

# Property Maintenance Code Of The City of Holly Springs



**Community Development Department**  
Division of Inspections and Code Enforcement

*Adopted September 17, 2007*

*Appendix A - Nuisances*

Rev. Nov. 2010



## CHAPTER 1

# ADMINISTRATION

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the Property Maintenance Code of the City of Holly Springs hereinafter referred to as “this code.”

**101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required therein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the *Georgia State Minimum Standard Existing Building Code*.

**101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### SECTION 102 APPLICABILITY

**102.1 General.** The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

**102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued

for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *Georgia State Minimum Standard Existing Building Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the city Zoning Ordinances and such other state and city codes and laws, rules and regulations that may be applicable, as determined by the code official.

**102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe, and unsanitary.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer’s installation instructions.

**102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Wherever in this code the word “International” appears referencing particular ICC codes, the word “International” shall be deleted and the words “Georgia State” shall be inserted in its place.

**102.8 Requirements not covered by code.** Requirements necessary of the strength, stability, or proper operation of an

existing fixture, structure, or equipment, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the code official.

### SECTION 103 DIVISION OF INSPECTIONS AND CODES ENFORCEMENT

**103.1 General.** The Division of Inspections and Codes Enforcement are hereby established within the Building Department, known as, “the department.” The official in charge of the Division of Inspections and Codes Enforcement shall be the chief building inspector official, hereinafter referred to as the code official.

**103.2 Appointment.** The code official shall be hired and appointed by the City Manager (the appointing authority).

**103.3 Deputies/Designees.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to designate a deputy code official, other related technical officers, and inspectors (Designees).

**103.4 Liability.** The code official, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established by the Governing Authority.

### SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

**104.1 General.** The code official and/or designees and the Police Department shall enforce the provisions of this code.

**104.2 Rule-making authority.** The code official shall have authority as necessary in the interest of the public health, safety, and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

**104.3 Inspections.** The code official shall make all of the required inspections, or may accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.4 Right of entry.** The code official is authorized to enter a structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

**104.5 Identification.** The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Notice and Orders.** The code official shall issue all necessary notices and orders to ensure compliance with this code.

**104.7 Department Records.** The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

**104.8 Coordination of inspections.** Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector’s authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

**SECTION 106  
VIOLATIONS**

**SECTION 105  
APPROVAL**

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

**105.2 Alternative materials, methods, and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance, at the expense of the client/private party, proposing said alternate method.

**105.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

**105.3.2 Test reports.** Reports of tests shall be retained by the code official for the period required for retention of public records.

**105.4 Material and equipment reuse.** Materials, equipment, and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved.

**106.1 Unlawful acts.** It shall be unlawful for a person, firm, or corporation to be in conflict with, or in violation of, any of the provisions of this code.

**106.2 Notice of violation.** The code official shall serve a notice of violation or order in accordance with Section 107.

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. See Section 112.

**106.4 Violation penalties.** Any person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted in accordance with Section 112, within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**106.5 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises.

**SECTION 107  
NOTICES AND ORDERS**

**107.1 Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person deemed responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

- 1. Be in writing.
- 2. Include a description of the real estate sufficient for identification.

3. Include a statement of the violation or violations and why the notice is being used.
4. Include a statement to contact the code official to receive orders for violation correction.

**107.3 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail, or professional courier addressed to the last known address; or
3. If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

**107.4 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

**107.5 Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. Such statement from the grantee, transferee, mortgagee, or lessee shall be delivered to the code official within 30 days of sale or transfer, under penalty of law.

**107.6 Stop Work Order.** A Stop Work Order (Cease and Desist Notice) shall be issued to those sites found in violation of working without required city permits or licenses or using a site in violation of city codes and ordinances. Such stop work order may be issued by any city department and shall comply with code sections 107.1 through 107.4.

## SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

**108.1 General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or found unlawful, such structure may be condemned pursuant to the provisions of this code.

**108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of

the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or unsafe condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary, or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied or used by more persons than permitted under this code, or was erected, altered, or occupied contrary to law.

**108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource. See also Section 903.

**108.3 Notice.** Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the

condemned equipment. The notice shall be in the form prescribed in Section 107.2.

**108.4 Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment, or removing the placard.

**108.4.1 Placard removal.** The code official shall remove the condemnation whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation without the approval of the code official shall be subject to the penalties provided by this code.

**108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

## SECTION 109 EMERGENCY MEASURES

**109.1 Imminent danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupancy of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action

to be taken as the code of official deems necessary to meet such emergency.

**109.3 Closing streets.** When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

**109.4 Emergency repairs.** For the purposes of this section, the code official may employ the necessary labor and materials to perform the required work as expeditiously as possible.

**109.5 Costs of emergency repairs.** Cost incurred in the performance of emergency work may be paid by the jurisdiction. The legal counsel of the jurisdiction may institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## SECTION 110 DEMOLITION

**110.1 General.** The code official shall order the owner of any premises upon which is located any structure, which in the code official’s judgment is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, use, or occupancy and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than six months, or other reasonable period of time as established by the city, to demolish and remove such structure.

**110.2 Notices and orders.** All notices and orders shall comply with Section 107.

**110.3 Failure to comply.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**110.4 Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The new proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

**SECTION 111  
APPEALS**

**111.1 Application for appeal.** Any person directly affected by a decision of the code official or notice or order issued under this code shall have the right to appeal to the Zoning Board of Appeals (ZBA or “appeals board”) provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Citations issued to violators of this code, by the code official to the Municipal Court of the City of Holly Springs, shall not be appealable to the appeals board (Section 112).

**111.2 Board decision.** The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

**111.2.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

**111.2.2 Administration.** The code official shall take immediate action in accordance with the decision of the board.

**111.3 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the City Attorney.

**111.4 Stays of enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Appeals Board.

**SECTION 112  
CITATION PROCEDURES**

**112.1 Authorization.** The sworn code official and sworn designees and the Police Department are hereby authorized to issue citations (“summons”) to violators of this code, to the Municipal Court of the City of Holly Springs.

**112.2 Sworn Authority.** The code official and designees shall be sworn by the Municipal Judge of the City of Holly Springs or equivalent authority.

**112.3 Citation Procedures.** Prior to the issuance of a citation(s) to violator(s) of this code, the code official and designees must exhaust all remedies toward garnering code compliance from said violator(s), except in cases of emergency (See Section 109). The Police Department shall not be bound to these procedures.

**112.3.1 Exhaustion of Procedures I.** Except for emergency situations, the code official and designees shall adhere to the procedures set forth in this code, placing violator(s) on notice of noncompliance, allotting reasonable and established schedules (time) for code compliance.

**112.3.2 Exhaustion of Procedures II.** Except for emergency situations, the code official and designees shall provide violator(s) with at least two separate notices, in writing, to comply with this code, with a reasonable schedule (time) given after the issuance of each notice, for the violator(s) to achieve compliance with this code. Notices shall be issued in accordance with this code.

**112.3.3 Issuance.** At the expiration of the schedule (time) allotted following the issuance of the second notice, the code official or designee is authorized to issue a citation(s) (“summons”) to the violator(s) to the Municipal Court of the City of Holly Springs. The code official does have the discretion to issue additional notices to comply, instead of citation(s), if deemed necessary and appropriate, depending on the circumstances.

**112.3.4 Repeat Violators/Violations.** Nothing herein shall preclude the code official from summarily issuing citation(s) to repeat violators of this code.

**112.4 Issuance Procedures.** The code official and designees shall follow the established municipal court and police department procedures with regard to the issuance of citations. Upon citation issuance, the code official shall coordinate with the municipal court clerk to docket the case and prepare for the hearing. Service of the citations shall include: United States Mail, Certified-Return Receipt, Commercial Carrier or

Courier Service with deliver date verification, or by the police department or sheriff's office.

**112.5 Hearing Preparation.** The code official and designees shall document evidence of violations of this code, beginning with the issuance of the first notice to comply and thereafter. Evidence shall include, but not be limited to: photographs, sound and video recordings, notes, correspondence, compliant forms, and witness testimony. The code official shall prepare all evidence and provide said evidence to the City Solicitor prior to the hearing.

**112.6 Hearing and Adjudication.** The hearing and court procedures shall adhere to those established by the Official Code of the City of Holly Springs, Georgia, for the Municipal Court of the same.

**112.7 Penalties.** Penalties, including fines and judgment orders, shall be issued in accordance with the Official Code of the City of Holly Springs, Georgia, for the Municipal Court of the same.

## CHAPTER 2

### DEFINITIONS

#### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the Georgia State Minimum Standard Building and Fire Codes, such terms shall have the meanings ascribed to them as in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.** Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit,” “structure,” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

#### SECTION 202 GENERAL DEFINITIONS

**APPROVED.** Approved by the code official.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a toilet, lavatory, and bathtub or shower.

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

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for occupancy or use.

**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.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owners(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

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

**EXTERMINATION.** The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

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

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**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.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, or eating which does not contain, within such a unit, a toilet, lavatory, or a bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin, or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which can not be driven upon the public streets for reason including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol, or other

identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**LET FOR OCCUPANCY OR LET.** To permit, provide, or offer possession, or occupancy, of a dwelling, dwelling unit, rooming unit, building, premise, or structure, or any portion thereof, by a person who is or is not the legal owner of record, or not the owner with the owner’s written possession, or pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**LIVESTOCK.** The term “livestock” as used herein shall mean and include cattle, horses, goats, sheep, swine, poultry, ducks, geese and other fowl; and rabbits, minks, foxes and other fur or hide bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale.

**LIVING AREA.** Any space that does not include bedrooms, bathrooms, or toilet rooms.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight, or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**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, county, or municipality 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.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is

dede, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURAL MEMBERS.** Support that is a constituent part of any structure or building.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

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

**VACANT STRUCTURE.** Any structure that is:

- A. Condemned or declared an immediate hazard by the code official; or
- B. Unless under construction, unoccupied and unsecured for five (5) days or more (for purposes of this definition, "unsecured" shall mean that the doors or windows have not been locked or are broken permitting entry); or
- C. Unoccupied with at least one housing maintenance, fire or building code violation existing for thirty (30) days or more; or
- D. Unoccupied with at least one property maintenance violation existing for thirty (30) days or more; or

- E. Unoccupied and boarded up for thirty (30) days or more;  
or
- F. A residential structure that is lacking the habitual presence of human beings, who have a legal right to be on the premises, for 90 consecutive days, which is substantially devoid of contents; or
- G. A multi-family residential property, including mobile home parks and locations, with ten (10) or more dwelling units with 90 percent or more of the dwelling units unoccupied; or
- H. A duplex or structure with up to nine (9) units with at least 50 percent or more of the dwelling units unoccupied for 90 consecutive days, which is substantially devoid of contents; or
- I. A commercial structure at which substantially all lawful business has ceased for 90 consecutive days; or
- J. A multi-tenant structure or shopping center with a vacancy rate of 70 (seventy) percent or more of the gross floor area; or
- K. Any foreclosed structure or property that is unoccupied for more than ninety (90) consecutive days.

**VACANT STRUCTURE REGISTRATION**

**CERTIFICATE.** That document issued by the City as set forth in this code, for structures meeting the definition of a "vacant structure".

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

## CHAPTER 3 GENERAL REQUIREMENTS

### SECTION 301 GENERAL

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property on residential and non-residential properties.

**301.2 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**301.3 Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. See also Section 903.

### SECTION 302 EXTERIOR PROPERTY AREAS

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**302.2 Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** Approved retention areas and reservoirs.

**302.3 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**302.4 Yards,** All premises, yards, vacant lots, places and exterior property shall be maintained free from weeds in excess of 12 inches in height. All noxious weeds shall be prohibited. Yards shall begin at the edge of public pavement.

Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

All trees, shrubs, or other vegetation on the premises that block visibility of oncoming traffic from driveways or road intersections, or that are a danger to the public, or that are in advanced stages of rot, decay, or dying, as determined by the city building official or his/her designee, shall be moved or removed and disposed of by the premises owner in a manner approved by the code official.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a violation notice, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction.

Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction, or contractor hired by the jurisdiction, shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

**302.4.1 Public Property.** Private property owners shall not degrade the public property or right-of-way areas adjacent their premises with the parking of vehicles, the placement of debris and junk, or any action that would deteriorate said property.

**302.5 Infestation.** All structures and exterior property shall be kept free from insect, rat, vermin, or other pest harborage and infestation. Where insects, rats, vermin, or other pests are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate harborage and prevent reinfestation.

**302.6 Exhaust vents.** Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**302.7 Accessory structures.** All accessory structures, including detached garages, storage buildings, playhouses, barns, fences, and walls, shall be maintained structurally sound and in good repair.

**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of

vehicles is prohibited unless conducted inside an approved spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

**302.9 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

**302.10 Livestock (Raising and Keeping).** The raising or keeping of livestock (personal pleasure) on a lot owned or leased by the owner of the livestock shall be allowed in each zoning classifications on tracts of two (2) acres or more, limited to one acre per animal.

The keeping and maintenance of livestock shall be for non-commercial purposes in all residential districts.

The placement of livestock on any tract within all zoning classifications shall be kept within appropriate fencing.

Barns or accessory structures associated with said livestock shall be set back at least seventy five (75) feet from any property line.

## SECTION 303

### SWIMMING POOLS, SPAS AND HOT TUBS

**303.1 Swimming pools and similar structures.** Swimming pools and similar structures, such as spas and hot tubs, shall be maintained in a clean and sanitary condition, and in good repair.

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be surrounded by an effective barrier at least 60 inches in height above the finished ground level measured on the side of the barrier away from the pool.

Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost.

No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

## SECTION 304 EXTERIOR STRUCTURE

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. 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 as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

**304.4 Structural members.** All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and pests.

**304.6 Exterior walls** All exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained weatherproof and properly surface coated where required to prevent deterioration.

**304.7 Roofs and drainage.** The roof and flashings shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in

good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

**304.9 Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch, balcony and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.11 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, other towers, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating material, such as paint or similar surface treatment.

**304.12 Handrails and guards.** Every handrail and guard shall be firmly fastened in place and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in a sound condition, in good repair, and weather tight.

**304.13.1 Glazing** All glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens.** For both commercial and residential buildings, during the period from 1 April through 30 September, every exterior door, window, and other outside opening required for ventilation of commercial buildings, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or

stored, shall be supplied with approved tight fitting screens of not less than 16 mesh per inch and every swinging door shall have a self closing device in good working condition.

**Exception:** This requirement does not apply to restaurant patio seating areas.

**304.15 Doors.** All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units, and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**304.16 Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

**304.17 Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows, other approved protection against the entry of rodents.

**304.18 Building security.** Doors, windows, or hatchways for dwelling units, room units, or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

**304.18.1 Doors.** Doors providing access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob, or a key, and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed in such a manner so as to be operable inside of the dwelling unit, rooming unit, or housekeeping unit without the use of a key, tool, combination thereof, or any other special knowledge or effort.

**304.18.2 Windows.** Operable windows, located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below, that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased, or let shall be equipped with a window sash locking device.

**304.18.3 Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased, or let shall be equipped with devices that secure the units from unauthorized entry.

## SECTION 305 INTERIOR STRUCTURES

**305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**305.2 Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**305.4 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**305.5 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**305.6 Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## SECTION 306 HANDRAILS AND GUARDRAILS

**306.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony or porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards.

Handrails shall not be less than 30 inches high or more than 38 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

Guards shall not be less than 36 inches high in residential dwelling unit uses, or 42 inches high in other uses, above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** Guards shall not be required where exempted by the adopted building code.

## SECTION 307 RUBBISH AND GARBAGE

**307.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**307.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**307.2.1 Rubbish storage facilities.** The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**307.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

**307.3 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in an approved garbage disposal facility or approved garbage containers.

**307.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

**307.3.2 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

**SECTION 308  
EXTERMINATION**

**308.1 Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

**308.2 Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**308.3 Single occupant.** The occupant of a one family dwelling or of a single tenant nonresidential structure shall be responsible for extermination on the premises.

**308.4 Multiple occupancy.** The owner of a structure containing two or more dwelling units, multiple occupancy, a rooming house, or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

**308.5 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure.

**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

## CHAPTER 4

LIGHT, VENTILATION AND  
OCCUPANCY LIMITATIONSSECTION 401  
GENERAL

**401.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation, and space for occupying a structure.

**401.2 Responsibility.** The owner of the structure shall provide and maintain light, ventilation, and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

**401.3 Alternative devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *Georgia State Minimum Standard Building Codes* shall be permitted.

SECTION 402  
LIGHT

**402.1 Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors, nor to a court, and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

**402.2 Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one and two family dwellings, shall be lighted at all times with at least a 60

watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.

**402.3 Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403  
VENTILATION

**403.1 Habitable spaces.** Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through and adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

**403.2 Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

**403.3 Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

**Exception 1:** Where specifically approved in writing by the code official.

**Exception 2:** Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

**403.5 Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer’s instructions.

**SECTION 404  
OCCUPANCY LIMITATIONS**

**404.1 Privacy.** Dwelling units, hotel or motel units, housekeeping units, rooming units, and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

**404.3 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 (2134 mm).

**Exceptions:**

1. In one and two family dwelling, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) 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 (2033 mm) with not less than 6 feet 4 inches (1932 mm) 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 5 feet (1524 mm) or more shall be included.

**404.4 Bedroom requirements.** Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Area for sleeping purposes.** Every bedroom occupied by one person shall contain at least 50 square feet (6.5 m<sup>2</sup>) of floor area for each occupant thereof.

**404.4.2 Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

**Exception:** Units that contain fewer than two bedrooms.

**404.4.3 Toilet<sup>1</sup> accessibility.** Every bedroom shall have access to at least one toilet without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one toilet located in the same story as the bedroom or an adjacent story.

**404.4.4 Prohibited occupancy.** Kitchens, garages, accessory structures, bathrooms, closets, living rooms, dining rooms, hallways, storage areas, garages, attics and unfinished basements shall not be used for sleeping purposes.

**404.4.5 Other requirements.** Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water heating facilities requirements of Chapter 5; the heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

**404.5 Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5  
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 Occupants	3-5 Occupants	6 or more occupants
Living Area	No requirements	200	250
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093m<sup>2</sup>

**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear area of not less than 220 square feet. A 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 Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facilities, each

<sup>1</sup> The ICC and the IBC generally use the terms “water closet” and “toilet” interchangeably. Should confusion arise, the interpretation by the context of the situation, as determined by the code official, shall rule.

having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

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 three.

**404.7 Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## CHAPTER 5

PLUMBING FACILITIES AND  
FIXTURE REQUIREMENTSSECTION 501  
GENERAL

**501.1 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities, and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premise which does not comply with the requirements of this chapter.

SECTION 502  
REQUIRED FACILITIES

**502.1 Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet, and kitchen sink which shall be maintained in a sanitary safe, working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**502.2 Rooming houses.** At least one water closet, lavatory, and bathtub or shower shall be supplied for each four rooming units.

**502.3 Hotels.** Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory, and one bathtub, or shower having access from a public hallway shall be provided for each ten occupants.

**502.4 Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503  
TOILET ROOMS

**503.1 Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall, or other space, or to the exterior. A door and interior locking device shall be provided for all toilet rooms and bathrooms.

**Exception:** Common or shared public toilet rooms with more than one toilet shall not be lockable but shall be provided with privacy screening at each toilet facility.

**503.2 Location.** Toilet rooms and bathrooms serving hotel units, rooming units, or dormitory units, or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease, or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

**503.4 Floor surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504  
PLUMBING SYSTEMS AND FIXTURES

**504.1 General.** All plumbing fixtures shall be properly installed and maintained in good working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary, and functional condition.

**504.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure, by reason of inadequate service, inadequate venting, cross connection, backsiphonage, and improper installation, deterioration, or damage, or for similar

reasons, the code official shall require the defects to be corrected to eliminate the hazard.

### SECTION 505 WATER SYSTEM

**505.1 General.** Every sink, lavatory, bathtub, or shower, drinking fountain, water closet, or plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water in accordance with the *Georgia State Minimum Standard Plumbing Code*.

**505.2 Contamination.** The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture.

Shampoo basin faucets, janitor sink faucets, and other hose bibs, or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature of not less than 110°F (43°C).

A gas burning water heater shall not be located in any bathroom, toilet room, bedroom, or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**505.5 Hot water recirculation pump.** All hot water within residential homes shall be required to have a hot water recirculation pump installed per city code.

**Exception:** Existing structures undergoing minor repair or where removal of ceiling and wall cover would make compliance impractical. Determination shall be made by the Building Official.

### SECTION 506 SANITARY DRAINAGE SYSTEM

**506.1 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line, fixture, fitting, appliance, and appurtenance shall function properly and be kept in good working order and in a sanitary condition free from obstructions, leaks, and defects.

### SECTION 507 STORM DRAINAGE

**507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

**507.2 Flow control.** Discharge from roofs, paved areas, yards and courts, and other areas on premises shall flow away from building foundations, shall not flow into sanitary sewers, and shall flow to a location approved by the city.

Yards and premises shall not be graded or shaped to direct undue storm water discharge upon adjacent land or property and shall not contain low areas where water may be trapped and induce insect breeding.

Storm water discharge piping systems shall be constructed and installed in accordance with Georgia State Minimum Standard Plumbing Code.

## CHAPTER 6

## MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601  
GENERAL

**601.1 Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided in a structure intended to be occupied by humans.

**601.2 Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602  
HEATING FACILITIES

**602.1 Facilities required.** Heating facilities shall be provided in structures as required by this section.

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms based on the winter outdoor design temperature for the locality indicated in the *Georgia State Energy Code for Buildings (IECC)*.

Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Such heating facilities shall be kept clean and in good working order.

**602.3 Heat supply.** Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory, or guest room, on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from 1 October through 30 April to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Such heating facilities shall be kept clean and in good working order.

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from 1 October through 30 April to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. Such heating facilities shall be kept clean and in good working order.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**602.5 Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603  
MECHANICAL EQUIPMENT

**603.1 Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**603.2 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent in good working order.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**603.3 Clearances.** All required clearances to combustible materials shall be maintained in accordance to the appliance manufacturer's instructions.

Fuel fired appliances located in garages or other areas where motorized vehicles may be stored shall have their source of ignition elevated at least 18 inches above the floor.

Where subject to vehicle impact, all appliances shall be protected by an effective barrier sufficient to resist an impact force of 6,000 pounds at a point 36 inches above the floor.

**603.4 Safety controls.** All safety controls for fuel burning equipment shall be maintained in effective operation.

**603.5 Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel burning equipment shall be provided for the fuel burning equipment.

**603.6 Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

**603.7 Duct systems.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

All ductwork, grilles, registers, controls, and similar accessories of an appliance system shall be firmly secured in place and in good working order.

#### **SECTION 604 ELECTRICAL FACILITIES**

**604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *Georgia State Minimum Standard Electrical Code*.

Dwelling units shall be served by a three-wire 120/240 volt, single phase electrical service and disconnecting means having a rating of not less than 100 amperes.

**604.3 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlet, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

#### **SECTION 605 ELECTRICAL EQUIPMENT**

**605.1 Installation.** All electrical equipment, wiring and appliances, fixtures, devices, and appurtenances shall be properly installed and maintained in a safe and approved manner and shall be maintained in good working order.

**605.2 Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

**605.3 Lighting fixtures.** Every exterior entry door, public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, furnace room, water heater room, garage, and basement shall contain at least one switched lighting fixture. Other rooms shall contain at least one switched lighting fixture or outlet for connecting portable lighting.

**Exception:** Existing chain-pull type lighting fixtures or automatically controlled motion sensor lighting fixtures, with a manual switching override, installed

in rooms and other areas in good working order may remain in place.

#### **SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS**

**606.1 General.** Elevators, dumbwaiters, and escalators shall be maintained to safely sustain all imposed loads, to operate properly, and to be free from physical defects and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator, or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

**606.2 Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception.** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## CHAPTER 7

## FIRE SAFETY REQUIREMENTS

SECTION 701  
GENERAL

**701 Scope.** The provisions of this chapter, the *Georgia State Minimum Standard Fire Prevention Code*, and the *Life Safety Code* shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment and requirements for and maintenance of fire resistance rated construction to be provided.

**701.2 Responsibility.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702  
MEANS OF EGRESS

**702.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *Life Safety Code*.

**702.2 Aisles.** The required width of aisles in accordance with the *Georgia State Minimum Standard Fire Prevention Code* shall be unobstructed.

**702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Georgia State Minimum Standard Building Code*.

**702.4 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following.

Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction. Such devices shall be releasable to removable from the inside without the use of a key, tool, or force greater than that which

is required for normal operation of the escape and rescue opening.

SECTION 703  
FIRE-RESISTANCE RATINGS

**703.1 Fire-resistance-rated assemblies.** The required fire resistance rating of fire resistance rated walls, fire stops, shaft enclosures, partitions, and floors shall be maintained.

**703.2 Opening protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704  
FIRE PROTECTION SYSTEMS

**704.1 General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire, or any combination thereof, shall be maintained in an operable condition at all times in accordance with the *Georgia State Minimum Standard Fire Prevention Code*.

**704.2 Smoke Alarms.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels; a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *Georgia State Minimum Standard Fire Prevention Code*.

**704.3 Power source.** In Group R occupancies and in dwellings not regulated as Group R occupancies, single station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a

commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection at the panel location.

**Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source, and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available which could provide access for building wiring without the removal of interior finishes.

**704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, and R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

**Exceptions:**

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available which could provide access for interconnection without the removal of interior finishes.

**CHAPTER 8**  
**REFERENCED STANDARDS**

Reference standards shall be those reference standards listed in the Georgia State Minimum Standard Codes for construction, the City of Holly Springs Zoning Ordinances, Code and other laws and regulations particular to the use and systems addressed.

**CHAPTER 9<sup>2</sup>**

**VACANT STRUCTURES  
REGISTRATION, MAINTENANCE, ABATEMENT**

**SECTION 901  
PURPOSE**

**901.1 Vacant structures.** From time to time there are structures within the City of Holly Springs that are noncompliant with regulations, having become a threat to life and property and/or are vacant or abandoned. The purpose of this article is to establish necessary measures to abate the public nuisances, blight, negative housing market impact and other harmful effects associated with noncomplying and vacant structures within all zoning districts.

Therefore, the City Council of the City of Holly Springs makes the following findings and declarations:

1. Vacant structures must promptly be made safe and secure to protect the public safety and are declared to be a nuisance subject to the abatement process set forth in this article.
2. Vacant structures are dangerous and unsafe in that they are extremely vulnerable to fire, flooding, collapse or other hazards.
3. Vacant structures are blight on their neighborhoods, cause deterioration and instability in their neighborhoods and have an adverse impact upon other properties.
4. Vacant structures have a significant and detrimental impact on the local real estate market.
5. Vacant structures can attract vagrants and criminals and are prime locations to conduct illegal activities, including arson and drug use.
6. Vacant structures can pose serious threats to the public's health and safety and therefore are public nuisances.
7. The immediate abatement of these hazards or rehabilitation of these structures is necessary to prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of

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<sup>2</sup> Adopted by Ordinance 08/16/2010. This Ordinance shall become effective on 1<sup>st</sup> Day of January, 2011. During the grace period prior to the effective date, as best as is practicable, the code official is directed to document vacant structures within all zoning districts, sending notices to each property owner, notifying them of the new vacant structure code section, Chapter 9, and pending implementation. Property owners may begin registering vacant properties prior to implementation. Upon the effective date of this ordinance, compliance shall be required and notice having neither been given to nor received by vacant structure property owners during the grace period shall serve as an exemption or cause for noncompliance to this ordinance.

adjacent and nearby properties. Such actions are also necessary to secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.

8. Communication between owners of noncomplying structures and the City is essential for effective allocation of public resources and the maintenance of public health, welfare and safety in regards to such structures.

**SECTION 902  
REGISTRATION AND ADMINISTRATION**

**902.1 Vacant structure registration required.** The owner of a vacant structure in any zoning district shall apply for and obtain a vacant structure registration certificate from the City of Holly Springs.

**902.2 Owner requirements; registration.** Within ten (10) business days of a structure becoming vacant, as defined herein, the owner of the structure shall apply for a vacant structure registration certificate and pay the requisite fee as established with resolution by City Council from time to time. The certificate shall be valid for one (1) year, beginning at the date of issuance, ending June 30 each year.

**902.2.1 Renewal.** On July 1 each year, the vacant structure registration certificate must be renewed, unless the structure is no longer vacant. The registration application must be updated with each renewal. The established fee shall be due upon renewal.

**902.2.2 Database.** A database or schedule shall be created by the code official or designee, to list and document vacant structures and properties within the City.

**902.3 Registration Application.** An application by the owner of a vacant structure for a vacant structure registration certificate shall be made on a form provided by the code official. The application shall include the following:

- A. Address or parcel identification of the premises;
- B. Name, address, and contact information of the owner(s);
- C. The expected period of vacancy (including the date of initial vacancy);
- D. A plan and timeline for the lawful occupancy, rehabilitation, removal, or demolition of the structure;
- E. The plan for regular maintenance during the vacancy to comply with the maintenance standards of this code and all of the applicable

property maintenance, building and zoning codes of the City;

- F. Measures to be taken to ensure that the structure will be kept weather tight and secure from trespassers and that it will be safe for entry by police officers, firefighters, and code or building inspectors in times of exigent circumstances or emergency as well as at times of reasonable inspection as provided by this code;
- G. Measures to be taken to assure that the premises remain free from nuisance conditions and in good order in conformance with the vacant structure maintenance standards; and
- H. All other information as required by the code official.

**902.4 Occupancy.** When a structure no longer meets the definition of “vacant structure” as provided in this ordinance, and the owner has supplied evidence that the structure is occupied (such as submitting a current lease, utility bill, or equivalent proof of current occupancy), and the code official has confirmed the occupancy, the vacant structure registration certificate is considered void and unnecessary, and the code official is authorized to remove the structure from the vacant property database. Any outstanding fees, however, remain due in accordance with Section 906.3, except as provided under Section 906.6. No fees shall be refunded.

## **SECTION 903 MAINTENANCE AND DERELICT STRUCTURES**

### **903.1 Vacant structures maintenance standards - required.**

A vacant structure shall be subject to the following vacant structure maintenance standards in addition to the applicable provisions of the City property maintenance code and the applicable building and zoning codes of the City:

- A. *Structure openings.* Doors, windows, areaways and other openings shall be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials, which are weather protected, and rightly fitted and secured to the opening.
- B. *Roofs.* The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the structure.
- C. *Drainage.* The structure storm drainage system shall be functional and installed in a manner consistent with City ordinances and allow discharge in a manner consistent with City ordinances.

- D. *Structure.* The structure shall be in good repair, not in violation of City ordinances, structurally sound and free from debris, rubbish and garbage. The structure shall be sanitary. The structure shall not pose a threat to the public health and safety.
- E. *Structural members.* The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads
- F. *Foundation walls.* The foundation walls shall be structurally sound and in a sanitary condition so as not to pose a threat to public health and safety. The walls shall be capable of supporting the load of normal use and shall be free from open cracks and breaks, free from leaks and be rodent proof.
- G. *Exterior walls.* The exterior walls shall be free of holes, breaks and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- H. *Decorative features.* The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- I. *Overhanging extensions.* All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- J. *Chimneys and towers.* Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- K. *Walkways.* Walkways shall be safe for pedestrian travel.
- L. *Accessory and appurtenant structures.* Accessory and appurtenant structures such as garages, sheds and fences shall be free from safety, health and fire hazards and shall also comply with these regulations.
- M. *Premises.* The premises upon which the structure is located shall be clean, safe and sanitary. It shall be free from waste, rubbish, debris or excessive vegetation in compliance with city

ordinances and other provisions of this code, and shall not pose a threat to the public health or safety.

**903.1.1 Additional requirements for commercial property.**

1. Once the structure is vacated, owner must continue to maintain the property, including the continual care of: lawns, landscape areas, vehicular use areas, driveways, and all other sections of the tract requiring similar attention.
2. Owners must replace broken windows, paint, and continue the general repair, maintenance, and upkeep of the interior and the exterior of the structure. Windows and doors shall not be boarded or secured with opaque materials. The structure must continue to appear occupied from public roads and not abandoned. Interior lighting and parking lot lights must continue to operate.

**903.2 Derelict structures.** Vacant structures believed to be derelict or unsafe, as defined by Section 108 of this code, shall be inspected by the code official or designee. Should the vacant structure be classified an unsafe structure, the procedures set forth under Chapter 1, including but not limited to Sections 108, 109, and 110 shall be executed by the code official.

**SECTION 904  
ABATEMENT**

**904.1 Nuisance abatement.** Registered and unregistered vacant structures, which are noncompliant with the maintenance and safe structure provisions of this chapter, shall be abated in accordance with Chapter 1 and all other provisions available in the property maintenance code, building code and code of the City of Holly Springs.

**SECTION 905  
ENFORCEMENT**

**905.1 Enforcement authority.** The code official and/or designee is authorized to administer and enforce the provisions of this chapter.

**905.2 Enforcement procedures, notice.** Upon finding a structure believed to be vacant by the code official or designee, the property owner of the said structure shall be put on notice to register for a vacant structure registration certificate. The notice shall be in writing, mailed certified or by equivalent commercial carrier delivery, giving the property owner or lienholder thirty (30) days from the date of notice to comply.

**905.2.1 Absentee landlords, refusal.** Vacant structures where no landlord or owner can be located and placed on notice to register the vacant structure; or should an owner refuse to register or fail to register a vacant structure thirty (30) days after the initial notice is given, shall be registered by the code official or designee, and assessed penalties as set forth under Section 906.

**905.2.2 Foreclosure pending.** Should a foreclosure action be pending on the property where a vacant structure is located, the foreclosing financial institution or lienholder shall be issued notice to register the structure in accordance with Section 905.2. In the event that the lienholder fails to register the vacant structure, the code official or designee shall register the vacant structure. Once the foreclosure is recorded with the clerk of courts, the lienholder (property owner) shall again be placed on notice to register the vacant structure in accordance with Section 905.2. Should the lienholder fail to register the vacant structure in accordance with this section, penalties shall be assessed as required by Section 906.

**SECTION 906  
PENALTIES**

**906.1 General Penalty.** Violations of this chapter shall be prosecuted in accordance with Section 106.

**906.2 Noncompliance after notice.** After receiving notice in accordance with Section 905.2, should the property owner fail to register the vacant structure within the time allotted, the City shall consider the premises noncompliant, assessing a fee of three times the registration fee against the property. If the property owner refuses notice or is unavailable, the City shall also consider the premises noncompliant, assessing a fee of three times the registration fee against the property.

**906.2.1 Second notice.** Upon assessing the penalties under Section 906.2, a second notice of noncompliance shall be issued to the property owner, along with the invoice of fees due. The notice shall be in writing, mailed certified or by equivalent commercial carrier delivery, giving the property owner thirty (30) days from the date of notice to comply.

**906.2.2 Administrative penalty.** At the expiration of thirty (30) days given with the second notice, should the vacant property remain noncompliant, with outstanding fees due and failure of registration, the base registration fee, as adopted by City Council

from time to time, shall be assessed per day until the premises is in compliance with this chapter.

**906.3 Assessed fees, nonpayment, final notice.** Assessed fees shall be invoiced to the property owner on a monthly basis, until such time accrued fees equal or exceed \$10,000. Thereafter, a final invoice will be issued to the property owner, along with a final notice, granting ten (10) business days to register the vacant structure and pay the requisite fees; said notice shall begin upon the date of issuance.

Structures that become occupied either through a sale or lease, or by owner occupation with outstanding fees due, shall be granted ten (10) business days to pay the requisite fees; said notice shall begin upon the date of issuance.

**906.4 Lien.** In accordance with Section 906.3, upon the expiration of ten (10) business days, the code official or designee shall prepare the required documentation to file a lien on the real property of the vacant structure, forwarding the said documentation to the City Attorney. The lien shall include all outstanding fees accrued in addition to all administrative, legal, and maintenance costs together, recorded against the property by the City Attorney. The lien shall be superior to all subsequent liens and encumbrances. The lien may be enforced by proceedings to foreclose, as in case of mortgages or mechanic's liens.

**906.5 Further penalties, status.** After the lien is recorded with the clerk of the courts, upon the real property, the vacant structure thereon shall be ineligible for an occupation tax permit, certificate of occupancy, inspection, or any other entitlement from the City of Holly Springs until such time the lien is paid in full and released, except as provided by 906.6.

**906.6 Occupancy, relief.** Either before or after a lien is recorded, should a vacant structure become occupied either through a sale or lease, or by owner occupation, the property owner may seek relief from accrued and delinquent vacant structure fees from the City Council. The property owner must provide evidence of occupancy, by providing copies of a lease, utility bill, or equivalent documentation. City Council has the discretion to reduce or waive accrued fees.

**906.6.1 Decision Criteria.** When determining whether to reduce or waive fees, the City Council may consider the following criteria, though the decision is not bound by this framework:

- (a) Whether the property is under contract and/or proposed to sell.
- (b) Whether the proposed use, tenant, or owner of the property is expected to enhance the livability of adjacent and nearby areas as well as the community at-large.

- (c) Whether the proposed use, tenant, or owner is expected to enhance economic development activities.
- (d) Whether the premises has been maintained throughout the vacancy in accordance with the provisions of this section and the property maintenance code.
- (e) Whether exigent circumstances exist that would warrant such relief.

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## APPENDIX A

### Article II. Nuisances, from the Code of the City of Holly Springs

#### ARTICLE II. NUISANCES\*

\***State law references:** Nuisances, O.C.G.A. § 41-1-1 et seq.; jurisdiction of municipal court or magistrate court to abate nuisance, O.C.G.A. § 41-2-5.

#### **Sec. 34-31. Definitions.**

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

*Nuisance* means anything that causes harm, inconvenience or damage to another, provided that the harm, inconvenience or damage complained of shall not be fanciful, or such as would affect only one of fastidious taste, but rather such as would affect an ordinary, reasonable person; and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance.

*Nuisance per se* means an act, occupation or structure that is a nuisance at all times and under any circumstances, regardless of location or surroundings.

*Private nuisance* means a nuisance limited in its injurious effects to one or a few individuals.

*Public nuisance* means a nuisance that damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals.

(Code 1991, § 11-2-1)

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 34-32. Conditions.**

The following conditions may be declared to be nuisances:

- (1) Stagnant water on premises.
- (2) Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent upon premises that is odorous or capable of causing disease or annoyance to the inhabitants of the city.
- (3) The generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the city.
- (4) The pollution of public water or the injection of matter into the sewage system that would be damaging thereto.
- (5) Maintaining a dangerous or diseased animal or fowl.
- (6) Obstruction of a public street, highway or sidewalk without a permit.
- (7) Loud or unusual noises that are detrimental or annoying to the public, including without limitation, unusual, loud disturbances in or around churches or multiple-family complexes such as loud music and other activities in swimming pool and clubhouse areas.

- (8) All walls, trees and buildings that may endanger persons or property.
- (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities.
- (10) Unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed.
- (11) Any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city.
- (12) Any other condition constituting a nuisance under state law.
- (13) The accumulation of household or domestic waste, including waste from the preparation and cooking of food, vegetable, fruit and meat scraps, ashes, cans and bottles, paper, floor sweepings, cardboard, and other such material to be disposed of from residences, businesses, churches, schools, and office buildings, or any similar places.
- (14) Tall grass in excess of 12 inches in height, weeds and bushes, other undergrowth, and trash and debris of any type upon the premises of any dwelling unit or other structure, place or vacant lot.
- (15) Packing boxes, lumber, junk, trash, salvage materials or other debris kept on property and visible from a public street.
- (16) Broken or discarded furniture, household equipment and furnishings stored on the property and visible from a public street.
- (17) Attractive nuisances dangerous to children including abandoned, broken or neglected equipment, machinery, refrigerators, freezers, and hazardous pools, ponds and excavations including abandoned wells.
- (18) Vehicle parts, or other articles of personal property which are abandoned or left in a state of partial construction or repair for an unreasonable period of time in front yards, sideyards, driveways, sidewalks or walkways and are visible from a public street.
- (19) Any premises, dwelling unit or other structure, place or vacant lot permitted to deteriorate in appearance or condition so as to be degrading to the surrounding premises.

(Code 1991, § 11-2-2; Ord. of 4-21-97, § 2; Ord. of 2-15-99(2); Ord. of 7-17-06, §§ 1, 3)

**Sec. 34-33. Jurisdiction to try and abate.**

The municipal court shall have full jurisdiction to try and dispose of all questions of nuisance affecting the public health or welfare, and shall also have jurisdiction to try and, in case of conviction, to punish persons failing to abate nuisances, as prescribed in section 1-12.

(Code 1991, § 11-2-3)

**Sec. 34-34. Complaint of nuisance; investigation.**

(a) Any official or inhabitant of the city may direct a complaint of nuisance to the police or building departments, who shall investigate. Upon investigating this complaint, should the investigator find the complaint valid and a violation(s) exists, notice shall be given to the violator(s) to abate the nuisance(s). The investigator shall grant the violator(s) time to achieve code compliance to abate the nuisance(s). Extensions of time may be

granted at the discretion of the investigator, should circumstances warrant. Should the violator(s) not comply in the time allotted, the investigator may issue a citation(s) to the violator(s) for each violation of this article present. This citation shall summon the owner, agent in control of, or tenant in possession to the municipal court. The municipal court shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the judge shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.

(b) Animal control officers and license and building inspectors shall and may also receive complaints, investigate the same, and place on the court docket such complaints in the same manner as police officers.

(Code 1991, § 11-2-4; Ord. of 7-17-06, §§ 2, 3)

**Sec. 34-35. Abatement by city.**

(a) If the owner, agent or tenant fails to abate a nuisance in the time specified, or if the owner, agent or tenant cannot be served with notice, the chief of police may take steps to abate the nuisance at city expense. The chief of police shall keep record of the expenses and cost of abating same; and the costs shall be billed to the owner, agent and tenant for collection.

(b) If the bill is not paid within 60 days, the amount due shall constitute a lien against the property, which shall attach to the real property when the city files its lien in the real property records of the county superior court, attaching an itemized statement of the costs of abatement. The lien shall be enforced as a tax lien, and the owner shall have the right of redemption as provided for tax liens by state law.

(c) Other city departments shall assist the chief of police as is necessary in abating nuisances under this section.

(Code 1991, § 11-2-5; Ord. of 4-21-97, § 3)

**Sec. 34-36. Nuisance per se, exception; summary abatement.**

Nothing contained in this article shall prevent the mayor from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

(Code 1991, § 11-2-6)

**Sec. 34-37. Offense; penalty.**

It is an offense for any owner, agent or tenant to maintain or allow a nuisance to exist. Each day a nuisance is continued shall constitute a separate offense.

(Code 1991, § 11-2-7)

Secs. 34-38--34-70. Reserved.