

1    **STATE OF GEORGIA**

2    **CITY OF COLLEGE PARK**

3                                   **ORDINANCE NO. 2017-04**

4            AN ORDINANCE TO AMEND SECTION 2-6 (“UNPAID DEBTS TO CITY”) IN  
5    ARTICLE I (“IN GENERAL”) OF CHAPTER 2 (“ADMINISTRATION”) OF THE CODE OF  
6    ORDINANCES, CITY OF COLLEGE PARK, GEORGIA; TO PROVIDE FOR  
7    SEVERABILITY; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR REPEAL OF  
8    CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE;  
9    AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

10           **WHEREAS**, the duly elected governing authority of the City of College Park, Georgia is  
11    the Mayor and Council thereof; and

12           **WHEREAS**, Section 2-6 (“Unpaid Debts to City”) in Article I (“In General”) of Chapter  
13    2 (“Administration”) of the Code of Ordinances, City of College Park, Georgia prohibits the City  
14    from undertaking certain specified actions with any entity that owes a “past due amount” to the  
15    City;

16           **WHEREAS**, the governing authority desires to amend the definition of “past due  
17    amount” in subsection (b) of said section to encourage further the prompt and full satisfaction of  
18    financial obligations owed to the City;

19           **WHEREAS**, the amendments contained herein would benefit the health, safety, morals  
20    and welfare of the citizens of the City.

21           **BE IT AND IT IS HEREBY ORDAINED** by the Mayor and Council of the City of  
22    College Park, Georgia, and by the authority thereof:

23           **Section 1.**    The Code of Ordinances, City of College Park, Georgia is amended by

24 repealing, in its entirety, the statutory language in subsection (b) of Section 2-6 (“Unpaid Debts  
25 to City”) in Article I (“In General”) of Chapter 2 (“Administration”) and inserting in lieu thereof  
26 new text, which shall read and be codified as follows:

27 (b) For purposes of this section, "entity" means any person, resident, taxpayer, sole  
28 proprietorship, partnership, limited partnership, corporation, joint venture, limited  
29 liability company, receivership, trust or any other entity recognized by law  
30 through which business may be conducted. For purposes of this section, "past due  
31 amount" shall mean any amount of any single tax, fee, fine, utility charge or other  
32 individual debt owed to the city in excess of one thousand dollars (\$1,000.00) for  
33 which payment has not been made by the due date, notwithstanding any grace  
34 period reflected in any applicable bill or other notice of payment due. For  
35 purposes of this section, "city" shall mean the City of College Park or any  
36 department, commission, authority, committee, board, or any other organization  
37 operating on behalf of or for the benefit of the City of College Park. For purposes  
38 of this section "related party" shall mean any person or entity who has a  
39 commonality of business interest with any entity maintaining a past due amount  
40 with the city through their status as an identified person liable under subsection  
41 (e) below.

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43 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby  
44 incorporated by reference as if fully set out herein.

45 **Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the  
46 State of Georgia and the City of College Park.

47 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
48 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
49 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

50 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
51 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
52 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
53 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
54 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this

55 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase  
56 of this Ordinance.

57 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
58 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
59 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the  
60 express intent of the Mayor and Council that such invalidity, unconstitutionality or  
61 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional  
62 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or  
63 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,  
64 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,  
65 enforceable, and of full force and effect.

66 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby  
67 expressly repealed.

68 **Section 6.** Unless otherwise provided for herein, penalties in effect for violations of  
69 the Code of Ordinances of the City of College Park at the time of the effective date of this  
70 Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full  
71 force and effect.

72 **Section 7.** The effective date of this Ordinance shall be the date of adoption unless  
73 otherwise specified herein.

74 [SIGNATURES CONTAINED ON FOLLOWING PAGE]

75           **ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

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**CITY OF COLLEGE PARK, GEORGIA**

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**JACK P. LONGINO**, Mayor

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**ATTEST:**

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**MELISSA BROOKS**, City Clerk

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**APPROVED AS TO FORM:**

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**CITY ATTORNEY**

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