

**ORDINANCE 2019-23**

**AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES, CHAPTER 90, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY ADDING ARTICLE IV, SIDEWALK BANK, SECTIONS 90-60 AND 90-61**

**BE IT ORDANINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA**

**WHEREAS**, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

**WHEREAS**, the Mayor and Council of the City of Smyrna are charged with the protection of the public health, safety, and welfare; and

**WHEREAS**, the Mayor and Council now wish to update the City of Smyrna Code of Ordinances regarding Chapter 90, Streets, Sidewalks and Other Public Places, Article IV – Sidewalk Bank Sections 90-60 and 90-61 of the City’s Zoning Ordinances

**NOW, THEREFORE**, the Mayor and Council of the City of Smyrna, pursuant to their authority, do hereby adopt the following amendment.

**ARTICLE IV. – Sidewalk Bank**

**Section 90-60. – Definitions.**

Sidewalk Bank means an account, established and maintained by the Finance Department of the City of Smyrna, of funds contributed from developers as a form of alternative compliance to the City’s sidewalk requirements. Funds from the Sidewalk Bank are to be used solely for the construction of new sidewalks within the city limits or for the maintenance of existing sidewalks within the city limits as authorized by the Public Works Director.

**Section 90-61. – Sidewalk Bank Program.**

- 1) Sidewalk Bank. As another method of compliance to the sidewalk requirements, the City will accept a fee in lieu of the installation of the sidewalk. These funds will be used for the sole purpose of construction of new sidewalks within the city limits or for the maintenance of existing sidewalks within the city limits. This alternative compliance method may only be

used when the Public Works Director determines the construction of the required sidewalk implausible or the nearest connection to an existing sidewalk is greater than 1,500 feet.

- 2) Fund Administration. The Sidewalk Bank will be administered by the Public Works Director. A quarterly report shall be submitted to the City Administrator showing amounts collected, amounts spent, and the location of the sidewalk improvements.
- 3) Fee Amount. The fee shall be set annually by the City Council and shall be posted in the City’s fee schedule. The fee shall be assessed on a per linear foot basis, equivalent to the linear footage of the sidewalk to be constructed.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Smyrna, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

The above Ordinance was read and approved by the Mayor and Council of the City of Smyrna, Georgia, on the 21<sup>st</sup> day of October 2019.

---

A. Max Bacon, Mayor

Attest:

---

Terri Graham, City Clerk

SEAL

As to form:

---

Scott Cochran, City Attorney