**10- O-0904**

(Do Not Write Above This Line)

**AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO AUTHORIZE THE REVISION IN PERMIT FEES FOR ENCROACHMENTS PURSUANT TO THE PROVISIONS OF CHAPTER 138, SECTION 138-20 AND APPENDIX B OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA; TO ADD AN ANNUAL INSPECTION FEE TO ALL ENCROACHMENT AGREEMENTS; AND FOR OTHER PURPOSES.**

**ADOPTED BY**

JUN 2 1 2010

**COUNCIL**

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

Date Referred 05/17/10

Referred To: City Utilities

Date Referred

Refferred To:

Date Referred

Referred To:

First Reading

Committee City Utilities

Date

Chair

Referred To

| Committee | Committee |
|---|---|
| City Utilities | |
| Date June 1 2010 | Date |
| Chair | Chair |
| Action Fav, Adv, Hold (see rev. side) Other | Action Fav, Adv, Hold (see rev. side) Other |
| Members | Members |
| Refer To | Refer To |

| Committee | Committee |
|---|---|
| City Utilities | |
| Date June 5 2010 | Date |
| Chair | Chair |
| Action Fav, Adv, Hold (see rev. side) Other | Action Fav, Adv, Hold (see rev. side) Other |
| Members | Members |
| Refer To | Refer To |

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd Readings

☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

CERTIFIED

JUN 2 1 2010

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED

JUN 21 2010

Rhonda Dauphin Johnson

MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**

JUN 3 0 2010

WITHOUT SIGNATURE BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

10- O -0904

**AN ORDINANCE BY**
**CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AUTHORIZE THE REVISION IN PERMIT FEES FOR ENCROACHMENTS PURSUANT TO THE PROVISIONS OF CHAPTER 138, SECTION 138-20 AND APPENDIX B OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA; TO ADD AN ANNUAL INSPECTION FEE TO ALL ENCROACHMENT AGREEMENTS; AND FOR OTHER PURPOSES.**

**WHEREAS,** the Department of Public Works ("DPW") has reviewed the fee structure for the issuance of permits for Encroachment Agreements; and

**WHEREAS,** DPW has determined that the present amounts charged for the issuance of said permits as set out in Appendix B: Fees, Section entitled "Streets, Sidewalks and Other Public Places, Subsection entitled "Encroachments, Construction and Excavations" do not reflect the actual cost to DPW for the issuance of said permits; and

**WHEREAS,** the issuance of such permits requires application review by the Departments of Public Works, Planning and Community Development, and Law; and

**WHEREAS,** initial and annual field inspections must also be conducted by DPW; and

**WHEREAS,** the current fees associated with the issuance of said permits is an application fee of $500 for pipes, wires, conduits or similar facilities, and $750.00 for all other types of encroachments; and .

**WHEREAS,** the present permit fee does not reflect the cost to the City of application processing and permit issuance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**Section 1:** That Section 138-20(a) of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text to revise said section as follows:

(a) When performing construction activities or the erection of a temporary or permanent encroachment, all such persons shall obtain prior approval, including all necessary permits and/or agreements, from the department of public works, and pay a **permit fee and annual inspection** fee for the issuance of said permit or agreement as set forth in Appendix B of this Code. The commissioner of public works shall require the person conducting activities pursuant to the permit and within the right-of-way to provide each abutting property owner or occupant with reasonable and timely notification of any impending construction work that would unreasonably interfere with either egress or ingress onto said owner's or occupant's property.

Section 138-20(a) as revised will then read as follows:

(a) When performing construction activities or the erection of a temporary or permanent encroachment, all such persons shall obtain prior approval, including all necessary permits and/or agreements, from the department of public works, and pay a permit fee and annual inspection fee for the issuance of said permit or agreement as set forth in Appendix B of this Code. The commissioner of public works shall require the person conducting activities pursuant to the permit and within the right-of-way to provide each abutting property owner or occupant with reasonable and timely notification of any impending construction work that would unreasonably interfere with either egress or ingress onto said owner's or occupant's property.

**Section 2 :** That the Section entitled "Encroachments, Construction and Excavations" of Appendix B: Fees of the City of Atlanta Code of Ordinances is amended, as set out below in bold and strikeout text to revise said section as follows:

Vehicle, pedestrian or utility bridges: ~~$750.00~~ **$1,300.00**

Vehicle, pedestrian or utility tunnels: ~~$750.00~~ **$1,300.00**

Pipes, wires, conduits or similar facilities: ~~$500.00~~ **$1,300.00**

Basements, vaults, elevator shafts, stairs, stairwells, ventilation shafts, gratings or similar facilities: ~~$750.00~~ **$1,300.00**

Canopies, ledges, bay windows, balconies, decorative lighting, flagpoles, gargoyles, architectural embellishments, area walks or similar facilities: ~~$500.00~~ **$1,300.00**

Any building, parking garage, structure, or part thereof, including footings, foundations, tie-backs, supports, walls, eaves, or projections: ~~$750.00~~ **$1,300.00**

**Yearly inspection fee: $100**

Appendix B: Fees, Section Entitled "Encroachments, Construction and Excavations" as revised will then read as follows:

Vehicle, pedestrian or utility bridges: $1,300.00

Vehicle, pedestrian or utility tunnels: $1,300.00

Pipes, wires, conduits or similar facilities: $1,300.00

Basements, vaults, elevator shafts, stairs, stairwells, ventilation shafts, gratings or similar facilities: $1,300.00

Canopies, ledges, bay windows, balconies, decorative lighting, flagpoles, gargoyles, architectural embellishments, area walks or similar facilities: $1,300.00

Any building, parking garage, structure, or part thereof, including footings, foundations, tie-backs, supports, walls, eaves, or projections: $1,300.00

Yearly inspection fee: $100

**Section 3:** That Appendix B: Fees, shall be revised to reflect the imposition of fees in accordance with Section 2 above.

**Section 4:** Said fees shall become effective immediately upon the passage of this Ordinance.

**Section 5:** That the modified encroachment fees in Section 2 of this Ordinance shall be deposited into: 1001.000002.3511717.

**Section 6:** That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived for the purposes of this Ordinance only, and only to the extent of the conflict.

**A true copy,**
Rhonda Dauphin Johnson
**Municipal Clerk**

**ADOPTED by the Atlanta City Council** **JUN 21, 2010**
**RETURNED WITHOUT SIGNATURE OF THE MAYOR**
**APPROVED as per City Charter Section 2-403** **JUN 30, 2010**

RCS# 335
6/21/10
4:36 PM

Atlanta City Council

REGULAR SESSION

10-O-0904

AUTH.REVISION OF PERMIT FEES FOR ENCROACHMENT
ADOPT

| | |
|---|---|
| YEAS: | 13 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 2 |
| EXCUSED: | 1 |
| ABSENT | 0 |

| | | | |
|---|---|---|---|
| Y Smith | Y Archibong | Y Moore | NV Bond |
| Y Hall | Y Wan | Y Martin | Y Watson |
| Y Young | Y Shook | Y Bottoms | E Willis |
| Y Winslow | Y Adrean | Y Sheperd | NV Mitchell |