

FIRST READING July 10, 2018

SECOND READING _____

PASSED _____

AN ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 96.038 [as amended by Ordinance 2016-05-10] OF THE CITY OF BLUE RIDGE, GEORGIA CODE REGARDING THE PRIVATE AND TEMPORARY USE OF CITY SIDEWALKS; TO PROVIDE DEFINITIONS; TO REQUIRE WRITTEN INDEMNIFICATION AGREEMENTS; TO ESTABLISH AN ANNUAL FEE AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Blue Ridge, Georgia, has previously adopted Ordinance number 2016-05-10 (as amended) to amend Section 96.038 of the Code; and

WHEREAS, City Council of the City of Blue Ridge, Georgia, finds that the certain changes are needed to provide clarity and to further establish requirements for use;

NOW, THEREFORE, BE IT ORDERED, AND IT IS HEREBY ORDAINED by the Council of the City of Blue Ridge, Georgia, as authorized by the City Charter and general law, as follows:

SECTION 1.

The entirety of § 96.038 is hereby amended to establish that the fee for any permit required under this Section shall be \$25 annually and must be renewed annually on or before January 15th.

Section 96.038 (B) is hereby amended by modifying, deleting and/or adopting the following provisions:

Inserting in the first sentence after “Notwithstanding the foregoing” the following “and provided the person or tenant has obtained a valid permit from the City of Blue Ridge and executed the indemnification agreement described herein,”

Inserting as the second sentence “For purposes of this Section, “temporary” shall be defined as no longer than ten (10) consecutive hours in any twenty-four (24) hour period and “decorative features” shall expressly not include mannequins.”

Section 96.038 (D) is repealed in its entirety and replaced with a new (D) which shall read as follows:

A police officer or other person authorized to issue citations for violations of this Ordinance are provided with the discretion to issue a warning for a violation provided that the violation is immediately corrected. Subject to that discretion, any person or entity which violates this Ordinance shall be subject to a \$250 fine. Any person or entity which commits a second violation within twelve months of a

previous violation shall be fined \$500. Any person or entity which commits three violations within a twenty-four month period shall be fined \$500 and have any permit immediately revoked. In the event an injury occurs to any person as a result of a permit holder's violation of this Ordinance, the permit shall be immediately revoked. Any person or entity which has had a permit revoked pursuant to this Ordinance shall not be eligible for a permit for a period of twenty four months from the date of revocation.

SECTION 2:

REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Ordinance on behalf of the City of Blue Ridge, Georgia.

SECTION 3.

SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Ordinance as applied

to any particular person, situation or set of circumstances is declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the legislative intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 4.
EFFECTIVE DATE

The effective date of this Ordinance shall be immediately upon its passage by the City Council and execution by the Mayor or upon fifteen (15) days expiring from the date of its passage without a veto of said Ordinance by the Mayor as set forth in the City Charter at Section 3.23(b). Upon the Ordinance becoming effective, the City Clerk shall insert the modifications, additions or deletions and publish the Ordinance as amended.

SO ORDAINED, this ____ day of _____, 2018.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

Attest:

Kelsey Ledford, City Clerk