

1 STATE OF GEORGIA
2 COUNTY OF DEKALB
3 CITY OF STONECREST

ORDINANCE 2017-08-08

4
5 **AN ORDINANCE TO ADOPT CHAPTER 8 - FRANCHISES AND ARTICLE 1 - IN**
6 **GENERAL, OF THE CITY OF STONECREST, GEORGIA CODE OF ORDINANCES**
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8 **WHEREAS**, Pursuant to subsection (31) of Section 1.03 of the Charter of the City of
9 Stonecrest, Georgia, the City of Stonecrest (the “City”) has been vested with the power to “grant
10 franchises or make contracts for, or impose taxes on, public utilities, cable companies and public
11 service companies; and to prescribe the rates, fares, regulations, and standards and conditions of
12 service applicable to the service to be provided by the franchise grantee or contractor, insofar as
13 not in conflict with valid regulations of the Public Service Commission”; and
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15 **WHEREAS**, the City has the power to define, regulate, license and prohibit any act,
16 practice, conduct or use of property which is detrimental to health, sanitation, cleanliness,
17 welfare and safety of the inhabitants of the City, and to provide for the enforcement of such
18 standards; and
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20 **WHEREAS**, the Mayor and City Council find it desirable and in the interest of the
21 health, safety and welfare of the citizens of the City to adopt an ordinance regulating use of the
22 City’s right-of-way;
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24 **SECTION 1:**

25 **BE IT ORDAINED** by the Mayor and Council of the City of Stonecrest, Georgia, and it is
26 hereby ordained by authority of same. Chapter 8 – *Franchises* is hereby adopted as follows:
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28 **“Chapter 8 - FRANCHISES**

29 **ARTICLE I. - GENERAL**
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31 **Sec. 8-1-1. – Permit and franchise fee required prior to installation of poles, pipes, etc., on public**
32 **roads or alleys.**

33 (a) No person or entity shall install, construct, maintain or cause to be installed, constructed
34 or maintained any pipe, main, conduit, cable, wire, pole, tower, traffic or other signal and
35 other equipment, facilities, appliance, receptacle or sign, in, on, along, over or under the
36 public roads or alleys of the city which are a part of the city’s road system without first
37 obtaining a permit therefor and paying franchise fees hereafter provided; provided,
38 however, that such franchise fees shall not be in excess of those as may be authorized by
39 any state or federal regulatory agency where applicable.

40 (b) No permit for a franchise shall be granted except by adoption by the mayor and city
41 council of a franchise ordinance pursuant to this article. Within such ordinance, a
42 franchise fee shall be established for the use of pipes, mains, conduits, cables, wires,
43 poles, towers and public rights-of-way.

44 (c) For each sign and each receptacle on the public right-of-way, excepting those used in
45 connection with the collection and delivery of the United States mail, there is assessed a
46 fee in the amount established by action of the city council, a copy of which is on file in
47 the office of the city clerk.

48 Secs. 8-1-2 – 8-1-10. – Reserved.”

49 **SECTION 2:**

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

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55 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
56 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
57 phrase of this Ordinance is severable from every other section, paragraph, sentence,
58 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
59 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
60 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
61 section, paragraph, sentence, clause or phrase of this Ordinance.

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

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73 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
74 are hereby expressly repealed.

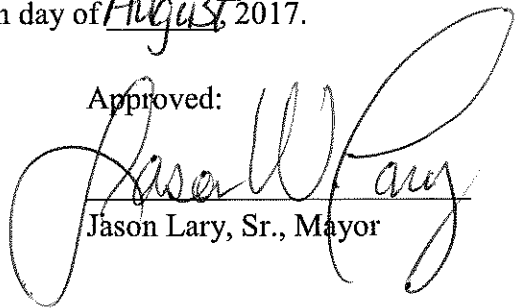
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76 5. This Ordinance shall become effective upon its adoption.

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78 6. The provisions of this Ordinance shall become and be made part of the Code of the City
79 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
80 accomplish such intention.”
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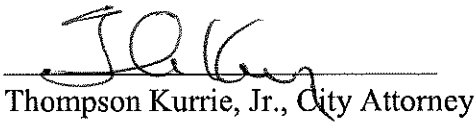
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SO ORDAINED AND EFFECTIVE this the 7 th day of August 2017.

Approved:




Jason Lary, Sr., Mayor



Thompson Kurrie, Jr., City Attorney

Attest:



Brenda James, City Clerk