

## ORDINANCE TO AMEND CHAPTERS OF THE CODE OF THE CITY OF SUGAR HILL, GEORGIA RELATED TO INCORPORATING GWINNETT COUNTY CODE

The City Council of the City of Sugar Hill, Georgia hereby ordains that the Code of the City of Sugar Hill, Georgia shall be amended as follows:

### Section 1:

By deleting Section 42-1 in its entirety and replacing it with a new Section 42-1 titled Provisions of Gwinnett County Code to enforce within the city, which section shall read as follows:

Sec. 42-1. Provisions of Gwinnett County Code to enforce within the city.

- (a) *Provisions incorporated by reference.* The provisions of the Code of Ordinances, Gwinnett County, Georgia (a/k/a “Gwinnett County Code”) set forth below, which ordinances are incorporated herein by reference as if fully set forth herein, as now exist or as may hereafter be amended, may be enforced within the corporate boundaries of the city as duly adopted ordinances of the city:

(1) Chapter 10, Animals (See Sec. 10-27 of the Code of the City of Sugar Hill, Georgia).

(2) Chapter 18, Businesses.

- a. Article V., Massage Establishments and Spas (See Article VII. of Chapter 18 of the Code of the City of Sugar Hill, Georgia).
- b. Article VII., Precious Metals Dealers.
- c. Article IX., Canvasser or Solicitor.
- d. Article XIII., Pawnshops (See Article IV. of Chapter 18 of the Code of the City of Sugar Hill, Georgia).

(3) Chapter 38, Environment and Natural Resources.

- a. Article III., Noise Control (See Article III. of Chapter 38 of the Code of the City of Sugar Hill, Georgia).

(4) Chapter 66, Offenses (See Sec. 54-4 of the Code of the City of Sugar Hill, Georgia).

(5) Chapter 70, Parks and Recreation (See Chapter 58 of the Code of the City of Sugar Hill, Georgia).

(6) Chapter 102, Traffic and Vehicles.

The Gwinnett County Code provisions incorporated by reference in this section shall be considered amended in any manner necessary to change the wording to express the intent of adoption and incorporation, including “city” replacing “county” where appropriate.

- (b) *Authority; terms and conditions.* Members of the county police department, county animal welfare division, or other county department as applicable are hereby authorized to enforce the provisions of these ordinances of the county within the municipal boundaries of the city

**Commented [FH1]:** Consider deleting this from SH Code (to operate more like Precious Metals Dealers and Bobby Art)

**Commented [FH2]:** City Councils needs to decide whether to adopt the Gwinnett County Ordinance and delete the City's current provisions.

**Commented [FH3]:** Consider deleting this from SH Code (to operate more like Precious Metals Dealers and Bobby Art)

**Commented [FH4]:** County provisions in lieu of or in addition to existing city provisions? Or remove this adoption and keep current city provisions? Or?

under the same terms, conditions, and restrictions as said ordinances may be enforced within the unincorporated areas of the county, and to issue such citations as may be necessary to enforce said ordinances. Said authority and jurisdiction contained in this paragraph shall be in addition to any authority or jurisdiction of any city employee (including but not limited to code enforcement and the Marshal's office).

- (c) *Jurisdiction.* Jurisdiction to prosecute any citations issued regarding violations of the above-referenced ordinances shall lie within the recorder's court of the county and said court is hereby authorized to retain any fines assessed for violation of said ordinances and to otherwise exercise the jurisdiction of said court within the municipal boundaries of the city. The provisions of this section shall in no way affect or limit the jurisdiction of the municipal court of the city, and to the extent any intergovernmental agreements are necessary to provide for the proper enforcement of the provisions of this section, the city manager is hereby authorized to enter into such intergovernmental agreements provided said agreements do not require or commit the city to any financial expenditures.

#### Section 2:

By deleting Section 10-28 in its entirety and replacing it with a new Section 10-28 titled Enforcement and fees, which section shall read as follows:

Sec. 10-28. Enforcement and fees.

The city has entered into agreements with Gwinnett County in accordance with the service delivery strategy statutes providing permission and authority to the county to provide animal control services within the corporate boundaries of the city. Additionally, the city hereby authorizes Gwinnett County and the Gwinnett County Animal Welfare Division to enforce the animal control ordinance, as adopted in Section 10-27 of the Code of the City of Sugar Hill, Georgia, to set and collect fees, retain any and all such fees, and to enforce the ordinance in the county's recorder's court or other such court as may have jurisdiction of the enforcement of said duly adopted ordinances. This jurisdiction shall be in addition to that permitted by the city's code enforcement officers and Marshal's Office.

#### Section 3:

By deleting Article III. (Noise Control) of Chapter 38 (Health and Sanitation) in its entirety and replacing Article III. of Chapter 38 to read as follows:

Article III. – Noise Control

Sec. 38-86. Adoption by reference of county noise control ordinance.

Article III., Noise Control, of Chapter 38, Environment and Natural Resources, of the Code of Ordinances, Gwinnett County, Georgia, as now exists and as may be altered, added to, or amended, is hereby adopted by reference and made a part of this Code with the same force and effect as if fully set forth herein. See Sec. 42-1 of the Code of the City of Sugar Hill, Georgia.

#### Section 4:

By deleting Section 54-4 in its entirety and replacing it with a new Section 54-4 to be titled Adoption by reference of county offenses regulations, which section shall read as follows:

Sec. 54-4. Adoption by reference of county offenses regulations.

Chapter 66, Offenses, of the Code of Gwinnett County, Georgia, as now exists and as may be altered, added to, or amended, is hereby adopted by reference and made a part of this Code with the same force and effect as if fully set forth herein. As the context may require in any provisions adopted by reference, the reference to “county” shall be replaced with “city” to mean the City of Sugar Hill, Georgia. See Sec. 42-1 of the Code of the City of Sugar Hill, Georgia.

Section 5:

Except as specifically amended as set forth above, all other sections and provisions of the city code shall remain in full force and affect. Further, all other sections and provisions of the city code shall remain materially unchanged and in full force and affect.

Section 6:

All ordinances, regulations, or parts of the same in conflict with this ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 7:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**IT IS SO ORDAINED** this \_\_\_\_ day of June, 2025.

Those voting in favor:

Those voting in opposition:

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Joshua Page, Council Member Post 1

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Joshua Page, Council Member Post 1

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Gary Pirkle, Council Member Post 2

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Gary Pirkle, Council Member Post 2

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Meg Avery, Council Member Post 3

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Meg Avery, Council Member Post 3

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Alvin Hicks, Council Member Post 4

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Alvin Hicks, Council Member Post 4

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Taylor Anderson, Council Member Post 5

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Taylor Anderson, Council Member Post 5

ATTEST:

\_\_\_\_\_  
Jane Whittington, City Clerk

Submitted to Mayor: \_\_\_\_/\_\_\_\_/\_\_\_\_

Approved by Mayor, this \_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
Brandon Hembree, Mayor