

## Chapter 32.

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\***Charter reference**-Authority to Layout and Improve Streets, Sidewalks, etc. §45.

**Cross reference**-Buildings and Building Regulations, ch. 8; Street Sales Regulated, §10-1; traffic and vehicles, ch. 36; Riding or Driving Vehicles on Sidewalks Prohibited; §36-3.

**State law references**-Authority to construct and maintain streets and roads, Ga. Const. Art. 9, Sec. 2 Par. 3; Powers with Respect to Municipal Street System, O.C.G.A. §32-4-92; Power of City to open, Close or Extend Public Streets, Alleys and Sidewalks, O.C. G. A. §36-34-3; Street Improvements, O.C. G. A. §36-39-1 et seq; Executions for Collection of Assessments for Paving Streets and Laying Sewers, O.C.G. A. §48-5-358.

## CHAPTER 32. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\*

### ARTICLE I. IN GENERAL

#### **Sec. 32-1. Naming of New Streets.**

(a) The name of any street which shall hereafter be opened or developed within the city shall first be approved by the city council.

(b) No street name shall be approved which shall duplicate or bear too close a similarity to the name of some other existing street; except where a new street or portion thereof shall be a continuation or an extension of an existing street; in this case the new street shall bear the same name as the existing street which is continued or extended.

(Code 1968, §17-1)

#### **Sec. 32-2. Washing or Repairing Vehicles on Streets.**

It shall be unlawful for any person to wash, clean or repair any vehicle on the streets of the city.

(Code 1968, §20-8)

**Cross reference** – Traffic and Vehicles, ch. 36.

#### **Sec. 32-3. Parades and Assemblies; Permit Required.**

In order for plans and procedures to be developed to aid in the control of traffic on the public streets, sidewalks, and alleys of the city, every parade or public assembly, including street dances and every other type of public or private assembly upon the streets, sidewalks, alleys and public ways of the city, must obtain a special written permit at least three days prior to the parade or public assembly. The written permit shall be issued by the chief of police and approved by the city manager. Any person holding or participating in a parade or other public assembly upon the streets, sidewalks, alleys or other public ways of the city without a written permit to hold such parade or public assembly shall be guilty of violating the provisions of this chapter and shall be punished in accordance with Section 1-9.

(Code 1968, §20-1)

**State law reference** – Municipal authority to regulate or prohibit processions or assemblages on the highway, O.C.G.A. §40-6-371(a)(3).

#### **Sec. 32-4. Building Numbering.**

(a) *Duty to Affix or Inscribe.* It shall be the duty of the owner, agent or occupant of any dwelling house or other building to affix or inscribe the proper numbers so as to be conspicuously placed immediately above, on, or at the side of the appropriate door so that the number is clearly visible from the street. Numbers must not be less than three inches in height. All numbers affixed or inscribed under the provisions of this section must be made of durable, clearly visible material and must contrast with the building or dwelling house, yard marker or mailbox to which they are affixed.

(b) *Buildings with no numbers or incorrect numbers; notice to correct.* Whenever any dwelling house or building shall be without numbers or shall have incorrect numbers affixed or inscribed thereon, it shall be the duty of the city manager or his/her designee to serve on the owner, agent or occupant a written or printed notice notifying the owner, agent or occupant to affix or inscribe, within 21 days from the date of service of such notice, on the dwelling house or building owned

by him or for which he may be the agent in any capacity or the occupant, the proper numbers as designated in the notice.

(c) *Application for assignment or correct number.* The owners, agents or occupants of dwelling houses or buildings which are without numbers, or which are incorrectly numbered, may apply to the city manager or his/her designee for assignment of the correct number.

(d) *Failure to comply after notification.* Where the owner, agent or occupant of any such dwelling, house or building shall neglect or refuse to affix or inscribe the proper numbers to the dwelling house or building after being duly notified as provided in this article, such owner, agent, or occupant shall be fined \$50.00 per offense and the numbers ordered affixed or inscribed in so as to comply with this section. Pursuant to the provisions of O.C.G.A. S36-34-2(3), city employees designated in writing by the city manager shall be authorized to serve a summons to appear in municipal court upon any person who violates the provisions of this section. (Code 1968, SS17-2, 17-3; Ord. No. 2134, §1, 8-1-05)

**Cross reference** – Buildings and Building Regulations, ch. 8

### **Sec. 32-5. Playing games on/in Business Section.**

All persons are prohibited from playing marbles, baseball, football, or spinning tops, or playing other games on the sidewalks or streets in the business section of the city. (Code 1968, §17-4)

### **Sec. 32-6. Use of Roller Skates, Skateboards, Roller Blades.**

(a) It shall be unlawful for any person to skate by means of roller skates, skateboards or roller blades in such a manner as to endanger or interfere with pedestrian traffic.

(b) There shall be no skating by roller skates, skateboards, or roller blades at any time in the downtown business area of the city, such area defined as follows: Beginning at the southwestern corner of Church Street where Church Street intersects with Oliver Street and running north to the right-of-way of Seaboard Coastline Railroad; thence running along the right-of-way of Seaboard Coastline Railroad in an easterly direction to the point where the northeastern most corner of Thomas Street intersects with the property of Seaboard Coastline; thence running along the eastern side of Thomas Street in a southerly direction to the intersection of Thomas Street and the southeastern corner of Church Street; thence running along the southeastern part of Church Street to the beginning corner. Skating, skateboarding and roller blading shall also be prohibited on the city's public tennis courts. (Code 1968, §17-5)

**State law reference** –Municipal authority to regulate persons upon skates, coasters, etc. O.C.G.A. §40-6-371(a)(18)

### **Sec. 32-7. Dirt, Sand and Gravel not to be Spilled.**

Any person hauling dirt, sand or gravel or causing dirt, sand or gravel to be hauled over the paved streets or sidewalks of the city shall have the same in wagons, carts, or other vehicles with the bodies thereto closely constructed and without cracks therein and in such a manner as to prevent the spilling of the dirt, sand, or gravel being hauled. (Code 1968, §17-7)

**Sec. 32-8. Obstructing with Merchandise Restricted.**

It shall be unlawful for any person to obstruct any street or sidewalk within the city by placing thereon any wares, goods, merchandise, or other articles for the purpose of vending, showing, advertising, or selling the same, or to obstruct the streets or sidewalks by any other means without the permission of the city manager.

(Code 1968, §17-8)

**Cross reference** – Businesses, ch. 10.

**Sec. 32-9. Excavations; Procedure Required.**

No person shall be permitted to excavate or break up any street, lane, alley or sidewalk of the city for the purpose of laying gas pipes, water pipes, sewer or drain pipes, or for the purpose of planting trees or for any purpose whatsoever without first having obtained the permission of the city and having agreed in writing to light, fence and watch such openings or excavations and obstructions caused by them, in such a manner as the chief of police shall direct, and to repair the street, lane, alley, or sidewalks, as the case may be, or to pay to the city such expense as may be incurred by it and such damage as may be sustained from a failure to watch the opening and obstruction, or from not having the same property lighted, fenced or watched. After having obtained the permission of the city, it shall be unlawful to fail or refuse to comply with the orders and instructions of the chief of police regarding fencing, lighting, and watching the openings or to fail to repair any damage done to any property of the city.

(Code 1968, §17-9)

**Sec. 32-10. Permission to Erect Wires.**

No person shall erect any wires along the streets or sidewalks of the city for any purpose whatsoever without the consent of the city.

(Code 1968, §17-11)

**Sec. 32-11. Sight Obstruction at Intersections – Correction by City; Assessment.**

In case a violation of section 32-12 by the placement or location of trees, hedges, or shrubbery, upon the failure of the owner or occupant to comply with Section 32-12, the street department shall, upon direction of the city manager, take such steps as are necessary to cause a trimming or removal of trees, hedges and shrubbery so as to comply with the provisions of Section 32-12, and the city clerk, upon the direction and approval of the city council, shall extend the cost of such work as a special assessment against the lots, property or parcels of ground upon which the trees, hedges, or shrubbery were cleared or trimmed.

(Code 1968, §17-13)

**Sec. 32-12. Same – Hedges and Bush Obstructions of Visibility in Residential Areas Restricted.**

For the purpose of ensuring reasonable visibility at street intersections in the residential zones of the city, trees shall be trimmed to a height of eight feet above the curb level. Shrubs and hedges shall be trimmed below a height of two feet above the curb level for a distance of 25 feet back from the lot lines of each lot located at the intersections of two streets or for a distance of 25 feet back from the property line located at the intersection of any street and alley. No planting of trees or shrubbery, construction of walls or fences, or placing of signs or other obstructions which will materially obstruct the view of drivers of vehicles approaching the street intersection shall be permitted in any residential zone in the city.

(Code 1968, §17-14)

**Sec. 32-13. Restriction on use of Public Rights-of-Way.**

(a) It is hereby found and declared to be the policy of the city that the public welfare requires expeditious and convenient access to the city's utility lines located upon the public street rights-of-way.

(b) It is prohibited for any person to plant, grow or construct any trees, shrubs, flowers, plants, or permanent improvements, except grass, in or upon any public right-of-way of the city, without first obtaining a permit authorizing such from the city manager.

(Code 1968, §17-15)

**Sec. 32-14. Controlling Growth of Vegetation and Trees.**

(a) It shall be unlawful for the owner or occupant of any property within the city to permit vegetation growing on their property to extend onto any street or sidewalk bordering or touching the property. All vegetation on private property including, but not limited to, grass, vines, shrubbery and hedges shall be cut back to the edges of all streets and sidewalks within the city. In addition, all trees on private property shall be trimmed to a height of twelve feet above the curb level wherever they overhang a street or sidewalk within the city.

(b) Each such owner or occupant who is in violation of this section shall be given 30 days notice to correct the violation before any action is taken.

(c) Upon failure of the owner or occupant to comply with this section, the street department shall, upon the direction of the city manager, take such steps as are necessary to cause a trimming or removal of trees or vegetation so as to comply with the provisions of this section, and the city clerk, upon the direction and approval of the city council, shall extend the cost of such work as a special assessment against the lots, property or parcels of ground upon which the trees or vegetation were cleared or trimmed.

(Code 1968, §17-16; Ord. No. 1062, §1, 5-1-95)

**Secs. 32-15 – 32-35. Reserved.**

**CHAPTER 32. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\***

**ARTICLE II. DRIVEWAY CONSTRUCTION**

**Sec. 32-36. 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:

*Corner* means the point of intersection of the lines of two street curb faces extended into the street intersection.

*Curb Return* means that portion of a curb next to a driveway approach which includes the radius of curvatures, or the ramp type lug which connects the driveway approach to the street curb.

*Driveway* means a place on private property for the operation of automobiles or other vehicles.

*Driveway Approach* means an area, construction, or facility between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to private property. For clarification, a driveway approach must provide access to something definite on private property such as a parking area, a driveway, or a door at least eight feet wide, intended and used for the entrance of vehicles.

*Outside Sidewalk Line* means a line parallel to the property line lying along the edge of the sidewalk nearest the street, roadway or curb, or where no sidewalk exists, a line in the street right-of-way parallel to, and four feet from the line of the private property.

*Parcel of Land* means a lot or a tract under one ownership.  
(Code 1968, §17-25)

**Cross Reference** – Definitions generally, §1-2

### **Sec. 32-37. General Restrictions.**

(a) It shall be unlawful for any person to cut, break out, or remove any curb along a street or alley except as authorized by this Code.

(b) It shall be unlawful for any person to construct, alter, or extend or permit or cause to be constructed, altered, or extended any driveway approach which does not serve as an access to private property or which can be used only as a parking space or area between the curb and private property.

(c) All permits granted for the use of public property under the terms of this article shall be revocable at the will of the city council.  
(Code 1968, §17-26)

### **Sec. 32-38. Permits Required; Application; Fees and Charges.**

(a) It shall be the duty and responsibility of the property owner or his agent to secure a permit for the construction, alteration or extension of any driveway approach or driveway on or across street property.

(b) It shall be the duty and responsibility of the property owner or his agent to make application for the installation of pipe in a street ditch to provide a driveway approach to private property.

(c) It shall be the duty and responsibility of the property owner or his agent to make application for the curbing to be removed to provide for a driveway approach, or make application for a licensed contractor to remove curbing, provided the owner or contractor or both shall be responsible for any damages that might arise from such removal by the contractor.

(d) It shall be the duty and responsibility of the property owner or his agent to make application for cutting of sidewalks for installation and repair of water lines, sewer lines, electrical lines, etc. Where any such line is installed or repaired or any other construction is done necessitating the cutting and removal of sidewalks, the property owner or its agent shall ensure that the cuts shall be made at the joint lines of sidewalk and the sidewalk restored and finished to original design. Cutting of narrow strips across sidewalks for repair and installation work is prohibited.

(e) The following fees shall be applicable and payable when a permit is issued for the work to be performed under this article where the city is requested to furnish any materials, equipment or labor. It shall be the policy of the city to participate only in the removal of the curbing and installation of drainage pipe on city property.

- (1) When property owners or agent request that city forces remove curbing and/or sidewalk or replace curbing and/or sidewalk, a fee per linear foot of curbing or sidewalk removed or replaced, as established from time to time by the mayor and council, shall be paid.
- (2) When property owner or agent requests that the city furnish and install a side drainage pipe, a fee per linear foot of pipe installed shall be paid.
- (3) The fee for issuance of permits required under this article shall be the same as for a regular building permit.

(f) It shall be the duty and responsibility of the property owner or his agent to make application for the curbing and/or sidewalk to be replaced when an existing driveway is no longer considered adequate, is modified, or has been abandoned, or make application for a licensed contractor to replace curbing and/or sidewalk, provided the owner or contractor or both shall be responsible for any damages that might arise from such replacement by the contractor.

(Code 1968, §§ 17-27, 17-28; Ord. No. 1090, §1, 7-8-96; Ord. No. 2103, §1, 5-6-02)

#### **Sec. 32-39. Street Construction.**

The property owner or agent may have such construction on street property as may be required for driveway approach performed by a licensed contractor qualified to do such work in the city, provided such work is done in accordance with this Code.

(Code 1968, §17-29)

#### **Sec. 32-40. Approach Widths.**

No driveway approach shall exceed the following widths measured along the outside sidewalk line:

- (1) *Commercial Driveways.* Fifty feet maximum width as measured along the outside sidewalk line with a flare on the roadway side equal to the width of the strip between the sidewalk and curb or pavement edge, with a maximum flare of 15 feet in any case.
- (2) *Residential Driveways.* Fourteen feet maximum widths as measured along the outside sidewalk line with a maximum flare on each side of three feet.

(Code 1968, §17-30)

#### **Sec. 32-41. Proximity to Corner and Property Lines.**

No portion of a driveway approach, except the curb return, shall be constructed within 20 feet of a street corner, and in no case shall a curb return be closer than three feet of a property line extended.

(Code 1968, § 17-31)

**Sec. 32-42. Specifications; minimum requirements for approaches.**

The following minimum requirements shall be observed in the construction of driveway approaches:

- (1) The entire driveway approach shall be of Portland cement concrete.
- (2) The minimum thickness for the driveway shall be six inches for normal traffic, and extra thickness or reinforced with steel reinforcing as required for heavy traffic.
- (3) The sidewalk section of all driveway approaches shall be clearly marked and an expansion joint shall be placed between the driveway approach and the curbing and between the driveway approach and the driveway at the property line.
- (4) The sidewalk shall be so constructed that it will rise at a slope of minimum of one-quarter inch per foot and a maximum of five-eighths inch per foot above the top of the normal curb section.
- (5) If the distance from the face of the curbing to the back side of the sidewalk section is ten feet or more, the ramp section of the driveway approach must meet the front edge of the sidewalk section. If the distance is from five to ten feet, the ramp section may extend into the sidewalk section for one-half the width of the sidewalk. If the distance is less than five feet, the ramp section may extend through the sidewalk section. In no case shall the ramp section at the property line be lower than the back sidewalk section.

(Code 1968, §17-32)

**Sec. 32-43. Approach Not to Interfere with Facilities.**

No driveway approach shall interfere with municipal facilities such as utility poles, traffic signal standards, signs, catch basins, hydrants, fire alarm supports, underground pipes and ducts, sidewalks, curbs or curbs and gutters, or other necessary street structures, and the public works director is authorized to order and effect the removal or reconstruction of any driveway approach which now conflicts with street structures or which will conflict with street structures in the future. The cost of removing, reconstructing or relocating such driveway approaches shall be at the expense of the abutting property owners.

(Code 1968, §17-33)

**Sec. 32-44. Submission of Plans.**

Plans showing the requested location and proposed profile of any driveway approach, as related to the existing conditions, shall be filed with the application for permission to construct. Any plans submitted to the Fire and Building Inspector for approval, which include or involve unusual driveway approaches or problems, shall be referred to the public works director for his approval before a building permit is issued.

(Code 1968, §17-34)

**Sec. 32-45. Correction of Existing Driveways; Permits.**

Where it appears that corrective measures are desirable for existing driveway approaches to accommodate modern vehicles or conditions, a permit may be granted for such alterations as stated in the balance of this section; the installation of a concrete pad or plant mix asphalt in the gutter to elevate the rear of the vehicle as it passed from the street to private property, or vice versa. This type of correction may be used in the gutter at the summit of a

grade, in gutters with a grade of one percent or more, provided the correction does not interfere with the resurfacing of the street, interfere with the traveling public, have a tendency to cause the gutter water to flow out into the traffic lanes, create standing of pools of water if the grade is not sufficient, or interferes with gutter drainage in the sag of a vertical curve.  
(Code 1968, §17-35)

**Sec. 32-46. Granting of Variances by Public Works Director.**

The public works director is hereby authorized to grant in writing, a copy to be filed with the building inspector, variances from the strict application of the provisions of this article, provided he first determines that the following conditions are present:

- (1) The exception or variance desired arises from peculiar physical conditions not ordinarily existing in similar districts in the city, or due to the nature of the business or operation on the abutting property.
- (2) The exception or variance desired is not against the public interest, particularly safety, convenience and general welfare.
- (3) The granting of the exception or variance will not adversely affect the rights of adjacent property owners or tenants.
- (4) The strict application of the terms of this article will work undue hardships on the property owner or tenant.

(Code 1968, §17-36)

**Sec. 32-47. Apron Construction.**

The property owner or his representative shall construct an apron in a driveway if so ordered by the city in order to abate a nuisance. A nuisance includes debris trapped on the streets, such as mud, gravel, etc.

(Ord. No. 2103, §1, 5-6-02)

**Editor's Note** – Ord. No. 2103, §1, adopted May 6, 2002, set out provisions pertaining to apron construction as related to driveway construction. To maintain the numeric sequencing of this Code, said provisions have been included as §32-47 at the discretion of the editor to read as herein set out. See the Code Comparative Table.

**Secs. 32-48 – 32-99. Reserved**

**CHAPTER 32. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\***

**ARTICLE III. STREET CONSTRUCTION**

**Sec. 32-100. Extension of McKinley Street.**

(a) The Mayor and Council to renovate dilapidating housing and improve negative statistical data such as low income hereby designate the area most recently described as "Blackwell Park" as an area in need of urban redevelopment. This area is described as Tax Map E25-157 and E25-158 and more fully described as:

Point of beginning where Parcel 156 and 155 of Elbert County Tax Map E-25 intersects with the north side of Prince Street; thence in a northeasterly direction along the rear lot lines of Lots 155, 154, 153, and 152 of Elbert County Tax Map E-25 for a distance of one hundred fifty feet (150'); thence in a northwesterly direction for a distance of 87.65 feet to Locklin Street right-of-way; thence in a northeasterly direction along Locklin Street right-of-way for a distance of one hundred ninety feet (190'); thence in a southeasterly direction for a distance of ninety-eight feet (98'); thence in a northeasterly direction for a distance of fifty feet (50'); thence in a southeasterly direction for a distance of one hundred seventeen feet (117') to the right-of-way of Willow Street; thence along the right-of-way in a southwesterly direction for a distance of three hundred forty-six feet (346') to Prince Street right-of-way; thence along the northern right-of-way of Prince Street in a northwesterly direction for a distance of five hundred forty feet (540') to the point of beginning.

(b) In order to promote the city's policies for urban redevelopment allowing all citizens the opportunity for economic prosperity and a positive quality of life, the mayor and council authorize the mayor and/or city manager to execute the necessary documents to extend McKinley Street and take ownership of thirty feet (30') of rights-of-way beginning at the rights-of-way for Prince Street and going north for approximately 320 feet within the property designated as "Blackwell Park" more fully described in paragraph (a).

(c) For the purposes of urban development in this specific instance, Article III "Subdivisions", sections 22-260(g)(4) and 22-261 of Chapter 22 "Land Use" is hereby suspended and the city of Elberton will construct the approximately 320 feet extension of McKinley Street from its general funds.

(Ord. No. 2109, S1, 1-6-03)