



CITY OF DUNWOODY

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MEMORANDUM

To: Honorable Mayor and City Council

From: Warren Hutmacher, City Manager

Date: January 19, 2010

Subject: Utility Contractor Regulation – Private Property

Councilman Taylor has received a request from a constituent requesting that the City consider enacting regulations that would provide oversight and control over utility contractors operating on private property.

The City currently regulates all activity within the public right of way as it relates to utility contractor construction activities but has no ordinances to regulate this construction activity on public property.

The City has no legal authority to regulate utility construction activity on private property except where the construction would cause significant harm to public safety and welfare.

The City also has the option of attempting to modify existing franchise agreements with utility companies doing business in the City, however, these agreements are mutual between the parties and the city cannot unilaterally amend the agreements.

I am researching any possible state law amendments that may make it possible to authorize local governments to regulate utility construction activity on private property.