

House Bill 1362

By: Representative Cox of the 105<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new city charter for Peachtree City; to provide for reincorporation and for  
2 corporate powers, limits, and jurisdiction; to provide for a governing authority; to provide  
3 for city councilmembers and a mayor and qualifications and powers; to provide for the filling  
4 of vacancies; to provide for various city officers; to provide for police and fire departments;  
5 to provide for the registration of electors and for elections; to provide for the power of  
6 taxation, licensing, and borrowing; to provide for city personnel; to provide for the powers  
7 of the city council as to animals, eminent domain, and streets; to provide for assessments for  
8 public improvements; to provide for a municipal court, a judge, and jurisdiction; to provide  
9 for existing ordinances and officers and personnel; to provide for pending matters; to provide  
10 for severability; to provide for the repeal of a specific Act and amendatory Acts; to repeal  
11 conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **ARTICLE I**  
14 **IN GENERAL**

15 **SECTION 1.1.**

16 **Reincorporation; corporate powers.**

17 (a) Peachtree City, in Fayette County, and the inhabitants thereof, are reincorporated and are  
18 hereby constituted and declared a body politic and corporate under the name and style  
19 Peachtree City, Georgia, and by that name shall have perpetual succession.

20 (b) Said city shall have full powers to govern itself by such ordinances, bylaws, rules, and  
21 regulations for municipal purposes as may be deemed proper and not in conflict with the  
22 Constitution or laws of this state or the United States.

23 (c) Said city shall have full power in and by said corporate name:

24 (1) To contract and be contracted with;

- 1 (2) To sue and be sued;
- 2 (3) To plead and be impleaded;
- 3 (4) To purchase, hold, receive, enjoy, possess, and retain for the use of and benefit of  
4 said Peachtree City or the inhabitants thereof in perpetuity or for any term, any estate,  
5 real or personal, or lands, tenements, or hereditaments of any kind, within or without the  
6 limits of said city, for corporate purposes;
- 7 (5) To use, manage, improve, sell, convey, rent, or lease any such estate or property;
- 8 (6) To have and use a common seal; and
- 9 (7) To perform all acts necessary or incident to its corporate existence or capacity.
- 10 (d) In addition, the city shall have all powers possible for a city to have as found in Title 36  
11 of the O.C.G.A. as it may be amended and all other provisions under the present or future  
12 Constitution and laws of the state as fully and completely as though they were specifically  
13 enumerated in this charter.
- 14 (e) The city shall have all the powers of self-government not otherwise prohibited by this  
15 charter or by general law.
- 16 (f) The powers of this city shall be construed liberally in favor of the city. The specific  
17 mention or failure to mention particular powers shall not be construed as limiting in any way  
18 the powers of this city.

19 **SECTION 1.2.**

20 Corporate limits.

- 21 (a) The boundaries of this city shall be and are defined as follows: All that territory and the  
22 inhabitants thereof embraced and contained in the sixth land district of Fayette County,  
23 Georgia, being land lots numbered 24 to 63, inclusive, and portions of land lots numbered  
24 19 to 21, inclusive, and all that territory and the inhabitants thereof embraced and contained  
25 in the seventh land district of Fayette County, Georgia, being land lots numbered 64 to 68,  
26 inclusive, and land lots numbered 90 to 103, inclusive, and land lots numbered 122 to 135,  
27 inclusive, and land lots numbered 155 to 162, inclusive, and portions of land lots numbered  
28 63, 121, and 164, inclusive, and such tracts and parcels as shall be incorporated within the  
29 corporate limits of said city pursuant to law.
- 30 (b) The city council may provide for the redrawing of any such map by ordinance to reflect  
31 lawful changes in the corporate boundaries. A redrawn map shall supercede for all purposes  
32 the earlier map or maps which it is designated to replace.



1 meet to appoint persons to fill vacancies on the council, set the date for a special election and  
 2 qualification thereof, and, if necessary, appoint a provisional mayor pro tempore.

3 (e) The city council shall meet at such specified time and place as may be provided by  
 4 ordinance. Special meetings may be called at any time by the mayor upon giving not less  
 5 than 24 hours notice of said special meeting.

## 6 **SECTION 2.2.**

7 Eligibility qualifications of mayor and councilmembers.

8 No person shall be eligible to hold the office of mayor or councilmember of said city unless  
 9 he or she is 21 years of age and is a qualified elector of said city who shall have continuously  
 10 resided and maintained his or her domicile therein for at least six months immediately  
 11 preceding his or her election. Except as authorized by law, the mayor and councilmembers  
 12 shall not hold any other city office or city employment during the term for which each such  
 13 person was elected unless the mayor or councilmember affected shall first resign.

## 14 **SECTION 2.3.**

15 Duties and authority of mayor.

16 The mayor shall be the chief executive officer of said city and it shall be his duty;

17 (1) To preside at all meetings of the city council;

18 (2) To see that all meetings are conducted in a parliamentary manner;

19 (3) To preserve order and decorum in such meetings;

20 (4) To inflict such punishment upon any person guilty of contempt before said council  
 21 as may be authorized by municipal ordinances;

22 (5) To see that all laws, ordinances, rules, regulations, and resolutions of the city council  
 23 of said city are faithfully executed and enforced;

24 (6) To appoint and be an ex officio member of all committees;

25 (7) To see that all funds are properly accounted for and that all revenues are properly and  
 26 promptly collected;

27 (8) To inform the council from time to time of the general condition of said city and its  
 28 affairs and recommend such measures as he or she may deem necessary or expedient for  
 29 the welfare of said city;

30 (9) To inspect or cause to be inspected by one or more of the councilmembers of said  
 31 city the records and books of accounts of the city and see that they are properly and  
 32 correctly kept to require such reports to be made by such city staff and given to the  
 33 council;

1 (10) To see that order is maintained in said city and that its property and effects are  
2 preserved;

3 (11) To convene the council in extra session as frequently as he or she may deem proper;

4 (12) To bind said city by signing any contract, obligation, or other matter entered into  
5 and authorized by ordinance or resolution of the council of said city, properly passed in  
6 accordance with the provisions of this charter; and

7 (13) To do acts and things as may be proper and necessary in the proper conduct of the  
8 affairs of said city and as may be hereinafter authorized.

9 Subject to the limitations contained in this charter, the said mayor shall exercise general  
10 supervision and jurisdiction over the affairs of the said city; however, the responsibility for  
11 the daily operation and administration of the city shall be delegated to the city manager who  
12 shall report on such activities to the mayor and councilmembers as hereinafter provided.

13 **SECTION 2.4.**

14 Authority of mayor to vote.

15 The mayor shall be entitled to vote on all questions before the city council.

16 **SECTION 2.5.**

17 Duties of mayor pro tempore.

18 The mayor pro tempore shall discharge the duties and exercise the powers and authority of  
19 the mayor in the absence, disability, or disqualification of the mayor and during a vacancy  
20 in the office of mayor provided his or her rights and duties as councilmember shall remain  
21 unimpaired, except he or she shall not receive the salary or expense of a councilmember  
22 while receiving the salary and expense of mayor when there is a vacancy in the office of  
23 mayor.

24 **SECTION 2.6.**

25 Duties of councilmembers.

26 Councilmembers shall work with the mayor in establishing city policies, drafting ordinances,  
27 handling budgetary matters, and addressing any other matters which come before city council  
28 in order to carry out the powers and responsibilities as enumerated in Section 1.1 of this  
29 charter.

**SECTION 2.7.**

Date of municipal general election; election of mayor  
and councilmembers, post designation; assuming office; term; oath.

(a) Pursuant to Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," the municipal general election shall be conducted on the Tuesday next following the first Monday in November of odd-numbered years.

(b) For the purposes of electing councilmembers, positions on the council shall be numbered as posts 1 through 4, respectively.

(c) In 1992, Peachtree City altered the length of the mayor and councilmembers' terms from two years to four years. After a period of transition, the elections for posts 1 and 2 are held every four years from 1995 forward. The elections for mayor and posts 3 and 4 are held every four years from 1993 forward. All persons elected shall assume office on the first meeting in January following the election except in the case of special elections when such elected official shall assume office at the first meeting following the certification of the election.

(d) After January 1, 1993, any mayor or councilmember who has been elected for two consecutive four-year terms under the provisions of this charter shall not be eligible to be elected for the same position of mayor or councilmember for the succeeding term; however, nothing contained herein shall prevent a person who has served as mayor for two consecutive four-year terms to be eligible and qualified to be elected for a position as councilmember for the succeeding term. Likewise, nothing contained herein shall prevent a person who has served as councilmember for two consecutive four-year terms to be eligible and qualified to be elected for a position as mayor for the succeeding term.

(e) The candidate for each respective office who shall receive the majority of votes cast for such office by the electors of said city shall be elected to such office.

(f) Candidates elected to office shall on or before the day of assuming office qualify by taking and subscribing before the municipal judge, the mayor, or some other officer authorized by law to administer oaths the following oath:

"I do solemnly swear or affirm that I will well and truly perform the duties of (mayor) (mayor pro tempore) (councilmember) of Peachtree City by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Peachtree City and that I will support and defend the Charter and ordinances thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. So help me God."

Such oath shall be filed with the city clerk, who shall record the same upon the minutes of the meeting of the Council of Peachtree City, next following such filing, unless such oath is

1 filed during a regular meeting of the said council in which latter case such oath shall be  
2 recorded upon the minutes of the meeting then in session.

3 **SECTION 2.8.**

4 Filling vacancies on council.

5 (a) In the event that the office of mayor or the office of any one or more of the  
6 councilmembers shall become vacant by death, resignation, removal, or otherwise, and said  
7 vacancy or vacancies are for unexpired terms of 12 months or less, then said vacancy or  
8 vacancies may be filled by appointment and selected by majority vote of the remaining  
9 members of the mayor and council in the case of vacancies in said council and by the  
10 councilmembers in the case of a vacancy in the office of mayor.

11 (b) Persons selected as provided in subsection (a) of this section shall be duly qualified to  
12 fill such vacancies for the unexpired terms.

13 (c) Unless provided otherwise by ordinance, the mayor, or in the case of a vacancy in the  
14 office of mayor, the mayor pro tem, shall determine the procedure for council to follow in  
15 the appointment process; provided, however, that such procedure shall comply with the laws  
16 of the state and of the United States and, provided further, that such procedures are given to  
17 the members of council at least ten days before the meeting during which such appointment  
18 is to be made.

19 (d) Should such vacancy or vacancies exceed 12 months, a special election shall be called  
20 to determine the person who shall fill the unexpired term. The date of such special election  
21 shall comply with the laws of the state and of the United States. In the event of such vacancy  
22 or vacancies which exceed 12 months, the city council may appoint an individual or  
23 individuals to fill such vacant office or offices until the date of the next available election.  
24 In no event shall any appointment be for a period exceeding one year.

25 **SECTION 2.9.**

26 Declaration of vacancy in office of mayor or councilmember.

27 Should the mayor or any member of the council fail or refuse to perform the duties of his or  
28 her office for the term of three consecutive months, or should any officer-elect refuse to  
29 qualify, the office may be, in the discretion of the majority of the remaining members of the  
30 council, declared vacant and the vacancy filled as above provided.

**SECTION 2.10.**

Compensation of mayor and councilmembers as fixed; expenses of office allowable.

(a) The mayor shall receive an annual salary and each councilmember shall receive such annual salary as shall be established by ordinance during the proceeding term for which such official shall have been appointed or elected. Said salaries shall be paid in 12 equal monthly installments on or before the last day of each month.

(b) In addition to their salaries, each councilmember may be reimbursed for actual out-of-pocket expenses incurred on behalf of the city as provided by ordinance.

(c) The city council may also provide for payment of all reasonable expenses which may be incurred by the mayor in the discharge of his or her duties, including such staff as may be appointed by the mayor.

**SECTION 2.11.**

Organization of council; mayor pro tempore; provisional mayor pro tempore.

(a) The city council shall, at its organizational meeting and thereafter at its first regular meeting in January of each year, elect one of its members mayor pro tempore for a term of one year.

(b) Before entering on the discharge of his or her duties, the mayor pro tempore shall, in addition to the oath taken as councilmember, take the oath prescribed for mayor pro tempore.

(c) In case neither the mayor nor mayor pro tempore can attend to or discharge the duties of mayor, whatever the cause, the city council shall elect a provisional mayor pro tem to act until a mayor or mayor pro tempore can act, from its membership, who shall take the same oath and be clothed with all of the rights, power, and authority of mayor until a mayor or mayor pro tempore can act.

**SECTION 2.12.**

Council interference with administration.

The city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager except for purposes of gathering needed information which is of routine matters or is the type of information which such officers and employees can easily and quickly assemble. Except as provided above, the city council and its members shall not give orders directly to such officers and employees, either publicly or privately, but shall coordinate all orders and instructions through the city manager.

**SECTION 2.13.**

Appointment of officers by council; removal.

The city council shall at its organizational meeting and thereafter at the discretion of city council appoint a clerk, a city attorney, a city auditor, a city judge, a city manager, and any other city positions as required by ordinance. Such appointed individuals, after their initial appointment, need not be reappointed on an annual basis but shall serve subject to the pleasure of the mayor and council and may be removed from office by the council at any time; provided, however, that the mayor may suspend any such individual pending a meeting of the council to make a formal decision on the appropriate action to take.

**SECTION 2.14.**

City clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be the custodian of the official city seal and city records; maintain city council records as required by state law or by ordinance; and perform such other duties as may be required by the city council. The city clerk shall report to the city manager and shall be subject to all of the rights, privileges, and obligations of the city's personnel policies; however, the city clerk can be terminated or removed from such position only by the city council. The city council may appoint the city manager to serve as the city clerk.

**SECTION 2.15.**

City attorney.

The city council shall appoint a city attorney, which may be a law firm, and shall provide for the payment of such attorney for the services rendered to the city. The city attorney shall be responsible for the representation and defense of the city in all litigation in which the city is a party and will coordinate such representation with all attorneys provided to the city through applicable insurance contracts, if any; shall be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.

**SECTION 2.16.**

City auditor.

The city council shall appoint a city auditor who shall be a certified public accountant or accounting firm to ensure that the city's financial records are kept appropriately and according to the laws of this state and of the United States. The city auditor shall conduct an annual independent audit of all city accounts, funds, and financial transactions. The audit shall be conducted according to generally accepted auditing principles.

**SECTION 2.17.**

City judge.

The city council shall appoint a city judge pursuant to the requirements of Section 8.2 of this charter.

**SECTION 2.18.**

City manager.

The mayor and council shall appoint and contract with a city manager who shall serve subject to the pleasure of the mayor and council for a term as set forth in the contract and according to state law. The title of such officer shall be city manager of the city. His or her salary shall be determined by the mayor and council and included as a part of the contract. Such officer shall be the chief administrative and operational officer of the city and shall perform such executive duties as may be delegated by the mayor and council. The city manager's job performance shall be evaluated and subject to review annually by the mayor and council.

**SECTION 2.19.**

Officers appointed by council to perform described duties and give bond.

All officials appointed by said council shall discharge such duties in addition to those prescribed in this charter as are, or may be, prescribed by ordinances of said council and shall give such bonds for the faithful discharge of their respective duties as said council may require; provided, the surety on the bond shall be a duly authorized guaranty or surety company, qualified to transact business in this state.

**SECTION 2.20.**

## Police department.

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2  
3 The city council shall create a police department which shall consist of a chief of police and  
4 such other police officers as the city council shall provide. Subject to the requirements of the  
5 laws of the state and of the United States, it shall be the duty of the chief of police and the  
6 police officers to make arrests, within and without the limits of said city, of all persons  
7 violating any ordinance of said city and to make arrests of all persons who have violated the  
8 penal statutes of this state or of the United States, either with or without warrant or summons  
9 therefor. They shall have power to release all persons upon such bond as may be prescribed  
10 by such ordinances. Said police force shall be so uniformed and armed as to be readily  
11 recognized by the public as peace officers, the arms and uniform to be furnished by the city  
12 and to remain the property of the city.

**SECTION 2.21.**

## Fire department.

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14  
15 The city council shall create a fire department which shall consist of a chief and such other  
16 officers as the city council shall provide. It shall be the responsibility of said department to  
17 provide the citizens of the city protection from fires and other such hazards as the city  
18 council shall deem appropriate. Additionally, the fire department may offer emergency  
19 medical services to the citizens of the city as deemed appropriate by the city council.

**SECTION 2.22.**

## Other divisions and departments; employees thereof.

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21  
22 The city council shall be and it is hereby authorized, without any further specific  
23 authorization on the part of the General Assembly, to create by proper ordinances such other  
24 divisions and departments and to prescribe their functions and the duties of the affairs and  
25 employees of such departments as it may deem necessary and for the best interest of the  
26 residents of Peachtree City.

**ARTICLE III****REGISTRATION OF ELECTORS; ELECTIONS****SECTION 3.1.**

Qualifications of electors.

No person shall vote in any primary or election conducted by the city unless he or she shall be duly registered and possesses the qualifications prescribed by Code Section 21-2-216 of the O.C.G.A. as now or hereafter amended.

**SECTION 3.2.**

Voting by person not qualified therefore.

Any person voting at any election of said city who is not a qualified voter according to the provisions of this charter shall be guilty of a misdemeanor and upon conviction therefor shall be punished as prescribed in the penal code of this state.

**SECTION 3.3.**

Applicability of general law.

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

**ARTICLE IV****TAXATION; LICENSES; BORROWING****SECTION 4.1.**

Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of providing revenues to defray the costs of operating the city government, of governmental services, for the repayment of principal and interest on bonded indebtedness and other proper debts of the city, and for any other public purpose as determined by the city council in its discretion.



1 services, and supplies provided the contract terminates without further obligation on the part  
2 of the municipality at the close of the calendar year for which it may be renewed. Contracts  
3 must be executed in accordance with the requirements of Code Section 36-60-13 of the  
4 O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

5 **SECTION 4.7.**

6 Occupational, business, and other taxes.

7 The city council by ordinance shall have the power to levy such occupation, business, and  
8 other taxes as are not denied by law. The city council may classify businesses, occupations,  
9 or professions for the purpose of such taxation in any way which may be lawful and may  
10 compel payment of such taxes as provided herein.

11 **SECTION 4.8.**

12 Regulatory fees; permits.

13 The city council by ordinance shall have the power to require businesses or practitioners  
14 doing business within the city to obtain a permit for such activity from the city and pay a  
15 regulatory fee for such permit. Such fees shall reflect the total cost to the city of regulating  
16 the activity, and if unpaid, shall be collected as provided in this charter.

17 **SECTION 4.9.**

18 Franchises.

19 (a) The city council shall have the power to grant franchises for the use of the city's streets  
20 by telephone companies, electric companies, electric membership companies, cable  
21 television and other telecommunications companies, gas companies, transportation  
22 companies, and other similar organizations. The city council shall determine the duration,  
23 terms, whether the same shall be exclusive or nonexclusive, and the consideration for such  
24 franchises; provided, however, no franchise shall be granted for a period in excess of 35  
25 years and no franchise shall be granted unless the city council receives just and adequate  
26 compensation therefor. The city council shall provide by ordinance for the registration of  
27 all franchises.

28 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax  
29 on gross receipts for the use of the city's streets for the purposes of railroads, telephone  
30 companies, electric companies, electric membership corporations, cable television and other

1 telecommunications companies, gas companies, transportation companies, and other similar  
2 organizations.

3 **SECTION 4.10.**

4 Collection of delinquent taxes and fees.

5 The city council, by ordinance, may provide generally for the collection of delinquent taxes,  
6 fees, or other revenue due the city by whatever means as are not precluded by law. This shall  
7 include providing for the dates when taxes or fees are due; late penalties and interest;  
8 issuance and execution of fi.fas.; creation and priority of liens; making delinquent taxes and  
9 fees personal debts of the persons required to pay the taxes or fees imposed; revoking city  
10 permits for failure to pay any city taxes or fees; and providing for the assignment or transfer  
11 of tax executions.

12 **SECTION 4.11.**

13 Authority to license, regulate, and control business and other activities.

14 Unless otherwise prohibited by law, the city council of said city shall have full power and  
15 authority to license, regulate, and control all businesses and activities of every kind and  
16 character carried on within the corporate limits of said city unless prohibited from doing so  
17 by law.

18 **SECTION 4.12.**

19 Revoking licenses and prohibiting operation.

20 (a) Unless otherwise prohibited by law, the city council of said city may revoke the license  
21 of, or prohibit the operation of, any business or establishment, in the event the same becomes  
22 a nuisance or is dangerous, hazardous, or injurious to the health or morals of the inhabitants  
23 of said city.

24 (b) No revocation or prohibition shall occur without giving written notice to the person,  
25 firm, or corporation conducting such business, said notice stating the reasons why such  
26 license is being revoked or prohibition is occurring, and affording such person, firm, or  
27 corporation an opportunity to be heard on the question before the said council, the said notice  
28 setting forth the time and place of the hearing on the revocation or prohibition. At said  
29 hearing the person holding said license or conducting said business, or the firm or  
30 corporation holding or conducting the same, may submit to said council whatever evidence

1 he or she may desire touching upon the question of revocation of such license or prohibition  
2 of such business.  
3 (c) The decision of the city council revoking any such license or prohibiting such business  
4 shall be final.

5 **ARTICLE V**

6 **PERSONNEL**

7 **SECTION 5.1.**

8 Position classification and pay plans.

9 The city manager shall be responsible for the preparation of a position classification and pay  
10 plan which shall be submitted to the city council for approval. Such plan may apply to all  
11 employees of the city. When a pay plan has been adopted, the city council shall not increase  
12 or decrease the salary range applicable to any position except by amendment of such pay  
13 plan.

14 **SECTION 5.2.**

15 Personnel policies.

16 All employees serve at-will and may be removed from office at any time unless otherwise  
17 provided in this charter, by ordinance, or by adopted contract or personnel policies.

18 **SECTION 5.3.**

19 Social security, hospitalization, and workers'  
20 compensation benefits for employees authorized.

21 The city council shall be authorized to provide insurance, retirement, and other pension  
22 benefits and workers' compensation benefits for its employees and their dependents and  
23 survivors and shall be authorized to expend funds of said city. The city council shall be  
24 authorized to provide for social security benefits for its employees as provided by the laws  
25 of the United States.

1 **ARTICLE VI**

2 **COUNCIL POWERS AS TO ANIMALS, EMINENT DOMAIN, AND STREETS**

3 **SECTION 6.1.**

4 Council powers as to animals and fowl.

5 The city council of said city shall have the power and authority:

6 (1) To prevent all animals and fowl from running at large in said city;

7 (2) To prevent and prohibit the keeping of grazing, herd, and other traditional farm  
8 animals within the city limits or to regulate the manner in which they must be kept if  
9 allowed to remain;

10 (3) To impound such animal or animals as referred to above when found upon the streets  
11 of said city and to charge such fees for same as they may prescribe and in addition thereto  
12 charge for the keep of such animal or animals so impounded;

13 (4) To sell such animals as referred to above when the owner or owners of such animal  
14 or animals so impounded shall fail or refuse to pay the impounding fee and cost of  
15 keeping said animal or animals and the proceeds applied to the payment of said feed and  
16 cost of keeping said animal or animals; and

17 (5) To dispose of such animals under such rules and regulations as may be prescribed by  
18 said council.

19 **SECTION 6.2.**

20 **Condemnation of property for municipal purpose; eminent domain.**

21 (a) The city council of said city shall have full powers and authority to condemn property  
22 to carry out any and all lawful purposes in the furtherance of its corporate functions, both  
23 governmental and proprietary, and when the power and authority granted by this section is  
24 exercised by said council it may be done, whether the land to be condemned is in the hands  
25 of an owner, trustee, administrator, guardian, or agent, in the manner provided by Title 22  
26 of the O.C.G.A. and the Acts amendatory thereof which by this reference thereto is  
27 incorporated herein as if set forth verbatim.

28 (b) This right of condemnation by the city shall extend beyond its corporate limits where the  
29 property to be condemned is needed by the city and is deemed useful by the council to afford  
30 and make available to the city such property for use in development and thereafter the  
31 operation, maintenance, repair, extension, and improvement to any city facility, either  
32 governmental or proprietary.

1 (c) Without limiting the generality of the foregoing, the city shall have full and complete  
 2 power and authority to exercise the power of eminent domain to acquire rights to take water  
 3 from navigable and nonnavigable streams and from lakes and other places within and without  
 4 the corporate limits of said city and within and without the County of Fayette; and to exercise  
 5 such power of eminent domain to acquire land or any interest therein, within and without the  
 6 corporate limits of said city and within and without the County of Fayette, necessary for  
 7 water, sewer, other utilities, and airport property and facilities, together with the usual and  
 8 necessary appurtenances therefor, or such land or any interest therein necessary in order to  
 9 lay out, grade, open, pave, straighten, maintain, elevate, lower, improve, and relocate streets,  
 10 sidewalks, alleys, recreational paths, and ways on, in, across, along, through, under, or over  
 11 private property and property already devoted to public use and particularly Fayette County  
 12 School District property; and also under, over, or across the rights of way of public utility  
 13 companies, railroads, and all others having the right to acquire private property by exercise  
 14 of the power of eminent domain or any similar power.

15 **SECTION 6.3.**

16 Street powers.

17 (a) Said city shall have full and complete power and authority to open, lay out, grade, widen,  
 18 construct, pave, repave, curb, and otherwise permanently improve any and all publicly owned  
 19 streets, sidewalks, alleys, recreational paths, and ways and to maintain, relocate, repair,  
 20 repave, extend, abandon, or close them and to construct, maintain, repair, replace, and  
 21 remove street curbing, streets, sidewalks, alleys, recreational paths, or ways.

22 (b)(1) To provide funds for the purpose of improving or removing sidewalks, curbing,  
 23 and sewer, the associated construction costs, except costs of sewers which cannot serve  
 24 the abutting real estate nor the owners thereof, may be assessed against the abutting real  
 25 estate and owners thereof but only on the side of the street on which such improvements  
 26 are made, if on one side only.

27 (2) To provide funds for these purpose of improving or removing streets, alleys, and  
 28 ways, one-third of the associated construction costs may be assessed against abutting real  
 29 estate and owners thereof on one side of such street and one-third against abutting real  
 30 estate and the owners thereof on the other side, the city paying the remaining third. In real  
 31 estate subdivisions all street construction costs may be assessed against the abutting real  
 32 estate and owners thereof.

33 (3) To provide funds for these purposes of improving or removing recreational paths,  
 34 one-half of the associated construction costs may be assessed against the owners of all

1 real estate situated in a subdivision to which or in which such new recreational paths are  
2 constructed or removed. The city shall pay the remaining one-half.

3 (c) Cost of maintenance and repair of all city streets shall be paid out of the city treasury  
4 except in special cases provided for by city ordinance.

## 5 **ARTICLE VII**

### 6 **PUBLIC IMPROVEMENTS; ASSESSMENT**

#### 7 **SECTION 7.1.**

##### 8 **Improvement assessment.**

9 (a) Provision shall be made by ordinance for all sewer, sidewalk, street, alley, recreational  
10 path, way, or street curbing construction, maintenance, or repairs if any part of the cost  
11 thereof is to be assessed against abutting or other real estate or the owners thereof.

12 (b) After the first reading of an ordinance, notice that it has been introduced shall be  
13 published one time by the city clerk in the legal organ of the city to appear at least eight days  
14 before final passage of said ordinance. Said notice shall state that such ordinance has been  
15 introduced in the council and shall include a general description of the improvement, its  
16 location, and its estimated cost and shall state that the actual cost or such part thereof as the  
17 ordinance provides will be assessed against the abutting real estate and the owners thereof  
18 or against such real estate and the owners thereof as shall be benefitted by such improvement  
19 and that anyone objecting to such improvement, or objecting to the amount of his or her  
20 assessment, may appear and make such objections at the next regular meeting of the council  
21 after the expiration of said eight days. Notice shall also be sent by the city clerk via certified  
22 mail to the owners of such property at the street address of all real estate which is affected  
23 by the assessment. Receipt of the notice by the owner of the real estate is not required.  
24 Information concerning names of owners and street addresses obtained from the Fayette  
25 County Tax Commissioner's Office shall be deemed to be adequate for the purposes of  
26 providing this notice. No other or further notice of any kind shall be required, but if some  
27 other notice is given or ordered to be given, failure to give such additional notice shall not  
28 invalidate such ordinance or the assessment of such costs or the lien herein created against  
29 such abutting or other real estate nor the ordinance assessing the costs of such improvement.  
30 The second reading of such ordinance shall not be waived until the expiration of said eight  
31 days after said publication of notice required by this section. But after the expiration of said  
32 eight-day notice, such ordinances may be taken up and adopted at any regular meeting of the  
33 council without further notice.



**SECTION 7.4.**

Lien for improvement cost.

(a) To secure costs of sewer, sidewalk, street, alley, recreational path, way, or street curbing assessed against abutting or other real estate and the owners thereof, and costs of repair of any of these, said city shall have a lien against such abutting real estate and the owners thereof, or against the real estate and the owners thereof for the primary benefit of which such improvement is made, from the date of adoption of the ordinance providing for the work and assessing the cost, which lien shall be prior and superior to all other except state, county, and city taxes, and said city shall have the right to sell and transfer all such liens and claims to third parties who shall be protected by the same lien and rights as the city has and holds against such property and the owners thereof.

(b) Nothing in this section shall be construed to deprive the property owner of the right of paying for said improvement in cash at the completion of the work if he or she desires to do so.

**SECTION 7.5.**

Installment payment of improvement assessments.

When any sewer, sidewalk, street, alley, recreational path, way, or street curbing or other improvement shall be constructed, reconstructed, repaired, or replaced, pursuant to an ordinance providing for the same and providing for assessment of the cost thereof or a part thereof, against the abutting or other real estate, the owners thereof shall be allowed to pay for the same, except in case of repairs, as follows: One-fifth cash and the balance in four equal annual installments within the next four years thereafter, with interest on said deferred installments at the rate of 7 percent per annum from the date of adoption of the final assessment ordinance.

**SECTION 7.6.**

Assessment of sidewalk cost.

Sidewalks shall be constructed on one side of a street and the cost thereof assessed against the abutting real estate and owners thereof on that side of such street if the owners of more than 50 percent of the street frontage on that side of said street so request. Sidewalks may be constructed on either or both sides of a street, and the cost thereof shall be assessed against the abutting or other real estate and the owners thereof, without the consent of any of such

1 abutting or other real estate owners when the city council deems it proper or desirable for  
 2 such sidewalks to be laid and they are not laid for the primary benefit of persons other than  
 3 such abutting or other real estate owner.

4 **SECTION 7.7.**

5 Due date of improvement assessments.

6 Costs assessed against property and the owner thereof for sewer, sidewalk, street, alley,  
 7 recreational path, way, street curbing, or other like or similar work shall all become due and  
 8 payable in full if any installment is not paid within 60 days from the day it is due.

9 **SECTION 7.8.**

10 Execution for improvement assessments.

11 The city council shall have full power and authority to enforce collection of amounts so  
 12 assessed by execution against the real estate so assessed and the owner thereof at the date of  
 13 the ordinance providing for the work, which execution, if not paid, shall be issued by the  
 14 clerk of the city and levied on such real estate by the chief of police, as city marshal, or his  
 15 or her lawful deputy, and after advertisement as in cases of sales for Peachtree City taxes,  
 16 such property shall be sold at public outcry to the highest bidder for cash, if such execution  
 17 and costs have not been previously paid; provided such property owner shall have the right  
 18 to file an affidavit denying that the whole or some part of the amount for which the execution  
 19 issued is owing or due and stating what amount, if any, he or she admits to be owing, which  
 20 amount so admitted to be owing shall be paid to the levying officer before the affidavit shall  
 21 be received, which affidavit when received shall be returned to the Superior Court of Fayette  
 22 County and there tried and the issue determined, as in case of illegalities, subject to all the  
 23 penalties provided by law in cases of illegality filed for delay only.

24 **SECTION 7.9.**

25 Payment of street paving cost by railroads; street tax on public carriers.

26 (a) Any street railroad company or other railway company having a track or tracks running  
 27 along or across a street, alley, recreational path, or way of the city shall be required to pay  
 28 the cost in full for paving or otherwise improving such street, alley, recreational path, or way  
 29 between their tracks and two feet on each side thereof.  
 30 (b) Any bus company or other public transportation company shall also be liable for such  
 31 street taxes as the council may lawfully impose.



1 (c) Neither the mayor, any member of council, appointed officer, nor any employee of  
2 Peachtree City shall be qualified or eligible to serve as judge.

3 (d) The judge shall be appointed by the city council and shall serve at the discretion of the  
4 city council. The compensation of the judge shall be fixed by the city council.

5 (e) The judge pro hac vice shall serve in the absence or disqualification of the judge; shall  
6 have the same qualifications as the judge; and shall be appointed by the city council.

7 (f) Before entering on duties of his or her office, the judge or judge pro hac vice shall take  
8 an oath before the mayor or mayor pro tempore that he or she will truly, honestly, and  
9 faithfully discharge the duties of his or her office to the best of his or her ability without fear,  
10 favor, or partiality. This oath shall be entered upon the minutes of the meeting of the mayor  
11 and council.

12 **SECTION 8.3.**

13 Jurisdiction.

14 (a) Unless a lesser penalty is provided by ordinance or a greater penalty is provided by  
15 general law, the judge shall have power to impose fines, costs, and forfeitures for the  
16 violation of any law or ordinance of Peachtree City passed in accordance with this charter  
17 as follows:

18 (1) To impose a fine in an amount not to exceed \$1,000.00 for each offense;

19 (2) To imprison offenders for a period of not more than six months for each offense;

20 (3) To commit offenders to community service for not more than 40 hours per week for  
21 a period of not more than six months for each offense; and

22 (4) To combine any one or more of these punishments in the discretion of the judge.

23 (b) Said judge shall not have the authority to inflict a greater punishment for contempt than  
24 to impose a fine of \$200.00 or imprisonment not exceeding ten days, or any combination of  
25 the two.

26 (c) The judge shall be authorized to issue warrants for offenses committed within the  
27 corporate limits of Peachtree City, which warrants may be executed by any police officer of  
28 said city, and to commit the offenders to jail or admit them to bail or recognizance inailable  
29 cases for their appearance at the next term of court of competent jurisdiction.

30 (d) The judge is hereby authorized to issue subpoenas to compel the attendance of witnesses  
31 to said municipal court and to issue such other processes as may be necessary for the proper  
32 administration of said court.

33 (e) The municipal court shall also have concurrent jurisdiction with that of the magistrate  
34 over offenses against the criminal laws of the state committed within the corporate limits of  
35 the city.

1 (f) Except as may be herein otherwise specified, the judge is vested with all of the  
2 jurisdiction and powers as to the entire area within the corporate limits of Peachtree City.

3 (g) The municipal court is specifically invested with all jurisdiction and powers throughout  
4 the entire area within the corporate limits of the city granted by state laws generally to  
5 municipal courts and particularly such laws as authorized the abatement of nuisances.

6 (h) The judge of the municipal court is hereby authorized to administer oaths.

7 **SECTION 8.4.**

8 Right of judicial review of final judgments and sentences.

9 Any defendant who is dissatisfied with the judgment or sentence of the municipal court shall  
10 have the right to seek review of said judgment or sentence by filing a petition for the writ of  
11 certiorari in the Superior Court of Fayette County as provided by the general law of this state.  
12 Upon the filing of a notice of intention to petition for certiorari with the clerk of the  
13 municipal court in writing and within ten days after the date of the final judgment, it shall be  
14 the duty of the judge of said court to assess a reasonable bond pending the review of the  
15 judgment of conviction, with such surety or sureties to be approved by the clerk of said court,  
16 and such bond, when filed and approved as provided herein, shall act as a supersedeas of  
17 judgment until the final judgment of the superior court.

18 **SECTION 8.5.**

19 Court costs.

20 In all cases in the Municipal Court of Peachtree City, the costs incurred and allowable in this  
21 charter may be computed under the provisions of the laws of the State of Georgia fixing costs  
22 in the courts of said state or the city council may establish by ordinance a schedule of fees  
23 to defray the costs of operation. The council may also provide a uniform scale of costs of the  
24 clerk and police officers of said city for all services in the arrest and prosecution of offenders  
25 in the municipal court and in the issuance and collection of tax and other executions and for  
26 their collections and payment into the city treasury.

27 **SECTION 8.6.**

28 Rules for court.

29 With the approval of the mayor and council, the judge shall have full power and authority  
30 to make reasonable rules and regulations necessary and proper to secure the efficient and  
31 successful administration of the business of said court; provided, however, that the mayor

1 and council may adopt in part or in toto the rules and regulations relative to the procedures  
2 to the operation of the superior courts under the general laws of the State of Georgia.

3 **ARTICLE IX**

4 **GENERAL PROVISIONS**

5 **SECTION 9.1.**

6 Existing ordinances, resolutions, rules, and regulations.

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

10 **SECTION 9.2.**

11 Existing personnel and officers.

12 Except as specifically provided otherwise by this charter, all personnel and officers of the  
13 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
14 effect until otherwise decided by the city council.

15 **SECTION 9.3.**

16 Pending matters.

17 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,  
18 contracts, and legal or administrative proceedings shall continue and any such on-going work  
19 or cases shall be completed by such city personnel or officers as may be provided by the city  
20 council.

21 **SECTION 9.4.**

22 Severability.

23 If any article, section, subsection, paragraph, or sentence of this charter shall be held to be  
24 invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair  
25 other parts of this charter unless it clearly appears that such other parts are wholly and  
26 necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
27 legislative intent in enacting this charter that each article, section, subsection, paragraph, and  
28 sentence be enacted separately and independent of each other.

