

STATE OF GEORGIA

COUNTY OF GLASCOCK

ORDINANCE NO. 2021- 05

AN ORDINANCE TO AMEND THE CODE OF GLASCOCK COUNTY, GEORGIA,
THROUGH THE CREATION OF ARTICLE II OF CHAPTER 30 TITLED, ROADS AND
BRIDGES, WHICH SHALL PROVIDE REGULATIONS FOR THE USE OF THE COUNTY
RIGHT-OF-WAY

WHEREAS, the Glascock County Board of Commissioners (hereinafter "County") desires to establish regulations for the use of the County right-of-way by private utility entities;

NOW, THEREFORE, the Board of Commissioners of Glascock County hereby enacts this Ordinance pertaining to right-of-way as follows:

1.

The Code of Glascock County, Georgia is hereby amending the Ordinances to create **Article 1 – Timber Operations** to include **Section 30-1 – 30-2.**, adding **Secs. 30-3 – 30-9. – Reserved to Chapter 30 – Roads and Bridges** to the same Article, creating **Article II – Right-of Way** and adding **Sections 30-10 – 30-11 to Chapter 30 – Roads and Bridges**, and shall read as follows:

Sec. 30-10. - Utility installation.

- (a) Any person desiring to make a utility facility installation of the right-of-way of any property in Glascock County in which Glascock County has jurisdiction or desiring a pavement cut for the installation of utilities shall first receive written permission from the County Road Superintendent or his/her designee.
- (b) The County Road Superintendent or his/her designee shall promulgate policies and rules applicable to the installation of utilities.

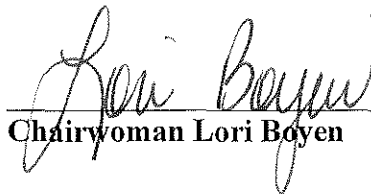
Sec. 30-11. - Permit required.

- (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 item(s), within a road right-of-way without a valid right-of-way encroachment permit, issued by the County Road Superintendent 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 of any kind for any purpose,
 6. Placement of any kind of construction material, object, structure, or debris, either temporary or permanent.
- (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.
 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 no permit will be issued:
1. Installation and operation of any irrigation system,
 2. Parking or placement of dumpsters,
 3. Placement of fences and walls,
 4. Placement of any structure not part of the public infrastructure,
 5. Placement of any temporary storage unit or structure,
 6. Filling in any street gutter with concrete, asphalt, debris, or any other material,
 7. Removal or alteration of any existing structure within the right-of-way,
- (e) The County Road Superintendent 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) Applicants for right-of-way encroachment permits shall pay a non-refundable application fee at the time of making application as provided in Section 30-10 of the Code of Glascock County, Georgia.
- (g) In addition to such application fee, at the discretion of the County Road Superintendent 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 County Road Superintendent or his/her designee, with a minimum policy limit of \$1,000,000.00. Glascock County 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 County Road Superintendent 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 the terms, conditions and specifications of a valid right-of-way encroachment permit, the current edition of the *Manual on Uniform Traffic Control Devices*.

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- (i) *Violations.* Any action or inaction in violation of any provision of this section may be subject to enforcement action. These actions include, but are not limited to, any one or several of the following, and none of these actions shall be a prerequisite to taking any of the others:
1. *Citation.* A citation may be issued to the alleged violator requiring such person to appear in the Magistrate Court of Glascock County to answer charges for such violation. Upon conviction, such person shall be punished pursuant to this Code. Each act of violation and each day upon which any violation shall occur may constitute a separate offense.
 2. *Stop work order.* A stop work order may be issued and shall be served upon the applicant or responsible person. A stop work order shall be effective immediately and shall mean that all work must stop unless the work pertains to correcting the violation. A stop work order shall remain in effect until released in writing by the County Road Superintendent or his/her designee. Failure to abide by a stop work order is a violation of the Code of Glascock County, Georgia.
 3. *Bond forfeiture.* If, through inspection, it is determined that the permitted work does not comply with the approved permit and applicable standards, a written notice to comply shall be served upon the applicant or other responsible person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the work is not brought into compliance within the time specified, the applicant shall be deemed in violation of this section and, in addition to other penalties, shall be deemed to have forfeited said performance bond.
 4. *Suspension, revocation or modification of permit.* The County Road Superintendent or his/her designee may suspend, revoke or modify the permit authorizing work within the right-of-way. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has corrected the violations and brought the work into compliance.
 5. *Removal.* Removal of any item placed or work performed in violation of the provisions of this section.

The same having been approved by the Board of Commissioners on June 8, 2021, and attested by the County Clerk.


Chairwoman Lori Boyen

Attested:


Ronda Phillips, County Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of an original ordinance adopted by the Board of Commissioners of Glascock County on this 8th day of June, 2021.

In witness whereof, I hereunto set my hand and affix the seal of Glascock County, this 8th day of June, 2021.

Rhonda S. Phillips
County Clerk
Rhonda Phillips

[Affix Seal]

