



1 **ORDINANCE OF THE CITY OF STONECREST, GEORGIA, ADOPTING CHAPTER 2,**
2 **ADMINISTRATION, OF THE CITY CODE.**

3 **WHEREAS,** the City of Stonecrest, Georgia Mayor and City Council are authorized by
4 the City Charter to adopt ordinances for administration of the City, to create departments of the
5 City and its bodies, and to provide for the financial administration of the City; and

6 **WHEREAS,** this Ordinance shall be adopted as part of the City of Stonecrest City
7 Code, as Chapter 2, Administration.

8 **THEREFORE,** the Mayor and City Council of the City of Stonecrest, Georgia, hereby
9 ordain as follows:

10 **Section 1:** The Mayor and City Council of the City of Stonecrest, Georgia hereby adopt
11 an ordinance designated as "Chapter 2, Administration" as follows:

12
13

CHAPTER 2 - ADMINISTRATION

14 **"ARTICLE I. - IN GENERAL**

15 **Sec. 2-1. - Meetings.**

16 (a) *Meeting times.* As described in section 2.09 of the Charter, the council shall meet at least
17 once a month.

18 (b) *Meetings scheduled on a federal or state holiday.* If the regular meeting falls on a federal or
19 state holiday, the council may reschedule the meeting and publish the time change as
20 described in subsection (a) of this section.

21 (c) *Special meetings.* Special meetings may be called in accordance with the Charter provision
22 section 2.09.

23 (d) *Meetings adjourned.* Any meeting of the council may be recessed and continued on any day
24 or hour. The city council may fix and may transact any business at such continued meeting
25 as may be transacted at a regular meeting.

26 **Sec. 2-2. - Open meetings and records; records fees.**

27 (a) All meetings shall be held in accordance with the Georgia Open and Public Meetings Act,
28 O.C.G.A. § 50-14-1 et seq.

29 (b) All city records subject to the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq., shall
30 be available to the public. The city clerk shall comply with any valid requests under state
31 law and prepare any materials requested.

32 (c) The city clerk shall charge the full amount permitted by state law to copy the records subject
33 to state open records law. If compilation and replication of such documents takes more than
34 15 minutes, the city clerk may charge an additional reasonable administrative charge as
35 authorized by the Georgia Open Records Act.

36 **Sec. 2-3. - Document retention.**

37 Pursuant to the Georgia Records Act, O.C.G.A. § 50-18-90 et seq., the city adopts the
38 records management plan and record retention schedules recommended by the secretary of state
39 as amended from time to time by future resolutions of the mayor and council of the city. The city
40 clerk shall coordinate all records management for the city including storage, archiving and
41 destruction of records. Records shall be maintained according to approved retention schedules.
42 All requests made under the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq., excepting
43 standardized routine requests of the city's municipal court shall be made to the city clerk. No
44 record shall be destroyed except as provided in the approved retention schedule, provided,
45 however, a written record may be destroyed if it is otherwise preserved by means of microfiche,
46 scanning or other reliable photographic or digital means as permitted by law. Changes to the
47 retention schedules shall be adopted by resolution of the mayor and council.

48 **Sec. 2-4. - Subpoenas.**

49 (a) The council or an approved committee thereof, when sitting as a judicial or quasi-judicial
50 body pursuant to public law, its charter or its ordinances, shall compel the attendance of
51 witnesses by subpoena under the same rules that prevail in the superior courts, and any
52 witness who shall fail to respond to the subpoena or who shall refuse to testify under oath,
53 shall be guilty of contempt.

54 (b) The subpoenas as authorized in the preceding section shall bear witness in the name of the
55 mayor, shall be issued by the city clerk, and shall be served in accordance with Georgia law.

56 (c) Should any person fail to respond to a subpoena of the council, after having been lawfully
57 served, without good cause, or should the person refuse to testify under oath, then the
58 council shall hold the person in contempt, and, in their discretion, punish the person by the
59 imposition of a fine according to the maximum allowed by state law. Each of the failures or
60 refusals herein described shall constitute a separate contempt.

61 **Sec. 2-5. - Reimbursement and travel.**

62 (a) *Business related travel.* The mayor and councilmembers shall be reimbursed for their own
63 reasonable travel expenses incurred in connection with city business.

64 (b) *Overnight travel.* The city shall reimburse the mayor or councilmembers for actual expenses
65 of meals incurred in connection with overnight travel, lodging, ground transportation and
66 incidental expenses incurred in connection with city business.

67 (c) *Expense reports.* Within 60 days after incurring the aforementioned expenditures, the mayor
68 or councilmembers shall file with the city manager a signed travel expense form setting
69 forth the reasonable expenses incurred for which city payment is sought. Original receipts
70 documenting each expense over \$10.00 must accompany the form, except for reasonable
71 and customary out-of-pocket expenses such as tolls, valet services, gratuities and mileage. If

72 a travel expense form has not been filed within 60 days after incurring an expenditure, the
73 city shall not reimburse such expenses.

74 (d) *Maximum expense.* Notwithstanding any provision to the contrary, no expense shall be
75 reimbursed that exceeds the maximum expense amount allowed by the Charter.

76 **Secs. 2-6—2-28. - Reserved.**

77 **ARTICLE II. - PERSONNEL**

78 **Sec. 2-29. - Personnel manual.**

79 The city manager shall establish a personnel manual for all municipal employees. In
80 addition to sections deemed necessary by the city manager, the manual shall include policies
81 regarding equal employment opportunity, nondiscrimination and sexual harassment. The manual
82 will be updated from time to time as required by federal and state laws.

83 **Sec. 2-30. - Categorization of city and contract employees.**

84 (a) *Municipal employees generally.* In general, municipal employees shall be categorized as
85 full-time, part-time or by terms decided by contract with the city.

86 (b) *City employees.* Full-time employees will be paid an hourly salary, weekly salary, or some
87 other pay rate; part-time employees will work at irregular intervals on a short-term basis;
88 and temporary workers will be hired to fill a temporary need for a specified period of time.

89 (c) *Contract employees.* The city manager shall have the authority to propose contractual
90 employment relationships between the city and third parties. The terms of these third party
91 contracts will be established by the contract at the time of hiring. The council must approve
92 a contract worth more than \$25,000.00. Issues of liability and scope of agency are to be
93 defined by the contract.

94 **Sec. 2-31. - Job descriptions.**

95 The city shall maintain a job specification for each position held by a municipal employee.
96 The city may provide a job specification for contracted positions. Such specification shall
97 describe the duties of the position, the qualifications necessary, licenses required, to whom such
98 employee reports, expected salary range, and such other information as is necessary to recruit for
99 such position effectively. Such specifications may be amended from time to time by the city
100 manager.

101 **Sec. 2-32. - Benefits.**

102 It shall be the policy of the city to attract and retain a qualified workforce through the
103 provision of a comprehensive package of benefits. To that end, the city shall be authorized to
104 contract with benefits providers for the purpose of providing insurance, retirement, pension plans
105 and other benefits deemed necessary by the council upon approval of the benefit program by the
106 city council. Eligibility for benefits and the cost to employees shall be specified in the personnel
107 manual.

108 **Sec. 2-33. - Records.**

109 The city shall keep such records and make such reports as may be required by applicable
110 state or federal laws or regulations.

111 **Secs. 2-34—2-54. - Reserved.**

112

113 **ARTICLE III. - DEPARTMENTS**

114 **Sec. 2-55. - Authorization.**

115 The following departments are established by the council:

116 (1) Administration;

117 (2) Community Development and Building Department;

- 118 (3) Finance;
119 (4) Public Works;
120 (5) Parks and Recreation;
121 (6) Information Technology; and
122 (7) Department of Economic Development.

123 One or more departments may be combined to form one or more multifunctional departments.

124 **Sec. 2-56. - Right of contract.**

125 The City may contract with third parties to provide all or portions of the functions of any
126 municipal department.

127 **Sec. 2-57. - Oversight.**

128 There shall be a director of each department or agency who shall be its principal officer.
129 Each director shall, subject to the direction and supervision of the city manager, be responsible
130 for the administration and direction of the affairs and operations of the director's department or
131 agency.

132 **Sec. 2-58. - Policies and procedures.**

133 The director of each department, or designee, shall establish policies and procedures
134 regarding the functions and duties of each department, which shall be approved by the city
135 manager.

136 **Sec. 2-59. State and national criminal background checks.**

137 (a) Wherever in this Code a requirement for obtaining any license or permit from the city
138 requires a fingerprint-based background check, the process of acquiring and utilizing
139 same shall be in accordance with this section and all applicable Georgia Bureau of
140 Investigation ("GBI") requirements in addition thereto.

- 141 (b) An applicant for any license or permit that is required under a provision of this Code to
142 undergo a "fingerprint-based background check," shall submit two sets of his/her
143 fingerprints taken by any law enforcement agency in the United States to the city
144 manager or designee, along with appropriate fees for the fingerprint-based background
145 check.
- 146 (c) Upon receipt of the fingerprints and the appropriate fees, the city manager or designee
147 will transmit both sets of fingerprints and the appropriate fees to the City's Police
148 Department, who will then submit them to the Georgia Bureau of Investigation ("GBI"),
149 who will conduct a state-wide background check. The GBI will then transfer the same to
150 the Federal Bureau of Investigation ("FBI") for a comparison with nationwide records.
151 The results of the FBI check will be returned to the GBI, who will return the full search
152 results to the Police Department. The Police Department shall then transmit to the city
153 manager or designee any potentially disqualifying results received from the GBI by
154 writing same on the background check consent form. The Police Department shall retain,
155 until the conclusion of the licensing year for the license or permit applied for a copy of
156 the fingerprint cards, results received from the GBI and the background check consent
157 form.
- 158 (d) In rendering a fitness determination for approval or denial of a license or permit, the city
159 manager or designee will determine, based on the results received from the GBI, whether
160 the record subject has been convicted, plead guilty or nolo contendere, to the disqualifiers
161 as stated in the applicable section of this Code governing the specific licensing or
162 permitting process. The city shall keep a copy of the application and background check
163 consent form as required by the city's document retention schedule.

164 (e) A record subject may request and receive a copy of his/her criminal history record
165 information from the Police Department. Should the record subject seek to amend or
166 correct his/her record, he/she must contact the GBI for a State of Georgia record or the
167 FBI for records from other jurisdictions maintained in its file.

168 **Secs. 2-60—2-87. - Reserved.**

169

170 **ARTICLE IV. - BOARDS, COMMISSIONS, AUTHORITIES AND SIMILAR BODIES**

171 **DIVISION 1. - GENERALLY**

172 **Sec. 2-88. - Creation.**

173 There is created a board of zoning appeals, a planning commission, and a construction board
174 of appeals, which shall have the powers and duties and be subject to and governed by the
175 regulations set forth in this article and this Code. The duties of each body are defined in the
176 corresponding city Code section. As used in this Article IV, the term "body" means a board,
177 commission, or authority of the city.

178 **Sec. 2-89. - Composition.**

179 All members of a body must be appointed by the mayor and approved by the council, except
180 where other appointing authority, term of office, or manner of appointment is prescribed by the
181 Charter or applicable state law.

182 **Sec. 2-90. - Membership.**

183 (a) The council shall determine by resolution the number of members of each body, unless
184 otherwise prescribed by law. Except as provided in subsection (b) of this section, the council
185 shall establish qualifications for members of each body. The members of each body shall be

186 nominated by the mayor and approved by the council. The council shall determine if and at
187 what amount members of each body will be compensated.

188 (b) Except as otherwise provided herein, the members of each body must be a resident of the
189 city. Should a member of a body move out of the city, he may remain active until the mayor
190 and council appoint his/her replacement.

191 (c) Members must attend two-thirds of meetings in a calendar year. Failure to do so warrants
192 removal from the body.

193 **Sec. 2-91. - Terms.**

194 (a) Each member shall serve a specified term. Consecutive terms are permissible, and terms
195 may be staggered.

196 (b) Except as provided by state law or the City Charter, up to two members of the city council,
197 including the mayor, may be appointed by the mayor and may serve as ex-officio members,
198 without a vote, on any body, unless said appointment would violate the Conflict of Interest
199 provisions of the City Charter or the City Code of Ethics, for a term expiring December 31st
200 following the date of appointment. A former councilmember or former mayor may serve on
201 any body.

202 (c) Members filling vacancies shall serve the remainder of the term to which they were
203 appointed. A consecutive appointment is permissible. Members whose terms expire shall
204 continue to serve until a replacement is appointed or a consecutive appointment is made.

205 (d) Any member may be removed for cause by the mayor and a majority of the council.

206 **Sec. 2-92. - Quorum.**

207 A majority of actual members of a body establishes a quorum. Any action taken requires a
208 majority of affirmative votes of the quorum present.

209 **Sec. 2-93. - Procedure.**

210 (a) Each body shall adopt its rules of procedure, which shall be substantially similar to the rules
211 of procedures of the city council, and determine its time of meetings. The date and time of
212 each meeting as well as agenda items to be considered shall be publicized in the same
213 manner as meetings of mayor and council.

214 (b) Each body shall elect, annually, at its first meeting of the calendar year, one of its members
215 to serve as chairperson and one to serve as vice chairperson. Each body shall also appoint a
216 secretary to serve as the official record keeper for said body. The secretary of the Planning
217 Commission, the Zoning Board of Appeals and the Construction Board of Appeals may be
218 the director of Community Development or its designee.

219 (c) All meetings at which official action is taken shall be open to the public and all records
220 maintained by the committee shall be public records unless expressly excepted by a
221 provision of the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq. The bodies shall
222 keep minutes of their formal proceedings, showing the vote of each member upon each
223 question and records of their examinations and other official actions, all of which shall be
224 filed in the office of the city clerk. Copies of the minutes shall be sent to the mayor and each
225 member of the council. The minutes of the meetings shall be a public record. This section
226 shall not be construed as prohibiting closed sessions when permitted by the state open
227 meetings and open records acts.

228 **Sec. 2-94. - Training.**

229 The council may establish a mandatory training program for members of each body.

230 **Secs. 2-95—2-136. - Reserved.**

231

232 **ARTICLE V. - ADVISORY COMMITTEES**

233 **Sec. 2-137. - Authorization.**

234 The mayor may establish advisory committees. Each committee may have one or more
235 councilmembers. The mayor is an ex-officio member of every committee. The city manager or a
236 designee shall oversee the meetings of each committee and is an ex-officio, non-voting member
237 of each.

238 **Sec. 2-138. - Duties.**

239 (a) Each committee may, from time to time, propose policies and ordinances to the council in
240 the subjects germane to the committee.

241 (b) This section shall not be interpreted to require committee approval for a measure to be heard
242 before the council.

243 (c) Members must attend two-thirds of meetings in a calendar year. Failure to do so warrants
244 removal from the committee.

245 **Sec. 2-139. - Membership.**

246 (a) Except as provided in subsection (b) of this section, the mayor shall establish qualifications
247 for members of each committee. Each committee person shall be nominated by the mayor
248 and approved by the council.

249 (b) Each committee member must be either a resident of the city or an owner or officer of a
250 business domiciled in the city. Should the committee member move out of the city or no
251 longer be an owner or an officer of a business domiciled in the city, he/she may remain
252 active until the mayor and council appoint his/her replacement.

253 **Sec. 2-140. - Terms.**

254 (a) Each committee member shall serve until the succeeding end of the city's fiscal year.

255 Consecutive terms are permissible.

256 (b) The mayor and councilmembers on each committee shall serve on that committee so long as
257 they remain elected to office. A former councilmember or former mayor may serve on a
258 committee, but such person shall not take the place of the elected member.

259 (c) Members filling vacancies shall serve the remainder of the term to which they were
260 appointed. A consecutive appointment is permissible. Members whose terms expire shall
261 continue to serve until a replacement is appointed or a consecutive appointment is made.

262 (d) Any member may be removed with or without cause by the mayor.

263 **Sec. 2-141. - Compensation.**

264 Committee members may serve without compensation. Reasonable expenses for travel may
265 be reimbursed and committee members may be compensated pursuant to a policy to be
266 established by the city manager and approved by the council.

267 **Sec. 2-142. - Quorum.**

268 A majority of the actual number of committee members establishes a quorum. Any action
269 taken requires a majority of affirmative votes of the quorum present.

270 **Sec. 2-143. - Procedure.**

271 (a) Each of the committees shall adopt its rules of procedure, which shall be substantially
272 similar to the rules of procedure of the city council, and determine its time of meetings. The
273 date and time of each meeting as well as agenda items to be considered shall be publicized
274 in the same manner as meetings of the mayor and council.

275 (b) All meetings at which official action is taken shall be open to the public and all records
276 maintained by the committee shall be public records unless expressly exempted by a

277 provision of the state's Open Records Act. The committees shall keep minutes of their
278 formal proceedings, showing the vote of each member upon each question, and records of
279 their examinations and other official actions, all of which shall be filed in the office of the
280 city clerk. Copies of the minutes shall be sent to the mayor and each member of the city
281 council. The minutes of the meetings shall be a public record. This section shall not be
282 construed as prohibiting closed sessions when permitted by the state open meetings and
283 open records acts.

284 (c) Expenditures of the committees, if any, shall be within the amounts appropriated for the
285 purpose intended by the mayor and council during the annual budgeting process.

286 **Sec. 2-144. - Training.**

287 The mayor may establish a mandatory training program for committee members.

288 **Secs. 2-145—2-171. - Reserved.**

289

290 **ARTICLE VI. - FINANCE**

291 **DIVISION 1. - GENERALLY**

292 **Sec. 2-172. - Fiscal year.**

293 The fiscal year of the city shall be set by ordinance of the city council.

294 **Sec. 2-173. - Finance director.**

295 (a) The functions of the city accountant and city treasurer shall be performed by the finance
296 director or his/her designee within the finance department under the direction of the finance
297 director.

298 (b) The finance director shall perform at least the following duties:

- 299 (1) Managing, planning, directing, and maintaining the city's financial operations, including
300 serving as chair of the city finance department, if such a department is established;
- 301 (2) Directing and supervising the work of personnel involved in performing the accounting,
302 utility billing, property tax, payroll, and purchasing functions for the city;
- 303 (3) Providing technical leadership in budgeting, overseeing, and directing investment
304 opportunities and debt administration, as well as ensuring proper record retention
305 policies are strictly followed; and
- 306 (4) The council may require the finance director to perform other duties.
- 307 (c) The city may contract with a third party to serve as finance director.

308 **Sec. 2-174. - City tax collector.**

- 309 (a) The mayor shall nominate a city tax collector, subject to ratification by the council. The city
310 tax collector also may serve as the city treasurer, city accountant, and city finance director.
- 311 (b) The city may contract with a third party, including the tax commissioner of DeKalb County,
312 Georgia, to serve as city tax collector.
- 313 (c) The city tax collector shall perform at least the following duties. The mayor and council may
314 require the city tax collector to perform other duties:
- 315 (1) Managing, planning, and directing the collection of all city taxes.
- 316 (2) Notifying delinquent taxpayers of their status in accordance with state law.

317 **Sec. 2-175. - Audits.**

- 318 (a) The city council shall appoint an internal auditor to audit the financial records and
319 expenditures of city funds and to report the results of such audits in writing to the city
320 council at times and intervals set by the city council, but no less than quarterly. Such audit
321 reports shall, at a minimum, identify all city expenditures and other financial matters that the

322 internal auditor either determines are not in compliance with or cannot conclusively be
323 determined to be in compliance with the provisions of the Charter, the applicable city
324 budget, applicable ordinances, resolutions, or other actions duly adopted or approved by the
325 city council.

326 (b) The city council shall appoint an auditor to perform an annual independent audit of all city
327 accounts, funds, and financial transactions by a certified public accountant selected by the
328 city council. The audit shall be conducted according to generally accepted accounting
329 principles. Any audit of any funds by the state or federal government may be accepted as
330 satisfying the requirements of this Charter. Copies of all audit reports shall be available at
331 printing cost to the public. As a minimum, all audits and budgets of the city shall satisfy the
332 requirements of O.C.G.A. tit. 36, ch. 81, relating to local government audits and budgets.

333 **Sec. 2-176. - Interest assessed under Code.**

334 Unless specifically provided otherwise, all interest assessed under the provisions of this
335 Code shall be at an annual rate of 12 percent per annum. Where penalties are specified, such
336 penalties shall be assessed, in addition to specified interest charges, at the rate of ten percent of
337 the amount due for failure to file, negligence or disregard of rules or regulations; an additional
338 penalty of 25 percent of the amount due shall be assessed for any fraud or intent to evade.

339 **Sec. 2-177. - Delegation of authority to set fees charged by the city.**

340 (a) The city manager or his/her designee shall have the authority to set such fees for permits,
341 licenses, or other permissions required of the city.

342 (b) Any change to any license fee, permit fee, or other fee charged by the city and set by the city
343 manager shall not take effect unless and until the process required by section 2-178 shall be
344 completed.

345 (c) The city council shall retain the authority to rescind any fee set by the city manager or
346 his/her designee upon passage of a resolution of the council rescinding such fee or setting a
347 different fee amount.

348 (d) The city manager is directed to take into account the costs associated with the application
349 process and enforcement of the licensing or permitting scheme in determining an
350 appropriate fee to be charged.

351 **Sec. 2-178. - Administrative process for altering or setting fees charged by the city.**

352 (a) The city manager or his/her designee shall:

353 (1) Post any proposed change to the city fee schedule at city hall and on the city's website at
354 least 45 days before the change is to take effect, including a calculation of the effective
355 date of such change.

356 (2) Notify the mayor and city council by paper or electronic communication and by
357 announcement at the next regular meeting of the city council of the proposed change.

358 (3) All communications or postings of proposed changes to the city fee schedule shall
359 include a justification for the needed change, which may include an analysis of the costs
360 associated with the application, permit or license, costs of enforcement and
361 investigation incurred by the application, permit or license, and such other facts or
362 circumstances deemed relevant to the need for the change to the fee schedule.

363 (b) Persons impacted by the proposed change shall have 30 days from the posted
364 communication to make objections known to the city manager, in writing or by electronic
365 communication, who shall then forward such objections to the city attorney and the mayor
366 and city council. If oral objections are communicated, the objector shall be informed of the
367 opportunity to provide feedback in writing.

368 **Sec. 2-179. - Effective date of changes to city fee schedule.**

369 (a) Any proposed change to the city fee schedule initiated by the city manager shall take effect
370 no sooner than 45 days from the date first posted or first communicated to the mayor and
371 council, whichever is later.

372 (b) No change to the city fee schedule shall be applied retroactively to any application, permit,
373 license or other city fee.

374 **Secs. 2-180—2-259. - Reserved.**

375 **DIVISION 2. - PURCHASING**

376 **Sec. 2-260. - Purchasing policy.**

377 The purchasing policy, as amended from time to time and approved by resolution of the city
378 council, is adopted by reference as if set out at length in this Code.

379 **Secs. 2-261—2-289. - Reserved.**

380

381 **ARTICLE VII. - UNCLAIMED PROPERTY**

382 **Sec. 2-290. - Definitions.**

383 The following words, terms and phrases, when used in this article shall have the meanings
384 ascribed to them in this section, except where the context clearly indicates a different meaning:

385 *Auction* means a public sale where property or goods are sold to the highest bidder either in
386 person or through an internet auction website such as propertyroom.com.

387 *Public sale* means an auction of property or goods conducted in accordance with the
388 requirements of O.C.G.A. § 17-5-54 and this article.

389 **Sec. 2-291. - Sale at auction and state law requirements.**

390 (a) The city may sell at auction any and all court-awarded, unclaimed articles of personal
391 property that come into its possession and have been abandoned, seized, or been the subject
392 of a crime, after an effort has been made to ascertain the true owner thereof without success.
393 Sale of such personal property shall not occur until the superior court of the county enters an
394 order authorizing sale in accordance with the requirements of O.C.G.A. § 17-5-54.

395 (b) The city shall comply with applicable state law, including, but not limited to, O.C.G.A. §§
396 17-5-54, 17-5-55 and 17-5-56 in selling personal property at auction.

397 **Sec. 2-292. - Catalog record.**

398 It will be the duty of the city to maintain a separate and complete catalog record of all
399 personal property that comes into its possession. Such personal property will be identified in
400 detail by its usual name, make and model, and the manufacturer's name and serial number, if
401 any. If there is no identifying name or number, it will be fully described in this catalog record as
402 to its physical properties and appearance.

403 **Sec. 2-293. - Effort to locate owner prior to sale.**

404 The city will make an effort to find the true owner of any article of personal property
405 coming into its possession. If the owner can be found, the city will release the personal property
406 to the owner. If the true owner of the article is not found, the city will proceed to sell, destroy or
407 retain the personal property in the manner provided in state law and in this article.

408 **Sec. 2-294. - When sales conducted; terms of sale.**

409 All personal property in the custody of the police department, including personal property
410 used as evidence in a criminal trial, which is unclaimed after a period of 90 days following its
411 seizure, or following the final verdict and judgment in the case of personal property used as
412 evidence, and which is no longer needed in a criminal investigation or for evidentiary purposes

413 in accordance with O.C.G.A. § 17-5-55 or 17-5-56, shall be subject to disposition by the police
414 department. When articles of personal property in the possession of the police department have
415 been authorized for sale by entry of an order of the county superior court, as required by state
416 law, the city will hold a public sale of all court-awarded, unclaimed articles of personal property.
417 All articles will be sold to the highest bidder on an "as-is" basis, and the city makes no
418 warranties of any nature, either expressed or implied, as to merchantable title, quality or
419 performance.

420 **Sec. 2-295. - Advertisement of sale.**

- 421 (a) Notice of the public sale referred to in this article will be advertised in the legal organ of the
422 city once a week for four consecutive weeks.
- 423 (b) The notice shall specifically describe each item and advise possible owners of items of the
424 method of contacting the police department, provided, however, that miscellaneous items
425 having an estimated fair market value of \$75.00 or less may be advertised or sold, or both, in
426 lots. Such notice shall also stipulate a date, time, and place said items will be placed for
427 public sale if not claimed. Such notice shall stipulate whether said items or groups of items
428 are to be sold in blocks, by lot numbers, by entire list of items, or separately. The notice will
429 be of sufficient size and type to be easily read and understood by the general public and will
430 state definitely the time and place of the sale, that it will be open to the public and that all
431 sales are to be made to the highest bidder. This notice may refer to the sale as an "auction of
432 seized, unclaimed or awarded personal property," or by any other appropriate name and will
433 state that only court-awarded, unclaimed personal property which has come into the
434 possession of the city is being sold; that the city makes no warranties, either expressed or
435 implied, as to merchantable title, quality or performance; and that all articles are sold "as-is."

436 The police chief or his/her designee may also advertise notice of the sale in other
437 newspapers, on the city's website and/or on other internet advertising sites.

438 (c) Items not claimed by the owners shall be sold at the public sale, which shall be conducted
439 commencing not less than seven or more than 15 days, after the final notice has been run in
440 the legal organ. The sale shall be to the highest bidder.

441 **Sec. 2-296. - Conduct of sale.**

442 The city may conduct a public sale using an auctioneer or may utilize an online auction
443 service so long as both methods of sale comply with the applicable requirements of state law and
444 this article. The city will appoint an individual or entity, which may include an online auction
445 service, to conduct the sale authorized by this article under the guidance of an employee of the
446 city, and more than one person may act as the agent who conducts the sale of court-awarded,
447 unclaimed personal property. The individual or entity acting for the city will be the sole arbiter in
448 the case of a disputed sale and will not make a sale until all bidding on the article offered has
449 ceased. However, there will not be any required number of bids before a sale is made.

450 **Sec. 2-297. - Announcement of terms to be made during sale.**

451 In the event there is an in-person auction, it will be the duty of the individual or entity
452 holding the in-person auction authorized by this article to make or include a public
453 announcement before opening the sale, that the city does not warrant title to any article, nor is
454 there any other warranty, either expressed or implied, as to any article sold and that all sales are
455 final and all articles are sold "as-is." It will be the duty of the individual or entity in charge of the
456 in-person auction to make or include this announcement at intervals during the progress of the
457 sale. When the city uses an internet auction service to sell unclaimed personal property, there
458 will be a statement online that the items are sold "as-is."

459 **Sec. 2-298. - Disposition of sale proceeds.**

460 It will be the duty of the police department to make a true accounting to the city finance
461 department of all the personal property sold and money collected from the sales conducted, as
462 provided in this article. Such money will be deposited in the general fund and used as prescribed
463 by law.

464 **Sec. 2-299. - Disposition of unsold personal property.**

465 All unclaimed personal property that the city has offered for public sale but is not sold can
466 be donated to charity or destroyed, depending on the condition of said personal property, at the
467 sole discretion of the police chief.

468 **Secs. 2-300—2-316. - Reserved.**

469

470 **ARTICLE VIII. - CITY-OWNED PROPERTY**

471 **Sec. 2-317. - Disposition of city-owned strips of land incapable of being used independently.**

472 (a) As set forth in O.C.G.A. § 36-37-6(g), the city may sell and convey parcels of small or
473 narrow strips of land, so shaped or so small as to be incapable of being used independently
474 as zoned or under applicable subdivision or other development ordinances or land use plans,
475 or as streets, whether owned in fee or used by easement, to abutting property owners where
476 such sales and conveyances facilitate the enjoyment of the highest and best use of the
477 abutting owner's property.

478 (b) The sale of such property to abutting property owners authorized by this section is not
479 required to be submitted to the process of auction or the solicitation of sealed bids so long as
480 each abutting property owner shall be notified of the availability of the property and shall

481 have the opportunity to purchase said property under such terms or conditions as set out in
482 this Code.

483 **Secs. 2-318—2-399. - Reserved.”**

484 **Section 2:**

485 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
486 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
487 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
488 constitutional.

489 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
490 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
491 phrase of this Ordinance is severable from every other section, paragraph, sentence,
492 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
493 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
494 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
495 section, paragraph, sentence, clause or phrase of this Ordinance.
496

497 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
498 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
499 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
500 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
501 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
502 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
503 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
504 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
505 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
506

507 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
508 are hereby expressly repealed.
509

510 5. The within ordinance shall become effective upon its adoption.
511

512 6. The provisions of this Ordinance shall become and be made part of The Code of the City
513 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
514 accomplish such intention.
515

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518

SO ORDAINED AND EFFECTIVE this the 18 day of Sept, 2017.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE 2017-_____

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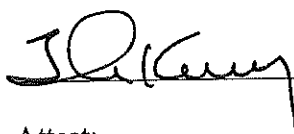
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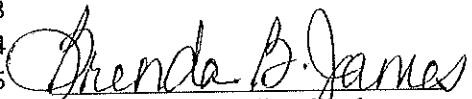
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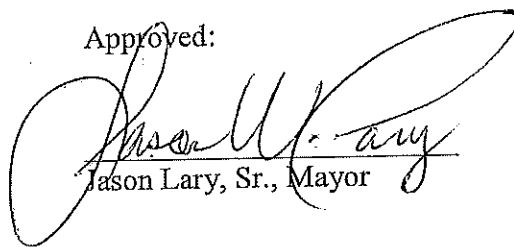
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Attest:


Brenda James, City Clerk

Approved:


Jason Lary, Sr., Mayor

As to form:

Thompson Kurrie, Jr., City Attorney