

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Peachtree Corners; to provide for boundaries and  
2 powers of the city; to provide for a governing authority of such city and the powers, duties,  
3 authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions,  
4 conflicts of interest, and suspension and removal from office relative to members of such  
5 governing authority; to provide for inquiries and investigations; to provide for oaths,  
6 organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and  
7 codes; to provide for a mayor and mayor pro tempore and certain duties, powers, and other  
8 matters relative thereto; to provide for administrative affairs and responsibilities; to provide  
9 for boards, commissions, and authorities; to provide for a city manager, city attorney, a city  
10 clerk, and other personnel and duties, powers, and other matters relating thereto; to provide  
11 for rules and regulations; to provide for a municipal court and the judge or judges thereof and  
12 other matters relative to those judges; to provide for the court's jurisdiction, powers,  
13 practices, and procedures; to provide for the right of certiorari; to provide for elections; to  
14 provide for taxation, licenses, and fees; to provide for franchises, service charges, and  
15 assessments; to provide for bonded and other indebtedness; to provide for auditing,  
16 accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to  
17 provide for the conveyance of property and interests therein; to provide for bonds for  
18 officials; to provide for prior ordinances and rules, pending matters, and existing personnel;  
19 to provide for penalties; to provide for definitions and construction; to provide for other  
20 matters relative to the foregoing; to provide for effective dates; to repeal conflicting laws;  
21 and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I  
 INCORPORATION AND POWERS

**SECTION 1.10.**

Name.

This Act shall constitute the charter of the City of Peachtree Corners. The city and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style "City of Peachtree Corners, Georgia," and by that name shall have perpetual succession.

**SECTION 1.11.**

Corporate boundaries.

(a) The boundaries of this city shall be those set forth and described in Appendix A of this charter, and said Appendix A is incorporated into and made a part of this charter. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Peachtree Corners, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

**SECTION 1.12.**

Powers and construction.

(a) This city shall have all the powers possible for a city to have under the present or future construction or laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention powers shall not be construed as limiting in any way the powers of this city.

**SECTION 1.13.**

## Examples of powers.

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this charter;

(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades;

(4) Business regulation and taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades and professions, as authorized by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(5) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

- 88 (9) Fire regulations. To fix and establish fire limits and, from time to time, extend,  
89 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
90 general law, relating to both fire prevention and detection and to fire fighting; and to  
91 prescribe penalties and punishment for violations thereof;
- 92 (10) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection  
93 and disposal, and other sanitary service charge, tax, or fee for such services as may be  
94 necessary in the operation of the city from all individuals, firms, and corporations  
95 residing in the city or doing business therein benefiting from such services; to enforce the  
96 payment of such charges, taxes or fees; and to provide for the manner and method of  
97 collecting such service charges;
- 98 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,  
99 practice, conduct, or use of property which is detrimental to health, sanitation,  
100 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
101 enforcement of such standards;
- 102 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
103 any purpose related to powers and duties of the city and the general welfare of its  
104 citizens, on such terms and conditions as the donor or grantor may impose;
- 105 (13) Health and sanitation. To prescribe standards of health and sanitation and to  
106 provide for the enforcement of such standards;
- 107 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
108 may work out such sentences in any public works or on the streets, roads, drains, and  
109 other public property in the city; to provide for commitment of such persons to any jail;  
110 or to provide for commitment of such persons to any county work camp or county jail by  
111 agreement with the appropriate county officials;
- 112 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
113 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
114 of the city;
- 115 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
116 departments, boards, offices, commissions, and agencies of the city and to confer upon  
117 such agencies the necessary and appropriate authority for carrying out all the powers  
118 conferred upon or delegated to the same;
- 119 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the  
120 city and to issue bonds for the purpose of raising revenue to carry out any project,  
121 program, or venture authorized by this charter or the laws of the State of Georgia;
- 122 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
123 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
124 outside the property limits of the city;

- 125 (19) Municipal property protection. To provide for the preservation and protection of  
126 property and equipment of the city and the administration and use of same by the public;  
127 and to prescribe penalties and punishment for violations thereof;
- 128 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell and dispose  
129 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
130 sewage disposal, storm-water management, gas works, electric light panels, cable  
131 television and other telecommunications, transportation facilities, public airports, and any  
132 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,  
133 regulations, and penalties and provide for the withdrawal of service for refusal or failure  
134 to pay the same;
- 135 (21) Nuisance. To define a nuisance and provide for its abatement, whether on public  
136 or private property;
- 137 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
138 the authority of this charter and the laws of the State of Georgia;
- 139 (23) Planning and zoning. To provide comprehensive city planning for development by  
140 zoning; and to provide subdivision regulation and the like as the city council deems  
141 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 142 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
143 police officers, and to establish, operate, or contract for police and firefighting agencies;
- 144 (25) Public hazards; removal. To provide for the destruction and removal of any  
145 building or other structure which is or may become dangerous or detrimental to the  
146 public;
- 147 (26) Public improvements. To provide for the acquisition, construction, building,  
148 operation, and maintenance of parks and playgrounds, public grounds, recreational  
149 facilities, public buildings, and charitable, cultural, educational, recreational,  
150 conservation, and sports institutions, agencies, and facilities; and to regulate the use of  
151 public improvements;
- 152 (27) Public utilities and services. To grant franchises or make contracts for or impose  
153 taxes on public utilities and public service companies and to prescribe the rates, fares,  
154 regulations, and standards and conditions of services to be provided by the franchise  
155 grantee or contractor, insofar as not in conflict with valid regulations of the Georgia  
156 Public Service Commission;
- 157 (28) Regulation of roadside areas. To prohibit or regulate and control the erection,  
158 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
159 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
160 roads or within view thereof, within or abutting the corporate limits of the city; and to  
161 prescribe penalties and punishment for violation of such ordinances;

- 162 (29) Retirement. To provide and maintain a retirement plan for officers and employees  
163 of the city;
- 164 (30) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
165 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
166 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
167 walkways within the corporate limits of the city; and to grant franchises and rights of way  
168 throughout the streets and roads and over the bridges and viaducts for the use of public  
169 utilities; and to require real estate owners to repair and maintain in a safe condition the  
170 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 171 (31) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
172 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
173 and sewerage system, and to levy on those to whom sewers and sewerage systems are  
174 made available a sewer service fee, charge or sewer tax for the availability or use of the  
175 sewers; to provide for the manner and method of collecting such service charges and for  
176 enforcing payment of the same; and to charge, impose and collect a sewer connection fee  
177 or fees to those connected with the system;
- 178 (32) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
179 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by  
180 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
181 paper, and other recyclable materials, and to provide for the sale of such items;
- 182 (33) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
183 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,  
184 and use of firearms; to regulate the transportation, storage, and use of combustible,  
185 explosive, and inflammable materials, the use of lighting and heating equipment, and any  
186 other business or situation which may be dangerous to persons or property; to regulate  
187 and control the conduct of peddlers and itinerant traders, theatrical performances,  
188 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,  
189 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;
- 190 (34) Special assessments. To levy and provide for the collection of special assessments  
191 to cover the costs for any public improvements;
- 192 (35) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,  
193 and collection of taxes on all property subject to taxation subject to a maximum of 1 mill;
- 194 (36) Taxes: other. To levy and collect such other taxes as may be allowed, now or in the  
195 future, by law;
- 196 (37) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
197 number of such vehicles; to require the operators thereof to be licensed; to require public

198 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
 199 regulate the parking of such vehicles;  
 200 (38) Urban redevelopment. To organize and operate an urban redevelopment program;  
 201 and  
 202 (39) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
 203 and immunities necessary or desirable to promote or protect the safety, health, peace,  
 204 security, good order, comfort, convenience, or general welfare of the city and its  
 205 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
 206 all powers granted in this charter as fully and completely as if such powers were fully  
 207 stated herein; to exercise all powers now or in the future authorized to be exercised by  
 208 other municipal governments under other laws of the State of Georgia; and no listing of  
 209 particular powers in this charter shall be held to be exclusive of others, nor restrictive of  
 210 general words and phrases granting powers, but shall be held to be in addition to such  
 211 powers, unless expressly prohibited to municipalities under the Constitution or applicable  
 212 laws of the State of Georgia.

213 **SECTION 1.14.**

214 Exercise of powers.

215 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or  
 216 employees shall be carried into execution as provided by this charter. If this charter makes  
 217 no provision, such shall be carried into execution as provided by ordinance or as provided  
 218 by pertinent laws of the State of Georgia.

219 **ARTICLE II**

220 **GOVERNMENT STRUCTURE**

221 **SECTION 2.10.**

222 City council creation; number; election.

223 The legislative authority of the government of this city, except as otherwise specifically  
 224 provided in this charter, shall be vested in a city council to be composed of a mayor and six  
 225 councilmembers. The mayor and councilmembers shall be elected in the manner provided  
 226 by this charter.

227 **SECTION 2.11.**

228 City councilmembers;  
229 terms and qualifications for office.

230 (a) The members of the city council shall serve for terms of four years and until their  
231 respective successors are elected and qualified. The term of office of each member of the  
232 city council shall begin on the first day of January immediately following the election of such  
233 member unless general law authorizes or requires the term to begin at the first organizational  
234 meeting in January or upon some other date. No person shall be eligible to serve as mayor  
235 or councilmember unless that person shall have been a resident of the city for 12 months  
236 prior to the date of the election of mayor or members of the city council; each shall continue  
237 to reside therein during his or her period of service and to be registered and qualified to vote  
238 in municipal elections of this city.

239 (b) The city council seats shall be designated Post 1, Post 2, Post 3, Post 4, Post 5, and  
240 Post 6. Candidates shall designate the post for which they are offering for election when  
241 qualifying for election.

242 (c)(1) The members of the city council from Post 4, Post 5, and Post 6 shall be elected  
243 by the electors of the city at large by majority vote.

244 (2) For the purposes of electing members of the city council from Post 1, Post 2, and  
245 Post 3, the city is divided into three districts. One member of the board shall be elected  
246 from each such district by only the electors of such district by majority vote. Post 1,  
247 Post 2, and Post 3 shall be and correspond to those three numbered districts as described  
248 in the districting plan attached to and made a part of this Act and further identified as  
249 Plan Name: peachprop1-3dist Plan Type: Local User: Shantee Administrator: H051.

250 (d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and  
251 describe the same geographical boundaries as provided in the report of the Bureau of the  
252 Census for the United States decennial census of 2000 for the State of Georgia. The separate  
253 numeric designations in a tract description which are underneath a 'BG' heading shall mean  
254 and describe individual blocks within a block group as provided in the report of the Bureau  
255 of the Census for the United States decennial census of 2000 for the State of Georgia. Any  
256 part of the city which is not included in Post 1, Post 2, or Post 3 as described in that  
257 attachment describing Post 1, Post 2, and Post 3 shall be included within that district  
258 contiguous to such part which contains the least population according to the United States  
259 decennial census of 2000 for the State of Georgia. Any part of the city which is described  
260 in that attachment describing Post 1, Post 2, and Post 3 as being in Post 1, Post 2, or Post 3  
261 shall nevertheless not be included within such district if such part is not contiguous to such  
262 district. Such noncontiguous part shall instead be included within the post that is contiguous

263 to such part which contains the least population according to the United States decennial  
 264 census of 2000 for the State of Georgia. Except as otherwise provided in the description of  
 265 any commissioner district, whenever the description of such district refers to a named city,  
 266 it shall mean the geographical boundaries of that city as shown on the census map for the  
 267 United States decennial census of 2000 for the State of Georgia. If any area included within  
 268 the descriptions of Post 1, Post 2, or Post 3 is on the effective date of this Act within the  
 269 municipal boundaries of another municipality or within a county other than Gwinnett  
 270 County, such area shall not be included within the district descriptions of such posts.

271 **SECTION 2.12.**

272 Vacancy; filling of vacancies; suspensions.

273 (a) Vacancies. The office of mayor or councilmember shall become vacant upon such  
 274 person's failing or ceasing to reside in the city or upon the occurrence of any event specified  
 275 by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may  
 276 hereafter be enacted.

277 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled  
 278 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain  
 279 in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter  
 280 and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

281 (c) Suspension. Upon the suspension from office of mayor or councilmember in any manner  
 282 authorized by the general laws of the State of Georgia, the city council or those remaining  
 283 shall appoint a successor for the duration of the suspension. If the suspension becomes  
 284 permanent, then the office shall become vacant and shall be filled for the remainder of the  
 285 unexpired term, if any, as provided for in this charter.

286 **SECTION 2.13.**

287 Compensation and expenses.

288 The mayor and each councilmember shall receive compensation for their services as  
 289 provided by ordinance.

290 **SECTION 2.14.**

291 Conflicts of interest; holding other offices.

292 (a) Elected and appointed officers of the city are trustees and servants of the residents of the  
 293 city and shall act in a fiduciary capacity for the benefit of such residents.

294 (b) Conflict of interest. No elected official, appointed officer, or employee of the city or any  
 295 agency or political entity to which this charter applies shall knowingly:

296 (1) Engage in any business or transaction or have a financial or other personal interest,  
 297 direct or indirect, which is incompatible with the proper discharge of that person's official  
 298 duties or which would tend to impair the independence of that person's judgment or  
 299 action in the performance of his or her official duties;

300 (2) Engage in or accept private employment or render services for private interests when  
 301 such employment or service is incompatible with the proper discharge of that person's  
 302 official duties or would tend to impair the independence of that person's judgment or  
 303 action in the performance of his or her official duties;

304 (3) Disclose confidential information, including information obtained at meetings which  
 305 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,  
 306 government, or affairs of the governmental body by which that person is engaged without  
 307 proper legal authorization, or use such information to advance the financial or other  
 308 private interest of that person or others;

309 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,  
 310 from any person, firm, or corporation which to that person's knowledge is interested,  
 311 directly or indirectly, in any manner whatsoever, in business dealings with the  
 312 governmental body by which that person is engaged; provided, however, that an elected  
 313 official who is a candidate for public office may accept campaign contributions and  
 314 services in connection with any such campaign;

315 (5) Represent other private interests in any action or proceeding against this city or any  
 316 portion of its government; or

317 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
 318 any business or entity in which that person has a financial interest.

319 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
 320 financial interest, directly or indirectly, in any contract or matter pending before or within  
 321 any department of the city shall disclose such interest to the city council. The mayor or any  
 322 councilmember who has a financial interest in any matter pending before the city council  
 323 shall disclose such interest, and such disclosure shall be entered on the records of the city  
 324 council, and that person shall disqualify himself or herself from participating in any decision  
 325 or vote relating thereto. Any elected official, appointed officer, or employee of any agency  
 326 or political entity to which this charter applies who shall have any financial interest, directly  
 327 or indirectly, in any contract or matter pending before or within such entity shall disclose  
 328 such interest to the governing body of such agency or entity.

329 (d) Use of public property. No elected official, appointed officer, or employee of the city  
 330 or any agency or entity to which this charter applies shall use property owned by such

331 governmental entity for personal benefit, convenience, or profit except in accordance with  
 332 policies promulgated by the city council or the governing body of such agency or entity.

333 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the  
 334 knowledge, express or implied, of a party to a contract or sale shall render such contract or  
 335 sale voidable at the option of the city council.

336 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor  
 337 any councilmember shall hold any other elective or compensated appointive office in the city  
 338 or otherwise be employed by said government or any agency thereof during the term for  
 339 which that person was elected. No former councilmember and no former mayor shall hold  
 340 any compensated appointive office in the city until one year after the expiration of the term  
 341 for which that person was elected.

342 (g) Political activities of certain officers and employees. No appointed officer or employee  
 343 of the city shall continue in such employment upon qualifying as a candidate for nomination  
 344 or election to any public office. No employee of the city shall continue in such employment  
 345 upon election to any public office in this city or any other public office which is inconsistent,  
 346 incompatible, or in conflict with his or her duties as a city employee. Such determination  
 347 shall be made by the mayor and city council either immediately upon election or at any time  
 348 such conflict may arise.

349 (h) Penalties for violation.

350 (1) Any city officer or employee who knowingly conceals such financial interest or  
 351 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
 352 in office or position and shall be deemed to have forfeited that person's office or position.

353 (2) Any officer or employee of the city who shall forfeit his or her office or position as  
 354 described in paragraph (1) of this subsection shall be ineligible for appointment, election  
 355 to, or employment in a city government position for a period of three years thereafter.

356 **SECTION 2.15.**

357 **Inquiries and investigations.**

358 Following the adoption of an authorizing resolution, the city council may make inquiries and  
 359 investigations into the affairs of the city and in the conduct of any department, office, or  
 360 agency thereof and for this purpose may subpoena witnesses, administer oaths, take  
 361 testimony, and require the production of evidence. Any person who fails or refuses to obey  
 362 a lawful order issued in the exercise of these powers by the city council shall be punished as  
 363 may be provided by ordinance.

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**SECTION 2.16.**

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General power and authority of the city council.

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(a) Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city.

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(b) In addition to all other powers conferred upon it by law, the council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Peachtree Corners and may enforce such ordinances by imposing penalties for violation thereof.

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**SECTION 2.17.**

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Organizational meetings.

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The city council shall hold an organizational meeting as provided by ordinance in January of each even-numbered year. The meeting shall be called to order by the city clerk, and the oath of office shall be administered to the newly elected members as follows:

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"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the charter thereof, as well as the Constitution and laws of the State of Georgia and the United States of America."

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**SECTION 2.18.**

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Meetings.

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(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

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(b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

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396 (c) All meetings of the city council shall be public to the extent required by law, and notice  
 397 to the public of special meetings shall be made as fully as is reasonably possible, as provided  
 398 by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may  
 399 hereafter be enacted.

400 **SECTION 2.19.**

401 Rules of procedure.

402 (a) The city council shall adopt its rules of procedure and order of business consistent with  
 403 the provisions of this charter and shall provide for keeping of a journal of its proceedings,  
 404 which shall be a public record.

405 (b) All committees and committee chairpersons and officers of the city council shall be  
 406 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have  
 407 the power to appoint new members to any committee at any time.

408 **SECTION 2.20.**

409 Quorum; voting.

410 Four councilmembers shall constitute a quorum and shall be authorized to transact business  
 411 of the city council. Voting on the adoption of ordinances shall be by voice vote, and the vote  
 412 shall be recorded in the journal; but any councilmember shall have the right to request a  
 413 roll-call vote, and such vote shall also be recorded in the journal. Except as otherwise  
 414 provided in this charter, the affirmative vote of four councilmembers shall be required for  
 415 the adoption of any ordinance, resolution, or motion. An abstention shall be counted as a  
 416 negative vote.

417 **SECTION 2.21.**

418 Ordinance form; procedures.

419 (a) Every proposed ordinance should be introduced in writing and in the form required for  
 420 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
 421 enacting clause shall be "It is hereby ordained by the governing authority of the City of  
 422 Peachtree Corners..." and every ordinance shall so begin.

423 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
 424 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
 425 by the city council in accordance with the rules which it shall establish; provided, however,  
 426 an ordinance shall not be considered for adoption the same day it is introduced, except for

427 emergency ordinances provided for in Section 2.23 of this charter. Upon introduction of any  
 428 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each  
 429 councilmember and shall file a reasonable number of copies in the office of the clerk and at  
 430 such other public places as the city council may designate.

431 **SECTION 2.22.**

432 Action requiring an ordinance.

433 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

434 **SECTION 2.23.**

435 Emergencies.

436 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
 437 council may convene on call of the mayor or three councilmembers and may promptly adopt  
 438 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a  
 439 franchise; regulate the rate charged by any public utility for its services; or authorize the  
 440 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance  
 441 shall be introduced in the form prescribed for ordinances generally, except that it shall be  
 442 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
 443 a declaration stating that an emergency exists and describing the emergency in clear and  
 444 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
 445 rejected at the meeting at which it is introduced, but the affirmative vote of at least three  
 446 councilmembers shall be required for adoption. It shall become effective upon adoption or  
 447 at such later time as it may specify. Every emergency ordinance shall automatically stand  
 448 repealed 30 days following the date upon which it was adopted, but this shall not preclude  
 449 reenactment of the ordinance in the manner specified in this section if the emergency still  
 450 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance  
 451 in the same manner specified in this section for adoption of emergency ordinances.

452 (b) Such meetings shall be open to the public to the extent required by law, and notice to the  
 453 public of emergency meetings shall be made as fully as is reasonably possible in accordance  
 454 with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may  
 455 hereafter be enacted.

**SECTION 2.24.**

## Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.25 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

**SECTION 2.25.**Signing; authenticating;  
recording; codification; printing.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Peachtree Corners, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

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**SECTION 2.26.**

Election of mayor; forfeiture; compensation.

The mayor shall be elected and shall serve for a term of four years and until the mayor's successor is elected and qualified. The mayor shall be elected at large by majority vote. The mayor shall be a qualified elector of this city and shall have been a resident of the city for 12 months prior to the election. The mayor shall continue to reside in this city during the period of his or her service. The mayor shall forfeit the office of mayor on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

**SECTION 2.27.**

Mayor pro tempore.

By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's physical or mental disability or absence. Any such disability or absence shall be declared by a majority vote of the councilmembers. The mayor pro tempore shall sign all contracts and ordinances in which he or she has a disqualifying financial interest as provided in Section 2.14 of this charter.

**SECTION 2.28.**

Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
- (3) Have the power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing; and
- (5) Vote on matters before the city council and be counted toward a quorum as any other councilmember.

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**SECTION 2.29.**

City manager; appointment; qualifications; compensation.

(a) The mayor shall appoint, subject to confirmation by the city council, for an indefinite term, an officer whose title shall be the "city manager," and the city manager shall serve at the pleasure of the city council. The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her executive and administrative qualifications with special reference to his or her educational background and actual experience in and knowledge of the duties of office as hereinafter prescribed. The city manager shall receive such compensation as the city council shall determine appropriate.

(b) The city manager shall be the chief executive and administrative officer of the city. The manager shall be responsible to the mayor and city council for the management and administration of all city affairs placed in the manager's charge by or under this charter.

**SECTION 2.30.**

City manager: powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty to:

- (1) Appoint and, when the city manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the city manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings, except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager, and have the right to take part in discussion but not vote;
- (4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual operating budget and capital budget to the city council;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

- 552 (7) Make such other reports as the city council may require concerning the operations  
553 of city departments, offices, and agencies subject to the city manager's direction and  
554 supervision;
- 555 (8) Keep the city council fully advised as to the financial condition and future needs of  
556 the city, and make such recommendations to the city council concerning the affairs of the  
557 city as the city manager deems desirable; and
- 558 (9) Perform other such duties as are specified in this charter or as may be required by the  
559 city council.

560 **SECTION 2.31.**

561 City council interference with administration.

562 Except for the purpose of inquiries and investigations under Section 2.15 of the city charter,  
563 the mayor and the city council or its members shall deal with city officers and employees  
564 who are subject to the direction or supervision of the city manager solely through the city  
565 manager, and neither the mayor, nor the city council nor its members shall give orders  
566 directly to any such officer or employee, either publicly or privately.

567 **SECTION 2.32.**

568 Removal of city manager.

569 The city manager shall be employed at will and may be summarily removed from office at  
570 any time by the city council.

571 **SECTION 2.33.**

572 Acting city manager.

573 By letter filed with the city clerk, the city manager shall designate, subject to approval of the  
574 city council, a qualified city administrative officer to exercise the powers and perform the  
575 duties of manager during the city manager's temporary absence or physical or mental  
576 disability. During such absence or disability, the city council may revoke such designation  
577 at any time and appoint another officer of the city to serve until the city manager shall return  
578 or the city manager's disability shall cease.

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ARTICLE III  
ADMINISTRATIVE AFFAIRS  
**SECTION 3.10.**  
Administrative and service departments.

- (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe the functions or duties of and shall establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.
- (b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.
- (d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of that director's department or agency.
- (e) All appointed officers and directors under the supervision of the city manager shall be appointed by the city manager. All appointed officers and directors shall be employees at will and subject to removal or suspension at any time by the city manager, unless otherwise provided by law or ordinance.

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**SECTION 3.11.**  
Boards, commissions, and authorities.

- (a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.
- (b) All members of boards, commissions, and authorities of the city shall be appointed by the mayor and council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.
- (c) The city council by ordinance may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

612 (d) Except as otherwise provided by charter or by law, no member of any board,  
613 commission, or authority shall hold any elective office in the city.

614 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the  
615 unexpired term in the manner prescribed in this charter for original appointment, except as  
616 otherwise provided by this charter or by law.

617 (f) No member of a board, commission, or authority shall assume office until that person has  
618 executed and filed with the clerk of the city an oath obligating that person to perform  
619 faithfully and impartially the duties of his or her office; such oath shall be prescribed by  
620 ordinance and administered by the mayor.

621 (g) All members of boards, commissions, or authorities of the city serve at will and may be  
622 removed at any time by the mayor and council unless otherwise provided by law.

623 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
624 authority of the city shall elect one of its members as chairperson and one member as vice  
625 chairperson and may elect as its secretary one of its own members or may appoint as  
626 secretary an employee of the city. Each board, commission, or authority of the city  
627 government may establish such bylaws, rules, and regulations not inconsistent with this  
628 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
629 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
630 regulations shall be filed with the clerk of the city.

631 **SECTION 3.12.**

632 City attorney.

633 (a) The city manager shall appoint, subject to confirmation by the city council, a city  
634 attorney, together with such assistant city attorneys as may be authorized, and shall provide  
635 for the payment of such attorney or attorneys for services rendered to the city. The city  
636 attorney shall be responsible for providing for the representation and defense of the city in  
637 all litigation in which the city is a party, may be the prosecuting officer in the municipal  
638 court, shall attend the meetings of the city council as directed, shall advise the mayor and  
639 council and other officers and employees of the city concerning legal aspects of the city's  
640 affairs, and shall perform such other duties as may be required by virtue of such person's  
641 position as city attorney.

642 (b) The city attorney is not a public official of the city and does not take an oath of office.  
643 The city attorney shall at all times be an independent contractor. A law firm, in lieu of an  
644 individual, may be designated as the city attorney.

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**SECTION 3.13.**

City clerk.

The city manager shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records, maintain city council records required by this charter, and perform such other duties as may be required by the city council.

**SECTION 3.14.**

Position classification and pay plans.

The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed city officials are not city employees.

**SECTION 3.15.**

Personnel policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

ARTICLE IV

JUDICIAL BRANCH

**SECTION 4.10.**

Creation; name.

There shall be a court to be known as the Municipal Court of the City of Peachtree Corners.

**SECTION 4.11.**

Chief judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, be a member of the State Bar of Georgia,

673 and possess all other qualifications required by law. All judges shall be appointed by the  
674 mayor, subject to confirmation by the city council.

675 (c) Compensation of the judges shall be fixed by ordinance.

676 (d) Any individual appointed as a judge shall serve for a minimum term of one year and until  
677 a successor is appointed or if the judge is removed from office as provided in Code  
678 Section 36-32-2.1 of the O.C.G.A.

679 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such  
680 judge will honestly and faithfully discharge the duties of the judge's office to the best of his  
681 or her ability and without fear, favor, or partiality. The oath shall be entered upon the  
682 minutes of the city council journal required in Section 2.19 of this charter.

683 **SECTION 4.12.**

684 Convening.

685 The municipal court shall be convened at regular intervals as provided by ordinance.

686 **SECTION 4.13.**

687 Jurisdiction; powers.

688 (a) The municipal court shall try and punish violations of this charter, all city ordinances,  
689 and such other violations as provided by law.

690 (b) The municipal court shall have authority to punish those in its presence for contempt,  
691 provided that such punishment shall not exceed \$200.00 or ten days in jail.

692 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
693 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and  
694 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as  
695 now or hereafter provided by law.

696 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost  
697 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and  
698 caretaking of prisoners bound over to superior courts for violations of state law.

699 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
700 the presence of those charged with violations before such court and shall have discretionary  
701 authority to accept cash or personal or real property as surety for the appearance of persons  
702 charged with violations. Whenever any person shall give bail for that person's appearance  
703 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the  
704 judge presiding at such time and an execution issued thereon by serving the defendant and  
705 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.

706 In the event that cash or property is accepted in lieu of bond for security for the appearance  
707 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for  
708 trial, the cash so deposited shall be, on order of the judge, declared forfeited to the city, or  
709 the property so deposited shall have a lien against it for the value forfeited which lien shall  
710 be enforceable in the same manner and to the same extent as a lien for city property taxes.

711 (f) The municipal court shall have the same authority as superior courts to compel the  
712 production of evidence in the possession of any party; to enforce obedience to its orders,  
713 judgments, and sentences; and to administer such oaths as are necessary.

714 (g) The municipal court may compel the presence of all parties necessary to a proper  
715 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be  
716 served as executed by any officer as authorized by this charter or by law.

717 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
718 persons charged with offenses against any ordinance of the city, and each judge of the  
719 municipal court shall have the same authority as a magistrate of the state to issue warrants  
720 for offenses against state laws committed within the city.

721 **SECTION 4.14.**

722 Certiorari.

723 The right of certiorari from the decision and judgment of the municipal court shall exist in  
724 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
725 the sanction of a judge of the Superior Court of Gwinnett County under the laws of the State  
726 of Georgia regulating the granting and issuance of writs of certiorari.

727 **SECTION 4.15.**

728 Rules for court.

729 With the approval of the city council, the judge shall have full power and authority to make  
730 reasonable rules and regulations necessary and proper to secure the efficient and successful  
731 administration of the municipal court; provided, however, that the city council may adopt in  
732 part or in toto the rules and regulations applicable to municipal courts. The rules and  
733 regulations made or adopted shall be filed with the city clerk and be available for public  
734 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
735 proceedings at least 48 hours prior to such proceedings.

736 ARTICLE V  
 737 ELECTIONS AND REMOVAL

738 SECTION 5.10.  
 739 Applicability of general law.

740 All primaries and elections shall be held and conducted in accordance with Chapter 2 of  
 741 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

742 SECTION 5.11.  
 743 Regular elections; time for holding.

744 There shall be a municipal general election held biennially in odd-numbered years on the  
 745 Tuesday next following the first Monday in November. There shall be elected the mayor and  
 746 three councilmembers at one election and at every other election thereafter. The remaining  
 747 councilmember seats shall be filled at the election alternating with the first election, so that  
 748 a continuing body is created.

749 SECTION 5.12.  
 750 Nonpartisan elections.

751 Political parties shall not conduct primaries for city offices, and all names of candidates for  
 752 city offices shall be listed without party designations.

753 SECTION 5.13.  
 754 Election by majority vote.

755 The councilmembers from Post 1, Post 2, and Post 3 shall be elected by a majority vote of  
 756 the electors of their respective districts. The mayor and councilmembers from Post 4, Post 5,  
 757 and Post 6 shall be elected by a majority vote of the votes cast for each position by the  
 758 electors of the city at large.

759 SECTION 5.14.  
 760 Special elections; vacancies.

761 In the event that the office of mayor or councilmember shall become vacant as provided in  
 762 Section 2.12 of this charter, the city council or those remaining shall order a special election  
 763 to fill the balance of the unexpired term of such official; provided, however, that, if such

764 vacancy occurs within 12 months of the expiration of the term of that office, the city council  
 765 or those members remaining shall appoint a successor for the remainder of the term. In all  
 766 other respects, the special election shall be held and conducted in accordance with Chapter 2  
 767 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

768 **SECTION 5.15.**

769 Other provisions.

770 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
 771 such rules and regulations as it deems appropriate to fulfill any options and duties under  
 772 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

773 **SECTION 5.16.**

774 Removal of officers.

775 (a) A councilmember, the mayor, or other appointed officers provided for in this charter  
 776 shall be removed from office for any one or more of the causes provided in Title 45 of the  
 777 O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

778 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished  
 779 by one of the following methods:

780 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
 781 an elected officer is sought to be removed by the action of the city council, such officer  
 782 shall be entitled to a written notice specifying the ground or grounds for removal and to  
 783 a public hearing which shall be held not less than ten days after the service of such  
 784 written notice. The city council shall provide by ordinance for the manner in which such  
 785 hearings shall be held. Any elected officer sought to be removed from office as provided  
 786 in this section shall have the right of appeal from the decision of the city council to the  
 787 Superior Court of Gwinnett County. Such appeal shall be governed by the same rules as  
 788 govern appeals to the superior court from the probate court; or

789 (2) By an order of the Superior Court of Gwinnett County following a hearing on a  
 790 complaint seeking such removal brought by any resident of the City of Peachtree Corners.



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**SECTION 6.14.**

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## Franchises.

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(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration and terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years, and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the city clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

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(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

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**SECTION 6.15.**

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## Service charges.

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The city council by ordinance shall have the power to assess and collect fees, charges, assessments, and tolls for services provided or made available within and outside the corporate limits of the city. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

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**SECTION 6.16.**

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## Special assessments.

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The city council by ordinance shall have the power to assess and collect the costs of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners. If unpaid, such charges shall be collected as provided in Section 6.18.

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851 **SECTION 6.17.**

852 Construction; other taxes.

853 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,  
 854 and the specific mention of any right, power, or authority in this article shall not be construed  
 855 as limiting in any way the general powers of this city to govern its local affairs.

856 **SECTION 6.18.**

857 Collection of delinquent taxes and fees.

858 The city council by ordinance may provide generally for the collection of delinquent taxes,  
 859 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
 860 whatever reasonable means as are not precluded by law. This shall include providing for the  
 861 dates when the taxes or fees are due; late penalties or interest; issuance and execution of  
 862 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
 863 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any  
 864 city taxes or fees; and providing for the assignment or transfer of tax executions.

865 **SECTION 6.19.**

866 General obligation bonds.

867 The city council shall have the power to issue bonds for the purpose of raising revenue to  
 868 carry out any project, program, or venture authorized under this charter or the laws of the  
 869 state. Such bonding authority shall be exercised in accordance with the laws governing bond  
 870 issuance by municipalities in effect at the time said issue is undertaken.

871 **SECTION 6.20.**

872 Revenue bonds.

873 Revenue bonds may be issued by the city council as state law now or hereafter provides.  
 874 Such bonds are to be paid out of any revenue produced by the project, program, or venture  
 875 for which they were issued.

876 **SECTION 6.21.**

877 Short-term loans.

878 The city may obtain short-term loans and must repay such loans not later than December 31  
879 of each year, unless otherwise provided by law.

880 **SECTION 6.22.**

881 Lease-purchase contracts.

882 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the  
883 acquisition of goods, materials, real and personal property, services, and supplies, provided  
884 the contract terminates without further obligation on the part of the municipality at the close  
885 of the calendar year in which it was executed and at the close of each succeeding calendar  
886 year for which it may be renewed. Contracts must be executed in accordance with the  
887 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are  
888 or may hereafter be enacted.

889 **SECTION 6.23.**

890 Fiscal year.

891 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
892 budget year and the year for financial accounting and reporting of each and every office,  
893 department, agency, and activity of the city government.

894 **SECTION 6.24.**

895 Budget ordinance.

896 The city council shall provide an ordinance on the procedures and requirements for the  
897 preparation and execution of an annual operating budget, a capital improvement plan, and  
898 a capital budget, including requirements as to the scope, content, and form of such budgets  
899 and plans. The city council shall also comply with the budgeting and auditing provisions of  
900 Chapter 81 of Title 36 of the O.C.G.A.

901 **SECTION 6.25.**

902 Operating budget.

903 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
904 of each fiscal year, the city manager shall submit to the city council a proposed operating  
905 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
906 city manager containing a statement of the general fiscal policies of the city, the important  
907 features of the budget, explanations of major changes recommended for the next fiscal year,  
908 a general summary of the budget, and other pertinent comments and information. The  
909 operating budget and the capital budget provided for in Section 6.29 of this charter, the  
910 budget message, and all supporting documents shall be filed in the office of the city clerk and  
911 shall be open to public inspection.

912 **SECTION 6.26.**

913 Action by city council on budget.

914 (a) The councilmembers may amend the operating budget proposed by the city manager,  
915 except that the budget as finally amended and adopted must provide for all expenditures  
916 required by state law or by other provisions of this charter and for all debt service  
917 requirements for the ensuing fiscal year. The total appropriations from any fund shall not  
918 exceed the estimated fund balance, reserves, and revenues.

919 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
920 year not later than December 15 of each year. If the city council fails to adopt the budget by  
921 said date, the amounts appropriated for operation for the then current fiscal year shall be  
922 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
923 prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal  
924 year. Adoption of the budget shall take the form of an appropriations ordinance setting out  
925 the estimated revenues in detail by sources and making appropriations according to fund and  
926 by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
927 adopted pursuant to Section 6.24 of this charter.

928 (c) The amount set out in the adopted operating budget for each organizational unit shall  
929 constitute the annual appropriation for such, and no expenditure shall be made or  
930 encumbrance created in excess of the otherwise unencumbered balance of the appropriations  
931 or allotment thereof to which it is chargeable.

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**SECTION 6.27.**

Levy of taxes.

The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

**SECTION 6.28.**

Changes in appropriations.

The city council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

**SECTION 6.29.**

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements plan, with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.23 of this charter.

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than December 15 of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that the city manager may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

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**SECTION 6.30.**

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## Audits.

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There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of annual audit reports shall be available at printing costs to the public.

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**SECTION 6.31.**

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## Procurement and property management.

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No contract with the city shall be binding on the city unless:

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(1) It is in writing;

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(2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and

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(3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 2.19 of this charter.

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**SECTION 6.32.**

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## Purchasing.

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The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

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**SECTION 6.33.**

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## Sale and lease of property.

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(a) The city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.

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(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the city manager and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

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(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the city manager

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993 to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
 994 property owner or owners where such sale and conveyance facilitates the highest and best  
 995 use of the abutting owner's property. Included in the sales contract shall be a provision for  
 996 the rights of way of said street, avenue, alley, or public place. Each abutting property owner  
 997 shall be notified of the availability of the property and given the opportunity to purchase said  
 998 property under such terms and conditions as set out by ordinance. All deeds and  
 999 conveyances heretofore and hereafter so executed and delivered shall convey all title and  
 1000 interest the city has in such property, notwithstanding the fact that no public sale after  
 1001 advertisement was or is hereafter made.

## 1002 ARTICLE VII

### 1003 GENERAL PROVISIONS

#### 1004 SECTION 7.10.

1005 Bonds for officials.

1006 The officers and employees of this city, both elected and appointed, shall execute such surety  
 1007 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
 1008 shall from time to time require by ordinance or as may be provided by law.

#### 1009 SECTION 7.11.

1010 Prior ordinances.

1011 All ordinances, resolutions, rules, and regulations now in force in the city and not  
 1012 inconsistent with this charter are hereby declared valid and of full effect and force until  
 1013 amended or repealed by the city council.

#### 1014 SECTION 7.12.

1015 Existing personnel and officers.

1016 Except as specifically provided otherwise by this charter, all personnel and officers of the  
 1017 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
 1018 effect for a period of 180 days before or during which the existing city council shall pass a  
 1019 transition ordinance detailing the changes in personnel and appointed officers required or  
 1020 desired and arranging such titles, rights, privileges, and powers as may be required or desired  
 1021 to allow a reasonable transition.

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**SECTION 7.13.**  
Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue, and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

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**SECTION 7.14.**  
Construction and definitions.

- (a) Section captions in this charter are informative only and are not to be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

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**ARTICLE VIII**  
**REPEALER**  
**SECTION 8.10.**  
Specific repealer.

An Act to incorporate the City of Peachtree Corners, approved May 11, 2011 (Ga. L. 2011, p. 3729), and all Acts amendatory thereto are hereby specifically repealed.

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**SECTION 8.11.**  
General repealer.

All laws and parts of laws in conflict with this Act are repealed.

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**APPENDIX A**

Lying entirely within Gwinnett County, a political subdivision of the State of Georgia, and beginning at the point where the counties of Fulton, DeKalb and Gwinnett intersect, thence following the county line common between Fulton and Gwinnett counties in a generally northeasterly direction to the point where the Fulton/Gwinnett boundary line intersects the Chattahoochee River; thence running in a generally northeasterly direction following the Fulton/Gwinnett boundary line along the southern bank of the Chattahoochee River,

1051 following the meanderings thereof, to the point where the county boundary line intersects the  
1052 southwestern boundary line of the City of Berkeley Lake; thence running in a generally  
1053 southern direction following the municipal boundary line of the City of Berkeley Lake to a  
1054 point where the said boundary line intersects with the City of Duluth municipal boundary;  
1055 thence running along the municipal boundary of the City of Duluth until it intersects with the  
1056 centerline of Buford Highway; thence running generally southwest along the centerline of  
1057 Buford Highway to the point where said centerline intersects the municipal boundary line of  
1058 the City of Norcross; thence following said municipal boundary in a generally southwesterly  
1059 direction to the intersection of Buford Highway and Jimmy Carter Boulevard; thence  
1060 continuing in a southwesterly direction along the centerline of Buford Highway to the point  
1061 where said centerline intersects the boundary line common between DeKalb and Gwinnett  
1062 counties; thence in a generally northwest direction along the DeKalb/Gwinnett boundary line  
1063 to the point of beginning.