

**ORDINANCE NO. 2019-ORD-1**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF SOCIAL CIRCLE, GEORGIA RELATING TO COMMUNICATIONS UTILITY RIGHT-OF-WAY ENCROACHMENT SO AS TO PROVIDE FOR DUE COMPENSATION APPLICABLE TO ANY AND ALL COMMUNICATIONS COMPANIES CHARTERED BY THE LAWS OF THIS STATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the duly elected governing authority of the City of Social Circle, Georgia is the Mayor and Council thereof; and

**WHEREAS**, the City of Social Circle desires to amend Chapter 11 of the Code of Social Circle, Georgia, governing due compensation for communications utility right-of-way encroachment; and

**WHEREAS**, the City of Social Circle is authorized pursuant to O.C.G.A. § 46-5-1 to collect due compensation from any telephone company that maintain and operate lines and facilities occupying municipal streets and rights of way equal to no more than three percent (3%) of actual recurring local service revenues received by such company from its retail, end user customers located within the boundaries of the City of Social Circle.

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SOCIAL CIRCLE, GEORGIA AS FOLLOWS:**

**SECTION 1.** Chapter 11, Article IV, of the Code of Ordinances of the City of Social Circle, Georgia is hereby amended as follows:

**Sec. 11-77 is hereby amended to add subsection (g) as follows:**

*(g) Due compensation for telephone companies.*

(1) The City hereby requires due compensation of three percent (3%) of actual recurring local service revenues, as defined in paragraph (9) of Section 46-5-1 of the Official Code of Georgia Annotated.

(2) Any telephone company that does not have retail, end user customers located within the city's municipal boundaries, the payment of due compensation by such company to the City shall be in accordance with the rates set by regulations promulgated by the Department of Transportation for the use of its rights-of-way.

**SECTION 2.** Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

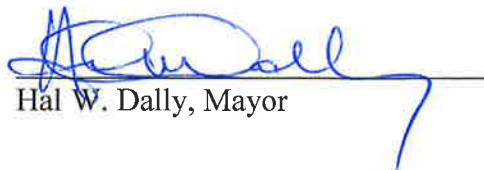
**SECTION 3.** Pursuant to the Section 2.25 of the City Charter, authority is hereby delegated to the City Clerk to cause this Ordinance to be numbered and codified in the City Code of Social Circle, Georgia, in such a way as to place this Ordinance in the Code in an organized and orderly sequence to maximize the organization of the Code. The City Clerk is authorized to designate to

the City Attorney or to such other Mayor and Council approved contractors to assist in the effort to codify this provision provided the decision of the City Clerk is final as to the placement of this Ordinance within the City Code of Social Circle, Georgia. The goal of this authorization is to codify and number this Ordinance in the Code in such a way as to be clear and orderly.

**SECTION 4.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Social Circle, Georgia.

**SECTION 5.** It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without the phrase, sentence, or paragraph declared unconstitutional or invalid.

SO, ORDAINED this 18th day of March, 2019.

  
Hal W. Dally, Mayor

ATTEST:

  
Susan M. Roper, City Clerk

APPROVED AS TO FORM:

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Anthony O. L. Powell, City Attorney  
Powell & Edwards P.C.

Adopted by the City Council at a regular meeting on March 18, 2019.

4 Council members voting in favor

0 Council members voting against

0 Council members abstaining