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COUNCIL MEETING AGENDA

Mike Mason, Mayor

Phil Sadd – Post 1, Council Member
Eric Christ – Post 2, Council Member
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member
Lorri Christopher – Post 5, Council Member
Weare Gratwick – Post 6, Council Member

April 18, 2017

COUNCIL AGENDA

7:00 PM

PEACHTREE CORNERS CITY HALL

147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

A) CALL TO ORDER

B) ROLL CALL

C) PLEDGE OF ALLEGIANCE

D) MAYOR'S OPENING REMARKS

E) CONSIDERATION OF MINUTES – March 21, 2017 & April 10, 2017

F) CONSIDERATION OF MEETING AGENDA

G) PUBLIC COMMENTS

H) CONSENT AGENDA

1. **APH 2017-04-54** Approval of Alcoholic Beverage License Application for Gino's NY Pizza, 5975 Peachtree Parkway, Ste 2.
2. **ACTION ITEM** Approval of Financial Management Policy.
3. **ACTION ITEM** Consideration of an Intergovernmental Agreement between the City of Peachtree Corners and the Gwinnett County Board of Voter Registrations and Elections for City Elections Borrowing Election Equipment.
4. **R2017-04-74** Consideration of a Resolution of the City of Peachtree Corners recognizing Georgia Cities Week, April 23-29, 2017 and encouraging all citizens to support the celebration and corresponding activities.
5. **R2017-04-75** Consideration of a Resolution to ratify the sales contract and associated agreements approved by the Downtown Development Authority for the sale of the Town Center Property.
6. **R2017-04-76** Consideration of a Resolution of the City of Peachtree Corners supporting a Georgia Department of Transportation proposed project to improve intersection safety and operations at SR 140 and Spalding Drive.

I) ITEMS FOR CONSIDERATION

- 1. O2017-04-88** First Read and Consideration of PH2017-004. Chuys at Town Center Building Elevations. Request to approve building elevations for' restaurant building located at the Town Center in the 5400 Block of Peachtree Parkway, Dist. 6, Land Lot 301, Peachtree Corners, GA (2nd Read and Public Hearing May 16, 2017)
- 2. O2017-04-89** First Read and Consideration of an Ordinance amending the Stream Buffer Protection Ordinance (chapter 18 – Environment, article III) for the City of Peachtree Corners, Georgia. (2nd Read and Public Hearing May 16, 2017)
- 3. O2017-04-90** First Read and Consideration of an Ordinance amending the Floodplain Management/Flood Damage Prevention Ordinance (chapter 26 – Floods) for the City of Peachtree Corners, Georgia. (2nd Read and Public Hearing May 16, 2017)
- 4. O2017-04-91** First Read and Consideration of an Ordinance amending the Soil Erosion, Sedimentation and Pollution Control ordinance (chapter 18 – Environment, article II) for the City of Peachtree Corners, Georgia. (2nd Read and Public Hearing May 16, 2017)
- 5. O2017-04-92** First Read and Consideration of an Ordinance of the Mayor and Council of the City of Peachtree Corners, Georgia to delete article II (temporary outdoor activity) of chapter 14 (businesses) of the code of the City of Peachtree Corners, Georgia in its entirety; to provide for article II (special events) of chapter 14 (businesses) regulating special events within the city; to provide for an effective date; and for other purposes. (2nd Read and Public Hearing May 16, 2017)
- 6. O2017-04-93** First Read and Consideration of an Ordinance of the Mayor and Council of the City of Peachtree Corners, Georgia to amend chapter 14 (businesses) and chapter 46 (pawnshops) of the code of the City of Peachtree Corners, Georgia; to require the display of an occupational tax certificate at a place of business; to provide for an effective date; and for other purposes. (2nd Read and Public Hearing May 16, 2017)

J) CITY MANAGER UPDATES

K) EXECUTIVE SESSION

L) ADJOURNMENT

Minutes



CITY OF PEACHTREE CORNERS
COUNCIL MEETING MINUTES
MARCH 21, 2017 @ 7:00PM

The Mayor and Council of the City of Peachtree Corners held a Council Meeting at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. An audible copy of the meeting is available from the City Clerk's office. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd – Post 1
Council Member	Eric Christ – Post 2
Council Member	Alex Wright – Post 3
Council Member	Jeanne Aulbach – Post 4
Council Member	Lorri Christopher – Post 5
Council Member	Weare Gratwick – Post 6
City Manager	Brian Johnson
City Clerk	Kym Chereck
City Attorney	Bill Riley
City Attorney	Joe Leonard
Com. Dev. Director	Diana Wheeler
Finance Director	Brandon Branham
Public Works Director	Greg Ramsey

PLEDGE OF ALLEGIANCE: Mayor Mason led the Pledge of Allegiance.

MAYOR'S OPENING REMARKS: Mayor Mason stated that a lease has been signed for a new City Hall location. Mayor Mason recommended that everyone go out and enjoy Gwinnett Burgers and Brews at the local restaurants.

MINUTES:

MOTION TO APPROVE THE MINUTES FROM THE FEBRUARY 27, 2017 COUNCIL MEETING.

DRAFT COPY

By: Council Member Christopher
Seconded by: Council Member Gratwick
Vote: (7-0) (Christopher, Gratwick, Mason, Sadd, Christ, Wright, Aulbach)

MOTION TO APPROVE THE MINUTES FROM THE MARCH 6, 2017 WORK SESSION.

By: Council Member Christ
Seconded by: Council Member Christopher
Vote: (7-0) (Christ, Christopher, Mason, Sadd, Wright, Aulbach, Gratwick)

CONSIDERATION OF MEETING AGENDA: There were no changes.

PUBLIC COMMENT: There was no public comment.

PRESENTATIONS AND REPORTS:

Proclamation – Arbor Day

Mayor Mason declared March 24, 2017 as Arbor Day.

CONSENT AGENDA:

APH 2017-03-50

Approval of Alcoholic Beverage License Application for Peachtree Café & Bakery Inc, 3975 Holcomb Bridge Rd.

MOTION TO APPROVE APH 2017-03-50.

By: Council Member Christopher
Seconded: Council Member Aulbach
Vote: (7-0) (Christopher, Aulbach, Mason, Sadd, Christ, Wright, Gratwick)

APH 2017-03-51

Approval of Alcoholic Beverage License Application for Blazing Wings Inc DBA: Buffalo Wild Wings, 6135 Peachtree Pkwy, Ste 601.

DRAFT COPY

MOTION TO APPROVE APH 2017-03-51.

By: Council Member Christopher

Seconded: Council Member Aulbach

Vote: (7-0) (Christopher, Aulbach, Mason, Sadd, Christ, Wright, Gratwick)

APH 2017-03-52

Approval of Alcoholic Beverage License Application for Crown Sports Grill
DBA: Crown Sports Bar & Grill, 7075 Jimmy Carter Blvd.

MOTION TO APPROVE APH 2017-03-52.

By: Council Member Christopher

Seconded: Council Member Aulbach

Vote: (7-0) (Christopher, Aulbach, Mason, Sadd, Christ, Wright, Gratwick)

APH 2017-03-53

Approval of Alcoholic Beverage License Application for Hot Rocks Grill,
LLC, 4941 South Old Peachtree Rd, Ste F.

MOTION TO APPROVE APH 2017-03-53.

By: Council Member Christopher

Seconded: Council Member Aulbach

Vote: (7-0) (Christopher, Aulbach, Mason, Sadd, Christ, Wright, Gratwick)

ACTION ITEM

Consideration of approval for a construction contract for Pedestrian
Crossing (Peachtree Corners Circle at Eastman Trail).

MOTION TO APPROVE A CONSTRUCTION CONTRACT FOR PEDESTRIAN CROSSING (PEACHTREE CORNERS CIRCLE AT EASTMAN TRAIL) PER STAFF'S RECOMMENDATION.

By: Council Member Christopher

Seconded: Council Member Aulbach

Vote: (7-0) (Christopher, Aulbach, Mason, Sadd, Christ, Wright, Gratwick)

ACTION ITEM

Consideration of a Change Order for a State Route 141 Corridor Study.

MOTION TO APPROVE A CHANGE ORDER FOR A STATE ROUTE 141 CORRIDOR STUDY PER STAFF'S RECOMMENDATION.

DRAFT COPY

By: Council Member Christopher

Seconded: Council Member Aulbach

Vote: (7-0) (Christopher, Aulbach, Mason, Sadd, Christ, Wright, Gratwick)

ACTION ITEM

Consideration of an Agreement for Ad Valorem Tax, Streetlight and Sanitation Fee Billing and Collection with Gwinnett County.

MOTION TO APPROVE AN AGREEMENT FOR AD VALOREM TAX, STREETLIGHT AND SANITATION FEE BILLING AND COLLECTION WITH GWINNETT COUNTY.

By: Council Member Christopher

Seconded: Council Member Aulbach

Vote: (7-0) (Christopher, Aulbach, Mason, Sadd, Christ, Wright, Gratwick)

PUBLIC HEARING:

PH2017-002

Consideration of an Application for a Metropolitan River Protection Act Certificate to authorize construction of a new home and landscaping on 1.46 acres located at 4348 Riverview Drive, Dist. 6. Lot 2, Block A, of Riverview Estates Subdivision (within the Chattahoochee River Corridor), Peachtree Corners, GA.

Diana Wheeler, Community Development Director, gave a brief overview of the application and stated that staff recommends approval with the following two conditions:

- 1) Applicant shall file the certificate in the real estate records of the Clerk of Superior Court of Gwinnett County.
- 2) Applicant shall provide as-built survey and affidavit confirming the built conditions prior to issuance of certificate of occupancy.

Mayor Mason opened the floor for anyone wanting to speak in favor or opposition of the Ordinance. There were no comments.

MOTION TO APPROVE PH2017-002 WITH STAFF'S CONDITIONS.

By: Council Member Wright

Seconded: Council Member Sadd

Vote: (7-0) (Wright, Sadd, Mason, Christ, Aulbach, Christopher, Gratwick)

DRAFT COPY

ITEMS UNDER CONSIDERATION:

ACTION ITEM

Consideration of approval of the Comprehensive Transportation Plan.

MOTION TO ADOPT THE COMPREHENSIVE TRANSPORTATION PLAN.

By: Council Member Sadd

Seconded: Council Member Christopher

Vote: (7-0) (Sadd, Christopher, Mason, Christ, Wright, Aulbach, Gratwick)

EXECUTIVE SESSION: There was no executive session.

ADJOURNMENT:

MOTION TO ADJOURN AT 7:33 PM.

By: Council Member Sadd

Seconded by: Council Member Gratwick

Vote: (7-0) (Sadd, Gratwick, Mason, Christ, Wright, Aulbach, Christopher)

Approved,

Attest:

Mike Mason, Mayor

Kymberly Chereck, City Clerk
(Seal)



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Mike Mason, Mayor

Phil Sadd – Post 1, Council Member
Eric Christ – Post 2, Council Member
Alex Wright – Post 3, Council Member

Jeanne Aulbach – Post 4, Council Member
Lorri Christopher – Post 5, Council Member
Weare Gratwick – Post 6, Council Member

April 10, 2017

WORK SESSION MINUTES

7:00 PM

PEACHTREE CORNERS CITY HALL – Training Room
147 TECHNOLOGY PARKWAY, PEACHTREE CORNERS, GA 30092

The Mayor and Council of the City of Peachtree Corners held a Work Session at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member
Council Member

Mike Mason
Phil Sadd – Post 1 - Absent
Eric Christ – Post 2
Alex Wright – Post 3 - Absent
Jeanne Aulbach – Post 4
Lorri Christopher – Post 5
Weare Gratwick – Post 6

City Manager
City Clerk
City Attorney
City Attorney
Public Works Director
Finance Director
Planning & Dev. Mgr.
Chief Code Enforce. Ofc.

Brian Johnson
Kym Chereck
Bill Riley
Joe Leonard
Greg Ramsey
Brandon Branham
Melissa Schwartz
Philomena Robertson

- 1. Staff Activity Report** – *A brief overview was provided concerning pedestrian improvement projects.*
- 2. Code Enforcement activities** - *A brief overview was given on Code Enforcement activities.*
- 3. Stream Buffer Protection Ordinance (amendment)** - *This item will move forward to the April Council Meeting.*
- 4. Floodplain Management Ordinance (amendment)** - *This item will move forward to the April Council Meeting.*

5. **Erosion and Sedimentation Control Ordinance (amendment)** - *This item will move forward to the April Council Meeting.*
6. **IGA with Gwinnett County for Election Equipment** - *The City will be using election equipment provided by Gwinnett County for their November 2017 election, which requires an Intergovernmental Agreement. This item will move forward to the April Council Meeting.*
7. **Resolution for Georgia Cities Week** – *Georgia Cities Week is recognized the week of April 23-29. This Resolution encourages all citizens to support the celebration and corresponding activities. This item will move forward to the April Council Meeting.*
8. **Supplemental GDOT LMIG project** – *GDOT has additional funding via HB 170 for pedestrian projects, applications are due 5/1/17.*
9. **GDOT concept project – SR 140/Spalding Drive** – *An update was given on proposed road improvements at the corner of SR 140 and Spalding Drive. A diagram depicting the proposed improvements may be obtained from Mr. Ramsey.*
10. **Financial Management Policy** - *Discussion occurred on adopting the comprehensive financial management policy. This item will move forward to the April Council Meeting.*
11. **Special Event Ordinance** – *Discussion occurred on adopting a new Special Event Ordinance to facilitate and encourage Special Events in the city. This item will move forward to the April Council Meeting.*
12. **Communication Policy** – *Discussion occurred concerning various additions to the agenda which would include a request by citizens to be placed on the City Council agenda, and time limits for public comments.*
13. **City Manager Updates** – *A brief update was provided on the Town Center property.*
14. **Executive Session**

MOTION TO GO INTO EXECUTIVE SESSION FOR ONE REAL ESTATE ITEM.

By: Council Member Christopher

Seconded by: Council Member Aulbach

Vote: (5-0) (Christopher, Aulbach, Mason, Christ, Gratwick)

MOTION TO COME OUT OF EXECUTIVE SESSION.

By: Council Member Christopher

Seconded by: Council Member Christ

Vote: (5-0) (Christopher, Christ, Mason, Aulbach, Gratwick)

15. *Work session adjourned at 10:02 PM.*

Approved,

Attest:

Mike Mason, Mayor

Kymerly Chereck, City Clerk
(Seal)

APH 2017-04-54



Mike Mason, Mayor

Phil Sadd - Post 1, Council Member
Alex Wright - Post 3, Council Member
Lorri Christopher - Post 5, Council Member

Eric Christ - Post 2, Council Member
Jeanne Aulbach - Post 4, Council Member
Weare Gratwick - Post 6, Council Member

To: Mayor and City Council
Cc: Brian Johnson, City Manager
From: Diana Wheeler, Community Development Director
Date: April 18, 2017, City Council Meeting

Agenda Item: APH 2017-04-054 Approval of Alcoholic Beverage License Application for Gino's NY Pizza, 5975 Peachtree Parkway, Ste 2

Applicant Justin Bishop Craft is applying for Consumption on Premise, Beer, and Sunday Sales License.

Staff Recommendation:

Approve the application for Consumption on Premise, Beer, and Sunday Sales Beverage License for Gino's NY Pizza, 5975 Peachtree Parkway, Ste 2

Background:

Applicant submitted a completed application on March 10th, 2017. Required advertising for the application was published in the Gwinnett Daily Post on March 24th, and April 1st. Applicant has passed the background investigation and meets all requirements.

Discussion:

New Business
Staff has reviewed this application and recommends approval.

Alternatives:

None

Financial Management Policy



CITY OF
Peachtree
CORNERS
Innovative & Remarkable

Financial
Management
Policy

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SECTION I. GENERAL BUDGET POLICIES

The budget process provides the primary mechanism by which key decisions are made regarding the levels and types of services to be provided within estimated resources. The budget policy guides this process. The budget policy also directs the City's financial health and stability.

Georgia law (e.g., O.C.G.A. 36-81-2 et seq.) provides the budget requirements for Georgia local governments. The information below provides an outline of the City's application of those laws. The City's goal will be to adopt operating budgets where current revenues equal anticipated expenditures. All departments supported by the resources of this City must function within the limits of the financial resources identified or available specifically to them. A balance must be struck between revenues and expenditures, so that the public can realize the benefits of a strong and stable government. It is important to understand that this policy is applied to budget entities over periods of time which extend beyond current appropriations. By law, budgets cannot exceed available resources, defined as revenues generated in the current period added to balances carried forward from prior years. Temporary shortages, or operating deficits, can and do occur, but they are not tolerated as extended trends.

A. SCOPE

This policy applies to all budgeted funds, which are the responsibility, and under the management of the City of Peachtree Corners and its Department of Finance.

B. FINANCING CURRENT COSTS

Current costs shall be financed with current revenues, including the use of authorized fund balances. The City shall avoid balancing current expenditures through the obligation of future year's resources. The City shall strive to avoid short-term borrowing to meet cash flow requirements. However, the City may enter into short-term borrowing should a critical need arise.

C. BUDGET OBJECTIVE BY TYPE OF FUND

The following budget objectives are established for the different funds the City uses:

1. General Fund – The annual budget for the General Fund shall provide for general government operations of the City and maintain working capital necessary for the City's financial health and stability.
2. Special Revenue Fund(s) – The City adopts annual budgets for each special revenue fund that demonstrates that any legally restricted revenue sources are used consistent with the applicable laws and/or regulations (i.e. Hotel/Motel Fund, Drug Enforcement Agency Fund, and Operating Grants Fund).
3. Capital Project Fund(s) – The City adopts project budgets for each of its capital project funds. These adopted appropriations do not lapse at the end of a fiscal year; rather they remain in effect until project completion or re-appropriation by City Council.

4. Debt Service Fund(s) – The City adopts annual budgets for its debt service funds (if applicable). Any remaining fund balances from prior years plus current years projected revenues shall be sufficient to meet all annual debt service requirements.

5. Enterprise Fund(s) - Although generally accepted accounting principles (GAAP) or Georgia statutes do not require the City to adopt budgets for enterprise funds, the City will adopt budgets for enterprise funds in order to monitor revenues and control expenses. The City will use a business approach if and when budgeting enterprise funds. Enterprise funds shall be self-supporting whenever possible and subsidized losses will be minimized when break-even is not possible. See revenue policies in Section IV

Additionally, the City classifies funds as either operating funds or non-operating funds. Operating funds are those funds that include appropriations for the payment of salary/benefits and whose maintenance & operating appropriations are necessary to continue the daily operations of the City. The General Fund will always be an operating fund. Non-operating funds are those funds that do not include appropriations for the payment of salary/benefits and whose maintenance & operating appropriations are not critical to the daily operations of the City. Examples of non-operating funds are the SPLOST Fund, and Grant Operating Fund.

OPERATING BUDGET

The operating budget shall be prepared on an annual basis and include those funds detailed in Section I that are subject to annual appropriation (all funds excluding the Capital Project Funds).

Prior year budget appropriations and prior year actual data will be provided as reference data, with the current year appropriation. At a minimum, the City shall adopt annual balanced budgets for the general fund, each special revenue fund, and each debt service fund (if applicable) in accordance with O.C.G.A. 36-81-3.

The annual proposed budget should be submitted to the governing authority while being held by the Department of Finance for public review/inspection in accordance with O.C.G.A. 36-81-3.

Public meetings will be conducted after proper advertisement prior to the City Council adopting and approving the annual budget document. (O.C.G.A. 36-81-5 and 36-81-6).

A. DEPARTMENTAL APPROPRIATIONS

The budget shall be developed based upon “line-item” expenditures within each department. This type of budget focuses on categories of expenditures such as personal services, contractual services, supplies, equipment, etc. within each department. At a minimum, each department’s appropriation in each fund shall be detailed within the budget document. (O.C.G.A. 36-81-3 and 36-81-5).

B. BUDGET PREPARATION CATEGORIES

Each department shall submit budget requests separately for:

- Current services - A current services budget is defined as that level of funding which is necessary to provide the same level of service for the upcoming year that is currently being provided. The current services budget will include replacement capital equipment.
- Expanded services - An expanded services budget includes funding requests associated with new services, additional personnel or new capital projects/equipment.

C. BALANCED BUDGET

The budget shall be balanced for each budgeted fund. Total anticipated revenues plus that portion of fund balance in excess of authorized reserves (see operating budget policy G below) that is designated as a budget-funding source shall equal total estimated expenditures for each fund.

D. BASIS OF BUDGETING

Neither GAAP nor Georgia statutes address a required budgetary basis of budgeting, the City adopts budgets in conformity with GAAP for all budgeted funds. All governmental funds use the modified accrual basis of accounting and proprietary fund budgets (when applicable) use the accrual basis of accounting.

E. LEVEL OF BUDGET ADOPTION AND CONTROL

All budgets shall be adopted at the legal level of budgetary control, which is the department level within each individual fund. See policy J below for amending the budget.

F. BUDGET STABILIZATION RESOURCES

The City shall establish a fund balance reserve in all operating funds (defined in Section I of this policy) for working capital. The purpose of working capital is to cover the cost of expenditures caused by unforeseen emergencies, cover shortfalls caused by revenue declines, and to eliminate any short-term borrowing for cash flow purposes. This reserve shall accumulate and then be maintained at all times an amount which represents no less than twenty five percent (25%) of operating and debt expenditures.

G. OPPORTUNITY FUND

The City shall establish a fund balance reserve in the general operating fund (defined in Section I of this policy) for future unknown projects. This reserve shall accumulate and then be maintained at all times an amount which represents no less than ten percent (10%) of operating expenditures. This policy shall not apply if the City or its component units have debt service payments.

H. UTILIZATION OF PRIOR YEAR'S FUND BALANCE IN BUDGET

If necessary, the City may use fund balance in excess of the reserve for working capital (see budget policy F above) as a funding source for that fund's budget. The amount of unreserved fund balance shall be estimated conservatively, taking into consideration future year needs. The minimum requirement for the reserve for working capital, equal to twenty five percent (25%) of operating and debt expenditures, must first be met before utilizing the excess fund balance as a funding source for the budget.

I. APPROPRIATION LAPSES AT YEAR END

All operating budget appropriations (including encumbered appropriations) shall lapse at the end of a fiscal year. Purchases encumbered in the current year, but not received until the following year, must be charged against a department's subsequent year appropriation.

J. BUDGET CONTROL REPORTS

The City shall maintain a system of budgetary control reports to assure adherence to the budget. The City will prepare and distribute to departments, timely monthly financial reports comparing actual revenues, and outstanding encumbrances and expenditures with budgeted amounts.

K. AUTHORIZATION OF BUDGET ADJUSTMENTS AND AMENDMENTS

The budget is a dynamic rather than static plan, which requires adjustments and formal budget amendments as circumstances change. The City Council must approve all increases in total departmental appropriations, and increases in the personal services budgets (i.e., moving salary or employee benefit budget to other line items).

Department heads must submit budget amendment requests transferring appropriations from one line item to another, other than those prohibited above, and obtain approval by the Director of Finance and the City Manager. Adjustments from appropriations that have been obligated, committed, or reserved for a designated purpose shall not be transferred until a formal de-obligation occurs.

At the mid-point of each year, any necessary budgetary appropriations, including budgets for any projects authorized but not funded during the year, shall be appropriated through a supplementary budget ordinance. This mid-point adjustment is limited to requesting additional resources. Such supplemental appropriations shall be balanced with additional revenues for each fund. A justification for each requested change must be prepared (O.C.G.A. 38-81-3).

L. CONTINGENCY LINE-ITEM

The City shall establish an appropriated contingency of two percent (2%) of the total annual expenditure appropriation in all operating funds (defined in Section I of this policy) in order to accommodate unexpected operational changes, legislative impacts, or other economic events affecting the City's operations which could not have been reasonably anticipated at the time the budget was prepared.

Non-operating funds (defined in Section I of this policy) shall not require a contingency reserve appropriation.

This contingency reserve appropriation will be a separate line item within the budget. This amount shall be subject to annual appropriation. The approval of the City Manager is required before this appropriation can be expended. If approved, the Finance Department will transfer the appropriation from the contingency line item to the applicable line item(s) with the applicable department's budget.

M. MAINTENANCE AND REPLACEMENT OF CAPITAL EQUIPMENT

The City Council will give budget priority to requests that provide for adequate maintenance of capital equipment and facilities and for their orderly replacement.

N. CONTRIBUTIONS

Unless authorized by the City Manager, outside contributions to programs operated by City departments shall be subject to the City's accounting and budgetary policies. The City welcomes both unrestricted and restricted contributions compatible with the City's programs and objectives. Any material contribution shall be appropriated by the City Manager prior to expenditure. Material contributions shall be defined as one-time contributions exceeding one percent of the department's annual maintenance and operating expenditure appropriation or \$10,000, whichever is less.

O. ADMINISTRATIVE SERVICE FEE/COST ALLOCATION

Whenever possible, the City may assess an administrative service fee from the General Fund to any other fund, based upon documentation and/or an outside independent study. This assessment will be based upon a percentage of the operating revenues, or services provided to the fund and shall be used to reimburse the General Fund for the administrative and support services provided to the assessed fund.

CASH FLOW BUDGET

For analysis and internal management purposes, the City shall prepare an annual cash flow budget in conjunction with the Operating Budget. The purpose of this document will be to provide the necessary guidelines to insure that cash will be available to pay budget costs on a timely basis.

A. BUDGET ALLOTMENTS

Budget allocations (i.e., budget allotments) are used in the operating budget, when needed to manage cash flows. The annual appropriation may be divided into segments in order to insure that the projected revenue streams will be adequate to fund the appropriated expenditures. The cash flow budget will provide details as to the periods in which the revenues will be collected, and thereby providing for available resources to pay obligations.

CAPITAL BUDGET

The Capital Projects Funds are used to accumulate resources available and expenditures approved for items that have an estimated life of five or more years including vehicles and large equipment. In providing additional detail on the criteria of operating vs. capital, projects that are appropriated may be continuations of previously completed projects. Projects resulting in improvements to enterprise or special revenue funds are paid directly from those funds.

The majority of the city's capital projects are financed on a pay-as-you-go basis. The financing mechanism for pay-as-you-go capital is an inter-governmental fund transfer originating from the general fund. Appropriations for the transfers are made primarily from undesignated fund balance. Additional revenue sources include State Department of Transportation funds for qualified street and highway improvements, grants, and interest earnings. As a matter of practice, the city does not customarily enter into contracts creating improvement districts for citizens whereby a re-payment is required for capital work to be completed. These types of projects customarily are qualified as the responsibility of the appropriate party.

Newly identified capital projects are accumulated throughout the year and are added to the "unfunded" project list. Each of these unfunded projects is prioritized on an on-going basis to allow for direct funding when available. The annual budget process appropriates project specific items as funding is available. When funded capital projects are completed, the remaining balance is transferred to an unallocated capital project account. Routinely, Council discussions apply unfunded budgetary appropriations to projects with the highest priority.

SECTION II. REVENUE

This section provides direction in the administration of the revenues the City receives.

The City levies, collects and records certain taxes, license and permit fees, intergovernmental revenues, charges for service, investment income, fines and forfeitures, and other miscellaneous revenues and financing sources.

A. DIVERSIFICATION AND STABILITY

All revenues have particular characteristics in terms of stability, growth, sensitivity to inflation or business cycle effects, and impact on the tax and ratepayers. A diversity of revenue sources can improve a City's ability to handle fluctuations in revenues and potentially help to better distribute the cost of providing services. The City shall strive to maintain a diversified and stable revenue structure to shelter it from short-term fluctuations in any primary revenue source. When possible, the revenue mix shall combine elastic and inelastic revenue sources to minimize the effect of economic downturns.

B. CONSERVATIVE REVENUE ESTIMATES

As part of the annual budget process, an objective analytical process will estimate revenues realistically and prudently. The City will estimate revenues of a volatile nature conservatively.

C. USER BASED FEES AND CHARGES (Exchange Revenue)

The level of user fee cost recovery should consider the community-wide versus special service nature of the program or activity. The use of general-purpose revenues is appropriate for community-wide services, while user fees are appropriate for services that are of special benefit to easily identified individuals or groups. The City will strive to keep the revenue system simple for the taxpayer or service recipient and to decrease the occurrence of avoidance to pay. The City's revenue system will strive to maintain equity in its structure. That is, the City will seek to minimize or eliminate all forms for subsidization between entities, funds, services, utilities, and customers. However, it is recognized that public policy decisions may lead to subsidies in certain circumstances (e.g., senior citizen partial tax abatement). Fees will be reviewed and updated on an ongoing basis to ensure that they keep pace with changes in the cost-of-living as well as changes in methods or levels of service delivery. The Finance Department will forward any proposed changes to the City Council for approval. For services associated with a user fee or charge, a fee shall offset the costs of that service, where possible. Costs of services include direct and indirect costs such as operating and maintenance costs, administrative costs, and charges for the use of capital (e.g., depreciation and/or debt service).

D. ALTERNATIVE REVENUE SOURCES

The City shall seek alternative funding sources whenever possible to reduce the required revenue from non-exchange transactions (e.g., fines). Such alternative sources include private and public grants, federal or state assistance, and public and private contributions.

E. REVENUE COLLECTION

The City will follow a thorough policy of collecting revenues, consistent with state and federal laws. This policy includes charging of penalties and interest, revoking City licenses, and providing for the transferring and assignment of tax executions.

F. RATES AND CHARGES

The City Council shall approve annually, a fee schedule which includes all revenue rates, charges, and processes in association with receipted funds that are deposited by the City, in accordance with the Code of Ordinances.

CASH AND INVESTMENT MANAGEMENT

The objective of the cash and investment management policy is to maximize interest earnings within an environment that strongly emphasizes legal compliance and safety while providing cash flow liquidity to meet the City's financial obligations.

A. SCOPE

City of Peachtree Corners Financial Management Policy

This investment policy applies to all cash and investments, both short and long-term, which are the responsibility, and under the management of the City of Peachtree Corners Department of Finance.

B. POOLED CASH/INVESTMENT MANAGEMENT

Except for cash in certain restricted and specialized funds, the City will consolidate cash balances from all funds to maximize investment earnings (if applicable). Investment income will be allocated to the various funds based upon their respective participation and in accordance with generally accepted accounting principles.

C. GENERAL OBJECTIVES

The primary objectives of investment activities shall be as follows:

1. Safety

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

i. Credit Risk

The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

- Limiting investments to the safest types of securities (primarily obligations of the U.S. government or obligations explicitly guaranteed by the U.S. government)
- Requiring a credit rating of "A3" or better from Moody's rating agency and "A-" from Standard & Poor's.
- Pre-qualifying the financial institutions, brokers/dealers, intermediaries, and advisers with which the City will do business
- Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

ii. Custodial Risk

Custodial risk, that is the risk associated with uninsured deposits, uninsured securities, or securities not registered in the City's name shall be minimized by,

- Collateralization in alignment with State of Georgia legislation equal to 110% of the deposit held in the City's name (see section F, Safekeeping and Custody, subsection 2, Collateralization);
- Securities shall be held in the City's name.

iii. Interest Rate Risk

The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

iv. Concentration Risk

The risk associated with a high concentration of government funds which are not diversified shall be reduced by:

- Limiting investments to any one issuer to less than 5% of the investment portfolio.
- Investments explicitly guaranteed by the U.S. government and investments in mutual funds, external investment pools, and other pooled investments are excluded from this requirement.

v. Foreign Currency Risk

The City will negate all foreign currency risk through investment only in instruments where exchange rates do not apply.

2. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio also may be placed in instruments offering same-day liquidity for short-term funds.

3. Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal or to reduce any eminent risk as identified under Section 1, "Safety" of this policy
- A security swap which improves the quality, yield, or target duration in the portfolio
- Liquidity needs of the portfolio require that the security be sold.

D. STANDARDS OF CARE

1. Prudence

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment officer(s) acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility of an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

2. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

3. Delegation of Authority

Authority to manage the investment program is granted to the Director of Finance, referred to as the investment officer in this policy. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with the established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

E. SAFEKEEPING AND CUSTODY

1. Authorized Financial Dealers and Institutions

A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected by creditworthiness (e.g., a

minimum capital requirement of \$10,000,000 and at least five years of operation). These may include “primary” dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule). All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements
- Proof of National Association of Securities Dealers (NASD) certification
- Proof of state registration
- Completed broker/dealer questionnaire
- Certification of having read and understood and agreeing to comply with the City’s investment policy.

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the investment officer.

From time to time, the investment officer may choose to invest in instruments offered by minority and community financial institutions. In such situations, all criteria identified under above shall apply. All terms and relationships will be fully disclosed prior to purchase and will be reported to the appropriate entity on a consistent basis and should be consistent with state and local law. These types of investment purchases should be approved by the City Council in advance of their purchase.

2. Internal Controls

The City Manager is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met.

The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the investment officer shall establish a process for an annual independent review by an external auditor to assure compliance with regulatory policies and procedures including Generally Accepted Governmental Auditing Standards.

3. Delivery vs. Payment

All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian in the City’s name, as evidenced by safekeeping receipts.

F. SAFEKEEPING AND CUSTODY

1. Investment Types

City of Peachtree Corners Financial Management Policy

Investments (other than bond proceeds) shall be made in instruments permitted by the State of Georgia for local governments, regulated under Georgia Code, O.C.G.A. 36-83-4. Such instruments include:

- Obligations issued by the U.S. government,
- Obligations fully insured or guaranteed by the U.S. government or by a government agency of the United States,
- Obligations of any corporation of the U.S. government;
- Prime bankers' acceptances,
- The Georgia local government investment pool (i.e., Georgia Fund I)
- Repurchase agreements, and
- Obligations of other political subdivisions of the state

In accordance with O.C.G.A. 36-82-7, investments made with unexpended bond proceeds shall be limited to:

- Bonds or obligations of the governmental entities and/or political subdivisions of the state,
- Bonds or obligations of the U.S. government which are fully guaranteed,
- Obligations of agencies of the U.S. government, bonds or other obligations of public housing agencies or municipal corporations in the United States,
- Certificates of deposit of national or state banks insured by the Federal Deposit Insurance Corporation;
- Certificates of deposit of Federal Saving and Loan Associations; and
- The Georgia local government investment pool (Georgia Fund I)

2. Collateralization

City shall require pledges of collateral from the depository institution covering at least 110% of the cash/investment. This requirement is in accordance with O.C.G.A. 36-83-5; 45-8-12; 50-17-59; and 45-8-13. Deposit-type securities (i.e., certificates of deposit) shall be collateralized at 110% of the face value. Other investments shall be collateralized by the actual security held in safekeeping by the primary agent.

3. Repurchase Agreements/Derivatives

Repurchase agreements shall be consistent with GFOA Recommended Practices on Repurchase Agreements. Investments in derivatives of the above instruments shall require authorization by the City Council and be consistent with GFOA Recommended Practices on the "Use of Derivatives by State and Local Governments".

G. USING GEORGIA FUND I

The City will utilize the State of Georgia local government investment pool (i.e., Georgia Fund I) anytime this investment tool is deemed to be in the best interest of the City. Criteria used to determine the use of this investment pool will be the same as any other investment purchase.

H. INVESTMENT PARAMETERS

1. Diversification

The investments shall be diversified by:

- Limiting investments to avoid over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities)
- Limiting investment in securities that have higher credit risks
- Investing in securities with varying maturities, and
- Continuously investing a portion of the portfolio in readily available funds such as a the Georgia Local Government Investment Pool, money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

2. Maximum Maturities

To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five (5) years from the date of purchase. The City shall adopt weighted average maturity limitations ranging from 90 days to 5 years, consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in securities with longer maturities shall be disclosed in writing to the City Council.

I. REPORTING

1. Methods

The investment officer shall prepare an investment report monthly which shall be included in the Department of Finance Financial Update Report. Information provided will include a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last month. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report will be transmitted to the City Council via a consent item placed on a City Council Meeting Agenda. At a minimum, the report will include the following:

- Listing of individual securities held at the end of the reporting period with maturity dates
- Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration that are not intended to be held until maturity
- Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks
- Percentage of the total portfolio which each type of investment represents.

2. Performance Standards

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which the portfolio performance shall be compared on a regular basis.

3. Marking to Market

The market value of the portfolio shall be calculated at least monthly and a statement of the market value of the portfolio shall be issued at least monthly.

Governmental Accounting Standards Board References:

Statement No. 3, Deposits with Financial Institutions, Investments, and Reverse

Repurchase Agreements

Statement No. 28, Accounting and Financial Reporting for Securities Lending

Transactions

Statement No. 31, Accounting and Financial Reporting for Certain Investments and for External Investment Pools

Statement No. 40, Deposit and Investment Risk Disclosures

GRANT MANAGEMENT

This policy provides direction in the application, acceptance and administration of funds awarded through grants to the City from other local governments, the state or federal government, nonprofit agencies, philanthropic organizations and the private sector.

A. GRANT APPLICATIONS

The City Manager and/or his/her designee is/are responsible for the submission of all grant applications on behalf of the City of Peachtree Corners. Departments who wish to submit grant applications must work in conjunction with the City Manager and/or his/her designee. Once a grant opportunity has been identified, the City Manager and/or his/her designee must notify the Department of Finance of the application, the financial reporting requirements, and any required matching funds or other City resources needed to meet the grant requirements. Prior to the acceptance of the grant, the Finance Department, in cooperation with the submitting/receiving department shall complete an analysis of financial requirements to ensure the City can meet the grant program's financial requirements and the City can fulfill the applicable obligations required by the grant. All grant revenues and expenditures, including matching requirements, must be appropriated, either in the current budget or included for appropriation in the subsequent budget. The City Manager shall approve grant applications and

submissions that allow both the submission of the grant application and the acceptance of the grant award.

B. GRANT ADMINISTRATION

The City Manager and/or his/her designee is/are responsible for fulfilling the financial reporting and accountability requirements of each grant the City accepts. The City Manager and/or his/her designee and receiving departments are responsible for adhering to the grant program requirements and tracking all applicable expenditures for reporting purposes. The Department of Finance is responsible for accounting for grant transactions according to the Accounting, Auditing, and Financial Reporting Policy and in compliance with Generally Accepted Accounting Principles (GAAP). The City Manager and/or his/her designee is/are responsible for maintaining the following records for each grant award.

- a. Copy of Grant Application
- b. Resolutions authorizing application and acceptance
- c. Notification of Grant Award
- d. Financial reporting and accounting requirements
- e. Schedule of funding needs

C. AUDITING

The Finance Department shall comply with all local, state, and federal requirements with respect to the auditing of information as they pertain to the acceptance of grant funds. This includes the Single Audit Act with any future revisions or additional that may be applicable to City grant projects.

SECTION III. EXPENDITURE

This section provides guidance on authorized expenditures for all departments under the authority of the Mayor and City Council. This section shall cover those costs incurred for normal business operations. Operating guidelines and procedures for procuring goods and services shall be issued under separate cover(s) as they do not constitute nor necessitate the City Council approval.

A. APPROPRIATION

In conjunction with the annual budget process, the City Council shall authorize departments appropriations consistent with the annual adopted operating and capital budgets. Departments shall not incur expenditures unless an appropriation is available.

B. EXPENDITURE APPROVAL

All expenditures relating to City operations shall be processed consistent with procurement/purchasing guidelines. Once the Finance Department receives the proper documentation from the incurring departments, the execution of payment shall occur. The Finance Department shall only process transactions for payment based upon the proper approval for the dollar amount of the expenditure, including adequate documentation, received either electronically or in writing.

C. SETTLEMENT OF DISPUTE

The Department of Finance shall review expenditure documents for compliance and appropriateness with all City policies and procedures. Expenditure documents that are not in compliance with these policies and procedures shall be returned to the originating department with Finance Department recommendations for changes (e.g., travel issues, cellular phone use). In the event the department does not agree with the Finance Department's recommendations, the City Manager shall make the final decision.

D. ELECTED OFFICIALS ALLOCATION

During the annual budget process, an appropriation will be allocated to each elected official to be used at his/her discretion for the benefit of the City (e.g., travel costs incurred at the annual GMA conference). The amount appropriated will be dependent upon the approval during the budget process.

E. PROFESSIONAL SERVICES

A. INTRODUCTION

Professional services are those services considered to be "professional" in nature, i.e. technical or unique functions performed by independent contractors or consultants whose occupation is the rendering of such services. Examples include but are not limited to, Architects, Attorneys, Engineers, Accountants, Appraisers, etc... These types of services are awarded based on open competitive negotiations and demonstrated competence and qualifications for the type of services required at a fair and reasonable price rather than on "low-bid". When federal assistance or funding is being utilized all professional services awards shall be conducted in accordance with any mandatory applicable federal law or regulation. The City follows the policies of the Brooks Act and procures all consultant professional services using the Qualification Based Selection (QBS) Process as required by the Brooks Act with regards to Federal Contracts

TRAVEL AND MEAL EXPENDITURE POLICIES

This section provides guidance on authorized expenditures for all departments under the authority of the Mayor and City Council. This section shall cover those costs incurred for travel and meal expenses by any elected official, City employee, or board member who travels on City related business. Operating

City of Peachtree Corners Financial Management Policy

guidelines and procedures for procuring travel and meal expenses shall be issued under separate cover(s) as they do not constitute nor necessitate City Council approval.

A. APPROPRIATION

In conjunction with the annual budget process, the City Council shall authorize department appropriations for travel and meal expenses consistent with the annual adopted operating budgets. Departments shall not incur travel expenditures unless an appropriation is available, or budget amendment has been completed.

B. EXPENDITURE APPROVAL

All expenditures relating to travel and meals shall be processed consistent with procurement/purchasing guidelines. Once the Finance Department receives the proper documentation from the incurring departments, the execution of payment shall occur. The Finance Department shall only process transactions for payment based upon the proper approval for the dollar amount of the expenditure, including adequate documentation, received either electronically or in writing.

C. SETTLEMENT OF DISPUTED REIMBURSEMENT CLAIMS

The Department of Finance shall review expenditure documents for compliance and appropriateness with all City policies and procedures. Expenditure reimbursement requests that are not in compliance with these policies and procedures shall be returned to the originating department with Finance Department recommendations for changes (e.g., travel issues, cellular phone use). In the event the department does not agree with the Finance Department's recommendations, the City Manager shall make the final decision regarding whether to authorize the reimbursement.

D. TRAVEL EXPENSES

The City shall reimburse/pay expenses incurred by elected officials and employees for travel relating to official City business. Official business shall be deemed that which has been approved prior to the expenditure being incurred.

1. Lodging: hotel/motel charges shall qualify for reimbursement when they exceed a 50 mile radius of the employee's place of work. All traveling personnel shall minimize the expense associated with hotel/motel costs by procuring a government rate for qualified stays. Lodging expense shall be benchmarked against the U.S. General Services Administration (GSA) approved per-diem rate of reimbursement. When the GSA rate is exceeded by 20% or more, additional justification shall be required from the traveler. When traveling in the State of Georgia, all travelers must use the hotel/motel tax-exempt status form. Sales and occupancy taxes charged for lodging within the State of Georgia do not qualify as eligible reimbursable travel expenses under this policy. Per diem rates can be found in the personnel policy adopted by the Mayor and City Council. Hotel accommodations for travel less than a 50 mile radius from Peachtree Corners must be approved by the employee's direct supervisor. Elected officials, the City Manager, Department Directors, and members of Management of

the City shall be allowed hotel accommodations for travel less than a 50 mile radius from Peachtree Corners, based upon meeting schedules and attendance needs.

2. Transportation: approved modes of transportation include vehicle, air, rail, or taxi and public transportation. The method selected by the traveler shall be subject to the most economically feasible, taking into consideration the value of time. If a City vehicle is available, it should be used in lieu of a personal vehicle. Generally, the City will not reimburse for the use of a personal vehicle within 10 miles of an employees official headquarters and/or residence.

i. Mileage: miles traveled in personal vehicles shall be reimbursed at the rate designed by the Internal Revenue Service. Mileage shall be calculated using the employee's place of work as the origination point, so long as the employee reported to work prior to departing to the destination. In the event the employee does not report to work prior to traveling to the destination, mileage shall be reimbursed from the employee's origin, less their normal commute to the workplace. Expenses associated with employee's vehicles such as fuel, oil, tires, etc. (deemed normal wear and tear) shall not be subject to reimbursement and will be the responsibility of the traveler. Miles traveled in City owned vehicles shall not be subject to reimbursement to the traveler. However, expenses associated with the travel in City vehicles such as fuel, oil, tires, etc. shall be the responsibility of the City, and necessary purchases should follow the guidelines administered by the City Manager.

ii. Rental Cars: Expenses associated with rental cars, i.e. rental expense and fuel will be paid at cost, with receipts provided. Employees shall rent mid-size or smaller vehicles, or an appropriate vehicle size based upon the number of employees needing transportation. Expenses associated with exceeding this car class will be the responsibility of the traveler. Employees should decline additional insurance coverage offered by rental car companies since the City's insurance coverage is applicable to car rentals.

iii. Air/Rail: transportation provided by major airlines or railroads shall be paid at cost to the traveler. Travel will be limited to coach/economy classes of service. In the event the traveler chooses a class higher than coach/economy (business or first class), the difference of the expense shall be the responsibility of the traveler.

iv. Taxi/Shuttle: expenses associated with local transportation will be deemed eligible expenses as long as receipts are provided with point to point explanations for this mode of transportation. Such documentation should accompany receipts.

3. Meals/incidentals: expenses associated with meals (breakfast, lunch and dinner) and incidentals (snacks, tips, miscellaneous) shall be administered on a per diem basis by city. Per diem amounts will be derived from the U.S. General Services Administration (GSA), which can be found at <http://policyworks.gov/org/main/mt/homepage/mtt/perdiem>. Per diem will be advanced to the employee prior to travel and therefore, the City's procurement cards should not be used to pay for meal or incidental expenses. Receipts will not be required on incidental or meal expenses. Overages of meal expenses will be the responsibility of the employee, while any savings may be retained by the employee. Alcoholic beverages are not allowable reimbursable expenses, and will not be reimbursed pursuant to

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the City's Drug and Alcohol Policy. Expenses incurred for meals when travel has not included overnight stay shall be reimbursed under Section E of this policy.

4. Program/Seminar/Conference Fees: charges relating to the traveler's attendance to the particular event (training, conference, seminar, etc) shall be paid by the corresponding department, subject to the provisions identified for expenditures in the City's Expenditure and Purchasing Policies.

5. Telephone/Long Distance: telephone, fax, long-distance, Internet, and communication expenses (including postage) shall be reimbursed when relating to the traveler's employment. Expenses for business communication shall be limited to \$10.00 per day.

E. NON-TRAVEL MEALS

Expenses related to the furnishing of meals, snacks, or food should be limited to the following circumstances:

1. Meetings hosted by the City Council or City Manager;
2. A meeting during regularly scheduled business hours required by law or authorized by a department director which is anticipated to last more than two (2) hours and which, is scheduled through normal meal times;
3. A business meal with someone other than another City official or employee in order to discuss a specific item of City business;
4. Meals that are an integral part of a scheduled meeting at which the individual is required to attend;
5. A business meal with another City employee or official in order to discuss City business as called by an elected official, the City Manager, a Department Director, or management of the City or other persons to be reasonably determined by the City Manager, Department Director, or Management of the City. Receipts provided for meals within this category should detail the nature of the meeting and the people who were present for discussion.

F. SUBMISSION OF EXPENSES

All expenses relating to travel shall be submitted to the Finance Department no later than 10 days after return from the trip. Non-travel meals shall be submitted no later than 7 days from the date of occurrence.

G. EMPLOYEE BREAK ROOMS

City facilities equipped with break rooms shall be furnished with potable water, coffee, tea, hot cocoa, creamer, sugar, and cups/stirrers at the expense of the City.

H. EXCEPTIONS

Reasonable business expenses associated with an employee's travel, not to exceed \$1,000.00, shall be reimbursable upon approval by the City Manager.

Expenses exceeding \$1,000.00 will require Mayor and City Council approval.

PURCHASING AND CREDIT CARDS

A. Purpose

The purpose of this policy is to set requirements and standards for the City of Peachtree Corners Purchasing/Credit Card Program. The policy is not intended to replace current State of Georgia statutes but is intended to comply with such state laws and establish more efficient guidelines for elected officials and employees of the City using such purchasing and credit cards. At no time should a city issued purchasing card or credit card be used for personal purchases regardless of the circumstances. Utilizing the purchasing card or credit card for personal use or for any item or service not directly related to such official's public duty may result in disciplinary action including, but not limited to, felony criminal prosecution. All purchases utilizing a government purchasing card or government credit card must be in accordance with these guidelines and with state law.

B. Public Inspection

In accordance with O.C.G.A. § 36-80-24(b) any documents related to purchases using government purchasing cards or government credit cards incurred by elected officials shall be available for public inspection.

C. Transaction Limits

Transaction limits are hereby established to insure compliance with state purchasing laws, maintain proper budgetary controls, and to minimize excessive use of any individual credit line. Individual monthly card limits cannot exceed those established by the municipal governing authority. The established single transaction limit for each card must be less than \$1,000.00. Any single purchase above \$1,000.00 must be approved by the City Manager. The established monthly card limit is based upon the city's budgetary constraints and is not to exceed \$10,000 per month. Any exceptions to the standardized limits must have express written approval by the municipal governing authority and must be added to this policy by amendment or addendum.

F. Purchasing Restrictions

1. Elected Officials and employees of the City may not use a government purchasing card or government credit card for the following:
 - a. Any purchases of items for personal use.
 - b. Cash refunds or advances.

- c. Any transaction amount greater than the transaction limits set for by this policy.
 - d. Items specifically restricted by this policy, unless a special exemption is granted by the municipal governing authority.
 - e. Purchases or transactions made with the intent to circumvent the city purchasing policy, transactional limits, or state law.
2. Elected Officials and employees of the City may use government purchasing cards or government credit cards to purchase goods and/or services not prohibited by this policy or state law. Such purchases include, but are not limited to:
 - a. Purchases of items for official city use which fall within the transactional restrictions of this policy.
 - b. Purchase of fuel, food, education and training materials while on city business and all items described in the travel and meal expenditure policy.
 - c. Emergency purchases necessary to protect city property.

G. Administrator

The city designates the office of Finance, as the program administrator of government purchasing cards or government credit cards. Such administrator shall:

1. Serve as a liaison between the city's cardholders and the issuers of such cards.
2. Maintain the cardholder agreement for all cardholders.
3. Provide instruction, training, and assistance to cardholders
4. Maintain account information and secure all cardholder information.
5. Keep cardholders up-to-date on new or changing information
6. Upon receipt of information indicating fraudulent use or lost/stolen cards immediately report it to appropriate parties, including the issuer.
7. Ensure all card accounts are being utilized properly as set forth by state law and this policy.
8. Define the city's policy and procedures for proper documentation and storage of receipts, logs, and approvals required under this policy.

9. Identify any changes to named persons authorized to use a government purchasing card or government credit card.
10. Any other duties assigned by the municipal governing authority.
11. Maintain a log for a general credit card that may be used by staff. The log must contain the staff members name, date of use, description of item(s) being purchased, and amount of item(s). Staff must follow all policy requirements when using the general credit card.

H. Accounting and Auditing

The Administrator, in an effort to ensure compliance with city policy and state law, will conduct monthly/quarterly reviews and audits of all government purchasing card or government credit card transactions. The review is designed to ensure compliance, identify non-compliance issues and misuse, and through corrective measures assist the city with improving compliance. The monthly/quarterly review and audit should happen within 15 days of the start of a new month/quarter. After completing the monthly/quarterly audit the Administrator shall notify cardholders of any violations or questions the Administrator has that occurred within that previous month/quarter. Depending on the severity of the violation, the Administrator may suspend or revoke the use of the government purchasing card or government credit card after notification to the cardholder and to the municipal governing authority, but only after consultation with the city attorney. Any unresolved violations should be reported to the municipal governing authority and the city attorney in writing within 15 business days.

I. Violations

The use of a government purchasing card or government credit card may be suspended or revoked when the Administrator, after consultation with the city attorney, determines that the cardholder has violated the approved policies or state law regarding the use of the government purchasing card or government credit card. The government purchasing card or government credit card shall be revoked whenever a cardholder is removed from office with the city and shall be suspended if such elected official has been suspended from office.

DEBT ISSUANCE AND MANAGEMENT

The goal of the City's debt policy is to maintain a sound fiscal position; thereby only utilizing long term debt to provide resources to finance needed capital improvements, buildings and equipment while accumulating adequate resources to repay the debt. In addition, it is the City's goal to maintain and improve its credit rating through strong financial administration. The City acknowledges that failure to meet the demands of growth may inhibit its continued economic viability, but also realizes that excess outstanding debt may have detrimental effects on the ability of the City to meet its continuing operational needs.

Issuing debt commits the City's revenues several years into the future, and may limit its flexibility to respond to changing service priorities, revenue inflows, or cost structures. Adherence to this debt policy helps ensure that the City issues and manages its debt prudently in order to maintain a sound financial position and protect its credit rating.

Credit ratings are the rating agencies' assessment of the City's ability and willingness to repay debt on a timely basis. Credit ratings are an important indicator in the credit markets and can influence interest rates a borrower must pay. Each of the rating agencies believes that debt management is a positive factor in evaluating issuers and assigning credit ratings. Therefore, implementing debt management practices will be viewed positively by the rating agencies and could influence the City's credit rating and ultimately lower borrowing costs.

A. CONDITIONS FOR ISSUING LONG-TERM DEBT

Debt financing for capital improvements, buildings, and equipment will be generally used when at least one of the following conditions exist:

1. When one-time, non-continuous projects (those not requiring annual appropriations) are desired;
2. When the City determines that future users will receive a benefit from the capital improvement that the debt financed;
3. When the project is necessary to provide basic services to the City residents;
4. When total debt, including debt issued by overlapping governments (e.g., the county), does not constitute an unreasonable burden to the taxpayers; and
5. Exhaustion of the use of all other possible revenue sources provides no alternative funding for capital projects.

The City will limit its short-term borrowing to cover cash flow shortages through the issuance of tax anticipation notes.

B. SOUND FINANCING OF DEBT

When the City utilizes debt financing, the following will occur to ensure that the debt is soundly financed:

1. Analysis of the financial impact, both short-term and long-term, of issuing the debt;
2. Conservatively projecting the revenue sources that the City will use to repay the debt;
3. Insuring that the term of any long-term debt the City incurs shall not exceed the expected useful life of the asset the debt financed;

4. Maintaining a debt service coverage ratio (i.e., for revenue secured debt) that ensures that the revenues pledged for the repayment of the outstanding debt will be adequate to make the required debt service payments.

C. DEBT RETIREMENT

Generally, borrowings by the City should be of a duration that does not exceed the economic life of the capital improvement, building, or equipment that it finances and where feasible, should be shorter than the projected economic life. To the extent possible, the City should design the repayment of debt so as to recapture rapidly its credit capacity for future use.

D. DISCLOSURE

The City shall follow a policy of full disclosure in financial reporting and with the preparation of a bond prospectus.

E. LEGAL COMPLIANCE

When issuing debt, the City shall comply with all legal and regulatory commission requirements, including the continuing disclosure requirements. This compliance includes adherence to local, state and federal legislation and bond covenants.

More specifically, the Director of Finance is responsible for maintaining a system of record keeping and reporting to meet the arbitrage rebate compliance requirements of the federal tax code. This effort includes tracking investment earnings on bond proceeds, calculating rebate payments in compliance with tax law, and remitting any rebatable earnings to the federal government in a timely manner in order to preserve the tax exempt status of the City's outstanding debt issues. Additionally, general financial reporting and certification requirements embodied in bond covenants are monitored to ensure that all covenants are complied with.

The City will comply with Amended SEC Rule 15c2-12 (the "Rule") by providing secondary market disclosure for all long-term debt obligations, which are subject to the Rule. As required, the City will submit annual financial information to all nationally recognized municipal securities repositories.

F. CREDIT RATINGS

The City Manager and Director of Finance are responsible for maintaining relationships with the rating agencies that assign ratings to the City's various debt obligations. This effort includes providing periodic updates on the City's general financial condition along with coordinating meetings and presentations in conjunction with a new debt issuance.

G. DEBT SERVICE COVERAGE RATIO

To assure the City follows sound financing of debt, the City may not exceed a twenty-five percent (25%) debt service coverage ratio of operating funds of the City and its component units for each fiscal year.

H. OTHER POLICIES

All bond issue requests shall be coordinated by the Department of Finance. Requests for new bonds must be identified during the Capital Improvement Program (CIP) process. Opportunities for refunding outstanding bonds shall be communicated by the Department of Finance.

Annual budget appropriations shall include debt service payments (interest and principal) and reserve requirements for all debt currently outstanding.

Long-term borrowing shall be incorporated into the City's capital improvement plan (see above).

PURCHASING POLICIES

Purchasing Code of Ethics

The public must have confidence in the integrity of its government. The purpose of this purchasing policy is to give guidance to all City employees so that they may conduct themselves in a manner that will be compatible with the best interest of the City.

Proper purchasing procedure requires that:

- Actions of City employees be impartial and fair.
- Government decisions and policies are made in the proper channels of government structure.
- Public employment is not to be used for personal gain. City employees may not solicit, accept, or agree to accept any gratuity for themselves, their families or other that would or could result in personal gain. Purchasing decisions must be made impartially. The following are examples of items not considered gratuities:
 - Discounts or concessions realistically available to the general population;
 - Items received that do not result in personal gain;
 - Samples to the City used for general City use.

The City of Peachtree Corners is a Georgia certified City of Ethics under the Georgia Municipal Association City of Ethics Program. Whereas the governing authority of the City of Peachtree Corners, Georgia, adopted the ethics principles approved by the GMA Board and conducts the City's affairs in accordance with the City's Ethics Ordinance.

A. SYSTEM ESTABLISHED

The City has established a centralized purchasing system to be used for all purchases of goods and procurements of services by the municipal government.

B. ROLES OF THE CITY MANAGER OR HIS DESIGNEE

The City Manager shall be responsible for ensuring adherence to all rules and regulations for the centralized purchasing system. The Finance Director or his designee shall oversee the day to day processing of all purchases and procurements made through the system.

C. INITIATING PURCHASES; REQUIRED FORM

In order to initiate a purchase, an employee must submit in writing a purchase request form. The completed purchase request form must include a cost for each product or service noted on the form; where the exact cost is not known, estimates may be provided. The purchase request form must be signed by the department head and submitted to the Finance Department for approval. The department head must identify and annotate the accounting code (budget line item) for this expenditure as part of the request.

D. DEPARTMENTAL LIMITS ON PURCHASES

Should the cost or estimated cost of the requested good or service being processed in accordance with paragraph C above be at least \$500.00, but below \$10,000, the department head must submit the purchase request to the Finance Director accompanied by at least two (2) quotes from vendors providing the good or service being ordered. These quotes may be in the form of verbal, phone or email quotes, but nevertheless, be identified by the department head in writing and attached to the request. If the department head chooses to use the more expensive of the quotes obtained, he or she must attach a brief statement to the requisition form justifying that decision. The Finance Director shall then process such requests in accordance with all other requirements of the centralized purchasing system.

Should the cost or estimated cost of the requested good or service being processed in accordance with paragraph 2.3 above be at least \$10,000.00, but not more than \$50,000.00, the department head must submit the request directly to the City Manager's office accompanied by at least three (3) written quotes from vendors providing the good or service being requested. The City Manager shall review the request and quotes and determine whether or not the request should be approved. The City Manager shall typically approve such requests, but may issue a denial where he or she determines; a) that additional vendor quotes should be obtained; b) the good or service being requested does not reasonable relate to the line item identified by the department head; c) the cash flow in the fund from which the purchase would be made is low or otherwise inadequate; or d) a bona- fide problem exists in the management of the requesting department's budget. This section shall not apply to professional services.

E. PURCHASES EXCEEDING THE CITY MANAGER'S SPENDING LIMITS

Should the cost or estimated cost of the requested good or service being processed in accordance with paragraph C above be more than \$50,000.00, the City Manager shall ensure that: a) at least three (3) written quotes from vendors have been obtained are attached to the request; b) the request is accompanied by a written determination of whether the request was anticipated in the budget; c) compliance with Section I of this policy has been met in the case of the non- budgeted requests; and d)

the need for a budget amendment does or does not exist. This section shall not apply to professional services.

F. PURCHASES EXCEEDING \$50,000

All purchases with an estimated total cost exceeding \$50,000 require formal approval by the Mayor and City Council. This section shall not apply to professional services.

G. PROFESSIONAL SERVICES

All purchases for professional services including, but not limited to architects, engineers, and other professional services require the approval of the City Manager and must be appropriated in the budget.

EMERGENCY PURCHASES

A. PROCESS

There are certain functions and purchases that may be performed without prior Mayor and Council approval. The emergency repair of city infrastructure and clearing of blocked streets and roads resulting from washouts or similar natural or man-made disasters. However, if such exceeds the \$50,000.00 City Manager limitation, the City Manager shall report the situation to the Mayor and Council within 48 hours following such repairs.

SECTION IV. INTERNAL CONTROLS

The City shall maintain a system of financial monitoring, control, and reporting for all operations and funds in order to provide an effective means of ensuring that financial integrity is not compromised. In addition, such practices shall provide City officials with the necessary resources in order to make sound financial decisions.

A. SCOPE

This policy applies to all accounting records that are the responsibility and under the management of the City's Department of Finance.

B. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP)

The City will establish and maintain a high standard of accounting practices. Accounting standards will conform to generally accepted accounting principles of the United States as promulgated by the Governmental Accounting Standards Board (GASB). The City also will follow the Financial Accounting Standards Board's pronouncements, as applicable.

C. FUND STRUCTURE

The City will maintain the minimum number of funds consistent with legal compliance and sound financial administration. The City will adhere to the mandatory fund structure included in the Georgia

Department of Community Affairs' (DCA) chart of accounts (see below). Funds shall be classified in conformity with GAAP. Further, all funds shall be reported within the annual financial statements.

D. CHART OF ACCOUNTS

The Georgia General Assembly passed the Local Government Uniform Chart of Accounts and Reporting act in 1997 (House Bill 491). This law requires the DCA to prepare and issue a standardized chart of accounts for Georgia governments. It shall be the policy of the City to implement and utilize the account classifications as the chart of accounts prescribes.

CASH MANAGEMENT POLICY

A. Procedures for Cash Collection Points

The following list of procedures is required for the operation of cash collection points:

- All cash received must be recorded through a computerized accounting system with computer generated official City receipts or official City temporary cash receipts. When a cash collection point with a computerized accounting system uses temporary cash receipts, those temporary receipts must be converted over to computerized receipts as soon as possible. If the conversion cannot be accomplished within 48 hours, the cash should be deposited into the department's primary operating account and tracked in detail until it is recorded on the computerized accounting system. The customer must be presented an official City receipt form with a duplicate record being retained by the receiving department. All numbered receipts must be accounted for, including the original of voided receipts.
- The cash collection point must maintain a clear separation of duties. An individual should not have responsibility for more than one of the cash handling components: collecting, depositing, disbursement, and reconciling.
- The funds received must be reconciled to the computerized accounting system cash report or to the total of the temporary receipts at the end of the day or at the end of each shift. Cash must be reconciled separately from checks, credit cards, and money orders by comparing actual cash received to the cash total from the cash report or to the sum of the cash sales from the manual receipts.
- All cash must be protected immediately by using a cash drawer, safe or other secure place until they are deposited. A secure area for processing and safeguarding funds received is to be provided and restricted to authorized personnel.
- Checks must be made payable to City of Peachtree Corners, and must be endorsed promptly with a restrictive endorsement stamp payable to City of Peachtree Corners. The endorsement stamps must be ordered through the Finance Department.
- Checks or credit card transactions will not be cashed or written for more than the amount of purchase.
- Collections must be deposited to the City Depository within 24 hours.

City of Peachtree Corners Financial Management Policy

- All cash must be deposited intact, and not intermingled or substituted with other cash.
- Refunds or expenditures must be paid through the appropriate City bank account on a signature City generated check.
- Each Department will use only depository issued deposit slips for reconciliation of the supporting documentation to the deposit and to the monthly statements of account.

B. Cash received in person

- A receipt must be issued for each payment received. At a minimum, manual prenumbered receipts must include the date, mode of payment (cash, check or credit card), and the identification of the department and the person issuing the receipt. Machine generated receipts must contain all information required by the accounting system to properly credit and track the payment.
- All checks must be endorsed immediately with a restrictive endorsement stamp payable to City of Peachtree Corners.
- All voided transactions are to be approved and initialed by the area supervisor.
- Only one cashier is allowed access to a specific cash drawer during a single shift.
- Cash must be kept in a safe or a secure place.

C. Cash received Through the Mail

- The mail must be opened with two people present and all checks must be endorsed immediately with a restrictive endorsement stamp. All cash must be listed on a "Daily Mail Collection Report".
- If the cash is not credited directly into the appropriate City account or receipted through a computerized accounting system, a list of the checks, credit card transactions and or cash should be prepared in duplicate. The list should include the customer's name, amount received, check number and any other information available that may assist in proper allocation of the funds. The envelope should also be retained as part of the records. An official City temporary receipt should be prepared, the original going to the customer, one copy should be kept in the area, one should accompany any deposit processed thru the Finance Department, and a copy left intact in the receipt book and returned to the Finance Department.
- Cash must be stored in a safe or other secure place approved by the Auditor's Office until it is deposited.
- Unidentified receipts must be deposited to a depository account approved for such. All reasonable attempts should be made to identify the correct account and transfer the funds.

D. Balancing of Cash Receipts

City of Peachtree Corners Financial Management Policy

- All funds collected must be balanced daily, by mode of payment, by comparing the total of the cash, checks and credit cards to the computerized accounting reports, to the pre-numbered receipts totals, and to the totals of the money received by mail.
- Over/short amounts must be separately recorded, and investigated and resolved to the extent possible as set out in the over/short portion of this policy.

E. Preparation of Deposits

- Checks must be made payable to City of Peachtree Corners, A double calculator tape of the checks should be included with the checks bundled together.
- Cash must be recorded on the deposit slip in the appropriate space.
- Attach a copy of the Transmittal Batch showing transaction totals for credit card receipts.
- Only Depository issued deposit slips including the appropriate account number(s) and sub-code(s) are to be used.
- Someone not involved with collecting the cash, opening the mail or reconciling the deposit must verify the deposit.
- The deposit must be delivered to the Depository by way of Code Enforcement.
- Locking deposit bags are available at the Depository.

E. Reconciliation of Cash Collected

- Balance all cash receipts daily to the accounting system and supporting documentation (daily deposit slip, system receipts, and system reports) and resolve all discrepancies.
- Balance the total monthly receipts to the monthly bank account statements and accounting system monthly reports and resolve all discrepancies.

F. PRE-NUMBERED RECEIPTS

Official City temporary pre-numbered receipt books are issued by the Finance Department

G. EXCEPTIONS

The City Manager must approve any exception to these procedures. For example, in cases where there is not enough staff available to maintain complete separation of duties, an alternate process to safeguard City funds must be established and approved by the City Manager.

G. RECORD RETENTION

All cash receipts and related documents must be maintained in accordance with Record Retention schedules. Accounting reports, deposit slips, credit card receipts, copies of manual cash receipts, etc. should be kept for seven years.

AUDITING

Georgia Law on Local Government Audits, O.C.G.A. Section 36-81-7, requires an independent annual audit for the City. The annual independent audit shall be conducted in accordance with generally accepted auditing standards (GAAS) and generally accepted governmental auditing standards (GAGAS). In addition, the City shall comply with the requirements of the General Accounting Office (GAO) and the Office of Management and Budget (OMB) when audits are conducted relating to federal funding, consistent with the 1996 (and any future) amendments to the Single Audit Act.

A. SCOPE

This policy applies to all funds that are the responsibility and under the management of the City of Peachtree Corners and its Department of Finance.

B. AUDITOR QUALIFICATIONS

A properly licensed Georgia independent public accounting firm shall conduct the audit

C. CHOOSING THE AUDIT FIRM

When necessary, the City will issue a request for proposal to choose an audit firm for a period of five years with two five year renewal options. The City will request two proposals from qualified public accounting firms. One proposal shall contain the firm's costs and a second will contain the firm's qualifications. The cost proposals shall only be opened after three qualified firms are determined. When awarding the contract for the independent audit, not less than 70% of the decision will be based upon technical qualifications rather than cost.

D. AUDITING AGREEMENT

The agreement between the independent auditor and the City shall be in form of a written contract or an engagement letter. The contract or engagement letter shall include the request for proposal as an appendix to the written document and all issues addressed in the request for proposal shall be required as part of the contract or engagement letter.

E. INTERNAL AUDIT

The City shall work towards developing and maintaining a strong internal audit function, whereby applying financial practices and policies to transactions. The City shall develop accounting practices and procedures, which will be documented for use in internal control evaluation.

F. MALFEASANCE AND EMBEZZLEMENT

Any employee will be prosecuted to the extent of the law in any instance where the employee is proven to have committed an illegal act such as theft.

FINANCIAL REPORTING

The Department of Finance shall develop and maintain an ongoing system of financial reporting to meet the information needs of the government, authorities, and regulatory agencies. In addition, the City Manager, Mayor, Council, Department Heads and the public shall have access to reports to allow them to monitor, regulate, and to use as a basis for future financial decisions.

A. COMPREHENSIVE ANNUAL FINANCIAL REPORT

In conjunction with the annual independent audit, the City shall work towards preparing and publishing a Comprehensive Annual Financial Report (CAFR). The City shall prepare the CAFR in conformity with GAAP and the Government Finance Officers Association's (GFOA) program requirements. Annually, the City will submit its CAFR to the GFOA to determine its eligibility to receive the GFOA's "Certificate of Achievement for Excellence in Financial Reporting." The City shall make this report available to the elected officials, bond rating agencies, creditors and citizens. All financial statements and schedules contained within the CAFR shall be audited, with the purpose to effectively communicate the complete financial affairs of the City to all interested readers.

B. ANNUAL BUDGET DOCUMENT

The City shall prepare and publish an annual budget document in accordance with the policies contained within this document. This budget shall measure the annual funding and forecast the financial position of the City for the two subsequent fiscal years.

C. FINANCIAL REPORTING TO THE CITY COUNCIL

On a monthly basis, the Finance Department shall prepare and present a summarized "Statement of Revenues and Expenditures" to the City Council for all of the City's operating funds. This report shall detail prior year comparisons to provide data for analysis.

D. FINANCIAL REPORTING TO THE ADMINISTRATION

In addition to the external reporting detailed above, the Finance Department shall coordinate the reporting needs of each department in order to design and implement those reports which the departments need to make sound business decisions. At a minimum, departments will receive reports detailing monthly department financial activity including expenses, any personnel costs in excess of the approved budget, and recommended budget line-item reallocations.

E. EXTERNAL FINANCIAL REPORTING

The City shall report in conformity with O.C.G.A Section 36-81-7. A copy of the City's annual audit (i.e., the CAFR) shall be submitted to the Georgia Department of Audits and Accounts within 180 days of year-end, as required.

INTERNAL AUDIT

Government managers are responsible for designing and implementing effective internal controls to ensure that assets are safeguarded; records are reliable; reports on operations are sufficient and fairly presented; fraud, waste, and abuse are deterred; and programs, functions, and activities are conducted economically, efficiently, and effectively. Audits help provide reasonable assurance that local governments are operating in accordance with laws, rules, regulations, and policies; responding to citizen needs; and functioning economically, efficiently, and effectively.

By independently reviewing and reporting on programs, functions, activities, and organizations, auditors provide the public, elected officials, and government managers with a fair, objective, and reliable assessment of local government performance.

A. SCOPE

This policy applies to all departments, offices, boards, commissions, agencies, or other activities under the authority of the City Manager, Mayor and City Council. It applies to all internal operations of those entities or activities, as well as contracts, agreements, and all other transactions between the City and external entities (e.g., other federal, state, or local government entities and private sector entities).

B. AUDIT SCHEDULE

Scheduling of audits will be a continuous and dynamic process and provide adequate coverage of the City's programs and operations. Managers are encouraged to work with the Finance Director or Independent Auditor Contractor by suggesting areas or programs for audit or requesting other assistance (e.g., reviewing proposed contract terms and conditions, analyzing alternative approaches, conducting investigative work). Potential audits or other requests will be prioritized based on potential risks, City management requests for coverage in specific areas, public interest in a particular area, and achieving an acceptable mix of audit coverage for all of the City's operations.

C. ACCESS TO EMPLOYEES, RECORDS, AND PROPERTY

All officers and employees of the City shall furnish the Finance Director or Independent Auditor Contractor with unrestricted access to employees, information, and records (including automated data) within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts, and methods of business needed to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the Finance Director or Independent Auditor Contractor to inspect all property, equipment, and facilities within their custody. In addition, all contracts, subcontracts, or other agreements between the City and any outside entity (public or private) shall provide for auditor

access to all revenue, expense, and other financial records; performance-related records; and property, equipment, or other purchases paid for in whole or in part with governmental funds and facilities.

D. REPORTING

A final draft audit report will be forwarded to the audited department, office, board, commission, agency, or other activity and the City Manager for review and comment regarding factual content before it is released. The audited entity must respond in writing and specify agreement with audit findings and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to issues identified, and a time table to complete such activities. The response must be forwarded to the Internal Auditor within 30 calendar days or as otherwise specified by the Finance Director or Independent Auditor Contractor. The final report will include the audited entity's response. If no response is received, the final report will note that fact. Final audit reports, along with a report summary, will be transmitted to the Mayor and City Council and will be made available to the public upon request.

EQUITY POLICY

A. FINANCIAL RESPONSIBILITY

The City will live within its means. All departments supported by the resources of this City must function within the limits of the financial resources identified or available specifically to them. A balance must be maintained between revenues and expenditures, so that the public can realize the benefits of a strong and stable government. It is important to understand that this policy is applied to budget entities over periods of time which extend beyond current appropriations. By law, budgets cannot exceed available resources, defined as revenues generated in the current period added to balances carried forward from prior years. Temporary shortages, or operating deficits, can and do occur, but they are not tolerated as extended trends. The City will not develop a legacy of shortages or a legacy of mixing one-time resources and expect the continued delivery of services, the very reason for which it exists.

B. BUDGET STABILIZATION RESOURCES

The City shall establish a fund balance assignment in the General Fund for working capital purposes. The purposes of working capital is to eliminate cash flow issues, cover the cost of expenditures caused by unforeseen emergencies, cover shortfalls caused by revenue declines, and to eliminate any short-term borrowing for cash flow purposes. This assignment shall accumulate and then be maintained at an amount, which represents the equivalent of approximately twenty five percent (25%) of operating and debt expenditures, including transfers to other funds (i.e. approximately 25% of budgeted General Fund expenditures).

SECTION V. FIXED ASSETS POLICY

A. Fixed Asset Criteria

A fixed asset is defined as a financial resource meeting all of the following criteria:

City of Peachtree Corners Financial Management Policy

1. It is tangible in nature.
2. It has a useful life of greater than two years.
3. It is not a repair part or supply item.
4. It has a value equal to, or greater than, the capitalization threshold of \$5,000.

Keeping an accurate record of the City's fixed assets is important for a myriad of reasons. Some of the most important reasons that the City needs to keep a good record of fixed assets are: for financial statement information, for insurable values, for control and accountability, for maintenance scheduling and cost analysis, for estimating and accounting for depreciation, for preparation of capital and operating budgets, and for debt management.

B. General Policy

1. The Finance Department is responsible for the proper recording, acquisition, transfer, and disposal of all assets city wide. *City property may not be acquired, transferred, or disposed of without first providing proper documentation.* A fixed asset information form must accompany each step. Each Department Head is ultimately responsible for reporting all changes in a timely manner to the Finance Department.

2. Recording of Fixed Assets

Unless otherwise approved by the Finance Officer, all recordable fixed assets must be recorded within 30 calendar days after receipt and acceptance of the asset.

A fixed asset form must be attached to the purchase order before submitting request for payment.

Assets will be capitalized at acquisition cost, including expenses incurred in preparing the asset for use.

Donated assets shall be recorded at fair market value as determined by the Department Head. Fair market value may be defined as, but is not limited to, an average of documented prices for equivalent items from three separate vendors.

The City will recognize acquisition costs based on individual unit prices. Assets should not be grouped. For example, in acquiring equipment, if three pieces of identical equipment items were acquired simultaneously at \$5,000 each, this would not be an asset of \$15,000 consisting of 3 pieces of equipment. Instead, it would be 3 separate acquisitions of \$5,000. Each item would be recorded as a separate controllable item.

For equipment purchases, title is considered to pass at the date the equipment is received. Similarly, for donated assets, title is considered to pass when the asset is available for the agency's use and when the agency assumes responsibility for maintaining the asset.

Constructed assets are transferred from the construction in progress account to the related building, improvements other than buildings, or equipment accounts when they become operational. Constructed buildings, for example, are assumed to be operational when an authorization to occupy the building is issued, regardless of whether or not final payments have been made on all the construction contracts.

3. Acquisition of Fixed Assets

There are various methods by which assets can be acquired. The asset acquisition method determines the basis for valuing the asset. Fixed assets may be acquired in the following ways:

- New purchases
- Donations
- Transfers from other City departments
- City surplus
- Internal/external construction
- Lease purchases
- Trade-in
- Forfeiture or condemnation

4. Lease Purchases

Assets may be lease-purchased through installment purchases (an agreement in which title passes to the City) or through lease financing arrangements (an agreement in which title may or may not pass).

Departments considering a lease purchase must consult with the City Administrator.

5. Transfer of Fixed Assets

A transfer between departments will be treated as a transfer rather than sale. That is, the asset is recorded under the new Department with original acquired date and funding amount.

A fixed asset form must be sent to the Finance Department for all transfers.

6. Sale of Fixed Assets

Sale of fixed assets by a department must be to the highest, responsible bidder and must be conducted by sealed bid or by auction. The sale must be publicized in accordance with state laws.

7. Disposal of Fixed Assets

City of Peachtree Corners Financial Management Policy

When an asset is disposed of, its value is removed from the financial balances reported and from inventory reports; however, the asset record, including disposal information, remains on the master file for three years, in the City's Finance Department, after which time it is purged from the system according to general accepted accounting principles. This preserves an audit trail for disposed items, and facilitates departmental comparisons between actual or historical useful life information with useful life guidelines. Such comparisons permit a more precise definition of an asset's useful life than those provided by the Internal Revenue Service (IRS) or other guidelines initially used.

A disposal action is appropriate only when certain conditions occur resulting in an asset no longer being in the possession of the agency. Assets no longer in use, which remains in the possession of the department, are considered surplus property and not a disposal.

Fixed assets may be disposed of in any one of six ways:

- a. Sale or trade-in
- b. Abandonment/Retirement
- c. Lost or stolen
- d. Transfer
- e. Cannibalization (taking parts and employing them for like uses within the department, such as is often the practice in computer or vehicle maintenance).
- f. Casualty loss

Only when the asset is no longer in possession of the department, due to one of the six reasons listed above, is disposal action appropriate.

Assets are "abandoned" or "retired" when there is no longer any use for them in the Department, they are of no use to any other City department, and they cannot be repaired, transferred, cannibalized, sold, or traded-in. Thus meaning that, there is no safe and appropriate use for the abandoned goods to the City or for others.

Stolen items must be reported to the City Manager and a police report filed. A copy of this report must accompany the disposal record.

Casualty losses must be documented within 24 hours of loss and reported to the Finance Department immediately for follow-up with the City's insurance carrier.

Cannibalized items are considered surplus and are disposed of by noting cannibalization on the disposal record. Ideally, this method will allow departments to look at cannibalized items on the disposal report and assess what surplus parts may be available. Departments will send documentation of items cannibalized to the Finance Department, and all remaining costs and accumulated depreciation will be removed from appropriate asset accounts in the general fixed asset fund.

City of Peachtree Corners Financial Management Policy

All assets no longer in the possession of the department, due to one of these six qualifying conditions and after submission of all appropriate documentation to the Finance Department, will be removed from the master departmental asset file and considered disposed.

Department management is responsible for reviewing disposal reports, evaluating causes and trends leading to disposals, and implementing procedures to more effectively manage and control disposals when the dispositions represent problems, inefficiencies, and/or the incurrence of unnecessary cost.

The Peachtree Corners Public Works Department will not take City property for disposal without the accompaniment of proper documentation.

8. Physical Inventory

An annual physical inventory of all fixed assets will be performed by the Finance Department in conjunction with each department. The inventory will be conducted with the least amount of interruption possible to the department's daily operation. A full report of the results of the inventory will be sent, within 30 days of completion, to all departments for verification and acceptance.

Elections IGA

Department of Community Services
Voter Registration and Elections Division



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gwinnettcounty

February 16, 2017

Kym Chereck, City Clerk
City of Peachtree Corners
147 Technology Parkway, Suite 200
Peachtree Corners, GA 30092

Dear Ms. Chereck:

The Gwinnett County Board of Registration and Elections is preparing to assist Gwinnett County Cities in conducting their 2017 Municipal General Elections. In accordance with recommended guidelines, the Board requests that, if your city wishes to receive assistance, you begin executing the attached Intergovernmental Agreements. The agreement outlines the responsibilities of the City as well as those of the Board.

You must also complete the attached request form to indicate the number of each type of equipment you will use in your election.

Please respond by contacting Kelvin Williams in the Gwinnett County Board of Voter Registration and Elections Office no later than **July 1, 2017** to confirm that you plan to enter into an Agreement with the Board for assistance in the conduct of your 2017 Municipal General Election. This will be your point of contact for all matters relating to items covered within the Agreement. Submissions should be in writing and Cities will receive a written acknowledgement of receipt.

Additionally, we must receive a signed agreement from you no later than **September 1, 2017** in order to prepare our presentation for the Gwinnett County Board of Commissioners. Once the Commission approves, we will forward a signed agreement as soon as possible so that the City may continue with their submission to the United States Department of Justice, if needed.

Thank you for your time and attention.

Lynn Ledford, Director
Gwinnett County Board of Voter Registration and Elections

Enclosures

STATE OF GEORGIA

COUNTY OF GWINNETT

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF _____ AND
THE GWINNETT COUNTY BOARD OF VOTER REGISTRATIONS AND ELECTIONS FOR
CITY ELECTIONS BORROWING ELECTION EQUIPMENT

THIS AGREEMENT entered into between the City of _____, Georgia, a Municipal Corporation, lying within the County of Gwinnett, Georgia, hereinafter referred to as "City" and the Gwinnett County Board of Registrations and Elections, hereinafter referred to as "Board."

WITNESSETH

WHEREAS, the Georgia General Assembly created the Gwinnett County Board of Registrations and Elections having jurisdiction over the conduct of primaries and elections (1988 Ga. Laws, p. 4296, as amended), and provided that the Board was empowered with all the powers and duties relating to the conduct of elections and registration of voters as election superintendent and board of registrars pursuant to the provisions of Title 21 of the Official Code of Georgia; and

WHEREAS, pursuant to 1988 Ga. Laws, p. 4296, as amended, the Board has the authority to contract with any municipal corporation located within Gwinnett County for the holding by the Board of any primary or election to be conducted within the municipal corporation; and

WHEREAS, recommended guidelines of the Secretary of State concerning municipal use of election equipment recommend that cities and counties enter into intergovernmental agreements outlining the responsibilities and obligations of the election superintendent of the city and the election superintendent of the county; and

WHEREAS, the City and the Board, in the performance of their electoral functions, desire to enter into this contract outlining the duties and obligations of each party to this Agreement in the conduct of any 2017 Municipal Elections for the citizens of the City (hereinafter referred to as the "City Election") as hereinafter described; and

NOW, THEREFORE, in consideration of the premises contained herein, the sufficiency of which is hereby acknowledged, it is hereby agreed by the City and the County as follows:

(I) Conduct of City Election

This Agreement shall govern the use of the Board's Election Equipment by the City for the specified City Election. It is the intent of the parties that the use of the Election Equipment in conduct of the City Election shall be in compliance with all applicable federal, state and local legal requirements.

(2) Term of Agreement

The duties and obligations to be performed pursuant to this Agreement shall commence on _____, 2017 and end on December 31, 2017.

(3) Duties and Responsibilities

As used in this subsection the term "City" shall be construed to include the City's designee, agent, or authorized representative. The term "Board" shall be construed to include the Board's designee, agent, or authorized representative.

(a) City

1. The City will be responsible for ordering any and all ballots from its vendor.
2. The City will be responsible for contracting with State approved vendors for programming election equipment and creating Absentee by mail ballots, Provisional voting ballots, Challenge voting ballots and Election Day voting and Advance in person voting.
3. The City will be responsible for obtaining all material forms for the conduct of the election from the Secretary of State's Election Division.
4. The City will be responsible for complying with any and all bilingual election requirements in accordance § 203 of the Voting Rights Act including but not limited to translation and dissemination of election-related materials, Spanish language assistance, and appropriate election/poll official training.
5. The City shall provide the Board with a written request indicating specifically the number of Direct Record Electronic Voting Units (hereinafter referred to as DRE Units) the City needs to borrow 60 days prior to election date.
6. The City shall be responsible for obtaining, if needed, Optical Scan Voting Units (hereinafter referred to as "OS Units") for use in scanning and tabulation of absentee, challenge, advance in person and provisionally voted ballots.
7. The City shall mark voters on the paper Electors List that is provided by the Board.
8. The City will use a DRE Unit for card creating purposes.
9. The City will be responsible for and will conduct its own Logic and Accuracy Testing on all equipment.
10. The City will be responsible for hiring and training its own poll officials.
11. The City will be responsible for any training of its staff through Kennesaw State University Center for Elections (hereinafter referred to as "KSU") and/or the Secretary of State's Office.
12. The City will be responsible for conducting all aspects of the City Election.
13. The City will be responsible for certifying its own election results using the tapes printed from the DRE Units and the OS Units.

(b) Board and/or Elections Supervisor

1. The Board shall provide the City with a paper Electors List to be used for marking voters.
2. The Board shall provide the City with the specified number of units requested, including peripherals including the voters with disability kit and thermal tape used in the units for tabulation of results.

(c) The Board and the City agree to mutually discuss and schedule dates and times for the City to pick-up the DRE Units. The Board and the City further agree to mutually set a date and time the City will return the DRE Units, to the Board.

(4) Costs

Any and all costs associated with the conduct of the City Election shall be the responsibility of the City.

(5) Legal Responsibilities

To the extent permitted under Georgia Law, the City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to the City Election.

(6) Miscellaneous

(a) The terms of this Agreement shall not be altered, amended, or modified except in writing signed by duly authorized officers or representatives of the parties.

(b) This Agreement shall be construed under the laws of the State of Georgia.

(c) If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Agreement shall be declared invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not be construed to affect the portions of this Agreement not held to be invalid.

(d) Any notice of communications hereunder shall be in writing, addressed as follows:

City: _____

Board: Kelvin Williams, Elections Coordinator
75 Langley Drive
Lawrenceville, GA 30046
kelvin.williams@gwinnettcountry.com

(e) This Agreement shall be exclusively for the benefit of the City and the Board and shall not provide any third parties with any remedy, claim, liability, reimbursement, cause of action, or other right.

(f) The performance of either party hereunder shall be excused if such party is reasonably precluded from performance by the occurrence of an Uncontrollable Circumstance, which shall be defined as follows: Any act, event, or condition, or any combination thereof, that is beyond the reasonable control of the party relying on the same and that materially interferes with the performance of the party's obligations, to include, but not be limited to, (a) acts of God; (b) fire, flood, hurricane, tornado, and earthquakes; (c) the failure of any utility provider to provide and maintain utility services through no fault of the party; and (d) the preemption, confiscation, diversion, destruction, or other interference in possession or performance or supply of materials or services, by or on behalf of, or with the

authority of, a governmental body in connection with a declared or asserted public emergency by an entity other than one of the parties.

- (g) Each of the individuals who execute this Agreement agrees and represents that he or she is authorized to execute this Agreement on behalf of the respective party.

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals this ____ day of _____, 2017.

City of _____:

By: _____, Mayor

Attest:

City Clerk, Seal

Gwinnett County Board of Registrations and Elections:

By: Stephen Day, Chair

Attest:

Lynn Ledford, Elections Supervisor

For the City of _____

Completed By: _____

Date: _____

Please complete the Number Requested column to indicate the requested amount of each item.

Election Equipment	Number Requested
DRE (Direct Record Electronic) Voting Unit Includes power cord, privacy panel, and thermal tape.	
InPerson Absentee Voting	
Election Day Voting	
Optical Scan Unit Includes power cord, printer ribbon, and tape.	

Memory Cards	Number Requested
DRE Memory Cards	
InPerson Absentee Voting	
Election Day Voting	
OS Memory Cards	
Absentee Voting	
Election Day Voting	
Provisional Voting	

Miscellaneous Necessary Components	Number Requested
VWD (Voter With Disability) Kit	
Voter Access Cards	
Supervisor Cards	
Keys for DRE Unit	
Security Cable with Lock and Key	

R2017-04-74

GEORGIA CITIES WEEK
April 23-29, 2017

A RESOLUTION OF THE CITY OF PEACHTREE CORNERS
RECOGNIZING GEORGIA CITIES WEEK, APRIL 23-29, 2017 AND
ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND
CORRESPONDING ACTIVITIES.

WHEREAS, city government is the closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Georgia Cities Week is a very important time to recognize the important role played by city government in our lives; and

WHEREAS, Georgia Cities Week offers an important opportunity to spread the word to all the citizens of Georgia that they can shape and influence this branch of government which is closest to the people; and

WHEREAS, the Georgia Municipal Association and its member cities have joined together to teach students and other citizens about municipal government through a variety of different projects and information; and

WHEREAS, Georgia Cities Week offers an important opportunity to convey to all the citizens of Georgia that they can shape and influence government through their civic involvement.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY OF PEACHTREE CORNERS DECLARES APRIL 23-29, 2017 AS GEORGIA CITIES WEEK.

BE IT FURTHER RESOLVED THAT THE CITY OF PEACHTREE CORNERS ENCOURAGES ALL CITIZENS, CITY GOVERNMENT OFFICIALS AND EMPLOYEES TO DO EVERYTHING POSSIBLE TO ENSURE THAT THIS WEEK IS RECOGNIZED AND CELEBRATED ACCORDINGLY.

RESOLVED this the 18th day of April, 2017.

Approved:

Mike Mason, Mayor

ATTEST:

_____(SEAL)
Kym Chereck, City Clerk

R2017-04-75

A RESOLUTION OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO RATIFY THE EIGHTH AMENDMENT TO SALE CONTRACT AND FINAL CLOSING DOCUMENTS AND AGREEMENTS FOR THE DEVELOPMENT AND THE SALE OF TOWN CENTER PROPERTY, TO APPROVE THE CHAIRMAN'S EXECUTION OF CLOSING DOCUMENTS AND AGREEMENTS, AND TO REAFFIRM THE CITY'S FINANCIAL COMMITMENT TO THE TOWN CENTER PROJECT.

WHEREAS, the Downtown Development Authority of the City of Peachtree Corners owned certain real property consisting of 19.689 acres on Peachtree Parkway and Medlock Bridge Road within the City to be developed for the purpose of promoting trade commerce, industry and employment opportunities in the downtown business district of the City (the "Town Center Property"); and

WHEREAS, the Authority and the City have made a finding of fact in favor of, and the City passed a zoning ordinance enabling, the development of the Property for a mix of uses of which is in the public interest and is a project in furtherance of the Authority's purposes; and

WHEREAS, the Authority entered that certain Purchase and Sale Contract dated March 24, 2015 with Fuqua Acquisitions II, LLC ("Fuqua"), as amended by eight Amendments to Purchase and Sale Contract, dated June 18, 2015, August 21, 2015, September 4, 2015, September 9, 2015, September 24, 2015, March 4, 2016, November 28, 2016 and February 22, 2017 (the "Sale Contract"), and assigned by Fuqua to Fuqua BCDC Peachtree Corners Project Owner, LLC ("Fuqua Project Owner") for the sale of approximately eleven (11) acres (the "DDA Sale Property") out of the Property, and the mixed used development by Fuqua Project Owner for the Authority and the City of most of the remainder of the Property (the "Town Center Project"); and

WHEREAS, the Authority adopted Resolutions 2017-001 through 2017-005 approving documents related to the sale of the Town Center Property including the following: Ingress, Egress, and Reciprocal Easements Agreements; Site Development Agreement; Third Amendment to Access Easement and Landscaping Agreement; Joint Escrow Agreement; and Repurchase Agreement; and

WHEREAS, the Authority's actions are supported by the City through agreement and by adoption of Resolution 2013-05-11 in order to, among other things, ensure that funding is provided for the Town Center project; and

WHEREAS, the City Council wishes to affirm the actions of the Authority with regard to the Town Center Property, and endorse the agreements that have been made in furtherance of the Town Center Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEACHTREE CORNERS, that the documents associated with the sale and development of the Town Center Property, including the Site Development

**STATE OF GEORGIA
CITY OF PEACHTREE CORNERS**

RESOLUTION 2017-04-75

Agreement executed as of February 28, 2016 by the Mayor on behalf of the City, and Sales Contract, the Site Development Agreement and Grant of Ingress, Egress

and Reciprocal Easements and Restrictions and all other associated agreements executed by the Authority Chairman on behalf of the Authority as of February 28, 2017 are hereby ratified and approved by the City. The City further affirms its financial commitment to the Town Center project as previously stipulated in bond documents and through the agreements approved by the City and the Authority and executed by its Mayor and Chairman, respectively.

SO RESOLVED AND EFFECTIVE, this the 18th day of April, 2017.

Attest:

Approved:

Kym Chereck, City Clerk

Mike Mason, Mayor

Seal

R2017-04-76

**CITY OF PEACHTREE CORNERS
COUNTY OF GWINNETT, STATE OF GEORGIA**

RESOLUTION 2017-04-76

A RESOLUTION OF THE CITY OF PEACHTREE CORNERS SUPPORTING A GEORGIA DEPARTMENT OF TRANSPORTATION PROPOSED PROJECT TO IMPROVE INTERSECTION SAFETY AND OPERATIONS AT STATE ROUTE 140 & SPALDING DRIVE.

WHEREAS, the intersection of State Route 140 (Holcomb Bridge Road) and Spalding Drive experiences significant safety and operational issues; and

WHEREAS, congestion at this location has been increasing for many years and is projected to increase, exacerbating the current situation; and

WHEREAS, a traffic improvement that addresses these safety and operational issues is needed in the near future; and

WHEREAS, the Georgia Department of Transportation has a project with proposed improvements that has been presented on a concept level to the various municipal partners that share jurisdiction of this location; and

NOW, THEREFORE BE IT RESOLVED THAT THE CITY OF PEACHTREE CORNERS DECLARES ITS FULL SUPPORT TO THE GEORGIA DEPARTMENT OF TRANSPORTATION IN ITS EFFORTS TO IMPROVE SAFETY AND REDUCE CONGESTION AT THIS VITAL LOCATION.

RESOLVED this the 18th day of April, 2017.

Approved:

Mike Mason, Mayor

ATTEST:

Kym Chereck, City Clerk (SEAL)

02017-04-88

**AN ORDINANCE TO AMEND THE CITY OF PEACHTREE CORNERS ZONING MAP
PURSUANT TO PH2017-004, CHUY’S AT TOWN CENTER BUILDING ELEVATIONS,
REQUEST TO APPROVE BUILDING ELEVATIONS FOR A RESTAURANT
BUILDING LOCATED AT THE TOWN CENTER IN THE 5400 BLOCK OF
PEACHTREE PARKWAY, DIST. 6, LAND LOT 301, PEACHTREE CORNERS, GA**

WHEREAS: Notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

WHEREAS: Public Hearings were held by the Mayor and City Council of Peachtree Corners on April 18, 2017 and May 16, 2017;

NOW THEREFORE, The Mayor and City Council of the City of Peachtree Corners while in Regular Session on May 16, 2017 do hereby ordain and approve Public Hearing Case PH2017-003, Town Center Building Elevations, for the above referenced property.

Effective this 16th day of May, 2017.

So Signed and Witnessed

this _____ day of _____, 2017

Attest:

Approved:

Kymberly Chereck, City Clerk

Mike Mason, Mayor

02017-04-89

**AN ORDINANCE AMENDING THE STREAM BUFFER PROTECTION ORDINANCE
(CHAPTER 18 – ENVIRONMENT, ARTICLE III) FOR THE CITY OF PEACHTREE
CORNERS, GEORGIA**

WHEREAS, the City of Peachtree Corners is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the Environmental Protection Division of the State of Georgia has promulgated a suggested model Ordinance for stream buffer protection which the Council finds is the best way to preserve the natural stream buffers in the City and protect the environment; and

WHEREAS, the Mayor and City Council find that the health, safety and welfare of the citizens of the City will be better preserved and protected by the adoption of the suggested model stream buffer protection ordinance.

NOW THEREFORE, Mayor and City Council of the City of Peachtree Corners hereby adopt the Stream Buffer Protection Ordinance to read in its entirety as follows:

SECTION 1. FINDINGS AND PURPOSES

1.1. Findings

Whereas, the Mayor and City Council of the City of Peachtree Corners finds that buffers adjacent to streams provide numerous benefits including:

- (1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources
- (2) Removing pollutants delivered in urban stormwater
- (3) Reducing erosion and controlling sedimentation
- (4) Protecting and stabilizing stream banks
- (5) Providing for infiltration of stormwater runoff
- (6) Maintaining base flow of streams
- (7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem
- (8) Providing tree canopy to shade streams and promote desirable aquatic habitat
- (9) Providing riparian wildlife habitat
- (10) Furnishing scenic value and recreational opportunity
- (11) Providing opportunities for the protection and restoration of greenspace

1.2. Purposes

It is the purpose of this Ordinance is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

- (1) Create buffer zones and impervious setbacks along the streams of City of Peachtree Corners for the protection of water resources; and,
- (2) Minimize land development within such buffers and development within such impervious setbacks by establishing buffer and setback zone requirements and by requiring authorization for any such activities.

SECTION 2. DEFINITIONS

“**Buffer**” means a natural or enhanced vegetated area (established by Section 4.1 below)

“**City**” means the City of Peachtree Corners

“**Community Development Director**” means the Community Development Director of the city or his/her designee.

“**Ephemeral Stream**” means a stream that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year-round; for which groundwater is not a source of water; and for which temporary runoff from precipitation is the primary source of water flow.

“**Impervious Cover**” means those areas, which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to land development. Impervious cover includes, but is not limited to, rooftops, buildings, parking lots, driveways, streets, roads, decks (other than elevated slatted decks), swimming pools, patio areas, paved storage areas, compacted gravel areas, awnings and any concrete or asphalt areas.

“**Impervious Setback**” means the setback area defined in Sec. 5 below.

“**Floodplain**” means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

“**Land Development**” means any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

“**Land Development Activity**” means those actions or activities which comprise, facilitate or result in land development.

“**Land Disturbance**” means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

“Land Disturbance Activity” means those actions or activities which comprise, facilitate or result in land disturbance.

“Parcel” means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

“Permit” means the permit issued by the city required for undertaking any land development or land disturbance activity

“Person” means any individual, partnership, firm, association, joint venture, public or private corporation, limited liability company, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

“Protection Area” or “Stream Protection Area” means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

“Riparian” means belonging or related to the bank of a river, stream, lake, pond or impoundment.

“Setback” means, with respect to a stream, the area established by Section 4.1.2 extending beyond any buffer applicable to the stream.

“State waters” means, any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon a parcel.

“Stream” means any natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground,

“Stream Channel” means the confining cut of ground surface that contains the base flow of a stream and is identified at a point where the water flow has wrested the vegetation.

“Unusual Circumstances” means (i) the shape, topography or other physical conditions of the parcel prevents land development in a manner consistent with similar situated properties within the proximity of the parcel; (ii) circumstances constituting force majeure; or (iii) any rehabilitation or reconstruction by a parcel owner of an impervious cover existing within the buffer described in Section 4.2.2.6 below.

“Watershed” means the land area that drains into a stream.

“Wrested Vegetation” means the point adjacent to the edge of the base flow of a stream or the water surface of a lake where vegetation has been moved or wrested as a result of normal stream flow or wave action.

SECTION 3. APPLICABILITY

This ordinance shall apply to all land development and land disturbance activity on any parcel containing a stream protection area. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer

requirements established under state law or from other applicable local, state or federal regulations.

3.1. Grandfather Provisions

This ordinance shall not apply to the following activities:

- (1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance.
- (2) Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, and other land disturbance activities not requiring permits under this ordinance or any other provision of the code; provided, however, any new land development or land disturbance activities on such properties shall be subject to this ordinance.
- (3) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance.
- (4) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this ordinance.

3.2. Exemptions

The following specific activities are exempt from this ordinance. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

- (1) Activities for the purpose of building one of the following:
 - (a) a stream crossing by a driveway, transportation route or utility line;
 - (b) public water supply intake or public wastewater outfall structures;
 - (c) intrusions necessary to provide access to a parcel;
 - (d) public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 - (e) unpaved foot trails and paths;
 - (f) activities to restore and enhance stream channel and bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used; or
 - (g) the removal of dead, dying, diseased, or hazardous trees, provided, however, no grading or stump removal shall be conducted.
- (2) Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or

other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Item 3.2.1., above.

- (3) Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.
- (4) Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
- (5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the Peachtree Corners Community Development Department on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time-period as may be determined by the Peachtree Corners Community Development Department to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
- (6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.
- (7) Projects defined in O.C.G.A. 12-7-17(3) that would be considered minor land-disturbing activities that are exempt from the Georgia Soil and Sedimentation Act:
"Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion."

After the effective date of this ordinance, the buffer requirements and the setback requirements stipulated herein shall apply to new subdivisions and site plans or any other construction, land development or land disturbances in the proximity of a stream, whether or not the stream is located within the parcel where the activity is proposed.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 4.2 below.

SECTION 4. LAND DEVELOPMENT REQUIREMENTS

4.1 Buffer and Setback Requirements

All land development and land disturbance activity subject to this ordinance shall meet the following requirements:

- (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
- (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

4.2 Variance Procedures

Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

- (1) Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the Peachtree Corners Community Development Department finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the Zoning Board of Appeals of the City of Peachtree Corners may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.
- (2) Except as provided above, the Zoning Board of Appeals of the City of Peachtree Corners shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Zoning Board of Appeals. The City of Peachtree Corners shall give public notice of each such public hearing in the city's Legal Organ. The City shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way. Variances will be considered only in the following cases:
 - (a) When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.
 - (b) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

- (3) At a minimum, a variance request shall include the following information:
 - (a) A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;

- (b) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - (c) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - (d) Documentation of unusual hardship should the buffer be maintained;
 - (e) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 - (f) A calculation of the total area and length of the proposed intrusion;
 - (g) A stormwater management site plan, if applicable; and,
 - (h) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- (4) The following factors will be considered in determining whether to issue a variance:
- (a) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - (b) The locations of all streams on the property, including along property boundaries;
 - (c) The location and extent of the proposed buffer or setback intrusion; and,
 - (d) Whether alternative designs are possible which require less intrusion or no intrusion;
 - (e) The long-term and construction water-quality impacts of the proposed variance;
 - (f) Whether issuance of the variance is at least as protective of natural resources and the environment.

SECTION 5. COMPATIBILITY WITH OTHER BUFFER REGULATIONS AND REQUIREMENTS

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence, which includes but is not limited to the following:

Metropolitan River Protection Act and Chattahoochee Corridor Plan

Requires a 50-foot undisturbed vegetative buffer and 150-foot impervious surface setback on the Chattahoochee River and its impoundments and a 35-foot undisturbed vegetative buffer (all measured from the edge of the water) on perennial tributary streams in a Corridor extending

2000 feet from either bank of the river and its impoundments. The Corridor extends from Buford Dam to the downstream limits of the Atlanta region (Douglas and Fulton Counties).

DNR Part 5 Criteria for Small (under 100 square miles) Water Supply Watersheds

Authorized under Part V of the Georgia Planning Act of 1989, these criteria require 100-foot undisturbed buffers and 150-foot setbacks on all perennial streams within 7 miles upstream of a public water supply reservoir or public water supply intake. Beyond 7 miles, the required buffer is 50 feet and the required setback is 75 feet.

DNR Part 5 Criteria for River Protection

Authorized under the 1991 Mountains and River Corridors Protection Act of 1991, these criteria require a 100-foot buffer along rivers with average annual flows of greater than 400 cfs (excepting the portion of the Chattahoochee referenced above). The buffer is measured from the top of the stream bank.

SECTION 6. ADDITIONAL INFORMATION REQUIREMENTS FOR DEVELOPMENT ON BUFFER ZONE PROPERTIES

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

- (1) A site plan showing:
 - (a) The location of all streams on the parcel or on adjacent parcels within seventy-five (75) feet of the boundary of the subject parcel;
 - (b) Limits of required stream buffers and setbacks on the parcel;
 - (c) Buffer zone topography with contour lines at no greater than five (5)-foot contour intervals;
 - (d) Delineation of forested and open areas in the buffer zone; and,
 - (e) Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;
 - (f) Detailed plans of all proposed land development in the buffer and setback and of all proposed land disturbance within the setback; and
 - (g) Tree save fencing at the limits of the proposed disturbance where the proposed disturbance is within or adjacent to the stream protection area.
- (2) A written description of the need for all proposed land development within the buffer and setback and land disturbance in the setback; and,
- (3) Any other documentation that the city may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval.

SECTION 7. RESPONSIBILITY

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the city, its elected officials, officers or employees, for injury or damage to persons or property. All permits issued by the city which do not comply with this ordinance are ultra vires and the work permitted thereby is subject to both a stop work order and order to remediate the land disturbance so permitted without the imposition of any liability upon the city, its elected officials, officers or employees, for injury or damage to persons or property

SECTION 8. INSPECTION

The city may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The holder of the permit shall assist the city in making such inspections. The city shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development or land disturbance activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

SECTION 9. VIOLATIONS, ENFORCEMENT AND PENALTIES

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

9.1. Notice of Violation

If the city determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the

appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the parcel.

The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the Zoning Board of Appeals by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety; 24 hours' notice shall be sufficient).

9.2. Enforcement

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the city shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the city may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) **Stop Work Order** - The city may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
- (2) **Withhold Certificate of Occupancy** - The city may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) **Suspension, Revocation or Modification of Permit** - The city may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or

modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the city may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

- (4) **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the city deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the city has taken one or more of the actions described above, the city may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the city may issue a citation to the applicant or other responsible person, requiring such person to appear in Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

SECTION 10. ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW

10.1 Administrative Appeal

Any person aggrieved by a decision or order of Peachtree Corners Community Development Department, may appeal in writing within 30 days after the issuance of such decision or order to the City Manager and shall be entitled to a hearing before the Zoning Board of Appeals of the City of Peachtree Corners within 90 days of receipt of the written appeal.

10.2 Judicial Review

Any person aggrieved by a decision or order of the city, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Gwinnett County.

SECTION 11. SEVERABILITY

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Approved by:

Kym Chereck, City Clerk

Mike Mason, Mayor

SEAL

02017-04-90

**AN ORDINANCE AMENDING THE FLOODPLAIN MANAGEMENT/ FLOOD
DAMAGE PREVENTION ORDINANCE (CHAPTER 26 FLOODS) FOR THE CITY OF
PEACHTREE CORNERS, GEORGIA**

WHEREAS, the City of Peachtree Corners is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the Environmental Protection Division of the State of Georgia has promulgated a suggested Model Ordinance for Floodplain Management and Flood Damage Protection which the Council finds is the best way to preserve the floodplain areas in the City and protect the environment; and

WHEREAS, the Mayor and City Council find that the health, safety and welfare of the citizens of the City will be better preserved and protected by the adoption of the suggested model floodplain management ordinance.

NOW THEREFORE, Mayor and City Council of the City of Peachtree Corners hereby adopt the Floodplain Management/ Flood Damage Prevention Ordinance to read in its entirety as follows:

INTRODUCTION

It is hereby determined that:

The flood hazard areas of the City of Peachtree Corners are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.

Effective floodplain management and flood hazard protection activities can

- (1) Protect human life and health;
- (2) Minimize damage to private property;
- (3) Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and
- (4) Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Peachtree Corners, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

SECTION 1. GENERAL PROVISIONS

1.1 Purpose and Intent

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,
- (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

1.2 Applicability

This ordinance shall be applicable to all Areas of Special Flood Hazard within the City of Peachtree Corners.

1.3 Designation of Ordinance Administrator

The Community Development Director or his/her designee is hereby appointed to administer and implement the provisions of this ordinance.

1.4 Basis for Area of Special Flood Hazard – Flood Area Maps and Studies

For the purposes of this ordinance, the following are adopted by reference:

- (1) The Flood Insurance Study (FIS) for Gwinnett County, dated March 4, 2013, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.
- (2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood-prone areas include:
 - (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to the City of Peachtree Corners; or
 - (b) Any base flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology and approved by City of Peachtree Corners.
- (3) Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:
 - (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, State or Federal agency applicable to the City of Peachtree Corners; or
 - (b) Any future-conditions flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology approved by City of Peachtree Corners.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Peachtree Corners City Hall.

1.5 Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.

1.6 Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

1.7 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part

of the City of Peachtree Corners or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

SECTION 2. DEFINITIONS

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered New Construction.

"Appeal" means a request for a review of the (appointed official)'s interpretation of any provision of this ordinance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of Special Flood Hazard" is the land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas as referenced in Section 1.4. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

"Base Flood Elevation" means the highest water surface elevation anticipated at any given point during the base flood.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Existing Construction" Any structure for which the "start of construction" commenced before (a specific date) [i.e., the effective date of the FIRST floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before a specific date [i.e., the effective date of the FIRST floodplain management regulations adopted by a community].

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"FEMA" means the Federal Emergency Management Agency.

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters; or
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map" or **"FHBM"** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map" or **"FIRM"** means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study" or **"FIS"** means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

"Floodplain" means any land area susceptible to flooding.

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" or **"Regulatory Floodway"** means the channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

"Future Conditions Flood" means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

"Future-conditions Flood Elevation" means the flood standard equal to or higher than the Base Flood Elevation. The Future-conditions Flood Elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

"Future-conditions Floodplain" means any land area susceptible to flooding by the future-conditions flood.

"Future-conditions Hydrology" means the flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

"Historic Structure" means any structure that is;

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

"Manufactured Home" means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure (see definition) for which the "start of construction" commenced after April 24, 2017 and includes any subsequent improvements to the structure. [* i.e., the effective date of the FIRST floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)].

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after (* specific date) [i.e., the effective date of the first floodplain management regulations adopted by a community].

"North American Vertical Datum (NAVD) of 1988" is a vertical control used as a reference for establishing varying elevations within the floodplain.

"Owner" means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

"Permit" means the permit issued by the City of Peachtree Corners to the applicant which is required prior to undertaking any development activity.

"Recreational Vehicle" means a vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by light duty truck; and,
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Site" means the parcel of land being developed, or the portion thereof on which the development project is located.

"Start of Construction" means the date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Subdivision" means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.

"Substantially Improved Existing Manufactured Home Park or Subdivision" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

SECTION 2. PERMIT PROCEDURES AND REQUIREMENTS

2.1 Permit Application Requirements

No owner or developer shall perform any development activities on a site where an Area of Special Flood Hazard is located without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Unless specifically excluded by this ordinance, any landowner or developer desiring a permit for a development activity shall submit to the City of Peachtree Corners a permit application on a form provided by the City of Peachtree Corners for that purpose.

No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this ordinance.

2.2 Floodplain Management Plan Requirements

An application for a development project with any Area of Special Flood Hazard located on the site will be required to include a floodplain management / flood damage prevention plan. This plan shall include the following items:

- (1) Site plan drawn to scale, which includes but is not limited to:
 - (a) Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
 - (b) For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
 - (c) Proposed locations of water supply, sanitary sewer, and utilities;
 - (d) Proposed locations of drainage and stormwater management facilities;
 - (e) Proposed grading plan;
 - (f) Base flood elevations and future-conditions flood elevations;
 - (g) Boundaries of the base flood floodplain and future-conditions floodplain;
 - (h) If applicable, the location of the floodway; and
 - (i) Certification of the above by a registered professional engineer or surveyor.
- (2) Building and foundation design detail, including but not limited to:
 - (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
 - (c) Certification that any proposed non-residential floodproofed structure meets the criteria in Section 4.2(2);
 - (d) For enclosures below the base flood elevation, location and total net area of foundation openings as required in Section 4.1(5).
 - (e) Design plans certified by a registered professional engineer or architect for all proposed structure(s).
- (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- (4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, Special Flood Hazard Areas and

regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;

- (5) Copies of all applicable State and Federal permits necessary for proposed development; and
- (6) All appropriate certifications required under this ordinance.

The approved floodplain management / flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

2.3 Construction Stage Submittal Requirements

For all new construction and substantial improvements on sites with a floodplain management / flood damage prevention plan, the permit holder shall provide to the Community Development Director a certified as-built Elevation Certificate or Floodproofing Certificate for non-residential construction including the lowest floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. A final Elevation Certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Community Development Director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

2.4 Duties and Responsibilities of the Administrator

Duties of the Community Development Director shall include, but shall not be limited to:

- (1) Review all development applications and permits to assure that the requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- (2) Require that copies of all necessary permits from governmental agencies from which approval is required by Federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, be provided and maintained on file;
- (3) When Base Flood Elevation data or floodway data have not been provided, then the Community Development Director shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other sources in order to meet the provisions of Sections 3 and 4;

- (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
- (5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;
- (6) When flood-proofing is utilized for a non-residential structure, the Community Development Director shall obtain certification of design criteria from a registered professional engineer or architect;
- (7) Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (8) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the Community Development Director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and,
- (9) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Community Development Director and shall be open for public inspection.

SECTION 3. STANDARDS FOR DEVELOPMENT

3.1 Definition of Floodplain Boundaries

- (1) Studied “A” zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
- (2) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the City of Peachtree Corners. If future-conditions elevation data is not available from the City of Peachtree Corners, then it shall be determined by a registered professional engineer using a method approved by FEMA and the City of Peachtree Corners.

3.2 Definition of Floodway Boundaries

- (1) The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the City of Peachtree Corners. If floodway data is not available from the City of Peachtree Corners, then it shall be determined by a registered professional engineer using a method approved by FEMA and the City of Peachtree Corners.

3.3 General Standards

- (1) No development shall be allowed within the future-conditions floodplain that could result in any of the following:
 - (a) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
 - (b) Reducing the base flood or future-conditions flood storage capacity;
 - (c) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,
 - (d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (2) Any development within the future-conditions floodplain allowed under (1) above shall also meet the following conditions:
 - (a) Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
 - (b) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
 - (c) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
 - (d) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 3.4;
 - (e) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
 - (f) Any significant physical changes to the base flood floodplain shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the City of Peachtree Corners using the Community Consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant.

Within six months of the completion of construction, the applicant shall submit as-built surveys for a final Letter of Map Revision (LOMR).

3.4 Engineering Study Requirements for Floodplain Encroachments

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of Section 4.4 apply. This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the City of Peachtree Corners prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

- (1) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (2) Step-backwater analysis, using a FEMA-approved methodology approved by the City of Peachtree Corners. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;
- (3) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;
- (4) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

3.5 Floodway Encroachments

Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in (2) below.
- (2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and,
- (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the City of

Peachtree Corners until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and no-rise certification is approved by the City of Peachtree Corners.

3.6. Maintenance Requirements

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The City of Peachtree Corners may direct the property owner (at no cost to the City of Peachtree Corners) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the City of Peachtree Corners.

SECTION 4. PROVISIONS FOR FLOOD DAMAGE REDUCTION

4.1. General Standards

In all Areas of Special Flood Hazard the following provisions apply:

1. New construction of principal buildings (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sections 4.3, 4.4 and 4.5 have been met;
2. New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
3. New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
5. Elevated Buildings - All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and,
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
 - a. So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,

- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
6. (All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
7. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;
8. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
9. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
10. On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding; and,
11. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.
12. If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

4.2. Building Standards for Structures and Buildings Within the Future-Conditions Floodplain

The following provisions, in addition to those in Section 4.1, shall apply:

1. Residential Buildings
 - a. New construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 4.3, 4.4 and 4.5 have been met. If all of the requirements of Sections 4.3, 4.4 and 4.5 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 4.1(5).
 - b. Substantial Improvements. Substantial improvement of any principal structure or manufactured home shall have the lowest floor, including basement, elevated no

lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 4.1(5).

2. Non-Residential Buildings

- a. New construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 4.3, 4.4 and 4.5 have been met. New construction that has met all of the requirements of Sections 4.3, 4.4 and 4.5 may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Community Development Director.
- b. Substantial Improvements. Substantial improvement of any principal non-residential structure located in A1- 30, AE, or AH zones, may be authorized by the Community Development Director to be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Community Development Director.

3. Accessory Structures and Facilities

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with Section 5.1(5) and be anchored to prevent flotation, collapse or lateral movement of the structure.

4. Standards for Recreational Vehicles

All recreational vehicles placed on sites must either:

- a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

- b. The recreational vehicle must meet all the requirements for Residential Buildings—Substantial Improvements (Section 5.2(1)(b)), including the anchoring and elevation requirements.

5. Standards for Manufactured Homes

- a. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sections 4.3, 4.4 and 4.5 have been met.
- b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
 - i. The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or
 - ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
- c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Section 5.1(7).

4.3 Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain

- 1. Residential Buildings – For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.
- 2. Non-Residential Buildings – For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one (1) foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

4.4 Building Standards for Residential Single-Lot Developments on Streams Without Established Base Flood Elevations and/or Floodway (A-Zones)

For a residential single-lot development not part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the Community Development Director shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a Federal, State, local or other source, in order to administer the provisions and standards of this ordinance.

If data are not available from any of these sources, the following provisions shall apply:

- 1. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.

2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Section 5.1(5).

4.5 Building Standards for Areas of Shallow Flooding (AO-Zones)

Areas of Special Flood Hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. In these areas the following provisions apply:

1. All substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number in feet specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 5.1(5).
2. Substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,
3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

4.6 Standards for Subdivisions

1. All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data;
2. All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;
3. All subdivision plans will provide the elevations of proposed structures in accordance with Section 3.2.
4. All subdivision proposals shall be consistent with the need to minimize flood damage;
5. All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters; and,

6. All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the City of Peachtree Corners to reduce potential exposure to flood hazards.

SECTION 5. VARIANCE PROCEDURES

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this ordinance. A request for a variance may be submitted by an applicant who has been denied a permit by the City of Peachtree Corners, or by an owner or developer who has not previously applied for a permit for the reasons stated herein above.

1. Requests for variances from the requirements of this ordinance shall be submitted to the City of Peachtree Corners. All such requests shall be heard and decided in accordance with procedures to be published in writing by the City of Peachtree Corners. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
2. Any person adversely affected by any decision of the City of Peachtree Corners shall have the right to appeal such decision to the Zoning Board of Appeals as established by the City of Peachtree Corners in accordance with procedures to be published in writing by the Zoning Board of Appeals. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
3. Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Superior Court of Gwinnett County as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
4. Variances may be issued for the repair or rehabilitation of Historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.
5. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. In reviewing such requests, the City of Peachtree Corners and Zoning Board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
8. Conditions for Variances:
 - a. A variance shall be issued only when there is:
 - i. a finding of good and sufficient cause;

- ii. a determination that failure to grant the variance would result in exceptional hardship; and,
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
 - b. The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - c. Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - d. The Community Development Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
9. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the City of Peachtree Corners and Zoning Board of Appeals shall deem necessary to the consideration of the request.
10. Upon consideration of the factors listed above and the purposes of this ordinance, the City of Peachtree Corners and the Zoning Board of Appeals may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this ordinance.
11. Variances shall not be issued “after the fact.”

SECTION 6. VIOLATIONS, ENFORCEMENT AND PENALTIES

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

6.1 Notice of Violation

If the City of Peachtree Corners determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
6. A statement that the determination of violation may be appealed to the City of Peachtree Corners by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).

6.2 Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Peachtree Corners shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Peachtree Corners may take any one or more of the following actions or impose any one or more of the following penalties.

1. **Stop Work Order** - The City of Peachtree Corners may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
2. **Withhold Certificate of Occupancy** - The City of Peachtree Corners may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
3. **Suspension, Revocation or Modification of Permit** - The City of Peachtree Corners may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be

reinstated (upon such conditions as the City of Peachtree Corners may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. **Civil Penalties** - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the City of Peachtree Corners shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the City of Peachtree Corners has taken one or more of the actions described above, the City of Peachtree Corners may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
5. **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the City of Peachtree Corners may issue a citation to the applicant or other responsible person, requiring such person to appear in Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

SECTION 7. SEVERABILITY

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Approved by:

Kym Chereck, City Clerk

Mike Mason, Mayor

SEAL

02017-04-91

AN ORDINANCE AMENDING THE SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE (CHAPTER 18 ENVIRONMENT, ARTICLE II) FOR THE CITY OF PEACHTREE CORNERS, GEORGIA

WHEREAS, the City of Peachtree Corners is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the Georgia Soil and Water Conservation Commission (GSWCC) requires updates to the model ordinance for Soil Erosion, Sedimentation, and Pollution Control Ordinance which the Council finds is the best way to prevent soil erosion and preserve water quality in the City while protecting the environment; and

WHEREAS, the Mayor and City Council desires to adopt provisions to protect the integrity and character of the City's natural environment.

NOW THEREFORE, Mayor and City Council of the City of Peachtree Corners hereby adopt the Soil Erosion, Sedimentation and Pollution Control Ordinance to read in its entirety as follows:

SECTION I. TITLE

This ordinance will be known as "Peachtree Corners Soil Erosion, Sedimentation and Pollution Control Ordinance."

SECTION II. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

Best Management Practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board: The Board of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Coastal Marshlands: Shall have the same meaning as in O.C.G.A. 12-5-282.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface, also, known as excavation.

Department: The Georgia Department of Natural Resources (DNR).

Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Gwinnett Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protection at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not

limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority: The governing authority of the City of Peachtree Corners which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et.seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Properly Designed: Designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Gwinnett Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state’s authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural Erosion, Sedimentation and Pollution Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self- sustaining population of

rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (a) Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
- (b) Temporary seeding, producing short-term vegetative cover; or
- (c) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas found in the publication *Manual for Erosion and Sediment Control in Georgia*.

SECTION III. EXEMPTIONS

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal

feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general

permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United states engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

SECTION IV. MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section IV B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

B. MINIMUM REQUIREMENTS/ BMPs

1. Best management practices as set forth in Section IV B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water

issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).

2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
 3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
 4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 5. The LIA may set more stringent buffer requirements than stated in C.15,16 and 17, in light of O.C.G.A. § 12-7-6 (c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 2. Cut-fill operations must be kept to a minimum;
 3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;

5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B. 2. of this ordinance;
15. Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
16. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
 - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the

project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

17. There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the “Coastal Marshlands Protection Act of 1970.” And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.
- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and
 - b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
 - c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to

- April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- d. Activities where the area within the buffer is not more than 500 square feet or that have a “Minor Buffer Impact” as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.
- D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV B. & C. of this ordinance.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

SECTION V. APPLICATION/PERMIT PROCESS

- A. **GENERAL** The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.
- B. **APPLICATION REQUIREMENTS**
1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Peachtree Corners without first obtaining a permit from the Community Development Department to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
 2. The application for a permit shall be submitted to the City of Peachtree Corners and must include the applicant’s erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V C. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section IV B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied

by four (4) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV C. 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section V B.6., have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.
5. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

C. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section IV B. & C. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section IV C. 15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section V B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A

holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

SECTION VI. INSPECTION AND ENFORCEMENT

- A. The City of Peachtree Corners will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. The City of Peachtree Corners shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The City of Peachtree Corners shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

SECTION VII. PENALTIES AND INCENTIVES

A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

B. STOP-WORK ORDERS

1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or

mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. BOND FORFEITURE

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V B. 6. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. MONETARY PENALTIES

Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

SECTION VIII. EDUCATION AND CERTIFICATION

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

SECTION IX. ADMINISTRATIVE APPEAL JUDICIAL REVIEW

A. ADMINISTRATIVE REMEDIES

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the _____ within _____ days after receipt by the Local Issuing Authority of written notice of appeal.

B. JUDICIAL REVIEW

Any person, aggrieved by a decision or order of the City of Peachtree Corners, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Gwinnett County.

SECTION X. EFFECTIVITY, VALIDITY AND LIABILITY

A. EFFECTIVITY

This ordinance shall become effective on the _____ day of _____, 20__.

B. VALIDITY

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

C. LIABILITY

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

SECTION XI. SEVERABILITY

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Approved by:

Kym Chereck, City Clerk

Mike Mason, Mayor

SEAL

02017-04-92

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO DELETE ARTICLE II (TEMPORARY OUTDOOR ACTIVITY) OF CHAPTER 14 (BUSINESSES) OF THE CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA IN ITS ENTIRETY; TO PROVIDE FOR ARTICLE II (SPECIAL EVENTS) OF CHAPTER 14 (BUSINESSES) REGULATING SPECIAL EVENTS WITHIN THE CITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Peachtree Corners (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Peachtree Corners; and

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Peachtree Corners (the “Code”) to further protect the public health, safety, and welfare of the citizens of Peachtree Corners; and

BE IT ORDAINED by the Mayor and City Council of the City of Peachtree Corners, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION I: Article II of Chapter 14 relating to Temporary Outdoor Activity is hereby deleted in its entirety and replaced with Article II of Chapter 14 relating to Special Events, and will read as follows:

ARTICLE II. - SPECIAL EVENTS

Sec. 14-68. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Film production includes motion picture, television, video, educational film, and photography.

Producer means any person responsible for planning, producing and conducting a special event.

Special event means any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which (i) takes place on public property or (ii) takes place on private property, but requires special public services and which is permitted by the city under this article. Gatherings or activities that take place on private property and that make no use of city streets, other than for lawful parking, are not subject to the provisions of this article, but shall comply with all other requirements specified by ordinance as to the use of residential property. No special event other than film production, as defined above, shall be allowed to exceed six days in any 30-day consecutive period of time.

By way of example, special events include, but are not limited to; fairs, tours, grand opening celebrations, races, parades, marches, rallies, assemblies, festivals, film production, concerts,

holiday celebrations, bicycle runs, and block parties. Private social gatherings which will make no use of city streets other than for lawful parking are not included. Garage sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property are not included.

A parade, march, or procession subject to this article is defined to be a group or number of people or vehicles, or the combination thereof, consisting of five or more vehicles and ten or more persons, or a combination of three or more vehicles and five or more persons, proceeding or moving in a body or in concert along the streets or sidewalks of the city. Specifically excepted from this definition are funeral processions.

Special event permit, when used hereafter, shall mean and include film production special event permit unless specifically stated otherwise.

Vendor means any person or persons or entity who engages in the sale to the public of any food or food products, goods, services, or merchandise of whatever nature from any location, either mobile or stationary, on a temporary itinerant basis on any public street, sidewalk, or right-of-way as an authorized participant of the special event.

Sec. 14-69. - Penalties for violation.

Violation of any of the sections of this article or any part thereof shall be punished as provided in section 1-10.

Sec. 14-70. - Permit conditions.

- (a) It shall be unlawful for a special event to occur in the city without having first obtained a permit for such special event.
- (b) All permits issued pursuant to this article shall be temporary and shall not vest in the holder any permanent property rights in a permit.
- (c) The location of a special event must comply with all existing zoning requirements of the city, and there must be sufficient lawful parking available. An application for a permit shall be subject to review of the director of the department of community development or designee to determine compliance with zoning requirements. Administrative exceptions are subject to the approval of the city manager.
- (d) Parades, marches, and processions shall follow such designated route or routes as may be on file with the city manager and shall be preceded by a police vehicle.
- (e) Unless specifically provided otherwise, a special event is subject to and must comply with any and all other applicable ordinances of the city.

Sec. 14-71. - Application.

- (a) The producer of a special event shall make application for a permit for the special event on a form prescribed by the city.

- (b) An application for a special event permit, other than a film production special event permit, shall be filed at least 30 days prior to the date the special event is scheduled to take place; provided, however, no application shall be accepted earlier than one year prior to the date of the special event.
- (c) An application for a film production special event permit shall be filed at least five days prior to the date the filming is scheduled to take place; provided, however, no application shall be accepted earlier than one year prior to the date of the filming and provided further no more than one such permit shall be issued quarterly for any one residential location and of no more than 14 consecutive days in duration, unless previously requested and approved by the city manager.
- (d) Each application for a special event permit shall be accompanied by a nonrefundable application fee in such amount as may be set from time to time by resolution of the city council.
- (e) All producers of a special event shall be properly identified on the application; provided, however, a special event permit shall be issued only to an individual person. Therefore, if a group, organization, association, or other entity is producing the special event, a designated agent of the producer shall be named for purposes of the permit, and this individual shall be solely and fully responsible for compliance with all provisions, including all financial requirements of this article and other applicable laws.
- (f) The application for a special event permit, other than a film production special event permit, shall include the following information:
 - (1) Purpose of the special event;
 - (2) Name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (d) of this section;
 - (3) Proposed date, location, and hours of operation, but in no event earlier than 8:00 a.m. or later than 11:00 p.m. in residential zoned locations and in no event earlier than 8:00 a.m. or later than 12:00 midnight in commercial zoned locations;
 - (4) Schedule of proposed activities;
 - (5) Projected attendance at the special event;
 - (6) Plans for parking, restroom facilities, and sanitation concerns;
 - (7) Plan for crowd and traffic control.

In addition, the city or any of its departments may require any other information deemed reasonably necessary to determine that the permit meets the requirements of this article.

- (g) The application for a film production special event permit shall include the following information:
 - (1) Purpose of the filming and the type of production;
 - (2) Location manager or production manager name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (a) of this section;

- (3) Proposed date, location, and hours of operation, but in no event earlier than 8:00 a.m. or later than 11:00 p.m. in residential zoned locations and in no event earlier than 8:00 a.m. or later than 12:00 midnight in commercial zoned locations;
- (4) Proposed schedule of filming activities;
- (5) Full disclosure of special effects, i.e., fire, explosives, gunfire;
- (6) Full disclosure of nondomestic animals and if there will be the consumption or sale of alcohol on film site;
- (7) Site plan - showing production location and base camp;
- (8) Proof of permission of property owner for use of the production location and base camp;
- (9) Notification of neighbors and businesses affected by production location.

In addition, any film project that occurs in a residential location and involves any of the four items below; will require a meeting with the special event/film permit review staff a minimum of one week prior to the submission of the film permit application:

- (1) Outdoor filming;
 - (2) Film project that lasts three or more days;
 - (3) Full and partial lane and street closures;
 - (4) Requested variances to any City of Peachtree Corners ordinance.
- (h) Two copies of a to-scale survey of the proposed location for the special event shall accompany the application and shall accurately depict the proposed location of the special event, all buildings, structures, parking, and curb cuts permanently located on the site. The survey shall further show the proposed temporary location of any and all buildings, structures, and parking to be associated with the proposed special event. Moreover, the entire location shall comply with the city's standards for setbacks.
 - (i) Each city department and/or agency whose services would be impacted by the special event shall review the application and recommend in writing any conditions or restrictions deemed necessary. Special conditions or restrictions recommended by the city manager, or his designee, shall become a condition of the permit.
 - (j) The following standards shall be considered in reviewing the application:
 - (1) A special event permit may be issued only after an adequate plan for crowd and traffic control, as well as security has been presented, and, when deemed necessary, employment of off-duty, uniformed Gwinnett County Police Officer(s) shall be utilized. If Gwinnett County Police Officer(s) are not available, then a P.O.S.T. certified police officer(s) may be utilized after they have been verified by the city and obtained by the producer.
 - (2) A special event permit may be issued only after an adequate plan for fire inspection/prevention and/or fire code enforcement and, when deemed necessary, employment of off-duty, uniformed fire personnel has been verified by the city and obtained by the producer.

(3) A special event permit may be issued only after an adequate EMS plan and, when deemed necessary, employment of off-duty medics who are state-certified EMT or paramedics has been verified by the city and obtained by the producer.

(4) A special event permit may be issued only after adequate waste disposal facilities have been determined by the city and obtained by the producer. The producer shall be required to clean the right-of-way or public property of rubbish and debris, returning it to its pre-special event condition, within 24 hours of the conclusion of the special event. If the producer fails to clean up such refuse, cleanup shall be arranged by the city, and the costs incurred for this service shall be charged to the applicant.

(5) A special event permit granted by the city may provide for the city to close designated streets and intersections to allow use of the public right-of-way for the special event during designated hours and days.

(6) The sound level of any special event must comply with the city noise ordinance (section 38-81 et seq.).

(k) After all of the requested information pertaining to the special event has been submitted, reviewed, and approved, a permit may be issued upon payment of all applicable fees and costs. The special event permit, as well as any other permits required in conjunction with the special event, shall be posted on site during the special event.

(l) Should a permit be denied, the producer shall be notified in writing of the denial.

Sec. 14-72. - Permit fees.

(a) Each city department and/or agency whose services would be impacted by the special event shall itemize the departmental activity required for the special event, showing the hourly rate and the actual and reasonable total cost. The "total costs to the city" shall be the sum of each department's costs. The city manager shall determine and calculate a reasonable fee to reimburse the city for its services.

(b) A cash bond may be determined to be appropriate by the city, and in this event the city shall advise the producer of the amount, and this bond shall be remitted to the city before the special event permit is issued.

(c) The initial permit fee shall be paid in full prior to the issuance of the permit and in any event no later than 72 hours prior to the date of the event.

(d) The fees required in this article shall be in addition to any other fees which may be required by any other applicable ordinances or regulations.

(e) No producer of any special event, except as may otherwise be provided herein, shall be exempt from the payment of the appropriate fees and charges required under this article.

(f) Should a producer desire to have use of any equipment owned by the city, such as barriers, traffic cones, and the like, an additional fee, as may be established from time to time by resolution of the city council, shall be paid so as to cover the reasonable cost for use of the equipment, as well as the delivery and return of the items by city employees.

- (g) Notwithstanding any provision to the contrary, the producer of any special event associated with and benefiting the cause of a charitable organization, recognized as such by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code, shall be excused by the city manager from the permit fee requirement, but may be required to post the bond described in subsection (b) of this section. Criterion to be considered in determining the appropriateness of requiring a bond shall include the impact of the event on the cost of services to be provided by the city and on the general public health, welfare, or safety of the city.

Sec. 14-73. - Liability.

- (a) At the discretion of the city, prior to issuance of a permit, the producer shall provide to the city proof of comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of \$300,000.00 personal injury per person, \$1,000,000.00 maximum, and \$100,000.00 property damage against all claims arising from permits issued pursuant to this article.
- (b) The producer of any special event shall provide a written agreement in a form satisfactory to the city providing the producer shall defend, pay, and save harmless the city, its officers, employees, and agents from liability of all personal or property damages arising from any acts or omissions emanating from a special event and from any and all claims, attorney fees or lawsuits for personal injury or property damage arising from or in any way connected to the special event. The agreement shall be filed with, and made a part of, the application form.
- (c) The city, its officials, employees, or agents shall not incur any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit has been issued. The city, its officials, employees, or agents shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way or other public property.

Sec. 14-74. - Vendors of food and merchandise.

- (a) The sale of food and/or merchandise by vendors shall be allowed as a component of a special event provided each vendor is authorized to participate in writing by the producer of the event and provided further each vendor shall be subject to all conditions and limitations as shall be imposed in writing by the producer and submitted as part of the application for a permit.
- (b) The producer of a special event shall have sole responsibility and control of all food and merchandise vendors as a component of a special event and to designate the location and activities of such vendors.
- (c) Authorized vendors of the producer, providing food and/or merchandise, shall not be required to obtain a separate vendor permit to operate during the special event.
- (d) Notwithstanding the provisions of subsection (c) of this section, food vendors authorized by the producer shall be required to comply with rules and regulations of the county health department as to the preparation and service of food.

Sec. 14-75. - Vendors of alcoholic beverages.

The dispensing of alcoholic beverages, by sale or otherwise, shall be allowed as a component of a special event provided each vendor is authorized to participate by the producer and provided further each vendor dispensing alcoholic beverages shall have been duly licensed by the state and the city or another local governing authority and shall further have complied with all provisions of this Code relating to the sale of alcoholic beverages off-premises at an authorized function or event.

Sec. 14-76. - Miscellaneous provisions regarding vendors.

- (a) Each vendor authorized by the producer of the special event shall prominently display on his or her person a badge provided by the producer and identifying the vendor as an authorized participant in the special event which shall bear the signature of the producer or his designated agent.
- (b) It shall be unlawful for any vendor not authorized by the producer as provided herein to engage in any business within a distance of 100 yards of the special event from one hour before the start of the special event, and until one hour after the special event.
- (c) A special event permit granted by the city may provide for the city to close designated streets and intersections to allow use of the public right-of-way for the special event during designated hours and days. The producer shall bear all responsibility for having all vendors remove any structures and all trash and debris from the designated area by not later than the time stated under the permit for re-opening of all streets.

Sec. 14-77 - Other permits.

- (a) The purpose of this article is to allow the city's departments and staffs to review an application for a special event permit outside the regular ordinance standards in order to determine how disruptive a special event may be to the ordinary use of parks, public streets, rights-of-way, or sidewalks and to make recommendations and allowances. Administrative guidelines issued by the department of community development shall be followed by the city in allowing specified signage and advertising which may not be in compliance with existing zoning ordinances for banners and vendors. Upon approval by the city manager, or his designee, recommendations and allowances made shall become conditions of the permit to be followed and carried out by the producer.
- (b) Notwithstanding subsection (a) of this section:
 - (1) The holder of a resident or nonresident license to sell and dispense alcoholic beverages shall obtain an off-premises license and event permit for pouring alcoholic beverages for an authorized function or event as provided in chapter 6 of this Code if he is authorized to participate by the producer; and
 - (2) A permit allowing fireworks shall be approved and permitted by the chief of the county's fire department or his designee. Further, the person to be performing the firework display shall be pyrotechnics licensed and qualified in the state.

Sec. 14-78. - Denial or revocation of a special event permit.

- (a) Reasons for denial of a special event permit include, but are not limited to:
- (1) The special event will unnecessarily disrupt traffic within the city beyond practical solution;
 - (2) The special event will interfere with access to fire stations and fire hydrants;
 - (3) The location of the special event will cause undue hardship to adjacent businesses or residents;
 - (4) The special event will cause unnecessary disruption of public services which would unreasonably impact the remainder of the city;
 - (5) The application contains incomplete or false information; and
 - (6) The producer fails to comply with any terms required by this article.
- (b) Reasons for revocation of a special events permit include, but are not limited to:
- (1) False or incomplete information on the application;
 - (2) Failure to comply with all terms and conditions of the permit;
 - (3) Failure to arrange for or adequately remit all fees, deposits, insurance or bonds to the city; and
 - (4) Existence of disaster, public calamity, riot or other emergency as the city determines, in its sole discretion, to be an impact upon the public health, safety and welfare.
- (c) Further, a special event permit may be denied, suspended, or revoked by the city, if the chief of the police department, the chief of the fire department, or their designees, determines that the health, welfare, or safety of the public may be endangered.

Sec. 14-79. - Appeals.

- (a) Any producer whose special event permit application has been denied or revoked may request in writing a review of this decision by the city manager. This request must be in writing and received by the city manager within five days of the permit denial or revocation.
- (b) The city manager shall review the application and reasons for the denial or revocation of the special event permit and shall issue a decision, within five days, whether to uphold or reverse the previous decision and grant or reinstate the permit with such additional conditions as the city manager may deem justified by the evidence.
- (c) Should the producer be dissatisfied with the decision of the city manager, an appeal may be filed with the city council within five days of the decision of the city manager. The council shall set a hearing date within 30 days of receiving an appeal. At the hearing, evidence may be submitted by the producer addressing why the permit should have been granted or not revoked and by the city manager addressing why the permit was denied or revoked. The city council shall determine whether the denial or revocation of the permit is justified, or it may reverse the previous decision and grant or reinstate the permit with such additional conditions as deemed justified by the evidence.

Secs. 14-80—14-96. - Reserved.

SECTION II: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Peachtree Corners, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION III: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION V: This Ordinance shall become effective immediately upon adoption.

SO ORDAINED this 18th day of April, 2017.

CITY OF PEACHTREE CORNERS, GEORGIA

By: _____

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk

(SEAL)

02017-04-93

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND CHAPTER 14 (BUSINESSES) AND CHAPTER 46 (PAWNSHOPS) OF THE CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA; TO REQUIRE THE DISPLAY OF AN OCCUPATIONAL TAX CERTIFICATE AT A PLACE OF BUSINESS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Peachtree Corners (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Peachtree Corners; and

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Peachtree Corners (the “Code”) to further protect the public health, safety, and welfare of the citizens of Peachtree Corners; and

BE IT ORDAINED by the Mayor and City Council of the City of Peachtree Corners, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION I: Article I of Chapter 14 relating to businesses is hereby amended by adding Sec. 14-48 requiring the display of an occupational tax certificate at a place of business, and will read as follows:

Sec. 14-48. – Display of certificate at place of business.

Any occupational tax certificate issued under this chapter shall be displayed in a conspicuous place of the business of the licensee and within public view. Such occupational tax certificate shall be shown to any appointee of the city upon request.

Secs. 14-49—14-67. - Reserved.

SECTION II: Chapter 46 relating to Pawnshops is hereby amended by adding Sec. 46-17 requiring the display of an occupational tax certificate at a pawnshop, and will read as follows:

Sec. 46-17. – Display of certificate at place of business.

Any occupational tax certificate issued under this chapter shall be displayed in a conspicuous place of the business of the licensee and within public view. Such occupational tax certificate shall be shown to any appointee of the city upon request.

SECTION III: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Peachtree Corners, Georgia, and the codifier is authorized to make the

specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION IV: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION V: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION VI: This Ordinance shall become effective immediately upon adoption.

SO ORDAINED this 18th day of April, 2017.

CITY OF PEACHTREE CORNERS, GEORGIA

By: _____

Mike Mason, Mayor

Attest:

Kym Chereck, City Clerk

(SEAL)