

TITLE IX:

GENERAL

REGULATIONS

Chapter 90

County Road Systems

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Section

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GENERAL PROVISIONS

§ 90.10 GENERAL PROVISIONS

There shall be written documentation provided in accordance with the specific sections set forth below and copies shall be provided to the Issuing Authority as well as to those receiving the permit.

(Amend. Ord. passed 02-13-08)(Amd. Ord. passed 01/27/09)

LOGGING AND/OR PULPWOOD OPERATIONS ON COUNTY ROADS

§ 90.15 TITLE

This section shall be known as the “Logging and/or Pulpwood Operations Ordinance.”

(Res. 11-96, passed 11-13-96)(Amend. Ord. Passed 02-13-08)(Amd. Ord. passed 01/27/09)

§ 90.16 PURPOSE

The purpose and intent of this resolution is to insure that those persons or entities engaging in logging and/or pulpwood operations be responsible for any damage inflicted on the County road system as result of their operations. In addition, these regulations shall provide a means of allocating the expense of maintaining County roads fairly amongst those parties incurring unusually heavy wear and tear on said roads for commercial logging and/or pulpwood operations.

(Res. 11-96, passed 11-13-96)(Amend. Ord. Passed 10-29-02)(Amend. Ord. Passed 02-13-08)
(Amd. Ord. Passed 01/27/09)

§ 90.17 DEFINITIONS

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) PERMANENT ENTRANCE, EXIT OR DRIVEWAY. An ingress/egress access to/from parcel(s) of property to/from a public road that has been or is intended to be used as a permanent ingress/egress entrance and for which no additions or deletions to the entrance is required for its intended use.
- (B) PUBLIC WORKS DIRECTOR. The Director of the Pike County Public Works Department or his/her designee.

- (C) TEMPORARY ENTRANCE, EXIT OR DRIVEWAY. An ingress/egress access to/from parcel(s) of property to/from a public road that is intended to be used as a temporary ingress/egress. Nothing in this definition and/or sections shall prevent a temporary entrance, exit or driveway from becoming a permanent entrance, exit or driveway as long as all requirements for the permitting of a permanent entrance, exit and/or driveway have been met in accordance with the relevant provisions of this Section.

(Amend. Ord. Passed 10-29-02)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.18 PERSONS SUBJECT TO REGULATIONS

This chapter shall apply to all persons or firms harvesting standing timber in any unincorporated area of Pike County for delivery as pulpwood, logs, poles, post, or wood chips to any wood-yard or processing plant located inside or outside this state.

- (A) Both the owner and/or custodian of any real property upon which timber or pulpwood is to be cut and removed for commercial logging and/or pulpwood operations, as well as any person, association, business entity or corporation which shall either cut and/or remove timber or pulpwood from any real property in Pike County shall be required to obtain a permit from the office of the Pike County Public Works Department prior to commencing any operation on any location within Pike County. The permit shall be issued in the name of and signed by all parties required to secure said permit. Any agent acting on behalf of the property owner shall be required to provide proof of the owner's consent to obtain the permit. A permit issued under multiple names or entities shall be considered as a single permit.
- (B) The applicant for a permit under these regulations shall be required to:
- (1) Post a bond of \$5,000.00 to ensure proper repair of any damage made to County roads in accordance with Section 90.21. A Letter of Credit will not be accepted in lieu of the required bond.
 - (2) Promptly repair at his or her own expense any damage to County roads in Pike County caused by his or her logging and/or pulpwood operations subject to the approval of the Public Works Department.
 - (3) Maintain County roads to allow travel by automobile at all times.
- (C) For operations entirely on state roads, no bond will be required.
- (Amend. Ord. Passed 10-29-02)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.19 PROCEDURE FOR SECURING A PERMANENT OR TEMPORARY ENTRANCE, EXIT OR DRIVEWAY PERMIT

- (A) The applicant shall submit an application to the Public Works Department for a permit to construct or use a temporary or permanent entrance, exit or driveway. The applicant shall contact the Public Works Director and arrange for a mutually agreeable time to meet at the site where the logging and/or pulpwood activity shall take place.
- (B) The Public Works Director shall designate the number of construction entrances which may be constructed to provide ingress and egress for logging/pulpwood activities. For the purpose of this section, the term construction entrance shall mean a driveway providing ingress and egress from the site of the logging and/or pulpwood operation to the county road system. Said construction entrance shall be graveled as directed by the Public Works Director. The Public Works Director shall also dictate the type and size of pipe which shall be used in the construction entrance. The Public Works Director shall also

- impose such other obligations on the applicant as in the Public Works Director's sole discretion are necessary to provide for the safe and efficient use of the county road system.
- (C) The Public Works Director shall establish the route that trucks carrying logs or pulpwood shall follow over the county road system while in Pike County. It being the intent of this section that, within reason, the Public Works Director's route shall be the most direct route to a state highway.
 - (D) The Public Works Director shall also require such warning signs to the general public and shall designate their location as in his or her opinion is reasonable. The warning sign required by this section shall be the standard orange Department of Transportation Construction warning sign used by the Department of Transportation to mark construction areas.
 - (E) After establishing the above criteria and conditions for the logging or pulpwood activity, the Public Works Director shall review the proposed driveway location, required documents, bond information, etc., and upon approval, issue the driveway permit.
 - (F) The applicant may then make his or her application for a permit to conduct logging and pulpwood operations in Pike County.
- (Amend. Ord. Passed 10-29-02)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.20 PERMIT ISSUANCE

- (A) Permits for transport of goods or equipment under these regulations shall be issued upon presenting an application to the Public Works Department providing the following information:
 - (1) The location of the operation, including land lot and land district where no address is available;
 - (2) Approximate dates of commencement and completion of operation;
 - (3) The name and address of person or persons who shall be in charge of or shall act in a supervisory capacity over the activities. It is necessary that sufficient names and telephone numbers be provided to insure that the person or persons who act in a supervisory capacity shall be available by telephone 24 hours a day.
 - (4) The route designated by the Public Works Director;
 - (5) Name of licensed surety company issuing bond for compliance or name of lending institution providing letter of credit.
- (B) Permits shall be issued upon submission of proper information required for application and posting of the required bond.
- (C) No permit will be issued to harvest a parcel with delinquent taxes. A verification of the status of taxes shall be sent to the tax commissioner for approval prior to permitting.
- (D) Permits shall expire 12 months from the date of issue or upon completion of the logging and/or pulpwood operation, whichever occurs first.

(Amend. Ord. Passed 10-29-02)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.21 REQUIRED BOND

- (A) Those parties applying for a permit under these provisions shall file a security bond with the Public Works Department before the permit will be issued.

- (B) Any security bond filed with the Public Works Department shall be written by a surety authorized to transact business in the State of Georgia. The security bond shall be in the amount of \$5,000.00 made payable to the Board of Commissioners of Pike County and conditioned upon the successful completion of operations with a satisfactory examination of all County maintained or sanctioned roads used during the performance of operations.
 - (C) Any Security bond shall be transferable from one site to another within this County. When a permit is secured for logging and/or pulpwood at a new site, then, if the party seeking the permit is no longer conducting logging and/or pulpwood operations on any other site, the bond may be transferred to the new site.
 - (D) Any party applying for a permit under this section and working multiple tracts of land shall file a security bond in the proper amount for each tract, said bond shall be made payable to the Pike County Board of Commissioners and conditioned upon the successful completion of operations with satisfactory examination of all County maintained or sanctioned roads used during the performance of operations.
- (Res. 11-96, passed 11-13-96)(Amend. Ord. Passed 10-29-02)(Amend. Ord. Passed 02-13-08)
(Amd. Ord. passed 01/27/09) Penalty, see § 10.99

§ 90.22 RELEASE OR EXECUTION OF BOND

- (A) The security bond or bonds shall remain in effect following the cessation of operation until the Public Works Director has made an inspection of the permitted site and certified that the operator has complied with all of the requirements of this code section. The Board of Commissioners of Pike County may draw on said security bond at any time upon certification by the Public Works Director that:
 - (1) Damage or wear and tear to county maintained or sanctioned road beds, rights-of-way, bridges, signage or property of any type has been detected that is clearly attributable to operations covered under this code section and under operator's specific permit;
 - (2) Operator has been notified of any such damage or wear and tear and requested to replace or repair damaged property;
 - (3) Operator has failed to repair or replace damaged property within 72 hours (three business days) of receipt of notice from the Public Works Director that such damage has occurred and needs to be repaired. Operator shall be responsible for the costs for the repair and replacement of damaged property including temporary repairs made in the discretion of the Public Works Director. Operator shall also be responsible for providing adequate warnings to the public of the damaged property until repaired and/or replaced.
 - (B) The operator shall notify the Public Works Director 48 hours prior to the termination of logging and/or pulpwood operations under permit, and upon such notification, the Public Works Director will carry out an inspection of all roads covered by the permit immediately and give written notice to the operator of assayed damages. The operator has 72 hours to repair or replace all damage to right-of-ways covered by permit.
- (Res. 11-26, passed 11-13-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.23 WARNING SIGNS

- (A) Warning signs, a minimum of 36 inches x 36 inches in size and orange in color, shall be placed prominently on the edge of the road bed within 500 feet, but not less than 300 feet, from the place where equipment and vehicles are to enter the road so as to adequately warn

oncoming traffic of the entrance of such equipment onto the roadway, warning signs shall state in lettering visible from a distance of 150 feet in daylight, "TRUCKS ENTERING HIGHWAY."

- (B) The cost of construction and placement of the warning signs are the responsibility of the company and shall be installed per instructions of the Public Works Director.
(Res. 11-96; passed 11-13-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.24 ENFORCEMENT

The Public Works Director is empowered to order that all logging/pulpwood operations being conducted on County roads shall cease immediately if, because of weather conditions or other conditions, excessive damage is being inflicted on the County roads. The Public Works Director shall be given the authority to determine when logging operations may commence once conditions have improved.

(Res. 11-96; passed 11-13-96)(Amnd. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.25 APPEALS

The permittee may appeal the decision of the Public Works Director when charged with repairing or replacing county roads or property. The permittee, if he or she desires to appeal, shall within 5 days of having received notice of the damage assessment, file an appeal with the Board of Commissioners. The Commissioners shall review all the evidence and within 60 days of the filing of the appeal shall affirm, modify or overrule the decision of the Public Works Director. In the event that the Commissioners decide that the permittee was not responsible for all or part of the damage that the County property sustained, then the Commissioners shall be authorized to make a partial or complete refund of any assessment against the permittee's bond.

(Res. 11-96; passed 11-13-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.26 VIOLATIONS

Failure of any operator, subject to the provisions of this section to procure a permit to carry out the operations governed by this chapter, shall and may be prosecuted, charged as authorized by State and Local law described in Section 10.99.

(Res. 11-96; passed 11-13-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

INSTALLATION OF DRIVEWAYS OR CULVERT PIPES

§ 90.40 PURPOSE

In order to promote safety for vehicles and assure proper drainage along County roads and drainage easements, the Board of Commissioners does ordain and enact into law the provisions of this section.

(Res. passed 11-13-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.41 INTERPRETATION

The regulations in this subchapter are not intended to interfere with or annul any easement, covenant or other agreement between parties. Where these regulations impose a greater restriction upon the use of property or require greater space than is imposed by other regulations, covenants or agreements, the provisions of these regulations shall govern; however, these regulations are not intended in any way to supersede the requirements of the State Department of Transportation.

(Res. passed 11-13-96) (Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.42 PERMIT REQUIRED

- (A) It shall be unlawful for any person to install a driveway or driveway culvert pipe on the right- of-way of a County road without having secured a permit from the Public Works.
- (B) Installation of culverts in driveways on County roads shall be required unless deemed unnecessary by the Public Works Director of Pike County.

(Res. passed 11-13-96) (Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

Penalty, see § 10.99

§ 90.43 PERMIT APPLICATION

- (A) Prior to the installation of a driveway or driveway culvert pipe on a County road right-of-way, a permit must be secured from the Public Works Director.
- (B) To secure such a permit, an application shall be filed with the Public Works Director and said application shall contain at a minimum the following information:
 - (1) Property owner;
 - (2) Mailing address;
 - (3) Description of property sufficient for the Road Superintendent to identify the property in question;
 - (4) Location of culvert pipe and description of work needed to be completed; property owner shall also clearly identify the proposed location of culvert pipe by stakes at the property line.
 - (5) Signature of applicant or authorized agent.

(Res. passed 11-13-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.44 PERMIT ISSUANCE

- (A) Upon a proper application being submitted to the Public Works Director and payment of the requisite fee in an amount determined by the Pike County Board of Commissioners, the Public Works Director shall issue a permit to allow the installation of a driveway or driveway culvert pipe on the property in question.
- (B) Nothing herein shall be construed to require that Pike County issue a permit when a driveway or driveway culvert pipe would cause damage to the county road in question. This determination will be made by the Public Works Director.
- (C) Any variance from the regulations set forth herein shall require the submittal of a variance application and subsequent approval from the Board of Appeals in accordance with the provisions of Sections 156.026 of the Code of Ordinances, Pike County, Georgia.

(Res. passed 11-96)(Amend Res. Passed 10-11-00)(Amend. Ord. Passed 02-13-08)

(Amd. Ord. passed 01/27/09)

§ 90.45 INSTALLATION

(A) Specifications.

Driveways and culvert pipes shall be installed to the latest County specifications which may be obtained from the Public Works Department.

(B) Material.

Material, size and length of culvert pipe shall be approved by the Public Works Director prior to construction. Culvert pipe may be purchased through the Pike County Public Works Department, but this is not mandatory. Where the property owner elects to purchase the culvert pipe material elsewhere, the pipe size, length and material shall meet the requirements determined by the Public Works Director.

(C) Location.

No culvert pipe shall be less than 5 feet from the side property line of the tract of real property served by the driveway unless approved by the Public Works Director.

(D) Separation.

The distance between culvert pipes shall be determined by the Public Works Director.

(E) Length.

The total length of all culvert pipes on a tract of real property shall not exceed 20% of the total lot frontage in residential districts and shall not exceed 40% of the total lot frontage in industrial or commercial districts. In the event lot frontage is less than 100 feet, the property owner shall be entitled to one 20 foot driveway culvert pipe. The length of culvert pipes shall be approved by the Public Works Director.

(Res. passed 11-13-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.46 TEMPORARY DRIVEWAYS

Temporary driveways for logging, clearing, construction and other purposes shall be subject to all requirements of this subchapter. Once the activity for which the temporary driveway was installed has ceased, the temporary driveway and any pipes and culverts which have been installed shall be removed and the drainage ditch shall be restored to its original condition. When all driveways and pipes have been removed and the drainage ditch shall have been restored to its original condition, the person who secured the permit shall notify the Public Works Director that all repair work has been completed. The Public Works Director shall then inspect the property to determine if all repair work has been properly completed. If in the Public Works Director's sole opinion damage has resulted to the road and/or the drainage ditch, then and in such event, any such damage shall be corrected at the property owner's expense without delay.

(Res. passed 11-13-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

ROAD CONSTRUCTION

§ 90.60 GENERAL PROVISION

- (A) Following the date of adoption of this section, no road construction shall begin within the county unless and until the road construction plans are approved by the County Engineer, the appropriate designated agent of Pike County, in the manner described in this section.

- (B) Any testing and reports of tests shall be the responsibility and at the expense of the developer. All test results shall be submitted to the Public Works Director for review and/or approval.

(Res. passed 9-11-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.61 SUB-GRADE AND GRADED AGGREGATE BASE COMPACTION TEST

- (A) The sub-grade of the roadways shall be proof rolled prior to the placement of any base material. This test shall be scheduled through the Public Works Department and observed by the Public Works Director or his or her designee.
- (B) The graded aggregate base of the roadway shall be proof rolled prior to the placement of any asphaltic concrete surface material. This test shall be scheduled thru the Public Works Department and observed by the County Engineer or Public Works Director or his or her designee.

(Res. passed 9-11-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.62 ASPHALTIC CONCRETE

Asphaltic concrete. The mix of asphaltic concrete shall meet the Georgia Department of Transportation Standards and Specifications and shall be approved by the Public Works Director. Core samples shall be taken of the in-place asphalt by the owner/contractor. A full paving report, with documentation of materials, will be submitted to the Public Works Director for approval. Any unacceptable deficiencies shall be corrected.

(Res. passed 9-11-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.63 VERIFICATION

The Public Works Director will verify, in writing, to the Department of Planning and Development, that the aforementioned tests have been completed prior to plat approval and/or the acceptance of the roadways by the County Board of Commissioners

(Res. passed 9-11-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.64 MAINTENANCE

- (A) It shall be the responsibility of the developer to maintain the newly constructed road for a period of 2 years following the date of completion. In furtherance of this maintenance requirement, the developer shall submit a bond equal to 20% of the total construction cost of the grading, drainage, and roadways. This bond must be executed by a surety and guaranty company qualified to transact business in the State of Georgia and must stand for the duration of the 2 year period during which time the developer shall be responsible for any and all maintenance.
- (B) Building permits shall not be issued prior to the completion of the construction and acceptance of the proposed roadways. Permits may be issued for lots currently meeting lot frontage requirements on a public roadway.

(Res. passed 9-11-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.65 APPROVAL

All County roads are subject to final plat approval as specified in Chapter 155, Pike County Subdivision Ordinance.

(Res. passed 9-11-96)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

DIGGING OF DITCHES OR HOLES IN STREETS

§ 90.75 PURPOSE

In order to protect public property and to provide proper protection for the general welfare and safety of the people who use the streets, roads, alleys, sidewalks, parks or parkways or other public property and rights-of-way, this section is ordained and the same is adopted by the Board of Commissioners of Pike County, Georgia.

(Ord. passed 5-14-80)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.76 PERMIT REQUIRED

- (A) Any person, firm or corporation desiring to drill or cut any pavement or dig any ditch or hole in any streets, roads, alleys, sidewalks, parks or parkways or other public property and rights-of-way shall first obtain a permit from the Public Works Director or his or her designated representative. Application for such permit shall be made on a form furnished by the County or its equivalent and shall be complete with such information as may be requested on the application for permit.
- (B) No person, firm or corporation shall make any drilling or cut in any pavement nor dig any ditch or hole in any street, road, alley, sidewalk, park or parkway or other public property or right-of-way until their application for a permit to make such a drilling or cut or dig such a ditch or hole shall have been approved and a permit issued to the applicant by the Public works Director or his or her designated representative.

(Ord. passed 5-14-80)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.77 PERMIT FEE; INSPECTION FEE

Before any application for a permit shall be considered for approval under this section, it shall be accompanied by payment as outlined in the Fee Schedule for Permits and Applications adopted by the County Commissioners of Pike County.

(Ord. passed 5-14-80)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.78 BOND REQUIRED.

- (A) No application shall be approved for a permit to drill or cut any pavement or dig any ditch or hole in any street, road, alley, sidewalk, park or parkway or other public property or right-of-way until the applicant shall have deposited a bond with the Department of Public Works conditioned to hold the County harmless in case of damage to any part of the county road system or in case of accident or injury or damage to property or person with indemnity to Pike County in the sum of \$1,000,000.00.
- (B) The bond shall be executed by a company authorized to do business in the State of Georgia and shall contain a clause obligating the company executing the same to give 10 days written notice to the Department of Public Works prior to cancellation; that a majority of the Board of Commissioners shall have the authority to waive or modify the requirement of such a bond if, in their sole discretion, the same is unnecessary to enforce such obligation.

(Ord. passed 5-14-80)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.79 NECESSARY SAFETY PRECAUTIONS

- (A) Any applicant approved and issued a permit to drill or cut shall adhere to specifications of and be subject to inspection of the Public Works Director or other qualified person designated by the Board of Commissioners.
 - (B) If any permit holder shall fail to perform satisfactory repairs or if undue delay shall occur in performing work or repairs under the permit, the County may revoke the permit and make or have made the repairs and charge the permit holder for same on the basis of cost of labor and material, work or repairs on the part of the permit holder.
- (Ord. passed 5-14-80)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)

§ 90.80 VIOLATIONS

Any person, firm or corporation who violates any of the provisions of this section shall be guilty of an offense against the County and, upon conviction, shall be punished as a misdemeanor deliverable to Magistrate Court. Each 24 hours that the violation continues shall be a separate offense.

(Ord. passed 5-14-80)(Amend. Ord. Passed 02-13-08) (Amd. Ord. passed 01/27/09)
Penalty, see § 10.99