

TOWN OF GAY
TITLE 4 – PUBLIC WORKS

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Chapter 1 – Streets and Sidewalks

State Law Reference: Constitutional powers regarding streets, Const. of 1983, Art. IX, Sec. II, Para. III(a)(4); authority of municipalities to own, operate and maintain streets, O.C.G.A., Sec. 36-34-3; street obstructions, O.C.G.A., Sec. 36-30-10; municipal street administration, O.C.G.A., Sec. 32-4-90 et seq.; assessments for improvements, O.C.G.A., Title 36, Ch. 39.

Sec. 4-1-1 Permit to dig in streets.

No person, firm or corporation shall make any excavations or openings or dig any ditch, trench, tunnel, or hole in, along, across or under any street, sidewalk, or other public place for the purpose of laying or placing therein any pipe, wires, poles or for any other purposes, unless a written permit therefor has been issued by the town clerk. A permit shall not be required where the work is performed under a contract with the town but in the event that work requires a sidewalk or street to be wholly or partially obstructed, the person shall notify the town clerk at least two (2) hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

Sec. 4-1-2 Same; application for permit.

All persons desiring a permit in order to make an opening in any street or sidewalk, as set forth in section 4-1-1, shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut.

Sec. 4-1-3 Same; town indemnified.

Any person, firm or corporation obtaining a permit as provided for in sections 4-1-1 and 4-1-2 agrees, as a condition of the issuance of the permit to indemnify and hold harmless the town against any claims or expenses, including attorney's fees for bodily injury or property damage for accidents or occurrences arising out of the person's operations.

Sec. 4-1-4 Street Repair

When any part of any street, sidewalk, alley, or other public place of the town shall be torn or dug up for any purpose, the person, firm, or corporation making that excavation or opening shall have the duty of refilling the excavation or opening so as to restore it to essentially the same condition that existed prior to the excavation or opening. Any person, firm or corporation, neglecting, refusing, or failing to comply with any provisions of this section shall be guilty of a violation thereof; and where any neglect, refusal or failure is continued, after notice from the town clerk, every day's continuance thereafter shall constitute a separate and distinct offense.

Sec. 4-1-5 Excavations; leaving unprotected.

It shall be unlawful for any person, firm or corporation who obtains a permit under the sections of 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 town without placing and

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

Sec. 4-1-6 Sidewalk construction.

No sidewalk of any description shall be built by any individual, firm, or corporation, of any brick, wood, or other material without a written permit from the town.

Sec. 4-1-7 Streets and sidewalks not to be damaged.

It shall be unlawful for any person, firm or corporation to drag or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bithulitic, warrenite, or other type of permanently paved street or sidewalk of the town which shall be liable in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

Sec. 4-1-8 Violations.

All persons found guilty of a violation of this chapter shall be punished as provided in section 1-1-5 of this code.

Chapter 2 – Solid Waste Collection and Disposal

State Law Reference: Authority of municipalities to provide for garbage and solid waste collection and disposal, Const. of 1983, Art. IX, Sec. II, Para. III(a)(2).

Sec. 4-2-1 Preparation and storage of waste.

The owner or occupant of each residence or business or commercial establishment shall store waste in containers which shall be provided by the owner or occupant and which shall at all times be maintained in a good state of repair. Each owner or occupant shall prevent the continued, excessive, and unsightly accumulation of waste upon the property occupied by him.

Sec. 4-2-2 Unauthorized accumulation of solid waste; nuisance.

Any unauthorized accumulation of solid waste on any premise is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within reasonable time as may be fixed by written notice from the town shall be deemed a violation of this code.

Sec. 4-2-3 Scavenging.

No person other than the owner thereof shall interfere with any container placed for the purpose of storing solid waste pending collection, or remove or take any of the contents thereof, or

remove any container from the location where the container has been placed by the owner thereof.

Sec. 4-2-4 Littering.

It shall be unlawful for any person to throw, dump, discard, or otherwise deposit any trash, garbage, refuse, bottles, cans, etc. on any property, public or private. (Ord. of 10/1/79)

State Law Reference: Municipal authority to prohibit littering, O.C.G.A., Sec. 16-7-48.

Sec. 4-2-5 Penalties.

Any person convicted of violating any of the provisions of this chapter shall be punished as provided in section 1-1-5 of this code.

Chapter 3 – Publicly Owned Property

Sec. 4-3-1 Use of the club house. (Community building)

Town residents may reserve use of the town club house for meetings and social activities. The fee for such use shall be as fixed from time to time by the mayor and council. All citizens using the club house shall comply with all regulations established by the mayor and council. (Mo. of 6/22/71)

Chapter 4 – Cemeteries

Sec. 4-4-1 Purchase of cemetery lots.

All persons desiring to purchase a lot in the town cemetery shall apply to the town clerk, who, upon payment of the fixed price for each lot, shall cause a deed or other instrument of receipt therefor to be given to the purchaser.

Sec. 4-4-2 Lot charges.

The cost of lots in the cemetery shall be as from time to time established by the mayor and council.

Sec. 4-4-3 Planting of trees, etc., prohibited without approval of town.

No person shall plant or set any tree, shrub, flower, grass, or other plant of any kind in the cemetery except with the approval of the town.

Sec. 4-4-4 Cutting of trees and shrubs.

The pruning or cutting of all trees and shrubbery is hereby prohibited unless done under the direction of the Mayor and council.

Sec. 4-4-5 Work to be done by town.

All grading, landscaping and improvements of every kind shall be made or done at the direction of the mayor and council.

Sec. 4-4-6 Prohibited acts.

No person shall disturb the quiet, repose and good order of the cemetery, nor shall any person deface, remove, disturb, injure, or destroy any tree, plant, or shrub therein except in the manner herein provided. Trespassing within the cemetery is hereby prohibited, and no person shall commit any immoral act therein under penalty of the law herein prescribed.

Sec. 4-4-7 Vehicles regulated

Vehicles shall be driven only upon the roadways within the cemetery and at a rate of speed not in excess of 15 miles per hour. No vehicle shall enter the cemetery except for the purpose of attending funerals, visiting graves, or other lawful mission.

Sec. 4-4-8 Deposit of materials prohibited.

No person shall deposit any rubbish, filth, waste, or other unclean or unsightly substance in the cemetery.

Sec. 4-4-9 All lots subject to town regulations.

All lots within the cemetery of the town, and within any extension of the cemetery at any time hereafter made, shall be subject to and regulated and controlled by the provisions of this chapter and any rules adopted by the town.