

House Bill 396 (AS PASSED HOUSE AND SENATE)

By: Representatives Rice of the 51st, Marin of the 96th, Coleman of the 97th, Sheldon of the 105th, Casas of the 103rd, and others

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I

24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

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

31 SECTION 1.11.

32 Corporate boundaries.

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

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

44 SECTION 1.12.

45 Powers and construction.

46 (a) Except as provided in subsection (b) of this section, this city shall have the following
 47 powers:

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

53 (2) Appropriations and expenditures. To make appropriations for the support of the
 54 government of the city; to authorize the expenditure of money for any purposes

55 authorized by this charter and for any purpose for which a municipality is authorized by
56 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

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

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

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

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

71 (7) Fire regulations. To fix and establish fire limits and from time to time to extend,
72 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
73 general law, relating to both fire prevention and detection and to fire fighting; and to
74 prescribe penalties and punishment for violations thereof;

75 (8) General health, safety, and welfare. To define, regulate, and prohibit any act,
76 practice, conduct, or use of property which is detrimental to health, sanitation,
77 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
78 enforcement of such standards;

79 (9) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
80 any purpose related to powers and duties of the city and the general welfare of its
81 citizens, on such terms and conditions as the donor or grantor may impose;

82 (10) Health and sanitation. To prescribe standards of health and sanitation and to
83 provide for the enforcement of such standards;

84 (11) Jail sentences. To provide that persons given jail sentences in the municipal court
85 may work out such sentences in any public works or on the streets, roads, drains, and
86 other public property in the city; to provide for commitment of such persons to any jail;
87 or to provide for commitment of such persons to any county work camp or county jail by
88 agreement with the appropriate county officials;

89 (12) Municipal agencies and delegation of power. To create, alter, or abolish
90 departments, boards, offices, commissions, and agencies of the city and to confer upon

91 such agencies the necessary and appropriate authority for carrying out all the powers
92 conferred upon or delegated to the same;

93 (13) Municipal debts. To appropriate and borrow money for the payment of debts of the
94 city and to issue bonds for the purpose of raising revenue to carry out any project,
95 program, or venture authorized by this charter or the laws of the State of Georgia;

96 (14) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
97 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
98 outside the property limits of the city;

99 (15) Municipal property protection. To provide for the preservation and protection of
100 property and equipment of the city and the administration and use of same by the public;
101 and to prescribe penalties and punishment for violations thereof;

102 (16) Nuisance. To define a nuisance and provide for its abatement whether on public or
103 private property;

104 (17) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
105 the authority of this charter and the laws of the State of Georgia;

106 (18) Planning and zoning. To provide comprehensive city planning for development by
107 zoning; and to provide subdivision regulation and the like as the city council deems
108 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

109 (19) Public hazards; removal. To provide for the destruction and removal of any
110 building or other structure which is or may become dangerous or detrimental to the
111 public;

112 (20) Public improvements. To provide for the acquisition, construction, building,
113 operation, and maintenance of parks and playgrounds, public grounds, recreational
114 facilities, public buildings, and charitable, cultural, educational, recreational,
115 conservation, and sport institutions, agencies, and facilities; and to regulate the use of
116 public improvements;

117 (21) Public utilities and services. To grant franchises or make contracts for or impose
118 taxes on public utilities and public service companies and to prescribe the rates, fares,
119 regulations, and standards and conditions of service applicable to the service to be
120 provided by the franchise grantee or contractor, insofar as not in conflict with valid
121 regulations of the Georgia Public Service Commission;

122 (22) Regulation of roadside areas. To prohibit or regulate and control the erection,
123 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
124 and all other structures or obstructions upon or adjacent to the rights of way of streets and
125 roads or within view thereof, within or abutting the corporate limits of the city; and to
126 prescribe penalties and punishment for violation of such ordinances;

- 127 (23) Retirement. To provide and maintain a retirement plan for officers and employees
128 of the city;
- 129 (24) Roadways. To grant franchises and rights of way throughout the streets and roads
130 and over the bridges and viaducts for the use of public utilities; and to require real estate
131 owners to repair and maintain in a safe condition the sidewalks adjoining their lots or
132 lands and to impose penalties for failure to do so;
- 133 (25) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
134 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,
135 and the use of firearms; to regulate the transportation, storage, and use of combustible,
136 explosive, and inflammable materials, the use of lighting and heating equipment, and any
137 other business or situation which may be dangerous to persons or property; to regulate
138 and control the conduct of peddlers and itinerant traders, theatrical performances,
139 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
140 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;
- 141 (26) Special assessments. To levy and provide for the collection of special assessments
142 to cover the costs for any public improvements;
- 143 (27) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
144 and collection of taxes on all property subject to taxation subject to a maximum of 1 mill;
- 145 (28) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
146 future by law; and
- 147 (29) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
148 number of such vehicles; to require the operators thereof to be licensed; to require public
149 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
150 regulate the parking of such vehicles.
- 151 (b) Except as provided in subsection (c) of this section, the city shall exercise the powers
152 enumerated in subsection (a) of this section only for the purposes of planning and zoning,
153 code adoption and enforcement, and solid waste management services and those items
154 directly related to the provision of such services and for the general administration of the city
155 in providing such services.
- 156 (c) In the event that the city desires to provide services in addition to those services
157 enumerated in subsection (b) of this section, the city council shall pass a resolution
158 specifically stating the services sought to be offered by the city and shall submit the approval
159 of such resolution for ratification by the electors of the city in a referendum. If the electors
160 of the city vote in favor of ratifying such resolution, then the city shall be authorized to
161 exercise the powers enumerated in subsection (a) of this section for the purpose of providing
162 such services stated in such resolution and those items directly related to the provision of
163 such services and for the general administration of the city in providing such services. If the

164 electors of the city disapprove such resolution, it shall immediately be null and void and of
 165 no force and effect.

166 **SECTION 1.13.**

167 Exercise of powers.

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

172 **ARTICLE II**

173 **GOVERNMENT STRUCTURE**

174 **SECTION 2.10.**

175 City council creation; number; election.

176 The legislative authority of the government of this city, except as otherwise specifically
 177 provided in this charter, shall be vested in a city council to be composed of a mayor and six
 178 councilmembers. The mayor and councilmembers shall be elected in the manner provided
 179 by this charter.

180 **SECTION 2.11.**

181 City councilmembers;
 182 terms and qualifications for office.

183 (a) Except as otherwise provided in Article VIII of this charter for the initial terms of office,
 184 the members of the city council shall serve for terms of four years and until their respective
 185 successors are elected and qualified. The term of office of each member of the city council
 186 shall begin on the first day of January immediately following the election of such member
 187 unless general law authorizes or requires the term to begin at the first organizational meeting
 188 in January or upon some other date. No person shall be eligible to serve as mayor or
 189 councilmember unless that person shall have been a resident of the city for 12 months prior
 190 to the date of the election of mayor or members of the city council; each shall continue to
 191 reside therein during that person's period of service and to be registered and qualified to vote
 192 in municipal elections of this city.

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

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

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

204 (d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and
205 describe the same geographical boundaries as provided in the report of the Bureau of the
206 Census for the United States decennial census of 2000 for the State of Georgia. The separate
207 numeric designations in a tract description which are underneath a 'BG' heading shall mean
208 and describe individual blocks within a block group as provided in the report of the Bureau
209 of the Census for the United States decennial census of 2000 for the State of Georgia. Any
210 part of the city which is not included in Post 1, Post 2, or Post 3 as described in that
211 attachment describing Post 1, Post 2, and Post 3 shall be included within that district
212 contiguous to such part which contains the least population according to the United States
213 decennial census of 2000 for the State of Georgia. Any part of the city which is described
214 in that attachment describing Post 1, Post 2, and Post 3 as being in Post 1, Post 2, or Post 3
215 shall nevertheless not be included within such district if such part is not contiguous to such
216 district. Such noncontiguous part shall instead be included within the post that is contiguous
217 to such part which contains the least population according to the United States decennial
218 census of 2000 for the State of Georgia. Except as otherwise provided in the description of
219 any commissioner district, whenever the description of such district refers to a named city,
220 it shall mean the geographical boundaries of that city as shown on the census map for the
221 United States decennial census of 2000 for the State of Georgia. If any area included within
222 the descriptions of Post 1, Post 2, or Post 3 is on the effective date of this Act within the
223 municipal boundaries of another municipality or within a county other than Gwinnett
224 County, such area shall not be included within the district descriptions of such posts.

225 **SECTION 2.12.**

226 Vacancy; filling of vacancies; suspensions.

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

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

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

240 **SECTION 2.13.**

241 Compensation and expenses.

242 (a) The mayor shall receive an initial salary of \$9,000.00 per year, paid in equal monthly
 243 installments from the funds of the municipality. Each councilmember shall receive an initial
 244 salary of \$8,000.00 per year, paid in equal monthly installments from the funds of the
 245 municipality.

246 (b) The mayor and councilmembers may alter such compensation for their services as
 247 provided by law.

248 **SECTION 2.14.**

249 Conflicts of interest; holding other offices.

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

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

254 (1) Engage in any business or transaction or have a financial or other personal interest,
 255 direct or indirect, which is incompatible with the proper discharge of that person's official

256 duties or which would tend to impair the independence of that person's judgment or
257 action in the performance of that person's official duties;

258 (2) Engage in or accept private employment or render services for private interests when
259 such employment or service is incompatible with the proper discharge of that person's
260 official duties or would tend to impair the independence of that person's judgment or
261 action in the performance of that person's official duties;

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

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

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

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

277 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
278 financial interest, directly or indirectly, in any contract or matter pending before or within
279 any department of the city shall disclose such interest to the city council. The mayor or any
280 councilmember who has a financial interest in any matter pending before the city council
281 shall disclose such interest and such disclosure shall be entered on the records of the city
282 council, and that person shall disqualify himself or herself from participating in any decision
283 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
284 or political entity to which this charter applies who shall have any financial interest, directly
285 or indirectly, in any contract or matter pending before or within such entity shall disclose
286 such interest to the governing body of such agency or entity.

287 (d) Use of public property. No elected official, appointed officer, or employee of the city
288 or any agency or entity to which this charter applies shall use property owned by such
289 governmental entity for personal benefit, convenience, or profit except in accordance with
290 policies promulgated by the city council or the governing body of such agency or entity.

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

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

300 (g) Political activities of certain officers and employees. No appointed officer and no
 301 employee of the city shall continue in such employment upon qualifying as a candidate for
 302 nomination or election to any public office. No employee of the city shall continue in such
 303 employment upon election to any public office in this city or any other public office which
 304 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
 305 determination shall be made by the mayor and city council either immediately upon election
 306 or at any time such conflict may arise.

307 (h) Penalties for violation.

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

311 (2) Any officer or employee of the city who shall forfeit that person's office or position
 312 as described in paragraph (1) of this subsection shall be ineligible for appointment or
 313 election to or employment in a position in the city government for a period of three years
 314 thereafter.

315 **SECTION 2.15.**

316 **Inquiries and investigations.**

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

323 **SECTION 2.16.**

324 General power and authority of the city council.

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

327 **SECTION 2.17.**

328 Organizational meetings.

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

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

336 **SECTION 2.18.**

337 Meetings.

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

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

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

353 **SECTION 2.19.**

354 Rules of procedure.

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

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

361 **SECTION 2.20.**

362 Quorum; voting.

363 Four councilmembers shall constitute a quorum and shall be authorized to transact business
 364 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
 365 shall be recorded in the journal, but any councilmember shall have the right to request a
 366 roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided
 367 in this charter, the affirmative vote of four councilmembers shall be required for the adoption
 368 of any ordinance, resolution, or motion. An abstention shall be counted as an affirmative
 369 vote.

370 **SECTION 2.21.**

371 Ordinance form; procedures.

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

376 (b) An ordinance may be introduced by any councilmember and be read at a regular or
 377 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 378 by the city council in accordance with the rules which it shall establish; provided, however,
 379 an ordinance shall not be adopted the same day it is introduced, except for emergency
 380 ordinances provided for in Section 2.23 of this charter. Upon introduction of any ordinance,
 381 the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember
 382 and shall file a reasonable number of copies in the office of the clerk and at such other public
 383 places as the city council may designate.

384

SECTION 2.22.

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Action requiring an ordinance.

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

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SECTION 2.23.

388

Emergencies.

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

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

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SECTION 2.24.

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Codes of technical regulations.

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(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

416 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
 417 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
 418 Section 2.25 of this charter.

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

421 **SECTION 2.25.**

422 Signing; authenticating;
 423 recording; codification; printing.

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

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

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

443 **SECTION 2.26.**

444 Election of mayor; forfeiture; compensation.

445 The mayor shall be elected and shall serve for a term of four years and until the mayor's
 446 successor is elected and qualified. The mayor shall be elected at-large by majority vote. The
 447 mayor shall be a qualified elector of this city and shall have been a resident of the city for 12
 448 months prior to the election. The mayor shall continue to reside in this city during the period

449 of the mayor's service. The mayor shall forfeit the office of mayor on the same grounds and
 450 under the same procedure as for councilmembers. The compensation of the mayor shall be
 451 established in the same manner as for councilmembers.

452 **SECTION 2.27.**

453 Mayor pro tempore.

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

460 **SECTION 2.28.**

461 Powers and duties of mayor.

462 The mayor shall:

- 463 (1) Preside at all meetings of the city council;
- 464 (2) Be the head of the city for the purpose of service of process and for ceremonial
 465 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 466 (3) Have the power to administer oaths and to take affidavits;
- 467 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 468 ordinances, and other instruments executed by the city which by law are required to be
 469 in writing;
- 470 (5) Vote on matters before the city council and be counted toward a quorum as any other
 471 councilmember;
- 472 (6) Prepare and submit to the city council a recommended annual operating budget and
 473 recommended capital budget; and
- 474 (7) Fulfill such other executive and administrative duties as the city council shall by
 475 ordinance establish.

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ARTICLE III
ADMINISTRATIVE AFFAIRS
SECTION 3.10.

Administrative and service departments.

480 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
481 the functions or duties and establish, abolish, alter, consolidate, or leave vacant all
482 nonelective offices, positions of employment, departments, and agencies of the city as
483 necessary for the proper administration of the affairs and government of this city.

484 (b) Except as otherwise provided by this charter or by law, the directors of departments and
485 other appointed officers of the city shall be appointed solely on the basis of their respective
486 administrative and professional qualifications.

487 (c) All appointed officers and directors of departments shall receive such compensation as
488 prescribed by ordinance.

489 (d) There shall be a director of each department or agency who shall be its principal officer.
490 Each director shall, subject to the direction and supervision of the mayor, be responsible for
491 the administration and direction of the affairs and operations of that director's department or
492 agency.

493 (e) All appointed officers and directors under the supervision of the mayor shall be
494 nominated by the mayor with confirmation of appointment by the city council. All appointed
495 officers and directors shall be employees at will and subject to removal or suspension at any
496 time by the mayor unless otherwise provided by law or ordinance.

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SECTION 3.11.

Boards, commissions, and authorities.

499 (a) The city council shall create by ordinance such boards, commissions, and authorities to
500 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
501 necessary and shall by ordinance establish the composition, period of existence, duties, and
502 powers thereof.

503 (b) All members of boards, commissions, and authorities of the city shall be appointed by
504 the mayor and council for such terms of office and in such manner as shall be provided by
505 ordinance, except where other appointing authority, terms of office, or manner of
506 appointment is prescribed by this charter or by law.

507 (c) The city council by ordinance may provide for the compensation and reimbursement for
508 actual and necessary expenses of the members of any board, commission, or authority.

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

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

514 (f) No member of a board, commission, or authority shall assume office until that person has
515 executed and filed with the clerk of the city an oath obligating that person to perform
516 faithfully and impartially the duties of that person's office, such oath shall be prescribed by
517 ordinance and administered by the mayor.

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

520 (h) Except as otherwise provided by this charter or by law, each board, commission, or
521 authority of the city shall elect one of its members as chairperson and one member as vice
522 chairperson and may elect as its secretary one of its own members or may appoint as
523 secretary an employee of the city. Each board, commission, or authority of the city
524 government may establish such bylaws, rules, and regulations, not inconsistent with this
525 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
526 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
527 regulations shall be filed with the clerk of the city.

528 **SECTION 3.12.**

529 City attorney.

530 The mayor and council shall appoint a city attorney, together with such assistant city
531 attorneys as may be authorized, and shall provide for the payment of such attorney or
532 attorneys for services rendered to the city. The city attorney shall be responsible for
533 providing for the representation and defense of the city in all litigation in which the city is
534 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
535 the city council as directed; shall advise the mayor and council and other officers and
536 employees of the city concerning legal aspects of the city's affairs; and shall perform such
537 other duties as may be required by virtue of such person's position as city attorney.

538 **SECTION 3.13.**

539 City clerk.

540 The mayor and council shall appoint a city clerk who shall not be a councilmember. The city
541 clerk shall be custodian of the official city seal and city records; maintain city council records

542 required by this charter; and perform such other duties as may be required by the city
543 council.

544 **SECTION 3.14.**

545 Position classification and pay plans.

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

552 **SECTION 3.15.**

553 Personnel policies.

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

556 **ARTICLE IV**

557 **JUDICIAL BRANCH**

558 **SECTION 4.10.**

559 Creation; name.

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

561 **SECTION 4.11.**

562 Chief judge; associate judge.

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

565 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
566 that person shall have attained the age of 21 years and shall be a member of the State Bar of
567 Georgia and shall possess all qualifications required by law. All judges shall be appointed
568 by the city council and shall serve until a successor is appointed and qualified.

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

570 (d) Judges serve at will and may be removed from office at any time by the city council
571 unless otherwise provided by ordinance.

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

576 **SECTION 4.12.**

577 Convening.

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

579 **SECTION 4.13.**

580 Jurisdiction; powers.

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

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

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

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

592 (e) The municipal court shall have authority to establish bail and recognizances to ensure
593 the presence of those charged with violations before such court and shall have discretionary
594 authority to accept cash or personal or real property as surety for the appearance of persons
595 charged with violations. Whenever any person shall give bail for that person's appearance
596 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
597 judge presiding at such time and an execution issued thereon by serving the defendant and
598 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
599 In the event that cash or property is accepted in lieu of bond for security for the appearance
600 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
601 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the

602 property so deposited shall have a lien against it for the value forfeited which lien shall be
603 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

614 **SECTION 4.14.**

615 Certiorari.

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

620 **SECTION 4.15.**

621 Rules for court.

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

657 to fill the balance of the unexpired term of such official; provided, however, that, if such
 658 vacancy occurs within 12 months of the expiration of the term of that office, the city council
 659 or those members remaining shall appoint a successor for the remainder of the term. In all
 660 other respects, the special election shall be held and conducted in accordance with Chapter
 661 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

662 **SECTION 5.15.**

663 Other provisions.

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

667 **SECTION 5.16.**

668 Removal of officers.

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

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

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

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

715 **SECTION 6.14.**

716 Franchises.

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

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

733 **SECTION 6.15.**

734 Service charges.

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

739 **SECTION 6.16.**

740 RESERVED.

741 **SECTION 6.17.**

742 Construction; other taxes.

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

746

SECTION 6.18.

747

Collection of delinquent taxes and fees.

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

755

SECTION 6.19.

756

RESERVED.

757

SECTION 6.20.

758

RESERVED.

759

SECTION 6.21.

760

Short-term loans.

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

763

SECTION 6.22.

764

Lease-purchase contracts.

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

772 **SECTION 6.23.**

773 Fiscal year.

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

777 **SECTION 6.24.**

778 Budget ordinance.

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

784 **SECTION 6.25.**

785 Operating budget.

786 On or before a date fixed by the city council but not later than 60 days prior to the beginning
787 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
788 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
789 containing a statement of the general fiscal policies of the city, the important features of the
790 budget, explanations of major changes recommended for the next fiscal year, a general
791 summary of the budget, and other pertinent comments and information. The operating
792 budget and the capital budget provided for in Section 6.29 of this charter, the budget
793 message, and all supporting documents shall be filed in the office of the city clerk and shall
794 be open to public inspection.

795 **SECTION 6.26.**

796 Action by city council on budget.

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

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

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

815 **SECTION 6.27.**

816 Levy of taxes.

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

823 **SECTION 6.28.**

824 Changes in appropriations.

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

829 **SECTION 6.29.**

830 Capital improvements.

831 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
 832 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital

833 improvements plan with a recommended capital budget containing the means of financing
 834 the improvements proposed for the ensuing fiscal year. The city council shall have power
 835 to accept, with or without amendments, or reject the proposed plan and budget. The city
 836 council shall not authorize an expenditure for the construction of any building, structure,
 837 work, or improvement unless the appropriations for such project are included in the capital
 838 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

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

846 **SECTION 6.30.**

847 Audits.

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

853 **SECTION 6.31.**

854 Procurement and property management.

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

- 856 (1) It is in writing;
- 857 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
 858 course, is signed by the city attorney to indicate such drafting or review; and
- 859 (3) It is made or authorized by the city council and such approval is entered in the city
 860 council journal of proceedings pursuant to Section 2.19 of this charter.

861 **SECTION 6.32.**

862 Purchasing.

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

865 **SECTION 6.33.**

866 Sale and lease of property.

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

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

873 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
874 of the city a small parcel or tract of land is cut off or separated by such work from a larger
875 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
876 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
877 property owner or owners where such sale and conveyance facilitates the highest and best
878 use of the abutting owner's property. Included in the sales contract shall be a provision for
879 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
880 shall be notified of the availability of the property and given the opportunity to purchase said
881 property under such terms and conditions as set out by ordinance. All deeds and
882 conveyances heretofore and hereafter so executed and delivered shall convey all title and
883 interest the city has in such property, notwithstanding the fact that no public sale after
884 advertisement was or is hereafter made.

885 **SECTION 6.34.**

886 Apportionment of revenue.

887 Except as otherwise agreed pursuant to Chapter 70 of Title 36 of the O.C.G.A., the city is
888 authorized to pay all revenues collected by Gwinnett County on behalf of the city to the
889 county in exchange for continuation of services during the transition period provided in
890 Section 8.11 of this charter and beyond, with the exception of the following revenues, which
891 shall stay with the city:

892 (1) New revenues from utility franchise fees;

- 893 (2) Fines collected in municipal court; and
- 894 (3) Revenues generated from any additional millage of up to 1 mill above the millage rate
- 895 imposed in the county special service district.

896 ARTICLE VII
897 GENERAL PROVISIONS

898 **SECTION 7.10.**

899 Bonds for officials.

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

903 **SECTION 7.11.**

904 Construction and definitions.

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

910 ARTICLE VIII
911 REFERENDUM AND INITIAL ELECTIONS

912 **SECTION 8.10.**

913 Referendum and initial election.

914 (a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
915 superintendent of Gwinnett County shall call a special election for the purpose of submitting
916 this Act to the qualified voters of the proposed City of Peachtree Corners for approval or
917 rejection. The superintendent shall set the date of such election for the Tuesday after the first
918 Monday in November, 2011. The superintendent shall issue the call for such election at least
919 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the
920 election to be published once a week for two weeks immediately preceding the date thereof
921 in the official organ of Gwinnett County. The ballot shall have written or printed thereon the
922 words:

923 "() YES Shall the Act incorporating the City of Peachtree Corners in Gwinnett
 924 () NO County according to the charter contained in the Act be approved?"

925 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 926 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 927 cast on such question are for approval of the Act, it shall become of full force and effect as
 928 provided in Section 8.11 of this charter, otherwise it shall be void and of no force and effect.
 929 The initial expense of such election shall be borne by Gwinnett County. Within two years
 930 after the elections if the incorporation is approved, the City of Peachtree Corners shall
 931 reimburse Gwinnett County for the actual cost of printing and personnel services for such
 932 election and for the initial election of the mayor and councilmembers pursuant to this charter.
 933 It shall be the duty of the superintendent to hold and conduct such election. It shall be his
 934 or her further duty to certify the result thereof to the Secretary of State.

935 (b) For the purposes of the referendum election provided for in subsection (a) of this section
 936 and for the purposes of the special election of the City of Peachtree Corners to be held on the
 937 date of the 2012 presidential preference primary, the qualified electors of the City of
 938 Peachtree Corners shall be those qualified electors of Gwinnett County residing within the
 939 corporate limits of the City of Peachtree Corners as described by Appendix A of this charter.
 940 At subsequent municipal elections, the qualified electors of the City of Peachtree Corners
 941 shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A. known
 942 as the "Georgia Election Code."

943 (c) Only for the purposes of holding and conducting the referendum election provided for
 944 in subsection (a) of this section and holding and conducting the special election of the City
 945 of Peachtree Corners to be held on the date of the 2012 presidential preference primary, the
 946 election superintendent of Gwinnett County is vested with the powers and duties of the
 947 election superintendent of the City of Peachtree Corners and the powers and duties of the
 948 governing authority of the City of Peachtree Corners.

949 **SECTION 8.11.**

950 Effective dates and transition.

951 (a) The provisions of this Act necessary for the referendum election provided for in
 952 Section 8.10 of this charter shall become effective immediately upon this Act's approval by
 953 the Governor or upon its becoming law without such approval.

954 (b) Those provisions of this Act necessary for the special election provided for in
 955 Section 8.13 of this charter shall be effective upon the certification of the results of the
 956 referendum election provided for by Section 8.10 of this charter if this Act is approved at
 957 such referendum election.

958 (c) Except as provided in Section 8.10 of this charter, the remaining provisions of this Act
959 shall become of full force and effect for all purposes at 12:00 Midnight on June 30, 2012,
960 except that the initial mayor and councilmembers shall take office immediately following
961 their election and by action of a quorum may prior to 12:00 Midnight on June 30, 2012, meet
962 and take actions binding on the city.

963 (d) A period of time will be needed for an orderly transition of various government functions
964 from Gwinnett County to the City of Peachtree Corners. Accordingly there shall be a
965 transition period beginning on the date the initial mayor and councilmembers take office
966 under this charter, and ending at 12:00 Midnight on December 31, 2013. During such
967 transition period, all provisions of this charter shall be effective as law, but not all provisions
968 of this charter shall be implemented.

969 (e) During such transition period, Gwinnett County shall continue to provide within the
970 territorial limits of the city all government services and functions which Gwinnett County
971 provided in that area during the years 2010 and 2011 and at the same actual cost, except to
972 the extent otherwise provided in this section; provided, however, that upon at least 60 days'
973 prior written notice to Gwinnett County by the City of Peachtree Corners, responsibility for
974 any such service or function shall be transferred to the City of Peachtree Corners. During
975 the transition period, the city shall remain within the Gwinnett County special services
976 district, but shall be removed from such district at the conclusion of such period. Beginning
977 December 1, 2012, the City of Peachtree Corners shall collect taxes, fees, assessments, fines
978 and forfeitures, and other moneys within the territorial limits of the city in the same manner
979 as authorized immediately prior to the effective date of this section; provided, however, that
980 upon at least 60 days' prior written notice to Gwinnett County by the City of Peachtree
981 Corners, the authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys
982 shall remain with Gwinnett County after December 1, 2012, until such time as Gwinnett
983 County receives subsequent notice from the City of Peachtree Corners that such authority
984 shall be transferred to the City of Peachtree Corners.

985 (f) During the transition period, the governing authority of the City of Peachtree Corners:
986 (1) Shall hold regular meetings and may hold special meetings as provided in this charter;
987 (2) May enact ordinances and resolutions as provided in this charter;
988 (3) May amend this charter by home rule action as provided by general law;
989 (4) May accept gifts and grants;
990 (5) May borrow money and incur indebtedness to the extent authorized by this charter and
991 general law;
992 (6) May levy and collect an ad valorem tax for calendar years 2012 and 2013;
993 (7) May establish a fiscal year and budget;

994 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
 995 of the city; appoint and remove officers and employees; and exercise all necessary or
 996 appropriate personnel and management functions; and

997 (9) May generally exercise any power granted by this charter or general law, except to the
 998 extent that a power is specifically and integrally related to the provision of a governmental
 999 service, function, or responsibility not yet provided or carried out by the city.

1000 (g) Except as otherwise provided in this section, during the transition period, the Municipal
 1001 Court of the City of Peachtree Corners shall not exercise its jurisdiction. During the transition
 1002 period, all ordinances of Gwinnett County shall remain applicable within the territorial limits
 1003 of the city and the appropriate court or courts of Gwinnett County shall retain jurisdiction to
 1004 enforce such ordinances. However, by mutual agreement and concurrent resolutions and
 1005 ordinances if needed Gwinnett County and the City of Peachtree Corners may during the
 1006 transition period transfer all or part of such regulatory authority and the appropriate court
 1007 jurisdiction to the City of Peachtree Corners. Any transfer of jurisdiction to the City of
 1008 Peachtree Corners during or at the end of the transition period shall not in and of itself abate
 1009 any judicial proceeding pending in Gwinnett County or the pending prosecution of any
 1010 violation of any ordinance of Gwinnett County.

1011 (h) During the transition period, the governing authority of the City of Peachtree Corners
 1012 may at any time, without the necessity of any agreement by Gwinnett County, commence to
 1013 exercise its planning and zoning powers; provided, however, that the city shall give the
 1014 county notice of the date on which the city will assume the exercise of such powers. Upon
 1015 the governing authority of the City of Peachtree Corners commencing to exercise its planning
 1016 and zoning powers, the Municipal Court of the City of Peachtree Corners shall immediately
 1017 have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions
 1018 of this subsection shall control over any conflicting provisions of any other subsection of this
 1019 section.

1020 (i) Effective upon the termination of the transition period, subsections (b) through (h) of this
 1021 section shall cease to apply except for the last sentence of subsection (g) which shall remain
 1022 effective. Effective upon the termination of the transition period, the City of Peachtree
 1023 Corners shall be a full functioning municipal corporation and subject to all general laws of
 1024 this state.

1025 **SECTION 8.12.**

1026 Directory nature of dates.

1027 It is the intention of the General Assembly that this Act be construed as directory rather than
 1028 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any

1029 action called for in this Act for providential cause, delay in securing approval under the
 1030 federal Voting Rights Act, or any other reason, it is the intention of the General Assembly
 1031 that the action be delayed rather than abandoned. Any delay in performing any action under
 1032 this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this
 1033 Act. Without limiting the generality of the foregoing it is specifically provided that:

1034 (1) If it is not possible to hold the referendum election provided for in Section 8.10 of this
 1035 charter on the date specified in that section, then such referendum shall be held as soon
 1036 thereafter as is reasonably practicable; and

1037 (2) If it is not possible to hold the first election provided for in Section 8.13 of this charter
 1038 on the date specified in that section, then there shall be a special election for the initial
 1039 members of the governing authority to be held as soon thereafter as is reasonably
 1040 practicable, and the commencement of the initial terms of office shall be delayed
 1041 accordingly.

1042 **SECTION 8.13.**

1043 Special election.

1044 (a) The first election for mayor and councilmembers shall be a special election held on the
 1045 date of the 2012 presidential preference primary. At such election, the first mayor and
 1046 councilmembers shall be elected to serve for the initial terms of office specified in
 1047 subsections (b), (c), and (d) of this section. Thereafter, the time for holding regular
 1048 municipal elections shall be on the Tuesday next following the first Monday in November
 1049 of each odd-numbered year beginning in 2013. The successors to the first mayor and initial
 1050 councilmembers and future successors shall take office at the first organizational meeting in
 1051 January immediately following their election and shall serve for terms of four years and until
 1052 their respective successors are elected and qualified.

1053 (b) The members of the city council from Post 1, Post 2, and Post 3 shall be elected by
 1054 majority vote of the electors of their respective districts. The members of the city council
 1055 from Post 4, Post 5, and Post 6 shall be elected by the electors of the city at large by majority
 1056 vote. The initial members elected from Post 2, Post 4, and Post 6 shall serve a term of office
 1057 of two years and until their respective successors are elected and qualified. The initial
 1058 members elected from Post 1, Post 3, and Post 5 shall serve a term of office of four years and
 1059 until their respective successors are elected and qualified. Thereafter, successors to such
 1060 initial members shall serve four-year terms of office and until their respective successors are
 1061 elected and qualified.

1062 (c) The mayor of the City of Peachtree Corners shall be elected by a majority vote of the
 1063 qualified electors of the city at large. The mayor shall serve a term of four years and until

1064 his or her successor is elected and qualified and successors to the mayor shall serve four-year
1065 terms of office and until their successors are elected and qualified.

1066 **ARTICLE IX**

1067 **GENERAL REPEALER**

1068 **SECTION 9.10.**

1069 **General repealer.**

1070 All laws and parts of laws in conflict with this Act are repealed.

1071 **APPENDIX A**

1072 Lying entirely within Gwinnett County, a political subdivision of the State of Georgia, and
1073 beginning at the point where the counties of Fulton, DeKalb and Gwinnett intersect, thence
1074 following the county line common between Fulton and Gwinnett counties in a generally
1075 northeasterly direction to the point where the Fulton/Gwinnett boundary line intersects the
1076 Chattahoochee River; thence running in a generally northeasterly direction following the
1077 Fulton/Gwinnett boundary line along the southern bank of the Chattahoochee River,
1078 following the meanderings thereof, to the point where the county boundary line intersects the
1079 southwestern boundary line of the City of Berkeley Lake; thence running in a generally
1080 southern direction following the municipal boundary line of the City of Berkeley Lake to a
1081 point where the said boundary line intersects with the City of Duluth municipal boundary;
1082 thence running along the municipal boundary of the City of Duluth until it intersects with the
1083 centerline of Buford Highway; thence running generally southwest along the centerline of
1084 Buford Highway to the point where said centerline intersects the municipal boundary line of
1085 the City of Norcross; thence following said municipal boundary in a generally southwesterly
1086 direction to the intersection of Buford Highway and Jimmy Carter Boulevard; thence
1087 continuing in a southwesterly direction along the centerline of Buford Highway to the point
1088 where said centerline intersects the boundary line common between DeKalb and Gwinnett
1089 counties; thence in a generally northwest direction along the DeKalb/Gwinnett boundary line
1090 to the point of beginning.