

Amendment #1 Amend Article 9 to define objects allowed or disallowed within the county right-of-way. This amendment covers existing structures as well as the removal of those existing structures by Public Works. This amendment defines objects allowed in the right of way which are driveways and mailboxes and adds guidelines for each. (Brick mailboxes are only allowed on interior streets of subdivisions where the speed limit is less) This revision also lists items that aren't allowed in the right of way and gives Public works the authority to remove the objects with or without notice. The Planning Commission recommended that we add wording to clarify that objects may be removed from the right of way without notice in an emergency situation.

Section 9-1-100 Street Classification and Right-of-Way Requirements

D. Clear Zone Requirements

~~No private structures, walls, brick mailboxes, statues, monuments, trees, shrubbery or other objectionable objects shall be erected, constructed or planted within the public right of way. All such structures or objects shall be removed from the public right of way, by and at the sole expense of the owner within fourteen (14) days of notification by the Department. After a period of fourteen (14) days from the initial notification, said structure or object shall be removed and disposed of by Walton County and the owner shall be liable for removal and disposal costs. Exempt are decorative or masonry mailboxes located on interior streets of subdivisions.~~

Replace with:

It shall be unlawful for any person to encroach upon any part of any County right-of-way or Prescriptive Right-of-way. No building, structure, service area, or required off-street parking or loading facilities, except driveways, shall be permitted to encroach on County rights-of-way. The County shall owe no compensation for the removal of illegal encroachments or obstructions.

“Encroachments” means any building, structure, or vehicle, or other object or thing (including but not limited to mailboxes, signs, cars, gates, walls, sprinkler systems, trees, posts, etc.) which is located within the right-of-way. “Encroach” means to be within the right-of-way.

“Right-of-way” means any right-of-way that has been accepted by Walton County into the County Road system, and such term includes the full width of the right-of-way, and not just width of the pavement. Such a term also includes rights-of-way acquired by prescriptive easement, or pursuant to O.C.G.A. § 44-5-163 or O.C.G.A. § 32-3-3, or any other means.

Permitted Encroachments

A. Driveways. Driveways (including paved, masonry, asphalt, etc.) are permitted to encroach on the right of way. A driveway permit shall be required, and the lot owner shall secure permission for any new driveway from the Planning and Development Department. Driveways must meet sight distance requirements of the Walton County Comprehensive Land Development Ordinances and Appendixes and must be constructed in compliance with County requirements for stormwater drainage/piping.

B. Mailbox Support Structures. The County permits limited encroachment of the right-of-way for mailbox support structures, which meet the following standards:

1. The use of massive mailbox support structures that, when struck, could damage vehicles and

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cause serious injury to vehicle occupants are prohibited. Heavy metal posts, concrete posts, brick bases, and miscellaneous items such as farm equipment or supports filled with concrete are also prohibited and cannot be used for mailbox supports.

2. Acceptable mailbox supports include: a) a single 4-inch by 4-inch or 4 inch diameter wooden post; b) a metal post with strength no greater than a 2 inch diameter standard strength steel hollow pipe; or c) other support of no greater strength, as approved by the Public Works Department, as in accordance with the standards of the AASHTO Roadway Design Guidelines for mailbox structures, which are incorporated herein by reference. In the event the property owner has any question as to whether the proposed mailbox support will be permitted, the Public Works Department should be consulted.

3. Mailbox supports must be embedded no more than 24" into the ground. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10" below the ground surface.

4. Mailboxes. The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if a vehicle strikes the installation. The mailbox itself should be of lightweight steel, wood, or plastic/composite construction, and meeting U.S. Postal Service regulations.

Exemptions

1. Decorative or masonry mailboxes located on interior streets of subdivisions.

Non-Conforming Encroachments

A. All encroachments pre-existing the date of adoption of this Ordinance may remain as non-conforming encroachments, unless and until removal is ordered by the Public Works Department Head, for utility work, road work or other work necessitating access to the right-of-way. For pre-existing encroachments, the County shall give 30 days' notice of removal (unless the encroachment presents a safety hazard).

B. Any structure pre-existing the Ordinance which is damaged or removed shall not be replaced in kind and must be replaced in accordance with the requirements of the Ordinance.

C. The County shall owe no compensation for removal of non-conforming encroachments.

Administration and Enforcement

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A. Administration. This Ordinance shall be administered by the Planning and Development Department and the Public Works Department. The appeal of any decision by the Public Works Department shall be to the Walton County Board of Appeals.

B. Enforcement Powers. The Planning and Development Department, Public Works Department, and the County Sheriff are empowered to enforce this Ordinance. The foregoing shall be empowered to issue citations, seek other civil relief, or issue stop work orders for violations of this Ordinance. Any person, firm, partnership, corporation, or other legal entity who shall do anything prohibited by this Ordinance as the same exists or as it may hereafter be amended, or which shall fail to do anything required by this Ordinance as the same exists or as it may hereafter be amended shall be subject to an enforcement action.

C. Right of Removal. **In an emergency situation** The Public Works Department shall have the authority to remove without notice any encroachment or obstruction of the right-of-way. The Public Works Department shall also have the authority to issue a notice of removal to property owners giving them up to 30 days to remove an unpermitted encroachment.