

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

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.

(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 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 any previously drawn map.
- (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:
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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 of Norcross (hereafter 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 attorney, city auditor, chief judge, associate judge, and solicitor. Such term shall not include members of boards, commissions or authorities.
- (2) "Mayor and council," where used herein, shall mean the elected officers of the City of Norcross which include the mayor and five councilmembers.
- (3) "Mayor", where used herein, shall mean the elected head of the City of Norcross.
- (4) "City manager," where used herein, shall mean the officer appointed by city council to direct the administration and operations of the city.

(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 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 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 and 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 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

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- 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, 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;
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- (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
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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, detention, 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;

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- (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 [*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 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
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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 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 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 of Norcross, its elected or appointed officers, authorities 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 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) On and after January 1, 2024, 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.

(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/or remaining city council members 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 council shall receive as compensation for their services an amount pursuant to an ordinance passed by the city council in conformity with the laws of the State of Georgia. The mayor and council 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 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 his 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 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 city; 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 contract or sale voidable at the option of the city council.
- (e) The mayor and councilmembers shall not hold any other elected or compensated appointed office in the city or otherwise be employed by the city or any authority thereof during the term for which he was elected. No current or 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.
- (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 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 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 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 or for the Gwinnett County Board of Commissioners are more particularly described in sections (f)(3)(iii) below.

- (ii) An appointed member of any board, commission or authority of the city that is elected to public office in the city or the Gwinnett County Board of Commissioners shall resign such appointed position upon being sworn in to such public office.
 - (iii) 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 or for the Gwinnett County Board of Commissioners shall resume his 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.
 - (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.
- (4) An elected official of the City of Norcross (hereafter the "city") shall be permitted to continue the balance of his term for which he was elected after qualifying for nomination or election to any other elected public office (including but not limited to an elected office in the city other than the present office held by such elected official), so long as the term of the elected office for which such official is qualifying begins at least 30 days prior to the expiration of such official's present term of office.
- (g) (1) Any elected officer, appointed officer, employee, or member of a board, commission or authority of the city who knowingly violates any of the provisions of this section applicable to his office or position shall be

guilty of malfeasance 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 shall be ineligible for appointment or election to or employment in a position in 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 council, by majority vote, may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or authority 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 council shall be punished as provided by the discipline policies set forth in the city employee handbook.

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 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, 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 and departments of the city and may assign additional

functions to any of the offices and departments expressly provided for by this Charter.

Sec. 2.17. Eminent domain.

The mayor and 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 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 mayor and 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 council shall hold regular meetings at such times and places as prescribed by ordinance. The mayor and 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.

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- (b) Special meetings of the mayor and council may be held on call of the mayor or three (3) members of the council. Notice of such special meetings shall be served on all other councilmembers personally, or by telephone, 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.
 - (c) All meetings of the mayor and council shall be public to the extent required by law. The mayor and 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 council shall follow Rosenberg's Rules. The city council shall keep a journal of its proceedings which shall be a public record.
- (b) All committees and subcommittees of the city shall be appointed by the mayor and council and shall serve at the pleasure of the mayor and council. Following the procedures described in this Charter, the mayor and 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 city council meetings currently follows Rosenberg's Rules, as provided by Ordinance No. 25-2008, adopted by the city council on November 3, 2008, and Ordinance No. 15-2008, adopted by the 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 councilmember 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 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 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.

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 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 mayor and 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; 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 signature and record in full in a properly indexed book all ordinances adopted by the city council. Every ordinance adopted by the city council shall be presented by the city 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 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 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 appointed officers, departments, and authorities of the city and made available for purchase by the public at a reasonable price as fixed by the mayor and council.

- (c) The mayor and 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 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 council shall make such further arrangements as deemed desirable for 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.

(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:

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- (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 the event 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. The city manager; general powers.

The mayor and council shall appoint a city manager for an indefinite term and shall set his compensation in an employment contract. The city manager shall be appointed solely on the basis of his executive and administrative qualifications and relevant experience.

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

Sec. 2.30. 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 mayor and council for the administration of all city affairs placed in his charge by or under this Charter. The city manager shall have the following powers and duties:

- (1) To appoint and, when he deems it necessary for the good of the city, suspend or remove any city employee or administrative officer he appoints, except as otherwise provided by law. 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 administrative officer's department, office, or authority;
- (2) To direct and supervise the administration of all departments, offices, and authorities 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;

- (3) To attend all city council meetings and participate in discussion as required, 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 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 council fully advised as to the future needs of the city, and make such recommendations to the mayor and council concerning the affairs of the city as he deems desirable; and
- (11) To perform other such duties as are specified in this Charter or as may be required by the mayor and council.

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

Sec. 2.31. 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. 2.32. City council's noninterference with administration.

Except for the purpose of inquiries and investigations, the mayor and council 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. 2.33. Removal of city manager.

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

- (1) The city council shall adopt by affirmative vote of a majority 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 may file with the mayor and 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 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 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 its members at any time after the public hearing.

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

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

Sec. 2.34. Acting city manager.

By letter filed with the city clerk, the city manager shall designate a city administrative officer to exercise the powers and perform the duties of city manager during his 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 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 city manager 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 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, be responsible

for the administration and direction of the affairs and operations of his department.

- (c) The department heads and other appointed officers of the city shall serve at the pleasure of the city manager. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this Charter for an original appointment.
- (d) The department heads of the city shall be appointed solely on the basis of their administrative and professional qualifications.

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

Sec. 3.11. Boards, commissions and authorities.

- (a) The mayor and 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 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 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 city council.

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- (g) The mayor and 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) 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 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 council.

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

Sec. 3.13. City attorney.

The mayor and council shall appoint a city attorney, together with such assistant city attorneys, as may be authorized by ordinance. 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 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. 3.14. City auditor.

The city auditor shall be appointed by the mayor and council.

Sec. 3.15. Human resources.

- (a) *Human resources department.* The human resources department 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 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 council for approval. Such plan shall apply to all employees of the city and any of its departments, boards, commissions, or authorities. When a pay plan has been adopted, the mayor and 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 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 notices 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. 3.16. Appointment of elected officials.

No person holding an elected office in the City of Norcross shall be eligible for appointment as a city employee during the term of office for which he was elected or within one (1) year after the expiration of his 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 (hereafter the “city”), which shall have jurisdiction and authority to try offenses against the laws and ordinances of the 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 laws 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 council and shall serve at the pleasure of the mayor and council.
- (c) Compensation of the judges shall be fixed by the mayor and council by ordinance.

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- (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 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 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 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 the 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, 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 the 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 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 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 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 mayor and 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 council may adopt in part or in full 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 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 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)

Sec. 5.11. Regular elections; time for holding.

The mayor and 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. 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 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.

The mayor and council 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 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)

Sec. 5.13. Election by majority vote.

The mayor and council 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 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)

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 mayor and council or those remaining shall order a special election to fill the balance of the unexpired term of such official. A special election shall be held and conducted in accordance with 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)

Sec. 5.15. Grounds for removal.

(a) The mayor or any councilmember shall be subject to removal from office if he has conducted himself in a manner which relates to and adversely affects the administration of his office and adversely affects the rights and interests of the public; and

(1) He has committed malfeasance while in office;

(2) He has been convicted of a felony, in accordance with the "Public Officers and Employees Code", codified as O.C.G.A. § 45-5-6.1(c);

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- (3) He has violated his oath of office;
 - (4) He is guilty of a failure to perform his duties as prescribed by law;
 - (5) He has willfully misused, converted, or misappropriated, without authority, public property or public funds entrusted to or associated with his elective office; or
 - (6) He has committed abandonment of office.
- (b) Removal of an elected officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:
- (1) By the affirmative vote of a majority of the city council members. 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 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 (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 maximum general operation millage rate will be 15 mills.

Sec. 6.11. Property tax levy.

The mayor and 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 mayor and council in their discretion.

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

The mayor and 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 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 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 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 6.18 of this Charter.

Sec. 6.14. Licenses; permits; fees.

The mayor and council, by ordinance, shall have the power to require any individual or corporation who transacts business in this city or who practices or offers 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 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 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 council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate

Sec. 6.15. Sanitation service charges.

The mayor and council, by ordinance, shall have authority to provide for, to enforce, to levy and to collect the total costs of sanitation 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 taxes or fees in such amount, or amounts, and based upon and in accordance with such classification of property and sanitation service or services provided, as may be fixed by ordinance. Said sanitation taxes and assessment thereof shall be a charge and lien against the real estate for 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 6.18 of this Charter.

Sec. 6.16. Special assessments.

The mayor and 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 and shall thereafter be subject to interest at the maximum annual percentage rate allowed by Georgia

law from date due until paid. A lien shall exist against the affected property superior to 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 procedures and under the same remedies as a lien for city property taxes as provided in section 6.18 of this Charter.

Sec. 6.17. Construction; other taxes.

The city shall be empowered to levy any other tax allowed 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 city to govern its local affairs.

Sec. 6.18. Collection of delinquent taxes and fees.

The mayor and council, by ordinance, may provide for the collection of delinquent taxes, fees, or other revenues due the city under Sections 6.10 through 6.17 of this Charter by fieri facias issued by the Finance Department and executed by any police officer of the city under the same procedures 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 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 other liens, except that it shall have equal dignity with those of federal, state, or county taxes. In case of hardship, the mayor and council shall have discretionary authority to waive any and all penalties imposed by this Charter on delinquent taxes, assessments, or other amounts due to the city.

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

Sec. 6.19. Transfer of executions.

The Finance Department 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 may be provided by law.

(1996 Ga. Laws, page 3666, § 8)

Sec. 6.20. General obligation bonds.

The mayor and 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. 6.21. Revenue bonds.

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

Sec. 6.22. 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. 6.23. Fiscal year.

The mayor and 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, authority, and activity of the city government, unless otherwise provided by state or federal law.

Sec. 6.24. Preparation of budgets.

The mayor and 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. 6.25. Submission of the operating budget to the city council.

On or before a date fixed by the mayor and 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 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 explanation of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he may deem pertinent. The operating budget, the capital improvements budget, 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. 6.26. Action by city council on operating budget.

- (a) The mayor and 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 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 council fail 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 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 council.

- (d) The mayor and 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 budget. The tax millage rate levied by the mayor and 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. 6.27. Changes in appropriations.

The mayor and 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. 6.28. Capital improvements budget.

- (a) On or before a date fixed by the mayor and 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 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 council shall have the power to accept, with or without amendments, or reject the proposed capital improvements budget and proposed means of financing the proposed improvements. The mayor and 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 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 council may submit amendments to the capital

improvements budget at any time during the fiscal year, accompanied by recommendations for such amendments. Any 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. 6.29. 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 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. 6.30. Procurement and property management; contracting procedures.

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.

Sec. 6.31. Centralized purchasing.

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

Sec. 6.32. Sale of city property.

- (a) The mayor and council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as provided by law.
- (b) The mayor and council may quitclaim any rights it may have in real property upon adoption of a resolution by the mayor and council, both stating in writing that the property is not needed for public 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 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 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 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 mayor and council shall have the power and authority to acquire, own, hold, build, maintain and operate a system of water, stormwater, electricity, gas, communications, and sewer systems; to establish rates and charge fees for services rendered in any of said systems; to finance any of the systems through appropriate bond issues in accordance with the laws of Georgia; to exercise the power of eminent domain in regard to any of the systems, both inside and outside the corporate limits; and to contract to furnish the services of the systems to consumers outside the corporate limits of the city.

Sec. 7.12. Sewers and drains.

The mayor and 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 sewer disposal system. This power includes the authority to

extend the system beyond the corporate limits. For these purposes the city is granted the power of eminent domain both within and outside the corporate limits. The mayor and council may provide by ordinance for reasonable connection fees for tapping on to the water and sewer lines of the 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 sewer 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 sewer 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 sewer system, including the mains, pipes, and conduits whether the same be situated inside or outside the corporate limits of the city.

Sec. 7.14. Franchises.

The mayor and council shall have the authority to exercise control over the streets of the city. The power is conferred upon the mayor and council to grant franchises for the use of the 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.

The mayor and council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Sec. 7.15. Building, housing, electrical and plumbing regulations.

The mayor and 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. The mayor and 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. 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 council may enact all ordinances necessary to enforce such rules and regulations.

ARTICLE VIII. ZONING

Sec. 8.10. Zoning board.

The mayor and council shall appoint a planning and zoning board and the mayor and 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.

Sec. 8.11. Zoning board of appeals.

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

ARTICLE IX. GENERAL PROVISIONS

Sec. 9.10. Bonds for officials.

The officers and employees of the city, both elected and appointed, shall execute such surety or fidelity bonds in the amounts and upon such terms and conditions as the mayor and 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 mayor and 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, offices or authorities not in conflict with the provisions of this Charter shall continue in force and effect 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, and vice versa, and the masculine shall include the feminine.

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. 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. 9.15. 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. 9.16. General repealer.

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

Subpart B RELATED LAWS

ARTICLE II. HOMESTEAD EXEMPTION FROM AD VALOREM TAXATION²

Sec. 1. Statutory authorization.

The following legislation pertaining to homestead exemptions in the City of Norcross (hereafter the “city”) 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 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 who is 62 years of age or older is granted a homestead exemption from all 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. 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.
