THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Gravel Driveway Ordinance Section 5-40

Date of Meeting: March 7, 2011

Budget Impact: ___Y _X N

Budget Impact Amount: $ X

Funding Source:
( )Annual
( )Capital
(X)N/A

Regular Meeting	(X)
Work Session	( )
Recommendation	( )
Policy/Discussion	( )
Report	( )
Other	( )

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Action Requested: To follow up on the Gravel Driveway Exemption Ordinance approved to draft. Draft #1 dated July 22, 2010 was tabled for a work session; however, time is of the essence as March 21, 2011 for all gravel driveways to be removed is imminent.

History, Facts, Issues: A survey was done by QOL to determine the number of residents which would be affected by the financial burden to remove the gravel then replace with other materials. Approximately 300 homes will be affected. The ordinance approved on March 21, 2005 gave a six year replacement clause, however, no such notice was or has been given to these residents.

Options: Draft # 2 dated January 16, 2011 includes additions, deletions and corrections to Draft # 1 and also provides an example of the "Gravel Driveway Exemption Application". Please note that many of these residences received building permits for their gravel driveways many years ago and prior notice has not been afforded to any of these homeowners. Though Draft # 2 dictates registering the Gravel Driveway, without notification to all affected, many will not be in compliance and subjected to fines.

Recommended Action: Add wording to existing Ordinance 5-40 to include "Grandfathering" as of March 21, 2011 and add pervious materials as an option for new construction; or approve Draft # 2. See Documents Attached.

Department: City Council Member, Pam Fleming
Department Head: Mayor Ray Jenkins

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2011-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA AS AMENDED; TO AMEND SECTIONS ON DRIVEWAYS, SECTION 5-40, ARTICLE II PROPERTY MAINTENANCE CODE, CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS; TO EXTEND THE EFFECTIVE DATE; TO PROVIDE PENALITIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and Council have elected to modify the existing driveway regulations in order to accommodate existing gravel driveways; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1.

That the Code of Ordinances, City of Doraville, Georgia is hereby amended by adding a section to be numbered Chapter 5 Buildings and Building Regulations, Article II Property Maintenance Code, Section 5-40, which said section reads as follows:

"Chapter 5. Buildings and Building Regulations.

. . .

Article II. Property Maintenance Code.

Sec. 5-40. Driveway limitations; maintenance.

. . .

(b) Existing driveways constructed of gravel for which a permit was obtained shall be replaced with either concrete, asphalt, pavers or brick on or before March 31,

2012. Gravel driveways at houses which are more than sixty-five (65) years old shall be exempt from this provision.

. . ."

Section 2.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3.

Penalties provided for violations of this Ordinance are set out in Section 1-12, as amended, of the Code of Ordinances, City of Doraville, Georgia and are hereby incorporated as if set out fully.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 7.

It is in the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this _____ day of _____, 2011.

CITY OF DORAVILLE

_____
Mayor

_____
First Reading

_____
Second Reading

ATTEST:

_____ (SEAL)
Melissa McCain, City Clerk

APPROVED AS TO FORM:

_____
Murray J. Weed, City Attorney

	Yea	Nay
Maria Alexander	☐	☐
Brian Bates	☐	☐
Pam Fleming	☐	☐
Karen Pachuta	☐	☐
Bob Roche	☐	☐