

ARTICLE IV. PROPERTY MAINTENANCE

DIVISION 1. GENERALLY

Sec. 18-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a structure detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. "Accessory structure" includes, but is not limited to, any portable, demountable or permanent enclosure, shade structure and carport or garage.

Alter or alteration means any change or modification in construction.

Approved means approved by the city.

Basement means a portion of a building located partly underground, but having less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

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

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

Boarding house means a building containing one (1) or more dwelling units but not more than twenty (20) dwelling units, all of which offer non-transient lodging accommodations, available only at weekly or longer rental rates to the general public. Meals may only be provided from a single central kitchen and compensation for such meals, if provided, shall be included in the weekly or longer rental rate. No restaurant, meeting, reception, or banquet facilities shall be provided.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Cellar means that portion of a building having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Chief of police means the chief of the Chamblee Police Department or designee.

City means Chamblee, Georgia.

Dangerous structure means any of the following:

- (1) An abandoned or vacant structure that constitutes a hazard to the health or safety of persons who may come on or near the property on which the structure is located and which is not fenced in or otherwise protected to reasonably prohibit public access thereto.

- (2) A structure that is severely damaged by fire, storm or other natural or manmade causes and which has remained in such damaged condition for a period of six (6) months or more and which constitutes a hazard to the health or safety of persons who may come on or near the property on which it is located.
- (3) A structure that is in a condition of being partially constructed and construction thereon has ceased for a period of twelve (12) months or more and which constitutes a hazard to the health or safety of persons who may come on or near the property on which it is located.
- (4) Any combination of the foregoing that would constitute a hazard to the safety and welfare of any person living on property located adjacent thereto.

Department means the police department or such other department as may hereafter be designated to enforce the provisions of this article.

Director means the chief of police or designee. If a department other than the police department is designated to enforce this article the term means the director of that department or designee.

Domestic sewage disposal system means a sewage disposal system designated or intended to dispose of domestic sewage that includes byproducts of domestic activities.

Dwelling means any structure which is wholly or partly used or intended to be used for living or sleeping by human occupants, whether or not such structure is occupied or vacant.

Dwelling unit means one (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household.

Egress means a way to exit from a structure or dwelling unit.

Exterior property means open space on the premises and on any adjoining property under the control of owners or operators of such premises.

Extermination means the control or eradication of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

Family means a group of individuals related by blood, marriage, adoption, guardianship or other custodial relationship, or not more than four (4) persons not so related, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan.

Floor area means the gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building.

Garbage means putrescible animal and vegetable wastes resulting from the preparation, cooking and serving of food and the storage of produce, tin cans, glass containers and newspapers.

Habitable room means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Heated water means water that has been heated sufficiently to ensure a temperature of not less than one hundred twenty (120) degrees Fahrenheit at the outlets.

Infestation means the presence of insects, rodents, vermin or other pests within or contiguous to a structure or premises.

Inoperable vehicle means:

- (1) A vehicle which is incapable of operation or use upon a highway; or
- (2) A vehicle that has no resale value except as a source of parts or scrap; or
- (3) Any wrecked or non-operable automobile, truck or other vehicle.

Inspection warrant means a warrant authorizing a search or inspection of private property where such search or inspection is necessary for the enforcement of any of the provisions of this article.

Lavatory means a washbowl or basin permanently installed with running hot and cold water.

Maintenance means the act of keeping buildings, structures and equipment in a proper condition so as to prevent their decline or failure.

Major overhaul means the repair, alteration or restoration of a motor vehicle which involves the removal of the paint or major parts of or the disassembly of major parts of a motor vehicle, including, without limitation, the following major parts: engine, body, interior seats, interior equipment necessary for the operation of the vehicle, and/or drive train.

Multiple dwelling means any dwelling which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of more than two (2) families living independently of each other, each doing its own cooking in such dwelling. "Multiple dwelling" includes a flat or apartment.

Occupant means any person, over one (1) year of age, living, sleeping, cooking, eating or having actual possession of a dwelling unit.

Operator means any person who has charge, care or control of a building, or part thereof, in which dwelling units are let.

Owner means any person, firm, corporation or entity who, alone or jointly or severally with others:

- (1) Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, prime tenant, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this article to the same extent as the owner.

Party-in-interest or *interest holder* means an individual, association, entity or corporation, executor, administrator, guardian, or trustee, that has a legal interest in or possession of a dwelling, building, or structure.

Plumbing means the practice, materials and fixtures used in the installation, repair, extension and alteration of all piping fixtures, appliances and appurtenances in connection with any of the following: Sanitary drainage or storm drainage facilities, the venting systems and the public or private water supply systems within or adjacent to any building, structure or conveyance; also the practice and materials used in the installation, repair, extension or alteration of stormwater, liquid waste or sewerage and watersupply systems of any premises to their connection with a point of public disposal or other approved terminal.

Premises means a lot, plot or parcel of land including dwellings, buildings, or structures thereon.

Proper or *properly* means in accordance with the general provisions of this article and in accordance with standards of cleanliness, stability and safety as required by this article.

Property means land and whatever is erected or growing upon or affixed thereto.

Public authority means any member of the city council, the city manager, the public works director, or the chief of police or his or her designee.

Reckless means the conscious disregard of a substantial and unjustifiable risk that an act or omission will cause harm or endanger the safety of another person and the disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

Repair means the replacement of existing work with approved material of a similar kind to that used in the existing work, not including additional work that would change the structural safety of the building or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of this article.

Rooming house means boarding house.

Rubbish means combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust or other similar materials.

Safety means the condition of being free from danger and hazards that may cause accidents or disease.

Sanitary sewage disposal system means a sewage disposal system designed and intended to dispose of sanitary and domestic wastes including all liquid and solid wastes from the flush toilet, lavatory, bathtub or shower and clothes washing machine.

Stairway means one (1) or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one (1) story to another in a building or structure.

Structure means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Trash means putrescible solid wastes, consisting of combustible and noncombustible materials such as, but not limited to, paper, cardboard, yard clippings, wood, glass, crockery and similar materials.

Toilet means a bowl flushed with water under pressure with a water-sealed trap above the floor level, used primarily for human elimination.

Townhouse means one (1) of a row of houses connected by common sidewalls.

Unfit for human habitation means designation of dwellings or dwelling units as so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that such create a serious hazard to the health or safety or which lack illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.

Unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not necessarily for cooking or eating purposes.

Unsanitary condition means the presence of a condition that is conducive to the spreading of disease or illness, or is conducive to harboring insects, rodents or other pests.

Ventilation means the process of supplying and removing air by natural or mechanical means to or from any space.

Water and sewer system includes private wells, public water utility mains, private septic tanks, sewage disposal systems and public sewer mains.

Water closet means a room containing a toilet or urinal but not a bathtub or shower.

Weeds means 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. This term shall not include cultivated flowers, fruits and vegetables and gardens.

Workmanlike condition of maintenance and repair means that such maintenance and repair shall be made in a reasonably skillful manner and in accordance with the requirements of all applicable manufacturer's specifications, ordinances and law.

Sec. 18-72. Purpose and findings.

- (a) The governing authority finds that there is a need to establish minimum standards governing the use, occupancy, condition and maintenance of property, dwellings, buildings, and structures. Left completely unregulated, the failure to properly maintain property can become a threat to public safety and a detriment to property values and to the city's general public welfare, as well as create an aesthetic nuisance. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of Chamblee in enacting this article is as follows:
- (1) To protect the health, safety and general welfare of the citizens of Chamblee, and to implement the policies and objectives of a comprehensive property management plan throughout the city through the enactment of a comprehensive set of regulations governing property maintenance in Chamblee;
 - (2) To preserve the value of property and maintain for the city's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interest of the city;
 - (3) To establish minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings, buildings and structures and surrounding premises safe, sanitary and fit for human use and habitation;
 - (4) To establish minimum standards governing the use, occupancy, condition and maintenance of property, dwellings, buildings, and structures;
 - (5) To promote and protect the public health and safety through the control of weeds and grass which constitute a fire hazard and a public nuisance;
 - (6) To fix certain responsibilities and duties of owners, operators and occupants of dwellings;
 - (7) To provide for the condemnation of buildings and structures deemed unfit for human use and habitation and provide for removal of such buildings at public expense after hearing;
 - (8) To authorize the inspection of dwellings and structures; and
 - (9) To prohibit property owners from maintaining property in a manner not expressly authorized by this article, to provide for the maintenance of property, and to provide for the enforcement of the provisions of this article.

Sec. 18-73. Scope and application.

- (a) Every building, dwelling or structure in the City of Chamblee, whether occupied or vacant, shall conform to the requirements of this article, regardless of when such building may have been constructed, altered or repaired. However, when a building, dwelling or structure is vacant, the owner shall only maintain the exterior of the property in compliance with this article, ensure the interior has been cleaned of trash, rubbish and debris, and secure the building, dwelling or structure in a closed and inaccessible manner until occupied. Any building, dwelling or structure that is vacant and closed shall be boarded to minimum specifications as determined by the chief of police. Owners shall conform their property to the full requirements of this article prior to the occupation of any vacant property. Where applicable, this article also governs the condition of unimproved property.
- (b) Repairs and alterations in restoring a building to its condition previous to damage or deterioration, or altering such building in conformity with this article in such manners as will not extend or increase an existing nonconformity or hazard may be made with approved materials similar in kind to those of which such building is constructed and are authorized by law.
- (c) Where repairs, alterations, construction, maintenance and work required to meet the provisions of this article are regulated and/or required to be permitted by other ordinances, such repairs, alterations, construction, maintenance and work shall comply with all provisions of this Code. In the event of a conflict between two (2) regulations, the regulation most recently enacted shall govern.
- (d) The provisions of this Code shall not be mandatory for existing buildings, dwellings or structures designated by the state or the city as historic buildings when such buildings, dwellings or structures are judged by the public authority to be safe and in the public interest of health, safety and welfare.

Sec. 18-74. Vehicles.

- (a) *Inoperable vehicles.* No owner or occupant of any premises shall park any inoperable vehicle or permit any other person to park any inoperable vehicle on the owner's or occupant's premises for more than seventy-two (72) hours, unless the inoperable vehicle is parked in an enclosed structure. This section does not apply to premises for which the zoning code permits the storage of junk vehicles outside an enclosed building. No person shall park any inoperable vehicle upon any public street, alley, or other public property. A court of competent jurisdiction shall have the authority, upon conviction of a violation of this subsection, to order the owner and/or occupant of the premises to replace ground cover beneath the inoperable vehicle, if appropriate.
- (b) *Major overhaul.*
 - (1) No person shall perform a major overhaul of any vehicle or permit any other person to perform a major overhaul of any vehicle on premises in a residential zone unless:

- a. The person performing the overhaul is the occupant of the premises;
 - b. The person performing the overhaul is the owner of the vehicle; and
 - c. The work is done inside a garage or enclosed structure; however, the major overhaul of such a vehicle on premises in a residential zone must be completed within three (3) days if such overhaul takes place outside of a garage or enclosed structure.
- (2) No person shall perform a major overhaul of any vehicle or permit any other person to perform a major overhaul of any vehicle on any premises in a business, commercial or industrial district, unless the overhaul is performed at an approved automobile sales or repair establishment.
- (c) *Tarps and covers over vehicles.* Within a residential zone, no owner or occupant of any premises shall cover a vehicle or permit any other person to cover a vehicle on the owner's or occupant's premises with anything other than a cover specifically designed for covering vehicles. Said covers must be maintained in a good clean condition at all times.
- (d) *Storage of vehicles used for recreational purposes.* No person shall park or permit any other person to park any inoperable or junk vehicles which are used for recreation purposes including, but not limited to, boats, snowmobiles, travel trailers, cargo trailers, campers, all-terrain vehicles and motor homes, on premises in a residential district, unless they are stored within an enclosed building. No person may park or permit any other person to park a vehicle used for recreation purposes except in the manner described in section 615 of the Chamblee Zoning Ordinances, as amended.
- (e) *Storage of machinery, implements and equipment.* No person shall park or permit any other person to park any machinery, implements or equipment designed for use in agriculture, construction or other commercial enterprise, unless the machinery, implement or equipment is parked in an enclosed garage. This requirement does not apply to single parcels zoned for commercial or industrial purposes. This requirement does not apply to such machinery, implements or equipment that is being used in construction of structures or dwellings so long as such machinery, implements or equipment is removed after fifteen (15) days.

Sec. 18-75. Vegetation and debris.

- (a) *Vegetation.* There shall be no dead or hazardous trees, shrubs, ground cover or weeds likely to: harbor vermin or insects, create a health menace or fire hazard, restrict or impede access to or public use of adjacent sidewalks and streets, obstruct traffic-control signs and devices and fire hydrants, or pose a risk of physical injury to the public.
- (b) *Height of grass and weeds.* Owners and occupants of property shall not permit weeds or grass within 150 feet of any building or structure to grow on such property to a height exceeding 12 inches.
- (c) *Debris.* There shall not be maintained on a property for more than seven (7) calendar days any used or damaged lumber, junk, trash, debris, scrap metal, concrete, sand, asphalt, cans, bottles, tires, salvage materials, boxes, containers, bins, and abandoned,

discarded, inoperative or unusable furniture, stove, refrigerator, freezer, sink, toilet, cabinet or other household fixtures, yard waste or equipment stored so as to be visible from public street, alley or from an adjoining property unless appropriate permits have been obtained from the city. Nothing herein shall preclude the placement of stacked firewood for use on the premises in the side or rear yards of the premises.

- (d) *Shared property.* Where parking in open areas is used jointly for the benefit of two (2) or more owners or tenants, the responsibility for maintaining these parking areas free of garbage and trash shall be the joint and several responsibility of the owners and tenants.

Sec. 18-76--18-90. Reserved.

DIVISION 2. DWELLINGS, ROOMING AND BOARDING HOUSES

Sec. 18-91. Compliance.

No person shall occupy as owner-occupant, or let or sublet to another for occupancy, any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein which does not comply with the provisions of this division. No person shall operate a rooming or boarding house, or shall occupy or let to another for occupancy any dwelling unit in any rooming house, except in compliance with this article and Code.

Sec. 18-92. Minimum environmental, occupancy and space requirements.

- (a) *Sanitation.* All exterior property areas and the interior of every dwelling shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. The storage, collection and disposal of refuse shall be in accordance with Chapter 74 (Solid Waste) of this Code, as amended.
- (b) *Stairs, porches, handrail and guards.* Every stair, porch, balcony, elevated floor, exterior and interior stairs including required handrails and guards shall be constructed per locally adopted building codes. They shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. All components that are broken, show excessive wear or are missing shall be replaced.

Sec. 18-93. Minimum requirements for safety.

- (a) *Dwelling prohibited in certain locations.* A dwelling shall not be located within a building or structure housing a business that handles, dispenses or stores flammable liquids.
- (b) *Cooking and heating equipment and facilities.* All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health and accident hazards. Portable cooking equipment employing a flame is prohibited in multiple dwellings.
- (c) *Storage of flammable or combustible materials.* Flammable or combustible materials of all types shall be stored safely in removable, air-tight containers and shall not be stored

in the vicinity of open heaters, kitchen ranges, furnaces or boilers or in the stairways or exit ways.

- (d) *Storage of explosive material.* No explosive material shall be stored or located so as to put in jeopardy either persons or property.
- (e) *Obstruction of exits.* There shall be no obstruction to or of fire escapes, ladders which may be used as escapes, stairways, aisles, exits, doors, windows, passageways or halls that are likely in the event of fire to interfere with the operations of the fire department or of the safety and ready egress of occupants.

Sec. 18-94. Basic sanitary and comfort facilities.

- (a) *Sanitary facilities required.* The minimum sanitary facilities set out in this article shall be provided by the owner and maintained in a sanitary, safe working condition.
- (b) *Water closet.* Every dwelling shall contain within its walls at least one (1) room, separate from the habitable rooms, which affords privacy and is equipped with a toilet and a lavatory. Windows with an aggregate glazing area of not less than three (3) square feet, one-half which must be openable shall be provided. The glazed area shall not be required where artificial light and a mechanical ventilation system are provided. Ventilation must meet current locally adopted building codes. At least one (1) toilet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system in good working condition shall be supplied for each four (4) rooms within a rooming or boarding house whenever the facilities are shared. All such facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Access to such water closet may not be through another dwelling unit.
- (c) *Bathtub or shower.* Every dwelling shall contain a room which affords privacy to a person and which is equipped with a bathtub or shower. At least one (1) bathtub or shower shall be available for every four (4) rooms in a rooming house or boarding house when a private bathtub or shower is not provided.
- (d) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink apart from the room with a water closet.
- (e) *Water and sewer system.* Every kitchen sink, lavatory basin, bathtub, shower and water closet shall be properly connected to an approved and properly operating water and sewer system. All sinks, lavatories, bathtubs and showers shall be provided with hot and cold running water.
- (f) *Water-heating facilities.* Every dwelling shall be equipped with water-heating facilities which are installed according to industry specifications, properly maintained and connected with hot water lines to the fixtures required by this Code to be provided with hot water. Water-heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility, or other similar unit, at a temperature of not less than one hundred twenty (120) degrees Fahrenheit at any time needed.

- (g) *Heating facilities.* Every dwelling shall have adequately vented heating facilities:
- (1) The heating facility shall be capable of maintaining a minimum room temperature of sixty-eight (68) degrees Fahrenheit at a point three (3) feet above the floor and two (2) feet from exterior walls in all habitable rooms and every room containing a toilet, shower or bathtub.
 - (2) The heating facilities shall be properly installed, maintained in a safe manner, and capable of delivering heat to the dwelling as required.
 - (3) Fuel fired heating equipment shall be connected to an approved chimney or vent.
- (h) *Plumbing and electrical system installation and maintenance.* In all dwellings, water lines, plumbing fixtures, vents, drains, stacks, waste and sewer lines shall be properly installed according to industry specifications and the Code of the City of Chamblee and maintained so as to function properly and shall be kept free from obstructions, leaks and defects. Electrical wiring and fixtures shall be installed, maintained and used according to industry specifications and the Code of the City of Chamblee and shall not be altered or allowed to deteriorate in any way that might create an unsafe condition.

Sec. 18-95. Electrical systems.

- (a) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electrical power in accordance with the adopted electrical code of the city.
- (b) Where a determination is made, upon examination of the existing electrical service supply, that such electrical service is obsolete or is being used in such a manner as would constitute a hazard to the occupants or would otherwise constitute a hazard to life and property, the following shall be used for determining the adequacy of such service supply and main disconnect switch:
- (c) The minimum capacity of the service supply and the main disconnect switch shall be sufficient to adequately carry the total load required in accordance with the electrical code of the city.

TABLE INSET:

Total Number of Lighting Electrical Outlets only	Capacity of Main Service Supply and Main Disconnect Switch (amps)
0--24	60
25--50	100

Sec. 18-96. Light and ventilation.

- (a) *Total window area.* All habitable rooms shall be provided with aggregate glazing area of not less than eight (8) percent of the floor area of the room. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be four (4) percent of the floor area. Glazing areas need not be provided where approved mechanical ventilation and artificial light is provided.
- (b) *Electrical lights and outlets required.* Every dwelling shall be wired for electric light and convenience receptacles. Every habitable room of such dwelling shall contain at least one (1) floor or wall-type electric convenience outlet. Every kitchen, bathroom, bedroom, corridor or hallway, and porch shall contain at least one (1) supplied ceiling or wall-type electric outlet. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- (c) *Light in public halls and stairway.* Every public hall and stairway in every multiple dwelling containing five (5) or more units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- (d) *Alternatives to windows.* Year-round mechanically ventilating conditioned air systems may be substituted for windows, as required in this section, in rooms other than rooms used for sleeping purposes. Window-type air-conditioning units are not included in this exception.
- (e) *Bathroom.* Windows in bathrooms shall comply with section 18-79(b) of this Code.

Sec. 18-97. Exterior property areas.

- (a) *Accessory structures:* Accessory buildings and structures shall be structurally sound and be maintained in good repair or such buildings and structures shall be removed. All surfaces shall be maintained free of broken glass, loose shingles, peeling paint, crumbling stone, brick or cement or other conditions reflective of deterioration or inadequate maintenance. The exterior walls, roofs, windows, window frames, doors, doorframes, foundations and other portions of every building and structure shall be so maintained as to prevent deterioration from water and weather. Damaged materials must be repaired or replaced promptly. Places showing signs of rot, leakage, deterioration or corrosion are to be restored and protected against weathering or seepage.
- (b) *Fences and retaining walls :* All fences and retaining walls on the premises shall be structurally sound and kept in good repair. The fence posts shall be firmly set in a base that does not allow the posts to shift. The fence railings or slatting shall be firmly attached to the supporting posts. Gaps or wedges in a retaining wall shall be restored to the original condition. Fences and retaining walls shall not encroach on the public right-of-way and must be maintained in a manner that will protect the fence or wall from rotting, decay, deterioration, or loss of structural integrity.

- (c) *Foundations, walls and roof* : Every foundation, exterior wall, roof and chimney and all other exterior surfaces shall be maintained plumb and free from open cracks and breaks. Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. The foundation elements shall adequately support the building at all points.
- (d) *Exterior walls* : Every exterior wall, including screened-off areas, doors and windows, shall be free of holes, breaks, loose or rotting boards or timbers, or any conditions which might admit rain, dampness or insects to the interior portions of the walls or to the occupied spaces of the building. All exterior wall or surface material, once painted, must be kept in good repair free of peeling, cracked, blistered paint, graffiti, or paint weathered to an uneven and spotty condition. Any exterior wall or surface material must be protected against weathering.
- (e) *Exterior openings* : Every exterior opening shall be fitted with a window, door or basement hatchway cover, as appropriate, which shall be tight and maintained in sound condition and good repair to exclude wind and prevent the entrance of rodents, rain and surface drainage water into the dwelling or structure. Every doorway which gives access from a habitable room or dwelling unit into a common passageway, hall, stairway or the exterior shall be fitted with a door, equipped with hardware capable of ensuring security and privacy to the occupants of such habitable room or dwelling unit.
- (f) *Windows and screens* : Every window shall be in good condition and fit tightly within its frame so as to exclude wind and rain as completely as possible from entering the dwelling or structure. All windows shall be fully supplied with glass windowpanes or an approved substitute without cracks or holes. Windows, other than fixed windows, shall be capable of being easily opened and shall be held in position by window hardware. Any window that is open shall have a screen in place covering the open window area. Screens shall be maintained in good repair. When present, awnings are to be kept in good repair. Every other opening located within four (4) feet of the ground level shall be protected against the possible entry of insects and rodents. Dwelling units containing central air-conditioning equipment are not required to have screens on window openings.
- (g) *Doors* : Every exterior door shall be maintained in good condition and when closed shall fit well within its frame so as to exclude wind and rain as completely as possible from entering the dwelling or structure. Every door hinge and door latch shall be maintained in good condition. Every door available as an exit shall be capable of being easily opened from the inside.
- (h) *Stairs, porches and appurtenances*. Every inside and outside stair, porch, and any appurtenance thereto of every structure used for human habitation shall be capable of supporting the load that normal use may cause to be placed thereon and be maintained in sound condition and good repair.
- (i) *Secondary means of egress*. Every dwelling unit shall have no less than one (1) exit door. The required exit door shall provide for direct access from the habitable portion of the dwelling to the exterior without requiring travel through any other dwelling units or a private garage. The required exit door shall be a side-hinged door not less than three (3) feet in width and six (6) feet, eight (8) inches in height.

- (j) *Emergency escape routes.* Basements with habitable space and every sleeping room below the fourth floor shall have at least one (1) operable emergency escape and rescue window or exterior door opening for emergency escape and rescue.

Sec. 18-98. Building interiors.

- (a) *Freedom from dampness.* Every building shall be maintained free from dampness to prevent conditions conducive to decay, mold, electrical hazards or deterioration of the structure.
- (b) *Structural members.* The supporting structural members of every building shall be structurally sound, showing no evidence of deterioration or damage that would render them incapable of carrying the imposed loads.
- (c) *Interior walls, ceilings and floors.* All interior walls, ceilings and floors shall be structurally sound, in good repair, free from defects and painted or decorated.
- (d) *Bathroom and kitchen floors.* Every kitchen and wet floor areas of bathrooms shall be covered and protected by non-absorbent floor coverings. Dressing areas may transition to carpet.

Sec. 18-99. Dwelling space.

- (a) *Required space in dwellings.* Every dwelling shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor area per additional occupant.
- (b) *Required space in sleeping rooms.* In every dwelling of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.
- (c) *Minimum ceiling height.* At least one-half of the floor area of every habitable room, foyer, hall or corridor shall have a ceiling height of at least seven (7) feet. The floor area of that part of any room where the ceiling height is less than seven (7) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum occupancy thereof.
- (d) *Conditions to inhabiting basement.* No cellar shall be used as a habitable room. No basement shall be used as a habitable room or dwelling unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface runoff water and are adequately protected against dampness;
 - (2) The total window area in each room is equal to at least the minimum window area required by this division;

- (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area or is equipped with an adequate window well providing light and ventilation; and
- (4) The total of openable window area in each room is equal to at least the minimum as required under this division, except where there is supplied some other device affording adequate ventilation, and approved by the city.
- (5) All sleeping rooms shall have an emergency escape window or door leading directly to the exterior.

Sec. 18-100. Sanitation.

- (a) *Sanitation.* Every owner of a dwelling containing two (2) or more rooms shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof. The operator of every rooming or boarding house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the house.
- (b) *Cleanliness.* Every occupant of a rooming house, boarding house, or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling and/or dwelling unit and any premises thereof which such person occupies and controls or which is provided for such person's particular use.
- (c) *Garbage disposal.* Every occupant of a dwelling or dwelling unit shall dispose of garbage and any other organic waste, which might provide food for rodents and insects, and rubbish in a clean and sanitary manner by placing such in the garbage disposal facilities or garbage or rubbish storage containers.
- (d) *Extermination.* Every occupant of a dwelling or dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. Notwithstanding the foregoing provision, whenever infestation is caused by failure of the owner to maintain a dwelling in a reasonable rodent-proof and insect-proof condition, extermination shall be the responsibility of the owner.
- (e) *Use and operation of supplied plumbing fixtures.* Every occupant of a dwelling or dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (f) *Grading and drainage.* All premises shall be graded so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

Sec. 18-101--18-115. Reserved.

DIVISION 3. ADMINISTRATION, ENFORCEMENT, VIOLATION AND PENALTIES

Sec. 18-116. Enforcement generally.

- (a) The chief of police is hereby authorized and directed to administer and enforce all of the provisions of this article. Authorized agents of the department may be selected and vested by the chief of police with the police power to prosecute persons charged with violating the terms of this article and to take all necessary steps to ensure compliance with the terms of this article.

- (b) Whenever necessary to make an inspection or to enforce any of the provisions of this article or whenever the chief of police has reasonable cause to believe that there exists in any building or structure any condition which makes such building or structure unsafe, the chief of police may enter the building or structure during normal work hours with the consent of the owner or an inspection warrant to inspect the same or to perform any duty imposed upon the chief of police by this article.
 - (1) If such property is occupied, the chief of police shall first present proper credentials and request and obtain consent to enter before entering the building or structure. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.
 - (2) If no consent has been given to enter or inspect any building or structure, no entry or inspection shall be made without the procurement of a warrant from a Chamblee Municipal Court Judge, Magistrate of DeKalb County, or a Judge of the State or Superior Court of DeKalb County.
 - (3) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.
 - (4) The chief of police may enter the premises without consent or an inspection warrant to make an inspection or enforce any provisions of this Code only if so authorized by state or federal law.

Sec. 18-117. No financial interest.

No official or employee of the police department, the development department, the public works department or the department making inspection of properties for the purpose of determining the necessity for repairs or corrections shall or may have any financial interest, directly or indirectly in any repairs or corrections which may be required by this article.

Sec. 18-118. Owner's right of entry.

Every occupant of a building, dwelling, or dwelling unit shall give the owner thereof, or the owner's agents or employees, access to any part of such building, dwelling or dwelling unit or its premises, at all reasonable times, for the purpose of maintenance, improving or making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful rule or regulation adopted pursuant to the provisions of this article.

Sec. 18-119. Stopping work.

Whenever the department determines defective or illegal work is performed in violation of a provision or requirement of this article, it shall order, in writing, all further work to cease until such defective or illegal work is corrected.

Sec. 18-120. Prohibited manner of managing or controlling real property.

- (a) It shall be a violation of this article for any person who has management authority over or control of property within a residential zoning district, whether as a legal or equitable owner, managing agent, leasing agent, rental agent or otherwise, to recklessly permit the physical condition or facilities of the property to become or remain in any condition which endangers the health or safety of any person. Such conduct shall include, but not be limited to:
- (1) Recklessly allowing property to be improperly secured, resulting in the commission of a crime against a resident of the property or against any other person;
 - (2) Recklessly allowing property to collapse or partially collapse, resulting in injury to a person inside or outside of a building;
 - (3) Recklessly allowing property to remain in violation of applicable building codes, fire codes, or other applicable provisions of this Code;
 - (4) Recklessly failing to respond to reasonable requests by the city to repair property that is in violation of an applicable provision of the Code; or
 - (5) Recklessly endangering the health and safety of any person by illegally altering or modifying a structure to increase the number of dwelling units or habitable rooms within the structure, or by allowing any such alteration or modification to continue or be used.
- (b) Any person found to have violated subsection (a) shall be subject to a fine of not less than five hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be regarded as committed each day on which such person shall continue any such violation.
- (c) This section shall not apply to any freestanding, owner-occupied single-family home or to any owner-occupied townhouse; provided, however, the requirements of this section shall apply to any single-family home, or townhouse, which is rented, or to any structure that is altered or modified in violation of this Code.
- (d) This section shall not apply to any person who is a tenant on the property or in the structure that is the subject of the violation so long as such tenant has no ownership interest in the property or structure.

Sec. 18-121. Violations.

A person who violates a provision of this article or fails to comply with this article is guilty

of an offense. The owner of a building, structure or premises, where anything in violation of this article shall be placed or shall exist, or any person who may have assisted in the commission of such violation, shall each be guilty of a separate offense. A purchaser, transferee, lessee or mortgagee who has actual or constructive knowledge of the issuance of a citation or notice of violation pursuant to this article shall be deemed to have notice of the violation as of the date of such sale, transfer, lease or mortgage.

Sec. 18-122. Penalties.

- (a) Any person, firm or corporation that does anything prohibited or fails to do anything required by the provisions of this article, as they now exist or as they may hereafter be amended, upon citation by the chief of police or his/her designee and conviction of the violation in a court of competent jurisdiction, shall be subject to a fine and/or imprisonment in accordance with the city charter. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.
- (b) Without limiting the foregoing, upon the presentment of evidence, the judge may consider whether the imposition of a sentence authorized under this article would:
 - (1) Result in undue burden or hardship;
 - (2) Alter or impair the obligations created by court order or decree; or
 - (3) Otherwise not further the health, safety and welfare of the citizens of the City of Chamblee.

Sec. 18-123--18-149. Reserved.