

OGLETHORPE COUNTY
2004-07
DRIVEWAY PERMIT ORDINANCE

An Ordinance to require the application and the receiving of a permit from the Oglethorpe County Board of Commissioners or its authorized representative(s) for the installation of any driveway on a County road or County maintained road.

ENACTMENT CLAUSE

To promote the safety of citizens and to maintain County roads in a proper and safe operating condition, the following ordinance is hereby adopted.

SECTION I: TITLE: This ordinance shall be known as the Driveway Permit Ordinance of Oglethorpe County.

SECTION II: PERMIT REQUIRED: Before installing any driveway or means of ingress and egress to any property abutting a County road or County maintained road, the owner of the subject property or the person installing said driveway acting as owner's designee shall make application to the Oglethorpe County Board of Commissioners through its Code Enforcement Department for and receive a permit authorizing said installation. The permit must be posted so it is visible from the County Road. If existing curb and gutter is to be removed to facilitate the driveway, then a permit authorizing said removal shall also be required.

SECTION III: PERMIT PROVISIONS: The permits shall specify the location of the driveway, the width of same, the size and material for the culvert to be used and other matters required for adequate drainage of the driveway in accordance with accepted engineering and road management practices. In issuing the permit Oglethorpe County may impose any reasonable conditions that the circumstances may warrant. Conditions include but are not necessarily limited to drive location, elevation, pipe size, surface treatment, drainage easements, and other requirements to facilitate safe maintenance and operation of County roads.

A minimum pipe size of 15" and minimum 20' length of pipe with flared ends must be used for all driveway construction. Pipe shall extend a minimum of 4 feet on each side of the area serviced. A minimum pipe size of 18" must be used for all cross drains under public roads.

Driveway construction shall be graded so water does not run from the driveway into the County road or collected along the road right of way. Driveways are required to have a down slope away from the County road. If this is not possible the driveway is required to be paved with concrete or asphalt to the top of the slope to prevent dirt or gravel from washing into the road. Driveway pipes are required to be installed with the grade of the road to insure proper drainage and be covered with a minimum of one foot of fill.

Pipe for driveways shall be either 16 gauge-corrugated steel or aluminum in accordance with County standards. Reinforced concrete or smooth lined high density polyethylene pipe may be used. PVC or other corrugated plastics are not permitted within County right of way. Driveways requiring curb and gutter removal shall be installed in accordance with instructions and diagrams issued by Code Enforcement at the time of the application of permit.

Permit is to be strictly constructed and no work other than that specifically authorized by said permit may be performed in county right-of-ways. This permit must be renewed if the work described is not completed within one (1) year from the date permit is issued.

No provision of this ordinance shall be construed as a responsibility of the County to provide future maintenance of new or currently installed driveways and/or drainage structures. By application and issuance of the permit, owner and successors agrees to bear all responsibility and cost for repair and future maintenance of the driveway associated drainage structures. If the owner or successors fails to maintain the driveway and/or associated drainage structures to the extent that the Board of Commissioners or an authorized representative of the Board of Commissioners determines that the driveway and/or associated drainage structures has a detrimental impact on the safe operation and maintenance of County roads, notice shall be given to the owner. Owner shall perform the necessary actions(s) to correct the detrimental impacts at the sole expense of the owner. Failure of owner to perform the necessary work within the time prescribed in the notice shall be cause for the County to perform the work. Expenses incurred by the County to perform the work shall be the responsibility of the owner.

SECTION IV: INSPECTION OF WORK: Driveway construction and material shall be the responsibility of the owner/applicant for the permit. All work shall be in conformity with the permit as granted and shall be subject to inspection by authorized representative(s) of the Board of Commissioners. No use of said drive or issuance of permits for uses of the property served thereby shall be permitted until such compliance is met.

SECTION V: PENTALY: Violation of this Ordinance shall be punishable by a fine not to exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

SECTION VI: SEVERABILITY: It is intended that the provisions of this Ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Ordinance.

SECTION VII: REPEAL OF CONFLICTING RESOLUTIONS OR ORDINANCES: All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION VIII: EFFECTIVE DATE: This Ordinance shall take effect this date.

OGLETHORPE COUNTY
BOARD OF COMMISSIONERS

Robert C. Johnson, Chairman

Bobby R. Arnold, Commissioner

Douglas W. Bower, Commissioner

David R. Clark, Commissioner

T. Y. Harris, Commissioner

Marilyn A. Stone, Commissioner

ATTEST:

Sheila C. Arnold, Clerk