

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE III OF CHAPTER 17 OF THE CITY CODE, CONCERNING THE LAKE AVONDALE ADVISORY BOARD, TO RESTRICT SUCH BOARD TO AN ADVISORY CAPACITY AND TO REPEAL CONFLICTING ORDINANCES.

WHEREAS, the existing Article regarding the Lake Avondale Advisory Board purports to give this appointed board the authority to make decisions that the city manager is bound to comply with and carry out; and

WHEREAS, the City’s form of government and the Georgia Consitution’s guarantee of representative democracy demand that the elected Board of Mayor and Commissioners is the only body that may legally direct the actions of the city manager.

NOW THEREFORE, BE IT ORDAINED BY the City of Avondale Estates, as follows:

SECTION 1: City Code Section 17-63 entitled “Duty of city manager to comply; exceptions” is hereby deleted and reserved.

SECTION 2: City Code Section 17-65 is hereby deleted and replaced with the following:

“17-65. Unauthorized planting prohibited at Lake Avondale; procedure for requesting permission to plant trees in the lake area.

- (a) It shall be a violation of this Code for any person, organization or entity to plant any tree in the lake area without the written permission of the city manager.
- (b) Anyone desiring to plant any tree in the lake area, including but not limited to memorial plantings, shall first file an application with the Lake Avondale Advisory Board describing the type of tree(s), location and manner of planting proposed. The Lake Avondale Advisory Board shall then make a written recommendation to the city manager regarding such request. The final decision to grant or deny a request to plant a tree in the lake area shall be made by the city manager and communicated to the requesting party in writing.”

SECTION 3. This ordinance shall become effective immediately upon its adoption by the Board of Mayor and Commissioners. Any provision of the City Code that is in conflict with the purpose and intent of this ordinance is hereby repealed.

First Reading: _____
 Second Reading: _____
 Third Reading: _____

[signature page follows]

SO ORDAINED THIS _____ DAY OF _____, 2020.

**BOARD OF MAYOR AND COMMISSIONERS
AVONDALE ESTATES, GEORGIA**

Jonathan Elmore, Mayor

ATTEST:

Gina Hill, City Clerk

Approved As To Form:

Stephen G. Quinn
Stephen G. Quinn, Assistant City Attorney