

LAMAR COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO. 2017-04 _____

TO AMEND CHAPTER 2-16 OF THE LAMAR COUNTY CODE OF ORDINANCES ENTITLED "ROADS AND BRIDGES"; TO CREATE A NEW SECTION 2-16-4 ENTITLED "UTILITY ACCOMMODATIONS IN RIGHTS-OF WAY"; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
LAMAR COUNTY, GEORGIA;

SECTION 1. Article I of Chapter 2-16 of the Lamar County Code of Ordinances is hereby amended by creating a new Section 2-16-4 entitled "Utility Accommodations in Rights-of Way" which shall read as follows:

Sec. 2-16-4. Utility Accommodations in Rights-of-Way.

(a) *Adopted.* The 2016 Utility Accommodation Policy and Standards manual, including all references contained therein to codes, rules, regulations, schedules, forms and appendix items, except Appendix B (Permit Forms and Supporting Documents), promulgated by the State of Georgia Department of Transportation ("D.O.T."), as amended from time to time, is adopted by reference and incorporated in this Section as if fully set forth herein, subject to all amendments and modifications contained in this Section. A copy of the manual shall be maintained at the offices of the director of the Lamar County Public Works Department or his designee and open for public inspection.

(b) *Amendments.* The 2016 Utility Accommodation Policy and Standards manual promulgated by the D.O.T., as amended from time to time, adopted in Subsection (a), is amended in order to equate state definitions and provisions with their appropriate and equivalent county counterparts, such that a policy shall be implemented to reflect the intent and effect of the state right-of-way policy as it would logically apply to the unincorporated county's rights-of-way, including but not limited to the following:

(1) *Substitutions.*

Commissioner: Lamar County Administrator.

Department: Lamar County Public Works Department.

Engineer: The Director of the Lamar County Public Works Department or his/her designee.

Highway, Street or Road: Any road that is part of the county road system.

State: County.

State bridge and structural design engineer: The Director of the Lamar County Public Works Department or his/her designee.

State highway (chief) engineer: The Director of the Lamar County Public Works Department or his/her designee.

State utilities engineer: The Director of the Lamar County Public Works Department or his/her designee.

Utility (as defined in the state's policy) shall read:

Utility: All privately, publicly, or cooperatively owned systems for producing, transmitting, or distributing communication, data, information, telecommunication, cable television, power, electricity, light, heat, gas, oil, crude products, water/sewer, steam, fire and police signals, traffic control devices, and street lighting systems, and housing or conduit for any of the foregoing, which directly or indirectly serve the public or any part thereof. The term "utility" may also be used to refer to the owner, operator, provider, servicer, or any agent thereof, of any above-described utility or utility facility.

(2) *Administration.* The director of the Lamar County Public Works Department shall have the authority to administer the state department of transportation's utility accommodation policy and standards, as amended from time to time by the state or county, on county roads in the unincorporated county and in accordance with any procedures the Board of Commissioners or the Lamar County Public Works Department may establish thereunder.

(3) *Fees.* The Board of Commissioners shall be authorized to charge fees in accordance with the state department of transportation's utility accommodations policy and standards and any other applicable laws that exist now or may be enacted in the future. Fees shall be determined by the director of the Lamar County Public Works Department and subject to the approval of, and publicly disclosed by, the Board of Commissioners. Any fee schedule shall be posted at the offices of the Lamar County Public Works Department.

SECTION 3. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 4.

A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 5. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Lamar County, Georgia.

SO ORDAINED, this _____ day of _____, 2017.

CHARLES GLASS, Chairman

ROBERT HEINEY

BENNIE HORTON

NANCY THRASH

RYRAN TRAYLOR

ATTEST:

Carlette Davidson, County Clerk

(SEAL)

First Reading: _____

Second Reading/
Adoption: _____