

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND CHAPTER 103 (DEVELOPMENT REGULATIONS) OF THE CODE OF THE CITY OF SANDY SPRINGS, GEORGIA; TO AMEND PROVISIONS PERTAINING TO UNDERGROUND INSTALLATION OF UTILITIES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

WHEREAS, the Mayor and Council of the City of Sandy Springs (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Sandy Springs; and

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Sandy Springs (the “Code”) to further protect the public health, safety, and welfare of the citizens of Sandy Springs.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Sandy Springs, Georgia that the City’s Code of Ordinances is amended as follows:

**SECTION I:** Article XII of Chapter 103 relating to the placement of utilities is hereby amended to provide for underground installation of utilities under certain circumstances, by adding to the current Subsection 103-91 as follows:

**Sec. 103-91. – Placement of utilities.**

- (a) Location of utilities. All authorized public underground utilities shall be located within the right-of-way of a public street or within an easement designated for such use. Within public street right-of-way, placement of the various authorized utilities (power, gas, cable TV, water and sewer) shall conform to the specific locations designated for such use by the city, as illustrated in the standard drawings.
- (b) Private utilities within the right-of-way. No other underground utilities, such as private lawn sprinkler systems, yard lighting, etc., shall be installed within a public right-of-way or easement except by authorization of the public works department. Such authorization, if issued, shall require the applicant to assume all repair costs of the applicant's facilities should they be damaged during the course of installation, maintenance or repair of any of the public utilities authorized to occupy said right-of-way or easement.
- (c) Underground installation of new utilities. Within all new subdivisions utility systems, including water, sewerage, gas, telephone, cable television and electric, along with component parts, structures, appendages and materials, shall be installed underground in a manner approved by the applicable utility provider in accordance with all city ordinances. Aboveground utility systems will not be permitted, except where certain appurtenances and accessories must be installed above ground for servicing. Additionally, all existing overhead utilities located along any exterior property lines of the project shall be placed underground.
- (d) Service from existing overhead utilities. Lots that abut existing easements or public rights-of-way where overhead utility supply lines and service connections have previously been installed may be supplied with service from those overhead lines, but the service connections from the overhead lines shall be installed underground. Should a road widening or an extension of service, or other such condition occur as a result of a subdivision or new commercial development (any non single family detached) exceeding 20,000 square feet in floor area and necessitate the replacement or relocation of such utilities, such replacements or relocation shall be underground.

- (e) Compliance with other regulations. Any utility work required in conjunction with a authorized land disturbance permit that must be completed within the right-of-way, a city easement or on other city property shall comply with the requirements of any city ordinance or policy regarding the installation of utilities on said property. Any installations performed within the state owned right-of-way or property shall comply with any applicable rules, regulation and guidelines developed for that use by the state.
- (f) Utilities located outside of the right-of-way. When, in the course of development, it becomes necessary to construct utilities outside of the right-of-way said development shall conform to this and other applicable ordinances and regulations. Any permanent or temporary easements required for the construction shall be obtained in accordance with this chapter. The easement area shall be returned to a condition that is equal to or better than the condition that existed prior to construction.
- (g) Utilities crossing building setbacks, zoning buffers and stream buffers. All utility lines/connections are permitted only to cross building setbacks zoning buffers and stream buffers within 25 degrees of perpendicular. This is to include, but is not limited to water lines, sewer lines and electric lines not under the jurisdiction of the Public Service Commission or the Federal Energy Regulatory Commission.

**SECTION II:** It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

**SECTION III:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION IV:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**SECTION V:** This Ordinance shall become effective immediately upon adoption.

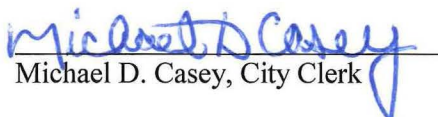
**APPROVED AND ADOPTED** this the 18<sup>th</sup> day of April, 2017.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)

