

STATE OF GEORGIA
COUNTY OF FULTON

ORDINANCE NO. 2006-02-10

**AN ORDINANCE TO ADOPT AND APPROVE STREETS AND SIDEWALKS FOR THE
INCLUSION AND IDENTIFICATION IN THE CODE OF ORDINANCES FOR THE
CITY OF SANDY SPRINGS, GA TO BE REFERENCED IN THE FUTURE AS
CHAPTER 16 AS ATTACHED HERETO**

BE IT RESOLVED by the City Council for the City of Sandy Springs, Georgia while in regular session on February 7, 2006 at 7:00 p.m. as follows:

SECTION 1. That the Ordinance relating to Streets and Sidewalks is hereby adopted and approved; and is attached hereto as if fully set forth herein; and,

SECTION 2. That this Ordinance shall be designated as Chapter 16 of the Code of Ordinances of the City of Sandy Springs, GA; and,

SECTION 3. That the first reading of this Ordinance was on January 17, 2006; and

SECTION 4. That this Ordinance shall become effective upon its adoption.

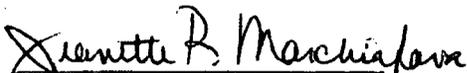
ORDAINED this the 7th day of February, 2006.

Approved:



Eva Galambos, Mayor

Attest:


Jeannette Marchiafava, City Clerk

(Seal)



Chapter 16: Streets and Sidewalks

Article 1: Repairs and Maintenance.

Section 1: Authority.

The City of Sandy Springs Transportation Department shall be authorized to repair or maintain or contract with third parties for the repair or maintenance of all public streets and sidewalks within the City. Repair and maintenance includes the removal of foliage, debris, or any other obstruction that blocks clear vision or obstructs pedestrian traffic. The City may delegate by contract the duties of the Transportation Department to a third party.

Section 2: Permit Required.

- (a) No person or company shall perform construction work in the street right-of-way without a permit issued by the City Department of Transportation. Such permit shall be posted at the construction site at all times. Such construction must conform to the construction/maintenance guidelines and specifications of the City of Sandy Springs and/or the Georgia Department of Transportation.
- (b) No person or company shall construct a drive or entrance to any public road without a permit from the City Transportation Department.
- (c) It shall be unlawful for any person to construct any permanent feature such as an irrigation system, sign or fence in the street right-of-way without a permit from the City Transportation Department.

Section 3: Permit Procedure.

- (a) Any permit shall indicate in writing the following:
 - (i) All proposed repair, work, maintenance, or alteration to existing City sidewalks or streets, including when possible, proposed measurements and plats of any repair, alteration, or maintenance.
 - (ii) Compliance with applicable local, state, and federal laws.
- (b) The Department of Transportation is authorized to establish additional guidelines for applying for permits. Said guidelines shall be consistent with this Code and must be approved by the City Manager.

Section 4: Road Signage and Warnings.

- (a) Each person or company to whom a permit has been issued to perform construction work in the street right-of-way shall place appropriate traffic devices and signage as dictated by the current edition of the Manual on Uniform Traffic Control Devices.
- (b) It is unlawful for any person, firm, or corporation who obtains a permit under this Chapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk, or public place of the City without placing and maintaining proper

guard rails and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries.

Section 5: Repair After Excavation.

- (a) When any part of any street, alley, or other property of the City shall be torn or dug up for any purpose, the person or company performing such construction work shall promptly restore the street, sidewalk, and landscaping to a condition as good as or better condition than before the construction commenced.
- (b) The City Transportation Department may conduct a final inspection to insure that the street, sidewalk, or public way is restored to a condition as good in all respects as before the excavation or work was made or done, and that all debris, materials, tools, and equipment are removed.

Section 6: Creation of Roads.

The City Transportation Engineer or his designate shall approve the design for any new roads within the City of Sandy Springs.

Section 7: Creation of Sidewalks.

Sidewalks shall be installed as follows:

- (a) All owners, developers, or occupiers of parcels of land where a development permit or building permit is issued shall be required to provide a sidewalk adjacent to any public street along the entire lot frontage.
- (b) In cases where a development permit or building permit is sought on a tract of land proposed for single family development for less than 200 lots, the Director of Transportation shall authorize sidewalk installation along one side of proposed public or private streets except where he determines sidewalks are necessary for safety or public convenience on both sides of the road. The Director of Transportation may allow sidewalks to be developed on both sides of the road where the developer or property owner requests sidewalks to be constructed on both sides of the road. Single Family developments over 200 lots require sidewalks on both sides of any public or private street. Subsequently, the development permit shall indicate proposed construction of sidewalks along the entire road frontage on the designated sides of all proposed streets. The sidewalk shall be installed and the construction accepted by the Director of Transportation or his designee prior to a Certificate of Occupancy being issued for any building or structure for any lot or project on the designated sidewalk side of the roadway. Such sidewalk shall conform to the AASHTO and ADA requirements and to all applicable overlay district guidelines and standards.
- (c) In the case of non-single family development, sidewalks shall be required to be represented on design plans and development plans and installed in accordance with such plans along the total property frontage on public streets as required by the Director of Transportation.

- (d) In the event of private roadways in non-single family developments, sidewalks shall be installed as required by the Design Review Board and approved by the Director of Transportation.
- (e) Where the Director of Transportation determines the topography of the road frontage is such that a special hardship exists on the property, he may authorize a payment to the City of Sandy Springs in lieu of the required installation of the sidewalk. Criteria shall be established for all such approved hardships by the Director of Transportation to determine how the amount of payment will be calculated. Such criteria to determine the method of calculating such payment shall be approved by the City Manager or thereupon may be amended by the City Manager thereafter upon recommendation of the Director of Transportation.
- (f) Where trees exist or other conditions exist, the Director of Transportation may require the sidewalks to meander in the right of way or into the lot where the permit is being sought. The Director of Transportation may encourage all sidewalks to meander where conditions allow such to occur.
- (g) The Director of Transportation shall require the sidewalk to be installed at least 2 feet from the edge of the road pavement or the back of curb along the road unless the Director determines a practical difficulty exists. Where the Director has determined a practical difficulty exists, the sidewalk shall be installed no closer than the edge of the road or the back of the curb.
- (h) Exceptions. This section shall not apply to any lot or parcel for which a development permit or building permit is issued but where the Community Development Director determines that the permit is for an accessory use or structure to the principal use or structure or for minor repairs or additions to the principal building or structure in existence.
- (i) Along public roads where a City sidewalk project is being or has been awarded for construction, the Director of Transportation may accept payment in lieu of the actual installation of the required sidewalk where in his opinion the acceptance of funds would be appropriate. Any payment in lieu of the installation of the required sidewalk shall be in an amount determined by the Director of Transportation or his designee. The funds received shall be deposited in an account of the City and restricted to use for the installation of sidewalks.
- (j) The installation of the required sidewalk shall be completed prior to a Certificate of Occupancy being issued for the building or structure on the affected parcel.

Section 8: Existing Sidewalks.

- (a) For any land or building development where sidewalks are required as outlined in Section 7 of this Article, and there is an existing sidewalk along the road or street frontage, an inspection of the sidewalk shall be made by the Director of Transportation or his agent. If the inspection shows the sidewalk is deficient or does not exist along the entire frontage, the owner must construct or repair the sidewalk to current design specifications including material revisions, such as concrete to brick, as required by the Director of Transportation.

- (b) The property owner shall be required to maintain the sidewalk along the entire lot frontage by maintaining the grass or landscaping installed between the sidewalk and the edge or curb of the roadway. This section applies to newly created sidewalks.
- (c) No person shall be permitted to erect any drain, gutter, downspout, valley, flat, or sloping roof of any character that will in any manner drain or shed water on any sidewalk of this City.

Article 2: Prohibitions.

Section 1: Obstruction of Right-of-Way.

- (a) No person shall place or cause to place in any street and/or sidewalk: debris, rubbish, irrigation water, boxes, displays, signs, poles, goods, merchandise, or any other object so as to impede and/or endanger traffic on streets and/or sidewalks.
- (b) No person or company shall construct or maintain a drive, yard, or lot constructed of gravel, pebbles, or stone in such a manner that vehicles cause loose stones, pebbles or gravel to be thrown on to the adjacent street and/or sidewalk.
- (c) Any personal property placed on the right-of-way following an eviction shall be removed within 24 hours of physical eviction unless an extension of time is requested on behalf of the evicted tenant. For purposes of this ordinance such property is deemed abandoned property 24 hours following eviction unless the landlord by contract specifies a shorter time. If the property is not removed within 24 hours, the City may commence removal and cite the property owner. The penalty assessed shall be 125 percent of the cost the City incurs in removing the property.

Section 2: Skateboards and Bicycles.

- (a) No person shall ride a bicycle or propel roller-skates, skateboards, or other similar devices upon a public street, highway, or sidewalk in a manner which would constitute an unreasonable danger to the public or which would disrupt the public's ordinary and customary use of such street, highway or sidewalk.
- (b) No person shall ride a bicycle, or propel roller-skates, skateboards, or other similar devices on sidewalks which are properly designated for pedestrians only. The Chief of Police and Department of Transportation, after approval of the City Manager, are authorized to erect or have erected signs on any sidewalk or roadway prohibiting the riding of bicycles or propelling of roller-skates, skateboards, or other similar devices. When such signs are in place, no person shall disobey the signs.
- (c) Whenever any person is riding a bicycle or skating upon a sidewalk, that person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.
- (d) Any person violating any provision of this section shall be subject to the penalties provided in Section 1-3-1 of this Code. Provided, however, that any offender under the age of 17 years shall be treated as provided by State law as contained in the Official Code of Georgia

Annotated, Title 15. The parent of any child and the guardian of the person of any ward shall not authorize or knowingly permit that child or ward to violate any provision of this section.

Section 3: Assemblies, Demonstrations, and Parades.

Regulation of assemblies, demonstrations, and parades are governed by Chapter 18, Assemblage in Public Places, of this Code.

Article 3: Street Numbers.

Section 1: Assignment.

All houses and buildings fronting the various streets and alleys in the City shall be numbered under the Community Development Department's uniform addressing system.

Section 2: Application.

Each owner of a house or building, or part thereof, shall apply to the City Manager for the proper number of the house or building, or part thereof.

Section 3: Record Log.

The Director or his designee shall keep a chart showing the proper street number of every lot, house, and building in the City. Such chart shall be open to inspection by anyone interested.

Section 4: Visibility.

It shall be the duty of the owner(s) of every house or building in the City to have placed thereon or in a place where the house or building can be specifically identified, the street number of the house or building. The street number shall be clearly visible from the street to pedestrians and vehicles going in either direction.