

issue and be enforced in the name of the county but for the benefit and use of the holder of such note. (E-129, § 22, 8-3-65; Res. of 10-3-78, § 1)

Sec. 4-1023. Affidavits of illegality.

The defendant in any such execution shall have the right to contest the legality of the same, including the amount due, if any ground for such contest exists. The procedure for contesting any such execution shall be by an affidavit of illegality as provided by the laws of Georgia, and the procedure thereon shall be the same as that provided for the contesting of the legality of executions for ad valorem taxes. If the defendant should contest the legality of the execution, he shall state what amount, if any, he admits to be correctly due, and before filing any such affidavit of illegality he shall pay such admitted amount to the county, and state that he has paid such admitted amount due in his proceedings contesting the legality or unpaid amount of such execution. All such affidavits so filed shall be returned to the superior court of the county; and the issue thus made shall be determined as provided by the laws of Georgia in cases of illegality, expressly subject to the penalties provided by law in cases of illegality filed for delay. (E-129, § 23, 8-3-65)

Sec. 4-1024. Transfer of executions.

Any execution issued under the provisions of the within county street improvement and assessment regulations may be sold, transferred or assigned by the sheriff or his lawful deputy, when so authorized and directed by the commissioners as the governing authority of the county; and property of the defendant therein may be levied upon and sold in the same manner and in accordance with the pertinent laws of Georgia providing for and regulating the sale, transfer, assignment, recording, levy and enforcement of ad valorem tax executions. (E-129, § 24, 8-3-65)

Sec. 4-1025. Eminent domain.

The commissioners, as the governing authority of the county, are empowered, as provided by the Constitution and laws of Georgia, to acquire whatever property may be necessary to the making of any of the improvements for which provision is

herein made and to this end hereby reserve the right and privilege to exercise any and all of the powers of eminent domain, as provided by law, in effecting this chapter and in executing and enforcing the within regulations. (E-129, § 25, 8-3-65)

Sec. 4-1026. Rights and powers cumulative.

All of the rights, remedies and powers herein set out to be executed by the county or the commissioners as its governing authority or the clerk or any officer of the county shall not be deemed to be exclusive but shall be cumulative and not restrictive of any other rights, remedies and powers under the laws of the state; and the failure to exercise any such right, remedy or power at any time shall not constitute a waiver to subsequently exercise any such right, remedy or power. (E-129, § 26, 8-3-65)

Sec. 4-1207. Reserved.

Editor's note—Section 702 of the Subdivision Ordinance of Spalding County, adopted April 26, 1994, and included herein as Appendix A to Appendix IV (Zoning), repealed former section 4-1027 in its entirety. Former section 4-1027 pertained to specifications for subdivision streets and derived from E-129, § 27, 2-20-73; Ord. of 12-5-89, § 1; Ord. No. 93-03, § 1, 4-21-93.

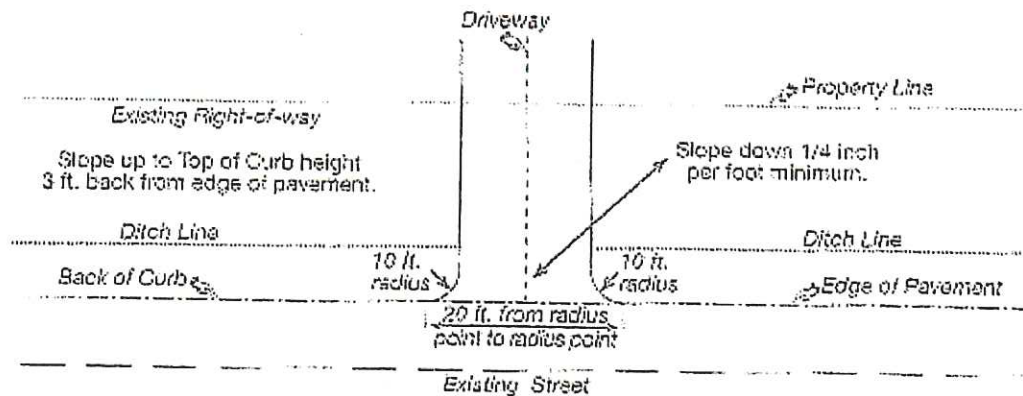
Sec. 4-1028. Specifications for driveways.

(a) *Driveway standards.* The drawing on page 4-11, labeled "Spalding County Driveway Standard," provides the minimum standards for driveways in the county.

(b) *Driveway pipes or culverts.*

- (1) Pipes or culverts installed for driveways shall be 16 gauge corrugated metal pipes with beveled ends, 26 feet in length or longer. No PVC, plastic or other types of culvert shall be used.
- (2) Each driveway culvert shall be covered with a minimum of twelve (12) inches of dirt cover, unless the terrain or other construction conditions require a variance which may be obtained from the public works director, or his designee, or upon his denial from the board of commissioners if granted by said board.

SPALDING COUNTY DRIVEWAY STANDARD



TYPICAL DRIVEWAY / STREET INTERSECTION

- (1) Concrete driveway: Four-inch concrete.
- (2) Crusher run driveway: Six-inch crusher run.
- (3) Asphalt driveway: Six-inch crusher run, prime coat, two-inch E mix topping.

From radius point to radius point must be twenty (20) feet wide minimum. Concrete must be 3000 D.O.T. mix.

Notice must be given to Spalding County Public Works Department (770-467-4774) twenty-four (24) hours prior to installing driveway pipe before covering with dirt. Contact Community Development at 770-467-4220 before pouring concrete on county right-of-way. Please give twenty-four (24) hours notice.

There shall be no charge for the first inspection. If, for any reason, the proposed driveway does not meet Spalding County Standards, or the landowner does not comply with the ordinance and the public works director/designee has to return, the property owner shall first pay a reinspection fee of fifty dollars (\$50.00) prior to any subsequent inspection.

- (3) Cover materials shall be at a grade level lower than the roadway, back to the center of the ditch, so as to eliminate or reduce traffic problems.

(c) *Driveway permits*

- (1) No driveway shall be constructed or permitted until a permit therefor is issued.
- (2) An application for such permit shall be filed with the Spalding County public works director at least three (3) days before issuance of a permit to allow ample time for the public works director, or his designee, to determine whether the proposed size of the pipe is suitable, whether a ditch is required and whether the proposed ditch will provide for proper drainage. Prior to the land owner requesting the public works director to inspect the property, the owner shall identify the area for the desired driveway by staking same with a sufficient number of stakes to clearly indicate the location of the proposed driveway. If the public works director comes to the property to inspect the location of the proposed driveway at the request of the land owner, and the proposed driveway is not staked as aforesaid, then no permit shall be issued until the land owner has paid a fifty-dollar (\$50.00) reinspection fee, in advance. Each subsequent trip to the site of the proposed driveway, necessitated by the land owner's failure to stake the proposed location, shall likewise result in a fifty-dollar (\$50.00) reinspection fee.
- (3) Once the drainage pipe has been placed and the driveway has been constructed, the land owner shall request the public works director to make a final inspection. There shall be no charge for this inspection. However, if for any reason the public works director needs to return to the driveway for an additional inspection trip, then, prior to making an additional inspection, the land owner shall be required to pay to the public works department the reinspection fee of fifty dollars (\$50.00). Each inspection made by the public works

director after the initial free inspection shall result in a fifty-dollar (\$50.00) fee being paid in advance by the land owner.

- (4) If the property owner desires to pave his driveway with either concrete or asphalt, then such paving must comply with Spalding County driveway standards which require four (4) inches—3000 mix concrete or six (6) inches crusher run and prime coat two (2) inches of "E" mix topping. Prior to paving the driveway, the property owner shall first install the concrete forms or asphalt preparations, which shall be set to Spalding County driveway standards. Once these forms or asphalt preparations are in place, the property owner shall request the Spalding County Building Official or his designee to inspect the forms or the asphalt preparations. There shall be no charge for the first inspection. Once the building official has made his inspection and finds that the concrete forms or asphalt preparation set meet Spalding County's driveway standards, then the property owner shall be free to pave his driveway. If the building official has to return to the property for another inspection for any reason, then the property owner shall first pay a reinspection fee of fifty dollars (\$50.00) prior to any subsequent inspection. Each subsequent trip to the site of the proposed driveway, necessitated by the land owner's failure to comply with this section, shall result in a fifty-dollar (\$50.00) fee being paid, in advance, by the property owner.

(d) *Improperly installed driveways.*

- (1) Any driveway installed without first obtaining a permit therefor, as herein set forth, may be removed by the county from the road right-of-way, if the property owner fails to apply for a driveway permit, as hereinbefore provided, within thirty (30) days after being so notified by the county. Upon such application for the driveway being made, a permit may then be issued, as hereinabove provided, for the driveway to be reconstructed by the owner in compliance with the specifications and require-

ments as hereinbefore set out. In the event no application for a permit is filed, the county shall have the right to remove any nonpermitted driveway, or any driveway not constructed in compliance with these specifications or requirements herein set out, from the road right-of-way, and thereafter the property owner may deposit a dollar amount commensurate to the pipe size required for driveway with the public works director; and thereupon the county shall reconstruct or replace such driveway, pursuant to the specifications set out herein.

(e) *Temporary driveway.* In the event the property owner needs temporary access for less than twelve (12) months to and from a county road, he shall deposit a dollar amount commensurate to the pipe size required for driveway with the public works director along with his application for temporary driveway permit. Upon approval he shall then be permitted to construct such temporary driveway on the county's road right-of-way as specified and permitted by the roads superintendent, or his designee. Upon the termination of the permitted period of time, the permittee shall remove the temporary driveway and restore such right-of-way to the physical condition of such right-of-way that existed when the the dollar amount commensurate to the pipe size required for driveway was deposited so as to be eligible to make application to the public works director to obtain such deposit upon verification by the roads superintendent that the right-of-way has been so restored. If the permittee fails to remove such temporary driveway or to restore such right-of-way, as hereinabove provided, the county shall retain the deposit commensurate with the pipe size required for driveway.

(Ord. No. 91-14, § 1, 9-17-91; Ord. No. 97-05, § 1, 6-3-97; Ord. No. 97-11, § 1, 9-16-97; Ord. No. 97-11A, § 1, 10-21-97; Ord. No. 2000-10, § 1, 9-11-00; Ord. No. 2001-02, § 1, 2-19-01; Ord. No. 2006-04, § 1, 8-7-06; Ord. No. 2007-11, § 1, 8-6-07)

Sec. 4-1029. Reserved.

Editor's note—Section 702 of the Subdivision Ordinance of Spalding County, adopted April 26, 1994, and included herein as Appendix A to Appendix IV (Zoning), repealed former section 4-1029 in its entirety. Former section 4-1029

pertained to requirements for approval of preliminary road plans for subdivision streets and roads and derived from an Ord. of 9-1-87, § 1.

CHAPTER 2. REFUSE COLLECTION AND DISPOSAL*

Article A. In General

- § 4-2001. Purpose.
- § 4-2002. Definitions.
- § 4-2003. Precollection.
- § 4-2004. Collection.
- § 4-2005. Disposal.
- § 4-2006. Fees.
- § 4-2007—4-2010. Reserved.

Article B. County Containers

- § 4-2011. Short title.
- § 4-2012. Definitions.
- § 4-2013. Administration.
- § 4-2014. Regulations.
- § 4-2015. Violations and enforcement.

ARTICLE A. IN GENERAL

Sec. 4-2001. Purpose.

The purpose of the rules and regulations contained in this chapter is to provide for the protection of the public health by prescribing the manner of storage, collection, transportation and disposal of residential and industrial waste, rubbish, garbage and refuse.

Sec. 4-2002. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- (1) *Collection.* The work of collecting and/or transporting solid waste from industries, offices, retail outlets, businesses, institutions and/or similar locations, or from residential dwellings; provided, however, that this definition shall not include an

**Editor's note*—The constitution amendment authorizing the county to enact regulations relating to solid waste disposal (1978 Ga. Laws, p. 2315) was continued in effect after July 1, 1987, by § 1 of 1987 Ga. Laws, p. 3689.

Spalding County Mailbox Requirements

As per Section 4-5002 of the County Code, the follow regulations shall govern the placement of mailboxes in the public right of way.

“It shall be unlawful for any person to erect a mailbox on the right-of-way of any county road unless such mailbox conforms to the following requirements:

- (1) On an uncurbed county roadway, mailboxes shall be set back a sufficient distance to allow the postman to deliver mail without impeding the flow of traffic on the roadway.
- (2) The support or posts shall not be made of masonry or constructed of any other material that will not readily yield upon impact by a motor vehicle.
- (3) No support, post, encasement or housing of the mailbox itself will be constructed of any material which will not readily yield upon impact.
- (4) If the post or support is made of wood, then in such event, the maximum size allowable shall be a four-inch by four-inch post, or if a round post, then the size shall be a maximum of four (4) inches in diameter.
- (5) If a metal post is to be used, then and in such event, the metal post shall be no larger than three (3) inches in diameter. Such post shall be hollow and constructed in such a way as to readily yield upon impact by a motor vehicle.”

Should you have any questions regarding this information, please contact the Spalding County Public Works Department office at (770) 467-4774.

Spalding County

Soil and Erosion Control Requirements

For the Development of Single Family Homes

Severe erosion of land undergoing land-disturbing activities can be reduced if property control measures are implemented. The timely application of erosion and sediment control measures will minimize the time that the soils are exposed, control runoff, shield the soil from erosive forces, and bind the soils. The most effective tool in controlling erosion is good site planning which include planning and installation of erosion sediment control practices.

Runoff from the development should be safely conveyed to a stable outlet using storm drains, diversions, stable waterways or similar conservation measures. Consideration should also be given to the installation of storm water retention structures to prevent flooding and damage to downstream facilities resulting from increases runoff from the site. Temporary or permanent facilities for conveyance of storm water should be designed to withstand the velocities of projected peak discharges. These facilities should be operational as soon as possible after the start of construction, and if possible before the disturbance of the surrounding areas.

There are a variety of methods that may be used to control the erosion of land during construction, including the installation of silt fences, placement of hay bales, and the use of natural barriers. During regularly scheduled inspections, County inspectors shall advise you on the method best utilized for your development.

Should you have questions regarding this information or further information on the subject, please contact the Spalding County Community Development office at (770) 467-4220.