

LAMAR COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO. 2017-03_____

TO AMEND CHAPTER 2-16 OF THE LAMAR COUNTY CODE OF ORDINANCES ENTITLED "ROADS AND BRIDGES"; TO CREATE A NEW SECTION 2-16-3 ENTITLED "UTILITY LOCATIONS 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 2-16-3 entitled "Utility Locations in Rights-of Way" which shall read as follows:

Sec. 2-16-3. Utility Locations in Rights-of-Way.

(a) *Definitions:* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (1) *As-built plans:* Detailed construction plans showing completed improvements as constructed
- (2) *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.

(b) All utilities locating their facilities in new residential and commercial developments, along County rights-of-way, and along any private road shall locate their lines pursuant to the County's development standards and specifications, as amended. In the event that the County's development standards conflict with the State Department of Transportation's (D.O.T.) Utility Accommodation Policy and Standards, the County's development standards shall prevail, so long as they are not more restrictive than those of the D.O.T.

(c) Upon completion of the installation of its lines and improvements, the utility shall provide the County with as-built plans showing the exact location of the lines and improvements.

(d) In the event that the County expands a right-of-way upon which a utility line or improvement has been located, and it is necessary to relocate said line or improvement, in the sole discretion of the County, the utility shall relocate its lines and improvements at its expense.

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: _____