

AN ORDINANCE PROVIDING FOR THE CONTINUATION OF ORDINANCE AND LAW DURING THE TRANSITION PERIOD LEGISLATIVELY ESTABLISHED FOR THE CITY OF DUNWOODY, GEORGIA, AND THE ADOPTION OF ORDINANCES BY THE CITY OF DUNWOODY, GEORGIA.

BE IT ORDAINED by the City Council for the City of Dunwoody, Georgia, while in Regular Session on December 8, 2008 at 7:00 p.m. as follows:

SECTION 1. That the General law of the State of Georgia provides for a transition period, not to exceed twenty-four (24) months, for the orderly transition of governmental functions from the county to a new municipal corporation during which the new municipal corporation can assume individual governmental functions as authorized by law. O.C.G.A. §36-31-8; and,

SECTION 2. That the Charter Act for the City of Dunwoody, Georgia (SB 82, General Assembly 2008) provides for the transition period beginning December 1, 2008, and ending at midnight on November 30, 2010, during which transition period, until assumed by the City, Dekalb County shall continue to provide within the territorial limits of Dunwoody all government services and functions which Dekalb County provided in that area as of the date of enactment of the Charter for Dunwoody, except as is otherwise provided by the Charter; and,

SECTION 3. That accordingly, it is hereby declared by the City Council for the City of Dunwoody that until: (1) repealed by the City Council by specific reference to the law or Ordinance of the Code of Dekalb County, or (2) the City Council adopts regulations by the valid passage and adoption of an ordinance by the City Council affirmatively replacing specific Dekalb County ordinances in conformance with the Charter of the City of Dunwoody, Georgia, and O.C.G.A. §36-31-8, all existing laws and ordinances of Dekalb County, in effect as of December 1, 2008 shall continue in full force and effect within the territorial limits of the City of Dunwoody for the term of the Charter transition period, or until otherwise repealed or replaced as contemplated herein. Subject to the following exception, to wit: as general law of the State of Georgia prohibits a local government from taking action resulting in a zoning decision without compliance with statutory requirements (O.C.G.A. Title 36, Chapter 66) the zoning ordinances of Dekalb County as relating to zoning procedures to be applied are specifically not continued as a part of the ordinances of the City of Dunwoody; and,

SECTION 4. The City Council hereby affirmatively adopts and enacts all of those provisions of the Dekalb County, Georgia Code of Ordinances, which are not repealed or replaced by those certain Ordinances of the City of Dunwoody, Georgia which are enacted contemporaneously herewith; and,

For the purposes of this adoption, and is consistent based upon the text of the ordinance, any reference contained in the Dekalb County Code of Ordinances to: (1) Dekalb County, Georgia shall be deemed to refer to the City of Dunwoody, Georgia; (2) the Dekalb County Board of Commissioners shall be deemed to refer to the Mayor and City Council

of Dunwoody, Georgia; (3) the County Manager shall be deemed to refer to the interim and/or permanent City Manager of Dunwoody, Georgia. Further, any duties or functions carried out by boards, authorities, commissions, and/or other entities in the Dekalb County Code of Ordinances shall be carried out by the Mayor and Council of Dunwoody, Georgia, or their duly authorized designees. Further, any other reference to any staff member or staff function set out in the Dekalb County Code of Ordinances shall be deemed to be the responsibility of the closest corresponding staff member or department in the City of Dunwoody, or the interim and/or permanent City Manager of Dunwoody, Georgia, or his/her duly authorized designees. It is the intent of this provision that as to the names, designations of persons or entities, and construction as to other issues, the existing Dekalb County Code be construed in a manner to allow for appropriate implementation as it applies within the City of Dunwoody.

Further, the City Clerk is directed forthwith to maintain a copy of the Official Code of Dekalb County, Georgia, as it exists on December 8, 2008 in the Office of the City Clerk of Dunwoody and to make the same available for public inspection upon request.

SECTION 5. That this Ordinance shall become effective upon adoption.

SECTION 6. In the event that any one or more of the provisions contained in this ordinance shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not effect any other provisions of this ordinance, but this ordinance shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

SO ORDAINED AND EFFECTIVE this the 8th day of December, 2008.

Approved:

Ken Wright, Mayor

Attest:

Approved as to Form:

Joan C. Jones, Acting City Clerk
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Brian Anderson, City Attorney