

Senate Bill 366

By: Senator Shafer of the 48th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating a new charter for the City of Sugar Hill, Georgia, approved
 2 April 17, 1975 (Ga. L. 1975, p. 3232), as amended, so as to provide a new charter for the
 3 City of Sugar Hill; to provide for incorporation, boundaries, and powers of the city, both
 4 specific and general; to provide for construction of powers, exercise of powers, and
 5 ordinances of the city, to provide for the governing authority of such city, the terms of office,
 6 qualification for office, the creation of vacancies, and the filling of vacancies in office; to
 7 provide for compensation of members of the governing authority; to provide prohibitions for
 8 elected officials; to authorize inquiries and investigations by the governing authority; to
 9 provide general powers and authority of the governing authority; to provide for organization,
 10 meetings, rules and procedures, voting, and enactment of ordinances; to provide for a code
 11 of technical regulations; to provide for the approval and veto of ordinances by the mayor; to
 12 provide for the authenticating of ordinances and the recording, codification, and printing of
 13 ordinances; to provide for administrative and service departments, boards, commissions, and
 14 authorities; to provide for a city manager, a city attorney, a city clerk, a tax collector, a city
 15 accountant, consolidation of functions, position classifications and pay plans, and personnel
 16 policies; to provide for the creation of a municipal court, appointment of judges of the
 17 municipal court, the time of convening of the court, and the jurisdiction and powers of the
 18 municipal court; to provide for a process for the appeal of decisions of the municipal court
 19 and the adoption of rules of the municipal court; to provide for regular elections, qualifying
 20 and nomination of candidates, absentee ballots, nonpartisan elections, election of governing
 21 authorities by a majority vote, application of general laws, special elections and filling of
 22 vacancies, grounds for removal of members of the governing authority, and a procedure for
 23 removal; to provide for property taxes, tax levies, tax due dates and the issuance of tax bills,
 24 collection of delinquent taxes, licenses, occupational taxes, excise taxes, sewer service
 25 charges, sanitary and health service charges, franchises and franchise fees, special
 26 assessments, transfer of executions, general obligation bonds, revenue bonds, short-term
 27 notes, procedures for establishment of a fiscal year, preparation of budgets, submission of
 28 operating budgets to the city council, action by council on budgets, property tax levies,

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1 additional appropriations, capital improvements budget, contracting procedures, centralized
 2 purchasing, and disposition of city property; to provide for official bonds for officers and
 3 employees of the city; to provide for continuation of existing ordinances and regulations; to
 4 provide for definitions and constructions and penalties; to provide for severability; to provide
 5 an effective date; to provide for other matters relative to the foregoing; to repeal conflicting
 6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An act providing a new charter for the City of Sugar Hill, Georgia, approved April 17, 1975
 10 (Ga. L. 1975, p. 3232), as amended, is hereby amended by striking Sections 1.10 through
 11 7.17 in their entirety and inserting in lieu thereof the following:

12 "ARTICLE I
 13 CREATION, INCORPORATION, AND POWERS

14 SECTION 1.10.

15 Incorporation.

16 The City of Sugar Hill, Georgia, in the County of Gwinnett, and the inhabitants thereof
 17 shall continue to be a body politic and corporate under the same name and style of the City
 18 of Sugar Hill, Georgia. Under that name, said city shall continue to be vested with all of
 19 the property and rights of property which now belong to the corporation; shall have
 20 perpetual succession; may sue and be sued; may contract and be contracted with; may
 21 acquire and hold such property, real and personal, as may be devised, bequeathed, sold, or
 22 in any manner conveyed or dedicated to or otherwise acquired by it, and from time to time
 23 may hold or invest, sell, or dispose of the same; may have a common seal and alter and
 24 renew the same at will; and may exercise, in conformity with this charter, all municipal
 25 powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

26 SECTION 1.11.

27 Corporate boundaries.

28 The City of Sugar Hill shall encompass all of the territory described within the following
 29 boundaries:

1 (a) The boundaries of the city shall be those existing on the effective date of the adoption
2 of this charter and as further described in Exhibit A which is attached to this charter and
3 incorporated in this charter by reference. Upon the adoption of this charter, the
4 boundaries of the city shall include all of that area as described in the previous city
5 charter (Ga. L. 1975, p. 3232) as well as any areas added by amendment to said charter,
6 and by all annexation ordinances adopted by the mayor and council of the City of Sugar
7 Hill since the adoption of that charter. The boundaries of the city shall include those
8 areas as shown on a map titled the Official Map of the Corporate Limits of the City of
9 Sugar Hill, Georgia, dated March 2003, which map shall be retained permanently in the
10 office of the city clerk and which map is incorporated herein by reference. Alterations
11 of the boundary of the city may be made from time to time in any manner provided by
12 law. Boundaries of the city shall be shown at all times on a map to be retained
13 permanently in the office of the city clerk and entitled Official Map of the Corporate
14 Limits of the City of Sugar Hill, Georgia. Photographic, typed, or other copies of such
15 maps certified by the city clerk shall be admitted as evidence in all courts and shall have
16 the same force and effect as with the original map.

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

20 SECTION 1.12.

21 Specific powers.

22 The corporate powers of the government of the City of Sugar Hill, to be exercised by the
23 governing authority, may include the following:

24 (1) Air and water pollution. To regulate the emission of smoke or other exhaust which
25 pollutes the air and to prevent the pollution of natural streams which flow within the
26 corporate limits of the city;

27 (2) Animal regulations. To regulate and license or prohibit the keeping or running at
28 large of animals and fowl and to provide for the impoundment of same if in violation of
29 any ordinance or lawful order; to provide for their disposition by sale, gift, or humane
30 destruction, when not redeemed as provided by ordinance;

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

- 1 (4) Building regulations. To establish minimum standards for and to regulate the
2 erection, construction, and repair of buildings and all other structures; to adopt building,
3 housing, plumbing, electrical, gas, and heating and air conditioning codes; to regulate all
4 housing, building, and building trades; to license all building trades; and to license the
5 construction and erection of buildings and all other structures for the health, sanitation,
6 cleanliness, welfare, and safety of inhabitants of the city;
- 7 (5) Business regulation and taxation. To levy and to provide for the collection of license
8 fees and taxes on privileges, occupations, trades, and professions, and to license and
9 regulate such privileges, occupations, trades, and professions, and to provide for the
10 manner and method of payment of such licenses and taxes;
- 11 (6) Condemnation. To condemn property, inside or outside the corporate limits of the
12 city, for present or future use and for any corporate purpose deemed necessary by the
13 governing authority, under the provisions of Title 22 of the O.C.G.A. or such other laws
14 as are or may exist or hereafter be enacted;
- 15 (7) Contracts. To enter into contracts and agreements with other governmental entities
16 and with private persons, firms, and corporations providing for services to be furnished
17 and payments to be made therefor;
- 18 (8) Emergencies. To establish procedures for determining and proclaiming that an
19 emergency situation exists within or without the city and to make and carry out all
20 reasonable provisions deemed necessary to deal with or meet such an emergency for the
21 protection, safety, health, or well-being of the citizens of the city;
- 22 (9) Environmental Protection. To protect and preserve the natural resources,
23 environment, and vital areas of the city, region, and state through the preservation and
24 improvement of air quality, the restoration and maintenance of water resources, the
25 control of erosion and sedimentation, and other necessary actions for the protection of the
26 environment;
- 27 (10) Fire regulations. To fix and establish fire limits and from time to time to extend,
28 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
29 general law, relating to both fire prevention and detection and to fire fighting;
- 30 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
31 and disposal and other sanitary service charge, tax, or fee for such services as may be
32 necessary in the operation of the city from all individuals, firms, and corporations
33 residing in or doing business therein benefitting from such services; to enforce the
34 payment of such charges, taxes, or fees; and to provide for the manner and method of
35 collecting such service charges;
- 36 (12) General health and safety. To define, regulate, and prohibit any act, practice,
37 conduct, or use of property which is detrimental, or likely to be detrimental, to the health,

1 sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for
2 the enforcement of such standards;

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

6 (14) Health and sanitation. To prescribe standards of health and sanitation and to
7 provide for the enforcement of such standards;

8 (15) Jail sentences. To provide that persons given jail sentences in the city's court shall
9 work out such sentences in any public works or on the streets, roads, drains, and squares
10 in the city; or to provide for commitment of such persons to any county work camp or jail
11 by agreement with the appropriate county officials;

12 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control
13 over all traffic, including parking, upon or across the streets, loads, alleys, and walkways
14 of the city;

15 (17) Municipal agencies and delegation of power. To create, alter, or abolish
16 departments, boards, offices, commissions, and agencies of the city and to confer upon
17 such agencies the necessary and appropriate authority for carrying out all the powers
18 conferred upon or delegated to the same;

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

22 (19) Municipal property ownership. To acquire, dispose of, and hold in trust or
23 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside
24 or outside the property limits of the city;

25 (20) Municipal property protection. To provide for the preservation and protection of
26 property and equipment of the city and the administration and use of the same by the
27 public;

28 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
29 of public utilities, including, but not limited to a system of waterworks, sewers and
30 drains, sewage disposal, gas works, electric lights plants, transportation facilities, public
31 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
32 assessments, regulations, and penalties; and to provide for withdrawal of service for
33 refusal or failure to pay the same and the manner in which such remedies shall be
34 enforced;

35 (22) Nuisances. To define a nuisance and provide for its abatement whether on public
36 or private property;

- 1 (23) Penalties. To provide penalties for violations of any ordinance adopted pursuant to
2 the authority of this charter and the laws of the State of Georgia;
- 3 (24) Planning and zoning. To provide comprehensive city planning for development by
4 zoning and to provide subdivision regulation and the like as the city council deems
5 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 6 (25) Police Protection. To exercise the power of arrest through duly appointed police
7 officers or in any other manner provided by the general laws of the State of Georgia;
- 8 (26) Public hazards; removal. To provide for the destruction and removal of any
9 building or other structure which may or might become dangerous or detrimental to the
10 public;
- 11 (27) Public improvements. To provide for the acquisition, construction, building,
12 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
13 cemeteries, markets and market houses, public buildings, libraries, sewers, drains,
14 sewerage treatment, airports, hospitals, and charitable, cultural, educational, recreational,
15 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
16 agencies, and facilities; and to provide any other public improvements, inside or outside
17 the corporate limits of the city; and to regulate the use thereof, and for such purposes,
18 property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other
19 laws as are or may hereafter be enacted;
- 20 (28) Public peace. To adopt ordinances and regulations for the prevention of loitering,
21 disorderly conduct, public drunkenness, the playing of lotteries, and disturbing the peace
22 in the corporate limits of the city and to prohibit or regulate by ordinance such other
23 conduct and activities within said city which, while not constituting an offense against
24 the laws of this state, is deemed by the governing authority to be detrimental and
25 offensive to the peace and good order of the city or to the welfare of the citizens thereof;
- 26 (29) Public transportation. To organize and operate such public transportation systems
27 as are deemed beneficial;
- 28 (30) Public utilities and services. To grant franchises or make contracts for public
29 utilities and public services, not to exceed periods of 50 years; to prescribe the rates,
30 fares, regulations, and standards and conditions of service applicable to the service to be
31 provided by the franchise grantee or contractor, insofar as not in conflict with such
32 regulations of the Georgia Public Service Commission;
- 33 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
34 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
35 and all other structures or obstructions upon or adjacent to the rights of way of streets and
36 roads or within view thereof within or abutting the corporate limits of the city;

- 1 (32) Retirement. To provide and maintain a system of pensions and retirement for
2 officers and employees of the city;
- 3 (33) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
4 of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, otherwise
5 improve, maintain, repair, clean, prevent erosion of, and light roads, alleys, and walkways
6 within the corporate limits of the city;
- 7 (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
8 constructing, equipping, operation, maintaining, and extending of a sewage disposal plant
9 and sewerage system and to levy on the users of sewers and the sewerage system a sewer
10 service charge fee or sewer tax for the use of the sewers; to provide for the manner and
11 method of collecting such service charges and for enforcing payment of the same; to
12 charge, impose, and collect a sewer connection fee or fees, and to charge the same from
13 time to time, such fees to be levied on the users connecting with the sewerage system;
- 14 (35) Sidewalks. To require real estate owners to repair and maintain in a safe condition
15 the sidewalks adjoining their lots or lands and to enact ordinances establishing the terms
16 and conditions under which such repairs and maintenance shall be effected, including the
17 penalties to be imposed for failure to do so;
- 18 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
19 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
20 others including the granting of exclusive or nonexclusive franchises for such services;
21 and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and
22 other recyclable materials and to provide for the sale of such items;
- 23 (37) Special areas of public regulation. To regulate or prohibit junk dealers, pawnshops,
24 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of
25 firearms; to regulate the transformation, storage, and use of combustible explosive and
26 inflammable materials, the use of lighting and heating equipment, and any other business
27 or situation which may be dangerous to persons or property; to regulate and control the
28 conduct of peddlers and itinerate trades, theatrical performances, exhibitions, and shows
29 of any kind by taxation or otherwise;
- 30 (38) Special areas of public regulation. To license, tax, regulate, or prohibit professional
31 fortunetelling or palmistry;
- 32 (39) Special assessments. To levy and provide for the collection of special assessments
33 to cover the costs for any public improvements;
- 34 (40) Taxes: ad valorem and other. To levy and to provide for the assessment, valuation,
35 revaluation, and collection of taxes on all property subject to taxation;
- 36 (41) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
37 number of such vehicles; to require the operators thereof to be licensed; to require public

1 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
2 regulate and rent parking spaces in public ways for the use of such vehicles;

3 (42) Urban redevelopment. To organize and operate an urban redevelopment program.

4 (43) Welfare: general. To make, ordain, and establish such bylaws, ordinances, rules,
5 and regulations as shall appear necessary for the security, welfare, convenience, and
6 interest of the city and the inhabitants thereof, and for preserving the health, peace, order,
7 and good government of the city; and

8 (44) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
9 and immunities necessary or desirable to promote or protect the safety, health, peace,
10 security, good order, comfort, convenience, or general welfare of the city and its
11 inhabitants; and to exercise all implied powers necessary to carry into execution all
12 powers granted in this charter as fully and completely as if such powers were fully
13 enumerated herein; and to exercise all powers now or in the future authorized to be
14 exercised by other municipal governments under other laws of the State of Georgia; and
15 no enumeration of particular powers in this charter shall be held to be exclusive of others
16 nor restrictive of general words and phrases granting powers, but shall be held to be in
17 addition to such powers unless expressly prohibited to municipalities under the
18 Constitution or applicable laws of the State of Georgia.

19 SECTION 1.13.

20 General powers.

21 In addition to all other powers herein granted, the city shall be vested with any and all
22 powers which municipal corporations are, or may hereafter be, authorized or required to
23 exercise under the Constitution and laws of the State of Georgia, as fully and completely
24 as though such powers were specifically enumerated herein, and any and all powers which
25 the city was heretofore authorized to exercise upon the effective date of this charter.

26 SECTION 1.14.

27 Construction.

28 The powers of the city shall be construed liberally and in favor of the city. The specific
29 mention or failure to mention particular powers in this charter shall not be construed as
30 limiting in any way the general power of the city as stated in this charter. It is the intention
31 hereof to grant the city full power and right to exercise all governmental authority
32 necessary for the effective operation and conduct of the city and all of its affairs.

1 SECTION 1.15.

2 Exercise of powers.

3 All powers, functions, rights, privileges, and immunities of the city and its officers,
4 agencies, or employees shall be carried into execution as provided by this charter. If this
5 charter makes no provision, such powers, functions, rights, privileges, and immunities shall
6 be carried into execution as provided by ordinance of the governing authority and as
7 provided by pertinent laws of the State of Georgia.

8 SECTION 1.16.

9 Ordinances.

10 All ordinances, bylaws, rules, and regulations now in force in the city not inconsistent with
11 this charter are hereby declared valid and of full effect and force until amended or repealed
12 by the governing authority.

13 ARTICLE II

14 GOVERNING BODY

15 SECTION 2.10.

16 Creation; composition; number; election.

17 The legislative authority of the government of the City of Sugar Hill, except as otherwise
18 specifically provided in this charter, shall be vested in a city council to be composed of a
19 mayor and five councilmembers. The mayor and councilmembers shall be elected in the
20 manner provided by Article V of this charter.

21 SECTION 2.11.

22 Terms of office.

23 The mayor and members of the city council shall serve for terms of four years and until
24 their respective successors are elected and qualified. The mayor and councilmembers who
25 hold posts 1 and 2 shall be elected in the same year. The councilmembers who hold posts
26 3, 4, and 5 shall be elected in the same year. No person shall be eligible to serve as mayor
27 or councilmember unless that person shall have been a resident of Sugar Hill for one year
28 prior to the date of election as mayor or councilmember; each shall continue to reside

1 therein during that person's term of office and to be registered and qualified to vote in
2 municipal elections of this city.

3 SECTION 2.12.

4 Qualification of office.

5 No person shall be eligible to hold any office under this act who is not an eligible voter and
6 has not been a resident of the city for 12 months prior to the date of the election. Each shall
7 continue to reside in the city therein during that member's tenure of service.

8 SECTION 2.13.

9 Mayor Pro tempore.

10 At the first meeting of the city council by majority vote in each odd-numbered year, the
11 council shall choose from its own number a mayor pro tempore, who, in the absence,
12 sickness, or disqualification of the mayor, shall be clothed with all rights, privileges, and
13 duties of the mayor. If the mayor elected by the people and the mayor pro tempore shall
14 be unable from any cause to attend to their duties, the council shall immediately elect from
15 any one of the remaining councilmembers another mayor pro tempore, who shall thereby
16 be clothed with all the powers, rights, and duties of the mayor of the city upon taking the
17 usual oath.

18 SECTION 2.14.

19 Vacancy; forfeiture of office; filling of vacancies.

20 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the
21 incumbent's death, resignation, forfeiture of office, or removal from office in any manner
22 authorized by this charter or the laws of the State of Georgia.

23 (b) Forfeiture of office. The mayor or any councilmember shall forfeit office if he or she:

24 (1) Lacks at any time during the term of office any qualifications of the office as
25 prescribed by this charter or the laws of the State of Georgia; or

26 (2) Is convicted of a felony involving moral turpitude.

27 (c) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled
28 for the remainder of the unexpired term, if any, as provided for in Article V of this charter.

1 SECTION 2.15.

2 Compensation and expenses.

3 The mayor and councilmembers shall receive as compensation for their services an amount
4 which may be determined from time to time by majority vote of the council; provided,
5 however, that there shall be no change of compensation by either increase or decrease
6 during the term of any councilmember, mayor, or mayor pro tempore in office at the time
7 of any such change of compensation. The mayor and councilmembers shall be entitled to
8 receive their actual and necessary expenses incurred in the performance of their duties of
9 office.

10 SECTION 2.16.

11 Prohibitions.

12 (a) Holding other office. Except as authorized by law, no council member shall hold any
13 other elective city office or city employment during the term for which he or she was
14 elected.

15 (b) Voting when personally interested. Neither the mayor nor any other council member
16 shall vote upon any question in which he or she is personally interested.

17 (c) Dealing with city. No person holding office under this charter shall at any time during
18 the term of which he or she was elected or appointed, or while in office, be capable of
19 contracting with the city for the performance of any work or the sale of anything which is
20 to be paid for out of the treasury, nor shall any such person be capable of holding or having
21 any interest in such contracts entered into by himself or herself or another, directly or
22 indirectly.

23 SECTION 2.17.

24 Inquiries and investigations.

25 The council may make inquiries and investigations into the affairs of the city and the
26 conduct of any department, office, or agency thereof and for this purpose may administer
27 oaths, take testimony, and require the production of evidence. Any person who fails or
28 refuses to obey a lawful order issued in the exercise of these powers by the city council
29 shall be punished as provided by ordinance.

SECTION 2.18.

General power and authority of the council.

(a) Except as otherwise provided by law or by this charter, the council shall be vested with all the powers of government of the City of Sugar Hill as provided by Article 1 of this charter.

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

(c) By ordinance, the council may create, change, alter, abolish, or consolidate offices, agencies, and departments of the city and may assign additional functions to any of the offices, agencies, and departments expressly provided for by this charter.

SECTION 2.19.

Powers and duties of mayor.

(a) The mayor shall be the official spokesperson for the city and the chief advocate of policy. He or she shall preside at meetings of the council, shall sign ordinances and resolutions on their final passage, and shall sign deeds, bonds, contracts, and other instruments or documents when authorized by the council to do so. The mayor shall perform such other duties as may be imposed by this charter or by ordinance of the council not inconsistent therewith.

(b) The mayor, or mayor pro tempore while acting as mayor, shall have the right to vote on all questions before the council when said vote is a tie.

SECTION 2.20.

Organizational meeting.

The city council shall hold an organizational meeting on the second Monday in January. The meeting shall be called to order by the city clerk and the oath of the office shall be administered to the newly elected members as follows:

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

4 SECTION 2.21.

5 Regular and special meetings.

6 (a) The council shall hold regular meetings at such times and places as prescribed by
7 ordinance. The council may recess any regular meeting and continue such meeting on any
8 date or hour it may fix and may transact any business at such continued meeting as may be
9 transacted at any regular meeting.

10 (b) The mayor and council may hold special meetings and may transact business therein
11 in accordance with law.

12 (c) All meetings of the council may be public in accordance with applicable law.

13 SECTION 2.22.

14 Rules of procedure.

15 The council shall adopt its rules of procedure and order of business consistent with the
16 provisions of this charter and shall provide for keeping a journal in written or electronic
17 form of its proceedings, which shall be a public record.

18 SECTION 2.23.

19 Quorum voting.

20 The mayor or mayor pro tempore and any three councilmembers shall constitute a quorum
21 and shall be authorized to transact business of the council. Voting on the adoption of
22 ordinances shall be taken by voice vote and the ayes and nays shall be recorded in the
23 journal, but any member of the council shall have the right to request a roll call vote. The
24 mayor or mayor pro tempore shall have the right to cast a vote in the case of a tie and the
25 majority of votes shall determine any and all questions and elections before the council.

26 SECTION 2.24.

27 Action requiring an ordinance.

28 (a) Except as herein provided, every official action of the council which is to become law
29 shall be by ordinance. Each proposed ordinance or resolution shall be introduced in writing

1 and in the form for final adoption. The enacting clause shall be 'The Council of the City
2 of Sugar Hill hereby ordains....'.

3 (b) An ordinance may be introduced by any member of the council and read at a regular
4 or special meeting of the council. Ordinances shall be considered and adopted or rejected
5 by the council in accordance with the rules which it shall establish.

6 SECTION 2.25.

7 Reserved.

8 SECTION 2.26.

9 Codes of technical regulations.

10 (a) The council may adopt any standard code of technical regulations by reference thereto
11 in an adopting ordinance. The procedure and requirements governing such adopting
12 ordinance shall be as prescribed for ordinances generally, except that:

13 (1) The requirements for distribution and filing of copies of the ordinance shall be
14 construed to include copies of any code of technical regulations, as well as the adopting
15 ordinance; and

16 (2) A copy of each adopted code of technical regulations, as well as the adopting
17 ordinance, shall be authenticated and recorded by the clerk.

18 (b) Copies of any adopted code of technical regulations shall be made available by the
19 clerk for distribution or for purchase at a reasonable price.

20 (c) Nothing in this section shall be construed to prohibit the adoption of other codes or
21 regulations by reference, provided a copy of the referenced code or regulation is attached
22 to the adopting ordinance.

23 SECTION 2.27

24 Submission of ordinances to the mayor;
25 authenticating, recording, codification, printing.

26 (a) Procedure:

27 (1) Every ordinance adopted by the council shall be presented promptly by the city clerk
28 to the mayor.

29 (2) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the
30 clerk with or without approval or with disapproval. If the ordinance has been approved
31 by the mayor, it shall become law upon its return to the clerk. If the ordinance is neither

1 approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar day
2 after its adoption. If the ordinance is disapproved, the mayor shall submit to the council,
3 through the clerk, a written statement of the reasons for the veto. The clerk shall record
4 upon the ordinance the date of its delivery to and receipt from the mayor.

5 (3) Ordinances vetoed by the mayor shall be represented by the clerk to the council at
6 its next regular meeting and, if the council should then or at its next regular meeting
7 adopt the ordinance by an affirmative vote of four members, it shall become law.

8 (4) The mayor may disapprove or reduce any item or items of appropriation in any
9 ordinance. The approved part or parts of any ordinance making appropriations shall
10 become law and the part or parts disapproved shall not become law unless subsequently
11 passed by the city council over the mayor's veto as provided herein.

12 (b) The council shall provide for the preparation of a general codification of all of the
13 ordinances of the city having the force and effect of law. The general codification shall be
14 adopted by the council by ordinance and shall be published promptly, together with all
15 amendments thereto, with this charter and any amendments thereto, and such codes of
16 technical regulations and other rules and regulations as the city council may specify. This
17 compilation shall be known and cited officially as 'The Code of the City of Sugar Hill,
18 Georgia.' Copies of the code shall be furnished to all officers, departments, and agencies
19 of the city and shall be made available for purchase of the written document by the public
20 at a reasonable price as fixed by the council and by electronic format.

21 (c) The council shall cause each ordinance and each amendment to this charter to be
22 printed promptly following its adoption and the printed ordinances and charter amendments
23 shall be made available for purchase by the public at reasonable prices to be fixed by the
24 council or available via electronic format. Following publication of the first code of the
25 City of Sugar Hill and at all times thereafter, the ordinances and charter amendments shall
26 be printed in substantially the same style as the code currently in effect and shall be
27 suitable in form for incorporation therein. The council shall make such further
28 arrangements as deemed desirable with respect to reproduction and distribution of any
29 current changes in or addition to codes of technical regulations and other rules and
30 regulations included in the code.

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ARTICLE III
EXECUTIVE BRANCH

SECTION 3.10.

Administrative and service departments.

(a) The council, by ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, as they shall deem necessary for the proper administration of the affairs and government of the city. The council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number or offices and positions or employment; and may transfer or change the function or duties of offices, positions of employment, departments, and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance, and shall be subject to the general supervision and guidance of the mayor and council.

(c) Except as otherwise provided by this charter, the directors of departments and other appointed officers of the city shall serve at the pleasure of the appointing authority. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this charter for an original appointment.

(d) Except as otherwise provided by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(e) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance of the city council.

SECTION 3.11.

Boards, commissions, and authorities.

(a) All members of boards, commissions, and authorities of the city shall be appointed by the council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, term of office, or manner of appointment is prescribed by this charter or by applicable state law.

1 (b) No member of any board, commission, or authority shall hold any elective office in the
2 city except where other appointing authority, term of office, or manner of appointment is
3 prescribed by this charter or by applicable state law.

4 (c) Any vacancy in office of any member of a board, commission, or authority of the city
5 shall be filled for the unexpired term in the manner prescribed herein for original
6 appointment, except as otherwise provided by this charter or any applicable state law.

7 (d) No member of any board, commission, or authority shall assume office until he or she
8 shall have executed and filed with the clerk of the city an oath obligating himself or herself
9 to faithfully and impartially perform the duties of his or her office, such oath to be
10 prescribed by ordinance of the council and administered by the mayor.

11 (e) Members of boards, commissions, or authorities shall serve at the pleasure of the
12 council and may be removed from office at any time by a majority vote of the city council.

13 (f) Members of boards, commissions, and authorities may receive such compensation and
14 expenses in the performance of their official duties as prescribed by ordinance.

15 (g) The qualifications required of members of boards, commissions, and authorities shall
16 be as prescribed by ordinance.

17 (h) Except as otherwise provided by this charter or by applicable state law, each board,
18 commission, or authority of the city government shall elect one of its members as
19 chairperson and one member as vice chairperson for terms of one year, and may elect as
20 its secretary one of its own members or may appoint as secretary an employee of the city.
21 Each board, commission, or authority of the city government may establish such bylaws,
22 rules, and regulations not inconsistent with this charter, ordinances of the city, or applicable
23 state law as it deems appropriate and necessary for the conduct of its affairs, copies of
24 which shall be filed with the clerk of the city.

25 SECTION 3.12.

26 City manager.

27 The council may appoint a city manager who is not a member of the city council for an
28 indefinite term and shall fix the city manager's compensation. The duties and authority of
29 the city manager shall be established by ordinance of the council and, in so doing, the
30 council may specifically delegate to the city manager any of the administrative or
31 budgetary duties of the mayor.

1 SECTION 3.13.

2 City attorney.

3 The council shall appoint a city attorney, who is not a member of the city council, together
4 with such assistant city attorneys as may be authorized by ordinance, and shall provide for
5 the payment of such attorney or attorneys for services rendered to the city. The city
6 attorney shall be responsible for representing and defending the city in all litigation in
7 which the city is a party; may be the prosecuting officer in the municipal court; shall attend
8 the meetings of the council as directed; shall advise the council, mayor, and other officers
9 and employees of the city concerning legal aspects of the city' affairs; and shall perform
10 such other duties as may be required by virtue of the position as city attorney.

11 SECTION 3.14.

12 City clerk.

13 The council may appoint a city clerk who is not a member of the city council to keep a
14 journal of the proceedings of the city council and to maintain in a safe place all records and
15 documents pertaining to the affairs of the city, to be the custodian of the official city seal,
16 and to perform such other duties as may be required by law or as the council may direct.

17 SECTION 3.15.

18 Tax collector.

19 The council may appoint a tax collector who is not a member of the city council to collect
20 all taxes, licenses, fees, and other moneys belonging to the city, subject to the provisions
21 of this charter and the ordinances of the city, and the tax collector shall diligently comply
22 with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure
23 of taxes by municipalities.

24 SECTION 3.16.

25 City accountant.

26 The council may appoint a city accountant who is not a member of the city council to
27 perform the duties of an accountant.

1 SECTION 3.17.

2 Consolidation of functions.

3 The council may consolidate any two or more of the positions of the city clerk, city tax
4 collector, city accountant, or any other positions or may assign the functions of any one or
5 more of such positions to the holder or holders of any other positions. The city manager
6 may, with the approval of the city council, perform all or any part of the functions of any
7 of the positions of offices in lieu of appointing other persons to perform the same.

8 SECTION 3.18.

9 Position classification and pay plans.

10 The city manager may prepare a position classification and pay plan to be submitted to the
11 council for approval. Said plans may apply to all employees of the City of Sugar Hill and
12 to any of its agencies and offices. When a pay plan has been adopted, the council shall not
13 increase or decrease the salaries of individuals employees except by amendment of said pay
14 plan. For purposes of this section, all elected and appointed city officials are not city
15 employees.

16 SECTION 3.19.

17 Personnel policies.

18 The council shall adopt rules and regulations consistent with this charter concerning:

- 19 (1) The method of employee selection and conditions of employment;
20 (2) The administration of any position classification and pay plan, methods of promotion
21 and application of service ratings thereto, and transfer of employees within the
22 classification plan;
23 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
24 the order and manner in which layoff shall be effected; and
25 (4) Such other personnel policies as may be necessary to provide for adequate and
26 systematic handling of the personnel affairs of the City of Sugar Hill.

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ARTICLE IV
MUNICIPAL COURT

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SECTION 4.10.

Creation.

5 (a) There is hereby established a court to be known as the municipal court of the City of
6 Sugar Hill, which shall have jurisdiction and authority to try offenses against the laws and
7 ordinances of said city and to punish violations of the same. Such court shall have the
8 power and authority to enforce its judgments by the imposition of such penalties as may
9 be provided by law; to punish witnesses for nonattendance and to punish also any person
10 who may counsel or advise, aid, encourage, or persuade another whose testimony is desired
11 or material in any proceeding before said court to go or move beyond the reach of the
12 process of the court; and to try all offenses within the territorial limits of the city
13 constituting traffic cases which under the laws of Georgia are placed within the jurisdiction
14 of municipal or police courts to the extent of and in accordance with the provisions of such
15 laws and all laws subsequently enacted amendatory thereof.

16 (b) Said court shall be presided over by a chief judge appointed by the city council. In the
17 absence or disqualification of the judge, an assistant judge designated as such by the
18 council shall preside and shall exercise the same powers and duties as the judge when so
19 acting. Should both the chief judge and assistant judge become disqualified, then any
20 member of the state bar may be designated by the mayor to preside with the same powers
21 and duties as the judge when so acting.

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SECTION 4.11.

Judge.

24 (a) No person shall be qualified or eligible to serve as judge unless that person shall have
25 attained the age of 21 years and a member of the State Bar of Georgia. The chief judge
26 shall be appointed by the council and shall serve at the discretion of the council. The
27 compensation of the judge shall be fixed by the council.

28 (b) The assistant judge shall serve in the absence of the chief judge, shall have the same
29 qualifications as the judge, shall be appointed by the council, and shall take the same oath
30 as the judge.

31 (c) Before entering on duties of the office, the chief judge shall take an oath before an
32 officer duly authorized to administer oaths in this state that the judge will truly, honestly,

1 and faithfully discharge the duties of the office to the best of his or her ability without fear,
2 favor, or partiality. The oath shall be entered upon the minutes of the council.

3 (d) Compensation of the judges shall be fixed by ordinance.

4 (e) Judges serve at the will of the city council and may be removed at any time by a
5 majority vote of the city council.

6 SECTION 4.12.

7 Convening.

8 Said court shall be convened at such times as designated by ordinance or at such times as
9 deemed necessary to keep current the dockets thereof.

10 SECTION 4.13

11 Jurisdiction; powers.

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

14 (b) The municipal court shall have authority to punish those in its presence for contempt.
15 Such punishment shall not exceed \$200.00 or ten days of imprisonment, or by both such
16 fine and imprisonment.

17 (c) The municipal court may fix punishment for offenses within its jurisdiction not
18 exceeding a fine of \$1,000.00 or imprisonment for one year or both such fine and
19 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as
20 now or hereafter provided by law.

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

24 (e) The municipal court shall have authority to establish bail and recognizances to ensure
25 the presence of those charged with violations before said court and shall have discretionary
26 authority to accept cash or personal or real property as surety for the appearance of persons
27 charged with violations. Whenever any person shall give bail for that person's appearance
28 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by
29 the judge presiding at such time and an execution shall be issued thereon by serving the
30 defendant and the defendant's sureties with a rule nisi at least two days before a hearing
31 on the rule nisi. In the event that cash or property is accepted in lieu of bond for security
32 for the appearance of a defendant at trial, and, if such defendant fails to appear at the time
33 and place fixed for trial, the cash so deposited shall be on order of the judge declared

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

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

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

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

14 (i) The municipal court is specifically vested with all the jurisdiction and powers
15 throughout the geographic area of this city granted by law to municipal courts and
16 particularly by such laws as authorize the abatement of nuisances and prosecution of traffic
17 violations.

18 SECTION 4.14.

19 Certiorari.

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

24 SECTION 4.15.

25 Rules for court.

26 With the approval of the council, the judge shall have full power and authority to make
27 reasonable rules and regulations necessary and proper to secure the efficient and successful
28 administration of the municipal court; provided, however, that the council may adopt in
29 part or in total the rules and regulations relative to the procedure of the operation of the
30 superior court under the general laws of the State of Georgia. The rules and regulations
31 made or adopted for said court shall be filed with the city clerk, shall be available for
32 public inspection, and, upon request, a copy shall be furnished to all defendants in
33 municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V

ELECTIONS

SECTION 5.10.

Regular elections; time for holding.

(a) 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.

(b) There shall be a municipal election biennially in odd-numbered years on the Tuesday next following the first Monday in November.

(c) On the Tuesday next following the first Monday in November of 2005 and every four years thereafter, the successors to the position of mayor and such two councilmembers who hold seats 4 and 5 shall be elected and shall serve terms of office of four years and until their successors are elected and qualified and shall take office on the day of the first organizational meeting in January following their election. The seat held by Thomas Rhodes on the effective date of this Act shall be Post 4 and the seat held by Ron Johnson on the effective date of this Act shall be Post 5.

(d) On the Tuesday next following the first Monday in November of 2003 and every four years thereafter, the successors to the position of such three councilmembers who hold seats 1, 2, and 3 shall be elected and shall serve terms of office of four years and until their successors are elected and qualified and shall take office on the day of the first organizational meeting in January following their election. The seat held by Chris Abbey on the effective date of this Act shall be Post 1; the seat held by Meg Avery on the effective date of this Act shall be Post 2, and the seat held by Kim Hall on the effective date of this Act shall be Post 3.

SECTION 5.11.

Qualifying; nomination of candidates; absentee ballots.

By ordinance, the council may prescribe rules and regulations governing qualifying fees, nominations of candidates, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as may be necessary for the conducting of elections in the City of Sugar Hill.

1 SECTION 5.12.

2 Nonpartisan elections.

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

5 SECTION 5.13.

6 Election by majority.

7 The person receiving a majority of the votes cast for any city office shall be elected.

8 SECTION 5.14.

9 Applicability of general laws.

10 The procedures and requirements for election of all elected officials of the City of Sugar
11 Hill as to primary, special, or general elections shall be in accordance with Chapter 2 of
12 Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

13 SECTION 5.15.

14 Special elections; vacancies.

15 In the event that the office of mayor or councilmember shall become vacant for any cause
16 whatsoever, the council or those remaining shall order a special election to fill the balance
17 of the unexpired term of such office; provided, however, if such vacancy occurs within 12
18 months of the expiration of the term of office of the mayor or any councilmember, said
19 vacancy in office shall be filled by appointment by the remaining members of the council.

20 SECTION 5.16.

21 Grounds for removal.

22 The mayor or any councilmember shall be subject to removal from office for any one or
23 more of the following causes:

24 (1) Incompetence, misfeasance, or malfeasance in office;

25 (2) Conviction of a crime involving moral turpitude;

26 (3) Failure at any time to possess any of the qualifications of office as provided by this
27 charter or by law;

28 (4) Willful violation of any express prohibition of this charter;

- 1 (5) Abandonment of office or neglect to perform the duties thereof; or
 2 (6) Failure for any other cause to perform the duties of office as required by this charter
 3 or by law.

4 SECTION 5.17.

5 Procedure for removal.

6 Removal of an elected officer from office may be accomplished by one of the following
 7 methods:

- 8 (1) By action of two-thirds vote of the entire membership of the council. In the event an
 9 elected officer is sought to be removed by the action of the council, such officer shall be
 10 entitled to a written notice specifying the ground or grounds for removal and to a public
 11 hearing which shall be held not less than ten days after the service of such written notice.
 12 Any elected officer sought to be removed from office as herein provided shall have the
 13 right to appeal from the decision of the council to the Superior Court of Gwinnett County.
 14 Such appeal shall be governed by the same rules as govern appeals to the superior court
 15 from the probate court; or
 16 (2) By information filed in the Superior Court of Gwinnett County, as provided by law.

17 ARTICLE VI

18 FINANCE AND FISCAL

19 SECTION 6.10.

20 Property taxes.

21 All property subject to the taxation for state or county purposes assessed as of January 1
 22 in each year shall be subject to the property tax levied by the City of Sugar Hill. The
 23 council by ordinance shall elect to use the county assessment for the year in which the city
 24 taxes are to be levied and shall request the county to furnish appropriate information for
 25 such purpose.

26 SECTION 6.11.

27 Tax levy.

28 The city council may assess, levy, and collect an ad valorem tax on all real and personal
 29 property within the corporate limits of the city that is subject to such taxation by the state
 30 and county. This tax is for the purpose of raising revenues to defray the costs of operating

1 the city government, of providing governmental services, for the repayment of principal
 2 and interest on general obligations, and for any other public purpose as determined by the
 3 city council in its discretion.

4 SECTION 6.12.

5 Tax due dates and tax bills.

6 The council shall provide by ordinance when the taxes of the city shall fall due and in what
 7 length of time said taxes may be paid and shall provide by ordinance for the payment of
 8 taxes due to the city in installments or in one lump sum and when and how and upon what
 9 terms such taxes shall be due and payable, as well as to authorize the voluntary payment
 10 of taxes prior to the time when due.

11 SECTION 6.13.

12 Collection of delinquent taxes.

13 The council may provide by ordinance for the collection of delinquent taxes by fi.fa. issued
 14 by the city clerk and executed by any police officer of the city under the same procedure
 15 provided by the laws governing execution of such process from the superior court or by the
 16 use of any other available legal processes and remedies. A lien shall exist against all
 17 property upon which city property taxes are levied, as of the assessment date of each year,
 18 which lien shall be superior to all other liens, except that it shall have equal dignity with
 19 those of federal, state, or county taxes. In cases of hardship, the council shall have
 20 discretionary authority to waive any and all penalties imposed by this charter for delinquent
 21 taxes, fees, assessments, or on other amounts due to the city.

22 SECTION 6.14.

23 Licenses, occupational taxes, excise taxes.

24 The council, by ordinance, shall have full power to levy such license and business or
 25 occupational taxes upon the residents of the City of Sugar Hill, both individual and
 26 corporate, and on all those who transact or offer to transact business therein, or who
 27 practice or offer to practice any profession or calling therein, as the council may deem
 28 expedient for the public health, safety, benefit, convenience, or advantage to the city and
 29 as are not prohibited by state law; to classify business, occupations, professions, or callings
 30 for the purpose of such taxation in any way which may be lawful; to require such persons
 31 to pay such taxes; to compel the payment of such taxes by execution or any other lawful

1 manner; and to make laws and regulations necessary or proper to carry out the powers
2 herein conferred, and to prescribe penalties for the violation thereof. The council shall
3 have full power and authority to levy an excise tax not prohibited by general law. The city
4 shall have the power to assess reasonable regulatory fees for businesses regulated by the
5 city as allowed by general law.

6 SECTION 6.15.

7 Sewer service charges; sanitary and health services charge.

8 The council by ordinance shall have the right, power, and authority to assess and collect
9 fees, charges, and tolls for sewer services rendered both within and without the corporate
10 limits of the City of Sugar Hill to provide for the cost and expense of providing for the
11 collection and disposal of sewage through the sewage facilities of said city. If unpaid, said
12 sewer service charge shall constitute a lien against any property of persons served, which
13 lien shall be second in priority only to liens for county and city property taxes and shall be
14 enforceable in the same manner and under the same remedies as a lien for city property
15 taxes. The council shall have also authority by ordinance to provide for, to enforce, and
16 to collect the cost of sanitary and health services necessary in the operation of the city from
17 all individuals, firms, and corporations residing in or doing business in said city benefiting
18 from such service. Such authority shall include the power to assess, levy, and collect
19 annual or monthly sanitary taxes or fees in such amount or amounts and based upon and
20 in accordance with such classification of property and sanitary service or service provided,
21 as may be fixed by ordinance. Said sanitary taxes and the assessment thereof shall be a
22 charge and lien against the real estate in respect to which said taxes are so assessed and the
23 owner or owners thereof, superior to all other liens except liens for county and city
24 property taxes, and shall be enforceable in the same manner and under the same remedies
25 as a lien for city property taxes.

26 SECTION 6.16.

27 Franchises.

28 (a) The city council shall have the power to grant franchises for the use of this city's
29 streets and alleys for the purposes of railroads, street railways, telephone companies,
30 electric companies, electric membership corporations, cable television and other
31 telecommunications companies, gas companies, transportation companies, and other
32 similar organizations. The city council shall determine the duration, terms, whether the
33 same shall be exclusive or nonexclusive, and the consideration for such franchises;

1 provided, however, no franchise shall be granted for a period in excess of 35 years and no
 2 franchise shall be granted unless the city receives just and adequate compensation therefor.
 3 The city council shall provide for the registration of all franchises with the city clerk in a
 4 registration book kept by the clerk. The city council may provide by ordinance for the
 5 registration within a reasonable time of all franchises previously granted.

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

11 SECTION 6.17.

12 Special assessments.

13 The council shall have the power and authority to assess all or part of the cost of
 14 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
 15 curbing, gutters, sewers, or other utility mains and appurtenances against the abutting
 16 property owners, under such terms and conditions as may be prescribed by ordinance.
 17 Such special assessments shall become delinquent 30 days after their due dates, shall
 18 thereupon be subject, in addition to fi.fa. charges, to a penalty of 10 percent, and shall
 19 thereafter be subject to interest at the rate of 7 percent per annum from date due until paid.
 20 A lien shall exist against the abutting property superior to all other liens, except that it shall
 21 be of equal dignity with liens for county and city property taxes, and said lien shall be
 22 enforceable by the same procedures and under the same remedies as provided for in this
 23 article for city property taxes.

24 SECTION 6.18.

25 Transfer of executions.

26 The city clerk shall be authorized to assign or transfer any fi.fa. or execution issued for any
 27 tax or for any street, sewer, or other assessment in the same manner and to the same extent
 28 as provided by Georgia law regarding sales and transfers of fi.fas. Such transfer or
 29 assignment, when made, shall vest the purchaser or transferee with all right, title, and
 30 interest as provided by Georgia law governing sales and transfers of tax fi.fas; provided
 31 that, upon levy of execution and sale of property pursuant to such tax fi.fa., whether
 32 assigned, transferred, or executed by the city, the owner of such property, in fee simple or
 33 lesser interest, shall not lose his or her right to redeem the property in accord with the

1 requirements of redemption of property sold under state or county ad valorem tax fi.fas.,
2 as said requirements now exist or as may be hereinafter provided by law.

3 SECTION 6.19.

4 General obligation bonds.

5 The council shall have the power to issue bonds for the purpose of raising revenue to carry
6 out any projects, programs, or ventures authorized under this charter or the general laws
7 of the state. Such bonding authority shall be exercised in accordance with the laws
8 governing bond issuances by municipalities in effect at the time said issue is undertaken.

9 SECTION 6.20.

10 Revenue bonds.

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

14 SECTION 6.21.

15 Short-term notes.

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

18 SECTION 6.22.

19 Fiscal year.

20 The council shall set the fiscal year by ordinance. Said fiscal year shall constitute the
21 budget year and the year for financial accounting and reporting of each and every office,
22 department or institution, agency, and activity of the city government, unless otherwise
23 provided by state or federal law.

24 SECTION 6.23.

25 Preparation of budgets.

26 The council shall provide by ordinance the procedures and requirements for the preparation
27 and execution of an annual operating budget and a capital improvement program and a

1 capital budget, including requirements as to the scope, content, and form of such budgets
2 and programs.

3 SECTION 6.24.

4 Submission of operating budget to city council.

5 On or before a date fixed by the council but not later than 90 days prior to the beginning
6 of each fiscal year, the city manager shall submit to the council a proposed operating
7 budget for the ensuing fiscal year. The budget shall be accompanied by a message from
8 the city manager containing a statement of the general fiscal policies of the city, the
9 important features of the budget, explanations or major changes recommended for the next
10 fiscal year, a general summary of the budget, and such other comments and information as
11 he or she may deem pertinent. The operating budget and the capital improvements budget
12 hereinafter provided for, the budget message, and all supporting documents shall be filed
13 in the office of the city clerk and shall be open to public inspection.

14 SECTION 6.25.

15 Action by council on budget.

16 (a) The council may amend the operating budget proposed by the city manager; except,
17 that the budget as finally amended and adopted must provide for all expenditures required
18 by law or by other provisions of this charter and for all debt service requirements for the
19 ensuing fiscal year and the total appropriations from any fund shall not exceed the
20 estimated fund balance, reserves, and revenues constituting the fund availability of such
21 fund.

22 (b) The council shall adopt the final operating budget for the ensuing fiscal year not later
23 than the first day of January of each year. If the council fails to adopt the budget by this
24 date, the amounts appropriated for operation for the current fiscal year shall be deemed
25 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
26 accordingly until such time as the council adopts a budget for the ensuing fiscal year. Such
27 adoption shall take the form of an appropriation ordinance setting out the estimated
28 revenues in detail by sources and making appropriations according to fund and by
29 organizational unit, purpose, or activity as set out in the budget document.

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

1 SECTION 6.26.

2 Property tax levies.

3 The council shall levy by ordinance an annual tax on all real and personal property within
4 the City of Sugar Hill. The tax rate set by such ordinance shall be such that reasonable
5 estimates of revenues from such levy shall at least be sufficient, together with other
6 anticipated revenues, fund balances, and applicable reserves, to equal the total amount
7 appropriated for each of the several funds set forth in the annual operating budget for
8 defraying the expenses of the general government of the City of Sugar Hill.

9 SECTION 6.27.

10 Additional appropriations.

11 The council may make appropriations in addition to those contained in the current
12 operating budget at any regular or special meeting called for such purpose, but any such
13 additional appropriations may be made only from an existing unappropriated surplus in the
14 fund to which it applies.

15 SECTION 6.28.

16 Capital improvements budget.

17 (a) On or before the date fixed by the city council but not later than 90 days prior to the
18 beginning of each fiscal year, the city manager shall submit to the council a proposed
19 capital improvements budget with his recommendations as to the means of financing the
20 improvements proposed for the ensuing fiscal year. The council shall have power to
21 accept, with or without amendments, or reject the proposed program and proposed means
22 of financing. The council shall not authorize an expenditure for the construction of any
23 building, structure, work, or improvement unless the appropriations for such project are
24 included in the capital improvements budget, except to meet a public emergency
25 threatening the lives, health, or property of the inhabitants, when passed by two-thirds vote
26 of the membership of the council

27 (b) The council shall adopt the final capital improvements budget for the ensuing fiscal
28 year not later than the first day of January of each year. No appropriation provided for in
29 the capital improvements budget shall lapse until the purpose for which the appropriation
30 was made shall have been accomplished or abandoned; provided the city manager may
31 submit amendments to the capital improvements budget at any time during the fiscal year,

1 accompanied by his or her recommendations thereon. Any such amendments to the capital
2 improvements budget shall become effective only upon adoption by a vote of the council.

3 SECTION 6.29.

4 Contracting procedures.

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

6 (1) It is in writing; and

7 (2) It is made or authorized by the city council or by the city manager under the authority
8 properly delegated to the city manager by the city council.

9 SECTION 6.30.

10 Centralized purchasing and disposition of city property.

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

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

17 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
18 of the city a small parcel or tract of land is cut off or separated by such work from a larger
19 tract or boundary of land owned by the city, the city council may authorize the mayor to
20 execute and deliver in the name of the city a deed conveying said cut-off or separated
21 parcel or tract of land to an abutting or adjoining property owner or owners in exchange for
22 rights of way of said street, avenue, alley, or public place when such exchange is deemed
23 to be in the best interest of the city. All deeds and conveyances heretofore and hereafter
24 so executed and delivered shall convey all title and interest the city has in such property,
25 notwithstanding the fact that no public sale after advertisement was or is hereafter made.

SECTION 7.14.

Severability.

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

SECTION 7.15.

Effective date.

This act shall become effective upon its approval by the Governor of the State of Georgia or upon its becoming law without such approval.

SECTION 7.16.

Repealer.

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

EXHIBIT A

The boundaries of the City of Sugar Hill, Georgia, are intended to include and are hereby declared to include all of the area included within the corporate boundaries upon the effective date of this charter which includes all areas described in the previous charter (Ga. L. 1975, p. 3232), all properties added through amendments to that charter, and all properties added by all annexation ordinances adopted by the mayor and council of the City of Sugar Hill since the adoption of that charter, which properties are intended to include and are hereby declared to include all of the property included in the tax parcels set forth below as those tax parcels exist on the tax rolls and the tax maps of Gwinnett County for the year 2002, and all of the public roadways and right of ways adjacent to those parcels, including railroad right of ways lying adjacent to those parcels or to public road ways adjacent to those parcels.

7-253-001	7-254-014	7-254-094	7-257-002F
7-253-002	7-254-017	7-255-001	7-257-002G
7-253-006	7-254-019	7-255-00	37-257-002H

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28	7-365-028	7-365-072	
29	7-365-029	7-365-073	
30	7-365-030	7-365-074"	

31 **SECTION 2.**

32 This Act shall become effective upon its approval by the Governor or upon its becoming law
 33 without such approval.

- 1 **SECTION 3.**
- 2 All laws and parts of laws in conflict with this Act are repealed.