

House Bill 832

By: Representatives Hilton of the 95th, Holcomb of the 81st, and Marin of the 96th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I

24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

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

31 SECTION 1.11.

32 Corporate boundaries.

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

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

44 SECTION 1.12.

45 Powers and construction.

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

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

SECTION 1.13.

Examples of powers.

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

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

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

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

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

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

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

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

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

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

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

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

213 **SECTION 1.14.**

214 Exercise of powers.

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

219 **ARTICLE II**

220 **GOVERNMENT STRUCTURE**

221 **SECTION 2.10.**

222 City council creation; number; election.

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

227 **SECTION 2.11.**

228 City councilmembers;
229 terms and qualifications for office.

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

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

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

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

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

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

271 **SECTION 2.12.**

272 Vacancy; filling of vacancies; suspensions.

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

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

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

286 **SECTION 2.13.**

287 Compensation and expenses.

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

290 **SECTION 2.14.**

291 Conflicts of interest; holding other offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

349 (h) Penalties for violation.

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

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

356 **SECTION 2.15.**

357 **Inquiries and investigations.**

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

364

SECTION 2.16.

365

General power and authority of the city council.

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

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

375

SECTION 2.17.

376

Organizational meetings.

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

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

383

SECTION 2.18.

384

Meetings.

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

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

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

400 **SECTION 2.19.**

401 Rules of procedure.

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

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

408 **SECTION 2.20.**

409 Quorum; voting.

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

417 **SECTION 2.21.**

418 Ordinance form; procedures.

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

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

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

431 **SECTION 2.22.**

432 Action requiring an ordinance.

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

434 **SECTION 2.23.**

435 Emergencies.

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

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

456

SECTION 2.24.

457

Codes of technical regulations.

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

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

468

SECTION 2.25.

469

Signing; authenticating;

470

recording; codification; printing.

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

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

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

490 **SECTION 2.26.**

491 Election of mayor; forfeiture; compensation.

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

499 **SECTION 2.27.**

500 Mayor pro tempore.

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

507 **SECTION 2.28.**

508 Powers and duties of mayor.

509 The mayor shall:

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

519

SECTION 2.29.

520

City manager; appointment; qualifications; compensation.

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

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

531

SECTION 2.30.

532

City manager: powers and duties enumerated.

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

534 (1) Appoint and, when the city manager deems it necessary for the good of the city,
 535 suspend or remove all city employees and administrative officers the city manager
 536 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
 537 to this charter. The city manager may authorize any administrative officer who is subject
 538 to the city manager's direction and supervision to exercise these powers with respect to
 539 subordinates in that officer's department, office, or agency;

540 (2) Direct and supervise the administration of all departments, offices, and agencies of
 541 the city, except as otherwise provided by this charter or by law;

542 (3) Attend all city council meetings, except for closed meetings held for the purposes of
 543 deliberating on the appointment, discipline, or removal of the city manager, and have the
 544 right to take part in discussion but not vote;

545 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
 546 enforcement by the city manager or by officers subject to the city manager's direction and
 547 supervision, are faithfully executed;

548 (5) Prepare and submit the annual operating budget and capital budget to the city
 549 council;

550 (6) Submit to the city council and make available to the public a complete report on the
 551 finances and administrative activities of the city as of the end of each fiscal year;

552 (7) Make such other reports as the city council may require concerning the operations
 553 of city departments, offices, and agencies subject to the city manager's direction and
 554 supervision;

555 (8) Keep the city council fully advised as to the financial condition and future needs of
 556 the city, and make such recommendations to the city council concerning the affairs of the
 557 city as the city manager deems desirable; and

558 (9) Perform other such duties as are specified in this charter or as may be required by the
 559 city council.

560 **SECTION 2.31.**

561 City council interference with administration.

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

567 **SECTION 2.32.**

568 Removal of city manager.

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

571 **SECTION 2.33.**

572 Acting city manager.

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

579

ARTICLE III

580

ADMINISTRATIVE AFFAIRS

581

SECTION 3.10.

582

Administrative and service departments.

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

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

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

592 (d) There shall be a director of each department or agency who shall be its principal officer.
 593 Each director shall, subject to the direction and supervision of the city manager, be
 594 responsible for the administration and direction of the affairs and operations of that director's
 595 department or agency.

596 (e) All appointed officers and directors under the supervision of the city manager shall be
 597 appointed by the city manager. All appointed officers and directors shall be employees at
 598 will and subject to removal or suspension at any time by the city manager, unless otherwise
 599 provided by law or ordinance.

600

SECTION 3.11.

601

Boards, commissions, and authorities.

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

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

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

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

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

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

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

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

631 **SECTION 3.12.**

632 City attorney.

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

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

645 **SECTION 3.13.**

646 City clerk.

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

650 **SECTION 3.14.**

651 Position classification and pay plans.

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

658 **SECTION 3.15.**

659 Personnel policies.

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

662 **ARTICLE IV**
663 **JUDICIAL BRANCH**

664 **SECTION 4.10.**

665 Creation; name.

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

667 **SECTION 4.11.**

668 Chief judge; associate judge.

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

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

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

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

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

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

683 **SECTION 4.12.**

684 Convening.

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

686 **SECTION 4.13.**

687 Jurisdiction; powers.

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

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

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

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

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

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

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

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

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

721 **SECTION 4.14.**

722 Certiorari.

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

727 **SECTION 4.15.**

728 Rules for court.

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

736 ARTICLE V
737 ELECTIONS AND REMOVAL
738 SECTION 5.10.
739 Applicability of general law.

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

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

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

749 SECTION 5.12.
750 Nonpartisan elections.

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

753 SECTION 5.13.
754 Election by majority vote.

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

759 SECTION 5.14.
760 Special elections; vacancies.

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

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

768 **SECTION 5.15.**

769 Other provisions.

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

773 **SECTION 5.16.**

774 Removal of officers.

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

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

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

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

791 ARTICLE VI
792 FINANCE
793 **SECTION 6.10.**
794 Property tax.

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

801 **SECTION 6.11.**
802 Millage rate; due dates; payment methods.

803 The city council by ordinance shall establish a millage rate for the city property tax which
804 shall not exceed 1 mill, a due date, and the time period within which these taxes must be
805 paid. The city council by ordinance may provide for the payment of these taxes by
806 installments or in one lump sum, as well as authorize the voluntary payment of taxes prior
807 to the time when due.

808 **SECTION 6.12.**
809 Occupation and business taxes.

810 The city council by ordinance shall have the power to levy such occupation or business taxes
811 as are not denied by law. The city council may classify businesses, occupations, or
812 professions for the purpose of such taxation in any way which may be lawful and may
813 compel the payment of such taxes as provided in Section 6.18 of this charter.

814 **SECTION 6.13.**
815 Licenses; permits; fees.

816 The city council by ordinance shall have the power to require businesses or practitioners
817 doing business in this city to obtain a permit for such activity from the city and pay a
818 regulatory fee for such permit as provided by general law. Such fees shall reflect the total
819 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in
820 Section 6.18 of this charter.

821 **SECTION 6.14.**

822 Franchises.

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

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

839 **SECTION 6.15.**

840 Service charges.

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

845 **SECTION 6.16.**

846 Special assessments.

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

851 **SECTION 6.17.**

852 Construction; other taxes.

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

856 **SECTION 6.18.**

857 Collection of delinquent taxes and fees.

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

865 **SECTION 6.19.**

866 General obligation bonds.

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

871 **SECTION 6.20.**

872 Revenue bonds.

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

876 **SECTION 6.21.**

877 Short-term loans.

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

880 **SECTION 6.22.**

881 Lease-purchase contracts.

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

889 **SECTION 6.23.**

890 Fiscal year.

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

894 **SECTION 6.24.**

895 Budget ordinance.

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

901 **SECTION 6.25.**

902 Operating budget.

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

912 **SECTION 6.26.**

913 Action by city council on budget.

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

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

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

932 **SECTION 6.27.**

933 Levy of taxes.

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

940 **SECTION 6.28.**

941 Changes in appropriations.

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

946 **SECTION 6.29.**

947 Capital improvements.

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

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

963 **SECTION 6.30.**

964 Audits.

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

970 **SECTION 6.31.**

971 Procurement and property management.

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

973 (1) It is in writing;

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

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

978 **SECTION 6.32.**

979 Purchasing.

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

982 **SECTION 6.33.**

983 Sale and lease of property.

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

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

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

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

1002 **ARTICLE VII**

1003 **GENERAL PROVISIONS**

1004 **SECTION 7.10.**

1005 Bonds for officials.

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

1009 **SECTION 7.11.**

1010 Prior ordinances.

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

1014 **SECTION 7.12.**

1015 Existing personnel and officers.

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

SECTION 7.13.

Pending matters.

1024 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
 1025 contracts, and legal or administrative proceedings shall continue, and any such ongoing work
 1026 or cases shall be completed by such city agencies, personnel, or offices as may be provided
 1027 by the city council.

SECTION 7.14.

Construction and definitions.

1030 (a) Section captions in this charter are informative only and are not to be considered as a part
 1031 thereof.

1032 (b) The word "shall" is mandatory and the word "may" is permissive.

1033 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
 1034 versa.

ARTICLE VIII**REPEALER****SECTION 8.10.**

Specific repealer.

1039 An Act to incorporate the City of Peachtree Corners, approved May 11, 2011 (Ga. L. 2011,
 1040 p. 3729), and all Acts amendatory thereto are hereby specifically repealed.

SECTION 8.11.

General repealer.

1043 All laws and parts of laws in conflict with this Act are repealed.

APPENDIX A

1045 Lying entirely within Gwinnett County, a political subdivision of the State of Georgia, and
 1046 beginning at the point where the counties of Fulton, DeKalb and Gwinnett intersect, thence
 1047 following the county line common between Fulton and Gwinnett counties in a generally
 1048 northeasterly direction to the point where the Fulton/Gwinnett boundary line intersects the
 1049 Chattahoochee River; thence running in a generally northeasterly direction following the
 1050 Fulton/Gwinnett boundary line along the southern bank of the Chattahoochee River,

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