

REV.

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: July 17, 2012

HEARING TYPE

Preliminary

ACTION TYPE

Ordinance and Resolution

SUBJECT: Amendment to Encroachment Permit Ordinance and Fee Setting Resolution

DEPARTMENT: Public Works

PUBLIC HEARING: ☐ YES ☒ NO

ATTACHMENT: ☒ YES ☐ No

PAGES: 4

INFORMATION CONTACT: Ted Rhinehart, Deputy
COO/Infrastructure

PHONE NUMBER: (404) 371-4778

PURPOSE:

To consider adopting the attached amendments to the Encroachment Permit Ordinance and Resolution authorizing fees for right-of-way encroachment permits to change the effective date of each to November 1, 2012.

NEED/IMPACT:

The County experiences costs in reviewing encroachment permit requests, inspecting construction activities in the public rights-of-way, recording information about these activities in the geographic information system, and making periodic repairs in the public rights-of-ways to utility cuts that have failed over time. In February 2012, the County adopted an Encroachment Permit Ordinance regulating the permitting process for activities on County roads, rights-of-way, and permanent easements. In conjunction with that Ordinance, a Resolution was passed by the Board of Commissioners to set fees to assist the County in recovering a share of the County's costs associated with the permitting process. It has come to the County's attention that it needs to obtain and evaluate information from the Georgia Department of Transportation (GDOT) regarding regulations imposed upon and fees collected from the utility companies for public right-of-way activities.

In order to provide time for consideration of GDOT information and possible amendment of the Encroachment Permit Ordinance and the Resolution authorizing fees for right-of-way encroachment permits, the attached items amend the Ordinance and the Resolution, nunc pro tunc, by changing the effective date of each to November 1, 2012.

The Law Department has approved the attached Ordinance and Resolution as to form.

RECOMMENDATION(S):

Adopt the attached amendments and authorize the Chief Executive Officer to execute all necessary documents.

July 17, 2012
12-09

July 16, 2012

AN ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY,
AS REVISED 1988, CHAPTER 23,
STREETS AND SIDEWALKS, AND FOR OTHER PURPOSES.**

WHEREAS, the governing authority enacted an Encroachment Permit Ordinance on February 28, 2012 regulating the permitting process for activities on county roads, rights-of-way, and permanent easements; and

WHEREAS, the DeKalb County Board of Commissioners finds additional time may be necessary to obtain and evaluate information from the Georgia Department of Transportation regarding the regulation of the permitting process for activities on public right-of-way activities; and

WHEREAS, the DeKalb County Board of Commissioners is empowered with the authority to amend County ordinances; and

WHEREAS, the governing authority finds it is necessary amend the February 28, 2012 Encroachment Permit Ordinance, nunc pro tunc, to change the effective date of the Ordinance;

NOW, THEREFORE, be it ordained by the governing authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 23 of the Code of DeKalb County, as Revised 1988, be and the same is hereby amended, nunc pro tunc, as follows:

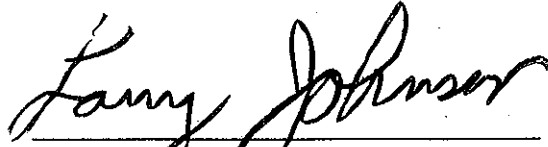
PART I. ENACTMENT

By amending the effective date of the Ordinance by deleting Part II in its entirety and adding the following in lieu thereof to read as follows:


PART II. EFFECTIVE DATE

This ordinance shall become effective on November 1, 2012.


July **ADOPTED** by the DeKalb County Board of Commissioners, this 17 day of
2012.


LARRY L. JOHNSON, MPH
Presiding Officer
Board of Commissioners
DeKalb County, Georgia


July **APPROVED** by the Chief Executive Officer of DeKalb County, this 19 day of
2012.


W. BURRELL ELLIS, JR.
Chief Executive Officer
DeKalb County, Georgia

ATTEST:


BARBARA H. SANDERS, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:


WILLIAM RHINEHART
Deputy Chief Operating Officer
DeKalb County, Georgia

APPROVED AS TO FORM:


LISA E. CHANG
County Attorney
DeKalb County, Georgia