

STATE OF GEORGIA
CITY OF WALNUT GROVE

ORDINANCE NO. 2023- ____

AN ORDINANCE TO REVISE CHAPTER 33 (“NUISANCE BUILDINGS OR STRUCTURES”) OF THE CITY ORDINANCE, TO AMEND AND ADOPT A NEW NUISANCE ABATEMENT PROCEDURE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS the Mayor and the Council of the City of Walnut Grove, Georgia, the governing body of the City of Walnut Grove, Georgia, desire to amend its Code of Ordinances to revise its existing ordinances regarding nuisances;

WHEREAS, the Mayor and the Council of the City of Walnut Grove, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the Mayor and Council of the City of Walnut Grove, Georgia deem such amendment to be for the betterment and general welfare of the City of Walnut Grove and its inhabitants;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF WALNUT GROVE, GEORGIA, and by the authority thereof:

The Code of Ordinances of the City of Walnut Grove is hereby amended by making the following revisions:

SECTION 1. Chapter 33 of the Code of Ordinances is hereby removed in its entirety and replaced with the following:

“CHAPTER 33: NUISANCES

33-1 Definitions

For the purpose of this Chapter, the following words shall have the meanings respectively ascribed below:

- a. Nuisance. Anything which causes hurt, inconvenience, or damage to another, provided that the hurt, inconvenience or damage complained of shall not be fanciful or such as would affect only one of fastidious taste, but rather such as would affect an ordinary reasonable man; and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance.

- b. Nuisance, per se. An act, occupation, or structure which is a nuisance at all times and under any circumstances, regardless of location or surroundings.
- c. Private Nuisance. A nuisance limited in its injurious effects to one of a few individuals.
- d. Public Nuisance. A nuisance which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals.

33-2 Proceedings to Abate Generally

Any nuisance existing within the corporate limits of this City, except for a nuisance hereinafter expected, shall be abated in the manner set forth in this chapter.

1. Initiation. Proceedings to abate a nuisance, whether public or private shall be initiated by the filing of a complaint with the City Clerk, which such complaint shall state the nature and location of the nuisance and the name and address of the complainant or complainants. In the case of a private nuisance, the complaint shall be filed by the person or persons injured by the nuisance; in the case of a public nuisance, the complaint shall be filed on behalf of the public by a City Official or by a citizen specially injured by the nuisance.

2. Notice of Hearing. Upon the filing of a complaint as hereinabove provided, the City Clerk shall issue a notice directed to the owner of the premises upon which the nuisance complained of is located and, if the person maintaining the same be a different person from the owner, then also to the person maintaining the nuisance, calling on such person to show cause, either personally or by attorney, at the time and place directed by the City Clerk, why such activity alleged to be a nuisance should not be ordered abated and removed by the Mayor and City Council. Such notice shall be served at least two days prior to the date set for the hearing by any police officer of the City and shall be made either personally or by leaving a copy at the party's most notorious place of abode.

Service of this notice shall be perfected and valid if mailed to the address and party listed as the owner of the property on the ad valorem tax records of Walton County for the property where the nuisance is located.

A copy of such notice shall also be mailed to the complainant or complainants.

3. Order of Abatement. If after hearing all the evidence, the Mayor and Council should decide that the activity complained of is a nuisance, the Mayor shall issue an order directed to the Police Chief or any member of the Police force, commanding that the nuisance be abated. A copy of such order of abatement shall be served on the party or parties maintaining the nuisance.

4. Effect of Noncompliance. In the event of a refusal to comply with the order of abatement issued by the Mayor, the person or persons maintaining the nuisance shall be subject to arrest for violation of state law.

33-3 Summary Abatement

Nothing contained in the foregoing section shall prevent the Mayor and City Council from summarily and without notice ordering the abatement of or abating any nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

33-4 Findings Regarding Unsafe, Unsanitary or Abandoned Buildings, Dwellings or Structures

Under the authority of O.C.G.A. § 41-2-9, the Mayor and Council specifically adopt by incorporation herein by reference the provisions of O.C.G.A. §§ 41-2-7, 41-2-8, 41-2-9, 41-2-10, 41-2-11, 41-2-12, 41-2-13, 41-2-14, 41-2-15, 41-2-16, and 41-2-17. These provisions are adopted as an official Ordinance of the City of Walnut Grove as if specifically set forth herein in their entirety.

33-5 Duties of Zoning Administrator

Pursuant to the authority of O.C.G.A. § 41-2-10, the Mayor and Council of the City of Walnut Grove hereby designates the Zoning Administrator as the public officer with the authority to enforce the provisions of § 33-4 of the City of Walnut Grove Code of Ordinances. The Zoning Administrator may determine, under existing Ordinances, that dwellings, buildings or structures are unfit for human habitation or are unfit for its current commercial, industrial, or business use if he finds that conditions exist in such buildings, dwellings, or structures which are dangerous or injurious to the health, safety or morals of the occupants of such dwellings, buildings or structures; of the occupants of neighborhood dwellings, buildings, or structures; or of other residences of this municipality. Such conditions may include the following (without limiting the generality of the foregoing):

- (1) defects therein increasing the hazards of fire, accidents, or other calamities;
- (2) lack of adequate ventilation, light or sanitary facilities;
- (3) dilapidation;
- (4) disrepair;
- (5) structural defects; and
- (6) uncleanliness.

The public officer designated by this Ordinance may determine, under existing Ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

Within the context of this Ordinance, the public official shall utilize the existing codes of the City of Walnut Grove to the standard for satisfaction of the provisions of this Ordinance including but not limited to the electrical codes, building codes and fire codes previously adopted by the City of Walnut Grove.

33-6 Further Duties of Zoning Administrator

The **Zoning Administrator** is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Ordinance and O.C.G.A. § 41-2-7 through §41-2-10 and O.C.G.A. § 41-2-12 through § 41-2-17, including the following powers in addition to others granted in O.C.G.A. § 41-2-7 through § 41-2-10 and O.C.G.A. § 41-2-12 through § 41-2-17:

- (1) To investigate the dwelling conditions in the City of Walnut Grove in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
- (2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
- (3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and affix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of the Ordinances and provisions adopted herein; and
- (5) To delegate any of his functions and powers under the Ordinance to such officers and agents as he may designate.”

SECTION 3. Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Walnut Grove, Georgia.

SECTION 5. It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without the phrase, sentence, or paragraph declared unconstitutional or invalid.

SO ORDAINED this ____ day of September 2023.

Mark Moore, Mayor

ATTEST:

Kimberly Whitlow, Acting City Clerk

APPROVED AS TO FORM:

Anthony O.L. Powell, City Attorney
Powell & Edwards, Attorneys at Law P.C.

Adopted by the City Council at a regular called meeting on September ____, 2023.

____ Council members voting in favor

____ Council members voting against

____ Council members abstaining

**CITY OF WALNUT GROVE CODE ENFORCEMENT
NUISANCE ORDINANCE STATUS REPORT**

Party: _____
Address: _____
Tax Parcel No.: _____
Action No.: NC-23-01

ACTION

DATE

- | | |
|--|----------------------|
| 1. Informal complaint | _____ |
| 2. Initial inspection report | _____ |
| 3. Mayor & Council approve inspection report | _____ |
| 4. Title search | _____ |
| 5. Notification letter | _____ |
| 6. Set hearing date | _____ |
| 7. File Complaint –including Summons, Rule Nisi, Affidavit, and Lis Pendens (Hearing not less than 15 days of hearing, no more than 45 days; file lis pendens in superior and municipal court) | _____ |
| 8. Posting complaint on structure (within 3 days of filing complaint) | _____ |
| 9. File signed Affidavit and Lis Pendens (serve same) | _____ |
| 10. Hearing – Order issued (serve same and post on main entrance of the structure) | _____ |
| 11. Defendant Files Petition for Injunction to the Superior Court (within 15 days of service) | Yes: _____ No: _____ |
| -De Novo Hearing (within 20 days of filing petition) | Date Set: _____ |
| -Final Order (serve and post) | Action: _____ |
| 12. Placement of placard on the structure by Director, if order not complied with | _____ |
| 13. File lien against property | _____ |

14. Forward to Tax Commissioner for collection
(a copy of the order and final statement of
costs sent with lien)

15. Perfection of lien

16. Disbursement of Funds (to the Commissioner
and the City)

ORDINANCE NO. 2023-_____

A ORDINANCE OF THE CITY OF WALNUT GROVE TO AMEND AND ESTABLISH PARLIMETARY PROCURE AND PROCEDURES OF MEETINGS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Walnut Grove, Georgia is the Mayor and Council thereof; and

WHERAS, Section 2.18 of the City Charter authorizes Mayor and Council to adopt its own rules of procedure and order of business; and

WHEREAS, the governing authority deems it essential to clarify and update the procedures surrounding the conducting of meetings within the City.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED:

Section 1. That the Code of Ordinances of the City of Walnut Grove, Georgia is hereby amended by deleting it Section 3-203 through Section 3-207 of the City Ordinances and replacing it with the following:

“DIVISION 1- GENERAL

Sec. 3-203. - Vacancies.

In case of a vacancy in the office of mayor or council member from failure to elect, death, removal or from any cause whatsoever, such vacancy shall be filled for the remainder of the unexpired term, if any, by appointment by the mayor with confirmation by the city council, if less than 24 months remain in the unexpired term. Otherwise, a special election shall be ordered by the mayor or city council to fill the balance of the unexpired term of such an official. The city clerk shall cause the special election to be held and conducted in accordance with the Georgia Election Code (O.C.G.A. § 21-2-1 et seq.).

Sec. 3-204. - Chairman.

The mayor shall act as chairman of the city council and is responsible for the orderly conduct of meetings of the city council. In order to fulfill such duty, the mayor shall enforce the rules of procedure that are adopted by the city council. The chairman shall be impartial and conduct the meetings in a fair manner. The chairman may not introduce motions or second a motion without surrendering the chair to the mayor pro tem or a substitute chair elected from the remaining members of city council. The chairman may only vote in the event of a tie of council members.

Sec. 3-205. - Vice-chairman.

(a) The city council shall select a mayor pro tem from the council members at the beginning of each calendar year who shall serve as the vice-chairman. The vice-chairman shall fulfill the duties of the chairman if the chairman is not in attendance or is not participating because of a voluntary recusal based on the requirements of this Code.

(b) If the chairman and the vice-chairman are absent and a quorum is present, the remaining council members shall select a council member to serve as temporary chairman of the meeting until either the chairman or vice-chairman is present at the meeting.

Sec. 3-206. - Committees.

The chairman and city council may create committees to study any issue before the city council. Any such committee may make recommendations to the city council, but no committee shall be empowered to make any final decision on any matter before such committee for consideration. In addition to council members, committees may include other city officials, staff or citizens at-large. Whenever a committee is created, its duties, any limitation on the scope of such duties and the times, places and periods of time for which the committee may operate shall be determined by the chairman and city council. The chairman shall serve as an ex-officio member of all committees.

Sec. 3-207. - Open meetings; work sessions; regular meetings; public hearings.

(a) All meetings of the city council, where a quorum is present and decisions affecting official business are contemplated, shall be held in accordance with the provisions of O.C.G.A. § 50-14-1 et seq.

(b) The city council shall hold regular work sessions on the Thursday two weeks prior to the Regular Meeting,

(c) All regular meetings and public hearings conducted by the mayor and council shall be held on the Second Thursday of the month, unless otherwise established by Mayor and Council.

Sec. 3-208. - Organizational meetings.

The city council shall hold an organizational meeting on or before the first regular meeting day following any election. The meeting shall be called to order by the city clerk, and the oath of office shall be administered to the newly elected council members whose terms of office shall begin the day and hour of taking such oath of office.

Sec. 3-209. - Special meetings; rescheduled regular meetings.

A regular meeting of the city council may be canceled, rescheduled or moved to a new location within the city by the chairman for any reason. Other special meetings may be called as provided in the Charter. Whenever a rescheduled regular meeting of the city council or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of such change shall be posted for at least 24 hours at the place of the regular meeting. In addition, written or oral notice shall be given by the city clerk at least 24 hours in advance of the meeting to either the legal organ of the city or a newspaper having a general circulation at least equal to that of the legal organ and to each council member.

Sec. 3-210. - Emergency meetings.

When emergency circumstances occur, the city council may hold a meeting with less than 24 hours' notice to the public. When such emergency meetings are to be held, the city clerk shall provide notice to the legal organ of the city or a newspaper with a general circulation at least equal to that of the legal organ and to each council member as soon as possible. The notice shall include the subjects expected to be considered at the emergency meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media.

Sec. 3-211. - Executive sessions.

(a) Executive sessions of the city council may be held for the purpose of conducting business excepted from public access requirements as authorized by O.C.G.A. §§ 50-14-2 and 50-14-3. Where a meeting of the city council is devoted in part to matters within the authorized exceptions to public access requirements, any portion of the meeting not subject to any such exceptions shall be open to the public. No executive session shall be held, except pursuant to a majority affirmative vote of the city council taken in a public meeting.

(b) The minutes of the public meeting shall reflect the names of the council members present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session may be maintained by the city clerk at the direction of the chairman. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosures of such portions of the minutes identifying real estate to be acquired by the city council may only be delayed until such time as the acquisition of the real estate has been completed, terminated or abandoned, or court proceedings have been initiated.

Sec. 3-212. - Quorum.

A quorum of the city council must be present for the conducting of meetings. The mayor, or mayor pro tem, and two council members shall constitute a quorum and shall be authorized to transact business of the city council. It is the duty of the chairman to enforce this rule. Any council member may raise a point of order directed to the chairman if the council member believes that a quorum is not present. Once a quorum is established, the quorum cannot be defeated by the subsequent departure of the mayor or a council member. If a quorum is not attained within 30 minutes, the meeting will be rescheduled by the chairman with the approval of the council members present.

Sec. 3-213. - Voting; majority.

Passage of a motion shall require the affirmative vote of a majority of the council members present and voting at a meeting at which a quorum is present. Unless otherwise specified in this division, a majority shall mean more than one-half of the council members present. Where a two-thirds majority is specified, a majority vote shall mean at least two-thirds of the council members present.

Sec. 3-213. - Abstentions.

An abstention shall be counted as an affirmative vote.

Sec. 3-214. - Agenda.

(a) The city clerk, with the advice of the chairman and the council members, shall prepare an agenda of subjects to be acted on for each meeting. In conjunction with the regular work session of the Mayor and City Council, an agenda work session shall be held by the city clerk to finalize the agenda. The chairman and all council members may participate in the work session. Whenever a quorum of the city council is present for an agenda work session, the meeting shall be open to the public, and all notice and

record keeping requirements applicable to an open meeting must be met. The final agenda shall be made available to the council members at least three business days before every city council meeting.

(b) Members of the public may request that a particular subject be placed on the agenda for the following meeting. To be considered, the item must be submitted to the Clerk by 1 p.m. on the Friday preceding the scheduled regular monthly meeting. All agenda items must be sponsored by a member of council or the mayor and be so indicated on the agenda by that item.

(c) The order of the agenda may be changed during a meeting by a majority vote of the city council.

(d) A copy of the agenda and a list of those council members present shall be made available to the public for inspection within two business days of the adjournment of any meeting.

Sec. 3-215. - Consent agenda.

(a) A consent agenda may be prepared by the city clerk for the city council to unanimously adopt motions on routine items. Any items of business that are expected to receive unanimous approval and where no debate is expected may be placed on a consent agenda.

(b) At the appropriate time of the meeting, the chairman shall read all of the items on the consent agenda. If a council member objects to an item being on the consent agenda, the chairman shall move that particular item to the regular agenda. Following the reading of the consent agenda, the chairman will ask for unanimous approval of the items on the consent agenda. If there are no objections, all of the items on the consent agenda will be adopted by unanimous consent.

Sec. 3-216. - Minutes.

(a) The city clerk shall promptly record summary minutes for each city council meeting. The minutes serve as the official written record of the city council meeting and shall be open for public inspection once approved as official by the city council, but in no case later than immediately following the second regular meeting of the city council following the meeting being recorded in the minutes. The minutes shall specify the names of the council members present at the meeting, a description of each motion or other proposal made at the meeting, the council member who proposed each motion, the council member who seconded each motion, and a record of all votes. In the case of a roll call vote, the name of each council member voting for or against a

proposal shall be recorded. It shall be presumed that a council member has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the city council. The City Clerk shall preserve the recordings of the meetings as required by law.

(b) The city council must approve the minutes before the minutes can be considered as an official record of the city council. A copy of the minutes from the previous meeting shall be distributed to the council members at least three business days before the following meeting. The minutes of the previous meeting shall be corrected and approved by the city council at the beginning of each meeting. A majority vote is required for approval of the minutes. Conflicts about the content of the minutes shall be decided by majority vote of the city council. Upon being approved, the minutes shall be signed by the chairman and attested to by the city clerk.

Sec. 3-217. - Order of business.

All regular city council meetings shall follow an established order of business as follows:

- (1) Call to order.
- (2) invocation
- (3) Pledge of Allegiance
- (4) Agenda Approval
- (5) Consent agenda.
- (6) Committee Reports
- (7) Old Business
- (8) New Business
- (9) Reports.
- (10) Public Comment
- (11) Council comments
- (12) Adjournment

Sec. 3-218. - Decorum.

(a) All council members must conduct themselves in a professional and respectful manner. All remarks should be directed to the chairman and not to individual council members, staff or citizens in attendance. Personal remarks are inappropriate. A council member is not allowed to speak at a meeting until he has been recognized by the chairman. All comments made by a council member shall address the motion that is being discussed.

(b) The chairman shall enforce the rules of decorum set forth in subsection (a) of this section. If a council member believes that a rule has been broken, he can raise a point of order. A second is not required. The chairman may rule on the question, or he may allow the city council to debate the issue and decide the issue by majority vote.

Sec. 3-219. - Public participation.

Public participation in meetings of the city council is encouraged and shall be permitted in accordance with the following provisions:

(1) *Public comments.* The final agenda item of the city council meeting shall be reserved for comments from the public. Each member of the public who wishes to address the city council must submit his name, address and the topic of his comments to the city clerk prior to making such comments. Such an individual will be allotted five minutes to make his comments, and such comments must be limited to the chosen topic. These limits can be waived by a majority vote of the city council.

(2) *Public participation on agenda items.* By a majority vote, the city council may limit public comment on an agenda item at the time the item is being considered by the city council. Permitted comments must be limited to the subject that is being debated. Members of the public may speak for five minutes and may only speak once. These limits may be waived by a majority vote of the city council. Anyone wishing to speak at any city council meeting must be recognized by the chairman before addressing the city council.

(4) *Public hearings.* The city council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the city council. Hearings may be held immediately prior to or following a meeting of the city council or at such other places and times as the city council may determine.

Sec. 3-220. - Amendments to rules.

Any amendment to the rules of order must be submitted by a council member in writing to the city clerk by Friday of the week prior to a regular meeting of the city council. The proposed amendment shall be included in the agenda for that meeting and distributed to all council members. All amendments require a majority vote of the city council in order to be adopted.

Sec. 3-221. - Suspending the rules of order.

Rules of order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable and requires a majority vote of the city council. Rules governing quorum, voting methods and requirements, the notification to council members of meetings, and rules necessary for compliance with state law cannot be suspended.

Sec. 3-222. - Visual and sound recordings.

Visual and/or sound recordings shall be permitted for all public meetings.

Secs. 3-223—3-240. - Reserved.

DIVISION 2. - PARLIAMENTARY PROCEDURE

Sec. 3-241. - Rules of procedure.

Unless otherwise provided in this Code, procedures for meetings of the city council shall follow the 11th edition of Robert's Rules of Order.

Sec. 3-242. - Parliamentarian.

The city council shall select a parliamentarian at the beginning of each calendar year who shall serve a one-year term. The designated parliamentarian may seek the assistance of legal counsel to resolve any parliamentary issues.

Sec. 3-243. - Main motion.

In order for the city council to take any official action on any subject, a council member must propose a main motion. A proposed main motion will not be recognized by the chairman until another council member agrees to second the motion. A second does not require the council member seconding the motion to support the motion. A council member may withdraw a main motion that he has made at any time before the city council has voted on that motion.

Sec. 3-244. - Debate.

(a) After the main motion is recognized by the chairman, the city council shall debate the motion. The debate shall be managed by the chairman in a manner that is fair to all council members. Council members may participate in the debate only when they are recognized by the chairman.

(b) During the course of a debate, council members may introduce subsidiary motions that propose that the city council take particular action on a motion. There are two classes of subsidiary motions: Debatable subsidiary motions and undebatable subsidiary motions. Debatable subsidiary motions consist of motions to postpone indefinitely, amend, refer to the committee and postpone to a time certain. Debatable subsidiary motions require a second before they can be voted on or debated. There are three undebatable subsidiary motions: Limit debate, vote immediately, and lay on the table. Such motions require a second and cannot be debated.

(c) Council members may also introduce privileged motions. Privileged motions facilitate the running of the meeting and can be introduced during the course of debate. Privileged motions consist of a motion to raise a question of privilege and motions to recess and adjourn. The motions to recess and adjourn require a second. Debate is not allowed on privileged motions.

Sec. 3-245. - Voting; procedure.

Voting on debatable motions and undebatable motions shall take place in accordance with the following provisions:

(1) *Debatable motions.* In the case of debatable motions, the vote can be proposed in one of the following two ways:

a. If debate has been completed and no other council member wishes to speak, the chairman may call for the vote; if there are no objections then the chairman may proceed with the vote.

b. If the chairman calls for the vote and there is an objection, a council member may move to vote immediately (move the previous question). If this motion is seconded and approved by a majority vote, debate will stop. The chairman will then read the proposed motion to the city council and ask for the votes of the council members.

(2) *Undebatable motions.* In the case of undebatable motions, the vote shall occur immediately after the motion is recognized by the chairman. The chairman shall read the proposed motion to the city council and then call for the vote.

Sec. 3-246. - Ranking of motions.

(a) Each subsidiary and privileged motion is assigned a specific rank. A motion of higher precedence can interrupt a motion of lower precedence. The higher motion must be decided before the city council returns to consider the motion of lower precedence.

(b) A main motion has the lowest rank and does not take precedence over any other motion. A motion to adjourn has the highest rank and will take precedence over all other subsidiary and privileged motions. The order of precedence of motions shall be in accordance with this section. Motions at the bottom of the following list take precedence over motions at the top of the list:

(1) Main motion (lowest rank).

(2) Subsidiary motions (debatable):

- a. Postpone indefinitely.
- b. Amend.
- c. Refer to committee (commit).
- d. Postpone to a time certain (postpone definitely).

(3) Subsidiary motions (undebatable):

- a. Limit debate or extend limits.
- b. Vote immediately (previous question).
- c. Lay on the table (postpone temporarily).

(4) Privileged motions (undebatable):

- a. Question of privilege.
- b. Recess.
- c. Adjourn (highest rank).

Sec. 3-247. - Subsidiary motions.

During the course of debate, council members may introduce motions which propose that the city council take particular action on a main motion. These motions are called subsidiary motions and they allow the city council to reach a conclusion on the main motion. Subsidiary motions require a second before they can be voted on or debated. Three subsidiary motions (amend, limit debate and vote immediately) also may apply to other subsidiary motions.

(1) *Postpone indefinitely.* If a council member believes that the main motion should not be considered by the city council, such council member may move to postpone the consideration of the main motion indefinitely. If the motion is successful, consideration of the main motion stops and the main motion is tabled. A motion to postpone indefinitely may be debated, but it cannot be amended. A majority vote is required for the motion to pass.

(2) *Amend.* If a council member believes that the main motion that is on the table should be changed in order to make it more acceptable, he can move to amend the motion.

a. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend.

b. Motions to refer, amend, postpone to a time certain and the motion to recess can also be amended.

c. A motion shall not be amended more than two times.

d. Debate is allowed on a motion to amend only if the original motion is debatable.

e. A majority vote is required for the city council to adopt an amendment.

f. If the amendment is adopted, the city council shall consider the amended version of the motion.

(3) *Refer to a committee (commit).* If a council member believes that further information is needed before the city council can act on a main motion, he may propose that the motion be referred to a specific committee or department for further study. If an appropriate committee does not already exist, then a committee may be formed as a part of the motion. A motion to refer should specify the date that the committee or department will report back to the city council. This motion is debatable and amendable. A majority vote is required for the motion to pass.

(4) *Postpone to a time certain (postpone definitely).* A motion to postpone to a certain time may be proposed if a council member believes that the main motion should not be considered until a future time. This motion shall set a particular time for the main motion to be considered again. Such motion is debatable and may be amended. If this motion is passed,

the chairman will bring the original motion back to the city council for consideration at the specified time. A majority vote of the city council is required for the motion to pass.

(5) *Limit or extend limits of debate.* A motion to limit debate places a time constraint on the length of debate. The details of such a motion are to be decided by the council member who makes the motion. This motion can also be used to extend the limits of debate if a limit on debate already exists. Debate is not allowed on this motion, and a majority vote of the city council is required for the motion to pass.

(6) *Vote immediately (previous question).* If a council member believes that the motion that is being considered should be voted on, the council member may move to vote immediately. The motion is undebatable, and a vote of the majority of the city council is required for the motion to pass.

(7) *Lay on the table (postpone temporarily).* A motion to lay on the table proposes that the consideration of a main motion be postponed until a later time in the meeting. The motion can be brought up for consideration only if a motion to resume consideration is accepted by the city council during the same meeting. The motion will die if it is not taken up during the meeting. Debate is not allowed on this motion, and the motion is not amendable. A majority vote of the city council is required for the motion to pass.

Sec. 3-248. - Privileged motions.

Privileged motions facilitate the running of the city council meeting. Such motions do not address or relate to a main motion and can be introduced whether or not there is a main motion under consideration. Privileged motions take precedence over all subsidiary motions. Debate is not allowed on such motions.

(1) *Question of privilege.* A formal question addressed to the chairman concerning the rights of a council member or of the city council as a whole is referred to as a question of privilege. It does not require a second and cannot be debated or amended. The chairman is required to make a ruling on the question.

(2) *Recess.* A motion to recess proposes that the meeting be suspended for a particular amount of time. The motion must specify the length of the recess. The motion must also be seconded. Debate is not allowed on such motion, but the motion can be amended. A majority vote of the city council is required for the motion to pass.

(3) *Adjourn.* In order for a meeting to come to a close, a council member must make a motion to adjourn. The motion to adjourn has the highest rank of any motion, and as a result, it can be introduced at any time. The motion requires a second but is not debatable or amendable. A majority vote of the city council is required for the motion to pass.

Sec. 3-249. - Incidental motions.

Incidental motions allow council members to exert their rights as a member of the city council. Incidental motions may be introduced at any time during a meeting.

(1) *Appeal*. If a council member disagrees with a decision that is made by the chairman, such council member may appeal the decision. If the appeal is seconded, the appeal will be considered by the city council. The chairman has the opportunity to explain the ruling that has been challenged. The city council may then debate the appeal. The city council shall decide by majority vote if the chairman's decision is to be upheld or overturned. An appeal is high in precedence and may only be interrupted by a privileged motion or by a motion to lay on the table.

(2) *Parliamentary inquiry*. If a council member has a question about the rules of order, he may ask the chairman to give an opinion on that question. Such question should take the form of a parliamentary inquiry and should relate to the current business of the city council. Such motion takes precedence over all motions except privileged motions. Such motion does not require a second and is not debatable or amendable.

(3) *Point of order (question of order)*. If a council member believes that a violation of the rules of parliamentary procedure has occurred, he can raise a point of order. A second is not required. The chairman may make a ruling on the question or may allow the city council to debate and then rule on the question by majority vote. A point of order may only be interrupted by a privileged motion or a motion to lay on the table.

(4) *Point of information (request for information)*. If a council member has a question about the facts of a particular issue that is being considered, he may ask a point of information. This motion is addressed first to the chairman and then to the appropriate person. A second is not required and the motion is not debatable or amendable.

Sec. 3-250. - Supplementary main motions.

Three motions allow the city council to act on a main motion that has either been passed or tabled by the city council. These motions are considered to be main motions but differ from usual main motions in the following ways:

(1) *Reconsider*. The motion to reconsider allows the city council to debate whether or not to overturn a decision made at the meeting that is in progress. Such a motion allows the city council to consider new information that may affect the decision that has already been made. Any council member may make a motion to reconsider, and any council member may second the motion. The motion is debatable, but it cannot be amended. A majority vote of the city council is required for the motion to pass. If a motion to reconsider is passed, the original decision will be voided, and the city council will return to debate and revote the original motion.

(2) *Rescind.* A motion to rescind proposes that the city council overturn a motion passed at a previous meeting. A motion to rescind can be made by any council member. Such motion is in order as long as the original motion has not been implemented. An announcement of the intention to rescind a motion may be made at the meeting where the decision was made, or the council member seeking to rescind may place the matter on the agenda for the next meeting pursuant to [section 2-48](#). The motion to rescind will then be placed on the agenda for the next meeting. At the next meeting, the motion to rescind will formally be made. If such motion is seconded, then the city council shall debate and vote on rescission. A majority vote of the city council is required for the motion to pass. If a motion to rescind is passed, the original decision will be voided.

(3) *Resume consideration.* The motion to resume consideration allows the city council to consider a motion that has been temporarily postponed. Such motion requires a second and is not debatable or amendable. Such motion is a main motion but ranks higher than any debatable motion. A majority vote of the city council is required for the motion to pass.

Secs. 3-251—3-260. - Reserved.

DIVISION 3. - LEGISLATION

Sec. 3-261. - Legislative authority generally.

The city council shall exercise the legislative functions of the city and may pass any ordinance or resolution that it deems best for the government of the city; however, such ordinance or resolution shall not be in conflict with the Charter, the constitution or laws of the state or the Constitution or laws of the United States.

Sec. 3-262. - Ordinances, resolutions, contracts and interlocal agreements.

Unless otherwise provided in this Code, all ordinances, resolutions, contracts and interlocal agreements of the city shall be prepared, approved, introduced and adopted in the manner provided in this division.

Sec. 3-263. - Preparation of ordinances.

Whenever possible, all ordinances shall be prepared by the city attorney.

Sec. 3-264. - Required elements of ordinances.

All ordinances passed by the city council shall contain the following items, which shall be set forth in the ordinance in the following order:

- (1) Ordinance number.
- (2) Title and purpose.
- (3) Enacting clause.
- (4) Body of ordinance by sections.
- (5) Severability clause.
- (6) Penalty clause.
- (7) Repealing clause.
- (8) Adoption date.
- (9) Effective date.
- (10) Authentication of city clerk.

Sec. 3-265. - Introduction of ordinances, resolutions and other matters.

Ordinances, resolutions and other matters or subjects requiring action by the city council must be introduced and sponsored by a council member.

Sec. 3-266. - Consideration of Code amendments.

Where an amendment to this Code is proposed and any council member or the mayor has been given fewer than 48 hours' notice, including a copy of the proposal, of the intent to introduce such amendment to be adopted at a city council meeting, any council member or the mayor may require, by his own request alone, that consideration of such proposed amendment be postponed until the next regular meeting of the city council. Pursuant to this section, such request to postpone shall not require a second or a vote and shall not be subject to debate; provided, however, that no proposed amendment to this Code shall be the subject of a request to postpone under this section more than once.

Sec. 3-267. - Action restricted, emergencies.

No ordinance shall be put on its final passage on the same day on which it is introduced; except that where an emergency exists and public health and safety require it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by the city council.

An ordinance shall be introduced at the work session proceeding the regular meeting that it is being considered for final adoption.

Sec. 3-268. - Presenting of ordinances.

Each ordinance except for a zoning ordinance amendment shall be presented at two consecutive meetings of the mayor and city council. A zoning ordinance amendment may be approved at the first meeting after the requirements of the Zoning Procedures Act have been satisfied and does not require two readings. An ordinance being introduced at the work session proceeding the regular meeting that is being considered for final adoption shall qualify under this Section.

The presentation of the ordinance (first and second reading) may be waived by a majority vote of the City Council provided the title of the ordinance is read into the record and copies of the full ordinance introduced are available in the office of the City Clerk and posted online for citizen review.

Sec. 3-269. - Subject matter of ordinances.

No ordinance shall relate to more than one subject, which shall be clearly expressed in the title of the ordinance. No ordinance, or section of such ordinance, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed. When practicable, all ordinances shall be introduced as amendments to this Code.

Sec. 3-270. - Adoption of ordinances, resolutions, contracts.

An ordinance, resolution or contract shall be deemed adopted or approved and effective when it receives an affirmative vote of the majority of the city council.

Secs. 3-270—3-299. - Reserved.”

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without

the phrase, sentence, or paragraph declared unconstitutional or invalid.

Section 5. The effective date of this Resolution shall be August ___, 2023.

It is so ordained on this ____ day of August, 2023.

City of Walnut Grove, Georgia

Mark Moore, Mayor

ATTEST:

Kimberly Whitlow, City Clerk

APPROVED AS TO FORM:

**Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.**

City Clerk

From: Stephanie Moncrief
Sent: Monday, August 21, 2023 4:24 PM
To: City Mayor; City Clerk; Erica Miles; Linda Pilgrim; Public Works
Subject: Re: Walnut Grove High School crosswalk

Mayor Moore,

Thank you for the update. I look forward to hearing the City's plan to implement other safety measures to ensure the safekeeping of students and citizens in our crosswalks.

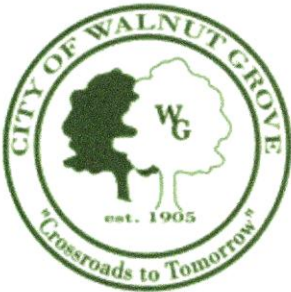
Stephanie Moncrief
Council Member

From: City Mayor <mayor@cityofwalnutgrove.com>
Sent: Friday, August 18, 2023 4:08 PM
To: Stephanie Moncrief <smoncrief@cityofwalnutgrove.com>; City Clerk <cityclerk@cityofwalnutgrove.com>; Erica Miles <emiles@cityofwalnutgrove.com>; Linda Pilgrim <lpilgrim@cityofwalnutgrove.com>; Public Works <publicworks@cityofwalnutgrove.com>
Subject: RE: Walnut Grove High School crosswalk

Update:

The light at the crosswalk has been checked by WaltonEMC and is working correctly. We are working on other safety issues and will update the council on our findings.

Mark Moore
Mayor



City of Walnut Grove
770-787-0046
Mobile: 678-983-9323

2581 Leone Avenue
Loganville, GA 30052
www.CityOfWalnutGrove.com

From: City Mayor
Sent: Thursday, August 17, 2023 11:01 AM

To: Stephanie Moncrief <smoncrief@cityofwalnutgrove.com>; City Clerk <cityclerk@cityofwalnutgrove.com>; Erica Miles <emiles@cityofwalnutgrove.com>; Linda Pilgrim <lpilgrim@cityofwalnutgrove.com>; Public Works <publicworks@cityofwalnutgrove.com>
Subject: RE: Walnut Grove High School crosswalk

Good morning,

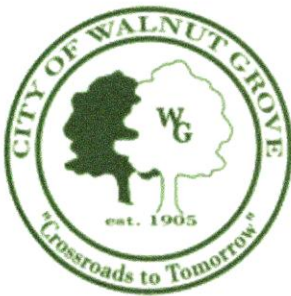
I reached out to Lindsey Allen this morning and we discussed his concerns with the crosswalk. Since some of the roads are under the control of Walton County, I have reached out to Walton County Pubic Works. We, Walton County and Walnut Grove public works, a engineering team and myself will address the issue and decide on the best course of action. I have also included the crosswalk in front of the parks as well as we have kids using the park as a running path.

The protection of our kids is our utmost responsibility, and we will do everything we can to make sure they are Safe.

As far as the streetlight, Brian will reach out to Walton EMC as he as a great working relationship with them. I know it will be fixes quickly.

Thank you for reaching out,

Mark Moore
Mayor



City of Walnut Grove
770-787-0046
Mobile: 678-983-9323

2581 Leone Avenue
Loganville, GA 30052
www.CityOfWalnutGrove.com

From: Stephanie Moncrief <smoncrief@cityofwalnutgrove.com>
Sent: Thursday, August 17, 2023 10:30 AM
To: City Mayor <mayor@cityofwalnutgrove.com>; City Clerk <cityclerk@cityofwalnutgrove.com>
Cc: Erica Miles <emiles@cityofwalnutgrove.com>; Linda Pilgrim <lpilgrim@cityofwalnutgrove.com>
Subject: Re: Walnut Grove High School crosswalk

Mayor Moore,

I just got off the phone with Brian and it was his recommendation that the issue of the reflectors being installed on the roadway be readdressed at a Council Meeting. It was my impression, after we discussed putting reflectors on the crosswalk in front of the school, that we had decided to move forward with this project. You asked me to get with Brian on this, and we had two conversations about installing reflectors, specifically that we both couldn't believe that these reflectors were installed using a glue/cement and that the cost was not great to purchase the supplies.

Has this project been put on hold?

Stephanie Moncrief

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From: Stephanie Moncrief
Sent: Thursday, August 17, 2023 9:38:06 AM
To: City Mayor <mayor@cityofwalnutgrove.com>; City Clerk <cityclerk@cityofwalnutgrove.com>
Cc: Erica Miles <emiles@cityofwalnutgrove.com>; Linda Pilgrim <lpilgrim@cityofwalnutgrove.com>
Subject: Walnut Grove High School crosswalk

Good morning,

I was recently contacted by the principal at Walnut Grove high school, Lindsey Allen, regarding the crosswalk in front of the high school. The recently installed light which illuminates the crosswalk is out and creating a concern for school administrators. I have finally been able to report the outing to Walton EMC and ask them to elevate this repair because of the safety issues for students. I have called every day this week with no answer, or callback. I have also reached out to our Publix Works, Director, Brian Pilgrim to find out where we are on the installation of reflectors at the crosswalk and to see if there was anything else I needed to do or could do, to help in the purchase and installation of these reflectors. I am waiting to hear back from Brian.

In the meantime, is it possible to rent a stand-alone light that works on a timer and place it in a position to light up the crosswalk in the mornings? Just until the light can be repaired by Walton EMC.

Also, I think it would be prudent, of the City, to investigate installing crosswalk blinking lights to highlight to drivers when someone is in the crosswalk.

I look forward to your response.

Stephanie Moncrief

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City Clerk

From: City Mayor
Sent: Wednesday, August 23, 2023 5:45 PM
To: Stephanie Moncrief
Cc: City Clerk
Subject: Re: Interstellar Echoes - A Tribute to Pink Floyd

Yes, I knew about the event, no, the city has not contributed to any funds.

Mark Moore
Mayor

City of Walnut Grove
770-787-0046
Mobile: 678-983-9323

2581 Leone Avenue
Loganville, GA 30052
www.CityOfWalnutGrove.com

On Aug 23, 2023, at 4:11 PM, Stephanie Moncrief <smoncrief@cityofwalnutgrove.com> wrote:

I was wondering if you had seen this email. Would you please let me know if you are familiar with this event and if the City of Walnut Grove is financially contributing?

Thank you,
Stephanie Momcrief

Get [Outlook for iOS](#)

From: Stephanie Moncrief
Sent: Monday, August 21, 2023 5:45:30 PM
To: City Mayor <mayor@cityofwalnutgrove.com>; City Clerk <cityclerk@cityofwalnutgrove.com>
Cc: Linda Pilgrim <lpilgrim@cityofwalnutgrove.com>; Erica Miles <emiles@cityofwalnutgrove.com>; Tony Powell <tony@wtp.legal>; jay <jay@powelledwards.com>
Subject: Interstellar Echoes - A Tribute to Pink Floyd

Good Afternoon,

I recently came across a social media advertisement for "Interstellar Echoes - A Tribute to Pink Floyd". This advertisement is an invitation to anyone, from Rey Martinez, Representative for District 111, for this free "Appreciation Concert". The event is being held on the Loganville Town Green on September 8th @ 8:00 p.m. The contact email address, for questions, is REY@REY4GA.COM. It states at the bottom of the advertisement/invitation that the event is being held in conjunction with the following cities: the City of Between, the City of Loganville,

the City of Walnut Grove, and the City of Dacula. I was surprised to see the City of Walnut Grove on this advertisement as the City of Walnut Grove is not in District 111, but in District 112 with Representative Bruce Williamson. The other cities mentioned are in District 111. Of course, I am all in favor of a good concert, and working with other cities in the county, but I was wondering if I missed something. Does anyone know anything about this event? Is the City of Walnut Grove working in conjunction with Mr. Martinez on this event? And if so, have we committed funds to help pay for the cost of this free concert? If so, how great is our financial commitment?

Thanks in advance, I'm really looking forward to learning more about this event.

Stephanie Moncrief
Council Member