



Fannin County Driveway Ordinance December 14, 2023

Article I – Title, Purpose, Authority, Jurisdiction

Section 101 – Title

This ordinance shall be known as the Driveway Ordinance of Fannin County, Georgia.

Section 102 - Purpose

The purpose of this ordinance is to provide the regulations of the design and installation of all driveways to be installed in Fannin County

- (a) To improve public traffic safety on county roads;
- (b) To improve emergency response on county roads, private roads, and driveways; and
- (c) To reduce future road maintenance expenses and liabilities of county roads.

Driveways that cause water and debris to wash onto the main roadway during heavy rains can create hazardous traffic conditions for emergency responders and all drivers.

Driveways that are too steep of grade can delay emergency response and create safety hazards for emergency responders.

Private driveways that are not adequately and uniformly marked with the 911 address number can delay emergency responders in locating life and death situations.

Adequate clearances in driveways prevent unnecessary damage to emergency responding vehicles (and additional expense to county).

Water and debris washed onto county roads will increase future road maintenance costs for the county.

Section 103 – Authority

The Board of Commissioners of Fannin County is charged with:

- (a) Providing for the safety and well being of the citizens of Fannin County,
- (b) Providing prompt emergency response to fires, accidents, medical and other emergencies and;
- (c) Managing the county budget.

To that end all driveways installed in Fannin County shall comply with the requirements of this ordinance.

Section 104 – Jurisdiction

This ordinance, the regulations and the procedures contained herein shall apply to and govern every driveway installed in Fannin County. It will not reduce any driveway requirements placed by the state, on those roads controlled by the Georgia Department of Transportation.

All driveways in existence on the Effective Date of this ordinance shall be exempt.

However, no new permit for new construction or for remodeling that adds to the footprint of the structure will be allowed on property accessed by a non-conforming driveway.

Article II – Definitions

For the purpose of this ordinance certain words or terms used herein shall be defined as follows:

Board of Commissioners – The governing body of Fannin County, a political subdivision of the State of Georgia, which includes the Chairman and two Post Commissioners.

Developer – Any person, firm, or corporation, applying for the development of a subdivision, planned unit development, industrial park, or mobile home park and upon whom final responsibility for ensuring compliance with the terms and conditions of this ordinance rests.

Driveway – Any path for vehicles from a public or private roadway to any house, structure, or non-structured utility area. A private way, beginning at the property line of a lot which abuts a public road, a private road, easement, or private right of way, which gives access from said public road, recorded easement, recorded private road or private right of way and leading to a building, residence, use or structure on said lot. A DRIVEWAY CAN SERVE NO MORE THAN **THREE (3) RESIDENCES.**) **Correction 01-17-2024 MW**

Non-Conforming Driveway – Any driveway that does not comply with all the requirements of this ordinance can and will be removed by Fannin County Public Works.

Private Road-A Street not maintained by the Fannin County Public Works Department, which is not intended to become a public street, but which shall be used for access to a site, group development or business.

Roadway – Any road, street, drive, lane, cartway, tramway, easement, right-of-way, access area, thoroughfare, highway, boulevard, or any other corridor used for or having the potential use as a means of conveyance by a motor vehicle. The actual road surface includes necessary road shoulders and drainage facilities including ditches, curbing, and guttering which is utilized to transport motor vehicles.)

Article III - Permit Required

Section 301 – Permit Required - No Driveway shall be installed in Fannin County in the ditch line of county roads without a permit approved by Fannin County Building Department and Land Development.

All new permits for new construction or for remodeling that adds to the footprint of the structure shall require driveway access that complies with the requirements of this ordinance. The variety of terrain related obstacles in Fannin County should be taken into consideration when enforcing this requirement. However, the purpose of this ordinance, Section 102, should not be compromised, even if the rules are modified to accommodate rough terrain.

Section 302 - Permit fee – permit application fee shall be established by the Fannin County Board of Commissioners to reimburse the county for the services provided to enforce this ordinance. If the installation is

not performed as per the ordinance requirements, then additional fees may be levied to provide for additional inspections until compliance is accomplished.

Section 303 – Permit Displayed - Permit must be displayed at the driveway construction site in plain view until work is completed, inspected, and approved by Public Works Department.

Section 304 – Permit Renewal - All work shall be completed within one year of permit date. Prior to expiration permits may be renewed for one (1) additional year. Then reapply and incorporate any changes to the ordinance. (Note: If more renewals are allowed, renewal would add 12 months to the expiration date. Multiple year renewals would not be allowed and will not be refundable.

All amendments to this ordinance should be enforced on all existing permits beginning one year after the effective date of the amendment.)

Section 305 - Applicant must give the Building Department and the Land Development at least 24 hours' notice before work begins and notice again within 24 hours after work is completed.

Section 306 – Thirty Days to inspect - Upon notice of completion of work, Public Works will have 30 days to inspect and accept the work, or to require changes to comply with this ordinance.

Section 307 - Notification of Non-Conforming Driveway – The Fannin County Building Department shall notify the applicant of any non-conforming factors, together with the modifications that would need to be made to comply with the designated goals of preventing run off onto the roads and improving emergency response and traffic safety. Notification shall include written response delivered in person or by certified mail.

Section 308 - Responsible Party for Modifications: The developer or property owner shall be solely financially responsible for the installation of said driveway in a manner that conforms to this ordinance. Fannin County will not be responsible for any expense or materials necessary for this project. If the ownership of the property has changed from that of the original applicant, the new owner can be held responsible if the original applicant is not available.

(Owner is responsible for all future maintenance of the driveway to prevent run-off. If the owner does not perform enough maintenance to prevent run-off, then the county may perform the emergency repairs and charge the owner. Per the Federal Emergency Management Agency rates)

(Owner is responsible for maintaining the 911 address sign in good condition and visible.)

Section 309 – Fannin County Building Department shall maintain a record of the permit information, dates construction began and ended, dates of inspections and findings, and all notifications.

Section 310- The cost of the driveway permit shall be **(\$ 100.00) One hundred dollars and** is payable at the time of application.

ARTICLE IV – Driveway Design and Installation

Section 401 – Driveway Slope

(a) Connecting Slope (first five feet) - All driveways shall be designed and installed so that all runoff from the driveway is angled away from the main road. The down slope of the connecting driveway shall be **at least one**

inch (1") per foot (8%) for a distance of at least five feet (5') away from the edge of the pavement or the existing roadbed.

(Not: State requires 1/4" - 3/4" for eighteen feet.)

(b) Driveway Slope on Fannin County right-of-way. If the county right-of-way extends beyond the first five feet of driveway, then the maximum slope (up or down) of the driveway remaining on the county Right-of-Way shall not exceed 12%.

(Note: State only allows six 1/4 % slope.)

(c) Driveway Slope beyond Fannin County right-of-way: Beyond the first five feet, on private property all driveways shall conform to the slope requirements for local roads: **maximum slope allowed is 18%** (See Land Development Ordinance S3.616 Geometric Design Standards for Streets). This will ensure safer access for emergency vehicles in all weather conditions. **No variance should ever allow steeper slope of driveways or roads because it would compromise public health, safety, and emergency vehicle response.**

Section 402 – Intersection Angle – The angle between the center line of the existing road and the center line of the proposed driveway should be approximately 90 degrees (right angle) for maximum safety entering traffic. An angle of less than sixty (60) degrees shall not be permitted.

Section 403 - Existing surface flow of water must be maintained – Water flow cannot be diverted onto the county right-of-way if that flow did not exist prior to installation. Also, there shall be no obstruction of the flow of water along county road ditch lines, by closing off culverts, placing debris and or any other objects in the ditch line and/or over culverts.

Section 404 – Roadbed - Driveway roadbed must be stabilized for a minimum distance of twenty feet (20') from the nearest edge of the existing roadbed with four" of gravel (aggregate base) minimum or paved. The portion of all driveways on Fannin County right-of-way must be thus stabilized. For emergency response, your driveway should accommodate large heavy fire trucks in all weather conditions.

Section 405 – Stabilization - All disturbed property will be grassed and stabilized as specified in the Fannin County Land Development Ordinance (Chapter 12 - Soil Erosion and Sedimentation Control).

Section 406 - Culvert under driveway – If a culvert is required for surface water to flow under the new driveway, the culvert will be at least twenty feet long and no more than forty feet long and minimum 12" diameter or greater if specified by the inspector. Culvert material shall be approved by the inspector smooth bore polyethylene.

Section 407 - Culvert ends – Safety End Sections are required as a minimum to help prevent clogging and limit access to children and animals. No headwalls will be constructed on pipe ends on Fannin County right-of-way (to minimize vehicle impact hazards and county liability).

Section 408 - Culvert slope and depth– Install culvert with at least twelve" fill above culvert whenever possible. Maximum slope of culvert is 25% (4:1). Note: twelve" of fill above culvert may position the new culvert too deep for existing county road ditches.

(Per Land Dev Ord.: The pipe shall be a minimum of two (2) feet below the bottom of the road base unless a variance is granted by the Fannin County Planning Commission. The back-fill material shall be clean and solidly tamped about the pipe. The discharge end of the cross drain shall be stabilized using riprap rock for a distance eight (8) times the diameter of the pipe.)

Section 409 – Turn-Around Area - All driveways shall have a turn-around area (not located on the county right-of-way) provided to discourage backing out onto the main roadway to exit the property. Backing into the traffic flow is unsafe and not acceptable.

Section 410 - Clearance for Emergency Vehicles. An area twenty feet in width and fifteen feet in height shall be cleared along the entire driveway right-of-way to permit the safe passage of emergency vehicles to the structures served by the driveway.

Section 411 - Signage – For better emergency response, all new driveways must include a reflective 911 Address sign. This sign will be installed and maintained in view of night traffic and display the 911 street address numbers only. The sign will be two-sided with four” white reflective numbers on a six” blue reflective panel. It shall be installed approximately 24-36” above road level and close enough to the roadway to be seen by normal automobile headlights and visible from both directions of travel. (These signs will improve emergency response to your emergency.) It is the responsibility of the owner to maintain the sign and clear visibility.

Section 412 – Warning Signs – Driveway installer is responsible for any interruption of traffic and all highway safety relevant to the driveway installation. Traffic warning signs in all directions (one hundred feet before construction hazards) are required while working on county right-of-way to caution traffic of construction hazards.

Section 413- Visibility by posted speed limits on two lane roads:

Speed (MPH)	25	30	35	40	45	50	55
Stopping sight distance	280	335	390	445	500	555	610

Section 414- Utilities utilizing easement or right of way- Effective at the time ordinance is approved and passed by the Fannin County Board of Commissioners, any utility company or individual utilizing the easement or right of way of a County maintained road will be required to obtain an easement from the Fannin County Land Development Officer. All utilities (Private or commercial) shall cross overhead, and /or bore under the county-maintained road at the depth of no less than 36” inches. Only with an approved easement signed by the Commission Chairman, Land Development Officer, and the Public Works Director and the Property owner representative and/ or Utility Company. Non-compliance will result in citation by the Fannin County Code Enforcement Officer and may be summons to the Fannin County Magistrate Court.

Section 415-Landscapping-All landscaping to include water features, trees, shrubs, signs, and any other stationary objects that may obscure the site distance, shall be at least 2 (two) feet off the easement or right of way of any County Maintained Road.

Section 416-Fencing- Effective after the ordinance is approved and passed by the Fannin County Board of Commissioners, no fencing will be allowed in the ditches, or on the easement or right of way of any County Maintained Road.

Section 417- Mailboxes, Newspaper and Package Boxes- Mailboxes made of stone, masonry or other materials that can cause damage to vehicles or interfere with the safety of the traveling public is considered an encroachment. All boxes for receiving mail or parcels shall be made of light sheet metal or plastic conforming

to the requirement of the U.S. Postal Service. Mailbox supports shall be of a single 4" X 4" diameter wooden post or a metal post with strength no greater than a 2" diameter standard strength steel hollow pipe and embedded no more than 24" into the ground will be acceptable as a mailbox support. All areas around mailboxes, newspaper, and package boxes shall be maintained by the Property Owner, to include gravel or other materials needed to maintain the area.

Article V – Enforcement

Section 501

Any person violating this Ordinance or any part thereof, upon conviction shall be guilty of a misdemeanor and shall be subject to the following punishment as provided by in Georgia Code Section 15-10-60.

- (1) Owners of the property which do not comply with this Ordinance will be notified and requested to meet these requirements within 30 days from the date of notification. A warning notice will be issued after 30 days if the requirements have not been met.
- (2) Any person violating the provisions of this ordinance after having been issued a warning notice, and with non-compliance will be issued a citation by the Code Enforcement Officer and be summoned to the Magistrate Court of Fannin County.
- (3) Any subsequent violations after the first offense upon conviction will be subject to a fine.

Section 502

Any violation of this Ordinance may be subject to civil proceedings in the Magistrate Court of Fannin County.

Article VI Legal Provisions

Section 601 Severability

Should any section of provision of this Ordinance be declared by the courts to be unconstitutional or invalid such decisions shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

Section 601 Conflict

As far as the provisions of this Ordinance are inconsistent with the provisions or any other local laws, the provisions of this Ordinance shall control. As far as the provisions of this Ordinance are inconsistent with the provisions of any State or Federal law, the State or Federal law shall control.

Article VII Appeal

Any action taken by the E-911 Addressing and/or Building Department or Land Development under the guidelines set forth in this Ordinance may be appealed by the property owner(s) to the Fannin County Board of Commissioners. Such an appeal must be filed in writing within thirty (30) days of written notification of the required owner action or within thirty days (30) of the action from which the property owner takes objection. Said appeal shall be filed with the Fannin County Clerk.

Article VIII Amendment Procedure

This Ordinance may be amended from time to time by the Fannin County Board of Commissioners, as specified under Board policy for amending County Ordinance.

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