

ORDINANCE 2019-14

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, ARTICLE I, IN GENERAL, BY ADDING SECTION 90-4 (a), PRIVATE UTILITIES WITHIN THE RIGHT OF WAY

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 by adding 90-4 (a) – Private Utilities Within the Right of Way; 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 I – IN GENERAL

Sec. 90-4 – Private Utilities Within the Right of Way

(a) *Private utilities within the right of way.* No private underground utilities, such as lawn sprinkler systems, yard lighting, etc., shall be installed within a public right-of-way or public easement except by written permit issued by the public works department. The owner of the private utility shall be responsible for damage to any public utility or other property which is incurred by the installation, maintenance or repair of the private facility as well as all repair cost of the private owned facilities should they be damaged during installation, maintenance or repair of any of the public utilities, sidewalks etc., within said right-of-way or easement. The city shall not be liable for damage it causes to any unpermitted private utility within said right of way or easement.

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 5th day of August 2019.

A. Max Bacon, Mayor

Attest:

Terri Graham, City Clerk

SEAL

As to form:

Scott Cochran, City Attorney