

## **ORDINANCE 2022-04**

**AN ORDINANCE OF THE WARE COUNTY BOARD OF COMMISSIONERS AMENDING THE WARE COUNTY CODE OF ORDINANCES, CHAPTER 18 – BUILDING AND BUILDING REGULATIONS; ARTICLE IV. DRIVEWAY AND ENCROACHMENT CONTROL, AS AMENDED; TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ware County is responsible for maintaining the right of ways on local roads to provide safe travel, proper drainage, and access to adjacent private property ; and

**WHEREAS**, the Ware County Code of Ordinances, Chapter 18: Building and Building Regulations (Article IV – Driveway and Encroachment Control), as amended, governs the installation of driveway pipes; and

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of Ware County, Georgia, and it is hereby ordained by the authority of same as follows:

### **Section I**

That Article IV “Driveway and Encroachment Control” is hereby amended as follows:

#### **ARTICLE IV. - DRIVEWAY AND ENCROACHMENT CONTROL**

##### **Sec. 18-83. - General.**

- (a) Permits are required for installation of, or improvement to, any culvert pipe on county rights-of-way, whether installed by the county or not.
- (b) Ware County will install pipe for residential driveways on County maintained roads after application pending County design of project and payment of fees as outlined in this policy.
- (c) Requests for access pipes and for approval of the driveway size and design will be made on the appropriate forms as outlined in section 18-84.
- (d) Culvert pipes installed by individuals/contractors must be of the type and size approved by the Public Works Director or his/her designee. Ware County procedures in section 18-84 must be followed.
- (e) The County will only install driveway pipes and will not pipe the ditch, beyond the driveway, for the convenience of the landowner. In the event, a landowner requests a driveway pipe length greater than 24 feet, the maximum length shall be 30 feet for a single driveway.

- (f) The County will not install any driveway or access on State Department of Transportation rights-of-way.
- (g) Applicant may purchase pipe and materials from a source other than the County and install them in County rights-of-way provided that Ware County Public Works approves such driveway design and installation.

**Sec. 18-84. - Permits.**

- (a) Permits will be obtained by any person proposing to construct a new driveway, improve on any existing driveway, or pipe any drainage ditch on roads, or drainage easements owned or controlled by Ware County.
- (b) Application for a permit and for approval of pipe size and installation design will be made on the appropriate county forms. Forms may be obtained from the Ware County Public Works Department.
- (c) Construction permit approving driveway design will be signed by Ware County Public Works.
- (d) Permits may be revoked if any of the conditions are violated.
- (e) After approval, the applicant will pick up the permit and pay the installation fee at the Ware County Public Works Department prior to any installation being done by the County or other installer.

**Sec. 18-85. - Specifications.**

The following specifications shall apply:

- (1) Size of pipe (diameter) to be determined by Ware County Public Works Department. The minimum length of drive pipe is 24 feet.
- (2) Driveways on paved roads shall tie into the edge of pavement or paved apron.
- (3) Driveways on dirt roads shall tie into shoulder point of road.
- (4) Residential driveways shall not exceed 30 feet in length without approval by the appropriate authorities.
- (5) Driveways shall be no less than 20 feet apart except in residential zoning districts or specifically approved by Ware County Public Works.
- (6) Slopes placed on rights-of-way shall be no steeper than 4:1.
- (7) Only safety headwalls or those specifically approved by Ware County Public Works may be used.
- (8) At street intersections, no driveway shall be located closer than 20 feet from the intersecting point of the two street rights-of-way or property lines involved (or such lines extended in case of a rounded corner); or 25 feet

from the intersection of the two curb lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

**Sec. 18-86. - Cost responsibility.**

The applicant agrees to pay the current market price for the type, size, and length of the associated driveway pipe. The applicant also agrees to pay \$250.00 for fill dirt and labor required for installing the driveway pipe.

**Sec. 18-87. - Exception.**

The following exceptions shall apply when associated with driveways:

- (1) The County shall maintain its approved grading and drainage driveway projects for one year after project completion.
- (2) The County will repair any damage caused by County forces to driveways.
- (3) Existing driveways up to 24 feet in length will be maintained by the County. Any associated improvements (concrete driveway, end treatments, head walls, landscaping or other measures) will be the sole responsibility of the property owner to maintain in and around driveway pipe.

**Sec. 18-88. - Liability and responsibility.**

- (a) Applicants to whom permits have been granted shall at all times indemnify and save harmless the County and agents of the County from responsibility for any damages or liability arising from the maintenance, repair, operation or use of any installation, part of installation, construction procedures or actual construction approved under the permit.
- (b) The landowner or installing contractor, as applicable, will remove or relocate any installation or construction placed on the County right-of-way when ordered in writing to do so without cost to the County.

**Sec. 18-89. - Penalty and fines.**

All fines and penalties will be assessed by the Ware County Board of Commissioners.