

ROADS RIGHT- OF- WAY AND DRAINAGE SYSTEM ORDINANCE

- (1) **Purpose And Scope:** The purpose of this article is to regulate activities affecting the rights-of-way and drainage system of public ways within the unincorporated area of the county in order to maintain the integrity of the public ways, protect safety of the public by having unobstructed rights-of-way and protect property owners abutting such. Those portions of this article requiring a permit shall not apply to roadways under the jurisdiction of the state department of transportation where permits are issued by that agency. Those portions of this article prohibiting activities which compromise the integrity of the public road system and its drainage structures shall apply to all public ways within the unincorporated area of the county irrespective of the government agency exercising jurisdiction over such roads.
- (2) **Residential And Commercial Driveway And Drainage Structure Permit:** No person shall install a culvert or other drainage structure on any public way for the purpose of allowing vehicular ingress and egress to a dwelling unit, a business or commercial enterprise unless and until a permit has been obtained from the employees of the Public Works Department, Building / Zoning Administrator, the Administrator, or such other person or persons as the board may from time to time designate for that purpose. A permit shall not be required for structures installed by county forces. The permit shall set forth the size and type of the culvert or other drainage structure and approve the installation thereof. No fee for the permit shall be charged.
- (3) **Cross Drains and Irrigation Housing:** No person, business or entity shall excavate or cut a public road without express approval from the Cook County Board of Commissioners. Cross drains or irrigation housing may be approved as needed on a case by case request, if a county road is paved or resurfaced at the particular location of the request. All other request for cross drains or irrigation housing must be bored under the county road at the sole expense of the requesting party. Any such request shall require a permit. No fee for

the permit shall be charged. Cross drains or irrigation housing shall consist of 6 inch irrigation pipe encased in a 8-10 inch casing and shall be buried at a minimum of 36 inches deep, unless expressly approved otherwise by the County.

(4) Material To Be Kept Out Of Drainage System:

(a) No person shall deposit any trash, garbage, debris, brush, soil or other foreign matter onto any public right of way.

(b) No person shall cause water to be discharged onto any public way from the premises of a commercial or business enterprise, or from the premises of a dwelling unit, or from a vacant lot, which water discharge contains sediment, trash, or other debris in an amount sufficient to cause deposit of such material within the public way.

(c) No owner of any interest in real property, possessory or otherwise, shall allow to be discharged from such premises onto any public way water containing sediment, trash, or other debris in an amount sufficient to cause deposit of such material within the public way.

(d) No person shall alter any public way drainage system in any manner causing water to be discharged across the travelled surface of the public way and all driveway installations, residential, commercial or otherwise, shall ensure that runoff enters the roadway drainage system on the side of the public way abutting the installation.

(5) Road Maintenance And Improvement Policy:

(a) New roads and streets will be accepted at the discretion of the Cook County Board of Commissioners in accordance with the Zoning Ordinance and Land Sub-division Ordinance of Cook County through a motion in an opening meeting. The county assumes no obligation to improve the quality or character of the roadway or street above that which was accepted for maintenance. Nothing in the section shall imply that any private road or street in the unincorporated area of the County

will be accepted into the County Road System by the Cook County Board of Commissioners. Decisions with regard to the acceptance of a roadway or street into the Cook County Road System shall be determined on a case-by-case basis and must be approved and accepted by formal vote by the Cook County Board of Commissioners in accordance with Zoning and Land Sub-Division Ordinance of Cook County.

- (b) Existing county roads and streets located within dedicated rights-of-way accepted by the county shall be maintained at a reasonable level of service so as to provide egress and ingress to abutting property owners; however, the county shall not be obligated to widen, pave or make other improvements to such roads and streets which increase the value of the abutting property.
- (c) Existing roads and streets which have become public through the operation of prescriptive rights of the public users, and on which maintenance work has been historically performed by the county, shall continue to be maintained by the county to a level of service that will provide reasonable egress and ingress to abutting properties; however, the county shall not make substantial improvements on such roads and streets until appropriate rights-of-way have been granted, accepted and properly filed for record.
- (d) Existing private roads, streets and driveways shall not be maintained by the county, nor shall new private roads and streets be constructed by the county. However, safety of the traveling public is a high priority, therefore, from time to time it may be desirable in the interest of safety to perform a limited amount of maintenance to provide positive drainage and sight distance at private road, street, and driveway approaches. This act shall not obligate the county to perform future maintenance at these locations.
- (e) With respect to road and street improvements, the county recognizes its responsibility to expend public funds for road and street improvements on roads which are primarily intracounty traffic conductors. With respect to the improvement of residential streets and other roads

primarily residential in nature, it shall be the policy of the county to assign priority to those roads and streets where the benefiting property owners substantially contribute to the payment of the cost of improvements.

(6) Use Of Right-Of-Way By Utility Companies:

- (a) Permit Required.** All utility companies wishing to use county rights-of-way for the construction, maintenance or repair of utility lines, poles, stations and other equipment must first make application for and be granted a permit for such use of county rights-of-way. Unless such permit is not required or the rights of utility providers by law preempt the provision of this section. Such applications are available in the office of the Public Works Department and Planning Department. Emergency repairs must contact 911 who will notify the crews on call to respond if needed. A post emergency form will be turned in to the Public Works Department within 24 hours of the emergency.
- (b) Standards For Use.** All utilities granted a permit for use of county rights-of-way must conform to the current edition of utility accommodation policy and standards, as published by the state department of transportation, office of utilities, a copy of which is on file in the office of the Public Works Department and can be found on the Georgia Department Of Transportation website, which is adopted by reference as part of this section. Amendments of the utility accommodation policy and standards are hereby declared to be amendments to this section.
- (c) Issuance Of Permit.** Approval of applications and granting of permits under this section shall be the administrative responsibility of the department of Public Works and office of the Planning Department, under the direction of the Board of Commissioners.

(7) Permit Required:

(a) It shall be a violation of this section to perform or cause to be performed any work, or to place or cause to be placed any items(s), within a road right-of-way without a valid right-of-way encroachment permit, issued by the Director of Public Works and Building / Zoning Administrator or his/her designee except as otherwise provided herein.

(b) The following types of activities require a right-of-way encroachment permit:

- 1. Any activity that is a potential threat to public safety,**
- 2. Temporary or permanent obstruction of pedestrian or vehicular traffic,**
- 3. Installation, removal, or alteration of any roadway infrastructure,**
- 4. Installation or maintenance of any utility infrastructure,**
- 5. Excavation or cutting of any kind for any purpose,**
- 6. Placement of any kind of construction material, object, structure, or debris, either temporary or permanent,**
- 7. Placement of any obstruction, vehicle, whether abandoned or otherwise, or placement of any personal property whatsoever within the right-of-way unless authorized pursuant to this Chapter.**

(c) The following types of activities may be performed without a right-of-way encroachment permit:

- 1. Planting and maintenance of plant material and vegetation, including grass, in areas where such materials are traditionally placed that do not interfere with the mowing of the right-of-way. No plant material or vegetation shall be planted within the right-of-way if it in anyway causes an obstruction of the right-of-way, an obstruction of**

the site lines of vehicle and pedestrian traffic or in any other way poses a safety hazard. Cook County reserves the right to remove any such plant material and vegetation as is necessary to protect the integrity of the County rights-of-way and to ensure the safety of the public. Anything placed within the County rights-of-way pursuant to this section is subject to removal by Cook County in the discretion of Cook County.

2. Placement and maintenance of mailboxes in areas where mailboxes are traditionally placed in accordance with applicable United States law and regulation.

(d) The following are types of activities expressly prohibited within the right-of-way and for which permit will be issued:

1. Installation and operation of any irrigation system,
2. Parking or placement of dumpsters,
3. Parking or placement of trucks and/or vehicles,
4. Placement of fences or walls,
5. Placement of signs, except as permitted in the Sign Ordinance Chapter 60.
6. Placement of any structure not part of the public infrastructure,
7. Placement of any temporary storage unit or structure,
8. Filling in any street gutter with concrete, asphalt, debris, or any other material,
9. Removal or alteration of any existing structure within the right-of-way,
10. Vending or street sales,
11. Sidewalk cafes.

(e) The Director of Public Works and the Building / Zoning Administrator or his/her designee will determine on a case-by-case basis in accordance with applicable ordinances and laws which specific activities require a

right-of-way encroachment permit and which activities are prohibited within the right-of-way.

(f) There are no applicable fees for an encroachment permit.

(g) At the discretion of the Director of Public Works and Building / Zoning Administrator or his/her designee, a bond, or certification of satisfactory contractor's liability insurance, or both may be required from the applicant before a right-of-way encroachment permit will be issued.

1. When required, the liability limits of contractor's insurance will be determined by the Director of Public Works and the Planning Director or his/her designee, with a minimum policy limit of \$1,000,000.00. The Cook County Government shall be named as the loss payee (or additional insured) on such policy.
2. When required, the amount of bond shall be determined by the Director of Public Works and Building / Zoning Administrator or his/her designee, with a minimum bond in the amount of 150 percent of the estimated cost of the work. A cost estimate certified by a professional engineer licensed by the State of Georgia shall be provided by the applicant when bond is required.

(h) All work shall be performed in compliance with terms, conditions and specifications of a valid right-of-way encroachment permit, the current edition of the Manual on Uniform Traffic Control Devices.

(8) Enforcement: The provisions of this chapter shall be enforced by the Building / Zoning Administrator, Cook County Sheriff's Department, Public Works Director or lawful designee of the board of commissioners.

(9) Penalties For Violation: Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of this chapter

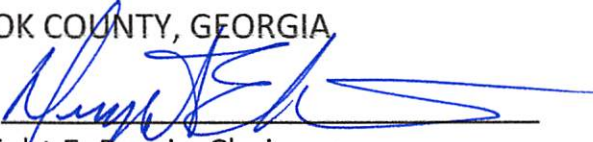
shall be guilty of a misdemeanor and, upon conviction, shall be fined (1) not less than \$50.00 nor more than \$1,000.00 for each offense, or (2) as determined by the court of proper jurisdiction. Each day such violation continues shall constitute a separate offense. Further, any and all penalties and remedies set forth in the Code of Cook County, Georgia shall be applicable for any violation of provisions of this Chapter.

(10) Remedies: In addition to any other penalty herein, if any right-of-way is or is proposed to be used in violation of any provision of this chapter, then appropriate actions will be taken to ensure compliance. Building / Zoning Administrator, lawful designee of the Board of Commissioners or any other appropriate authority may, in addition to other remedies and after due notice to the owner of the violation, (1) issue a citation for violation of this chapter requiring the presence of the violator in the court of [proper jurisdiction] (2) institute an injunction, (3) reserves the right to remove any obstruction to the rights-of-way not otherwise authorized by this Chapter or by law and after notice to the owner of any property removed to assess reasonable storage fees and to dispose of said property after reasonable notice to the owner, or (4) take other appropriate actions or proceedings to prevent such unlawful use of right-of way. If any personal property is removed from the County rights-of-way as authorized by this Chapter, and if said property must be stored by Cook County then Cook County shall be authorized to assess daily storage fees in the amount of \$50.00 after providing reasonable notice to the owner of said property and if said property is not recovered by the lawful owner after payment of any applicable storage fees after reasonable notice from Cook County of not less than thirty (30) days, then Cook County shall be authorized to dispose of said property. Nothing in this Chapter requires Cook County to store any trash, debris, refuse or vegetation, which after notice to the owner or adjoining landowner(s) may be disposed of by Cook County.

SIGNATURE PAGE TO FOLLOW

SO ADOPTED, this 4th day of March, 2022.

COOK COUNTY, GEORGIA

By: 
Dwight E. Purvis, Chairman
Board of Commissioners

Attest: 
Vicki Parrish, County Clerk

(COUNTY SEAL)

