

House Bill 331 (AS PASSED HOUSE AND SENATE)

By: Representative Frazier of the 126th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Sardis; to provide for incorporation, boundaries, and
2 powers of the city; to provide for the exercise of powers and limitations on powers; to
3 provide for a governing authority of such city and the powers, duties, authority, prohibitions,
4 election, terms, removal from office, method of filling vacancies, compensation, expenses,
5 and qualifications; to provide for conflict of interest and holding other offices; to provide for
6 inquiries and investigations; to provide for organization and meeting procedures; to provide
7 for ordinances; to provide for eminent domain; to provide for codes; to provide for the office
8 of mayor and certain duties and powers relative to the office of mayor; to provide for veto
9 power; to provide for a mayor pro tempore; to provide for administrative responsibilities; to
10 provide for boards, commissions, and authorities; to provide for a city attorney, city clerk,
11 and other personnel; to provide for a comprehensive land use plan; to provide for the
12 establishment of a municipal court and the judge or judges thereof; to provide for practices
13 and procedures; to provide for taxation, permits, and fees; to provide for franchises, service
14 charges, and assessments; to provide for bonded and other indebtedness; to provide for
15 accounting and budgeting; to provide for contracting and purchasing; to provide for sale of
16 city property; to provide for bonds for officials; to provide for pending matters; to provide
17 for definitions and construction; to provide for severability; to provide for related matters;
18 to repeal a specific Act; to repeal conflicting laws; and for other purposes.

H. B. 331

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 ARTICLE I.
21 INCORPORATION AND POWERS

22 SECTION 1.10.
23 Incorporation.

24 This city and the inhabitants thereof are reincorporated by the enactment of this charter and
25 are hereby constituted and declared a municipality and body politic and corporate under the
26 name and style City of Sardis, Georgia, and by that name shall have perpetual succession.

27 SECTION 1.11.
28 Corporate boundaries.

29 (a) The boundaries of this city shall be those existing on the effective date of the adoption
30 of this charter with such alterations as may be made from time to time in the manner
31 provided by law. The boundaries of this city at all times shall be shown on a map, a written
32 description or any combination thereof, to be retained permanently in the city hall and to
33 be designated, as the case may be: "Official Map (or Description) of the corporate limits
34 of the City of Sardis, Georgia." Photographic, typed, or other copies of such map or
35 description certified by the city clerk shall be admitted as evidence in all courts and shall
36 have the same force and effect as with the original map or description.

37 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
38 lawful changes in the corporate boundaries. A redrawn map shall supersede for all
39 purposes the entire map or maps, which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

SECTION 1.13.

Examples of powers.

The powers of the city shall include, but are not limited to:

(1) Animal Regulations. To regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this charter;

(2) Appropriations and Expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(3) Building Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety,

63 electrical, gas, and heating and air conditioning codes; and to regulate all housing, and
64 building trades;

65 (4) Business Regulation and Taxation. To levy and to provide for the collection of
66 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
67 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
68 enacted; to permit and regulate the same; to provide for the manner and method of
69 payment of such regulatory fees and taxes; and to revoke such permits after due process
70 for failure to pay any city taxes or fees;

71 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
72 city, for present or future use and for any corporate purpose deemed necessary by the
73 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such
74 other applicable laws as are now or may hereafter be enacted;

75 (6) Contracts. To enter into contracts and agreements with other governmental entities
76 and with private persons, firms, and corporations;

77 (7) Emergencies. To establish procedures for determining and proclaiming that an
78 emergency situation exists within or outside the city, and to make and carry out all
79 reasonable provisions deemed necessary to deal with or meet such an emergency for the
80 protection, safety, health, or well-being of the citizens of the city;

81 (8) Environmental Protection. To protect and preserve the natural resources,
82 environment, and vital areas of the state through the preservation and improvement of air
83 quality, the restoration and maintenance of water resources, the control of erosion and
84 sedimentation, the management of storm-water and establishment of a storm-water utility,
85 the management of solid and hazardous waste, and other necessary actions for the
86 protection of the environment;

87 (9) Fire Regulations. To fix and establish fire limits and from time to time to extend,
88 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

89 general law, relating to both fire prevention and detection and to fire fighting; and to
90 prescribe penalties and punishment for violations thereof;

91 (10) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection
92 and disposal, and other sanitary service charge, tax, or fee for such services as may be
93 necessary in the operation of the city from all individuals, firms, and corporations
94 residing in or doing business in the city benefiting from such services; to enforce the
95 payment of such charges, taxes, or fees; and to provide for the manner and method of
96 collecting such service charges;

97 (11) General Health, Safety, and Welfare. To define, regulate, and prohibit any act,
98 practice, conduct, or use of property which is detrimental to health, sanitation,
99 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
100 enforcement of such standards;

101 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
102 any purpose related to powers and duties of the city and the general welfare of its
103 citizens, on such terms and conditions as the donor or grantor may impose;

104 (13) Health and Sanitation. To prescribe standards of health and sanitation and to
105 provide for the enforcement of such standards;

106 (14) Jail Sentences. To provide that persons given jail sentences in the municipal court
107 may work out such sentences in any public works or on the streets, roads, drains, and
108 other public property in the city, to provide for commitment of such persons to any jail,
109 to provide for the use of pretrial diversion and any alternative sentencing allowed by law,
110 or to provide for commitment of such persons to any county work camp or county jail by
111 agreement with the appropriate county officials;

112 (15) Motor Vehicles. To regulate the operation of motor vehicles and exercise control
113 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
114 of the city;

- 115 (16) Municipal Agencies and Delegation of Power. To create, alter, or abolish
116 departments, boards, offices, commissions, and agencies of the city, and to confer upon
117 such agencies the necessary and appropriate authority for carrying out all the powers
118 conferred upon or delegated to the same;
- 119 (17) Municipal Debts. To appropriate and borrow money for the payment of debts of the
120 city and to issue bonds for the purpose of raising revenue to carry out any project,
121 program, or venture authorized by this charter or the laws of the State of Georgia;
- 122 (18) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
123 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside
124 or outside the property limits of the city;
- 125 (19) Municipal Property Protection. To provide for the preservation and protection of
126 property and equipment of the city, and the administration and use of same by the public;
127 and to prescribe penalties and punishment for violations thereof;
- 128 (20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
129 of public utilities, including but not limited to a system of waterworks, sewers and drains,
130 sewage disposal, storm-water management, gas works, electric light plants, cable
131 television and other telecommunications, transportation facilities, public airports, and any
132 other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
133 regulations, and penalties; and to provide for the withdrawal of service for refusal or
134 failure to pay the same;
- 135 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
136 private property;
- 137 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
138 the authority of this charter and the laws of the State of Georgia;
- 139 (23) Planning and Zoning. To provide comprehensive city planning for development by
140 zoning; and to provide subdivision regulation and the like as the city council deems
141 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

142 (24) Police and Fire Protection. To exercise the power of arrest through duly appointed
143 police officers, and to establish, operate, or contract for a police and a firefighting
144 agency;

145 (25) Public Hazards: Removal. To provide for the destruction and removal of any
146 building or other structure which is or may become dangerous or detrimental to the
147 public;

148 (26) Public Improvements. To provide for the acquisition, construction, building,
149 operation, and maintenance of public ways, parks and playgrounds, public grounds,
150 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
151 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
152 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
153 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
154 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
155 other public improvements, inside or outside the corporate limits of the city; to regulate
156 the use of public improvements; and for such purposes, property may be acquired by
157 condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may
158 hereafter be enacted;

159 (27) Public Peace. To provide for the prevention and punishment of loitering, disorderly
160 conduct, drunkenness, riots, and public disturbances;

161 (28) Public Transportation. To organize and operate such public transportation systems
162 as are deemed beneficial;

163 (29) Public Utilities and Services. To grant franchises or make contracts for, or impose
164 taxes on public utilities and public service companies; and to prescribe the rates, fares,
165 regulations, and standards and conditions of service applicable to the service to be
166 provided by the franchise grantee or contractor, insofar as not in conflict with valid
167 regulations of the Georgia Public Service Commission;

168 (30) Regulation of Roadside Areas. To prohibit or regulate and control the erection,
169 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
170 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
171 roads or within view thereof, within or abutting the corporate limits of the city; and to
172 prescribe penalties and punishment for violation of such ordinances;

173 (31) Retirement. To provide and maintain a retirement plan and other employee benefit
174 plans and programs for officers and employees of the city;

175 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
176 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
177 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
178 walkways within the corporate limits of the city; and to grant franchises and
179 rights-of-way throughout the streets and roads, and over the bridges and viaducts for the
180 use of public utilities; and to require real estate owners to repair and maintain in a safe
181 condition the sidewalks adjoining their lots or lands, and to impose penalties for failure
182 to do so;

183 (33) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
184 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
185 and sewerage system, and to levy on those to whom sewers and sewerage systems are
186 made available a sewer service fee, charge, or sewer tax for the availability or use of the
187 sewers; to provide for the manner and method of collecting such service charges and for
188 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
189 or fees to those connected with the system;

190 (34) Solid Waste Disposal. To provide for the collection and disposal of garbage,
191 rubbish, and refuse, and to regulate the collection and disposal of garbage, rubbish, and
192 refuse by others; and to provide for the separate collection of glass, tin, aluminum,
193 cardboard, paper, and other recyclable materials, and to provide for the sale of such
194 items;

195 (35) Special Areas of Public Regulation. To regulate or prohibit junk dealers and the
196 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and
197 use of combustible, explosive, and inflammable materials, the use of lighting and heating
198 equipment, and any other business or situation which may be dangerous to persons or
199 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
200 performances, exhibitions, and shows of any kind, by taxation or otherwise; and to
201 license, tax, regulate, or prohibit professional fortunetelling, palmistry, and massage
202 parlors; and to restrict adult bookstores to certain areas;

203 (36) Special Assessments. To levy and provide for the collection of special assessments
204 to cover the costs for any public improvements;

205 (37) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,
206 and collection of taxes on all property subject to taxation;

207 (38) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the
208 future by law;

209 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
210 number of such vehicles; to require the operators thereof to be licensed; to require public
211 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
212 regulate the parking of such vehicles;

213 (40) Urban Redevelopment. To organize and operate an urban redevelopment program;
214 and

215 (41) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges,
216 and immunities necessary or desirable to promote or protect the safety, health, peace,
217 security, good order, comfort, convenience, or general welfare of the city and its
218 inhabitants; and to exercise all implied powers necessary or desirable to carry into
219 execution all powers granted in this charter as fully and completely as if such powers
220 were fully stated in this charter; and to exercise all powers now or in the future authorized
221 to be exercised by other municipal governments under other laws of the State of Georgia;

222 and no listing of particular powers in this charter shall be held to be exclusive of others,
223 nor restrictive of general words and phrases granting powers, but shall be held to be in
224 addition to such powers unless expressly prohibited to municipalities under the
225 Constitution or applicable laws of the State of Georgia.

226 SECTION 1.14.

227 Exercise of powers.

228 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
229 employees shall be carried into execution as provided by this charter. If this charter makes
230 no provision, such shall be carried into execution as provided by ordinance or as provided
231 by pertinent laws of the State of Georgia.

232 ARTICLE II.

233 GOVERNMENT STRUCTURE

234 SECTION 2.10.

235 City council creation; number; election.

236 The legislative authority of the government of this city, except as otherwise specifically
237 provided in this charter, shall be vested in a city council to be composed of a mayor and five
238 councilmembers. Councilmembers shall be elected at large by the voters of the city in
239 accordance with the provisions of Article V of this charter. The mayor shall be elected as
240 provided in Section 2.28 of this charter. The city council established shall in all respects be
241 the successor to and continuation of the governing authority under prior law. The mayor and
242 councilmembers shall be elected in the manner provided by general law and this charter.

243 SECTION 2.11.

244 City councilmembers; terms and qualifications for office.

245 The members of the city council shall serve for terms of four years and until their respective
246 successors are elected and qualified. No person shall be eligible to serve as a councilmember
247 unless that person shall have been a resident of the city for 12 months prior to the date of
248 election of members of the council; each shall continue to reside therein during that member's
249 period of service and to be registered and qualified to vote in municipal elections of this city.

250 SECTION 2.12.

251 Vacancy; filling of vacancies; suspensions.

252 (a) The office of mayor or councilmember shall become vacant upon the incumbent's
253 death, resignation, forfeiture of office, or occurrence of any event specified by the
254 Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws
255 as are or may hereafter be enacted.

256 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder
257 of the unexpired term, if any, by appointment by the city council or those members
258 remaining if less than 14 months remains in the unexpired term. If such vacancy occurs
259 14 months or more prior to the expiration of the term of that office, it shall be filled for the
260 remainder of the unexpired term by a special election, as provided for in Section 5.14 of
261 this charter.

262 (c) This provision shall also apply to a temporary vacancy created by the suspension from
263 office of the mayor or any councilmember.

264 SECTION 2.13.
265 Compensation and expenses.

266 The mayor and councilmembers shall receive compensation and expenses for their services
267 as provided by ordinance.

268 SECTION 2.14.
269 Conflicts of interest; holding other offices.

270 (a) Elected and appointed officers of the city are trustees and servants of the residents of
271 the city and shall act in a fiduciary capacity for the benefit of such residents.

272 (b) No elected official, appointed officer, or employee of the city or any agency or political
273 entity to which this charter applies shall knowingly:

274 (1) Engage in any business or transaction, or have a financial interest or other personal
275 interest, direct or indirect, which is incompatible with the proper discharge of that
276 person's official duties or which would tend to impair the independence of that person's
277 judgment or action in the performance of that person's official duties;

278 (2) Engage in or accept private employment, or render services for private interests when
279 such employment or service is incompatible with the proper discharge of that person's
280 official duties or would tend to impair the independence of that person's judgment or
281 action in the performance of that person's official duties;

282 (3) Disclose confidential information, including information obtained at meetings which
283 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
284 government, or affairs of the governmental body by which that person is engaged without
285 proper legal authorization; or use such information to advance the financial or other
286 private interest of that person or others;

- 287 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
288 from any person, firm, or corporation which to that person's knowledge is interested,
289 directly or indirectly, in any manner whatsoever, in business dealings with the
290 governmental body by which that person is engaged; provided, however, that an elected
291 official who is a candidate for public office may accept campaign contributions and
292 services in connection with any such campaign;
- 293 (5) Represent other private interests in any action or proceeding against this city or any
294 portion of its government; or
- 295 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
296 any business or entity in which that person has a financial interest.
- 297 (c) Any elected official, appointed officer, or employee who shall have any financial
298 interest, directly or indirectly, in any contract or matter pending before or within any
299 department of the city shall disclose such interest to the city council. The mayor or any
300 councilmember who has a financial interest in any matter pending before the city council
301 shall disclose such interest and such disclosure shall be entered on the records of the city
302 council, and that person shall disqualify himself or herself from participating in any
303 decision or vote relating thereto. Any elected official, appointed officer, or employee of
304 any agency or political entity to which this charter applies who shall have any financial
305 interest, directly or indirectly, in any contract or matter pending before or within such
306 entity shall disclose such interest to the governing body of such agency or entity.
- 307 (d) No elected official, appointed officer, or employee of the city or any agency or entity
308 to which this charter applies shall use property owned by such governmental entity for
309 personal benefit, convenience, or profit except in accordance with policies promulgated by
310 the city council or the governing body of such agency or entity.
- 311 (e) Any violation of this section which occurs with the knowledge, express or implied, of
312 a party to a contract or sale shall render said contract or sale voidable at the option of the
313 city council.

314 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
315 any other elective or compensated appointive office in the city or otherwise be employed
316 by said government or any agency thereof during the term for which that person was
317 elected. No former councilmember and no former mayor shall hold any compensated
318 appointive office in the city until two years after the expiration of the term for which that
319 official was elected.

320 (g) No appointed officer or employee of the city shall continue in such employment upon
321 qualifying as a candidate for nomination or election to any city public office. No employee
322 of the city shall continue in such employment upon qualifying for any other public office
323 which is inconsistent, incompatible, or in conflict with the duties of the city employee.
324 Such determination shall be made by the mayor and council either immediately upon
325 qualifying or at any time such conflict may arise.

326 (h) Penalties for Violation.

327 (1) Any city officer or employee who knowingly conceals such financial interest or
328 knowingly violates any of the requirements of this section shall be guilty of malfeasance
329 in office or position and shall be deemed to have forfeited that person's office or position.

330 (2) Any officer or employee of the city who shall forfeit that person's office or position
331 as described in paragraph (1) of this subsection shall be ineligible for appointment or
332 election to or employment in a position in the city government for a period of five years
333 thereafter.

334 SECTION 2.15.

335 Inquiries and investigations.

336 Following the affirmative vote of the city council authorizing such action, the city council
337 may make inquiries and investigations into the affairs of the city and the conduct of any
338 department, office, or agency thereof, and for this purpose may subpoena witnesses,

339 administer oaths, take testimony, and require the production of evidence. Any person who
340 fails or refuses to obey a lawful order issued in the exercise of these powers by the city
341 council shall be punished as provided by ordinance.

342 SECTION 2.16.

343 General power and authority of the city council.

344 (a) Except as otherwise provided by law or this charter, the city council shall be vested
345 with all the powers of government of this city.

346 (b) In addition to all other powers conferred upon it by law, the council shall have the
347 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
348 regulations, not inconsistent with this charter and the Constitution and the laws of the State
349 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
350 protection of life and property, health, welfare, sanitation, comfort, convenience,
351 prosperity, or well-being of the inhabitants of the City of Sardis and may enforce such
352 ordinances by imposing penalties for violation thereof.

353 SECTION 2.17.

354 Eminent domain.

355 The city council is hereby empowered to acquire, construct, operate, and maintain public
356 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
357 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
358 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,
359 penal, and medical institutions, agencies, and facilities, and any other public improvements
360 inside or outside the city, and to regulate the use thereof, and for such purposes, property

361 may be condemned under procedures established under general law applicable now or as
362 provided in the future.

363 SECTION 2.18.
364 Organizational meetings.

365 The city council shall hold an organizational meeting on the second Tuesday in January. The
366 meeting shall be called to order by the mayor and the oath of office shall be administered to
367 the newly elected members by an officer authorized to administer oaths and shall, to the
368 extent that it comports with federal and state law, be as follows:

369 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)
370 (councilmember) of this city and that I will support and defend the charter thereof as well
371 as the Constitution and laws of the State of Georgia and of the United States of America.
372 I am not the holder of any unaccounted for public money due this state or any political
373 subdivision or authority thereof. I am not the holder of any office of trust under the
374 government of the United States, any other state, or any foreign state which I by the laws
375 of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said
376 office according to the Constitution and laws of Georgia. I have been a resident of the City
377 of Sardis for the time required by the Constitution and laws of this state and by the
378 municipal charter. I will perform the duties of my office in the best interest of the City of
379 Sardis to the best of my ability without fear, favor, affection, reward, or expectation
380 thereof."

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SECTION 2.19.

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Regular and special meetings.

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(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

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(b) Special meetings of the city council may be held on call of the mayor or any two members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmembers presence. Only the business stated in the call may be transacted at the special meeting, except by unanimous consent of all members of the council.

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(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

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SECTION 2.20.

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Rules of procedure; committees.

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(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a minute book of its proceedings, which shall be a public record.

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403 (b) All committees and committee chairs of the city council shall be appointed by the
404 mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to
405 appoint new members to any committee at any time.

406 SECTION 2.21.

407 Quorum; voting.

408 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
409 business of the city council. Voting on the adoption of ordinances shall be by voice vote
410 and the vote shall be recorded in the minutes, but any member of the city council shall have
411 the right to request a roll call vote and such vote shall be recorded in the minutes. Except
412 as otherwise provided in this charter, the affirmative vote of three councilmembers shall
413 be required for the adoption of any ordinance, resolution, or motion.

414 (b) No member of the city council shall abstain from voting on any matter properly
415 brought before the council for official action except when such councilmember has a
416 conflict of interest which is disclosed in writing prior to or at the meeting and made a part
417 of the minutes. Any member of the city council present and eligible to vote on a matter and
418 refusing to do so for any reason other than a properly disclosed and recorded conflict of
419 interest shall be deemed to have acquiesced or concurred with the members of the majority
420 who did vote on the question involved.

421 SECTION 2.22.

422 Ordinance form; procedures.

423 (a) Every proposed ordinance should be introduced in writing and in the form required for
424 final adoption. No ordinance shall contain a subject which is not expressed in its title. The

425 enacting clause shall be "It is hereby ordained by the governing authority of the City of
426 Sardis" and every ordinance shall so begin.

427 (b) An ordinance may be introduced by the mayor or by any councilmember and be read
428 at a regular or special meeting of the city council. Ordinances shall be considered and
429 adopted or rejected by the city council in accordance with the rules which it shall establish;
430 provided, however, that an ordinance shall not be adopted the same day it is introduced,
431 except for emergency ordinances provided in Section 2.24 of this charter. Upon
432 introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to
433 the mayor and to each councilmember and shall file a reasonable number of copies in the
434 office of the clerk and at such other public places as the city council may designate.

435 SECTION 2.23.

436 Action requiring an ordinance.

437 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

438 SECTION 2.24.

439 Emergencies.

440 (a) To meet a public emergency affecting life, health, property or public peace, the city
441 council may convene on call of the mayor or any two councilmembers and promptly adopt
442 an emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a
443 franchise; regulate the rate charged by any public utility for its services; or authorize the
444 borrowing of money except for loans to be repaid within 30 days. An emergency
445 ordinance shall be introduced in the form prescribed for ordinances generally, except that
446 it shall be plainly designated as an emergency ordinance and shall contain, after the

447 enacting clause, a declaration stating that an emergency exists, and describing the
448 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
449 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
450 vote of at least four councilmembers shall be required for adoption. It shall become
451 effective upon adoption or at such later time as it may specify. Every emergency ordinance
452 shall automatically stand repealed 30 days following the date upon which it was adopted,
453 but this shall not prevent reenactment of the ordinance in the manner specified in this
454 section if the emergency still exists. An emergency ordinance may also be repealed by
455 adoption of a repealing ordinance in the same manner specified in this section for adoption
456 of emergency ordinances.

457 (b) Such meetings shall be open to the public to the extent required by law and notice to
458 the public of emergency meetings shall be made as fully as is reasonably possible in
459 accordance with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as
460 are or may hereafter be enacted.

461 SECTION 2.25.

462 Codes of technical regulations.

463 (a) The city council may adopt any standard code of technical regulations by reference
464 thereto in an adopting ordinance. The procedure and requirements governing such
465 adopting ordinance shall be as prescribed for ordinances generally except that:

466 (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and
467 filing of copies of the ordinance shall be construed to include copies of any code of
468 technical regulations, as well as the adopting ordinance; and

469 (2) A copy of each adopted code of technical regulations, as well as the adopting
470 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of
471 this charter.

472 (b) Copies of any adopted code of technical regulations shall be made available by the
473 clerk for inspection by the public.

474 SECTION 2.26.

475 Signing; authenticating; recording; codification; printing.

476 (a) The city clerk shall authenticate by the clerk's signature and record in full in a properly
477 indexed book kept for that purpose, all ordinances adopted by the council.

478 (b) The city council shall provide for the preparation of a general codification of all the
479 ordinances of the city having the force and effect of law. The general codification shall be
480 adopted by the city council by ordinance and shall be published promptly, together with
481 all amendments thereto and such codes of technical regulations and other rules and
482 regulations as the city council may specify. This codification shall be known and cited
483 officially as "Code of Ordinances, City of Sardis, Georgia." Copies of the Code of
484 Ordinances shall be furnished to all officers, departments, and agencies of the city, and
485 made available for purchase by the public at a reasonable price as fixed by the city council.

486 (c) The city council shall cause each ordinance and each amendment to this charter to be
487 printed promptly following its adoption, and the printed ordinances and charter
488 amendments shall be made available for purchase by the public at reasonable prices to be
489 fixed by the city council. Following publication of the first code under this charter and at
490 all times thereafter, the ordinances and charter amendments shall be printed in substantially
491 the same style as the code currently in effect and shall be suitable in form for incorporation
492 therein. The city council shall make such further arrangements as deemed desirable with
493 reproduction and distribution of any current changes in or additions to codes of technical
494 regulations and other rules and regulations included in the code.

495 SECTION 2.27.

496 Council interference with administration.

497 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
498 city council or its members shall deal with city officers and employees who are subject to the
499 direction and supervision of the mayor solely through the mayor, and neither the city council
500 nor its members shall give orders to any such officer or employee, either publicly or
501 privately. The city council shall act in all matters as a body and no member shall seek
502 individually to influence the official acts of the mayor or any other officer or employee of
503 the city, or direct or request the appointment of any person to, or his removal from, any office
504 or position of employment, or to interfere in any way with the performance of the duties by
505 the mayor or other officers or employees.

506 SECTION 2.28.

507 Election of mayor; forfeiture.

508 The mayor shall be elected at large by the voters of the city and serve for a term of four years
509 and until a successor is elected and qualified. The mayor shall be a qualified elector of this
510 city and shall have been a resident of the city for 12 months prior to the date of election. The
511 mayor shall continue to reside in this city during the period of service. The mayor shall
512 forfeit the office on the same grounds and under the same procedure as for councilmembers.

513 SECTION 2.29.

514 Mayor pro tem.

515 The city council at the first regular meeting after the newly elected councilmembers have
516 taken office following each election shall elect a councilmember to serve as mayor pro tem.

517 The mayor pro tem shall be elected by a majority vote of the city council. The mayor pro
518 tem shall serve for a term of two years. The mayor pro tem shall assume the duties and
519 powers of the mayor during the mayor's physical or mental disability, suspension from office
520 or absence. Any such disability of the mayor shall be declared by a majority vote of the city
521 council. The mayor pro tem shall sign all contracts and ordinances in which the mayor has
522 a disqualifying financial interest as provided in Section 2.14 of this charter. When acting as
523 mayor, the mayor pro tem shall be entitled to vote as a member of the council.

524 SECTION 2.30.

525 Powers and duties of mayor.

526 The mayor shall:

- 527 (1) Preside at all meetings of the city council;
- 528 (2) Appoint and, when the mayor deems it necessary for the good of the city, suspend or
529 remove all city employees and administrative officers the mayor appoints, except as
530 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The
531 mayor may authorize any department director or administrative officer who is subject to
532 the mayor's direction and supervision to exercise these powers with respect to subordinates
533 in that officer's department, office, or agency;
- 534 (3) Direct and supervise the administration of all departments, offices, and agencies of the
535 city, except as otherwise provided by this charter or by law;
- 536 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
537 enforcement by the mayor or by officers subject to the mayor's direction and supervision,
538 are faithfully executed;
- 539 (5) Prepare and submit the annual operating budget and capital budget to the city council;
- 540 (6) Submit to the city council and make available to the public a complete report on the
541 finances and administrative activities of the city as of the end of each fiscal year;

- 542 (7) Keep the city council fully advised as to the financial condition and future needs of the
543 city, and make such recommendations to the city council concerning the affairs of the city
544 as the mayor deems desirable;
- 545 (8) Be the head of the city for the purpose of service of process and for ceremonial
546 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 547 (9) Have the power to administer oaths and to take affidavits;
- 548 (10) Sign as a matter of course on behalf of the city all written and approved contracts,
549 ordinances, resolutions, and other instruments executed by the city which by law are
550 required to be in writing;
- 551 (11) Vote on matters before the city council only in the case of a tie vote between
552 councilmembers;
- 553 (12) Approve or disapprove resolutions and ordinances as provided in Section 2.31 of this
554 charter; and
- 555 (13) Perform such other duties as may be required by law, this charter, or by ordinance.

556 SECTION 2.31.

557 Submission of ordinances to the mayor; veto power.

- 558 (a) Every resolution or ordinance adopted by the city council shall be presented by the city
559 clerk to the mayor within 96 hours after the adjournment of any council meeting.
- 560 (b) The mayor, within seven calendar days of receipt of a resolution or ordinance, shall
561 return it to the city clerk with or without the mayor's approval, or with his veto. If the
562 resolution or ordinance has been approved by the mayor, it shall become law upon its
563 return to the city clerk; if the resolution or ordinance is neither approved nor disapproved,
564 it shall become law at twelve o'clock noon on the twelfth calendar day after its adoption
565 by the city council; if the resolution or ordinance is vetoed, the mayor shall submit to the
566 city council through the city clerk a written statement explaining the reasons for the veto.

567 The city clerk shall record upon the resolution or ordinance the date of its delivery to and
568 receipt from the mayor.

569 (c) Resolutions or ordinances vetoed by the mayor shall be presented by the city clerk to
570 the city council at its next meeting. If the city council then or at its next meeting adopts the
571 resolution or ordinance over the veto by an affirmative vote of four of its members, it shall
572 become law.

573 (d) The mayor may disapprove or reduce any item or items of appropriation in any
574 resolution or ordinance, except appropriations for auditing or investigating the office of
575 mayor. The approved part or parts of any resolution or ordinance making appropriations
576 shall become law, and the part or parts disapproved shall not become law unless
577 subsequently passed by the city council over the mayor's veto as provided herein. The
578 reduced part or parts shall be presented to city council as though disapproved and shall not
579 become law unless overridden by the city council as provided in subsection (c) of this
580 section.

581 (e) The mayor shall not have the power to veto any emergency ordinance.

582 ARTICLE III.

583 ADMINISTRATIVE AFFAIRS

584 SECTION 3.10.

585 Administrative and service departments.

586 (a) Except as otherwise provided in this charter, the city council by ordinance shall
587 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant
588 all nonelective offices, positions of employment, departments, and agencies of the city, as
589 necessary for the proper administration of the affairs and government of this city.

590 (b) Except as otherwise provided by this charter or by law, the directors of departments
591 and other appointed officers of the city shall be appointed solely on the basis of their
592 respective administrative and professional qualifications.

593 (c) All appointed officers and directors of departments shall receive such compensation
594 as prescribed by ordinance or resolution.

595 (d) There shall be a director of each department or agency who shall be its principal
596 officer. Each director shall, subject to the direction and supervision of the mayor, be
597 responsible for the administration and direction of the affairs and operations of that
598 director's department or agency.

599 (e) All directors of departments shall be subject to removal or suspension at any time by
600 the mayor in the manner provided by the city's personnel policy and procedure manual.

601 SECTION 3.11.

602 Boards, commissions, and authorities.

603 (a) The city council shall create by ordinance or resolution such boards, commissions, and
604 authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city
605 council deems necessary, and shall by ordinance or resolution establish the composition,
606 period of existence, duties, and powers thereof.

607 (b) All members of boards, commissions, and authorities of the city shall be appointed by
608 the city council for such terms of office and in such manner as shall be provided by
609 ordinance, except where other appointing authority, terms of office, or manner of
610 appointment is prescribed by this charter or by law.

611 (c) The city council by ordinance may provide for the compensation and reimbursement
612 for actual and necessary expenses of the members of any board, commission, or authority.

613 (d) Except as otherwise provided by charter or by law, no member of any board,
614 commission, or authority of the city shall hold any elective office in the city.

615 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
616 unexpired term in the manner prescribed herein for original appointment, except as
617 otherwise provided by this charter or by law.

618 (f) No member of a board, commission, or authority shall assume office until that person
619 has executed and filed with the clerk of the city an oath obligating himself or herself to
620 faithfully and impartially perform the duties of that member's office.

621 (g) All members of boards, commissions, or authorities serve at-will and may be removed
622 at any time by a majority vote of the city council unless otherwise provided by law.

623 (h) Except as otherwise provided by this charter or by law, each board, commission, or
624 authority of the city shall elect one of its members as chair and one member as vice-chair,
625 and may elect as its secretary one of its own members or may appoint as secretary an
626 employee of the city. Each board, commission, or authority of the city government may
627 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
628 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
629 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
630 the clerk of the city.

631 SECTION 3.12.

632 City attorney.

633 (a) The city council shall appoint a city attorney, together with such assistant city attorneys
634 as may be authorized, and shall provide for the payment of such attorney or attorneys for
635 services rendered to the city. The city attorney shall be responsible for providing for the
636 representation and defense of the city in all litigation in which the city is a party; may be
637 the prosecuting officer in the municipal court; shall attend the meetings of the council as

638 directed; shall advise the city council, mayor, and other officers and employees of the city
639 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
640 required by virtue of the person's position as city attorney.

641 (b) The city attorney is not a public official of the city and does not take an oath of office.
642 The city attorney shall at all times be an independent contractor. A law firm, rather than
643 an individual, may be designated as the city attorney.

644 SECTION 3.13.

645 City clerk.

646 The city council shall appoint a city clerk who shall not be the mayor or a councilmember.
647 The city clerk shall be custodian of the official city seal and city records; maintain city
648 council records required by this charter; attend meetings of the city council and keep minutes
649 of its proceedings at such meetings; and perform such other duties as may be required by the
650 city council.

651 SECTION 3.14.

652 Position classification and pay plan.

653 The city clerk shall be responsible for the preparation of a position classification and pay
654 plan which shall be submitted to the city council for approval. Such plan may apply to all
655 employees of the city and any of its agencies, departments, boards, commissions, or
656 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
657 the salary range applicable to any position except by amendment of such pay plan. For
658 purposes of this section, all elected city officials are not city employees.

659 SECTION 3.15.
660 Personnel policies.

661 The city council shall adopt by ordinance a personnel policy and procedure manual. All
662 employees shall be governed by the city's personnel policy and procedure manual.

663 ARTICLE IV.
664 JUDICIAL BRANCH

665 SECTION 4.10.
666 Creation; name.

667 There shall be a court to be known as the Municipal Court of the City of Sardis.

668 SECTION 4.11.
669 Chief judge; associate judge.

670 (a) The municipal court shall be presided over by a chief judge and such part-time,
671 full-time, or stand-by judges as shall be provided by ordinance.

672 (b) No person shall be qualified or eligible to serve as a judge on municipal court unless
673 that person shall have attained the age of 25 years, shall be a member of the State Bar of
674 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
675 by the city council and shall serve until a successor is appointed and qualified.

676 (c) Compensation of the judges shall be fixed by ordinance.

677 (d) Judges serve as provided in Code Section 36-32-2 of the O.C.G.A. and may be
678 removed from office in accordance with Code Section 36-32-2.1 of the O.C.G.A., or other
679 such applicable laws as are or may hereafter be enacted.

680 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the
681 judge will honestly and faithfully discharge the duties of the office to the best of that
682 person's ability and without fear, favor, or partiality.

683 SECTION 4.12.

684 Convening.

685 The municipal court shall be convened at regular intervals as provided by ordinance.

686 SECTION 4.13.

687 Jurisdiction; powers.

688 (a) The municipal court shall have jurisdiction and authority to try and punish violations
689 of this charter, all city ordinances, and such other violations as provided by law.

690 (b) The municipal court shall have authority to punish those in its presence for contempt,
691 provided that such punishment shall not exceed \$200.00 or ten days in jail.

692 (c) The municipal court may fix punishment for offenses within its jurisdiction not
693 exceeding a fine of \$1,000.00 or imprisonment for 12 months or both such fine and
694 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as
695 now or hereafter provided by law.

696 (d) The municipal court shall have authority to establish a schedule of fees to defray the
697 cost of operation, and shall be entitled to reimbursement of the cost of meals,
698 transportation, and caretaking of prisoners bound over to superior courts for violations of
699 state law.

700 (e) The municipal court shall have authority to establish bail and recognizances to ensure
701 the presence of those charged with violations before said court, and shall have discretionary
702 authority to accept cash or personal or real property as surety for the appearance of persons

703 charged with violations. Whenever any person shall give bail for that person's appearance
704 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
705 presiding at such time, and an execution issued thereon by serving the defendant and the
706 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In
707 the event that cash or property is accepted in lieu of bond for security for the appearance
708 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
709 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or
710 the property so deposited shall have a lien against it for the value forfeited which lien shall
711 be enforceable in the same manner and to the same extent as a lien for city property taxes.

712 (f) The municipal court shall have the same authority as superior courts to compel the
713 production of evidence in the possession of any party; to enforce obedience to its orders,
714 judgments, and sentences; and to administer such oaths as are necessary.

715 (g) The municipal court may compel the presence of all parties necessary to a proper
716 disposal of each case by the issuance of summonses, subpoenas, and warrants which may
717 be served as executed by any officer as authorized by this charter or by law.

718 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest
719 of persons charged with offenses against any ordinance of the city, and each judge of the
720 municipal court shall have the same authority as a magistrate of the state to issue warrants
721 for offenses against state laws committed within the city.

722 SECTION 4.14.

723 Certiorari.

724 The right of certiorari from the decision and judgment of the municipal court shall exist in
725 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
726 the sanction of a judge of the Superior Court of Burke County under the laws of the State of
727 Georgia regulating the granting and issuance of writs of certiorari.

728 SECTION 4.15.

729 Rules for court.

730 With approval of the city council, the judge shall have full power and authority to make
731 reasonable rules and regulations necessary and proper to secure the efficient and successful
732 administration of the municipal court; provided, however, that the city council may adopt in
733 part or in toto the rules and regulations applicable to municipal courts. The rules and
734 regulations made or adopted shall be filed with the city clerk, shall be available for public
735 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
736 proceedings at least 48 hours prior to such proceedings.

737 ARTICLE V.

738 ELECTIONS AND REMOVAL

739 SECTION 5.10.

740 Applicability of general law.

741 All primaries and elections shall be held and conducted in accordance with Chapter 2 of
742 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

743 SECTION 5.11.

744 Election of the city council and mayor.

745 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
746 next following the first Monday in November.

747 (b) There shall be elected the mayor and two councilmembers at one election and at every
748 other election thereafter. The remaining city council seats shall be filled at the election

749 alternating with the first election so that a continuing body is created. Terms shall be for
750 four years.

751 SECTION 5.12.
752 Nonpartisan elections.

753 Political parties shall not conduct primaries for city offices and all names of candidates for
754 city offices shall be listed without party designations.

755 SECTION 5.13.
756 Election by plurality.

757 The person receiving a plurality of the votes cast for any city office shall be elected.

758 SECTION 5.14.
759 Special elections; vacancies.

760 In the event that the office of mayor or councilmember shall become vacant as provided in
761 Section 2.12 of this charter, the city council or those remaining shall order a special election
762 to fill the balance of the unexpired term of such official; provided, however, that if such
763 vacancy occurs within 14 months of the expiration of the term of that office, the city council
764 or those remaining shall appoint a successor for the remainder of the term. In all other
765 respects, the special election shall be held and conducted in accordance with Chapter 2 of
766 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

767 SECTION 5.15.
768 Other provisions.

769 Except as otherwise provided by this charter, the city council shall by ordinance prescribe
770 such rules and regulations as it deems appropriate to fulfill any options and duties under
771 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

772 SECTION 5.16.
773 Removal of officers.

774 (a) The mayor, councilmembers, or other appointed officers provided for in this charter
775 shall be removed from office for any one or more of the causes provided in Title 45 of the
776 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

777 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
778 by one of the following methods:

779 (1) Following a hearing at which an impartial panel shall render a decision. In the event
780 an elected officer is sought to be removed by the action of the city council, such officer
781 shall be entitled to a written notice specifying the ground or grounds for removal and to
782 a public hearing which shall be held not less than ten days after the service of such
783 written notice. The city council shall provide by ordinance for the manner in which such
784 hearings shall be held. Any elected officer sought to be removed from office as provided
785 in this section shall have the right of appeal from the decision of the city council to the
786 Superior Court of Burke County. Such appeal shall be governed by the same rules as
787 govern appeals to the superior court from the probate court; or

788 (2) By an order of the Superior Court of Burke County following a hearing on a
789 complaint seeking such removal brought by any resident of the City of Sardis.

790 ARTICLE VI.

791 FINANCE

792 SECTION 6.10.

793 Property tax.

794 The city council may assess, levy, and collect an ad valorem tax on all real and personal
795 property within the corporate limits of the city that is subject to such taxation by the state and
796 county. This tax is for the purpose of raising revenues to defray the costs of operating the
797 city government, of providing governmental services, for the repayment of principal and
798 interest on general obligations, and for any other public purpose as determined by the city
799 council in its discretion.

800 SECTION 6.11.

801 Millage rate; due dates; payment methods.

802 The city council by ordinance shall establish a millage rate for the city property tax, a due
803 date, and the time period within which these taxes must be paid. The city council, by
804 ordinance, may provide for the payment of these taxes by installments or in one lump sum,
805 as well as authorize the voluntary payment of taxes prior to the time when due.

806 SECTION 6.12.

807 Occupation and business taxes.

808 The city council by ordinance shall have the power to levy such occupation or business taxes
809 as are not denied by law. The city council may classify businesses, occupations, or

810 professions for the purpose of such taxation in any way which may be lawful and may
811 compel the payment of such taxes as provided in Section 6.18 of this charter.

812 SECTION 6.13.

813 Regulatory fees; permits.

814 The city council by ordinance shall have the power to require businesses or practitioners
815 doing business in this city to obtain a permit for such activity from the city and pay a
816 regulatory fee for such permit as provided by general law. Such fees shall reflect the total
817 cost to the city of regulating the activity, and if unpaid, shall be collected as provided in
818 Section 6.18 of this charter.

819 SECTION 6.14.

820 Franchises.

821 (a) The city council shall have the power to grant franchises for the use of this city's streets
822 and alleys for the purposes of railroads, street railways, telephone companies, electric
823 companies, electric membership corporations, cable television and other
824 telecommunications companies, gas companies, transportation companies, and other
825 similar organizations. The city council shall determine the duration, terms, whether the
826 same shall be exclusive or nonexclusive, and the consideration for such franchises;
827 provided, however, that no franchise shall be granted for a period in excess of 35 years and
828 no franchise shall be granted unless the city receives just and adequate compensation
829 therefor. The city council shall provide for the registration of all franchises with the city
830 clerk in a registration book kept by the clerk. The city council may provide by ordinance
831 for the registration within a reasonable time of all franchises previously granted.

832 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
833 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
834 street railways, telephone companies, electric companies, electric membership
835 corporations, cable television and other telecommunications companies, gas companies,
836 transportation companies, and other similar organizations.

837 SECTION 6.15.

838 Service charges.

839 The city council by ordinance shall have the power to assess and collect fees, charges, and
840 tolls for sewers, sanitary and health services, or any other services provided or made
841 available within and outside the corporate limits of the city for the total cost to the city of
842 providing or making available such services. If unpaid, such charges shall be collected as
843 provided in Section 6.18 of this charter.

844 SECTION 6.16.

845 Special assessments.

846 The city council by ordinance shall have the power to assess and collect the cost of
847 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
848 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
849 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
850 collected as provided in Section 6.18 of this charter.

851 SECTION 6.17.

852 Construction; other taxes and fees.

853 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
854 and the specific mention of any right, power, or authority in this article shall not be construed
855 as limiting in any way the general powers of this city to govern its local affairs.

856 SECTION 6.18.

857 Collection of delinquent taxes and fees.

858 The city council by ordinance may provide generally for the collection of delinquent taxes,
859 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
860 whatever reasonable means as are not precluded by law. This shall include providing for the
861 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
862 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the
863 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
864 city taxes or fees; and providing for the assignment or transfer of tax executions.

865 SECTION 6.19.

866 General obligation bonds.

867 The city council shall have the power to issue bonds for the purpose of raising revenue to
868 carry out any project, program, or venture authorized under this charter or the laws of the
869 state. Such bonding authority shall be exercised in accordance with the laws governing bond
870 issuance by municipalities in effect at the time said issue is undertaken.

871 SECTION 6.20.

872 Revenue bonds.

873 Revenue bonds may be issued by the city council as state law now or hereafter provides.

874 Such bonds are to be paid out of any revenue produced by the project, program, or venture

875 for which they were issued.

876 SECTION 6.21.

877 Short-term loans.

878 The city may obtain short-term loans and must repay such loans not later than December 31

879 of each year, unless otherwise provided by law.

880 SECTION 6.22.

881 Lease-purchase contracts.

882 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the

883 acquisition of goods, materials, real and personal property, services, and supplies provided

884 the contract terminates without further obligation on the part of the municipality at the close

885 of the calendar year in which it was executed and at the close of each succeeding calendar

886 year for which it may be renewed. Contracts must be executed in accordance with the

887 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are

888 or may hereafter be enacted.

889 SECTION 6.23.

890 Fiscal year.

891 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
892 budget year and the year for financial accounting and reporting of each and every office,
893 department, agency, and activity of the city government unless otherwise provided by state
894 or federal law.

895 SECTION 6.24.

896 Preparation of budgets.

897 The city council shall provide an ordinance on the procedures and requirements for the
898 preparation and execution of an annual operating budget, a capital improvement plan, and
899 a capital budget, including requirements as to the scope, content, and form of such budgets
900 and plans.

901 SECTION 6.25.

902 Operating budget.

903 On or before a date fixed by the city council but not later than 30 days prior to the beginning
904 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
905 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
906 containing a statement of the general fiscal policies of the city, the important features of the
907 budget, explanations of major changes recommended for the next fiscal year, a general
908 summary of the budget, and such other pertinent comments and information. The operating
909 budget and the capital budget hereinafter provided for, the budget message, and all
910 supporting documents shall be filed in the office of the city clerk and shall be open to public
911 inspection.

912 SECTION 6.26.

913 Action by city council on budget.

914 (a) The city council may amend the operating budget proposed by the mayor, except that
915 the budget as finally amended and adopted must provide for all expenditures required by
916 state law or by other provisions of this charter and for all debt service requirements for the
917 ensuing fiscal year, and the total appropriations from any fund shall not exceed the
918 estimated fund balance, reserves, and revenues.

919 (b) The city council by ordinance shall adopt the final operating budget for the ensuing
920 fiscal year not later than the 31st day of December of each year. If the city council fails to
921 adopt the budget by this date, the amounts appropriated for operation for the current fiscal
922 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with
923 all items prorated accordingly until such time as the city council adopts a budget for the
924 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
925 ordinance setting out the estimated revenues in detail by sources and making appropriations
926 according to fund and by organizational unit, purpose, or activity as set out in the budget
927 preparation ordinance adopted pursuant to Section 6.24 of this charter.

928 (c) The amount set out in the adopted operating budget for each organizational unit shall
929 constitute the annual appropriation for such, and no expenditure shall be made or
930 encumbrance created in excess of the otherwise unencumbered balance of the
931 appropriations or allotment thereof, to which it is chargeable.

932 SECTION 6.27.

933 Tax levies.

934 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
935 set by such ordinance shall be such that reasonable estimates of revenues from such levy

936 shall at least be sufficient, together with other anticipated revenues, fund balances, and
937 applicable reserves, to equal the total amount appropriated for each of the several funds set
938 forth in the annual operating budget for defraying the expenses of the general government
939 of this city.

940 SECTION 6.28.

941 Changes in appropriations.

942 The city council by ordinance may make changes in the appropriations contained in the
943 current operating budget, at any regular meeting, special, or emergency meeting called for
944 such purpose, but any additional appropriations may be made only from an existing
945 unexpended surplus.

946 SECTION 6.29.

947 Capital budget.

948 (a) On or before the date fixed by the city council but no later than 30 days prior to the
949 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
950 improvements plan with a recommended capital budget containing the means of financing
951 the improvements proposed for the ensuing fiscal year. The city council shall have power
952 to accept, with or without amendments, or reject the proposed plan and proposed budget.
953 The city council shall not authorize an expenditure for the construction of any building,
954 structure, work, or improvement, unless the appropriations for such project are included
955 in the capital budget, except to meet a public emergency as provided in Section 2.24 of this
956 charter.

957 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
958 year not later than the 31st day of December of each year. No appropriation provided for

959 in a prior capital budget shall lapse until the purpose for which the appropriation was made
960 shall have been accomplished or abandoned; provided, however, that the mayor may
961 submit amendments to the capital budget at any time during the fiscal year, accompanied
962 by recommendations. Any such amendments to the capital budget shall become effective
963 only upon adoption by ordinance.

964 SECTION 6.30.
965 Independent audit.

966 There shall be an annual independent audit of all city accounts, funds, and financial
967 transactions by a certified public accountant selected by the city council. The audit shall be
968 conducted according to generally accepted auditing principles. Any audit of funds by the
969 state or federal governments may be accepted as satisfying the requirements of this charter.
970 Copies of annual audit reports shall be available at printing costs to the public.

971 SECTION 6.31.
972 Contracting procedures.

973 No contract with the city shall be binding on the city unless it is in writing and it is made or
974 authorized by the city council and such approval is entered in the city council minute book
975 pursuant to Section 2.21 of this charter.

976 SECTION 6.32.
977 Centralized purchasing.

978 The city council shall by ordinance prescribe procedures for a system of centralized
979 purchasing for the city.

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SECTION 6.33.

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Sale and lease of city property.

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(a) The city council may sell and convey, or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.

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(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

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(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city, a small parcel or tract of land is cut-off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as provided by the city council. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

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1018 SECTION 7.13.

1019 Construction.

1020 (a) Section captions in this charter are informative only and are not to be considered as a
1021 part thereof.

1022 (b) The word "shall" is mandatory and the word "may" is permissive.

1023 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1024 versa.

1025 SECTION 7.14.

1026 Severability.

1027 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1028 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1029 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1030 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1031 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1032 sentence, or part thereof be enacted separately and independent of each other.

1033 SECTION 7.15.

1034 Specific repealer.

1035 An Act incorporating the City of Sardis in the County of Burke, approved April 15, 1969
1036 (Ga. L. 1969, p. 2727), is hereby repealed in its entirety and all amendatory acts thereto are
1037 likewise repealed in their entirety.

1038 SECTION 7.16.

1039 General repealer.

1040 All other laws and parts of laws in conflict with this Act are hereby repealed.