

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING  
CHAPTER 23 (STREETS AND SIDEWALKS) OF THE CITY CODE.**

**WHEREAS,** the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

**WHEREAS,** the Mayor and City Council find it to benefit the welfare of the citizens to provide a standard for street regulations and usage; and

**WHEREAS,** this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 23 (Streets and Sidewalks).

**THEREFORE,** the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

**Section 1:** The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as "Chapter 23. Streets and Sidewalks" to read and be codified as follows:

**CHAPTER 23. STREETS AND SIDEWALKS.**

**ARTICLE I. IN GENERAL.**

**Sec. 23-1. Procedures for Changing Street Names.**

(a) An application requesting a street name change shall be submitted to the Community Development Department and contain the following:

- (1) A written petition bearing signatures of a minimum of 51 percent of the property owners fronting the street. The property owners signing shall also constitute a minimum of 51 percent of the linear street frontage. Linear street frontage shall include frontage of properties that abut both sides of the street right-of-way.
- (2) Existing and proposed street names.
- (3) Reason for requesting change.
- (4) Map showing street or portion of street affected by change.

- 39 (5) A filing fee in the amount established by action of the  
40 City Council, a copy of which is on file in the office of the  
41 City Clerk.
- 42 (b) The application shall be processed and scheduled for public  
43 hearing as follows:
- 44 (1) The proposed name shall be checked by the City to ensure  
45 non-duplication.
- 46 (2) Public hearings before the Planning Commission may  
47 coincide with the schedule for rezoning cases adopted  
48 annually by the City Council.
- 49 (3) The City shall notify, by regular mail, all owners of record  
50 who have property fronting on the affected street,  
51 according to tax records available to the Department, of  
52 the time and place of the public hearings. The postmaster  
53 shall also be notified of the hearings by regular mail.
- 54 (4) Legal notice of the application and the date, time and  
55 place of the public hearings shall be published in the  
56 official legal organ of the City at least ten days prior to the  
57 first public hearing.
- 58 (5) The application shall be forwarded with the Community  
59 Development Department's recommendation to the  
60 Planning Commission for consideration at the scheduled  
61 public hearing and then forwarded to the City Council  
62 with the recommendations of the Community  
63 Development Department and the Planning Commission.
- 64 (6) The final decision on the proposed change shall be made  
65 by the City Council after having held the scheduled public  
66 hearing.
- 67 (7) Petitioners shall bear all costs necessary for street marker  
68 changes as determined by the City.

- 69 (c) Applications affecting the same street or portion thereof shall not  
70 be submitted more than once every 24 months.
- 71 (d) Requests initiated by any department or agency of the City shall  
72 be submitted to the Community Development Department.  
73 Review and processing procedures shall be the same as that of a  
74 property owner's application except that the fee and a property  
75 owner's petition shall not be required in requests of this nature.

76  
77 **Sec. 23-2. Construction Work on Major Streets, Intersections; time**  
78 **restrictions.**

79 No construction work or maintenance work shall be done within the  
80 traffic lanes of major through streets or intersections thereof from the  
81 hours of 7:00 to 9:00 a.m., and 4:00 to 6:00 p.m., Monday through  
82 Friday. All underground construction work shall be paved or covered  
83 with steel plates during such rush hours or at other times when  
84 construction is not being accomplished. This section does not apply to  
85 emergency repairs.  
86

87 **Sec. 23-3. Public Transportation Carrier Transit Bus Stop Shelters.**  
88

89 Bus stop shelters may be erected on private property, public streets,  
90 public property, or public rights-of-way by a public transportation carrier  
91 or as authorized by a public transportation carrier, subject to the  
92 following conditions:

- 93 (1) Plans and specifications for the proposed installations shall be  
94 submitted and approved by the City in accordance with City  
95 requirements.
- 96 (2) Bus stop shelters may be erected at any bus stop utilized by a  
97 public transportation carrier.
- 98 (3) The owner or constructor of the bus stop shelter shall be  
99 responsible for the maintenance of the structure.

- 100           (4)    A bus stop shelter may be erected only at bus stops identified by  
101                   a public transportation carrier providing service to that location.  
102                   The public transportation carrier may contract with appropriate  
103                   subcontractors to provide and maintain bus stop shelters at  
104                   various locations.
- 105           (5)    Bus stop shelters may carry advertising placed upon them, subject  
106                   to the following rules or regulations:  
107                   a.    Such advertising matter must be attached to the shelter  
108                           and not extend out beyond the parameters of the shelter;  
109                   b.    Bus stop shelters carrying advertising matter must be  
110                           constructed so as not to obstruct vision triangles at  
111                           intersecting driveways and rights-of-way;  
112                   c.    Advertising shall not violate ordinances or state law  
113                           obscenity provisions;  
114                   d.    Advertising shall not contain flashing lights or lights that  
115                           would interfere with motorists on the roadway.  
116                   e.    Comply with all city, state and federal regulations.
- 117           (6)    A bus stop shelter must conform to the reasonable rules and  
118                   regulations established under this section, including the  
119                   following:  
120                   a.    Bus stop shelters should be at least 48 inches from the  
121                           curb, where no curb or gutter is present the front of the  
122                           bus shelter shall be at least ten (10) feet from the edge of  
123                           the main traveled roadway;  
124                   b.    Bus stop shelters shall permit a clearance of at least 48  
125                           inches on pedestrian paths, driveways, sidewalks,  
126                           drainage structures, etc.;  
127                   c.    Sides and/or internal dividers in shelters shall be  
128                           constructed to provide visibility of waiting passengers to  
129                           the oncoming traffic flow on the road, highway or street

- 130 on which the shelter is located, provided, however, one  
131 double-faced panel containing advertising may be  
132 attached to the end of the shelter farthest from the traffic  
133 flow on the side of the street on which the shelter is  
134 located;
- 135 d. Each bus stop shelter shall be properly lighted to ensure  
136 public safety and provide complete visibility of the shelter  
137 from the abutting roadway;
- 138 e. Comply with all city, state and federal regulations.
- 139 (7) On application by a public transportation carrier or a contractor  
140 authorized by a public transportation carrier to provide bus stop  
141 shelters to a public transportation carrier, a permit shall be issued  
142 to build a shelter and allow advertising thereon unless there is  
143 adequate reason for denying the permit.
- 144 (8) Any public transportation carrier which provides more than one  
145 bus stop shelter shall make application for a permit to cover each  
146 of its various locations.
- 147 (9) An application for a building permit for construction of a bus  
148 shelter shall be submitted and accompanied by the following:
- 149 a. Authorization and approval of the public transportation  
150 carrier and the State Department of Transportation.
- 151 b. Plans and specifications for the proposed installation.
- 152 c. If a bus shelter is to be erected or maintained on property  
153 other than the right-of-way of a public road or street, an  
154 authorization of the owner of the property.
- 155 (10) The public transportation carrier shall remove the shelter upon  
156 the request of the City upon the City showing that such shelter  
157 poses a traffic hazard, impediment to pedestrian traffic or other  
158 reasonable cause.

- 159           (11) Notwithstanding any other ordinance or part of an ordinance  
160                 prohibiting the construction of bus stop shelters or commercial  
161                 advertising on public rights-of-way, a bus stop shelter complying  
162                 with the provisions of this section may be constructed on public  
163                 rights-of-way and have commercial advertising placed thereon  
164                 and the provisions of this section shall control such construction  
165                 and advertisement.

166  
167           **Sec. 23-4. Permit, Franchise Fee Required prior to Installation of**  
168           **Poles, Pipes, etc., on Public Roads or Alleys.**

- 169           (a) No person shall install, construct, maintain or cause to be  
170                 installed, constructed or maintained any pipe, main, conduit,  
171                 cable, wire, pole, tower, traffic or other signal and other  
172                 equipment, facilities, appliance, receptacle or sign, in, on, along,  
173                 over or under the public roads or alleys of the City which are a  
174                 part of the city road system without first obtaining a permit  
175                 therefor and paying franchise fees hereafter provided; provided,  
176                 however, that such franchise fees shall not be in excess of those  
177                 as may be authorized by any federal regulatory agency where  
178                 applicable.
- 179           (b) There is assessed a fee in the amount established by action of the  
180                 City Council, a copy of which is on file in the office of the City  
181                 Clerk, for the use of pipes, mains, conduits, cables, wires, poles,  
182                 towers and public rights-of-way.
- 183           (c) For each sign and each receptacle on the public right-of-way,  
184                 excepting those used in connection with the collection and  
185                 delivery of the United States mail, there is assessed a fee in the  
186                 amount established by action of the City Council, a copy of  
187                 which is on file in the office of the City Clerk.

**Sec. 23-5. Defacing Streets, Sidewalks or Curves.**

It shall be unlawful for any person to mark or otherwise deface any public sidewalk, street, or curb in the City by painting any numbers, symbols, or advertising thereon, regardless of the purpose. This section does not apply to public utilities and their agents, Metropolitan Atlanta Rapid Transit Authority, and other governmental agencies.

**Sec. 23-6. Granite Curb.**

- (a) In addition to any permit requirements, no person shall remove, damage, haul away or cause misalignment of any granite curbing on public streets, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the City. Granite curbing on public streets is City property.
- (b) Any removal or replacement of granite curbing on public streets must be done in accordance with the City's land development regulations and the specifications for granite curbing from the Public Works Director. Granite curbs shall be removed by means to keep granite slabs intact and in a condition for re-use. Any granite curb that is removed shall be delivered to the Public Works Department, unless otherwise authorized by the City.
- (c) Upon conviction in municipal court, any person who violates subsection (a) or (b) of this section shall be fined up to \$500.00 per linear foot. Each linear foot shall be considered a separate offense.

**Sec. 23-7. Mailboxes.**

- (a) All mailboxes, whether installed on public or private streets, shall comply with the United States Postal Service (USPS) standards for the construction of mailboxes. A statement indicating the type of mail delivery available by the United States Postal Service

- 222 (e.g., delivery to an individual mailbox or central delivery via  
223 cluster mailbox stations) shall be indicated on an approved  
224 subdivision plat or development permit.
- 225 (b) The property owner shall be responsible for the maintenance and  
226 repair of the mailboxes.
- 227 (c) Lateral placement of a non-cluster, individual mailbox shall be no  
228 more than six (6) inches from the face of the curb or edge of  
229 pavement if no curb and gutter is present as defined by USPS  
230 installation requirements. In no case shall the face of the mailbox  
231 extend out over the face of the curb or edge of pavement if no  
232 curb and gutter are present.
- 233 (d) All monument-type or brick, stone, or masonry veneered  
234 mailboxes must be constructed with a hollow core. Concrete  
235 block construction is prohibited.
- 236 (e) Should the United States Postal Service determine that cluster  
237 mailboxes are required, said mailboxes shall be subject to the  
238 standards found in the City's Land Development Regulations.

239 **Sec. 23-8 – 23-32. Reserved.**

240  
241 **ARTICLE II. STREET LIGHT STANDARDS.**

242 **Sec. 23-33. Adoption.**

- 243 (a) To ensure adequate illumination of the public rights-of-way for  
244 the promotion of safety and security for the users of these rights-  
245 of-way and adjacent properties, the American National Standard  
246 Practice for Roadway Lighting of the Illuminating Engineering  
247 Society, 1981 edition, as approved by the American National  
248 Standards Institute, is adopted as the standard (except as noted in  
249 subsection (b) of this section) for the installation and operation of  
250 public right-of-way lighting in the City. Permanent copies of the



standard are on file with the City Clerk and the Department of Public Works.

- (b) Lighting fixtures installed within the public rights-of-way to be operated for the purpose of street illumination shall comply with these standards. The minimum average horizontal footcandle illumination level by roadway classification shall be:

Roadway Classification	Commercial Area	Intermediate Area	Residential Area
Major	2.0	1.4	1.0
Collector	1.2	0.9	0.6
Local or Residential	0.9	.06	0.4

The uniformity of illumination shall be such that the point of lowest illumination shall have at least one-third of the average horizontal footcandle required illumination level, except that on local or residential streets it may be not less than one-sixth of the average.

**Sec. 23-34. Compliance.**

- (a) Any party requesting permission to install or operate lighting fixtures within public rights-of-way shall furnish plans and specifications to the Public Works Department for approval showing how the proposed lighting meets the standards, and no lighting shall be installed or operated without this approval. Should the Department disapprove the request to install or operate lighting fixtures within any right-of-way, the same shall be communicated in writing to the party requesting approval. The written communication shall include the specific reasons for

disapproval. Any disapproval of a light or lighting system by the department may be appealed to the City Council. If any party desires to appeal an adverse decision by the Department, a notice of appeal shall be filed with the Department within 30 days from the date following the written notice of disapproval, and it shall be the responsibility of the Department to transmit forthwith to the City Council all papers and allied documents constituting the record upon which the action appealed from was taken and to ensure that the appeal is promptly placed upon the agenda of the Council for its determination. The City Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

(b) Roadway or street lighting luminaires or fixtures installed within the public rights-of-way as security lights, or for the purpose of lighting areas other than the public streets, shall be mounted on the side of the pole opposite from the street and shall be oriented in such a manner to ensure that the lateral light distribution pattern is parallel to the street, and that the vertical light distribution, at the initial light source, is perpendicular to the street, so as to protect the users of the street from objectionable glare. The approval of the City shall be obtained before installation of these lights.

(c) Other lighting fixtures to be installed within or outside of public rights-of-way for whatever purpose shall be installed and operated in such a manner to prevent glare from being a hazard to or interfering with the normal use of the public rights-of-way.

**Sec. 23-35 – 23-56. Reserved.**

### **ARTICLE III. EXCAVATIONS.**

**Sec. 23-57. 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:

*Excavation* means the removal of earth, rock or other soil materials for the purpose of installing utility facilities, non-single-family residential building foundations, or other similar uses.

**Sec. 23-58. Applicability.**

This Article applies to all excavations made for the purposes of land development, utility installations, building construction or similar activity within the City.

**Sec. 23-59. Federal Regulations Adopted.**

Any person making an excavation shall meet the requirements as set forth in the Federal Occupational Safety and Health Regulations for Construction, as adopted April 17, 1971, and each amendment thereafter, with the exceptions and amendments included in this Article.

**Sec. 23-60. Same – Amendments and Exceptions.**

The following amendments and exceptions shall apply to the development requirements adopted by section 23-59:

- (1) Excavations involved in the construction of a basement or foundation for a single-family residential structure are exempt from all of these requirements, with the exception that any excavation or foundation grading on which construction does not proceed within 30 days shall be fenced, so as to prevent general public entrance to the building site, or filled in. However, an extension may be allowed if justified and if approved by application to the City.

336 (2) The administration and enforcement of the provisions of  
337 this Article shall be the responsibility of the department  
338 having applicable jurisdiction over the type of work  
339 involved.

340 (3) In table P-2, the line reading "ten to 15 feet, likely to  
341 crack" and the column "Maximum Spacing, Vertical  
342 Feet," shall contain the number "4."

343 **Sec. 23-61 – 23-78. Reserved.**

344  
345 **ARTICLE IV. MOVING BUILDINGS AND OTHER OVERSIZE**  
346 **LOADS.**

347 **DIVISION I. GENERALLY.**

350 **Sec. 23-79. Purpose.**

351 The purpose of this Article is to establish uniform permitting regulations  
352 and procedures for the moving of houses and other oversize loads on  
353 City roads, streets and bridges within the City, thereby protecting private  
354 property and lives against loss and damage, protecting the public  
355 investment in rights-of-way, roadbeds, traffic signs and signalizations  
356 and other structures, controlling and regulating the flow of traffic and  
357 ensuring the safety of the public.  
358

359 **Sec. 23-80. Variances.**

360 The Public Works Department shall be authorized to grant an  
361 administrative variance from the requirements of this Article, but only  
362 where, by reason of the exceptional historical, architectural or social  
363 uniqueness or significance of the structure, the strict application of the  
364 provisions of this Article would work an undue hardship upon the owner  
365 of the structure, and provided that the grant of any variance shall not  
366 substantially impair the intent and purpose of this Article and further  
367

368 provided that the provisions of this Article shall be complied with to the  
369 maximum extent possible.

370 **Sec. 23-81 – 23-103. Reserved.**

371 **DIVISION 2. PERMIT.**  
372

373 **Sec. 23-104. Required.**  
374

375 No person shall move a house or other oversize load on any city road,  
376 street or bridge within the City without a permit to do so issued by the  
377 Public Works Department.

378 **Sec. 23-105. Application.**  
379

- 380 (a) All persons desiring to obtain a permit under the provisions of  
381 this Article shall make application on the form prescribed by the  
382 City.
- 383 (b) The application shall include, but not be limited to, the following:
- 384 (1) Name, address and phone number of the mover/applicant.
  - 385 (2) Name, address and phone number of the owner of the  
386 structure.
  - 387 (3) Address of the present location of the structure.
  - 388 (4) Destination of the structure.
  - 389 (5) Name and address of insurance company.
  - 390 (6) Total height, outside width and length of vehicle and load.
  - 391 (7) Certification that the person making application on behalf  
392 of the mover has lawful authority to execute such  
393 application and that all requirements under this section  
394 and sections 23-106 and 23-107 have been met.
  - 395 (8) The proposed date and time of the move.
  - 396 (9) A statement that the mover/applicant agrees to hold the  
397 city harmless from all claims or causes of action arising  
398 out of any damage to a public road or bridge, to persons,

399 to public or private property caused by a permitted load or  
400 vehicle, or its private escort vehicle, and to recompense  
401 the City for any expenditures made by the City to repair  
402 such damages caused by the permitted vehicle or load.

403 (c) As a condition to the issuance of a permit, the City, when deemed  
404 necessary in the interest of public safety, may require the use of a  
405 front or rear escort, or both, either or both of which may be a  
406 public safety vehicle.

407 (d) All permit applications must be filed at least five days prior to the  
408 date of the proposed move and shall be accompanied by a fee in  
409 the amount established by action of the City Council, a copy of  
410 which is on file in the office of the City Clerk. If the application  
411 is not approved, the fee will be refunded to the applicant, less an  
412 administrative processing charge in the amount established by  
413 action of the City Council, a copy of which is on file in the office  
414 of the City Clerk.

415

416 **Sec. 23-106. Scope Limited.**

417 (a) Except as authorized under section 23-80, a permit under this  
418 Division shall not authorize the operation of a vehicle or load  
419 with:

- 420 (1) Total load length exceeding 75 feet;  
421 (2) Total load width exceeding 14 feet, including mirrors and  
422 accessories attached thereto; or  
423 (3) Total height exceeding 13 feet six inches.

424 (b) Notwithstanding any provision of this Article to the contrary, no  
425 vehicle or load shall be operated over any bridge with a posted  
426 limit which is less than the total gross weight of the vehicle and  
427 its load or less than the total gross weight permitted under this  
428 Article.

**Sec. 23-107. Conditions to Issuance.**

In addition to compliance with other conditions imposed under the provisions of this Division, any person receiving a permit under this Division thereby certifies that such person will comply or has complied (as applicable herein) with the following conditions governing the operation of the permitted vehicle or load:

- (1) Federal and state laws and regulations.
- (2) The movement of the permitted vehicle or load will take place only on Monday through Thursday, and between 9:00 a.m. and 3:00 p.m.
- (3) The permitted load or vehicle will not be operated over any city road other than those described or allowed in the permit.
- (4) The operator of a permitted vehicle and load shall maintain 50-foot intervals between each vehicle load. In addition, when the normal flow of traffic becomes impeded, such vehicle or load shall move off the traveled portion of the public road until such traffic congestion has been cleared. Normal movement may then be resumed until another traffic congestion occurs.
- (5) The permittee shall maintain, during the existence of the permit, public liability and property damage insurance in at least the following amounts: public liability, \$300,000.00 each accident; \$100,000.00 each person injured; total property damage, \$50,000.00; provided that nothing herein shall prevent the City from requiring any additional undertaking or security as may be deemed necessary to compensate the City for any injury to any public property therein, including a bridge. Proof of such

- 460 liability insurance and other security shall accompany the  
461 permit application.
- 462 (6) The permittee shall ensure that the operator of a leased  
463 vehicle carries on such operator's person written proof of  
464 the identity of the lessee.
- 465 (7) The permittee shall not allow the permit to be used other  
466 than for the movement by the particular vehicle for which  
467 the permit was issued.
- 468 (8) The minimum equipment which shall be used for moving  
469 a house is: a tandem truck, one set of tandem dollies in  
470 good condition, and one extra skidder or wrecker in good  
471 condition and capable of moving the whole load in case of  
472 a breakdown.
- 473 (9) The permittee shall measure the house and, prior to  
474 applying for a permit, check the route stated in the permit  
475 application to ensure obstacle clearance and necessary  
476 places periodically to pull off the road for the purpose of  
477 preventing unnecessary traffic congestion.
- 478 (10) Before moving a house, all masonry shall be removed  
479 from a masonry-veneered house.
- 480 (11) All mailboxes, highway signs and other movable obstacles  
481 to the move of the house shall be removed as the house  
482 approaches such an obstacle and re-erected immediately  
483 after the house passes such obstacle in equal or better  
484 condition than prior to removal.
- 485 (12) The movement shall be confined to the route stated in the  
486 application, and in no case shall exceed any straight line  
487 distance of 50 miles.

488 **Sec. 23-108. Route Approval.**  
489



490 Prior to the issuance of a moving permit under this Division, the  
491 transport route proposed by the mover/applicant must be reviewed and  
492 approved by the Public Works Department and Police Department.  
493 Unless no other reasonable alternative route exists, only those sections of  
494 city roads designated as truck routes by the City shall be used for the  
495 moving of such structures.

496 **Sec. 23-109. Revocation, Suspension or Denial.**  
497

498 (a) The Public Works Department shall be authorized to deny,  
499 suspend or revoke a permit under this Division requested by an  
500 applicant or issued to a permittee. Permits may be denied,  
501 suspended or revoked for cause including, but not limited to, any  
502 of the following reasons:

- 503 (1) Failure to comply with the provisions of this Article.
- 504 (2) Repeated past violations by the applicant or permittee, of  
505 a relatively minor nature.
- 506 (3) A single, but aggravated violation.
- 507 (4) A material misrepresentation made by the applicant for a  
508 permit.
- 509 (5) Any other facts indicating that the applicant or permittee  
510 is a likely risk to the safety of the traveling public and/or  
511 damage to public property.

512 (b) The City shall provide the applicant or permittee written notice of  
513 the decision to deny, revoke or suspend the application or permit.  
514 Such notice shall set forth in reasonable detail the reasons for  
515 such action and shall include notice of the right to appeal under  
516 the provisions of this Division.

517  
518 **Sec. 23-110. Appeals.**

519 An applicant or permittee under this Division shall be entitled to appeal a  
520 decision of the Public Works Department denying, suspending or

521        revoking a permit, to the Mayor and City Council, by filing a notice of  
522        appeal with the Public Works Department within ten (10) days of the  
523        decision appealed from. The Mayor and City Council shall schedule a  
524        hearing on the appeal at the next available public meeting, but no later  
525        than 30 days after the appeal is filed and shall provide the appellant  
526        notice of the date of such hearing at least seven (7) days prior to the  
527        hearing. The City Council's decision is final and may be appealed by the  
528        applicant/permittee by Petition for Writ of Certiorari to the DeKalb  
529        County Superior Court in accordance with State law.

530  
531        **Sec. 23-111 – 23-133. Reserved.**

532  
533        **ARTICLE V. ENCROACHMENT PERMITS.**  
534

535        **Sec. 23-134. Purpose; Scope; Exemption.**  
536

- 537        (a)     The purpose of this Article is to:
- 538                (1)     Establish a uniform permitting and inspection process, and  
539                reasonable regulations for the installation, construction,  
540                maintenance, renewal, removal, and relocation of pipes,  
541                mains, conduits, cables, wires, poles, towers, traffic and  
542                other signals, and other equipment, facilities, or  
543                appliances of any utility in, on, along, over, or under the  
544                public roads, rights-of-way, and permanent easements of  
545                the City, which are a part of the city road system lying  
546                within the City, hereinafter collectively referred to as "the  
547                city's public roads";
- 548                (2)     Establish a uniform permitting and inspection process, and  
549                reasonable regulations for encroachment permits for the  
550                construction, relocation, or removal of driveways,  
551                sidewalks, curbing, bike lanes, multi-use trails, associated  
552                drainage facilities, and landscaping construction, and

- 553 maintenance in, on, along, over, or under the City's public  
554 roads;
- 555 (3) Efficiently manage use of the City's public roads and  
556 maintain and preserve the physical integrity and layout of  
557 its public roads;
- 558 (4) Ensure that work is planned and performed in a manner  
559 that does not cause damage and does not create hazardous  
560 conditions in, on, along, over, or under the City's public  
561 roads;
- 562 (5) Inspect and monitor work to ensure that appropriate  
563 signage, barricades, and lighting are utilized to protect the  
564 public when work is in progress;
- 565 (6) Inspect and monitor work so that it is performed in a safe  
566 manner that reduces the risk of injury to persons using the  
567 City's public roads;
- 568 (7) Inspect and monitor work to reduce damage to private  
569 property, including but not limited to cars, motorcycles,  
570 and bicycles, traveling on the City's public roads;
- 571 (8) Inspect and monitor work to reduce damage to water and  
572 sewer lines, sidewalks, rights-of-way, or road surfaces;
- 573 (9) Regulate the time and location of excavation and other  
574 work to preserve effective traffic flow and prevent  
575 hazardous road conditions; and
- 576 (10) Recover a share of the cost of processing permits,  
577 inspecting and monitoring permitted work, and the cost of  
578 increased street repair and paving resulting from repeated  
579 excavation.
- 580 (b) All city departments and any infrastructure for city-owned  
581 facilities are exempt from compliance with the terms of this  
582 Article.

583           (c)    If there is a conflict between the provisions and requirements in  
584                   this Article, and federal law, state law, and/or any applicable state  
585                   regulations adopted by the Georgia Department of Transportation  
586                   (GDOT), as they exist now or may be amended hereafter, then  
587                   federal law, state law, and/or the GDOT regulations shall govern.  
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**Sec. 23-135. Permit.**

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(a)    It shall be unlawful for any person to perform the work listed in  
          subsections (a)(1) and (2) of this section without the prior  
          issuance of an encroachment permit by the Director of Public  
          Works:

(1)    Installation, construction, maintenance, renewal, removal,  
          and relocation of pipes, mains, conduits, cables, wires,  
          poles, towers, traffic and other signals, and other  
          equipment, facilities, or appliances of any utility in, on,  
          along, over, or under the City's public roads.

(2)    Construction, relocation, or removal of driveways,  
          sidewalks, curbing, bike lanes, multi-use trails, associated  
          drainage facilities, and landscaping construction and  
          maintenance in, on, along, over, or under the city's public  
          roads.

(b)    The Public Works Department shall develop application forms;  
          establish, in writing, the documentation and information required  
          for an encroachment permit application to be considered  
          complete; develop objective, written criteria for granting, denying  
          or revoking encroachment permits; develop guidelines listing the  
          information required to be submitted on or with plans and  
          specifications; promulgate all guidelines and necessary forms;  
          and take such other administrative steps as may be necessary to  
          enforce the provisions of this Article.

- 613 (c) All information and plans required to be submitted by applicant  
614 and the objective, written criteria for evaluating permits shall  
615 relate solely to managing the use of the City's public roads, and  
616 shall be designed solely to obtain information that furthers the  
617 stated purposes of this Article.
- 618 (d) The application for an encroachment permit may require the  
619 applicant to describe the nature, extent, and location of the work,  
620 and may also require the applicant to furnish an indemnity bond  
621 or other acceptable security conditioned to pay for any damages  
622 to any part of the City's public roads or to any member of the  
623 public caused by work performed under authority of such permit.
- 624 (e) Each applicant shall pay a nonrefundable encroachment permit  
625 application fee and cost recoupment fees in an amount  
626 established by the Mayor and City Council.
- 627 (f) The Director of Public Works shall determine if the proposed  
628 work can be performed under one permit or will require multiple  
629 permits. At a minimum, each applicant shall be required to obtain  
630 a separate encroachment permit for work that will be performed  
631 on more than one street.
- 632 (g) An applicant must pay the fees and submit a complete application  
633 to the Director of Public Works. The Director shall grant or deny  
634 an encroachment permit 30 days from receipt of a complete  
635 application. Each encroachment permit expires six (6) months  
636 from the date of issuance by the City as reflected on the permit.
- 637 (h) Any encroachment permit may be denied or revoked by the  
638 Director of Public Works for a violation of this Article or a  
639 failure to show compliance with the City's objective, written  
640 criteria or guidelines established pursuant to this Article. The  
641 decision to deny or revoke an encroachment permit shall become  
642 effective 14 days after the date the written notice is mailed to the

643 applicant at the address on the encroachment permit application.  
644 The applicant/permittee may contest the denial or revocation by  
645 sending an appeal with written reasons explaining why an  
646 encroachment permit should not be denied or revoked prior to the  
647 effective date of denial or revocation to the Public Works  
648 Director. Upon receipt of same, the Public Works Director shall  
649 refer the case to the City Manager or designated Hearing Officer.  
650 The City Manager or designee shall consider the written reasons  
651 and advise the applicant/permittee of his decision in writing  
652 within five (5) business days of receipt. The City Manager's or  
653 designated Hearing Officer's decision in this regard is final. If the  
654 applicant/permittee contests the decision to deny or revoke an  
655 encroachment permit, the effective date of such denial or  
656 revocation shall be three days after the date of the City Manager's  
657 or designated Hearing Officer's final decision. The  
658 applicant/permittee may appeal the City Manager or designee's  
659 final decision by filing a Petition for Writ of Certiorari with the  
660 DeKalb County Superior Court in accordance with State law.

661

662 **Sec. 23-136. Plans, Specifications and Responsibility.**

- 663 (a) Plans and specifications for all work to be covered by an  
664 encroachment permit shall be submitted to the Public Works  
665 Director, and shall show in detail all required pertinent data and  
666 features of construction.
- 667 (b) Ground-mounted facilities shall be of a design compatible with  
668 abutting property.
- 669 (c) All work covered by an encroachment permit shall meet and  
670 comply with all applicable city, state and federal laws,  
671 regulations, requirements and permits, including but not limited  
672 to this Code, the GDOT Standard Specifications for Construction

673 of Roads and Bridges, the GDOT Policy for Accommodation of  
674 Utilities, the National Electrical Safety Code, the American  
675 National Standards Institute Standard Code for Pressure Piping,  
676 the American Association of State Highway Transportation  
677 Officials (AASHTO) Manual, and the Georgia Sedimentation and  
678 Erosion Control Act.

679 (d) Permittees shall be solely and fully responsible for any claims,  
680 actions, damages or injury related in any way to the design and  
681 construction of permitted work.

682 (e) Permittees shall be solely responsible for providing adequate  
683 safety measures during all phases of permitted work.

684

685 **Sec. 23-137. Failure to Obtain Permit.**

686 Any person who performs the work listed in Section 23-135 (a)(1) and  
687 (2) without obtaining an encroachment permit shall be fined up to  
688 \$500.00 upon conviction in municipal court for each violation.

689

690 **Sec. 23-138 – 23-157. Reserved.**

691

692 **ARTICLE VI. SIDEWALK DISTRICTS.**

693

694 **Sec. 23-158. Program Established.**

695 There is established a residential sidewalk district program whereby  
696 eligible residential areas may petition the City to install sidewalks within  
697 their neighborhood.

698

699 **Sec. 23-159. Sidewalk District Requirements.**

700 (a) A sidewalk district can only be established in residentially zoned  
701 districts where the streets or roads within the proposed sidewalk  
702 district have been accepted by the City for perpetual maintenance.

703           (b)     Sidewalk construction must begin and end at existing sidewalks  
704                   or public road intersections, or immediately across from public  
705                   road intersections, but may extend past a public road intersection  
706                   to complete the frontage adjoining the proposed sidewalk  
707                   construction.

708  
709     **Sec. 23-160. Application and Petition.**

710           (a)     *Application.* Anyone who desires to have a sidewalk district  
711                   created shall submit an application to the Director of Public  
712                   Works or designee. Said application shall be made on forms made  
713                   available by the Public Works Department and shall at a  
714                   minimum contain a plat showing the area of the proposed  
715                   sidewalk district and the location of the proposed sidewalks.

716           (b)     *Estimate of costs.*

717                   (1)    Based upon the plat submitted with the application, the  
718                            Director of Public Works or designee shall prepare an  
719                            estimate of the total project cost and pro rata cost per  
720                            property owner for the creation of the proposed sidewalk  
721                            district, including the costs for the design, contracting,  
722                            acquisition of rights-of-way, and inspection for sidewalk  
723                            construction funded by the sidewalk district. The Director  
724                            of Public Works' estimate may not establish a limit on the  
725                            amount of the project costs and may not limit the amount  
726                            that may be assessed against the property owners.

727                   (2)    If the application is incomplete or does not contain  
728                            information sufficient for the Director of Public Works to  
729                            prepare the estimate, then the Director of Public Works  
730                            shall return the application to the applicant within 30 days  
731                            of receipt indicating the additional information required.  
732                            Otherwise, the Director of Public Works shall prepare the



733 estimate of costs and send the estimate to the applicant  
734 within 90 days of receipt of a complete application.

735 (c) *Petition.*

736 (1) *Circulation.* The applicant shall be responsible for gaining  
737 the required signatures on a sidewalk district petition from  
738 property owners within the proposed sidewalk district.

739 (2) *Contents.* The petition shall contain the name, property  
740 address within the proposed sidewalk district, mailing  
741 address, and phone number of all property owners who  
742 sign the petition. If the property owner does not reside at  
743 the property within the sidewalk district, then the petition  
744 shall contain both the property address within the district  
745 and the property owner's actual address outside the  
746 district.

747 (3) *Plat.* The petition shall have attached to it a copy of the  
748 plat submitted to the Director of Public Works showing  
749 the boundaries of the proposed sidewalk district and a  
750 copy of the Director of Public Works' estimate of the total  
751 project cost and the pro rata cost per property owner.

752  
753 **Sec. 23-161. Procedure.**

754 (a) *Return of petition.* The petition for creation of the proposed  
755 sidewalk district must be returned to the Director of Public Works  
756 within 90 days after the Director of Public Works notifies the  
757 applicant that the preparation of the estimate of costs and pro rata  
758 costs for the project is complete; however, the Director of Public  
759 Works has the discretion, for good cause shown, to extend the  
760 time for the return of the petition an additional 30 days, for a total  
761 of 120 days, when a request for such extension is made by the  
762 applicant to the Director of Public Works before the expiration of  
763 the original 90-day period.

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- 764           (b) *Signatures.* No assessment shall be made against abutting  
765                           property, unless the same is consented to in writing by the owners  
766                           of 51 percent of the property abutting such improvements. Said  
767                           consent shall be deemed to have been given if the requisite  
768                           number of signatures of such abutting property owners is  
769                           included in the petition requesting the proposed sidewalks and the  
770                           creation of the assessment district.
- 771           (c) *Notice.* Upon the timely receipt of a petition containing the  
772                           required number of signatures, the Director of Public Works shall  
773                           cause the matter to be placed upon the City Council's public  
774                           hearing agenda for a hearing on the creation of the proposed  
775                           sidewalk district. The Director of Public Works or designee shall  
776                           cause a notice to be published in the City's legal organ or a  
777                           newspaper of general circulation in which the sheriff's  
778                           advertisements are published at least once ten days prior to the  
779                           date of said hearing, which notice shall give a brief description of  
780                           the subdivision in which the work is to be done, the nature of the  
781                           improvements to be made and the beginning and terminus of the  
782                           road or street upon which such improvements are to be made and  
783                           such notice shall set forth the time and place of the hearing.
- 784           (d) *Notification of decision.* Within 60 days of a final decision on the  
785                           petition by the City Council, the Director of Public Works or  
786                           designee shall notify by certified mail, return receipt requested,  
787                           each affected property owner of the decision of the City Council.  
788                           If the final decision is an approval of the petition, then the Public  
789                           Works Director shall notify each affected property owner by  
790                           certified mail, return receipt requested, of a good faith estimate of  
791                           the individual assessment. A final decision means the approval or  
792                           denial of the petition by the City Council.

793           **Sec. 23-162. Funding.**  
794

- 795           (a)   *Assessment.* Each owner of property abutting the sidewalks shall  
796                   be assessed a share of the cost to be funded by the district, which  
797                   cost shall be added to the ad valorem property taxes for each  
798                   owner as provided in this section. No assessment shall be made  
799                   against abutting property, unless the same is consented to in  
800                   writing by the owners of 51 percent of the property abutting such  
801                   improvements. Abutting shall mean adjacent to, contiguous with,  
802                   or adjoining.
- 803           (b)   *Pro rata costs.* Each property owner's share of the cost shall be  
804                   determined as follows: The total cost of the project shall be  
805                   calculated by the City, and the figure so derived shall be known  
806                   as the total project cost. The City shall next determine the linear  
807                   feet of sidewalk that was constructed. The total cost shall then be  
808                   divided by the total linear feet of sidewalk to derive the cost per  
809                   foot. Each property owner abutting the sidewalks shall then be  
810                   assessed an amount that equals the linear feet of street frontage  
811                   the property owner has multiplied by the cost per foot.
- 812           (c)   *Payment.* The sidewalk tax assessment shall be paid by one of  
813                   two options, as follows:
- 814                   (1)   *Option 1.* The assessment may be paid in cash by the  
815                           property owner within 90 days of the mailing of the  
816                           assessment by the City. If paid under this option, the  
817                           assessment will not bear an administrative fee and no lien  
818                           shall be recorded against the property. Payment shall be  
819                           made to the City and delivered to the Public Works  
820                           Department. If payment is not made in full within 90 days  
821                           of the City's initial billing of the assessment, then payment  
822                           option two shall automatically take effect. Once option  
823                           two is in effect, the payment via option two shall be the

824 property owner's sole option until all assessment payments  
825 are satisfied.

826 (2) *Option 2.* The assessment shall be paid in five equal  
827 annual installments. Payment of each such assessment  
828 shall be due and payable within 60 days from the mailing  
829 by regular mail of a bill from the tax commissioner. In the  
830 event option two is selected, the cost of processing,  
831 administration, recording the lien, and satisfaction of such  
832 lien shall be added to the assessment.

833 (d) *Notification to purchaser.* The property owner shall advise any  
834 purchaser of its property within the sidewalk district of the  
835 assessment. The property owner may conduct a proration of the  
836 assessment with the purchaser. The City shall not be responsible  
837 for the proration of the assessments between sellers and  
838 purchasers nor shall the City be under any duty to notify any  
839 purchaser of the existence or liability for the assessment.

840 (e) *Collection when not paid.* If the assessment is not paid when due,  
841 the assessment shall be collected in the same manner as  
842 delinquent ad valorem taxes and shall be subject to the same  
843 interest and penalties.

844 (f) *Lien.* The assessment shall constitute a lien against the property  
845 and shall be recorded by the tax commissioner in the lien records  
846 of the clerk of the county superior court.

847 (g) *Processing fee.* The fee for processing and administration of this  
848 option shall be established by the Public Works Department and  
849 approved by the City Council.

850

851 **Section 2:**

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854

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and

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CITY OF STONECREST

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were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption.

6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

**SO ORDAINED AND EFFECTIVE** this the \_\_\_\_ day of \_\_\_\_\_,  
2019.

STATE OF GEORGIA  
DEKALB COUNTY  
CITY OF STONECREST

ORDINANCE NO. \_\_\_\_\_

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Approved:

\_\_\_\_\_  
Jason Lary, Sr., Mayor

As to form:

\_\_\_\_\_  
Winston A. Denmark, City Attorney

Attest:

\_\_\_\_\_  
Megan P. Reid, City Clerk