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STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2010-__

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA TO ADOPT NEW SECTION 2-261(i), ARTICLE X FEE SCHEDULE, CHAPTER 2 ADMINISTRATION; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO ADOPT A PREAMBLE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Doraville, Georgia are the Mayor and Council thereof;

WHEREAS, pursuant to the Charter of the City of Doraville, Georgia Sections 1.02(35) and (37), the governing authority may assess reasonable fees which reflect realistic costs of providing services;

WHEREAS, the City Planner in conjunction with the City Clerk has performed a study and made formal recommendations to the Mayor and Council to address fees assessed by the City in the performance of its planning, zoning, inspection and other administrative processes to capture fair and reasonably ascertainable costs of the City;

WHEREAS, the assessment of the fees set out herein below only reflect actual costs and the same are not imposed in any way as a revenue generation device or tax as defined in O.C.G.A. Title 48;

WHEREAS, the Mayor and Council recognize, based upon the study and recommendations of the staff, that additional and further fee recommendations shall arise in the near future;

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WHEREAS, after careful review, it is the position of the Mayor and Council that the City of Doraville Planning and Zoning Fee Schedule as adopted herein and as may be reasonably amended does not now constitute a zoning decision triggering application of the Zoning Procedures Law of O.C.G.A. § 36-66-3;

WHEREAS, these articles are adopted pursuant to authority granted to the City of Doraville, Georgia by Article IX, Section II, Paragraph III of the Constitution of the State of Georgia of 1983, and more specifically, the plenary police powers delegated to the City by said section and by operation of law; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1.

That the Code of Ordinances, City of Doraville, Georgia, is hereby amended by adding a section to be numbered section 2-261(i), Article X. Fee Schedule, Chapter 2 Administration, which section reads as follows:

"Chapter 2. Administration.

. . .

Article X. Fee Schedule.

. . .

Sec. 2-261. Zoning processing fees.

. . .

(i). Telecommunication Antennas and Towers:

Each applicant for a specific permit use permit fee issued under Sec. 706 4(B) Permitted Uses of the Zoning Code, shall pay a non-refundable five hundred dollar ($500.00) fee. Each applicant for a special use permit for a tower or antenna issued under Sec. 706,

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6(C) Special Use Permits, shall pay a non-refundable fee of five hundred dollars ($500.00) in addition to any other fee required by the Code.

. . .”

Section 2.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council 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 Mayor or Council 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 phrase, clause, sentence, paragraph or section 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 Mayor and Council 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 phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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Section 3.

Penalties provided for violations of this Ordinance are set out in Section 1-12, as amended hereby, of the Code of Ordinances, City of Doraville, Georgia and are herby incorporated as if set out fully.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 7.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8.

This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this ___ day of _____, 2010.

CITY OF DORAVILLE, GEORGIA

_____
Ray Jenkins, Mayor

_____ _____
First Reading Second Reading

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ATTEST:

_____(SEAL)
Rhonda Blackmon, City Clerk

APPROVED AS TO FORM:

_____
Murray J. Weed, City Attorney

	Yea	Nay
Maria Alexander	☐	☐
Brian Bates	☐	☐
Pam Fleming	☐	☐
Karen Pachuta	☐	☐
Donna Pittman	☐	☐
Bob Roche	☐	☐