



CITY OF DUNWOODY

41 Perimeter Center East, Suite 250

Dunwoody, GA 30346

Phone: (678) 382-6800 • Fax: (770) 396-4828

www.dunwoodyga.gov

MEMORANDUM

To: Mayor and City Council

From: Howard Koontz

Date: **May 10, 2010**

Subject: **Codification of Chapters 21 and 27 of City Code**

The City of Dunwoody legal team has advised staff to initiate the codification process for the Municipal Code Corporation (MCC) of City of Dunwoody City Code Chapters 21 and 27. The following is a description from the website of MCC of the codification process:

Codification is the process of consolidating your general and permanent legislation, then organizing it into a Code of Ordinances. The legislation is organized by topic (animals, business, etc.) or by department/title (Administration and Personnel, Revenue and Finance, etc.).

Attached, you will find the draft provided by MCC to be reviewed. The purpose of this review of the document provided by MCC is to ensure that there have been no changes to ordinances under review. The document should match exactly the ordinances in place today, with no meaningful, substantive change in content or meaning. Numbering, outline and style changes are to be expected, but there no policy changes considered as a part of this review, nor is staff able to make any policy changes. This is strictly a proof-reading exercise to maintain the current standard.

The City of Dunwoody Community Council reviewed the codification of Chapters 21 and 27 of the city Code at their February 11, 2010 meeting.

Brian Cosgrove moved to approve Chapter 20 (renumbered from Chapter 21) with the following recommendations:

- Section 20-24(d) (pg. 6-7) change “and hold the city *harmless*” to “and hold *harmless* the city”
- Section 20-63 (pg. 16) add the year of the International Building Code as adopted by the Community Development Department

Al Alberghini seconded the motion, and the motion carried 6-0.

Austin Kearney moved to approve the codification of Chapter 27 with the following recommendations:



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- Section 27-1429(a) (pg. 228) change “*planning commission*” to “*community council*”
- Section 27-1346 (pg. 209) consider a definition for development plan
- Section 27-1443(b)(3) (pg. 234) consider changing “a newspaper of general circulation within the *county*” to “*city*”
- Section 27-1645 (pg. 245) change “*county*” to “*city*”

Brian Cosgrove seconded, and the motion carried 6-0.

The City of Dunwoody Planning Commission reviewed the codification of Chapters 21 and 27 of the city Code at their March 9, 2010 meeting. Don Converse moved to approve staff's recommendations, as presented, and Paul Player seconded. The motion was voted and carried unanimously (4-0).



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MEMORANDUM

To: Mayor and City Council

From: Sharon Lowery

Date: May 10, 2010

Subject: **FIRST READ – Ordinance to adopt the City of Dunwoody Code of Ordinances**

ITEM DESCRIPTION

An ordinance adopting and enacting a new Code for the City of Dunwoody.

BACKGROUND

As Council is aware, the City entered into a contract with Municipal Code Corporation in June, 2009 to provide for the codification of the City of Dunwoody ordinances. We have received the completed Code, consisting of the City Charter and Chapters 1-32, and each member of the City Council should have a bound copy for review. The Code is inclusive of all ordinances adopted by Mayor and Council as of March 22, 2010. All future ordinances subsequent to that date will be added to the code as continuous supplements on a quarterly basis and updated on the website. The Code will first appear on the website within a day or two following the passage of the codification ordinance and will be available online at www.municode.com.

RECOMMENDATION

It is staff's recommendation that the ordinance to adopt and enact the City of Dunwoody Code of Ordinances be adopted for the City of Dunwoody.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF DUNWOODY, GEORGIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City of Dunwoody was incorporated on December 1, 2008, pursuant to SB 82 of the 2008 Legislative Session; and

WHEREAS, the City is authorized and required to create a Code of its ordinances of general and permanent nature in order to provide for an orderly and easy access to the laws of the City for the general public.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DUNWOODY AS FOLLOWS:

Section 1. The Code entitled "THE CODE OF THE CITY OF DUNWOODY, GEORGIA," published by Municipal Code Corporation, consisting of chapters 1 through 32, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before March 22, 2010, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine as provided for in chapter 1. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the Mayor and City Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2010-05-XX

Section 6. Ordinances adopted after March 22, 2010, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective upon its adoption by the City Council.

SO ORDAINED AND EFFECTIVE, this ____ day of May, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Sharon Lowery, City Clerk

(Seal)