

RESOLUTION OF THE BOARD OF COMMISSIONERS OF MILLER COUNTY, GEORGIA; PROVIDING FOR AN ORDINANCE FOR THE REGULATION OF COUNTY ROADS IN THE UNINCORPORATED AREAS OF MILLER COUNTY, GEORGIA; TO PROVIDE FOR ENFORCEMENT THEREOF, AND FOR PENALTIES FOR FAILURE TO COMPLY WITH THE TERMS OF THE ORDINANCE, AND TO REPEAL PRIOR INCONSISTENT RESOLUTIONS; AND FOR OTHER PURPOSES.

BE IT RESOLVED by the Board of Commissioners of Miller County, Georgia, in a meeting duly assembled, that it is hereby resolved by authority of same to adopt an ordinance for Miller County, Georgia, as follows:

SECTION 1. That Miller County, Georgia adopts an ordinance as follows, to-wit:

COUNTY ROADS

ARTICLE I. – IN GENERAL

Sec. 1-1. - Road dedication requirements.

- (a) All future roads and/or major thoroughfares dedicated and conveyed to the county for public use shall have a width of right-of-way of not less than 60 feet from centerline.
- (b) All future roads and easements acquired, shall grant the county the right to slope banks, make fills and construct drainage ditches for short distances back of the right-of-way lines where necessary for the proper construction and maintenance of such roads, streets and/or thoroughfares.
- (c) Such dedications and conveyances of roads and/or thoroughfares shall be in compliance with minimum design standards set forth in the county regulations.

Sec. 1-2. - Removal of dirt.

It shall be unlawful for any person to dig or haul any dirt from any county road or other ground of the county, without permission of the governing body.

Sec. 1-3. - Private use; placing obstructions.

It shall be unlawful for any person to convert any public road in the county to such person's use, or place any obstruction thereon, such as wood, barrels, boxes, timber or

lumber, except necessarily for building purposes. Any such obstruction shall be moved by the county at the expense of the owner thereof.

Sec. 1-4. - Obstructing drains

It shall be unlawful for any person to fill up any ditch or drain in any of the roads of the county or purposely place any obstruction therein to prevent the free flow of water.

Sec. 1-5. - Unlawful to excavate without permit.

It shall be unlawful for any person or entity to dig up, break, excavate, tunnel, undermine, or in any manner alter any county road to make or cause to be made any excavation in or under the surface of any county road for any purpose or to place deposit, or leave upon any road any earth or any other excavated material obstructing or tending to interfere with the person shall have obtained a permit therefor in advance from the road superintendent, or his or her designee. A condition of the permit shall be that all work shall be accomplished in accordance with all applicable specification promulgated by the road department from time to time, as amended.

Sec. 1-6. - Issuance of a permit.

An applicant shall make a written application to the road superintendent for the issuance of an excavation permit at least one full business day prior to the time in which the applicant desires to commence an excavation. Such written application may be received by and processed by the county clerk and shall be upon such forms as provided by the county clerk.

Sec. 1-7. - Completion of excavation; damage to existing improvements.

The permittee shall return any county road to its condition immediately preceding the excavation work upon completion thereof. In the event that an excavation or removed portion of a county road is not satisfactorily replaced and approved by the road superintendent or his or her designee, the county shall proceed immediately to repair or to replace said excavation or removed portion of said county road at the expense of the application, and/or property owner or record for whose benefit said permit was granted.

Sec. 1-8. - Protection of traffic and roadway.

Unless specifically provided in the permit, no one may occupy the county rights-of-way unless sufficient space is available so that the free flow and safety of traffic and other capacity considerations are not unduly impaired and the installation does not

prevent the department from reasonably maintaining the roads, structures, traffic control devices, and other appurtenant facilities, and further provided that maintenance and operations of the facilities do not jeopardize the traffic, road structure, other users of the right of way or the right of way itself.

Sec. 1-9. - Failure to comply.

Failure to comply with the terms of this article shall be cause for refusal to grant any future permit to any person until such person shall post a surety bond for the performance of any liabilities hereunder and for any future work to be performed under any future application. Said surety shall be in an amount satisfactory to the board of commissioners and reasonably related to the excavation work to be performed and with surety satisfactory to the board of commissioners.

Sec. 1-10. - Inspection.

The permit holder shall make the work site available to the road superintendent and/or county manager as authorized by law for inspection at all reasonable times during the execution and upon completion of the work.

Sec. 1-11. - Stop work order.

At any time, including the time of inspection, the road superintendent or county manager may order the immediate cessation of any work which poses a serious threat to the health, safety, or welfare of the public violates any law, or which violates the terms and conditions of the permit and/or this article or issue an order to correct work which does not conform to the permit and/or applicable standards, conditions, or codes.

Sec. 1-12. - Completion.

When the construction under any permit is completed, the permit holder shall notify the road department.

Sec. 1-13. - Penalties.

Anyone found to be in violation of any provision of this chapter shall punished by a fine not exceeding \$1,000.00 per violation. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the county may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Sec. 1-14. - Reservation of regulatory police powers.

SECTION 2. All resolutions, or part of resolutions, in conflict herewith are repealed.

OFFERED FOR ADOPTION BY FIRST AND SECONDED READINGS AND NOTICE FOR PUBLIC HEARLING, AS INITIATED BY THE BOARD OF COMMISSIONERS OF MILLER COUNTY, GEORGIA, ON THIS 11th DAY OF JULY, 2022 AND TO BECOME EFFECTIVE UPON APPROVAL.

THIS ARTICLE SHALL BECOME EFFECTIVE UPON APPROVAL.

COUNTY OF MILLER, STATE OF GEORGIA

BY:  YEA NAY ABSTAIN ABSENT
CHAIRMAN

BY:  YEA NAY ABSTAIN ABSENT
VICE CHAIRMAN


BY:  YEA NAY ABSTAIN ABSENT

BY: _____ YEA NAY ABSTAIN ABSENT

BY: _____ YEA NAY ABSTAIN ABSENT

I, the undersigned Clerk of the Board of Commissioners of Miller County, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Board of Commissioners of Miller County in public meeting assembled on, July 11th 2022, the original of which ordinance has been entered in the official records of said political subdivision under my supervision and is in my official possession custody and control.




COUTNY MANAGER/CLERK