

ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE ENTITLED “STREETS, CURBS, AND SIDEWALKS”; TO PROVIDE FOR GENERAL REGULATIONS; TO PROVIDE FOR STREET CONSTRUCTION AND IMPROVEMENTS; TO PROVIDE FOR DRIVEWAYS AND CURBS; TO PROVIDE FOR PROCEDURES FOR THE ISSUANCE OF PERMITS; TO PROVIDE FOR PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Council of the City of Berkeley Lake, Georgia that Chapter 20 of the Code of Ordinances of the City of Berkeley Lake entitled “Streets, Curbs, and Sidewalks” shall be amended to delete said Chapter 20 in its entirety and to add in lieu thereof a new Chapter 20 as follows:

CHAPTER 20: STREETS, CURBS, AND SIDEWALKS

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20-101 General Regulations

1. Maintenance and repair of public streets. All maintenance and repair of public streets, alleys, curbs, sidewalks, and other public ways shall be under the supervision of the City Engineer. The Ordinance Enforcement Officer shall have the responsibility of enforcing all provisions of this Code and all ordinances of the city relating to such public ways.
2. Maintenance of property between sidewalks and streets. All persons (as used in this chapter, “person” or “persons” shall mean any person, firm, company or corporation) who own real estate in the city abutting upon any paved sidewalks shall be required to keep that portion of such sidewalks which lies between the property line and the curb line of the adjoining street, and upon which his real estate abuts, in good and smooth condition and free from growing weeds and other obnoxious and unsightly vegetation or other things which would mar or detract from the beauty and cleanliness of the street upon which their property abuts. Any property owner who shall place or allow grass to grow upon the portion of the sidewalk lying between the property line and the curb line of the street as aforesaid, and upon which his real estate abuts, shall keep such grass properly mowed and free from rubbish of all kinds. If such owners are not in the possession of their property, then this section shall apply to their tenants or those who have possession or control of the same.

3. Defacing sidewalks, streets, and curbs. Unless authorized by the city, it shall be unlawful for any person to deface any public sidewalk, street, or curb in the city by painting any signs thereon, whether for commercial advertising purposes or not. It shall also be unlawful to walk or drive any vehicle upon or injure in any way any newly laid street, sidewalk, or curbing pavement while the same is guarded by a warning sign or barricade or is soft or newly laid.

4. Obstructions. It shall be unlawful for any person to cause, create, or maintain any obstruction on any street, alley, sidewalk, or other public way, except as may be provided in this chapter or in the ordinances and laws of the city.

5. Deposits and discharges onto streets and sidewalks.

- a. It shall be unlawful for any person to deposit on any street or sidewalk any material which may be harmful to the pavement thereof, or any waste material, or any glass or other article which may do injury to any person, animal, or property.
- b. It shall be unlawful for any person to discharge or allow to be discharged onto any public street or sidewalk any water or other fluid material containing objectionable material such as sewage, waste milk, or other organic material.

6. Report of defects, obstructions, deposits, and discharges. It shall be the duty of every city officer and employee who becomes aware of any defect or obstruction, or of any unlawful deposit or discharge, in or on any public street, alley, curb, sidewalk, or other public way of the city to report the same to the ordinance enforcement officer as ~~as~~ soon as possible.

7. Private use. It shall be unlawful for any person to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisement on any such pavement.

8. Encroachments. It shall be unlawful for any person to erect or maintain any building or structure which encroaches upon any public street or property, or to place a dumpster, portable bathroom or any temporary blockage which encroaches upon any public street or property or to erect any poles or wires or maintain any poles or wires over any public place, street, alley, or other public way, without having first secured a permit from the City Building Inspector or his designee- in the manner specified in this chapter.

9. Openings. It shall be unlawful for any person to construct or maintain any opening or stairway in any public street, sidewalk, or alley without first obtaining a permit from the City Building Inspector or his designee in the manner specified in this chapter. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing approved by the City Building Inspector.

10. Trees and shrubs.

- a. Planting and removal. It shall be unlawful for any person to plant, remove, injure, or cut any tree, bush, or shrub in or from any public street, parkway, or other public place without first obtaining a permit therefor from the Ordinance Enforcement Officer or his designee in the manner specified elsewhere in this code.

Cross reference: City Code Chapter 22 – Buffer, Landscape and Tree Ordinance

- b. Advertisements. It shall be unlawful for any person to attach any sign, advertisement, or notice to any tree or shrub in any public place.
- c. Dangerous trees. Any tree or shrub which overhangs any sidewalk, street, or other public place in the city in such a way as to impede or interfere with traffic or travel shall be trimmed by the owner of the premises on which such tree or shrub grows so that the obstruction shall cease. Any tree or limb of a tree which is likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands. The Ordinance Enforcement Officer or his designee may cause to be trimmed or removed, at the owner's expense, any and all such trees or shrubs so that the obstruction or danger to traffic or passage shall be removed. The removal of any tree or limb pursuant to this section shall require a permit as set forth above.
- d. The city reserves the right to trim any tree or shrub in the designated right of way as provided by state law.
- e. Poles and wires. Any person which maintains poles and wires in the streets, alleys, or other public places of the city shall keep such wires and poles free and away from any nearby trees or shrubs in such places, and keep all such trees and shrubs properly trimmed, subject to the supervision of the Ordinance Enforcement Officer-, so that no injury shall befall either the poles and wires or the shrubs and trees by their contact.

11. Burning of leaves and rubbish. It shall be unlawful for any person to burn any leaves, paper, rubbish, or other substances upon any of the public streets, sidewalks, or alleys of the city.

Cross reference: City Code Chapter 10 – Fire Prevention and Protection

20-102 Street construction and improvements

1. Specifications

- a. In general. All street and sidewalk pavements and all curbing shall be laid in conformity with the specifications established or approved from time to time by the mayor and council.
- b. Curb ramping. The standard for construction of curbs on each side of any city street, or any connecting street or road for which curbs have been prescribed, shall be not less than one ramp per lineal block giving on the crosswalks at intersections. Such ramps shall be at least 40 inches wide and so constructed as to allow reasonable access to the crosswalk for physically handicapped persons. Such curbs and ramps shall also conform fully with all applicable federal and state regulations.

2. Construction, Traffic and Pedestrian Safety. Any person laying or repairing any pavement on a street, sidewalk, or other public place shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work, which barricades shall be protected by a light at night time.

20-103 Driveways and curbs

1. Permit required. No person shall begin to construct, reconstruct, repair, alter, or grade any driveway, curb, or curb-cut on the public streets without first obtaining a permit from City Hall in the manner specified in this chapter.
2. Fee. The permit fee shall be \$50 for each driveway permit except that when driveways, curbs, or curb-cuts are to be altered simultaneously, only one permit and fee shall be required.
3. Bond. The Building Inspector or his designee shall have the authority to require an applicant for a permit hereunder to file a bond with his application conditioned to protect and save harmless the city from all claims for damages or injury to any persons by reason of the proposed alteration work.
4. Standards for issuance of permit. The Building Inspector or his designee hereunder shall issue a permit when he or she finds:
 - a. that the plans for the proposed operation have been approved by the Planning and Zoning commission where applicable.
 - b. that the work shall be done according to the standard specifications of the city for public work of like character;
 - c. that the operation will not unreasonably interfere with vehicular and pedestrian traffic and the means of ingress to and egress from the affected and adjacent properties
 - d. that the health, welfare, and safety of the public will not be unreasonably impaired.

20-104 Procedure for the issuance of permits

1. Application. Every person required to procure a permit under the provisions of this chapter or any ordinance or law of this municipality relating to the subject matter of this chapter shall ~~submit~~ submit a completed Right-of-Way permit application to City Hall for review by the Building Inspector or his designee. a written application for such permit to the Building Inspector or his designee. ~~The written application shall state the following:~~

- ~~a. _____The name and address of the applicant.~~
- ~~b. _____The purpose for which the application is submitted.~~
- ~~c. _____The nature and location of any work proposed to be done and the name of the person or firm who is to do such work.~~
- ~~d. _____The estimated cost of the proposed work.~~

~~The date of commencement and date of completion of the proposed work, and other date or plans as may reasonably be required by the Building Inspector.~~

2. Permit fee. Unless otherwise provided, each application for a permit under this section shall be accompanied by a permit fee of \$50.00.

3. Display of permit. It shall be the duty of any permittee hereunder to keep the permit issued to him in a conspicuous place at the site of the work or activity to be engaged in. It shall be unlawful for any person to exhibit such permit at or about any location not covered thereby, or to misrepresent the number of the permit or the date of expiration of the permit.

46. Limitation on issuance. Notwithstanding any other provision of this section, no permit shall be issued to any applicant therefore who has failed to satisfy any bonding requirements imposed upon persons engaged in the kind of work or activity proposed to be done or carried out by such applicant.

5. Condition(s) for Approval. Should the Ordinance Enforcement Officer determine that the issuance of a right-of-way permit for encroachment may create a public safety hazard, the right-of-way permit for encroachment shall only be issued with the provision that the applicant provide lighted barricades around the encroachment to alert traffic to a potential hazard. The Ordinance Enforcement Officer shall inspect the lighted barricades at the beginning of the project and periodically throughout the course of the project to determine compliance with this requirement. If the Ordinance Enforcement Officer determines that the encroachment is not properly barricaded, the right-of-way permit shall become invalid and the applicant shall be subject to penalties under this chapter until such time that the proper barricades are installed and approved by the Ordinance Enforcement Officer.

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Penalties

1. Any person found to be in violation of this ordinance will be issued a citation and, if found guilty of such violation, shall be punished as provided for in the Code of Ordinances of the City of Berkeley Lake. Each day of violation shall constitute a separate offense. -In the alternative, any person so cited may pay a \$50.00 fine to the City Clerk within 30 days of the date of the citation and make restitution for any damaged property.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of any such conflict.

SO ORDAINED this _____ day of _____, 2007.

LOIS SALTER, MAYOR
CITY OF BERKELEY LAKE

ATTEST:

LEIGH THREADGILL
City Administrator

First Read: June 21, 2007

Second Read: July 19, 2007

Adoption: