



# **Fannin County Driveway Ordinance**

## **Approved February 13, 2024**

### **Article I – Title, Purpose, Authority, Jurisdiction**

#### Section 101 – Title

This ordinance shall be known and may be cited 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.

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, submitting an application 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 TWO (2) RESIDENCES.)

Non-Conforming Driveway – Any driveway that does not comply with all the requirements of this ordinance.

Public Road- A street located on a public right of way and which meets the total improvement requirements for a public street as set forth by the Georgia Department of Transportation.

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 including 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 without a permit approved by Fannin County Land Development. (Note - maybe use application like state permit)

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 all changes to the ordinance. (Note: If more renewals are allowed, renewal should add 12 months to the expiration date. Multiple year renewals should be allowed but 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 Public Works Department 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 Public Works Department shall notify the applicant of any non-conforming factors, together with the modifications that would need to be made in order 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 owner does not perform enough maintenance to prevent run-off, then the county may perform the necessary repairs and charge the owner.)

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

Section 309 – Fannin County Public Works 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 5 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 ¼”- ¾” for 18 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 6 ¼ % 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 can not 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 4” of gravel (aggregate base) minimum or paved. The portion of all driveways on Fannin County right-of-way must be thus stabilized. If you expect good 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 20 feet long and minimum 12” diameter or greater if specified by the inspector. Culvert material shall be approved by the inspector (allow concrete, steel, aluminum and corrugated smooth lined 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 12” fill above culvert whenever possible. Maximum slope of culvert is 25% (4:1).

Note: 12” of fill above culvert may position the new culvert too deep for existing county 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 Board of Commissioners. 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 20 feet in width and 15 feet in height shall be cleared along the entire driveway right-of-way in order 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 4” white reflective numbers on a 6” 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 (100 feet before construction hazards) are required while working on county right-of-way to caution traffic of construction hazards.

## **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 upon conviction by the Judge of the Magistrate Court of Fannin County, will be guilty of a misdemeanor and will be fined **(\$ 100.00) One hundred dollars**, for the first offense.
- (3) Any subsequent violations after the first offense upon conviction will be subject to a fine of **(\$ 200.00) Two hundred dollars**.

### Section 502

Any violation of this Ordinance may be subject to civil remedies as set forth in Georgia Code Section 15-10-40 to 10-15-51 Article 3.

**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

Insofar as the provisions of this Ordinance are inconsistent with the provisions or any other local laws, the provisions of this Ordinance shall control. Insofar 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 Public Works Department 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 filled 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.

This ordinance was approved by the Fannin County Board of Commissioners, after required notice, public hearings, publication of agenda and a majority vote in favor of adoption on February 13, 2024. Each ordinance is effective upon adoption.

James V. Hensley, Chairman

Attest:

Sherrie K. Walke, County Clerk



**CERTIFICATION**

**STATE OF GEORGIA**

**COUNTY OF FANNIN**

I, Sherri L. Walker, the duly appointed County Clerk for the Board of Commissioners of Fannin County, Georgia, and keeper of the minutes in and for the said Board of Commissioners, do hereby certify that the attached constitutes a full, complete and correct copy of the original approved by the Fannin County Board of Commissioners at a regular meeting held on February 13, 2024.

Given under my official signature and seal of office, on this the 13<sup>th</sup> day of February, 2024.

Sherrie L. Walker

Sherri L. Walker, Certified County Clerk  
Fannin County Board of Commissioners

(SEAL OF OFFICE)

