 6 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 3 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 3 inches high on a contrasting background, with the number and/or address of each and every individual apartment/unit or numerical range of apartment units to which access is provided through that common entrance.
- d. *Business and other nonresidential building requirements.* Each business or other nonresidential building shall have posted and maintained in a conspicuous place of the property visible from the street providing public access, the address and /or street number of such building in figures at least 4

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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 6 inches high. A quadrant designation will be posted as part of the address in figures at least 2 inches high on a contrasting background of a material that will allow 24-hour visibility and be placed with the number designation.

Sec. 105-322. - Exterior surface treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints shall be maintained weather resistant and water tight.

Sec. 105-323. - Exterior walls.

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

Sec. 105-324. - Foundation walls.

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.

Sec. 105-325. - Roofs.

Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and have no defects which might admit rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof including, but not limited to, the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, and metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices. Gutters must be free of vegetation and in good repair. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building.

Sec. 105-326. - 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.

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Sec. 105-327. - Windows.

Windows of buildings shall be fully supplied and maintained with glass window panes or with a substitute approved by the Director 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.

Sec. 105-328. - Exterior doors and frames.

Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Exterior door jambs, stops, headers and moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be provided with proper hardware and maintained in proper working condition.

Sec. 105-329. - Garage doors.

Garage doors shall be capable of being closed reasonably plumb, properly attached, and the exterior surface of garage doors shall be maintained weatherproof so as to prevent deterioration.

Sec. 105-330. - Decorative features.

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

The use of LED rope lighting is not considered decorative in commercial applications and is prohibited when visible from the exterior of the building facing a roadway (whether installed inside or outside of the premises).

Sec. 105-331. - Vacant structures.

Vacant structures shall be maintained in good repair and be in compliance with all applicable laws, codes, and ordinances. Any vacant structure shall at a minimum:

- (1) Have all doors and windows and other openings 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.
- (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.

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- (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 Chapter 105 of the City of Lilburn Code of Ordinances and all other applicable codes and ordinances of City of Lilburn.

Sec. 105-332. - Boarding-up structures.

- (a) *Boarding-up Permit.* No person, firm, association or corporation shall erect, install, place, or maintain boards over the doors, windows or other opening of any building or structure or otherwise secure such opening by a means other than the conventional method used in the original construction and design of the building or structure without first obtaining a valid boarding-up permit in accordance with this subsection. Any properties with boards existing at the time of the adoption of this subsection will have 60 days from the date of the adoption of this subsection to submit an application to the Department of Planning and Economic Development for a permit to continue to board.
- (b) The Department may issue a boarding-up permit only upon satisfaction of the following conditions:
 - (1) Submission of a written application by the owner of the property or his authorized representative, including the following information:
 - i. Name, address and telephone number of the owner;
 - ii. Name, address and telephone number of any local agent of the owner;
 - iii. Tax parcel identification number of the premises on which the structure is situated;
 - iv. Common address of the structure;
 - v. Other information as may be required by the Department.
 - (2) Payment of the required fee by the owner of the property or his/her authorized representative.
 - (3) Submission of a written statement or plan by the owner or the property or his authorized representative specifying:
 - i. Length of time the owner expects the boarding-up to continue;
 - ii. Proposed plan to secure or board up the structure, including a detailed description regarding the manner and materials.
 - iii. Proposed maintenance plan detailing the monitoring and maintenance of the structure and premises in conformance with this article.

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- (4) The City may conduct an inspection of the subject property to ensure that the structure is boarded up in accordance with the plan approved by the Department.
- (c) A boarding-up permit issued pursuant to this subsection shall authorize the boarding-up or other securing of a building or structure for a period of 6 months. An owner of a property desiring to continue to board his property beyond the 6-month term must submit a renewal application to renew the boarding-up permit and continue to meet the requirements for the issuance of a new boarding-up permit. The permit may be renewed within 30 days of the expiration of the original upon payment of necessary fees. A new permit must be obtained if the original permit is not renewed within 30 days of the expiration of the original permit.
- (d) No boarding-up permit shall be required to board-up a building for up to 30 days in the event of a temporary emergency situation, including but not limited to damage caused by vandalism, theft or weather. In the event an emergency situation requires a building or structure to be boarded-up for more than 30 days, the owner of the building or structure or his authorized representative must obtain a valid building permit for repair or a valid boarding-up permit in accordance with this section.
- (e) The boarding of doors, windows, or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall be according to the specifications approved under the permit. All boarded openings shall be painted with a minimum of 2 coats of exterior paint, which is of a color compatible with the exterior color of the building or structure.
- (f) Any structure which is boarded shall be in compliance with all applicable codes and ordinances of City of Lilburn.
- (g) Any structure which is boarded up shall be posted with the name, permit information, and 24-hour contact phone number of the local agent.

Sec. 105-333. - Burned structures.

Whenever any building or structure is partially burned, the owner or person in control shall, within 30 days after completion of the scene investigation by the Fire Department and/or insurer of the property, remove from the premises all refuse, debris, and all charred and partially burned lumber and material. If such building or structure shall be burned to such an extent that it is rendered incapable of being repaired, the owner or person in control shall, within 60 days after completion of the scene investigation by the Fire Department and/or insurer of the property, remove from the premises all the remaining portion of the building or structure. If the building or structure is to be repaired, a permit shall be obtained and work shall begin within 60 days after completion of the scene investigation by the Fire Department and/or insurer of the property and shall be completed within 180 days from the date a permit is obtained.

Secs. 105-334—105-340. - Reserved.

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Sec. 105-341. - Privacy.

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

Sec. 105-342. - 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 3 feet between counter fronts and appliances or counter fronts and walls.

Sec. 105-343. - 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 7 feet.

Exceptions:

- (1) In one and two family dwellings, beams or girders spaced not less than 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 6 feet 8 inches with not less than 6 feet 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 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 5 feet or more shall be included.

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 ARTICLE X. - PROPERTY MAINTENANCE

DIVISION 4. - RESIDENTIAL OCCUPANCY LIMITATIONS

Sec. 105-344. - Bedroom requirements.

- (a) *Area for Sleeping Purposes.* Every bedroom occupied by one occupant shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one occupant shall contain at least 50 square feet of floor area for each occupant thereof.
- (b) *Prohibited Occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

Sec. 105-345. - Overcrowding.

- (a) 1 person or 2 or more persons related by blood or marriage with any number of offspring, foster children, step children or adopted children subject to the maximum occupancy limitations (see the chart below) and not to exceed 2 roomers or boarders; or
- (b) 2 single parents or guardians with their dependent children including offspring, foster children, step children or adopted children living and cooking together as a single housekeeping unit; or
- (c) A group of not more than 4 persons not related by blood or marriage living and cooking together as a single housekeeping unit.

The maximum occupancy of a single family dwelling is calculated from the total finished area of the home (plus finished basement area).

For a dwelling with a total finished area	Number of adult (over 21) occupants
of up to 1000 square feet	3
from 1001 to 1500 square feet	4
from 1501 to 2000 square feet	5
from 2001 to 2500 square feet	6
from 2501 to 3000 square feet	7
from 3001 to 3500 square feet	8
from 3501 to 4000 square feet	9
over 4000 square feet	10

Notwithstanding any other provision of the Code of Ordinances of City of Lilburn, Georgia to the contrary, individuals shall only occupy any residential dwelling unit in compliance with the definition of family in the 2011 Zoning Resolution unless a variance is granted. The number of occupants of a dwelling unit may be further limited based upon septic system limitations and parking regulations applicable to a specific property.

Sec. 105-346. - Efficiency unit.

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

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DIVISION 4. - RESIDENTIAL OCCUPANCY LIMITATIONS

- (1) An efficiency unit occupied by not more than 2 occupants shall have a clear floor area of not less than 220 square feet. An efficiency unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by paragraphs (2) and (3).
- (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 30 inches in front.
- (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
- (4) The maximum number of occupants shall be 3.

Sec. 105-347. - Short term occupancy.

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

Secs. 105-348—105-360. - Reserved.

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DIVISION 5. - ENFORCEMENT AND UNLAWFUL ACTS

DIVISION 5. - ENFORCEMENT AND UNLAWFUL ACTS

[Sec. 105-361. - Enforcement.](#)

[Sec. 105-362. - Unlawful acts.](#)

[Sec. 105-363. - Liability.](#)

[Secs. 105-364—105-399. - Reserved.](#)

Sec. 105-361. - Enforcement.

- (a) This article shall be enforced by the Director of the City of Lilburn Department of Planning and Economic Development or his duly authorized representatives, as applicable.
- (b) Whenever it is necessary to make an inspection to enforce the provisions of this Article, or whenever a police officer or code enforcement officer has reasonable cause to believe that there exists upon any property a condition or violation which is unsafe, dangerous, hazardous, or detrimental to the public interest, the officer may enter upon the grounds of such property at all reasonable times to inspect the same; provided, however that if such structure or property is occupied, the officer shall first present proper credentials and request entry upon such grounds. If such entry is refused, the officer shall have recourse to every remedy provided by law to secure entry upon such grounds.

Sec. 105-362. - Unlawful acts.

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

Sec. 105-363. - Liability.

No officer, agent, or employee of City of Lilburn shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties pursuant to this Article.

Secs. 105-364—105-399. - Reserved.