

Chapter 46

ROADS

Article I. In General

Secs. 46-1--46-30. Reserved.

Article II. Public Road Right-of-Way

Sec. 46-31. Authority and enactment.
Sec. 46-32. Jurisdiction and application.
Sec. 46-33. Definitions.
Sec. 46-34. Permit.
Sec. 46-35. Bond, insurance.
Sec. 46-36. Standards.
Sec. 46-37. Traffic controls.
Sec. 46-38. Penalties.

ARTICLE I.

IN GENERAL

Secs. 46-1--46-30. Reserved.

ARTICLE II.

PUBLIC ROAD RIGHT-OF-WAY

Sec. 46-31. Authority and enactment.

(a) The Georgia Code of Public Transportation Act of 1973, O.C.G.A. § 32-4-41 et seq., grants authority to the governing body of each county to regulate the county road system.

(b) The board of commissioners, pursuant to the authority conferred in subsection (a) of this section, do ordain and enact into law the provisions of this article.
(Ord. of 1-15-1990, art. 2)

Sec. 46-32. Jurisdiction and application.

The jurisdiction of this article shall apply to all roads, streets and highways in the unincorporated areas of the county, except private roads and those roads, streets and highways that are part of the state highway system.

(Ord. of 1-15-1990, art. 3)

Sec. 46-33. 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:

County means Camden County or any division, department, agency, authority, instrumentality, or branch, or the board of commissioners.

County roads means the public roads within the county that are part of the county road system on the effective date of the ordinance from which this article is derived and any subsequent additions to such county road system made by the county.

Dedication means the donation by the owner, either expressly or implicitly, and acceptance by the board of commissioners for public road purposes, in accordance with the statutory or common law provision.

Private road means a privately owned road or way, which is only open for the benefit of one or more individuals and not dedicated to the use of the general public, or a road which lies on privately owned land.

Public road means a highway, road, street, avenue, drive, detour or other way dedicated to the public and intended for or used for its enjoyment and for the passage of vehicles in the county (except state highway system roads or roads located within corporate limits of the cities of Kingsland, Woodbine and St. Marys), including but not limited to sidewalks, bike paths, road surfaces, shoulders, bridges, causeways, drainage ditches, canals and culverts.

Right-of-way is a general term denoting land, property or interest in land or property, usually but not required to be a strip, acquired for or devoted to a county road.
(Ord. of 1-15-1990, § 401)

Cross References: Definitions generally, § 1-2.

Sec. 46-34. Permit.

(a) *Required.* No person shall obstruct, excavate or alter the surface or location of any public road, or materially injure any part of any public road, without first attaining a permit from the county.

(b) *Application.* As a condition precedent to the granting of such permit, such applicant shall file an application in writing with the county administrator, specifically describing the nature, extent, location and time of proposed obstruction, excavation or alteration and such other information as the county, through its designated official, may require.

(c) *Inspection.* An inspection of the location of work in the area where the permit is requested shall be made by the county administrator, director of planning and building, road superintendent or other designated county official prior to the issuance of a permit.

(d) *Time.* Except in case of emergency, a permit application to excavate, obstruct or alter a public road shall be made at least ten days prior to the date the work is to commence.

(e) *Fee.* In order to defray the administrative cost involved in the administration and enforcement of this section, the county establishes a fee as set forth in the schedule of fees and charges on file in the office of the county clerk for each mile or fraction of a mile of encroachment as measured parallel to the roadway centerline, which fee shall be payable to the order of the county and paid prior to the issuance of the desired permit.

(f) *Inspection.* The permit issued pursuant to the provisions of this section shall be available for inspection by county officials and prominently displayed at the site of any excavation, obstruction or alteration of a public road.

(Ord. of 1-15-1980, §§ 501--506)

Sec. 46-35. Bond, insurance.

(a) *Indemnity bond.* At any time an applicant proposes to penetrate the paved surface of any public road and a portion of the road is to be removed, the application for a permit shall be accompanied by an indemnity bond, certified check or bonded contract, in such an amount as the county administrator shall establish and which is available to the county to assure that the applicant or the applicant's contractor after the excavation or alteration is completed will restore the paved road surface to the same condition as previously existed prior to such alteration or excavation. If the department of transportation has required the posting of an indemnity bond or other performance guarantee, the county administrator may waive these requirements.

(b) *Bonds and other security.* The indemnity bond or other security posted by the applicant shall not be released until such time as the county administrator certifies in writing that such restoration work has been fully completed by the applicant in accordance with the standards established by the county pursuant to the provisions of this article.

(c) *Insurance.* The county, as a condition to issuing a permit under the provisions of this article, may require proof that the applicant or the applicant's contractor carries liability insurance to pay any damages to any member of the public caused by the work performed under the authority of the permit.

(Ord. of 1-15-1980, §§ 601--603)

Sec. 46-36. Standards.

(a) The policy and procedure for accommodations of utilities as adopted June 30, 1970, by the state department of transportation, and rules and regulations for driveway and encroachment control, effective February 17, 1977, including current revisions, as applicable and modified by the county administrator, shall govern all work or installations in, on, along, over or under public roads of the county.

(b) The interpretation of the requirements of these regulations shall be made by the county administrator and shall be final.

(c) Copies of the regulations, including all amendments and modifications, shall be on file in the county administrator's office.

(Ord. of 1-15-1980, § 701)

Sec. 46-37. Traffic controls.

Traffic controls and safety devices shall be installed at the applicant's expense and used at excavation, alteration or obstruction sites as specified in the manual on uniform traffic control devices for streets and highways as now in force or hereafter amended.

(Ord. of 1-15-1980, § 801)

Sec. 46-38. Penalties.

(a) *Generally.* A violation of this article shall be subject to section 1-19, and it shall be considered a separate violation for each day that the violation continues.

(b) *Other penalties.* Any person violating any provision of this article may be ordered by the board of commissioners to remove any equipment, facilities and appliances from and discontinue their use of the public roads.

(c) *Authority of county attorney.* The county administrator is authorized to request the county attorney, in the event of a violation of this article, to petition for an injunction to enforce the performance of any duty or act imposed by this article or for an order to restrain the breach of any duty or the commission of any act imposed or prohibited or unauthorized by the provisions of this article.

(d) *Duty of law enforcement officers.* It shall be the duty of all members of the sheriff's office to enforce any provision of this article that states that any act or omission is unlawful.
(Ord. of 1-15-1980, §§ 901--904)