CITY COUNCIL
ATLANTA, GEORGIA

02-O -1976

AN ORDINANCE
BY COUNCILMAN JIM MADDOX

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 138 REGARDING STREETS, SIDEWALKS AND THE PUBLIC RIGHT-OF-WAY SO AS TO CLARIFY THE INTENT OF SPECIFIC SECTIONS CONTAINED THEREIN; TO REPEAL CONFLICTING SECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, it is the charge of the City Council to protect the health, safety, welfare, comfort and convenience of residents and visitors to the City of Atlanta, including maintaining a safe and convenient municipal street system and other Public Right-of-Way; and

WHEREAS, the City of Atlanta previously enacted a comprehensive Public Right-of-Way Ordinance to allow the City to otherwise manage its Public Right-of-Way in a manner as contemplated by the Federal Telecommunications Act of 1996; and

WHEREAS, based on observations of the City staff and comments from the industry, there is a need to clarify the intent of certain provisions and further set forth the responsibilities of those conducting activities in the Public Right-of-Way.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

(1) **SECTION 1**:

That Section 138-65 shall be amended by adding a new Section 138-65 (17) to read as follows:

Reservation of Rights- The City reserves the right, upon the review of its franchise application, to waive, modify or amend by ordinance, the various provisions of Chapter 138 regarding Streets, Sidewalks, and the Public Right-of-Way and sections of the franchise agreement taking into account, among other factors, the financial stability of the Franchisee or Revocable Licensee and the past performance of the Franchisee or Revocable Licensee in the City's Right-of- Way.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council DEC 02, 2002
APPROVED by the Mayor DEC 10, 2002

RCS# 4251
12/02/02
2:31 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-22; Except 02-O-2096;02-R-2094
02-R-2114; 02-R-2118
ADOPT

YEAS:	9
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	7
EXCUSED:	0
ABSENT	0

NV Smith	Y Archibong	Y Moore	Y Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	NV Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

ITEMS ADOPTED ON CONSENT AGENDA

1. 02-O-1925
2. 02-O-1926
3. 02-O-1927
4. 02-O-1928
5. 02-O-1929
6. 02-O-1969
7. 02-O-1976
8. 02-O-2095
9. 02-O-1998
10. 02-O-1892
11. 02-O-1903
12. 02-O-1907
13. 02-O-1139
14. 02-O-1292
15. 02-O-1913
16. 02-O-1930
17. 02-O-2103
18. 02-O-1922
19. 02-O-1923
20. 02-O-2091
21. 02-O-2092
22. 02-O-2105
23. 02-O-1396
24. 02-O-1792
25. 02-O-1914
26. 02-O-1915
27. 02-O-1916
28. 02-O-1917
29. 02-O-1918
30. 02-O-1919
31. 02-O-1920
32. 02-O-1921
33. 02-O-2001
34. 02-O-2097
35. 02-O-2098
36. 02-O-2099
37. 02-O-2100
38. 02-R-1593
39. 02-R-1848
40. 02-R-1849
41. 02-R-1850
42. 02-R-1985
43. 02-R-2003
44. 02-R-2004
45. 02-R-2009
46. 02-R-2010
47. 02-R-2011
48. 02-R-2012
49. 02-R-2013
50. 02-R-2014
51. 02-R-2057
52. 02-R-2058
53. 02-R-2073
54. 02-R-2015
55. 02-R-2059
56. 02-R-1216
57. 02-R-2119
58. 02-R-2123
59. 02-R-2055
60. 02-R-2063
62. 02-R-2104
63. 02-R-2112
64. 02-R-2113
65. 02-R-2115
66. 02-R-2116
67. 02-R-2117
68. 02-R-2125
69. 02-R-2126
70. 02-R-2016
71. 02-R-2017
72. 02-R-2018
73. 02-R-2019
74. 02-R-2022
75. 02-R-2060
76. 02-R-2061
77. 02-R-2062
78. 02-R-2069
79. 02-R-2072
80. 02-R-2074
81. 02-R-2122
82. 02-R-2023
83. 02-R-2064
84. 02-R-2065
85. 02-R-2066
86. 02-R-2070
87. 02-R-2028
88. 02-R-2029
89. 02-R-2030
90. 02-R-2031
91. 02-R-2032
92. 02-R-2033
93. 02-R-2034
94. 02-R-2035
95. 02-R-2036
96. 02-R-2037

ITEMS ADVERSED ON CONSENT AGENDA

97. 02-R-2027
98. 02-R-2038
99. 02-R-2039
100. 02-R-2040
101. 02-R-2041
102. 02-R-2042
103. 02-R-2043
104. 02-R-2044
105. 02-R-2045
106. 02-R-2046
107. 02-R-2047
108. 02-R-2048
109. 02-R-2049
110. 02-R-2050
111. 02-R-2051
112. 02-R-2052
113. 02-R-2053
114. 02-R-2054

Consent I Vote: 9 Yeas; 0 Nays (See RCS #4251)
Items Removed from the Consent Agenda: 02-O-2096; 02-R-2094; 02-R-2114; 02-R-2118

19

02-○-1976

(Do Not Write Above This Line)

AN ORDINANCE
BY COUNCILMAN JIM MADDOX

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 138 REGARDING STREETS, SIDEWALKS AND THE PUBLIC RIGHT-OF-WAY SO AS TO CLARIFY THE INTENT OF SPECIFIC SECTIONS CONTAINED THEREIN; TO REPEAL CONFLICTING SECTIONS; AND FOR OTHER PURPOSES.

Linda K Disantis
LINDA DISANTIS
CITY ATTORNEY

ADOPTED BY
DEC 0 2 2002
COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☑ PERSONAL PAPER REFER

Date Referred 11/4/02
Referred To: City Utilities
Date Referred
Referred To:
Date Referred
Referred To:

First Reading
Committee
Date
Chair
Referred to

Committee	Committee
City Utilities	
Date	Date
Nov. 12, 2002	
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

Committee	Committee
City Utilities	
Date	Date
Nov. 26, 2002	
Chair	Chair
Claire Muller	
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Cleta Winslow	
[illegible]	
[illegible]	
Carla Smith	
Refer To	Refer To

FINAL COUNCIL ACTION

☐2nd ☐1st & 2nd ☐3rd
Readings
☐Consent ☐V Vote ☑RC Vote

CERTIFIED

DEC 0 2 2002

CERTIFIED
DEC 0 2 2002
Rhonda Dauphin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
Shirley Franklin
DEC 1 0 2002
MAYOR