

City of Norcross

*65 Lawrenceville Street
Norcross, GA 30071*



Meeting Agenda

Monday, February 26, 2024

6:30 PM

2nd Floor Conference Room

Special Called Meeting

Mayor Craig Newton

Mayor Pro Tem Bruce Gaynor

Councilmember Andrew Hixson

Councilmember Josh Bare

Councilmember Matt Myers

Councilmember Marshall Cheek

A. **Call to Order by Mayor Craig Newton**
PLEASE TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES

B. **Roll Call (recorded)**

C. **Comments by Citizens**

PH. **Public Hearings**

E. **Items for Discussion**

1. [24-6933](#) **Intergovernmental Agreement with Georgia Emergency Management Agency (GEMA)**
The Gwinnett Office of Emergency Management requests renewal of the Statewide Mutual Aid Agreement. This agreement establishes procedures and other ground rules for counties and cities that help one another during a disaster.

[Agenda Report - Mutual Aide](#)

[Statewide Mutual Aid and Assistance Agreement](#)

2. [24-6937](#) **Funding for Environmental Assessment and Survey of Mitchell Road Property**
Authorize \$50,000 from the Mayor and Council Contingency account for a Phase II Environmental Assessment, a Geotechnical Exploration, and an ALTA boundary and topographic survey of City-owned property on Mitchell Road.

[Agenda Report - Environmental Assessment and Survey of Mitchell Road Property](#)

3. [23-6876](#) **Review and Revision of Charter Language**
Review changes and revisions to the Norcross City Charter as suggested by the city attorney's office.

[Agenda Report - Review and Revision of Charter Language](#)

[Charter Proposed Revisions Version 5](#)

[PART I CHARTER AND RELATED LAWS](#)

F. **Adjourn to Executive Session for Legal, Personnel, and Real Estate**

G. **Signed by _____ Mayor Craig Newton**

H. **Attest _____ Monique Philip, City Clerk**



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#:	24-6933	Version:	
Type:	Agenda Item	Status:	Agenda Ready
File Created:	2/15/2024	In Control:	Policy Work Session
On Agenda:	2/26/2024 6:30 PM	Status:	Scheduled
Title:	Intergovernmental Agreement with Georgia Emergency Management Agency (GEMA)		
Sponsors:			
Code Sections:			
Attachments:	1. Agenda Report - Mutual Aid 2. Statewide Mutual Aid and Assistance Agreement		

History: 02/19/24	Policy Work Session	THIS MATTER WAS REFERRED TO
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Title
Intergovernmental Agreement with Georgia Emergency Management Agency (GEMA)

Drafter
Eric Johnson

Motion
A motion to approve/deny the attached Statewide Mutual Aid and Assistance Agreement with the Georgia Emergency Management and Homeland Security Agency (GEMA/HS) for mutual assistance in emergencies.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council

From: Eric Johnson, City Manager

Meeting Date: February 19, 2024 – Policy Work Session

Item No.: 24- 6933

Title: Mutual Aid Agreement

CC:

Recommendation – Identify the Mayor, City Manager (as designated Chief Executive Officer), and Police Chief, as authorized representatives to sign the Georgia Emergency Management Agency (GEMA) Statewide Mutual Aid and Assistance Agreement. These named individuals may request, offer, or otherwise provide and coordinate mutual aid assistance on behalf of the City of Norcross.

Background The Agreement provides the framework to support mutual assistance in managing an emergency or disaster occurring within any political subdivision that is a Participating Party, whether arising from natural disaster, technological hazard, human-caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, other significant events, or homeland security activity. It also identifies those persons who are authorized to act on behalf of the Participating Party as their Authorized Representatives.

As reflected in the attached Agreement, it addresses related issues such as principles, responsibilities, limitations, liability and immunity, rights and privileges, reimbursement, and implementation. The Term of this Agreement is through March 1, 2028. Appendix A requires the name, signature, and title/position of those authorized representatives for the City, one of which is designated as the Chief Executive Officer.

Financial Impact: No specific identifiable cost for participating in the mutual aid process. Participating parties are entitled to reimbursements, and at least some of the types of events covered are likely to be eligible for reimbursement by the Federal Emergency Management

Agency (FEMA) along with state matching funds from GEMA. Other events may be reimbursable from responsible parties – e.g., Norfolk Southern, in the event of a derailment.

Consistent with Comprehensive Plan? Yes. Furthers the City's Tradition of Strong Leadership and High Level of Quality Services

Attachments Statewide Mutual Aide and Assistance Agreement

Next Steps

Update

STATEWIDE MUTUAL AID AND ASSISTANCE AGREEMENT

County/Municipality: Norcross

The State of Georgia is vulnerable to a wide range of natural and man-made disasters and emergencies. The Georgia Emergency Management Act, as amended (The Act) gives the local governments of the State the authority to make agreements for mutual aid assistance in emergencies. Pre-existing agreements for mutual aid assistance in emergencies help to ensure the timely provision of mutual aid assistance and the reimbursement of costs incurred by those parties who render such assistance.

This mutual aid agreement is entered pursuant to authorities contained in Articles I through III, Chapter 3, Title 38, Official Code of Georgia Annotated.

ARTICLE I STATEMENT OF AGREEMENT, DEFINITIONS AND AUTHORITIES

This Agreement is made and entered into between the participating political subdivisions, which approve and execute this Agreement, hereinafter called "Participating Parties" and the Georgia Emergency Management and Homeland Security Agency (GEMA/HS). For purposes of this Agreement, the following terms and expressions shall apply:

- (1) "Agreement" means this agreement, generally referred to as the "Statewide Mutual Aid Agreement" (SWMAA).
- (2) "Assistance" includes personnel, equipment, facilities, services, supplies and other resources furnished to a Requesting Party pursuant to this Agreement during an emergency or disaster.
- (3) "Assisting Party" means a party that provides assistance pursuant to this Agreement during an emergency or disaster.
- (4) "Authorized Representative" means a Participating Party's elected or appointed official or employee who has been authorized in writing by that party to request, to offer, or otherwise to provide mutual aid assistance.
- (5) "Participating Party" means a county or municipality of the State of Georgia that has become party to this Agreement by its approval and execution of this agreement.
- (6) "Participating Parties" means the combination of counties and municipalities that have become parties to this Agreement by their approval and execution of this Agreement.
- (7) "Requesting Party" means a party that requests assistance pursuant to this Agreement during an emergency or disaster.

Any term or expression not defined in this Agreement shall have the meaning specified in the Georgia Emergency Management Act, as amended (the Act) and rules promulgated thereunder, unless used in a context that clearly suggests a different meaning.

ARTICLE II GENERAL PURPOSE

The purpose of this Agreement is to:

1. Provide the framework to support mutual assistance in managing an emergency or disaster occurring within any political subdivision that is a Participating Party, whether arising from natural disaster, technological hazard, human caused disaster, civil emergency, community disorders, insurgency, enemy attack, acts of terrorism, other significant events or homeland security activity; and
2. Identify those persons who are authorized to act on behalf of the Participating Party signing this Agreement as their Authorized Representative(s) concerning the provision of mutual aid resources and requests for mutual aid resources related to any mutual aid assistance sought from another Participating Party, or from or through the State of Georgia. Appendix A of this Agreement shall contain the name(s) of the Participating Party's Authorized Representative for purposes of this Agreement. Appendix A can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. All such amendments to Appendix A shall be done in writing and the Participating Party shall notify GEMA/HS and all other Participating Parties of such amendment within thirty (30) days.

ARTICLE III ACKNOWLEDGEMENT OF PRINCIPLES

The prompt, full and effective utilization of resources of the Participating Parties, including any resources on hand or available from the State or Federal Government or any other source, that are essential to the safety, care and welfare of the people shall be the underlying principle on which all articles of this Agreement shall be understood.

In the event of a conflict between any provision of this Agreement and any existing intrastate mutual aid agreement affecting a Participating Party, the provisions of this Agreement shall be controlling.

On behalf of the governing authority of each political subdivision of this State participating in the Agreement, the director of emergency management of such political subdivision will be responsible for formulation of the appropriate mutual aid plans and procedures necessary to implement this Agreement.

ARTICLE IV PARTICIPATING PARTY RESPONSIBILITIES

(a) It shall be the responsibility of each Participating Party to formulate procedures and programs for intergovernmental cooperation in the performance of the responsibilities listed in this Article. In formulating such plans, and in carrying them out, each Participating Party, insofar as practical, shall:

- (1) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material; and

(2) Inventory and set procedures for the loan and delivery of human and material resources, together with procedures for reimbursement.

(b) Whenever a Participating Party requires mutual aid assistance from another Participating Party and/or the State of Georgia, the Requesting Party may request assistance by:

(1) Contacting the Participating Party who is the owner/operator/employer of the supplies, equipment and/or personnel being sought for mutual aid assistance (the Assisting Party); or

(2) Contacting GEMA/HS to serve as the facilitator of such request for those resources being sought for mutual aid that are owned/operated/employed by Participating Parties (where such Participating Parties have submitted a record of those resources to GEMA/HS for such use); and/or, when such resources being sought for mutual aid are owned/operated/employed directly by the State of Georgia.

The provisions of this Agreement shall only apply to requests for assistance made by an Authorized Representative. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

(1) A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, damage assessment, volunteer and donated goods and search and rescue; and

(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time each will be needed; and

(3) The specific place and time for staging of the Assisting Party's response and a point of contact at that location.

The Assisting Party will (a) maintain daily personnel time records, material records and a log of equipment hours (or miles, if appropriate) and (b) report work progress to the Requesting Party at mutually agreed upon intervals.

ARTICLE V LIMITATIONS

Any Participating Party requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this Agreement in accordance with the terms hereof; provided that it is understood that the Participating Party who is asked to render aid may withhold resources to the extent necessary to meet the current or anticipated needs of the Participating Party's own political subdivision to remain in compliance with such Participating Party's policy, rule or law.

The Assisting Party's mutual aid resources will continue under the command and control of their own

supervisors, but the organizational units will be under the operational control of the emergency services authorities of the Requesting Party unless the Assisting Party approves an alternative.

In the event the Governor should declare a State of Emergency, any and all provisions of this Agreement which may conflict with the declared State of Emergency shall be superseded by the terms and conditions contained within the State of Emergency.

ARTICLE VI LIABILITY AND IMMUNITY

(a) In accordance with O.C.G.A. § 38-3-35(a), no political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under Chapter 9 of Title 34, Code Section 38-3-30, any pension law, or any act of Congress.

(b) In accordance with O.C.G.A. § 38-3-35(b), no political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary emergency management worker or member of any agency engaged in any emergency management activity complying with or reasonably attempting to comply with Articles 1 through 3, Chapter 3, Title 38, Official Code of Georgia Annotated; or any order, rule, or regulation promulgated pursuant to Articles 1 through 3 of title, or pursuant to any ordinance relating to precautionary measures enacted by any political provisions of Articles 1 through 3 of said chapter and title, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state shall be liable for the death of or the injury to person or for damage to property as a result of any such activity.

(c) It is the express intent of the parties that the immunities specified in accordance with O.C.G.A. § 38-3-35 shall apply in addition to any other immunity provided by statute or case law.

ARTICLE VII RIGHTS AND PRIVILEGES

In accordance with O.C.G.A. § 38-3-30(a), whenever the employees of any Assisting Party or political subdivision are rendering outside aid pursuant to this agreement and the authority contained in Code Section 38-3-27, the employees shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

ARTICLE VIII REIMBURSEMENT

In accordance with O.C.G.A. § 38-3-30(b), The Requesting Party shall be liable for any loss of or damage to equipment used or placed within the jurisdiction of the Requesting Party and shall pay any expense incurred in the operation and maintenance thereof. No claim for the loss, damage or expense shall be allowed unless, within 60 days after the same is sustained or incurred, an itemized notice of

the claim under oath is served by mail or otherwise upon the designated fiscal officer of the Requesting Party. Appendix B of this Agreement shall contain the name(s) of the Participating Party's designated fiscal officer for purposes of this Agreement. Appendix B can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. Appendix B can be amended by the authorizing Participating Party as needed with no effect on the entire Agreement. All such amendments to Appendix B shall be done in writing and the Participating Party shall notify GEMA/HS and all other Participating Parties of such amendment within thirty (30) days.

The Requesting Party shall also pay and reimburse the Assisting Party for the compensation paid to employees furnished by the Assisting Party during the time of the rendition of the aid, as well as the actual travel and per diem expenses of such employees while they are rendering the aid. The reimbursement shall include any amounts paid or due for compensation due to personal injury or death while the employees are engaged in rendering the aid. The term "employee," as used herein, shall mean, and this provision shall apply with equal effect to, paid, volunteer and auxiliary employees and emergency management workers.

Expenses to be reimbursed by the Requesting Party shall include the following:

- (1) Labor costs, which shall include all usual wages, salaries, compensation for hours worked, mobilization and demobilization, the Assisting Party's portion of payroll taxes (as employer), insurance, accrued paid leave and other fringe benefits, but not those amounts paid or due as a benefit to the Assisting Parties personnel under the terms of the Georgia Workers Compensation Act; and
- (2) Equipment costs, which shall include the fair rental value, the cost of fuel and other consumable supplies, service and repairs. If the equipment is damaged while in use under this Agreement and the Assisting Party receives payment for such damage under any contract for insurance, the Requesting Party may deduct such payment from any item or items invoiced; and
- (3) Material costs, which shall include the total reasonable cost for the use and consumption of any and all consumable supplies delivered by the Assisting Party for the benefit of the Requesting Party; and
- (4) Meals, lodging and other related expenses, which shall include charges for meals, lodging and other expenses relating to the provision of assistance pursuant to this Agreement shall be the actual and reasonable costs incurred by the Assisting Party.

The Assisting Party shall maintain records and submit invoices within 60 days for reimbursement as specified hereinabove and the Requesting Party shall pay the invoice no later than 30 days following the invoice date.

ARTICLE IX IMPLEMENTATION

This Agreement shall become operative immediately upon its approval and execution by GEMA/HS and any two political subdivisions of this State; thereafter, this Agreement shall become effective as to any other political subdivision of this State upon its approval and execution by such political subdivision.

Any Participating Party may withdraw from this Agreement by mailing notice of withdrawal, approved by the governing authority of such political subdivision, but no such withdrawal shall take effect until 30 days after the governing authority of the withdrawing political subdivision has given notice in writing of such withdrawal to the governing authorities of all other Participating Parties. Such action shall not relieve the withdrawing political subdivision from obligations assumed hereunder prior to the effective date of withdrawal.

Copies of this Agreement shall, at the time of their approval, be deposited with each of the respective Participating Parties and with GEMA/HS.

ARTICLE X TERM OF AGREEMENT

This Agreement, once executed, is valid until March 1, 2028. Agreement of the Participating Parties to extend the term of this agreement at any time during the last year of its original term or the last year of any subsequent four-year term shall extend the term of this agreement for four years. Each four-year extension shall constitute a separate agreement.

ARTICLE XI VALIDITY

If any provision of this Agreement is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Agreement and the applicability thereof to other persons and circumstances shall not be affected thereby.

Agreed:

Chief Executive Officer - Signature

Chief Executive Officer – Print Name

County/Municipality: _____

Date: ____/____/____

GEMA/HS Director – Signature

GEMA/HS Director – Print Name

Date: ____/____/____

The below named individual(s), in addition to the chief executive officer, is/are the “Authorized Representative(s)” for _____ (county/municipality), and are authorized to request, offer, or otherwise provide and coordinate mutual aid assistance on behalf of the above-named county/municipality:

Packet Pg. 12



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#: 24-6937 **Version:**

Type: Agenda Item **Status:** Agenda Ready

File Created: 2/22/2024 **In Control:** Special Called Meeting

On Agenda: 2/26/2024 6:30 PM **Status:** Submitted

Title: Funding for Environmental Assessment and Survey of Mitchell Road Property

Sponsors:

Code Sections:

Attachments:

1. [Agenda Item - Environmental Assessment and Survey of Mitchell Road Property](#)

Title
Funding for Environmental Assessment and Survey of Mitchell Road Property

Drafter
Councilmember Matt Myers

Motion
A motion to refer this item to the March 4, 2024, Regular Council Meeting for final review and approval.



Mayor: Craig Newton • **Mayor Pro Tem:** Bruce Gaynor • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Marshall Cheek • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council

From: Councilmember Matt Myers

Meeting Date: February 26, 2024 – Special Called Meeting

Item No.: 24- 6937

Title: Funding for Environmental Assessment and Survey of Mitchell Road Property

CC: Eric Johnson, City Manager

Recommendation

Authorize \$50,000 from the Mayor and Council Contingency account for a Phase II Environmental Assessment, a Geotechnical Exploration, and an ALTA boundary and topographic survey of City-owned property on Mitchell Road.

Background

The City has previously considered sale of property it owns on Mitchell Road by the Norcross Development Authority (NDA) for development of residential housing in which the NDA would retain a portion of the proceeds as “seed funding” for ongoing NDA activities. To facilitate the sale of that property, the NDA is requesting the City expend up to \$50,000 on the following activities:

Phase II Environmental Assessment to assess whether the adjacent property identified as a recognized environmental concern in the Phase I Environmental Site Assessment and the historic use of the Property have impacted (i.e., contaminated) the Property,

Geotechnical Exploration, including borings and soils testing, to confirm the suitability of the existing soils for proposed development and make recommendations for site preparation and any remedial measures necessary to address existing subsurface conditions, and

ALTA boundary and topographic survey to describe the horizontal limits and vertical conditions of the Property. The survey will also include the flood plain and limits of aquatic resources previously delineated on the Property.

Financial Impact

Up to \$50,000.

Consistent with Comprehensive Plan? Yes. Ensures that Norcross Residents have a Variety of Attainable, Quality Housing Options

Next Steps**Attachments****Update**



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#:	23-6876	Version:	
Type:	Agenda Item	Status:	Agenda Ready
File Created:	11/15/2023	In Control:	Policy Work Session
On Agenda:	2/26/2024 6:30 PM	Status:	Scheduled
Title:	Review and Revision of Charter Language		

Sponsors:

Code Sections:

Attachments:

1. [Agenda Report - Review and Revision of Charter Language](#)
2. [Charter Proposed Revisions Version 5](#)
3. [PART I CHARTER AND RELATED LAWS](#)

History:		
11/20/23	Policy Work Session	THIS MATTER WAS REFERRED TO
12/18/23	Policy Work Session	THIS MATTER WAS REFERRED TO
01/16/24	Policy Work Session	THIS MATTER WAS REFERRED TO
01/29/24	Special Called Meeting	THIS MATTER WAS REFERRED TO
02/19/24	Policy Work Session	THIS MATTER WAS REFERRED TO

Title
Review and Revision of Charter Language

Drafter
Councilmember Andrew Hixson



Mayor: Craig Newton • Mayor Pro Tem: Bruce Gaynor • Councilmember: Andrew Hixson • Councilmember: Josh Bare
Councilmember: Matt Myers • Councilmember: Marshall Cheek • City Manager: Eric Johnson • City Clerk: Monique Philip

Agenda Report

To: Mayor and Council

From: Councilmember Andrew Hixson

Date: January 16, 2023 – Policy Work Session

Item No.: 23- 6876

Title: Review and revision of Charter language

CC: Eric Johnson, City Manager

Recommendation

Review changes and revisions to the Norcross City Charter as suggested by the city attorney's office.

Background

The Norcross city charter is a document that has undergone many changes and revisions over its lifetime, which has resulted in a number of contradictions and inconsistencies between various clauses and articles. Over the last few years Council has noted and informally discussed various revisions to the charter which would correct these inconsistencies and obsolete references. Our attorney was asked to mark up the document with possible changes for Council to consider. The document with revisions was sent to Council and the City Manager on November 11.

Financial Impact

No known impact

Consistent with Comprehensive Plan? (If applicable, please select which goal applies)

Furtheres the City's Tradition of Strong Leadership and High Level of Quality Services

Next Steps

Council to consider the individual changes suggested by Legal, as well as any other changes suggested by members. After review in the November Policy Work Session, a further mark up of the document will be made by Legal for further consideration in the December PWS. Final approval of all changes should be completed for an approval vote in the February regular council meeting. After approval, the document will be sent to the Gwinnett state legislature delegation for action as a local measure in the 2024 legislative session.

Attachments**Charter Proposed Revisions Version 5**

PART_I__CHARTER_AND_RELATED_LAWS

Norcross, Georgia, Code of Ordinances
PART I CHARTER AND RELATED LAWS

**PART I
CHARTER AND RELATED LAWS**

Subpart A CHARTER¹

VERSION 5 TRACKED COMMENTS
(Mayor and Council)

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¹Editor's note(s)—Printed herein is the Charter of the city, as adopted by 1990 Ga. Laws, page 4934. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

PART I - CHARTER AND RELATED LAWS
 Subpart A - CHARTER
 ARTICLE I. INCORPORATION AND POWERS

ARTICLE I. INCORPORATION AND POWERS

Sec. 1.11. Incorporation.

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

Sec. 1.12. Corporate boundaries.

- (a) The boundaries of the City of Norcross shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time by local law or in the manner provided by law. The current boundaries of the City of Norcross, at all times, shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Map (or Description) of the Corporate Limits of the City of Norcross, Georgia." Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by and under the direction of the mayor and city council. Photographic, typed or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as ~~with~~ the original map or description.
- (b) The city council may provide for redrawing of any such map to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all

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purposes ~~any previously drawn map the earlier map or maps which it is designated to replace.~~

- (c) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described right-of-way, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 212, 213, 226, 241, and 242 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

The right-of-way of Beaver Ruin Road (State Route 378) beginning at Buford Highway (State Route 13) and continuing 1.732 miles to the intersection of Indian Trail Road exclusive of said intersection. Right-of-way width varies from 90 feet to 130 feet.

All that tract or parcel of land lying and being in Land Lot 213 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

To find the point of beginning, begin at the point located at the intersection of southwest right-of-way of Beaver Ruin Road (S.R. 378) with the West right-of-way of Indian Trail Road; run thence South 04 degrees 41 minutes 00 seconds East along the West right-of-way of Indian Trail Road, a distance of 152.00 feet to a point; run thence South 04 degrees 41 minutes 00 seconds East along the West right-of-way of Indian Trail Road, a distance of 26.69 feet to a point; continue thence along the west right-of-way of Indian Trail Road and following the curvature thereof, a distance of 36.35 feet to a point (said curve having a chord bearing South 05 degrees 52 minutes 09 seconds East and a chord distance of 36.35 feet); thence leaving the West right-of-way of Indian Trail Road, run South 79 degrees 43 minutes 31 seconds West, a distance of 190.76 feet to the point of beginning; from the point of beginning as thus established, run thence South 36 degrees 31 minutes 20 seconds West, a distance of 50.00 feet to a point; run thence North 53 degrees 28 minutes 40 seconds West, a distance of 112.00 feet to a point; run thence North 36 degrees 31 minutes 20 seconds East, a distance of 60.00 feet to a point; run thence South 53 degrees 28 minutes 40 seconds East, a distance of 112.00 feet to a point; run thence South 36 degrees 31 minutes 20 seconds West, a distance of 10.00 feet to the point of beginning; said tract being

shown on Survey for Whisker's Tavern and The City of Norcross prepared by Q-B Engineering and Surveying, Inc., dated November 26, 1990.

- (d) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described right-of-way, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 271, 272, 273, and 274 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

The right-of-way of Peachtree Industrial Boulevard beginning at a point 787 feet east of the intersection with Holcomb Bridge Road, said point coinciding with the east boundary of tax parcel 6-274-5, and continuing 1.43 miles through and including the intersection of said boulevard and Medlock Bridge Road. Such right-of-way varies from 200 feet to 300 feet in width.

- (e) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 286 and 271 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at the northwest corner of the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road, said point being located in the City of Norcross, Georgia, and continuing along the westerly right-of-way of Medlock Bridge Road to the southwest corner of the intersection of Medlock Bridge Road and Spalding Drive, then continuing along the westerly right-of-way of Spalding Drive to the land lot line dividing Land Lots 285 and 286 of the 6th District, Gwinnett County, Georgia, and continuing southerly along the land lot line through the point at which the land lot line divides Land Lots 271 and 272 of the 6th District of Gwinnett County, Georgia, and continuing along the land lot line dividing Land Lots 271 and 272 to the right-of-way of Peachtree Industrial Boulevard then continuing northeasterly along the right-of-way of Peachtree Industrial Boulevard to the point of beginning at the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road, less and excepting and excluding specifically Parcel 52 of Land Lot 285 of the 6th District and Parcel 95 of Land Lot 286 of the 6th District.

- (f) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 286 and 271 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at the northwest corner of the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road - said point being located in the City of Norcross, Georgia - and continuing along the westerly right-of-way of Medlock Bridge Road to the southwest corner of the intersection of Medlock Bridge Road and Spalding Drive, then continuing along the westerly right-of-way of Spalding Drive to the Land Lots Line dividing Land Lots 285 and 286 of the 6th District, Gwinnett County Georgia and continuing southerly along the Land Lots line through the point in which the Land Lots line divides Land Lots 271 and 272 of the 6th District, Gwinnett County, and continuing the Land Lot Line dividing Land Lots 271 and 272 to the right-of-way of Peachtree Industrial Boulevard then continuing northeasterly along the right-of-way of Peachtree Industrial Boulevard to the point of beginning at the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road - less and excepting and excluding specifically Parcel 52, Land Lot 285 of the 6th District and Parcel 95, Land Lot 286 of the 6th District.

- (g) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in land lots 252, 253, 274 and 275 of the 6th Land District of Gwinnett County, Georgia, which tract is more particularly described as follows:

Beginning at a point located at the intersection of the westerly right-of-way line of Holcomb Bridge Road and the southerly right-of-way line of Atlantic Boulevard, said point being the point of beginning; Thence continuing along said westerly right-of-way line of Holcomb Bridge Road to the southerly right-of-way line of Peachtree Industrial Boulevard; Thence leaving said westerly right-of-way line of Holcomb Bridge Road and running along said southerly right-of-way line of Peachtree Industrial Boulevard to the easterly right-of-

way line of Jimmy Carter Boulevard; Thence leaving said southerly right-of-way line of Peachtree Industrial Boulevard and running along said easterly right-of-way line of Jimmy Carter Boulevard to the easterly right-of-way line of Pacific Drive, said right-of-way line also being the Norcross, Georgia City Limits; Thence leaving said easterly right-of-way line of Jimmy Carter Boulevard and running along Norcross, Georgia City Limits in a meandering direction northerly and easterly to the southerly right-of-way line of Atlantic Boulevard; Thence continuing along said Norcross, Georgia City Limits and the southerly right-of-way line of Atlantic Boulevard to the westerly right-of-way line of Holcomb Bridge Road, said intersection being the point of beginning.

- (h) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 271 of the 6th District of Gwinnett County, Georgia. The subject parcel being annexed is described in Deed Book 24173 and Pages 0238 and 0239 from the Gwinnett County Clerk of the Superior Court.

- (i) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 272 of the 6th District, Gwinnett County, Georgia, and being more fully described as follows:

Beginning at a pipe found at the Land Lot corner common to Land Lots 272, 273, 284 and 285 of aforesaid District and County thence North 82 degrees 16 minutes 17 seconds East a distance of 302.29 feet to an iron pin set on the right-of-way of a cul-de-sac of Guthridge Court, an 80-foot right-of-way; thence along said right-of-way along a curve to the left (said curve having a radius of 75.00 feet and being subtended by a chord bearing South 41 degrees 12 minutes 34 seconds East a distance of 82.75 feet) an arc distance of 87.65 feet to an iron pin set on the westerly right-of-way of said 80-foot right-of-way of Guthridge Court; thence continuing along said 80-foot right-of-way along a curve to the right (said curve having a radius of 676.20 feet and being subtended by a chord bearing South 06 degrees 10 minutes 07 seconds West a distance of 472.30 feet) an arc distance of 482.47 feet to a

pipe found at the intersection of said right-of-way with the northerly right-of-way of Miller Road, an 80-foot right-of-way, and the Land Lot line common to Land Lots 272 and 273; thence departing said rights-of-way and along said Land Lot line North 31 degrees 41 minutes 45 seconds West a distance of 522.27 feet to a pipe found being the point of beginning.

- (j) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract and parcel of land lying and being in Land Lot 286 of the 6th District of Gwinnett County, Georgia, containing 6.55 acres and being more particularly described according to a plat of survey of Higginbotham and James Associates, Surveyors, dated December 11, 1964, as follows:

Beginning at an iron pin on the southeast right-of-way of Medlock Bridge Road, also known as Georgia Highway No. 141, located a distance of 50 feet in a northeast direction along the southeast right-of-way of Medlock Bridge Road from the iron pin where the Land Lot Line common to Land Lots 286 and 271 of said District intersect the southeast right-of-way of Medlock Bridge Road; thence run in a northeasterly direction along the southeast right-of-way of Medlock Bridge Road a distance of 510.0 feet to an iron pin; thence run along the property of Evans North 79°43' east 864.7 feet to an iron pin; thence run along the property of Evans and along the center of a Branch south 19°18' east 130 feet to an iron pin located on the Land Lot Line common to Land Lots 271 and

286 of said District; thence run along said Land Lot Line south 59°47' west 459 feet to an iron pin; thence run along the property of Thomas Helton south 63°03' west 668.7 feet to the point of beginning on the southeast right-of-way of Medlock Bridge Road.

- (k) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in land lot 233 of the 6th district, Gwinnett County, Georgia, and being more particularly described as follows:

To find the true point of beginning, commence at a point located at the intersection of Jimmy Carter Blvd. (said road having a 100-foot right-of-way) and Norcross Tucker Road (said road having an 80-foot right-of-way), said point being marked by an iron pin found located at the southwestern point of the intersection of the eastern right-of-way line of Jimmy Carter Blvd. and the western right-of-way line of Norcross Tucker Road; running thence along an arc of a curve to the left (said curve having a radius of 989.86 feet, said arc being subtended by a cord line having a magnetic bearing of north 49 degrees 26 minutes 48 seconds west and a cord length of 150.19 feet) an arc distance of 150.22 feet to an X marked in concrete; running thence north 51 degrees 39 minutes 16 seconds west a distance of 232.39 feet to a point; running thence north 88 degrees 46 minutes 4 seconds east a distance of 106.8 feet to the true point of beginning; from the true point of beginning as thus established, running thence north 9 degrees 59 minutes 16 seconds east a distance of 16.04 feet to a point; running thence north 72 degrees 20 minutes 29 seconds east a distance of 68.11 feet to a point; running thence south 51 degrees 23 minutes 3 seconds east a distance of 59.91 feet to a point; running thence south 38 degrees 36 minutes 57 seconds west a distance of 6.10 feet; running thence south 51 degrees 23 minutes 3 seconds east a distance of 4.30 feet to a point; running thence south 38 degrees 15 minutes 27 seconds west a distance of 58.07 feet to a point; running thence north 51 degrees 44 minutes 33 seconds west a distance of 37.04 feet to a point; running thence 82 degrees 2 minutes 9 seconds west a distance of 8.31 feet to a point; running thence north 51 degrees 42 minutes 42 seconds west a distance of 51.96 feet to the true point of beginning. Said property being shown as a one story frame and stucco building lying at the northwestern corner of a strip shopping center as on a survey for the Ritter Corporation dated October 12, 1988, prepared by the Solar Land Surveying Company, which plat is incorporated herein and made a part hereof by this reference.

- (I) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 272 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a point on the Southerly side of Cummings Road, also called Miller Road, three hundred twenty-nine (329) feet Westerly from the intersection formed by the Southerly side of Cummings Road (also called Miller Road) and the Westerly side of Highway No. 141 (100-foot right-of-way) running thence Northwesterly along the Southerly side of Cummings Road 1,266 feet, more or less, to an iron pin found; running thence S 31°51' E a distance of 914.76 feet, more or less, to an iron pin on the Northwesterly line of Land Lot 255; running thence Northeasterly along the Northwesterly line of Land Lot 255 a distance of 911 feet, more or less, to an iron pin; running thence Northwesterly 105 feet, more or less, to the Southerly side of Cummings Road and the point of beginning; being the same property as shown and delineated on plat of survey made by A.S. Giometti and Associates, Inc., dated Feb. 6, 1963.

- (m) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

Tract 12

All that tract or parcel of land lying and being in Land Lots 271 and 272 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a right-of-way monument located at the intersection of the Westerly right-of-way line of Medlock Bridge Road and the Southerly right-of-way of Peachtree Industrial Boulevard; thence running South 82°31'35" East 112.04 feet to a right-of-way monument located on the Westerly right-of-way line of Medlock Bridge Road; thence running Southerly along the Westerly right-of-way line of Medlock Bridge Road, and following the curvature thereof, 2,435.09 feet, more or less, to a point of intersection of the Westerly right-of-way line of Medlock Bridge Road and the Northerly right-of-way line of Miller Road; thence running Northeasterly along the Northerly right-of-way line of Miller Road, and following the curvature thereof, 3,453.25 feet, more or less, to a concrete monument located at the intersection of the Southerly right-of-way line of Peachtree Industrial Boulevard and the Northerly right-of-way line of Miller Road; thence running Northeasterly along the Southerly right-of-way Line of Peachtree Industrial Boulevard, and following the curvature thereof, 3,463.53 feet, more or less to the point of beginning; plus

that portion of the right-of-way of Miller Road running from Peachtree Industrial Boulevard to Medlock Bridge Road; less and except those premises located at 5390 Peachtree Industrial Boulevard, Norcross, Georgia, according to the present system of numbering in Gwinnett County, Georgia.

- (n) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 241 and 242 of the 6th District of Gwinnett County, Georgia, containing .87 acres according to plat of survey by Miles H. Hannon, Surveyor, dated April 17, 1967, more particularly described as follows:

Beginning at an iron pin on the westerly side of Light Circle at the original line dividing Land Lots 241 and 242 of said District: thence running south 20° 24' west, along the western side of Light Circle, 101.5 feet to a corner; thence north 64° 05' west 246.2 feet to an iron pin corner; thence north 44° 17' east 222.7 feet to an iron pin corner; thence south 43° 24' east 172.6 feet to a corner on the westerly side of the right-of-way of Light Circle, 49.5 feet to the point of beginning.

- (o) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 198, 6th District, Gwinnett County, Georgia, being more particularly described as follows:

Beginning at an iron pin set at the intersection of the southerly right-of-way line of Goshen Springs Road (having an 80-foot wide right-of-way) and the line common to Land Lots 197 and 198; Thence leaving said Land Lot Line and continuing along said southerly right-of-way line of Goshen Springs Road, North 58°27'07" East, 268.34 feet to a ½-inch rebar found; Thence leaving said southerly right-of-way line of Goshen Springs Road and running, South 39°45'08" East, 728.27 feet to a ½-inch rebar found; Thence, South 27°31'28" West, 54.99 feet to a point in the centerline of a creek; Thence along said centerline of a creek, South 46°14'05" West, 40.70 feet to a point; Thence, South 57°41'11" West, 45.83 feet to a point; Thence, South 47°25'46" West, 86.32 feet to a point; Thence, South 43°31'51" West, 74.91 feet to a point;

Thence, South 39°42'17" West, 63.24 feet to a point; Thence, South 28°24'33" West, 44.87 feet to a point; Thence leaving said centerline of a creek and running, South 07°12'21" West, 20.22 feet to a ½-inch rebar found on said line common to Land Lots 197 and 198; Thence along said Land Lot Line, North 29°36'00" West, 853.15 feet to an iron pin set and the true POINT OF BEGINNING.

Said tract contains 6.019 acres (262,206 square feet), more or less, as shown in a survey prepared for Advanced Disposal Services Atlanta, LLC by POINT TO POINT LAND SURVEYORS, INC.

(1996 Ga. Laws, page 3844, § 1; 2001 Ga. Laws (Act No. 61), page 3729, § 1; 2005 Ga. Laws (Act No. 268), page 3876, § 1; Ord. No. 12-2011, § 1 (Exh. A), 10-17-2011; Ord. No. 13-2011, § 1(Exh. A), 10-17-2011; Ord. No. 14-2011, § 1(Exh. A), 10-17-2011; Ord. No. 24-2011, § 1(App. A), 12-5-2011; Ord. No. 03-2012, § 1(App. C, Exh. A), 2-6-2012; Ord. No. 04-2012, § 1(App. A), 2-6-2012; Ord. No. 05-2012, § 1(App. A), 2-6-2012; Ord. No. 11-2012, § 1(App. A), 4-2-2012; Ord. No. 15-2018, § 1, 10-1-2018)

Editor's note(s)—Subsection (f) of § 1.12 was derived from an unnumbered resolution attached to Act No. 61 at p. 3731. It has been placed in this location at the discretion of the editor and the approval of the city.

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Sec. 1.13. Powers and construction.

- (a) In addition to all other powers herein granted, the City of Norcross (~~hereinafter the "city"~~) shall be vested with any and all powers which municipal corporations are or may hereafter be authorized or required to exercise under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. ~~The~~ city shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.
- (b) The powers of the city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers in this Charter shall not be construed as limiting in any way the general power of the city. It is the intention hereof to grant the city full power and right to exercise all governmental authority necessary for the effective operation and conduct of the city and all of its affairs.

(c) In construing this Charter, the following definitions shall apply:

- (1) "~~Mayor and council~~ Appointed officer" where used in this Charter shall mean all administrative officers, including the city manager, city clerk, city treasurer, city attorney, city auditor, accountant, chief judge, associate judge, and solicitor-city engineer. Such term shall not include members of boards, commissions or authorities.
- (2) "~~Mayor and City~~ council," where used herein, shall mean the elected officers of the City of Norcross which include the mayor and five councilmembers. ~~The mayor shall vote on all matters in the event of a tie.~~
- (3) "City manager," where used herein, shall mean the officer appointed by city council to direct the administration and operations of the city.
- (4) "Mayor", where used herein, shall mean the elected head of the City of Norcross.

~~"Department head," where used herein, shall be synonymous with department directors.~~

[Rationale: List only those officers who are appointed by the mayor and city council. Also, establish the definitions of "city manager" and "mayor" to aid in the interpretation of and compliance with the provisions of this Charter.]

(1996 Ga. Laws, page 3666, § 1; 1997 Ga. Laws, page 3517, § 1)

Sec. 1.14. Powers.

The corporate powers of the government of the City of Norcross (hereafter the "city"), to be exercised by the mayor and city council, shall include, but not be limited to, the following:

- (1) *Air and water pollution.* To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
- (2) *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 city ordinance or lawful order; to provide for the disposition by sale, gift or humane destruction of animals and fowl

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when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;

- (3) *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~~is city;
- (4) *Building regulations.* 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;
- (5) *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;
- (6) *Condemnation.* To condemn property, ~~both within~~inside ~~and~~or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority of the city, utilizing procedures enumerated in O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;
- (7) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;
- (8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists inside 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 residents ~~citizens~~ of the city;
- (9) *Fire regulations.* To fix and establish fire limits and from time to time extend, enlarge or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;

- (10) *Garbage fees.* To levy, fix, assess and collect a garbage, refuse and trash collection and disposal, and other sanitary service charges, taxes or fees for such services as may be necessary for the operation of the city from all individuals, firms and corporations residing in or doing business therein; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges, taxes or fees;
- (11) *General health, safety and welfare.* To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to the health, sanitation, ~~cleanliness~~, welfare ~~or~~ safety of the inhabitants of the city and to provide for the enforcement of such standards;
- (12) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;
- (13) *Health and sanitation.* To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards;
- (14) *Jail sentences.* To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains and squares in the city; to provide for the commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (15) *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking, on or off the streets, roads, alleys and walkways of the city;
- (16) *Municipal agencies and delegation of power.* To create, alter or abolish departments, boards, authorities, offices, commissions and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- (17) *Municipal debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to

carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia;

- (18) *Municipal property ownership.* To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
- (19) *Municipal property protection.* To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (20) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gasworks, electric light plants, transportation facilities and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties; and to provide for the withdrawal of service for refusal to pay the same; and to authorize the extension of water, sewerage and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the city as provided by ordinance;
- (20.1) *Telecommunications.* The City shall have the power and authority to acquire, own, hold, lease, sell, resell, build, maintain, operate and contract with respect to a telecommunications systems network in order to provide telecommunications services and similar other services, including cable television services (CATV), to establish and charge rates, fees, tolls and charges for the services, facilities or commodities furnished or made available by such undertaking; to interconnect its system or services or both with the systems or services of consumers and other providers, to use telecommunications to respond to community needs, encourage the development of information-based organizations in the City of Norcross, Georgia, to finance from time to time any such telecommunications systems through the issuance of revenue bonds as then permitted by the Constitution and the laws of the State of Georgia; and to make any contract with respect to and furnish the services of any

said systems to consumers within or outside the corporate limits of the City;

- (21) *Nuisances*. To define a nuisance and provide for its abatement whether on public or private property;
- (22) *Ordinances, rules and regulations*. To make, establish and adopt such bylaws, ordinances, policies, and rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the city and the inhabitants thereof, and for preserving the health, peace, order and good government of the city;
- (23) *Penalties*. To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
- (24) *Planning and zoning*. To provide comprehensive city planning for development by zoning, including implementation of a land use plan and enforcement of the goals and objectives in the land use plan; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy and aesthetically pleasing community;
- (25) *Police and fire protection*. To exercise the power of arrest through duly appointed policemen and to establish, operate or contract for a police and a firefighting agency;
- (26) *Public hazards; removal*. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
- (27) *Public improvements*. To provide for the acquisition, construction, building, operation and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, hospitals, sewers, drains, sewerage treatment, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such other purposes,

property may be acquired by condemnation under O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;

- (28) *Public peace.* To provide for the prevention and punishment of drunkenness, riots and public disturbances;
- (29) *Public transportation.* To organize and operate such public transportation systems as are deemed beneficial;
- (30) *Public utilities and services.* To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
- (31) *Regulation of roadside areas.* To prohibit or regulate ~~and control~~ [Rationale: The word "control" is synonymous with the word "regulate".] the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, inside or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;
- (32) *Retirement.* To provide and maintain a retirement plan for employees of the city;
- (33) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys and walkways within the corporate limits of the city; and to negotiate and execute leases over, through and under any city property or the right-of-way of any street, road, alley and walkway or portion thereof within the corporate limits of the city for bridges, passageways or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses and underpasses within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads and over

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the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

- (34) *Sewer fees.* To levy a fee, charge or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system;
- (35) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper and other recyclable materials and provide for the sale of all solid waste;
- (36) *Special areas of public regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling, palmistry, adult bookstores and massage parlors;
- (37) *Special assessments.* To provide for the collection of special assessments to cover the cost of any city government servicespublic improvements;[Rationale: Article IX, § II, Para. VI of the Georgia Constitution authorizes counties and cities to levy and collect fees, assessments, and taxes to pay for the cost of providing local government services.]

- (38) *Taxes, ad valorem*. To levy and provide for the assessment, valuation, revaluation and collection of taxes on all property subject to taxation;
- (39) *Taxes, other*. To levy and collect such other taxes as may be allowed now or in the future by law;
- (40) *Taxicabs*. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
- (41) *Urban redevelopment*. To organize and operate an urban redevelopment program; and
- (42) *Other powers*. To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers ~~now or in the future~~ *[Rationale: This language is unnecessary.]* authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

(1996 Ga. Laws, page 3666, § 2; Ord. No. 2-2002, § 1, 2-4-2002)

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Sec. 1.15. Exercise of powers.

All powers, functions, rights, privileges and immunities of the city, its elected or appointed officers, ~~authorities~~agencies or employees shall be carried into execution as provided by this Charter. *[Rationale: To clarify that the city's officers are elected or appointed.]* If this Charter makes no provision, such powers, functions, rights, privileges and immunities shall be carried into execution as

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provided by ordinance of the governing authority or as provided by pertinent laws of the State of Georgia. The full faith and credit of the City of Norcross shall be behind all elected officers, appointed officers, employees, members of boards, commissions and authorities, and the city shall indemnify them, to the extent allowed by law, for all costs and judgments suffered as a result of any and all actions taken pursuant to their official capacity ~~as officials~~ for the City of Norcross. *[Rationale: "as officials" is duplicative]*

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ARTICLE II. GOVERNING BODY

Sec. 2.10. City council creation; composition; number; election.

The legislative authority of the government of the City of Norcross, Georgia, except as otherwise specifically provided in this Charter, shall be vested in a city council to be composed of a mayor and five (5) councilmembers. The mayor and councilmembers shall be elected in a manner provided by ~~A~~article V of this Charter.

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Sec. 2.11. City council terms and qualifications of office.

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- (a) ~~The three members of the city council who were elected to such offices in 2018 and any person selected to fill a vacancy in any such office shall serve out their initial terms of office which shall expire at the first organizational meeting held in January, 2021, and upon the election and qualification of their respective successors. Those successors shall be elected at the general municipal election in 2020, shall take office at the first organizational meeting held in January, 2021, and shall serve for an initial term of office of three years which shall expire at the first organizational meeting of 2024.~~
- (b) ~~The mayor and the two members of the city council who are elected to such offices in 2019 and any person selected to fill a vacancy in any such office shall serve for an initial term of office of two years which shall expire at the first organizational meeting held in January, 2022, and upon the election and qualification of their respective successors. Those successors shall be elected at the general municipal election in 2021, shall take office at the first organizational meeting held in January, 2022 and shall serve for an initial term of office of four years each which shall expire at the first organizational meeting of 2026.~~

~~(c)~~ On and after January 1, 2024~~1~~, the successor to the mayor or any member of the council whose term of office is to expire shall be elected at the general municipal election immediately preceding the expiration of such term, shall take office at the first organizational meeting in January immediately following such election, and shall serve for a term of office of four years each. The mayor and members of the council shall serve for the terms of office specified in this section and until their respective successors are elected and qualified.

~~(d) No person shall be eligible to serve as mayor or councilmember unless he shall have been a resident of the city for a period of not less than one year immediately prior to the date of the election of mayor or member of the city council and shall continue to reside therein during such person's period of service, and shall be registered and qualified to vote in municipal elections of the City of Norcross, Georgia, and unless he shall meet the qualification standards required for members of the Georgia House of Representatives, as are now or may in the future be prescribed by the Georgia Constitution. [Rationale; The term of offices has changed. Also, the stated qualification standards are not required for mayor or city councilmember.]~~

(1996 Ga. Laws, page 3666, § 3; Res. of 3-4-2019 , § 1)

State law reference(s)—Qualifications of representatives, Ga. Const. art. 3, § 2, ¶ 3.

Sec. 2.12. Vacancy; filling of vacancies; suspensions.

- (a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in ~~a~~Article V of this Charter.
- (b) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the mayor and or remaining city council members ~~or those remaining~~ shall appoint a successor for the duration of the suspension. ~~If the suspension becomes permanent,~~

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then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in Article V of this Charter.

Sec. 2.13. Compensation and expenses.

The mayor and council ~~members~~ shall receive as compensation for their services an amount ~~pursuant to an~~ ~~rescribed by~~ ordinance passed by the city council in conformity with the laws of the State of Georgia. The mayor and council ~~members~~ shall be entitled to receive their expenses incurred in the performance of their duties of office.

Sec. 2.14. Conflicts of interest; holding other offices.

- (a) No elected officer, appointed officer, employee, or member of a board, commission or authority of the ~~City of Norcross~~ (hereafter the "city") or any ~~authority~~ ~~agency~~ or political entity to which this Charter applies shall knowingly:
- (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair the independence of ~~this~~ judgment or action in the performance of his official duties;
 - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (3) Disclose confidential information concerning the property, government or affairs of the ~~city governmental body by which he is engaged~~ without proper legal authorization or use such information to advance the financial or other private interest of himself or others; *[Rationale: All provisions of this Charter relate to the City of Norcross and its officers, employees, and board, authority, and commission members, and therefore the generic reference to the "governmental body by which he is engaged" should be deleted and replaced with the word "city".]*

- (4) Accept any valuable gift, whether in the form of service, loan, object or promise, from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the ~~_city governmental body by which he is engaged;~~ provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (5) Represent other private interests in any action or proceeding against this city or any portion of its government; and
- (6) Vote or otherwise participate in the negotiations or in the making of any contract with any business or entity in which he has a financial interest.
- (b) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected officer, appointed officer or employee or any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such ~~agency or~~ entity shall disclose such private interest to the governing body of such agency or entity.
- (c) No elected officer, appointed officer, employee, or member of a board, commission or authority of the city or any agency or entity to which this Charter applies shall use property owned by ~~the city or~~ such governmental entity for personal benefit, convenience or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.
- (d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render ~~the said~~ contract or sale voidable at the option of the city council.

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(e) ~~Except as authorized by law, neither the mayor and nor any councilmembers~~ shall ~~not~~ hold any other elective or compensated appointed office in the city or otherwise be employed by ~~the city said government~~ or any ~~authority~~ thereof during the term for which he was elected. No ~~current or former mayor and no former member of city council~~ shall hold any ~~full-time or part-time~~ employment position in the city until ~~at least one (1)~~ year after the expiration of the term for which he was elected. *[Rationale: No member of city council can hold a compensated (paid) city office during his term of office,]*

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(f) (1) No department director, department head, or employee of the ~~City~~ shall continue in such position or employment upon qualifying as a candidate for nomination or election to public office in the ~~City of Norcross~~, or for the Gwinnett County Board of Commissioners.

(2) Department directors, department heads and employees of the ~~City~~ shall be and are permitted to continue in such position or employment after qualifying as a candidate for nomination or election to any public office other than in the ~~City of Norcross~~ or for the Gwinnett County Board of Commissioners.

(3) (i) An appointed member of a board, commission or authority of the ~~City~~ shall continue in such position as a non-voting member after qualifying as a candidate for nomination or election to public office in the ~~City of Norcross~~ or for the Gwinnett County Board of Commissioners. The limitations of such appointed member's authority after qualifying for nomination or election to public office in the ~~City of Norcross~~ or for the Gwinnett County Board of Commissioners are more particularly described in sections (f)(3)(iii) ~~and (f)(3)(iv)~~ below.

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(ii) An appointed member of any board, commission or authority of the ~~City~~ that is elected to public office in the ~~City of Norcross~~ or the Gwinnett County Board of Commissioners shall resign such appointed position upon being sworn in to such public office.

(iii) ~~Between the time that such appointed member of any board, commission or authority of the City qualifies for nomination or election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners and the time that the successful~~

~~candidate is sworn in to such public office, such appointed official may continue in their appointed position as a non-voting member. During this time said member shall be counted for the purpose of determining a quorum, and shall be entitled to all other powers, rights, privileges and immunities of such appointed office, including attending and participating in debate in open meetings and in meetings closed for executive session, but shall not have authority to make a motion, to second a motion or to cast a vote on any matter coming before such board, commission or authority.~~

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- ~~(iv)~~ An appointed member of any board, commission or authority of the ~~City~~ that is unsuccessful in his or her candidacy for election to public office in the ~~City of Norcross~~ or for the Gwinnett County Board of Commissioners shall resume ~~his~~~~such~~ appointed position with all powers, rights, privileges and immunities of such appointed office, including the ability to make a motion, to second a motion and to cast votes on any matter coming before said board, commission or authority fully restored upon the successful candidate being sworn in to such public office.

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- (iv) An appointed member of any board, commission or authority of the ~~City~~ shall be and is permitted to continue in such position after qualifying as a candidate for nomination or election to any public office other than in the City of Norcross or for the Gwinnett County Board of Commissioners.

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- (4) ~~An E~~lected officials ~~in of~~ the City of Norcross (~~hereafter the "city"~~) (~~i.e., the Mayor and Councilmembers~~) shall be permitted to continue the balance of ~~his~~ ~~their~~ term for which ~~he was~~~~they were~~ elected after qualifying ~~as a candidate~~ for nomination or election to any other elect~~edive~~ public office (including but not limited to an ~~-different~~ elect~~edive~~ office in the ~~City of Norcross~~ other than the present office held by such elected official), so long as the term of the elect~~edive~~ office for which such official is qualifying begins at least~~more than~~ 30 days prior to the expiration of such official's present term of office. *[Rationale: To make the reference to elected officials singular instead of plural to be consistent with prior*

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provisions of this section. Also, to simplify the language in this paragraph]

~~(5) The office of any elected official in the City of Norcross shall be declared vacant upon such elected official qualifying in a general primary or general election for another elective public office if the term of office for which such official is qualifying begins more than 30 days prior to the expiration of such official's present term of office. [Rationale: This appears to conflict with the provisions of Section 2.14 (f)(4) above.]~~

~~(6) The elected officials of the City of Norcross shall be ineligible to hold any other elected office during the term of office for which such Mayor or Councilmember was chosen unless he or she first resigns before entering such other office. The vacancy created in any such office shall be filled as provided by Georgia Law. [Rationale: This provision appears to conflict with Section 2.14(e) above.]~~

(g) (1) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who ~~knowingly conceals such financial interest or~~ knowingly violates any of the ~~provision requirements~~ of this section applicable to his ~~respective~~ office or position shall be guilty of malfeasance ~~in office or position~~ and shall be deemed to have forfeited his office or position. [Rationale: To simplify and clarify the language of this subparagraph.]

(2) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who shall forfeit his office or position ~~as described in paragraph (1) of this subsection~~ shall be ineligible for appointment or election to or employment in a position in ~~the~~ city government for a period of three (3) years thereafter.

(Ord. No. 03-2017 , § II, 10-2-2017; Ord. No. 16-2019 , § II, 1-6-2020)

Sec. 2.15. Inquiries and investigations.

The mayor and city council, by majority vote, may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or ~~authority agency~~ thereof and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any

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person who fails or refuses to obey a lawful order issued in the exercise of these powers by the mayor and ~~city~~ council shall be punished as provided by the discipline policies set forth in the city employee handbook ordinance.

Sec. 2.16. General power and authority of the city council.

- (a) Except as otherwise provided by law or by this Charter, the mayor and city council shall be vested with all the powers of government of the City of Norcross, Georgia (hereafter the "city"), as provided by Article I of this Charter.
- (b) In addition to all other powers conferred upon it by law, the city 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, or well-being of the inhabitants of the ~~City of Norcross, Georgia~~, and may enforce such ordinances by imposing penalties for violation thereof.
- (c) The mayor and council may by ordinance create, change, alter, abolish or consolidate offices, ~~agencies~~, and departments of the city and may assign additional functions to any of the offices and ~~departments~~ agencies and departments expressly provided for by this Charter.

Sec. 2.17. Eminent domain.

The mayor and city council are empowered to acquire, construct, build, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewerage treatment, waterworks, electrical systems, and charitable, educational, recreational and sports institutions, agencies and facilities and any other public improvement within ~~inside~~ or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned utilizing procedures enumerated in O.C.G.A. title 22, subject to such amendments as shall be enacted, or any other applicable Georgia law.

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Sec. 2.18. Organizational meeting.

The mayor and city council shall hold an organizational meeting on or before 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:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of the City of Norcross, Georgia, and that I will support and defend the Charter thereof as well as the constitution and laws of the State of Georgia and of the United States of America."

Following the induction of members, one (1) councilmember shall be appointed to serve as mayor pro tempore pursuant to the procedures set forth in section 2.27 of this Charter.

Sec. 2.19. Regular and special meetings.

- (a) The mayor and city council shall hold regular meetings at such times and places as prescribed by ordinance. The mayor and city council may recess any regular meeting and continue such meeting on any weekday or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting. Notice to the public shall be made in the manner required by law.
- (b) Special meetings of the mayor and city council may be held on call of the mayor or three (3) members of the city council. Notice of such special meetings shall be served on all other council members personally, or by telephone ~~personally~~, or shall be left at their residences at least 24 hours in advance of the special meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting. Any matter which requires action by the city council in less than 24 hours will be governed by the emergency provisions set forth in section 2.24 of this Charter.

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- (c) All meetings of the ~~mayor and city~~ council shall be public to the extent required by law. The ~~mayor and city~~ council may hold executive sessions privately before or after public meetings, but the ayes and nays of any balloting shall be recorded at the conclusion of such executive sessions. Notice to the public of special meetings shall be made as fully as is reasonably possible at least one day prior to such meeting.

Sec. 2.20. Rules of procedure.

- (a) Unless otherwise provided by ordinance, rules of procedure for meetings of the ~~mayor and city~~ council shall follow Robert's Rules of Order. The city council shall ~~provide for keeping~~ a journal of its proceedings which shall be a public record.
- (b) All committees and ~~subcommittees chairpersons~~ of the ~~city council~~ shall be appointed by the mayor and ~~confirmed by the city~~ council and shall serve at the pleasure of the mayor and ~~city~~ council. Following the procedures described in this Charter, the mayor and ~~city~~ council shall have the power to appoint a new member to any committee ~~or subcommittee~~ at any time.

(1996 Ga. Laws, page 3666, § 4; 1997 Ga. Laws, page 3517, § 2)

Editor's note(s)—The rules of procedure for ~~Ccity C~~council meetings currently follows Rosenberg's Rules, as provided by Ordinance No. 25-2008, adopted by the ~~Mayor and Ccity~~ council on November 3, 2008, and Ordinance No. 15-2008, adopted by ~~the the Mayor and C city~~ council on May 5, 2008.

Sec. 2.21. Quorum; voting.

The mayor (or mayor pro tempore when presiding) and three (3) councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal ~~of its proceedings~~, but any ~~council~~ member shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this Charter, when a quorum is present, the affirmative vote of a majority of those present shall be required for the adoption of any ordinance, resolution or motion.

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Sec. 2.22. Action requiring an ordinance.

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

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Sec. 2.23. Ordinance form; procedure.

- (a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Norcross, Georgia, hereby ordains..." and every ordinance shall so begin.
- (b) An ordinance may be introduced by the mayor or any member of the ~~city~~ council and read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules ~~which it has~~ established. Upon introduction of any ordinance, the clerk shall distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

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Sec. 2.24. Emergency ordinances.

To meet a public emergency affecting life, health, property or public peace, the city council may convene ~~a meeting~~ on call of the mayor or three (3) councilmembers and promptly adopt one ~~(1)~~ or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

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Sec. 2.25. Codes of technical regulations.

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

- (1) The requirements of subsection (b) of section 2.23 of this Charter for distribution and filing of copies of the adopting ordinance shall be construed to include copies of any code of technical regulations, ~~as well as the adopting ordinance;~~ *[Rationale: To simplify the language in this subsection.]* and
- (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to section 2.26 of this Charter.

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

Sec. 2.26. Signing; authenticating; recording; codification; printing.

- (a) The clerk shall authenticate by his ~~or her~~ signature and record in full in a properly indexed book ~~kept for that purpose~~ all ordinances adopted by the city council. Every ordinance adopted by the city council shall be presented ~~promptly~~ by the city clerk to the mayor within forty-eight (48) hours of adoption. *[Rationale: To simplify the language in this subsection. Also, instead of requiring "prompt" presentation of ordinances adopted to the mayor, specify a reasonable time period, such as "... shall be presented by the clerk to the mayor within forty-eight (48) hours of adoption.]*
- (b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the ~~mayor and city~~ council by ordinance and shall be published promptly, together with all amendments thereto, with this Charter, any amendment thereto, and such codes of technical regulations and other rules and regulations as the ~~mayor and city~~ council may specify. This compilation shall be known and cited officially as "The Code of the City of Norcross, Georgia." Copies of the code shall be furnished to all elected and

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appointed officers, departments, and authorities agencies of the city and made available for purchase by the public at a reasonable price as fixed by the mayor and city council.

- (c) The mayor and city council shall cause each ordinance and each amendment to this Charter to be typed or printed promptly following its adoption and the ordinance and Charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the mayor and city council. Following publication of the first Code of the City of Norcross, Georgia, and at all times thereafter, the ordinances and Charter amendments shall be typed or printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The mayor and city council shall make such further arrangements as deemed desirable for with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Sec. 2.27. Mayor pro tempore.

By a majority vote, the mayor and council shall elect a councilmember to serve as mayor pro tempore. During the absence or disability of the mayor for any cause, the mayor pro tempore or, in such mayor pro tempore's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore shall serve at the pleasure of the city council, shall continue to vote, and shall otherwise participate as a councilmember. [Rationale: To eliminate duplication of section title and centralize the duties of mayor pro tempore, the provisions of former Sec. 2.29 below have been combined with the provision of this section.]

(1997 Ga. Laws, page 3517, § 3)

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Sec. 2.28. The mayor; powers and duties.

The mayor shall be the chief elected officer of the city and as such shall have the following powers and duties:

- (1) ~~(1)~~ To preside at all meetings of the city council and be recognized as the official head and spokesperson of the city for service of process and ceremonial purposes;
- (2) To vote on matters concerning the hiring, contract negotiation, supervision, performance evaluation, suspension, and firing of the city manager;
- (3) To vote on all other matters before the city council only in the event of a tie;
- (4) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments, and other documents authorized by the city council and which are required to be in writing, unless otherwise directed or authorized by the city council;
- (5) To administer oaths and to take affidavits; and
- (6) To fulfill such other duties as authorized by the city council.

(1997 Ga. Laws, page 3517, § 3; 2007 Ga. Laws (Act No. 213), page 4066, § 1)

Sec. 2.29. Selection of mayor pro tempore.

~~By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall serve at the pleasure of the city council, shall continue to vote, and shall otherwise participate as a councilmember.~~ *[Rationale: To eliminate duplication of section title and centralize the duties of mayor pro tempore, the provisions of this section have been combined with the provisions of Sec. 2.27 above.]*

(1997 Ga. Laws, page 3517, § 3)

Sec. 2.2930. The city manager; general powers.

The ~~mayor and city~~ council shall appoint a city manager for an indefinite term and shall set his ~~or her~~ compensation in an employment contract. The city

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manager shall be appointed solely on the basis of ~~his that person's~~ executive and administrative qualifications ~~and, including,~~ relevant experience.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

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Sec. 2.301. Powers and duties of the city manager.

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The city manager shall be the chief executive and administrative officer of the city. The city manager shall be responsible to the ~~mayor and city~~ council for the administration of all city affairs placed in his ~~or her~~ charge by or under this Charter. The city manager shall have the following powers and duties:

- (1) To appoint and, when he ~~or she~~ deems it necessary for the good of the city, suspend or remove ~~any all~~ city employees ~~and~~ administrative officers ~~he or she~~ appoints, except as otherwise provided by law ~~or personnel ordinances adopted pursuant to this Charter~~. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in the ~~eat~~ administrative officer's department, office, or ~~authority~~ agency; *[Rationale: Clarify that the city manager has the power to remove one or more city employees or administrative officers. Also, use of the word "law" and "ordinances" is redundant, as an ordinance is a local law.]*
- (2) To direct and supervise the administration of all departments, offices, and ~~authorities~~ agencies of the city to ensure that the policies of the mayor and council are carried out, except as otherwise provided by this Charter or by law; *[Rationale: To further explain this duties of the city manager.]*
- (3) To attend all city council meetings and participate ~~have the right to take part~~ in discussion as required, but the city manager may not vote;
- (4)

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To see that all laws, provisions of this Charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;

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- (5) To prepare and submit the annual operating budget and capital budget to the city council. Once approved for the following fiscal year, any increase in the appropriations for these budgets, whether accomplished through a

change in anticipated revenues or through a transfer of appropriations among departments, shall require the approval of the city council. Such amendment shall be adopted by ordinance or resolution;

- (6) To submit to the city council at least quarterly a summary of the finances and administrative activities of the city, and to make available to the city council and public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) To prescribe, require, publish, and implement standards of administrative management and operating procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the city which are subject to the city manager's supervision;
- (8) To act as the purchasing agent of the city;
- (9) To make such other studies, reports, and investigations as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;
- (10) To keep the mayor and city council fully advised as to the future needs of the city, and make such recommendations to the mayor and city council concerning the affairs of the city as he ~~or she~~ deems desirable; and
- (11) To perform other such duties as are specified in this Charter or as may be required by the mayor and city council.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.3~~12~~. Budget authority and special funds.

The city manager shall have full authority to execute the city's annual operating budget and capital budget. Establishment of all special funds and authorization of expenditures from the special funds shall require approval of the city council. The city council shall also approve any operating or capital budget amendments requiring use of funds from the contingency special fund.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

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Sec. 2.3~~23~~. City council's noninterference with administration.

Except for the purpose of inquiries and investigations, the mayor and ~~city~~ council ~~members~~ shall not give orders or directions to any city employees who are subject to the direction and supervision of the city manager, either publicly or privately, directly or indirectly.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

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Sec. 2.3~~34~~. Removal of city manager.

The ~~mayor and city~~ council may remove the city manager from office in accordance with the following procedures:

- (1) The city council shall adopt by ~~four affirmative vote of two thirds~~ of its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;
- (2) Within five days after a copy of the resolution is delivered to the city manager, he ~~or she~~ may file with the ~~mayor and city~~ council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the ~~mayor and city~~ council a written reply not later than five days before the hearing; and
- (3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this section, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of ~~four a majority of all of~~ its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of ~~all~~ its members at any time after the public hearing.

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The city manager shall continue to receive his ~~or her~~ salary until the effective date of a final resolution of removal ~~from office~~.

[Rationale: Cosmetic changes only.]

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(2007 Ga. Laws (Act No. 213), page 4067, § 2)

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Sec. 2.3~~45~~. Acting city manager.

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By letter filed with the city clerk, the city manager shall designate a ~~qualified~~ city administrative officer to exercise the powers and perform the duties of city manager during his ~~or her~~ temporary absence or disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return to office, or his ~~or her~~ disability shall cease.

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[Rationale: What is the definition of "qualified" in this context? The use of the term seems ambiguous.]

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(2007 Ga. Laws (Act No. 213), page 4067, § 2)

ARTICLE III. EXECUTIVE BRANCH

Sec. 3.10. Administrative and service departments.

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- (a) ~~The mayor and city council by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of the city.~~ The city manager ~~mayor~~ shall recommend and the ~~city council~~ shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies created or established by this Charter; may provide that the same person shall fill any number of offices and positions of 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 city council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance. There ~~may~~shall be a department head of each department who shall be its principal officer. Each department head shall,

subject to the direction and supervision of the ~~-city manager~~ mayor and city council, be responsible for the administration and direction of the affairs and operations of his department.

- (c) ~~Except as otherwise provided by this Charter, t~~The department heads and other appointed officers of the city shall serve at the pleasure of the ~~-city manager~~ mayor and city council. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.

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- (d) ~~Except as otherwise provided by law, t~~The department heads ~~and other appointed officers~~ of the city shall be appointed solely on the basis of their ~~respective~~ administrative and professional qualifications.

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~~(e) — All appointed officers and department heads shall receive such compensation as prescribed by ordinance of the city council.~~

[Rationale: To clarify that city manager has the sole authority to appoint, direct, supervise, and remove any department head except the city attorney and city auditor. A reference to compensation of officers and department heads is unnecessary.]

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(1996 Ga. Laws, page 3666, § 6; 1997 Ga. Laws, page 3517, § 4)

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Sec. 3.11. Boards, commissions and authorities.

- (a) The ~~mayor and city~~ council may create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties and powers thereof.
- (b) All members of boards, commissions and authorities of the city shall be appointed by the mayor and ~~confirmed by the city~~ council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, terms of office or manner of appointment is prescribed by this Charter or by law.

- (c) Except as otherwise provided by Charter or by law, no voting member of any board, commission or authority shall hold any elective office in the city.
- (d) Any vacancy in the office of any member of a board, commission or authority of the city shall be filled for the unexpired term in the manner prescribed herein for the original appointment, except as otherwise provided by this Charter or by law.
- (e) No member of any board, commission or authority shall assume office until he shall have executed and filed with the clerk of the city an oath obligating himself to perform faithfully and impartially the duties of his office, such oath to be prescribed by ordinance of the ~~mayor and city~~ council and administered by the mayor.
- (f) Any member of a board, commission or authority may be removed from office by a vote of a majority of the members of ~~the~~ city council.
- (g) The ~~mayor and city~~ council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of members of boards, commissions and authorities in the performance of their official duties.
- (h) The qualifications required of members of boards, commissions and authorities shall be prescribed by ordinance.
- (i) Except as otherwise provided by this Charter or by law, each board, commission or authority of the city government shall elect one (1) of its members as chairman and one (1) member as vice chairman for terms of one (1) year, and may elect as its secretary an employee of the city. Each board, commission or authority of the city government may establish (after approval by the mayor and council ~~members~~) such bylaws, rules and regulations, not inconsistent with this Charter, an ordinance of the city, or law, as it deems appropriate and necessary for the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the ~~clerk of the city~~ clerk.

Sec. 3.12. City clerk.

The city manager shall appoint a city clerk who shall not be a council member. The city clerk shall be custodian of the official city seal, maintain city council records required by this Charter, and perform such other duties as may be required by the mayor and ~~city~~ council.

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(2007 Ga. Laws (Act No. 213), page 4069, § 3)

Sec. 3.13. City treasurer.

~~The city manager shall appoint a city treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this Charter and the ordinances of the city, and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer. The city clerk and city treasurer shall not be the same person.~~

~~(2007 Ga. Laws (Act No. 213), page 4069, § 3)~~

Sec. 3.14. City attorney.

The mayor and ~~city~~ council shall appoint a city attorney, together with such assistant city attorneys, as may be authorized by ordinance. ~~The city council shall provide for the payment of such attorney or attorneys for services rendered to the city.~~ The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the city council as directed, shall advise the mayor ~~and~~ ~~city~~ council and other officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such other duties as may be required of him by virtue of his position as city attorney.

Sec. 3.145. City accountant.

~~The mayor may appoint and the city council shall confirm a city accountant to perform the duties of an accountant.~~

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Sec. 3.16. City auditor.

The city auditor shall be appointed by the mayor and council.~~The city manager shall contract with confirmation of the city council an outside firm to perform the duties of a city auditor.~~

~~(2007 Ga. Laws (Act No. 213), page 4070, § 4)~~

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Sec. 3.157. Human resources.

- (a) Human resources ~~department manager~~. The ~~city manager shall appoint a~~ human resources ~~department manager who~~ shall be responsible for policies and practices related to the equitable treatment of city employees.
- (b) *The city position classification and pay plan.* The human resources ~~department manager~~ shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city manager and then to the ~~mayor and city~~ council for approval. Such plan shall apply to all employees of the city and any of its ~~agencies~~, departments, boards, commissions, or authorities. When a pay plan has been adopted, the ~~mayor and city~~ council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. The city manager shall apply the pay plan to city employees. For purposes of this section, all elected city officials are not city employees.
- (c) *Employee rules and regulations.* The city manager shall present to the ~~mayor and city~~ council for approval rules and regulations consistent with this Charter concerning:
 - (1) The method of employee selection and probationary periods of employment;
 - (2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
 - (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
 - (4) Such dismissal hearings as due process may require; and

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(5) Such other personnel notices s as may be necessary to provide for adequate and systematic handling of personnel affairs.

(1997 Ga. Laws, page 3517, § 5; 2007 Ga. Laws (Act No. 213), page 4070, § 4)

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Sec. 3.168. Appointment of elected officials.

No person holding an elect~~ed~~ive office in the City of Norcross shall be eligible for appointment as a city employee during the term of office for which he ~~or she~~ was elected or within one (1) year ~~two years~~ after the expiration of his ~~or her~~ term of office. *[Rationale: To be consistent with the one (1) year period concerning holding other offices set forth in Sec. 2.14(e).]*

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(2007 Ga. Laws (Act No. 213), page 4070, § 4)

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ARTICLE IV. MUNICIPAL COURT

Sec. 4.10. Creation.

There is established a court to be known as the Municipal Court of the City of Norcross (hereafter the "city"), which shall have jurisdiction and authority to try offenses against the laws and ordinances of ~~the said~~ city and to punish for a violation of the same. Such court shall have the power and authority to enforce its judgments by the imposition of such penalties as may be provided by law; to punish witnesses for nonattendance, and to punish also any person who may counsel or advise, aid, encourage or persuade another whose testimony is desired or material in any proceeding before said court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which under the laws of Georgia are placed within the jurisdiction of municipal courts to the extent of and in accordance with the provisions of such laws and all law~~s~~ subsequently enacted amendatory thereof.

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Sec. 4.11. Chief judge; associate judge; solicitor.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or standby judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided by ordinance.

- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the mayor and ~~confirmed by the city~~ council and shall serve at the pleasure of the mayor and ~~city~~ council.
- (c) Compensation of the judges shall be fixed by the ~~mayor and city~~ council by ordinance.
- (d) Before assuming office, each judge shall take an oath, given by the mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in section 2.20 of this Charter.
- (e) At the request of the presiding municipal judge, a solicitor and an assistant solicitor may be appointed by the mayor and ~~confirmed by the city~~ council. The method of selection and terms of such solicitors shall be provided by ordinance.

Sec. 4.12. Convening.

The municipal court shall be convened at such times as designated by ordinance or ~~at such times~~ as the court deems necessary to keep current the dockets thereof. *[Rationale: To eliminate duplicative phrase.]*

Sec. 4.13. Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of this Charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days, or both, or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law. The municipal judge may appoint counsel as required by law at the request of any person sentenced to a jail term who is found to be indigent.

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- (d) The municipal court shall have the authority to establish a schedule of fees to defray the costs of operation and shall be entitled to reimbursement of the actual cost of meals, transportation and caretaking of prisoners bound over to superior courts for violation of state law.
- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before ~~thesaid~~ court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond may be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his sureties with a rule nisi at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond or security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the ~~city~~ ~~City of Norcross~~, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.
- (f) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.
- (g) The municipal court shall have the same authority as superior courts to administer oaths as are necessary and to perform all other acts necessary and proper to the conduct of ~~thesaid~~ court.
- (h) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas and warrants which may be served as executed by any officer as authorized by this Charter or by law.
- (i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of the ~~city~~ ~~City of Norcross~~ granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Sec. 4.14. Appeal and certiorari.

- (a) A review of a decision of the municipal court, in the case of traffic violations, may be by direct appeal to the Superior Court of Gwinnett County (hereafter the "superior court"), and any bond as may be required to secure the costs of appeal to the Superior Court of Gwinnett County, Georgia, superior court from the municipal court shall lie as prescribed by law. An appeal to the superior court shall not be a de novo proceeding.
- (b) The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of the judge of the Superior Court of Gwinnett County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari. *[Rationale: Cosmetic changes only.]*

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Sec. 4.15. Rules of court.

With the approval of the mayor and city council, the municipal judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the mayor and city council may adopt in part or in full ~~to~~ the rules and regulations applicable to the superior courts under the laws of the State of Georgia. The rules and regulations made or adopted for the said court shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V. ELECTIONS

Sec. 5.10. Applicability of general law.

All elections shall be held and conducted in accordance with chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," codified as O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

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Sec. 5.11. Regular elections; time for holding.

The mayor and city council shall cause an election to be held at the city hall or such other place in the city as the city council shall direct and designate. ~~All general municipal elections held prior to the election of 2023 shall be held on the Tuesday next following the first Monday in November of each year, except that no such election shall be held in 2022.~~ The general municipal election of 2023 and all subsequent general municipal elections shall be held on the Tuesday next following the first Monday in November of each odd numbered year. The term of each elected officer shall begin on the day and hour of taking the oath of office as provided in Article II, Section 2.18 of this Charter. Notwithstanding any other provision of this Charter, no term of office to which a person has been elected ~~prior to the date this section becomes effective in 2019,~~ shall be shortened or lengthened except pursuant to the procedures established by general law.

(Res. of 3-4-2019 , § 2)

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Sec. 5.12. Qualifying; absentee ballots; other provisions.

~~Except as otherwise provided by this Charter, the~~ mayor and city council, ~~by ordinance, may shall~~ prescribe rules and regulations governing qualifying fees, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as required by the provisions of ~~it deems necessary to fulfill any options and duties under chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code,"~~ codified as O.C.G.A. § 21-2-1 et seq., as now or hereafter amended. [Rationale: The mayor and council must comply, by ordinance or otherwise, with the state election code, and this section was modified to remove any perceived "discretion" of the mayor and council in establishing any rules or regulations in conflict with the election code.]

(Ord. No. 17-2018 , § II, 12-3-2018)

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Sec. 5.13. Election by majority vote.

The mayor and council ~~members~~ shall be elected by a majority vote of the votes cast for each position. The procedures and requirements for election of all elected officers of the city shall be in conformity with the provisions of ~~chapter 2~~

~~of Title 21 of the O.C.G.A.,~~ the "Georgia Election Code," codified as O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

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Sec. 5.14. Special elections; vacancies.

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In the event that the office of the mayor or any councilmember shall become vacant for any cause whatsoever, the mayor and city council or those remaining shall order a special election to fill the balance of the unexpired term of such official ~~_; provided, however, if such vacancy occurs within nine (9) months of the expiration of the term of office of the mayor or any councilmember, said vacancy in office shall be filled by appointment by the remaining members of the city council. In all other respects, a~~ A special election shall be held and conducted in accordance with ~~chapter 2 of Title 21 of the O.C.G.A.,~~ the "Georgia Election Code," codified as O.C.G.A. § 21-2-1 et seq.), as now or hereafter amended.

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[Rationale: The provisions of state law governing special elections shall be strictly followed, thereby eliminating the need for additional special election provisions]

(Ord. No. 17-2018 , § II, 12-3-2018)

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Sec. 5.15. Grounds for removal.

(a) The mayor ~~or and~~ any councilmember shall be subject to removal from office for any one or more of the following causes:

- (1) Incompetence, misfeasance or malfeasance in office;
- (2) Conviction of a felony, in accordance with the "Public Officers and Employees Code", codified as O.C.G.A. §45-5-6.1(c);

(3) Conviction of a crime involving moral turpitude;

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~~(4)~~ Failure at any time to possess any qualifications of office as provided by this Charter or by law;

~~(5)~~ Willful violation of any ~~express~~ prohibition of this Charter; [The word "express" is unnecessary,]

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~~(6)~~ Abandonment of office or neglect to perform the duties thereof; or

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(76) Failure for any other cause to perform the duties of office as required by this Charter or by state law.

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

- (1) ~~Removal of an elected officer from office may be accompanied by the affirmative vote of four members two-thirds (2/3) of the vote of the entire membership of the city~~ council. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Gwinnett County (hereafter the "superior court"). Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
- (2) By an order of the ~~superior court of Gwinnett County~~ following a hearing on a complaint seeking such removal brought by any resident of the City of Norcross, Georgia.

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ARTICLE VI. FINANCE AND FISCAL

Sec. 6.10. Property taxes.

All property subject to taxation for state and county purposes, assessed as of January 1 in each year, shall be subject to any property tax levied by the City of Norcross (hereafter the "city"). The city shall use the county assessment for the year in which the city taxes are to be levied. The county is to furnish appropriate information for such purpose unless otherwise directed by state law. The maximum⁷ general operation millage rate will be 15 mills.

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Sec. 6.11. Property tax levy.

The ~~mayor and city~~ council shall assess and collect an ad valorem tax on all real and personal property within the corporate limits of the city as permitted by

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state law for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the ~~mayor and city~~ council in ~~their~~ discretion.

Sec. 6.12. Millage rate; due dates and payment methods.

The ~~mayor and city~~ council, by ordinance, shall establish a millage rate for the city property tax, a due date and the time period within which these taxes must be paid. The ~~mayor and city~~ council, by ordinance, may provide for the payment of the taxes by installments or in one (1) lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

Sec. 6.13. Occupational and business taxes.

The ~~mayor and city~~ council, by ordinance, shall have the power to levy such occupation or business taxes as are not prohibited by law. Such taxes may be levied on both individuals and corporations who transact business in the city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to the city to be so taxed. The ~~mayor and city~~ council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in section 6.1~~89~~ of this Charter.

Sec. 6.14. Licenses; permits; fees.

The ~~mayor and city~~ council, by ordinance, shall have the power to require any individuals or corporations who transact business in this city or who practice or offer to practice any profession or calling therein to register or obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not ~~now~~ regulated by general law in such a way as to preclude city regulations, regardless of whether or not the individual or corporation has an office or establishment within the city. The mayor and council shall be authorized to fix the amount, terms and manner of issuing and revoking licenses or permits, subject to the laws of Georgia and the United States. This power is conferred pursuant to the police powers of the city and for the purpose of raising revenue for the operation of city government through the imposition of a fee for the privilege of operating within the city. Such fees may reflect the total

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cost to the city of regulating the activity and, if unpaid, shall be collected as provided in section 6.19 of this Charter. The ~~mayor and~~city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate. *[Rationale: To eliminate duplicate sections of this Charter by combining the provisions of this section with the provisions of Section 7.14.]*

Sec. 6.15. Sewer service charges.

~~The city council by ordinance shall have the right, power and authority to assess and collect fees, charges and tolls for sewer services rendered both inside and outside the corporate limits of the city, to provide for the total cost and expense of providing for the collection and disposal of sewage through the sewerage facilities of the city. If unpaid, said sewer service shall constitute a lien against any property of persons served, which lien shall be second in priority to liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes as provided in section 6.19 of this Charter.~~

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Sec. 6.16. Sanitation~~ry~~ and health service charges.

The ~~mayor and~~city council, by ordinance, shall have authority to provide for, to enforce, to levy and to collect the total costs of sanitation~~ry~~ and health services provided or made available inside or outside the corporate limits of the city. Such authority shall include the power to assess, levy and collect annual or monthly sanitation~~ry~~ taxes or fees in such amount, or amounts, and based upon and in accordance with such classification of property and sanitation~~ry~~ service or services provided, as may be fixed by ordinance. Said sanitation~~ry~~ taxes and assessment thereof shall be a charge and lien against the real estate ~~for in respect to~~ which said taxes are so assessed and the owner or owners thereof, superior to all other liens except liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes, as provided in section 6.1~~89~~ of this Charter.

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Sec. 6.1~~67~~. Special assessments.

The ~~mayor and~~city council, by ordinance, shall have the power and authority to assess and collect impact fees or other special assessment fees to cover all or part of the cost of constructing, reconstructing or improving any public way, street, sidewalk, curbing, gutters, sewers, water systems or other utility mains and appurtenances, against the abutting property owner or the owners of any property having a constitutionally sufficient nexus to the needed public improvement under such reasonable terms and conditions as may be prescribed by ordinance. Such special assessments shall become delinquent 30 days after their due dates, shall thereupon be subject, in addition to fieri facias charges, to a ~~maximum annual percentage~~ penalty ~~allowed by Georgia law of 10 percent~~ and shall thereafter be subject to interest at the ~~maximum annual percentage~~ rate ~~allowed by Georgia law of nine percent (9%) per annum~~ from date due until paid. A lien shall exist against the affected property superior to ~~all~~ other liens, except that it shall be of equal dignity with liens for county and city property taxes; and said lien shall be enforceable by the same procedure~~s~~ and under the same remedies as a lien for city property taxes as provided in section 6.1~~89~~ of this Charter.

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Sec. 6.1~~78~~. Construction; other taxes.

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

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Sec. 6.1~~89~~. Collection of delinquent taxes and fees.

The ~~mayor and~~city council, by ordinance, may provide for the collection of delinquent taxes, fees, or other revenues due the city under Sections 6.10 through 6.1~~78~~ of this Charter by fieri facias issued by the ~~General Government Administration Finance Department~~ and executed by any police officer of the city ~~or the city marshal~~, under the same procedure~~s~~ provided by the law governing execution of such process from the superior court or by the use of any other available legal processes and remedies. The ~~mayor and~~city council shall be authorized to impose an interest penalty upon delinquent tax payments to the

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city in an amount not exceeding the maximum rate of interest allowable under the laws of Georgia. A lien shall exist against all property upon which the city property taxes are levied, as of the assessment date of each year, which lien shall be superior to ~~all~~ other liens, except that it shall have equal dignity with those of federal, state, or county taxes. In case of hardship, the ~~mayor and city~~ council shall have discretionary authority to waive any and all penalties imposed by this Charter on delinquent taxes, assessments, or ~~on~~ other amounts due to the city.

(1996 Ga. Laws, page 3666, § 7; 1997 Ga. Laws, page 3517, § 6)

Sec. 6.1920. Transfer of executions.

The ~~Finance general government administration and Department head~~ shall be authorized to assign or transfer any fieri facias or execution issued for any tax, street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law regarding sales and transfers of tax fieri facias; provided, however, that upon levy of execution and sale of property pursuant to such tax fieri facias, whether assigned, transferred, or executed by the city, the owner of such property, in fee simple or lesser interest, shall not lose his or her right to redeem the property in accordance with the requirements of redemption of property sold under state or county ad valorem tax fieri facias as said requirements ~~now exist or~~ may be ~~hereinafter~~ provided by law.

(1996 Ga. Laws, page 3666, § 8)

Sec. 6.201. General obligation bonds.

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

Sec. 6.212. Revenue bonds.

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

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Sec. 6.2~~23~~. Short-term loans.

The city may obtain short-term loans between January 1 and December 31 of each year and must repay such loans not later than December 31 of each year.

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Sec. 6.2~~34~~. Fiscal year.

The ~~mayor and city~~ council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting for each and every office, department, ~~institution, agency authority,~~ and activity of the city government, unless otherwise provided by state or federal law.

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Sec. 6.2~~45~~. Preparation of budgets.

The ~~mayor and city~~ council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content and form of such budgets and programs.

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Sec. 6.2~~56~~. Submission of the operating budget to the city council.

On or before a date fixed by the ~~mayor and city~~ council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the ~~mayor and city~~ council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, ~~an~~ explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he ~~or she~~ may deem pertinent. The operating budget, the capital improvements budget ~~provided for in this chapter~~, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

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(1997 Ga. Laws, page 3517, § 7; 2007 Ga. Laws (Act No. 213), page 4071, § 5)

Sec. 6.267. Action by city council on operating budget.

- (a) The mayor and city council may amend the proposed operating budget, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.
- (b) The mayor and city council, by ordinance, shall adopt the final operating budget for the ensuing year not later than the last day of the current fiscal year. If the mayor and city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the mayor and city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget document.
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable, unless authorized by the mayor and city council.
- (d) The mayor and city council shall be authorized to establish a tax millage rate each year to ensure that the necessary revenue will be available to meet the appropriations provided for in the said budget. The tax millage rate levied by the mayor and city council shall not exceed 15 mills to cover general operating expenses. An additional millage rate may be levied for the retirement of bonded indebtedness.

(1997 Ga. Laws, page 3517, § 8)

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Sec. 6.278. Changes in appropriations.

The mayor and city council may make changes in the appropriations in addition to those contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

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Sec. 6.289. Capital improvements budget.

- (a) On or before a date fixed by the mayor and city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the mayor and city council a proposed capital improvements budget with recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The mayor and city council shall have the power to accept, with or without amendments, or reject the proposed capital improvements budget program and proposed means of financing the proposed improvements. The mayor and city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 2.24 of this Charter.
- (b) The mayor and city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than December 31 of each year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor or any member of the city council may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by recommendations for such amendments. Any such amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

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(1997 Ga. Laws, page 3517, § 9; 2007 Ga. Laws (Act No. 213), page 4071, § 6)

Sec. 6.2930. Independent audit.

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the mayor and

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~~confirmed by the~~ city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing costs to the public.

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Sec. 6.301. Procurement and property management; contracting procedures.

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~~The City of Norcross (hereafter the "city") shall establish Financial Management Policies to ensure that the public has confidence in the integrity of the city's administration of its procurement and contracting procedures.~~

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~~All contracts shall be made or authorized by the city council and no contracts shall bind the city unless:~~

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~~(1) It is in writing;~~

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~~(2) In event a contract for goods or services is in excess of \$500.00, it shall be drawn by or submitted and reviewed by the city attorney and, as a matter of course, shall be signed by him to indicate such drafting or review; and~~

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~~(3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to section 2.21 of this Charter.~~

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Sec. 6.312. Centralized purchasing.

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The ~~mayor and~~city council may by ordinance prescribe procedures for a system of centralized purchasing for the city.

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Sec. 6.323. Sale of city property.

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

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

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

(1997 Ga. Laws, page 3517, § 10)

ARTICLE VII. MUNICIPAL SERVICES AND REGULATORY FUNCTIONS

Sec. 7.10. Municipal services; streets.

The mayor and city council shall have the power and authority to lay out, open, widen, change, straighten, alter, improve, vacate, abandon and otherwise to exercise complete control over the streets, alleys, squares and sidewalks of the city. The mayor and city council shall provide for the removal of any and all obstacles and nuisances in regard to the streets, alleys, or sidewalks, or other public places within the city and shall adopt appropriate ordinances to accomplish this purpose.

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Sec. 7.11. Municipal utilities.

The mayor and city council shall have the power and authority to acquire, own, hold, build, maintain and operate a system of water~~works~~, stormwater, electricity lights, gas, communications, and sewerage systems; to establish rates and charge fees for services rendered in any of said systems; to finance any of thesaid systems through appropriate bond issues in accordance with the laws of Georgia; to exercise the power of eminent domain in regard to any of thesaid systems, both inside and outside the corporate limits; and to contract to furnish the services of thesaid systems to consumers outside the corporate limits of the city.

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Sec. 7.12. Sewers and drains.

The ~~mayor and city~~ council shall have the power and authority to provide for the establishment, extension and maintenance of a system of sewers and drains, together with a sewerage disposal system. This power includes the authority to extend ~~thesaid~~ system beyond the corporate limits. For these purposes the city is granted the power of eminent domain both ~~withininside~~ and outside the corporate limits. The ~~mayor and city~~ council may provide by ordinances for reasonable connection fees for tapping on to the water and sewer lines of ~~thesaid~~ city and may compel citizens to tap into the same when such services are made available. The ~~mayor and council~~ may cause said connection to be made when the owners refuse and issue executions to be made for the amount so expended, which executions shall create a lien on the property connected with said water and sewerage system from the date of the order or connection.

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Sec. 7.13. Rights-of-way.

The city shall have the right, easement and franchise of laying the necessary mains, pipes, conduits and drains, for waterworks and sewerage system purposes along the highways in the County of Gwinnett, without cost; it shall have full power and authority to enact and enforce such rules and regulations and ordinances as may be necessary to protect the water basin and watershed from which the water supply is taken from contamination and to protect said waterworks and sewerage system, including the mains, pipes, and conduits whether the same be situated inside or outside the corporate limits of the city.

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Sec. 7.14. Power to regulate and license.

~~The city council shall have the power and authority to provide by ordinance for the registration and licensing of any trade, business, occupation, vocation, profession, or any and every other undertaking pursued for the purpose of personal gain or profit of whatever nature, engaged in or carried on within the limits of the city, regardless of whether or not the subject has an office or establishment within the city. The city council shall be authorized to fix the amount, terms and manner of issuing and revoking licenses, provided that this authority is subject to the constitutions and laws of the United States and State of Georgia. This power is conferred for the purpose of regulation under the police~~

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~~powers of the city and for the purpose of raising revenue for the operation of the city government through the imposition of a tax or fee on the privilege of operating within the city. This authority extends over individuals, partnerships, associations, corporations and their agents and any other legal entity capable of transacting business. [Rationale: The provisions of this section appear to be duplicative of Section 6.14 of this Charter.]~~

Sec. 7.145. Franchises.

The ~~mayor and city~~ council shall have the authority to exercise control over the streets of the city. The power is conferred upon the ~~mayor and city~~ council to grant franchises for the use of the ~~city's~~ city's streets and alleys, for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies ~~and other communications companies~~, gas companies, transportation companies and other similar organizations. This franchise right extends to, but is not limited to, the erection of poles, stringing wires, ~~and~~ laying of pipes, lines or conduits both above and below the ground surface. The ~~mayor and~~ council shall determine the duration, provisions, terms, ~~and~~ whether the same shall be exclusive or nonexclusive and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The ~~mayor and~~ council shall provide for the registration of all franchises with the city clerk in the registration book kept by ~~the city clerk or him~~. The ~~mayor and city~~ council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Sec. 7.156. Building, housing, electrical and plumbing regulations.

The ~~mayor and city~~ council shall have the power and authority to enact such reasonable rules and regulations as it may deem necessary or expedient regarding the construction and maintenance of buildings, remodeling of buildings, plumbing and electrical wiring and equipping of buildings, in order to promote the safety and welfare of its citizens and to guard against fire or other property damage. This power may, in the discretion of the ~~mayor and~~ council, be exercised by adoption of any such standard building, housing, gas, heating and air conditioning, electrical, and plumbing codes ~~and all other codes as required by the Department of Community Affairs, and any amendments thereto may be deemed proper~~. The

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~~mayor and city~~ council shall be empowered to ~~direct the city manager to~~ engage the necessary ~~city~~ personnel to enforce such rules and regulations as adopted and to charge reasonable fees for inspections and permits. ~~and The mayor and council~~ may ~~also~~ require the obtaining of a permit as a condition precedent to any construction, building, electrical or plumbing work. The ~~mayor and city~~ council may enact all ordinances necessary to enforce such rules and regulations.

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ARTICLE VIII. ZONING

Sec. 8.10. Zoning board.

The mayor ~~and shall recommend and the city~~ council shall appoint a planning and zoning board and the ~~mayor and city~~ council shall adopt ordinances and regulations for the administration thereof. The zoning board shall be advisory in nature and must ~~review~~ all matters before them in full recognition of the criteria set forth in the City of Norcross ~~(hereafter the "city")~~ -land use plan.

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Sec. 8.11. Zoning board of appeals.

The mayor ~~and shall recommend and the city~~ council shall appoint a zoning board of appeals to hear cases involving variances from the ~~city's~~ zoning rules and regulations.

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ARTICLE IX. GENERAL PROVISIONS

Sec. 9.10. Bonds for officials.

The officers and employees of the city, both elect~~edive~~ and appoint~~edive~~, shall execute such surety or fidelity bonds in the amounts and upon such terms and conditions as the ~~mayor and city~~ council shall from time to time require by ordinance or as may be provided by law.

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Sec. 9.11. Existing ordinances, resolutions, rules and regulations.

Existing ordinances, resolutions, rules and regulations of the City of Norcross not in conflict with the provisions of this Charter shall continue in force, unless repealed or amended by the ~~mayor and city~~ council. To the extent the Code of the City of Norcross conflicts with this Charter, the Charter shall control. Existing rules

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and regulations of departments, offices or authorities ~~agencies~~ not in conflict with the provisions of this Charter shall continue in force and effect until they have been repealed or amended.

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Sec. 9.12. Construction.

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

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Sec. 9.13. Penalties.

The violation of any provision of this Charter, for which a penalty is not specifically provided for herein, shall be punishable by a fine of not more than \$1,000.00, or by imprisonment not to exceed 30 days, or both such fine and imprisonment.

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~~Sec. 9.14. Existing personnel and officers.~~

~~Except as specifically provided otherwise by this Charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this Charter takes effect for a period of 30 days before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointive officers required or desired and arranging such titles, rights, privileges and powers as may be required or desired to allow a reasonable transition.~~

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~~Sec. 9.15. Pending matters.~~

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

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Sec. 9.1~~46~~. Severability.

If any article, section, subsection, paragraph, sentence or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the other parts of this Charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part 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.

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Sec. 9.1~~57~~. Specific repealer.

An Act incorporating the City of Norcross, in the County of Gwinnett, approved February 11, 1977 (1977 Ga. Laws, page 2546), is repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

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Sec. 9.1~~68~~. General repealer.

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

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PART I - CHARTER AND RELATED LAWS
Subpart B RELATED LAWS

Subpart B RELATED LAWS

ARTICLE II. HOMESTEAD EXEMPTION FROM AD VALOREM TAXATION²

²Editor's note(s)—Printed herein is 1990 Ga. Laws (Act No. 798) p. 3941, as enacted by the Georgia General

Assembly. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Act. Any provisions regarding the notice to introduce legislation, call for special election, form of ballot, and the repealing clause have been omitted. Obvious misspellings and punctuation errors have been corrected without notation. The style used for headings and catchlines has been made uniform and consistent with those appearing in the Code. Additions made for clarity, such as consistent state statute citations and catchline modifications, are indicated by brackets.

Sec. 1. Statutory authorization.

The following legislation pertaining to homestead exemptions in the City of Norcross (~~hereafter the "city"~~) is enacted pursuant to ~~a~~Article VII, ~~S~~section II, ~~p~~paragraph II of the Constitution of the State of Georgia, relating to exemptions from taxation of property.

Sec. 2. Exemptions granted.

- (a) ~~Homestead exemptions from ad valorem shall be allowed and granted as required by city ordinance. Each resident of the City of Norcross is granted a homestead exemption from all City of Norcross ad valorem taxes levied by the city, except taxes to pay interest on the retired bonded indebtedness, in the amount of \$9,000.00 of the value of the homestead owned and occupied by said resident within the City of Norcross. The value of the homestead in excess of the exempted amount shall remain subject to taxation.~~
- (b) Each resident of the ~~city~~City of Norcross who is 62 years of age or older is granted a homestead exemption from all ~~City of Norcross~~ ad valorem taxes levied by the city in ~~the an~~ amount ~~to be determined of \$18,000.00 of by~~ the value of the homestead owned and occupied by said resident within the ~~city~~City of Norcross. The value of the homestead in excess of the exempted amount shall remain subject to taxation.
- (c) The increased homestead exemptions provided in this Act shall apply to all taxable years beginning after December 31, 1989.

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PART I CHARTER AND RELATED LAWS

Subpart A CHARTER¹

ARTICLE I. INCORPORATION AND POWERS

Sec. 1.11. Incorporation.

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

Sec. 1.12. Corporate boundaries.

- (a) The boundaries of the City of Norcross shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time by local law or in the manner provided by law. The current boundaries of the City of Norcross, at all times, shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Map (or Description) of the Corporate Limits of the City of Norcross, Georgia." Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by and under the direction of the mayor and city council. Photographic, typed or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.
- (b) The city council may provide for redrawing of any such map to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.
- (c) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described right-of-way, all of which is located in Gwinnett County, Georgia:

¹Editor's note(s)—Printed herein is the Charter of the city, as adopted by 1990 Ga. Laws, page 4934. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

All that tract or parcel of land lying and being in Land Lots 212, 213, 226, 241, and 242 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

The right-of-way of Beaver Run Road (State Route 378) beginning at Buford Highway (State Route 13) and continuing 1.732 miles to the intersection of Indian Trail Road exclusive of said intersection. Right-of-way width varies from 90 feet to 130 feet.

All that tract or parcel of land lying and being in Land Lot 213 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

To find the point of beginning, begin at the point located at the intersection of southwest right-of-way of Beaver Run Road (S.R. 378) with the West right-of-way of Indian Trail Road; run thence South 04 degrees 41 minutes 00 seconds East along the West right-of-way of Indian Trail Road, a distance of 152.00 feet to a point; run thence South 04 degrees 41 minutes 00 seconds East along the West right-of-way of Indian Trail Road, a distance of 26.69 feet to a point; continue thence along the west right-of-way of Indian Trail Road and following the curvature thereof, a distance of 36.35 feet to a point (said curve having a chord bearing South 05 degrees 52 minutes 09 seconds East and a chord distance of 36.35 feet); thence leaving the West right-of-way of Indian Trail Road, run South 79 degrees 43 minutes 31 seconds West, a distance of 190.76 feet to the point of beginning; from the point of beginning as thus established, run thence South 36 degrees 31 minutes 20 seconds West, a distance of 50.00 feet to a point; run thence North 53 degrees 28 minutes 40 seconds West, a distance of 112.00 feet to a point; run thence North 36 degrees 31 minutes 20 seconds East, a distance of 60.00 feet to a point; run thence South 53 degrees 28 minutes 40 seconds East, a distance of 112.00 feet to a point; run thence South 36 degrees 31 minutes 20 seconds West, a distance of 10.00 feet to the point of beginning; said tract being shown on Survey for Whisker's Tavern and The City of Norcross prepared by Q-B Engineering and Surveying, Inc., dated November 26, 1990.

- (d) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described right-of-way, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 271, 272, 273, and 274 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

The right-of-way of Peachtree Industrial Boulevard beginning at a point 787 feet east of the intersection with Holcomb Bridge Road, said point coinciding with the east boundary of tax parcel 6-274-5, and continuing 1.43 miles through and including the intersection of said boulevard and Medlock Bridge Road. Such right-of-way varies from 200 feet to 300 feet in width.

- (e) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 286 and 271 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at the northwest corner of the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road, said point being located in the City of Norcross, Georgia, and continuing along the westerly right-of-way of Medlock Bridge Road to the southwest corner of the intersection of Medlock Bridge Road and Spalding Drive, then continuing along the westerly right-of-way of Spalding Drive to the land lot line dividing Land Lots 285 and 286 of the 6th District, Gwinnett County, Georgia, and continuing southerly along the land lot line through the point at which the land lot line divides Land Lots 271 and 272 of the 6th District of Gwinnett County, Georgia, and continuing along the land lot line dividing Land Lots 271 and 272 to the right-of-way of Peachtree Industrial Boulevard then continuing northeasterly along the right-of-way of Peachtree Industrial Boulevard to the point of beginning at the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road, less and excepting and excluding specifically Parcel 52 of Land Lot 285 of the 6th District and Parcel 95 of Land Lot 286 of the 6th District.

- (f) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 286 and 271 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at the northwest corner of the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road - said point being located in the City of Norcross, Georgia - and continuing along the westerly right-of-way of Medlock Bridge Road to the southwest corner of the intersection of Medlock Bridge Road and Spalding Drive, then continuing along the westerly right-of-way of Spalding Drive to the Land Lots Line dividing Land Lots 285 and 286 of the 6th District, Gwinnett County Georgia and continuing southerly along the Land Lots line through the point in which the Land Lots line divides Land Lots 271 and 272 of the 6th District, Gwinnett County, and continuing the Land Lot Line dividing Land Lots 271 and 272 to the right-of-way of Peachtree Industrial Boulevard then continuing northeasterly along the right-of-way of Peachtree Industrial Boulevard to the point of beginning at the intersection of Peachtree Industrial Boulevard and Medlock Bridge Road - less and excepting and excluding specifically Parcel 52, Land Lot 285 of the 6th District and Parcel 95, Land Lot 286 of the 6th District.

- (g) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in land lots 252, 253, 274 and 275 of the 6th Land District of Gwinnett County, Georgia, which tract is more particularly described as follows:

Beginning at a point located at the intersection of the westerly right-of-way line of Holcomb Bridge Road and the southerly right-of-way line of Atlantic Boulevard, said point being the point of beginning; Thence continuing along said westerly right-of-way line of Holcomb Bridge Road to the southerly right-of-way line of Peachtree Industrial Boulevard; Thence leaving said westerly right-of-way line of Holcomb Bridge Road and running along said southerly right-of-way line of Peachtree Industrial Boulevard to the easterly right-of-way line of Jimmy Carter Boulevard; Thence leaving said southerly right-of-way line of Peachtree Industrial Boulevard and running along said easterly right-of-way line of Jimmy Carter Boulevard to the easterly right-of-way line of Pacific Drive, said right-of-way line also being the Norcross, Georgia City Limits; Thence leaving said easterly right-of-way line of Jimmy Carter Boulevard and running along Norcross, Georgia City Limits in a meandering direction northerly and easterly to the southerly right-of-way line of Atlantic Boulevard; Thence continuing along said Norcross, Georgia City Limits and the southerly right-of-way line of Atlantic Boulevard to the westerly right-of-way line of Holcomb Bridge Road, said intersection being the point of beginning.

- (h) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 271 of the 6th District of Gwinnett County, Georgia. The subject parcel being annexed is described in Deed Book 24173 and Pages 0238 and 0239 from the Gwinnett County Clerk of the Superior Court.

- (i) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 272 of the 6th District, Gwinnett County, Georgia, and being more fully described as follows:

Beginning at a pipe found at the Land Lot corner common to Land Lots 272, 273, 284 and 285 of aforesaid District and County thence North 82 degrees 16 minutes 17 seconds East a distance of 302.29 feet to an iron pin set on the right-of-way of a cul-de-sac of Guthridge Court, an 80-foot right-of-way; thence along said right-of-way along a curve to the left (said curve having a radius of 75.00 feet and being subtended by a chord bearing South 41 degrees 12 minutes 34 seconds East a distance of 82.75 feet) an arc distance of 87.65 feet to an iron pin set on the westerly right-of-way of said 80-foot right-of-way of Guthridge Court; thence

continuing along said 80-foot right-of-way along a curve to the right (said curve having a radius of 676.20 feet and being subtended by a chord bearing South 06 degrees 10 minutes 07 seconds West a distance of 472.30 feet) an arc distance of 482.47 feet to a pipe found at the intersection of said right-of-way with the northerly right-of-way of Miller Road, an 80-foot right-of-way, and the Land Lot line common to Land Lots 272 and 273; thence departing said rights-of-way and along said Land Lot line North 31 degrees 41 minutes 45 seconds West a distance of 522.27 feet to a pipe found being the point of beginning.

- (j) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract and parcel of land lying and being in Land Lot 286 of the 6th District of Gwinnett County, Georgia, containing 6.55 acres and being more particularly described according to a plat of survey of Higginbotham and James Associates, Surveyors, dated December 11, 1964, as follows:

Beginning at an iron pin on the southeast right-of-way of Medlock Bridge Road, also known as Georgia Highway No. 141, located a distance of 50 feet in a northeast direction along the southeast right-of-way of Medlock Bridge Road from the iron pin where the Land Lot Line common to Land Lots 286 and 271 of said District intersect the southeast right-of-way of Medlock Bridge Road; thence run in a northeasterly direction along the southeast right-of-way of Medlock Bridge Road a distance of 510.0 feet to an iron pin; thence run along the property of Evans North 79°43' east 864.7 feet to an iron pin; thence run along the property of Evans and along the center of a Branch south 19°18' east 130 feet to an iron pin located on the Land Lot Line common to Land Lots 271 and

286 of said District; thence run along said Land Lot Line south 59°47' west 459 feet to an iron pin; thence run along the property of Thomas Helton south 63°03' west 668.7 feet to the point of beginning on the southeast right-of-way of Medlock Bridge Road.

- (k) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in land lot 233 of the 6th district, Gwinnett County, Georgia, and being more particularly described as follows:

To find the true point of beginning, commence at a point located at the intersection of Jimmy Carter Blvd. (said road having a 100-foot right-of-way) and Norcross Tucker Road (said road having an 80-foot right-of-way), said point being marked by an iron pin found located at the southwestern point of the intersection of the eastern right-of-way line of Jimmy Carter Blvd. and the western right-of-way line of Norcross Tucker Road; running thence along an arc of a curve to the left (said curve having a radius of 989.86 feet, said arc being subtended by a cord line having a magnetic bearing of north 49 degrees 26 minutes 48 seconds west and a cord length of 150.19 feet) an arc distance of 150.22 feet to an X marked in concrete; running thence north 51 degrees 39 minutes 16 seconds west a distance of 232.39 feet to a point; running thence north 88 degrees 46 minutes 4 seconds east a distance of 106.8 feet to the true point of beginning; from the true point of beginning as thus established, running thence north 9 degrees 59 minutes 16 seconds east a distance of 16.04 feet to a point; running thence north 72 degrees 20 minutes 29 seconds east a distance of 68.11 feet to a point; running thence south 51 degrees 23 minutes 3 seconds east a distance of 59.91 feet to a point; running thence south 38 degrees 36 minutes 57 seconds west a distance of 6.10 feet; running thence south 51 degrees 23 minutes 3 seconds east a distance of 4.30 feet to a point; running thence south 38 degrees 15 minutes 27 seconds west a distance of 58.07 feet to a point; running thence north 51 degrees 44 minutes 33 seconds west a distance of 37.04 feet to a point; running thence 82 degrees 2 minutes 9 seconds west a distance of 8.31 feet to a point; running thence north 51 degrees 42 minutes 42 seconds west a distance of 51.96 feet to the true point of beginning. Said property being shown as a one story frame and stucco building lying at the northwestern corner of a strip shopping center as on a survey for the Ritter Corporation dated October 12, 1988, prepared by the Solar Land Surveying Company, which plat is incorporated herein and made a part hereof by this reference.

- (l) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 272 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a point on the Southerly side of Cummings Road, also called Miller Road, three hundred twenty-nine (329) feet Westerly from the intersection formed by the Southerly side of Cummings Road (also called Miller Road) and the Westerly side of Highway No. 141 (100-foot right-of-way) running thence Northwesterly along the Southerly side of Cummings Road 1,266 feet, more or less, to an iron pin found; running thence S 31°51' E a distance of 914.76 feet, more or less, to an iron pin on the Northwesterly line of Land Lot 255; running thence Northeasterly along the Northwesterly line of Land Lot 255 a distance of 911 feet, more or less, to an iron pin; running thence Northwesterly 105 feet, more or less, to the Southerly side of Cummings Road and the point of beginning; being the same property as shown and delineated on plat of survey made by A.S. Giometti and Associates, Inc., dated Feb. 6, 1963.

- (m) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

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All that tract or parcel of land lying and being in Land Lots 271 and 272 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a right-of-way monument located at the intersection of the Westerly right-of-way line of Medlock Bridge Road and the Southerly right-of-way of Peachtree Industrial Boulevard; thence running South 82°31'35" East 112.04 feet to a right-of-way monument located on the Westerly right-of-way line of Medlock Bridge Road; thence running Southerly along the Westerly right-of-way line of Medlock Bridge Road, and following the curvature thereof, 2,435.09 feet, more or less, to a point of intersection of the Westerly right-of-way line of Medlock Bridge Road and the Northerly right-of-way line of Miller Road; thence running Northeasterly along the Northerly right-of-way line of Miller Road, and following the curvature thereof, 3,453.25 feet, more or less, to a concrete monument located at the intersection of the Southerly right-of-way line of Peachtree Industrial Boulevard and the Northerly right-of-way line of Miller Road; thence running Northeasterly along the Southerly right-of-way Line of Peachtree Industrial Boulevard, and following the curvature thereof, 3,463.53 feet, more or less to the point of beginning; plus that portion of the right-of-way of Miller Road running from Peachtree Industrial Boulevard to Medlock Bridge Road; less and except those premises located at 5390 Peachtree Industrial Boulevard, Norcross, Georgia, according to the present system of numbering in Gwinnett County, Georgia.

- (n) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lots 241 and 242 of the 6th District of Gwinnett County, Georgia, containing .87 acres according to plat of survey by Miles H. Hannon, Surveyor, dated April 17, 1967, more particularly described as follows:

Beginning at an iron pin on the westerly side of Light Circle at the original line dividing Land Lots 241 and 242 of said District: thence running south 20° 24' west, along the western side of Light Circle, 101.5 feet to a corner; thence north 64° 05' west 246.2 feet to an iron pin corner; thence north 44° 17' east 222.7 feet to an iron pin corner; thence south 43° 24' east 172.6 feet to a corner on the westerly side of the right-of-way of Light Circle, 49.5 feet to the point of beginning.

- (o) In addition to all other territory included within the corporate limits of said city, the corporate limits shall specifically include the following described property, all of which is located in Gwinnett County, Georgia:

All that tract or parcel of land lying and being in Land Lot 198, 6th District, Gwinnett County, Georgia, being more particularly described as follows:

Beginning at an iron pin set at the intersection of the southerly right-of-way line of Goshen Springs Road (having an 80-foot wide right-of-way) and the line common to Land Lots 197 and 198; Thence leaving said Land Lot Line and continuing along said southerly right-of-way line of Goshen Springs Road, North 58°27'07" East, 268.34 feet to a ½-inch rebar found; Thence leaving said southerly right-of-way line of Goshen Springs Road and running, South 39°45'08" East, 728.27 feet to a ½-inch rebar found; Thence, South 27°31'28" West, 54.99 feet to a point in the centerline of a creek; Thence along said centerline of a creek, South 46°14'05" West, 40.70 feet to a point; Thence, South 57°41'11" West, 45.83 feet to a point; Thence, South 47°25'46" West, 86.32 feet to a point; Thence, South 43°31'51" West, 74.91 feet to a point; Thence, South 39°42'17" West, 63.24 feet to a point; Thence, South 28°24'33" West, 44.87 feet to a point; Thence leaving said centerline of a creek and running, South 07°12'21" West, 20.22 feet to a ½-inch rebar found on said line common to Land Lots 197 and 198; Thence along said Land Lot Line, North 29°36'00" West, 853.15 feet to an iron pin set and the true POINT OF BEGINNING.

Said tract contains 6.019 acres (262,206 square feet), more or less, as shown in a survey prepared for Advanced Disposal Services Atlanta, LLC by POINT TO POINT LAND SURVEYORS, INC.

(1996 Ga. Laws, page 3844, § 1; 2001 Ga. Laws (Act No. 61), page 3729, § 1; 2005 Ga. Laws (Act No. 268), page 3876, § 1; Ord. No. 12-2011, § 1 (Exh. A), 10-17-2011; Ord. No. 13-2011, § 1(Exh. A), 10-17-2011; Ord. No. 14-2011, § 1(Exh. A), 10-17-2011; Ord. No. 24-2011, § 1(App. A), 12-5-2011; Ord. No. 03-2012, § 1(App. C, Exh. A), 2-6-2012; Ord. No. 04-2012, § 1(App. A), 2-6-2012; Ord. No. 05-2012, § 1(App. A), 2-6-2012; Ord. No. 11-2012, § 1(App. A), 4-2-2012; Ord. No. 15-2018, § 1, 10-1-2018)

Editor's note(s)—Subsection (f) of § 1.12 was derived from an unnumbered resolution attached to Act No. 61 at p. 3731. It has been placed in this location at the discretion of the editor and the approval of the city.

Sec. 1.13. Powers and construction.

- (a) In addition to all other powers herein granted, the city shall be vested with any and all powers which municipal corporations are or may hereafter be authorized or required to exercise under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. This city shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.
- (b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers in this Charter shall not be construed as limiting in any way the general power of the city. It is the intention hereof to grant the city full power and right to exercise all governmental authority necessary for the effective operation and conduct of the city and all of its affairs.
- (c) In construing this Charter, the following definitions shall apply:
 - (1) "Appointed officer" where used in this Charter shall mean all administrative officers, including the city clerk, city treasurer, city attorney, city accountant and city engineer. Such term shall not include members of boards, commissions or authorities.
 - (2) "City council," where used herein, shall mean the elected officers of the City of Norcross which include the mayor and five councilmembers. The mayor shall vote on all matters in the event of a tie.
 - (3) "Department head," where used herein, shall be synonymous with department directors.

(1996 Ga. Laws, page 3666, § 1; 1997 Ga. Laws, page 3517, § 1)

Sec. 1.14. Powers.

The corporate powers of the government of the City of Norcross, to be exercised by the mayor and city council, shall include, but not be limited to, the following:

- (1) *Air and water pollution.* To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
- (2) *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 hereunder;
- (3) *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 this city;
- (4) *Building regulations.* 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;
- (5) *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;
- (6) *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 O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;
- (7) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;
- (8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists inside 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;
- (9) *Fire regulations.* To fix and establish fire limits and from time to time extend, enlarge or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;
- (10) *Garbage fees.* To levy, fix, assess and collect a garbage, refuse and trash collection and disposal and other sanitary service charge, tax or fee for such services as may be necessary for the operation of the city from all individuals, firms and corporations residing in or doing business therein; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;
- (11) *General health, safety and welfare.* To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to the health, sanitation, cleanliness, welfare and safety of the inhabitants of the city and to provide for the enforcement of such standards;

- (12) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;
- (13) *Health and sanitation.* To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards;
- (14) *Jail sentences.* To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains and squares in the city; to provide for the commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;
- (15) *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking, on or off the streets, roads, alleys and walkways of the city;
- (16) *Municipal agencies and delegation of power.* To create, alter or abolish departments, boards, authorities, offices, commissions and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- (17) *Municipal debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia;
- (18) *Municipal property ownership.* To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
- (19) *Municipal property protection.* To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (20) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gasworks, electric light plants, transportation facilities and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties; and to provide for the withdrawal of service for refusal to pay the same; and to authorize the extension of water, sewerage and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the city as provided by ordinance;
- (20.1) *Telecommunications.* The City shall have the power and authority to acquire, own, hold, lease, sell, resell, build, maintain, operate and contract with respect to a telecommunications systems network in order to provide telecommunications services and similar other services, including cable television services (CATV), to establish and charge rates, fees, tolls and charges for the services, facilities or commodities furnished or made available by such undertaking; to interconnect its system or services or both with the systems or services of consumers and other providers, to use telecommunications to respond to community needs, encourage the development of information-based organizations in the City of Norcross, Georgia, to finance from time to time any such telecommunications systems through the issuance of revenue bonds as then permitted by the Constitution and the laws of the State of Georgia; and to make any contract with respect to and furnish the services of any said systems to consumers within or outside the corporate limits of the City;
- (21) *Nuisances.* To define a nuisance and provide for its abatement whether on public or private property;
- (22) *Ordinances, rules and regulations.* To make, establish and adopt such bylaws, ordinances, policies, and rules and regulations as shall appear necessary for the security, welfare, convenience and interest of

- the city and the inhabitants thereof, and for preserving the health, peace, order and good government of the city;
- (23) *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
 - (24) *Planning and zoning.* To provide comprehensive city planning for development by zoning, including implementation of a land use plan and enforcement of the goals and objectives in the land use plan; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy and aesthetically pleasing community;
 - (25) *Police and fire protection.* To exercise the power of arrest through duly appointed policemen and to establish, operate or contract for a police and a firefighting agency;
 - (26) *Public hazards; removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
 - (27) *Public improvements.* To provide for the acquisition, construction, building, operation and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, hospitals, sewers, drains, sewerage treatment, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such other purposes, property may be acquired by condemnation under O.C.G.A. title 22, or such other applicable laws as are or may hereafter be enacted;
 - (28) *Public peace.* To provide for the prevention and punishment of drunkenness, riots and public disturbances;
 - (29) *Public transportation.* To organize and operate such public transportation systems as are deemed beneficial;
 - (30) *Public utilities and services.* To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
 - (31) *Regulation of roadside areas.* To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, inside or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;
 - (32) *Retirement.* To provide and maintain a retirement plan for employees of the city;
 - (33) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys and walkways within the corporate limits of the city; and to negotiate and execute leases over, through and under any city property or the right-of-way of any street, road, alley and walkway or portion thereof within the corporate limits of the city for bridges, passageways or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses and underpasses within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and

maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

- (34) *Sewer fees.* To levy a fee, charge or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system;
- (35) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper and other recyclable materials and provide for the sale of all solid waste;
- (36) *Special areas of public regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling, palmistry, adult bookstores and massage parlors;
- (37) *Special assessments.* To provide for the collection of special assessments to cover the cost of any public improvements;
- (38) *Taxes, ad valorem.* To levy and provide for the assessment, valuation, revaluation and collection of taxes on all property subject to taxation;
- (39) *Taxes, other.* To levy and collect such other taxes as may be allowed now or in the future by law;
- (40) *Taxicabs.* To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
- (41) *Urban redevelopment.* To organize and operate an urban redevelopment program; and
- (42) *Other powers.* To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

(1996 Ga. Laws, page 3666, § 2; Ord. No. 2-2002, § 1, 2-4-2002)

Sec. 1.15. Exercise of powers.

All powers, functions, rights, privileges and immunities of the city, its officers, agencies or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such powers, functions, rights, privileges and immunities shall be carried into execution as provided by ordinance of the governing authority or as provided by pertinent laws of the State of Georgia. The full faith and credit of the City of Norcross

shall be behind all elected officers, appointed officers, employees, members of boards, commissions and authorities, and the city shall indemnify them, to the extent allowed by law, for all costs and judgments suffered as a result of any and all actions taken pursuant to their official capacity as officials for the City of Norcross.

ARTICLE II. GOVERNING BODY

Sec. 2.10. City council creation; composition; number; election.

The legislative authority of the government of the City of Norcross, Georgia, except as otherwise specifically provided in this Charter, shall be vested in a city council to be composed of a mayor and five (5) councilmembers. The mayor and councilmembers shall be elected in a manner provided by article V of this Charter.

Sec. 2.11. City council terms and qualifications of office.

- (a) The three members of the city council who were elected to such offices in 2018 and any person selected to fill a vacancy in any such office shall serve out their initial terms of office which shall expire at the first organizational meeting held in January, 2021, and upon the election and qualification of their respective successors. Those successors shall be elected at the general municipal election in 2020, shall take office at the first organizational meeting held in January, 2021, and shall serve for an initial term of office of three years which shall expire at the first organizational meeting of 2024.
- (b) The mayor and the two members of the city council who are elected to such offices in 2019 and any person selected to fill a vacancy in any such office shall serve for an initial term of office of two years which shall expire at the first organizational meeting held in January, 2022, and upon the election and qualification of their respective successors. Those successors shall be elected at the general municipal election in 2021, shall take office at the first organizational meeting held in January, 2022 and shall serve for an initial term of office of four years each which shall expire at the first organizational meeting of 2026.
- (c) On and after January 1, 2021, the successor to the mayor or any member of the council whose term of office is to expire shall be elected at the general municipal election immediately preceding the expiration of such term, shall take office at the first organizational meeting in January immediately following such election, and shall serve for a term of office of four years each. The mayor and members of the council shall serve for the terms of office specified in this section and until their respective successors are elected and qualified.
- (d) No person shall be eligible to serve as mayor or councilmember unless he shall have been a resident of the city for a period of not less than one year immediately prior to the date of the election of mayor or member of the city council and shall continue to reside therein during such person's period of service, and shall be registered and qualified to vote in municipal elections of the City of Norcross, Georgia, and unless he shall meet the qualification standards required for members of the Georgia House of Representatives, as are now or may in the future be prescribed by the Georgia Constitution.

(1996 Ga. Laws, page 3666, § 3; Res. of 3-4-2019 , § 1)

State law reference(s)—Qualifications of representatives, Ga. Const. art. 3, § 2, ¶ 3.

Sec. 2.12. Vacancy; filling of vacancies; suspensions.

- (a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in article V of this Charter.

- (b) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the mayor and city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in article V of this Charter.

Sec. 2.13. Compensation and expenses.

The mayor and councilmembers shall receive as compensation for their services an amount prescribed by ordinance passed by the city council in conformity with the laws of the State of Georgia. The mayor and councilmembers shall be entitled to receive their expenses incurred in the performance of their duties of office.

Sec. 2.14. Conflicts of interest; holding other offices.

- (a) No elected officer, appointed officer, employee, or member of a board, commission or authority of the city or any agency or political entity to which this Charter applies shall knowingly:
- (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair the independence of this judgment or action in the performance of his official duties;
 - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (3) Disclose confidential information concerning the property, government or affairs of the governmental body by which he is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or others;
 - (4) Accept any valuable gift, whether in the form of service, loan, object or promise, from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
 - (5) Represent other private interests in any action or proceeding against this city or any portion of its government; and
 - (6) Vote or otherwise participate in the negotiations or in the making of any contract with any business or entity in which he has a financial interest.
- (b) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected officer, appointed officer or employee or any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.
- (c) No elected officer, appointed officer, employee, or member of a board, commission or authority of the city or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

- (d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.
- (e) Except as authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointed office in the city or otherwise be employed by said government or any agency thereof during the term for which he was elected. No former mayor and no former councilmember shall hold any employed position in the city until one (1) year after the expiration of the term for which he was elected.
- (f) (1) No department director, department head, or employee of the City shall continue in such position or employment upon qualifying as a candidate for nomination or election to public office in the City of Norcross, or for the Gwinnett County Board of Commissioners.
- (2) Department directors, department heads and employees of the City shall be and are permitted to continue in such position or employment after qualifying as a candidate for nomination or election to any public office other than in the City of Norcross or for the Gwinnett County Board of Commissioners.
- (3) (i) An appointed member of a board, commission or authority of the City shall continue in such position as a non-voting member after qualifying as a candidate for nomination or election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners. The limitations of such appointed members authority after qualifying for nomination or election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners are more particularly described in sections (f)(3)(iii) and (f)(3)(iv) below.
- (ii) An appointed member of any board, commission or authority of the City that is elected to public office in the City of Norcross or the Gwinnett County Board of Commissioners shall resign such appointed position upon being sworn in to such public office.
- (iii) Between the time that such appointed member of any board, commission or authority of the City qualifies for nomination or election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners and the time that the successful candidate is sworn in to such public office, such appointed official may continue in their appointed position as a non-voting member. During this time said member shall be counted for the purpose of determining a quorum, and shall be entitled to all other powers, rights, privileges and immunities of such appointed office, including attending and participating in debate in open meetings and in meetings closed for executive session, but shall not have authority to make a motion, to second a motion or to cast a vote on any matter coming before such board, commission or authority.
- (iv) An appointed member of any board, commission or authority of the City that is unsuccessful in his or her candidacy for election to public office in the City of Norcross or for the Gwinnett County Board of Commissioners shall resume such appointed position with all powers, rights, privileges and immunities of such appointed office, including the ability to make a motion, to second a motion and to cast votes on any matter coming before said board, commission or authority fully restored upon the successful candidate being sworn in to such public office.
- (v) An appointed member of any board, commission or authority of the City shall be and is permitted to continue in such position after qualifying as a candidate for nomination or election to any public office other than in the City of Norcross or for the Gwinnett County Board of Commissioners.
- (4) Elected officials in the City of Norcross (i.e., the Mayor and Councilmembers) shall be permitted to continue the balance of their term for which they were elected after qualifying as a candidate for nomination or election to any other elective public office (including but not limited to a different elective office in the City of Norcross other than the present office held by such elected official), so long as the term of the elective office for which such official is qualifying begins more than 30 days prior to the expiration of such official's present term of office.

- (5) The office of any elected official in the City of Norcross shall be declared vacant upon such elected official qualifying in a general primary or general election for another elective public office if the term of office for which such official is qualifying begins more than 30 days prior to the expiration of such official's present term of office.
- (6) The elected officials of the City of Norcross shall be ineligible to hold any other elected office during the term of office for which such Mayor or Councilmember was chosen unless he or she first resigns before entering such other office. The vacancy created in any such office shall be filled as provided by Georgia Law.
- (g) (1) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who knowingly conceals such financial interest or knowingly violates any of the requirements of this section applicable to his respective office or position shall be guilty of malfeasance in office or position and shall be deemed to have forfeited his office or position.
- (2) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who shall forfeit his office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three (3) years thereafter.
- (Ord. No. 03-2017 , § II, 10-2-2017; Ord. No. 16-2019 , § II, 1-6-2020)

Sec. 2.15. Inquiries and investigations.

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

Sec. 2.16. General power and authority of the city council.

- (a) Except as otherwise provided by law or by this Charter, the city council shall be vested with all the powers of government of the City of Norcross, Georgia, as provided by article I of this Charter.
- (b) In addition to all other powers conferred upon it by law, the city 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, or well-being of the inhabitants of the City of Norcross, Georgia, and may enforce such ordinances by imposing penalties for violation thereof.
- (c) The council may by ordinance 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.

Sec. 2.17. Eminent domain.

The city council is empowered to acquire, construct, build, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewerage treatment, waterworks, electrical systems and charitable, education, recreational and sport institutions, agencies and facilities and any other public improvement inside or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned utilizing procedures enumerated in O.C.G.A. title 22, subject to such amendments as shall be enacted, or any other applicable Georgia law.

Sec. 2.18. Organizational meeting.

The city council shall hold an organizational meeting on or before 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:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of the City of Norcross, Georgia, and that I will support and defend the Charter thereof as well as the constitution and laws of the State of Georgia and of the United States of America."

Following the induction of members, one (1) councilmember shall be appointed to serve as mayor pro tempore pursuant to the procedures set forth in section 2.27 of this Charter.

Sec. 2.19. Regular and special meetings.

- (a) The city council shall hold regular meetings at such times and places as prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any weekday or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting. Notice to the public shall be made in the manner required by law.
- (b) Special meetings of the city council may be held on call of the mayor or three (3) members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, or shall be left at their residences at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting. Any matter which requires action by the city council in less than 24 hours will be governed by the emergency provisions set forth in section 2.24 of this Charter.
- (c) All meetings of the city council shall be public to the extent required by law. The city council may hold executive sessions privately before or after public meetings, but the ayes and nays of any balloting shall be recorded at the conclusion of such executive sessions. Notice to the public of special meetings shall be made as fully as is reasonably possible at least one day prior to such meeting.

Sec. 2.20. Rules of procedure.

- (a) Unless otherwise provided by ordinance, rules of procedure for meetings of the city council shall follow Robert's Rules of Order. The city council shall provide for keeping a journal of its proceedings which shall be a public record.
- (b) All committees and committee chairpersons of the city council shall be appointed by the mayor and confirmed by the city council and shall serve at the pleasure of the mayor and city council. Following the procedures described in this Charter, the mayor and city council shall have the power to appoint a new member to any committee at any time.

(1996 Ga. Laws, page 3666, § 4; 1997 Ga. Laws, page 3517, § 2)

Editor's note(s)—The rules of procedure for City Council meetings currently follows Rosenberg's Rules, as provided by Ordinance No. 25-2008, adopted by the Mayor and Council on November 3, 2008, and Ordinance No. 15-2008, adopted by the Mayor and Council on May 5, 2008.

Sec. 2.21. Quorum; voting.

The mayor (or mayor pro tempore when presiding) and three (3) councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this Charter, when a quorum is present, the affirmative vote of a majority of those present shall be required for the adoption of any ordinance, resolution or motion.

Sec. 2.22. Action requiring an ordinance.

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

Sec. 2.23. Ordinance form; procedure.

- (a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Norcross, Georgia, hereby ordains..." and every ordinance shall so begin.
- (b) An ordinance may be introduced by the mayor or any member of the city council and read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish. Upon introduction of any ordinance, the clerk shall distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

Sec. 2.24. Emergency ordinances.

To meet a public emergency affecting life, health, property or public peace, the city council may convene on call of the mayor or three (3) councilmembers and promptly adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided by law. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 2.25. Codes of technical regulations.

- [(a)] The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:
 - (1) The requirements of subsection (b) of section 2.23 of this Charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and
 - (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to section 2.26 of this Charter.

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

Sec. 2.26. Signing; authenticating; recording; codification; printing.

- (a) The clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council. Every ordinance adopted by the city council shall be presented promptly by the clerk to the mayor.
- (b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto, with this Charter, any amendment thereto, and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Norcross, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.
- (c) The city council shall cause each ordinance and each amendment to this Charter to be typed or printed promptly following its adoption and the ordinance and Charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first Code of the City of Norcross, Georgia, and at all times thereafter, the ordinances and Charter amendments shall be typed or printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Sec. 2.27. Mayor pro tempore.

During the absence or disability of the mayor for any cause, the mayor pro tempore or, in such mayor pro tempore's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers.

(1997 Ga. Laws, page 3517, § 3)

Sec. 2.28. The mayor; powers and duties.

The mayor shall be the chief elected officer of the city and as such shall have the following powers and duties:

- (1) To preside at all meetings of the city council and be recognized as the official head and spokesperson of the city for service of process and ceremonial purposes;
- (2) To vote on matters before the city council only in case of a tie;
- (3) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments, and other documents authorized by the city council and which are required to be in writing, unless otherwise directed or authorized by the city council;
- (4) To administer oaths and to take affidavits; and
- (5) To fulfill such other duties as authorized by the city council.

(1997 Ga. Laws, page 3517, § 3; 2007 Ga. Laws (Act No. 213), page 4066, § 1)

Sec. 2.29. Selection of mayor pro tempore.

By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall serve at the pleasure of the city council, shall continue to vote, and shall otherwise participate as a councilmember.

(1997 Ga. Laws, page 3517, § 3)

Sec. 2.30. The city manager; general powers.

The city council shall appoint a city manager for an indefinite term and shall set his or her compensation in an employment contract. The city manager shall be appointed solely on the basis of that person's executive and administrative qualifications, including relevant experience.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.31. Powers and duties of the city manager.

The city manager shall be the chief executive and administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in his or her charge by or under this Charter. The city manager shall have the following powers and duties:

- (1) To appoint and, when he or she deems it necessary for the good of the city, suspend or remove all city employees and administrative officers he or she appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this Charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) To direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter or by law;
- (3) To attend all city council meetings and have the right to take part in discussion, but the city manager may not vote;
- (4) To see that all laws, provisions of this Charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (5) To prepare and submit the annual operating budget and capital budget to the city council. Once approved for the following fiscal year, any increase in the appropriations for these budgets, whether accomplished through a change in anticipated revenues or through a transfer of appropriations among departments, shall require the approval of the city council. Such amendment shall be adopted by ordinance or resolution;
- (6) To submit to the city council a quarterly summary of the finances and administrative activities of the city, and to make available to the council and public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) To prescribe, require, publish, and implement standards of administrative management and operating procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the city which are subject to the city manager's supervision;

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- (8) To act as the purchasing agent of the city;
 - (9) To make such other studies, reports, and investigations as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;
 - (10) To keep the city council fully advised as to the future needs of the city, and make such recommendations to the city council concerning the affairs of the city as he or she deems desirable; and
 - (11) To perform other such duties as are specified in this Charter or as may be required by the city council.
- (2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.32. Budget authority and special funds.

The city manager shall have full authority to execute the city's annual operating budget and capital budget. Establishment of all special funds and authorization of expenditures from the special funds shall require approval of the city council. The city council shall also approve any operating or capital budget amendments requiring use of funds from the contingency special fund.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.33. Council's noninterference with administration.

Except for the purpose of inquiries and investigations, the mayor and city council members shall not give orders or directions to any city employees who are subject to the direction and supervision of the city manager, either publicly or privately, directly or indirectly.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.34. Removal of city manager.

The city council may remove the city manager from office in accordance with the following procedures:

- (1) The city council shall adopt by affirmative vote of two-thirds of its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;
- (2) Within five days after a copy of the resolution is delivered to the city manager, he or she may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing; and
- (3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this section, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members at any time after the public hearing.

The city manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

Sec. 2.35. Acting city manager.

By letter filed with the city clerk, the city manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of city manager during his or her temporary absence or disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or his or her disability shall cease.

(2007 Ga. Laws (Act No. 213), page 4067, § 2)

ARTICLE III. EXECUTIVE BRANCH

Sec. 3.10. Administrative and service departments.

- (a) The mayor and city council by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of the city. The mayor shall recommend and the city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies created or established by this Charter; may provide that the same person shall fill any number of offices and positions of 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 city council. Each department shall consist of such officers, employees, and positions as may be provided by this Charter or by ordinance. There shall be a department head of each department who shall be its principal officer. Each department head shall, subject to the direction and supervision of the mayor and city council, be responsible for the administration and direction of the affairs and operations of his department.
- (c) Except as otherwise provided by this Charter, the department heads and other appointed officers of the city shall serve at the pleasure of the mayor and city council. 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 department heads and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (e) All appointed officers and department heads shall receive such compensation as prescribed by ordinance of the city council.

(1996 Ga. Laws, page 3666, § 6; 1997 Ga. Laws, page 3517, § 4)

Sec. 3.11. Boards, commissions and authorities.

- (a) The city council may create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties and powers thereof.
- (b) All members of boards, commissions and authorities of the city shall be appointed by the mayor and confirmed by the city council for such terms of office and such manner of appointment as provided by

ordinance, except where other appointing authority, terms of office or manner of appointment is prescribed by this Charter or by law.

- (c) Except as otherwise provided by Charter or by law, no voting member of any board, commission or authority shall hold any elective office in the city.
- (d) Any vacancy in the office of any member of a board, commission or authority of the city shall be filled for the unexpired term in the manner prescribed herein for the original appointment, except as otherwise provided by this Charter or by law.
- (e) No member of any board, commission or authority shall assume office until he shall have executed and filed with the clerk of the city an oath obligating himself to perform faithfully and impartially the duties of his office, such oath to be prescribed by ordinance of the city council and administered by the mayor.
- (f) Any member of a board, commission or authority may be removed from office by a vote of a majority of the members of the city council.
- (g) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of members of boards, commissions and authorities in the performance of their official duties.
- (h) The qualifications required of members of boards, commissions and authorities shall be prescribed by ordinance.
- (i) Except as otherwise provided by this Charter or by law, each board, commission or authority of the city government shall elect one (1) of its members as chairman and one (1) member as vice chairman for terms of one (1) year, and may elect as its secretary an employee of the city. Each board, commission or authority of the city government may establish (after approval by the mayor and councilmembers) such bylaws, rules and regulations, not inconsistent with this Charter, an ordinance of the city, or law, as it deems appropriate and necessary for the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

Sec. 3.12. City clerk.

The city manager shall appoint a city clerk who shall not be a council member. The city clerk shall be custodian of the official city seal, maintain city council records required by this Charter, and perform such other duties as may be required by the mayor and city council.

(2007 Ga. Laws (Act No. 213), page 4069, § 3)

Sec. 3.13. City treasurer.

The city manager shall appoint a city treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this Charter and the ordinances of the city, and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer. The city clerk and city treasurer shall not be the same person.

(2007 Ga. Laws (Act No. 213), page 4069, § 3)

Sec. 3.14. City attorney.

The mayor and city council shall appoint a city attorney, together with such assistant city attorneys, as may be authorized by ordinance. The city council shall provide for the payment of such attorney or attorneys for

services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the city council as directed, shall advise the mayor, city council and other officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such other duties as may be required of him by virtue of his position as city attorney.

Sec. 3.15. City accountant.

The mayor may appoint and the city council shall confirm a city accountant to perform the duties of an accountant.

Sec. 3.16. City auditor.

The city manager shall contract with confirmation of the city council an outside firm to perform the duties of a city auditor.

(2007 Ga. Laws (Act No. 213), page 4070, § 4)

Sec. 3.17. Human resources.

- (a) *Human resources manager.* The city manager shall appoint a human resources manager who shall be responsible for policies and practices related to the equitable treatment of city employees.
- (b) *The city position classification and pay plan.* The human resources manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city manager and then to the city council for approval. Such plan shall apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. The city manager shall apply the pay plan to city employees. For purposes of this section, all elected city officials are not city employees.
- (c) *Employee rules and regulations.* The city manager shall present to the city council for approval rules and regulations consistent with this Charter concerning:
 - (1) The method of employee selection and probationary periods of employment;
 - (2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
 - (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
 - (4) Such dismissal hearings as due process may require; and
 - (5) Such other personnel notice as may be necessary to provide for adequate and systematic handling of personnel affairs.

(1997 Ga. Laws, page 3517, § 5; 2007 Ga. Laws (Act No. 213), page 4070, § 4)

Sec. 3.18. Appointment of elected officials.

No person holding an elective office in the City of Norcross shall be eligible for appointment as a city employee during the term of office for which he or she was elected or within two years after the expiration of his or her term of office.

(2007 Ga. Laws (Act No. 213), page 4070, § 4)

ARTICLE IV. MUNICIPAL COURT

Sec. 4.10. Creation.

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

Sec. 4.11. Chief judge; associate judge; solicitor.

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or standby judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the mayor and confirmed by the city council and shall serve at the pleasure of the mayor and city council.
- (c) Compensation of the judges shall be fixed by the city council by ordinance.
- (d) Before assuming office, each judge shall take an oath, given by the mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in section 2.20 of this Charter.
- (e) At the request of the presiding municipal judge, a solicitor and an assistant solicitor may be appointed by the mayor and confirmed by the city council. The method of selection and terms of such solicitors shall be provided by ordinance.

Sec. 4.12. Convening.

The municipal court shall be convened at such times as designated by ordinance or at such times as the court deems necessary to keep current the dockets thereof.

Sec. 4.13. Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of this Charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days, or both, or may fix punishment by fine, imprisonment or alternative

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sentencing as now or hereafter provided by law. The municipal judge may appoint counsel as required by law at the request of any person sentenced to a jail term who is found to be indigent.

- (d) The municipal court shall have the authority to establish a schedule of fees to defray the costs of operation and shall be entitled to reimbursement of the actual cost of meals, transportation and caretaking of prisoners bound over to superior courts for violation of state law.
- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond may be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his sureties with a rule nisi at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond or security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City of Norcross, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.
- (f) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.
- (g) The municipal court shall have the same authority as superior courts to administer oaths as are necessary and to perform all other acts necessary and proper to the conduct of said court.
- (h) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas and warrants which may be served as executed by any officer as authorized by this Charter or by law.
- (i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of the City of Norcross granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Sec. 4.14. Appeal and certiorari.

- (a) A review of a decision of the municipal court, in the case of traffic violations, may be by direct appeal to the superior court, and any bond as may be required to secure the costs of appeal to the Superior Court of Gwinnett County, Georgia, from the municipal court shall lie as prescribed by law. An appeal to the superior court shall not be a de novo proceeding.
- (b) The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of the judge of the Superior Court of Gwinnett County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Sec. 4.15. Rules of court.

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

PART I - CHARTER AND RELATED LAWS
 Subpart A - CHARTER
 ARTICLE V. ELECTIONS

ARTICLE V. ELECTIONS

Sec. 5.10. Applicability of general law.

All elections shall be held and conducted in accordance with chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.11. Regular elections; time for holding.

The city council shall cause an election to be held at the city hall or such other place in the city as the city council shall direct and designate. All general municipal elections held prior to the election of 2023 shall be held on the Tuesday next following the first Monday in November of each year, except that no such election shall be held in 2022. The general municipal election of 2023 and all subsequent general municipal elections shall be held on the Tuesday next following the first Monday in November of each odd numbered year. The term of each elected officer shall begin on the day and hour of taking the oath of office as provided in Article II, Section 2.18 of this Charter. Notwithstanding any other provision of this Charter, no term of office to which a person has been elected prior to the date this section becomes effective in 2019 shall be shortened or lengthened except pursuant to the procedures established by general law.

(Res. of 3-4-2019 , § 2)

Sec. 5.12. Qualifying; absentee ballots; other provisions.

Except as otherwise provided by this Charter, the city council, by ordinance, may prescribe rules and regulations governing qualifying fees, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as it deems necessary to fulfill any options and duties under chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.13. Election by majority vote.

The mayor and councilmembers shall be elected by a majority vote of the votes cast for each position. The procedures and requirements for election of all elected officers of the city shall be in conformity with the provisions of chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," O.C.G.A. § 21-2-1 et seq., as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.14. Special elections; vacancies.

In the event that the office of the mayor or any councilmember shall become vacant for any cause whatsoever, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within nine (9) months of the expiration of the

term of office of the mayor or any councilmember, said vacancy in office shall be filled by appointment by the remaining members of the city council. In all other respects, a special election shall be held and conducted in accordance with chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," O.C.G.A. § 21-2-1 et seq.), as now or hereafter amended.

(Ord. No. 17-2018 , § II, 12-3-2018)

Sec. 5.15. Grounds for removal.

- (a) The mayor and any councilmember shall be subject to removal from office for any one or more of the following causes:
 - (1) Incompetence, misfeasance or malfeasance in office;
 - (2) Conviction of a crime involving moral turpitude;
 - (3) Failure at any time to possess any qualifications of office as provided by this Charter or by law;
 - (4) Willful violation of any express prohibition of this Charter;
 - (5) Abandonment of office or neglect to perform the duties thereof; or
 - (6) Failure for any other cause to perform the duties of office as required by this Charter or by state law.
- (b) Removal of an elected officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:
 - (1) Removal of an elected officer from office may be accompanied by two-thirds ($\frac{2}{3}$) of the vote of the entire membership of the council. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Gwinnett County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court;
 - (2) By an order of the Superior Court of Gwinnett County following a hearing on a complaint seeking such removal brought by any resident of the City of Norcross, Georgia.

ARTICLE VI. FINANCE AND FISCAL

Sec. 6.10. Property taxes.

All property subject to taxation for state and county purposes, assessed as of January 1 in each year, shall be subject to any property tax levied by the City of Norcross. The city shall use the county assessment for the year in which the city taxes are to be levied. The county is to furnish appropriate information for such purpose unless otherwise directed by state law. The maximum, general operation millage rate will be 15 mills.

Sec. 6.11. Property tax levy.

The city council shall assess and collect an ad valorem tax on all real and personal property within the corporate limits of the city as permitted by state law for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

Sec. 6.12. Millage rate; due dates and payment methods.

The city council by ordinance shall establish a millage rate for the city property tax, a due date and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of the taxes by installments or in one (1) lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

Sec. 6.13. Occupational and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not prohibited by law. Such taxes may be levied on both individuals and corporations who transact business in the city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to the city to be so taxed. The city council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in section 6.19 of this Charter.

Sec. 6.14. Licenses; permits; fees.

The city council by ordinance shall have the power to require any individuals or corporations who transact business in this city or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in section 6.19 of this Charter. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate.

Sec. 6.15. Sewer service charges.

The city council by ordinance shall have the right, power and authority to assess and collect fees, charges and tolls for sewer services rendered both inside and outside the corporate limits of the city, to provide for the total cost and expense of providing for the collection and disposal of sewage through the sewerage facilities of the city. If unpaid, said sewer service shall constitute a lien against any property of persons served, which lien shall be second in priority to liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes as provided in section 6.19 of this Charter.

Sec. 6.16. Sanitary and health service charges.

The city council, by ordinance, shall have authority to provide for, to enforce, to levy and to collect the total costs of sanitary and health services provided or made available inside or outside the corporate limits of the city. Such authority shall include the power to assess, levy and collect annual or monthly sanitary taxes or fees in such amount, or amounts, and based upon and in accordance with such classification of property and sanitary service or services provided, as may be fixed by ordinance. Said sanitary taxes and assessment thereof shall be a charge and lien against the real estate in respect to which said taxes are so assessed and the owner or owners thereof, superior to all other liens except liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes as provided in section 6.19 of this Charter.

Sec. 6.17. Special assessments.

The city council, by ordinance, shall have the power and authority to assess and collect impact fees or other special assessment fees to cover all or part of the cost of constructing, reconstructing or improving any public way, street, sidewalk, curbing, gutters, sewers, water systems or other utility mains and appurtenances, against the abutting property owner or the owners of any property having a constitutionally sufficient nexus to the needed public improvement under such reasonable terms and conditions as may be prescribed by ordinance. Such special assessments shall become delinquent 30 days after their due dates, shall thereupon be subject, in addition to fieri facias charges, to a penalty of 10 percent and shall thereafter be subject to interest at the rate of nine percent (9%) per annum from date due until paid. A lien shall exist against the affected property superior to all other liens, except that it shall be of equal dignity with liens for county and city property taxes; and said lien shall be enforceable by the same procedure and under the same remedies as a lien for city property taxes as provided in section 6.19 of this Charter.

Sec. 6.18. Construction; other taxes.

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

Sec. 6.19. Collection of delinquent taxes and fees.

The city council, by ordinance, may provide for the collection of delinquent taxes, fees, or other revenues due the city under Sections 6.10 through 6.18 of this Charter by fieri facias issued by the General Government Administration department and executed by any police officer of the city or the city marshal under the same procedure provided by the law governing execution of such process from the superior court or by the use of any other available legal processes and remedies. The city council shall be authorized to impose an interest penalty upon delinquent tax payments to the city in an amount not exceeding the maximum rate of interest allowable under the laws of Georgia. A lien shall exist against all property upon which the city property taxes are levied, as of the assessment date of each year, which lien shall be superior to all other liens, except that it shall have equal dignity with those of federal, state, or county taxes. In case of hardship, the city council shall have discretionary authority to waive any and all penalties imposed by this Charter on delinquent taxes, assessments, or on other amounts due to the city.

(1996 Ga. Laws, page 3666, § 7; 1997 Ga. Laws, page 3517, § 6)

Sec. 6.20. Transfer of executions.

The general government administration department head shall be authorized to assign or transfer any fieri facias or execution issued for any tax, street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law regarding sales and transfers of tax fieri facias; provided, however, that upon levy of execution and sale of property pursuant to such tax fieri facias, whether assigned, transferred, or executed by the city, the owner of such property, in fee simple or lesser interest, shall not lose his or her right to redeem the property in accord with the requirements of redemption of property sold under state or county ad valorem tax fieri facias as said requirements now exist or may be hereinafter provided by law.

(1996 Ga. Laws, page 3666, § 8)

Sec. 6.21. General obligation bonds.

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

Sec. 6.22. Revenue bonds.

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

Sec. 6.23. Short-term loans.

The city may obtain short-term loans between January 1 and December 31 of each year and must repay such loans not later than December 31 of each year.

Sec. 6.24. Fiscal year.

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

Sec. 6.25. Preparation of budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content and form of such budgets and programs.

Sec. 6.26. Submission of the operating budget to the city council.

On or before a date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he or she may deem pertinent. The operating budget, the capital improvements budget provided for in this chapter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

(1997 Ga. Laws, page 3517, § 7; 2007 Ga. Laws (Act No. 213), page 4071, § 5)

Sec. 6.27. Action by city council on operating budget.

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

- (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing year not later than the last day of the old year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget document.
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable, unless authorized by the city council.
- (d) The city council shall be authorized to establish a tax millage rate each year to ensure that the necessary revenue will be available to meet the appropriations provided for in said budget. The tax millage rate levied by the city council shall not exceed 15 mills to cover general operating expenses. An additional millage rate may be levied for the retirement of bonded indebtedness.

(1997 Ga. Laws, page 3517, § 8)

Sec. 6.28. Changes in appropriations.

The city council may make changes in the appropriations in addition to those contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

Sec. 6.29. Capital improvements budget.

- (a) On or before a date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall prepare and submit to the city council a proposed capital improvements budget with recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 2.24 of this Charter.
- (b) The city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than December 31 of each year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor or any member of the city council may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

(1997 Ga. Laws, page 3517, § 9; 2007 Ga. Laws (Act No. 213), page 4071, § 6)

Sec. 6.30. Independent audit.

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the mayor and confirmed by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be

accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing costs to the public.

Sec. 6.31. Procurement and property management; contracting procedures.

All contracts shall be made or authorized by the city council and no contracts shall bind the city unless:

- (1) It is in writing;
- (2) In event a contract for goods or services is in excess of \$500.00, it shall be drawn by or submitted and reviewed by the city attorney and, as a matter of course, shall be signed by him to indicate such drafting or review; and
- (3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to section 2.21 of this Charter.

Sec. 6.32. Centralized purchasing.

The city council may by ordinance prescribe procedures for a system of centralized purchasing for the city.

Sec. 6.33. Sale of city property.

- (a) The city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.
- (b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution by the city council, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
- (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to execute and deliver in the name of the city a deed conveying said cut off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

(1997 Ga. Laws, page 3517, § 10)

ARTICLE VII. MUNICIPAL SERVICES AND REGULATORY FUNCTIONS

Sec. 7.10. Municipal services; streets.

The city council shall have the power and authority to lay out, open, widen, change, straighten, alter, improve, vacate, abandon and otherwise to exercise complete control over the streets, alleys, squares and sidewalks of the city. The city council shall provide for the removal of any and all obstacles and nuisances in regard to the streets, alleys, or sidewalks, or other public places within the city and shall adopt appropriate ordinances to accomplish this purpose.

Sec. 7.11. Municipal utilities.

The city council shall have the power and authority to acquire, own, hold, build, maintain and operate a system of waterworks, electric lights, sewerage systems; to establish rates and charge fees for services rendered in any of said systems; to finance any of said systems through appropriate bond issues in accordance with the laws of Georgia; to exercise the power of eminent domain in regard to any of said systems, both inside and outside the corporate limits; and to contract to furnish the services of said systems to consumers outside the corporate limits of the city.

Sec. 7.12. Sewers and drains.

The city council shall have the power and authority to provide for the establishment, extension and maintenance of a system of sewers and drains, together with a sewerage disposal system. This power includes the authority to extend said system beyond the corporate limits. For these purposes the city is granted the power of eminent domain both inside and outside the corporate limits. The city council may provide by ordinances for reasonable connection fees for tapping on to the water and sewer lines of said city and may compel citizens to tap into the same when such services are made available. They may cause said connection to be made when the owners refuse and issue executions to be made for the amount so expended, which executions shall create a lien on the property connected with said water and sewerage system from the date of the order or connection.

Sec. 7.13. Rights-of-way.

The city shall have the right, easement and franchise of laying the necessary mains, pipes, conduits and drains, for waterworks and sewerage system purposes along the highways in the County of Gwinnett, without cost; it shall have full power and authority to enact and enforce such rules and regulations and ordinances as may be necessary to protect the water basin and watershed from which the water supply is taken from contamination and to protect said waterworks and sewerage system, including the mains, pipes, and conduits whether the same be situated inside or outside the corporate limits of the city.

Sec. 7.14. Power to regulate and license.

The city council shall have the power and authority to provide by ordinance for the registration and licensing of any trade, business, occupation, vocation, profession, or any and every other undertaking pursued for the purpose of personal gain or profit of whatever nature, engaged in or carried on within the limits of the city, regardless of whether or not the subject has an office or establishment within the city. The city council shall be authorized to fix the amount, terms and manner of issuing and revoking licenses, provided that this authority is subject to the constitutions and laws of the United States and State of Georgia. This power is conferred for the purpose of regulation under the police powers of the city and for the purpose of raising revenue for the operation of the city government through the imposition of a tax or fee on the privilege of operating within the city. This authority extends over individuals, partnerships, associations, corporations and their agents and any other legal entity capable of transacting business.

Sec. 7.15. Franchises.

The city council shall have the authority to exercise control over the streets of the city. The power is conferred upon the city council to grant franchises for the use of this city's streets and alleys, for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas companies, transportation companies and other similar organizations. This franchise right extends to, but is not limited to, the erection of poles, stringing wires, laying of pipes, lines or conduits both above and below the ground surface. The

council shall determine the duration, provisions, terms, whether the same shall be exclusive or nonexclusive and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The council shall provide for the registration of all franchises with the city clerk in the registration book kept by her or him. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Sec. 7.16. Building, housing, electrical and plumbing regulations.

The city council shall have the power and authority to enact such reasonable rules and regulations as it may deem necessary or expedient regarding the construction and maintenance of buildings, remodeling of buildings, plumbing and electrical wiring and equipping of buildings, in order to promote the safety and welfare of its citizens and to guard against fire or other property damage. This power may, in the discretion of the council, be exercised by adoption of any such standard building, housing, gas, heating and air conditioning, electrical, and plumbing codes as may be deemed proper. The city council shall be empowered to engage the necessary personnel to enforce such rules and regulations as adopted and to charge reasonable fees for inspections and permits; and may require the obtaining of a permit as a condition precedent to any construction, building, electrical or plumbing work. The city council may enact all ordinances necessary to enforce such rules and regulations.

ARTICLE VIII. ZONING

Sec. 8.10. Zoning board.

The mayor shall recommend and the city council shall appoint a planning and zoning board and the city council shall adopt ordinances and regulations for the administration thereof. The zoning board shall be advisory in nature and must view all matters before them in full recognition of the criteria set forth in the City of Norcross land use plan.

Sec. 8.11. Zoning board of appeals.

The mayor shall recommend and the city council shall appoint a zoning board of appeals to hear cases involving variances from the zoning rules and regulations.

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.10. Bonds for officials.

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

Sec. 9.11. Existing ordinances, resolutions, rules and regulations.

Existing ordinances, resolutions, rules and regulations of the City of Norcross not in conflict with the provisions of this Charter shall continue in force, unless repealed or amended by the city council. To the extent the Code of the City of Norcross conflicts with this Charter, the Charter shall control. Existing rules and regulations of departments or agencies not in conflict with the provisions of this Charter shall continue in force until they have been repealed or amended.

Sec. 9.12. Construction.

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

Sec. 9.13. Penalties.

The violation of any provision of this Charter, for which a penalty is not specifically provided for herein, shall be punishable by a fine of not more than \$1,000.00 or by imprisonment not to exceed 30 days or both such fine and imprisonment.

Sec. 9.14. Existing personnel and officers.

Except as specifically provided otherwise by this Charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this Charter takes effect for a period of 30 days before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointive officers required or desired and arranging such titles, rights, privileges and powers as may be required or desired to allow a reasonable transition.

Sec. 9.15. Pending matters.

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

Sec. 9.16. Severability.

If any article, section, subsection, paragraph, sentence or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the other parts of this Charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part 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.

Sec. 9.17. Specific repealer.

An Act incorporating the City of Norcross, in the County of Gwinnett, approved February 11, 1977 (1977 Ga. Laws, page 2546), is repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

Sec. 9.18. General repealer.

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

Subpart B RELATED LAWS

PART I - CHARTER AND RELATED LAWS
Subpart B - RELATED LAWS
ARTICLE II. HOMESTEAD EXEMPTION FROM AD VALOREM TAXATION

ARTICLE II. HOMESTEAD EXEMPTION FROM AD VALOREM TAXATION²

Sec. 1. Statutory authorization.

The following legislation pertaining to homestead exemptions in the City of Norcross is enacted pursuant to article VII, section II, paragraph II of the Constitution of the State of Georgia, relating to exemptions from taxation of property.

Sec. 2. Exemptions granted.

- (a) Each resident of the City of Norcross is granted a homestead exemption from all City of Norcross ad valorem taxes levied by the city, except taxes to pay interest on the retired bonded indebtedness, in the amount of \$9,000.00 of the value of the homestead owned and occupied by said resident within the City of Norcross. The value of the homestead in excess of the exempted amount shall remain subject to taxation.
- (b) Each resident of the City of Norcross who is 62 years of age or older is granted a homestead exemption from all City of Norcross ad valorem taxes levied by the city in the amount of \$18,000.00 of the value of the homestead owned and occupied by said resident within the City of Norcross. The value of the homestead in excess of the exempted amount shall remain subject to taxation.
- (c) The increased homestead exemptions provided in this Act shall apply to all taxable years beginning after December 31, 1989.

²Editor's note(s)—Printed herein is 1990 Ga. Laws (Act No. 798) p. 3941, as enacted by the Georgia General Assembly. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Act. Any provisions regarding the notice to introduce legislation, call for special election, form of ballot, and the repealing clause have been omitted. Obvious misspellings and punctuation errors have been corrected without notation. The style used for headings and catchlines has been made uniform and consistent with those appearing in the Code. Additions made for clarity, such as consistent state statute citations and catchline modifications, are indicated by brackets.