

House Bill 1745

By: Representative Hanner of the 159<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Ellaville; to provide for incorporation, boundaries,  
2 and powers of the city; to provide for a governing authority of such city and the powers,  
3 duties, authority, election, terms, method of filling vacancies, compensation, qualifications,  
4 prohibitions, and removal from office relative to members of such governing authority; to  
5 change the description of the council districts; to provide for definitions and inclusions; to  
6 provide for continuation in office of current members; to provide for inquiries and  
7 investigations; to provide for organization and procedures; to provide for ordinances and  
8 codes; to provide for the office of mayor and certain duties and powers relative to the office  
9 of mayor; to provide for administrative responsibilities; to provide for a city manager and  
10 certain duties and powers relative thereto; to provide for boards, commissions, and  
11 authorities; to provide for a city attorney, a city clerk, a city treasurer, and other personnel;  
12 to provide for rules and regulations; to provide for a municipal court and the judge or judges  
13 thereof; to provide for practices and procedures; to provide for taxation and fees; to provide  
14 for franchises, service charges, and assessments; to provide for bonded and other  
15 indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide  
16 for the sale of property; to provide for bonds for officials; to provide for eminent domain; to  
17 provide for other matters relative to the foregoing; to repeal a specific Act; to provide for  
18 submission of this Act for approval under the federal Voting Rights Act of 1965, as  
19 amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 ARTICLE I  
22 INCORPORATION AND POWERS



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

6 (3) Appropriations and expenditures. To make appropriations for the support of the  
7 government of the city; to authorize the expenditures of money for the purposes  
8 authorized by this charter and for any purpose for which a municipality is authorized by  
9 the laws of the State of Georgia; and to provide for the payment of expenses of this city;

10 (4) Building regulations. To regulate and to license the erection and construction of  
11 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,  
12 and heating and air-conditioning codes; and to regulate all housing and building trades  
13 except as otherwise prohibited by general law;

14 (5) Business regulation and taxation. To levy and to provide for the collection of  
15 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized  
16 by Title 48 of the O.C.G.A. or other such applicable laws as are or may be hereafter  
17 enacted; to license and regulate the same; to provide for the manner and method of  
18 payment of such licenses and taxes; and to revoke such licenses after due process for the  
19 failure to pay any city taxes for fees;

20 (6) Condemnation. To condemn property, inside or outside the corporate limits of the  
21 city, for present or future use and for any corporate purpose deemed necessary by the  
22 governing authority, utilizing procedures enumerated in Title 22 or 32 of the O.C.G.A.  
23 or such other laws as are or may hereafter be enacted;

24 (7) Contracts. To enter into contracts and agreements with other governments and  
25 entities and with private persons, firms, and corporations;

26 (8) Emergencies. To establish procedure for determining and proclaiming that an  
27 emergency situation exists inside or outside the city and to make and carry out all  
28 reasonable provisions deemed necessary; to deal with or meet such an emergency for the  
29 protection, safety, health, or well-being of the citizens of the city;

30 (9) Environmental protection. To protect and preserve the natural resources,  
31 environment, and vital areas of the state through the preservation and improvement of air  
32 quality, the restoration and maintenance of water resources, the control of erosion and  
33 sedimentation, the management of solid and hazardous waste, and other necessary actions  
34 for the protection of the environment;

35 (10) Fire regulations. To fix and establish fire limits and from time to time extend,  
36 enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with

1 general law relating to both fire prevention and detection and to fire fighting and to  
2 prescribe penalties and punishment for violations thereof;

3 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
4 and disposal and other sanitary service charge, tax, or fee for such services as may be  
5 necessary in the operation of the city from all individuals, firms, and corporations  
6 residing in or doing business within the city and benefiting from such services; to enforce  
7 the payment of such charges, taxes, or fees; and to provide for the manner and method  
8 of collecting such service charges;

9 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,  
10 practice, conduct, or use of property which is detrimental to the health, sanitation,  
11 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
12 enforcement of such standards;

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

16 (14) Health and sanitation. To prescribe standards of health and sanitation within the city  
17 and to provide for the enforcement of such standards;

18 (15) Jail sentences. To provide that persons given jail sentences in the municipal court  
19 may work out such sentences in any public works or on the streets, roads, drains, and  
20 squares in the city; to provide for the commitment of such persons to any jail; or to  
21 provide for the commitment of such persons to any county work camp or county jail by  
22 agreement with the appropriate county officials;

23 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
24 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways  
25 of the city;

26 (17) Municipal agencies and delegation of power. To create, alter, or abolish  
27 departments, boards, offices, commissions, and agencies of the city and to confer upon  
28 such agencies the necessary and appropriate authority for carrying out all the powers  
29 conferred upon or delegated to the same;

30 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the  
31 city and to issue bonds for the purpose of raising revenue to carry out any project,  
32 program, or venture authorized by this charter or the laws of the State of Georgia;

33 (19) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise  
34 any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the  
35 property limits of the city;

- 1 (20) Municipal property protection. To provide for the preservation and protection of  
2 property and equipment of the city and the administration and use of same by the public,  
3 and to prescribe penalties and punishment for violations thereof;
- 4 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
5 of public utilities, including but not limited to, a system of waterworks, sewers, and  
6 drains, sewage disposal, gas works, electric plants, cable television and other  
7 telecommunications, transportation facilities, public airports, and any other public utility;  
8 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties  
9 therefor; and to provide for the withdrawal of service for refusal or failure to pay the  
10 same; and to install and operate any of its utilities inside and outside its corporate limits  
11 in Schley County, Georgia; and to install and operate any of its utilities in adjoining  
12 counties pursuant to existing and future franchise agreements or utility supply contracts;
- 13 (22) Nuisances. To define a nuisance and provide for its abatement whether on public  
14 or private property;
- 15 (23) Ordinance, rules and regulations. To make, establish, and adopt such bylaws,  
16 ordinances, policies, and rules and regulations as shall appear necessary for the security,  
17 welfare, convenience, and interest of the city and the inhabitants thereof and for  
18 preserving the health, peace, order, and good government of the city;
- 19 (24) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
20 the authority of this charter and the laws of the State of Georgia;
- 21 (25) Planning and zoning. To provide comprehensive city planning for development by  
22 zoning and to provide subdivision regulation and the like as the city council deems  
23 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 24 (26) Police and fire protection. To exercise the power of arrest through duly appointed  
25 police officers and to establish, operate, or contract for a police and fire-fighting agency;
- 26 (27) Public hazards; removal. To provide for the destruction and removal of any building  
27 or other structure which is or may become dangerous or detrimental to the public;
- 28 (28) Public improvements. To provide for the acquisition, construction, building,  
29 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,  
30 cemeteries, markets and market houses, public buildings, libraries, public housing,  
31 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
32 recreational, conservation, sport, curative, corrective, detentional, penal, and medical  
33 institutions, agencies, and facilities; to provide any other public improvements inside or  
34 outside the corporate limits of the city; to regulate the use of public improvements; and,  
35 for such purposes, property may be acquired by condemnation under Title 22 of the  
36 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

- 1 (29) Public peace. To provide for the prevention and punishment of drunkenness, riots,  
2 and public disturbances;
- 3 (30) Public transportation. To organize and operate or contract for such public  
4 transportation systems as are deemed beneficial;
- 5 (31) Public utilities and services. To grant franchises or make contracts or impose taxes  
6 on public utilities and public services and to prescribe the rates, fares, regulations, and  
7 the standards and conditions of service applicable to the service to be provided by the  
8 franchise grantee or contractor, insofar as not in conflict with valid regulations of the  
9 Public Service Commission, and to own and operate its own franchise for the delivery of  
10 such services including cable television and related services;
- 11 (32) Regulation of roadside areas. To prohibit or regulate and control the erection,  
12 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any  
13 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
14 roads within view thereof, inside or abutting the corporate limits of the city and to  
15 prescribe penalties and punishment for violation of such ordinances;
- 16 (33) Retirement. To provide and maintain and dissolve a retirement plan for officers and  
17 employees of the city;
- 18 (34) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade  
19 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
20 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
21 walkways within the corporate limits of the city; and to grant franchises and rights of way  
22 throughout the streets and roads and over the bridges and viaducts for the use of public  
23 utilities; and to require real estate owners to repair and maintain in a safe condition the  
24 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 25 (35) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
26 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant  
27 and sewerage system; to levy on those to whom sewers and sewerage systems are made  
28 available a sewer service fee, charge, or tax for the availability or use of the sewers; to  
29 provide for the manner and method of collecting such service charge and for enforcing  
30 payment of the same; and to charge, impose, and collect a sewer connection fee or fees  
31 to those connected with the system;
- 32 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
33 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
34 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
35 paper, and other recyclable materials and provide for the sale of such items;
- 36 (37) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
37 the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms,

1 to regulate the transportation, storage, and use of combustible, explosive, and  
2 inflammable materials, the use of lighting and heating equipment, and any other business  
3 or situation which may be dangerous to persons or property; to regulate and control the  
4 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows  
5 of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional  
6 fortunetelling, palmistry, adult bookstores, and massage parlors;

7 (38) Special assessments. To levy and provide for the collection of special assessments  
8 to cover the costs of any public improvement;

9 (39) Taxes; ad valorem. To levy and provide for the assessment, valuation, revaluation,  
10 and collection of taxes on all property subject to taxation;

11 (40) Taxes; other. To levy and collect such other taxes as may be allowed now or in the  
12 future by law;

13 (41) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
14 number of such vehicles; to require the operators thereof to be licensed; to require public  
15 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
16 regulate the parking of such vehicles;

17 (42) Urban redevelopment. To organize and operate an urban redevelopment program;

18 (43) Water fee. To levy a fee, charge, or water tax as necessary to assure the acquiring,  
19 constructing, equipping, operating, maintaining, and extending of a water plant; to levy  
20 on those to whom water systems are made available a water service fee, charge, or tax for  
21 the availability or use of the water; to provide for the manner and method of collecting  
22 such service charge and for enforcing payment of the same; and to charge, impose, and  
23 collect a water connection fee or fees to those connected with the system; and

24 (44) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
25 and immunities necessary or desirable to promote or protect the safety, health, peace,  
26 security, good order, comfort, convenience, or general welfare of the city and its  
27 inhabitants; to exercise all implied powers necessary to carry into execution all powers  
28 granted in this charter as fully and completely as if such powers were fully stated in this  
29 charter, and to exercise all powers now or in the future authorized to be exercised by  
30 other municipal governments under other laws of the State of Georgia; and no listing of  
31 particular powers in this charter shall be held to be exclusive of others, nor restrictive of  
32 general words and phrases granting powers, but shall be held to be in addition to such  
33 powers unless expressly prohibited to municipalities under the Constitution or applicable  
34 laws of the State of Georgia.



- 1 district contiguous to such part which contains the least population according to the United  
 2 States decennial census of 2000 for the State of Georgia.
- 3 (d) Those persons presently elected to office shall continue to serve until their successors  
 4 are duly elected and qualified as provided by law.

5 **SECTION 2.11.**

6 City council terms and qualifications for office.

- 7 (a) The members of the city council shall serve for terms of four years and until their  
 8 respective successors are elected and qualified. No person shall be eligible to serve as mayor  
 9 or councilmember unless he or she shall have been a resident of the city for 12 months  
 10 immediately prior to the date of the election of mayor or members of the city council; and  
 11 each shall continue to reside therein during his or her period of service and be registered and  
 12 qualified to vote in municipal elections of the city.
- 13 (b) Candidates for those posts designated to represent Districts 1, 2, 3, 4, and 5 must at the  
 14 time of qualification and during their term of service reside within the respective district  
 15 which each seeks to represent.
- 16 (c) The mayor may reside anywhere within the City of Ellaville but must continue to reside  
 17 within the City of Ellaville during that person's term, or that office shall become vacant.

18 **SECTION 2.12.**

19 Vacancies in office.

- 20 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any  
 21 event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such  
 22 other applicable laws as are or may hereafter be enacted, or the failure of any councilmember  
 23 to continue to reside or the mayor's failure to reside within that member's respective district  
 24 in the City of Ellaville.
- 25 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of  
 26 the unexpired term, if any, by appointment of the mayor and city council, if less than 12  
 27 months remain in the unexpired term, otherwise by an election, as provided for in Section  
 28 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such  
 29 laws as are or may hereafter be enacted.
- 30 (c) Failure to attend three consecutive regular meetings without cause shall result in the  
 31 office of said mayor or councilmember to be deemed vacant and the vacancy shall be filled  
 32 as provided in this charter.



1 person who fails or refuses to obey a lawful order issued in the exercise of these powers by  
2 the city council shall be punished as provided by ordinance.

3 **SECTION 2.16.**

4 General power and authority of the city council.

5 Except as otherwise provided by this charter, the city council shall be vested with all the  
6 powers of government of this city.

7 **SECTION 2.17.**

8 Eminent domain.

9 The city council is empowered to acquire, construct, operate, and maintain public ways,  
10 parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,  
11 sewers, drains, sewage treatment, and charitable, educational, recreational, sport, curative,  
12 corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other  
13 public improvements inside or outside the city and to regulate the use thereof and, for such  
14 purposes, property may be condemned under procedures established under general law  
15 applicable now or as provided in the future.

16 **SECTION 2.18.**

17 Organization.

18 The mayor and city council shall hold an organizational meeting the first Monday of January  
19 following each municipal election. The oath of office shall be administered to the newly  
20 elected members as follows:

21 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)  
22 (councilmember) of this city and that I will support and defend the charter thereof as well  
23 as the Constitution and laws of the State of Georgia and of the United States of America."

24 **SECTION 2.19.**

25 Meetings.

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

28 (b) Special meetings of the city council may be held on call of the mayor or three members  
29 of the city council. Notice of such special meeting shall be served on all other members

1 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
2 notice to councilmembers shall not be required if the mayor and all councilmembers are  
3 present when the special meeting is called. Such notice of any special meeting may be  
4 waived by a councilmember in writing before or after such a meeting and attendance at the  
5 meeting shall also constitute a waiver of notice on any business transacted in such  
6 councilmember's presence. Only the business stated in the call may be transacted at the  
7 special meeting.

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

## 11 **SECTION 2.20.**

### 12 Procedures.

13 (a) The city council shall adopt its rules of procedure and order of business consistent with  
14 the provisions of this charter and shall provide for keeping a journal of its proceedings which  
15 shall be a public record. The rules of procedure adopted shall not expand or restrict any  
16 powers assigned to the mayor and councilmembers by this charter.

17 (b) All committees and committee chairpersons and officers of the city council shall be  
18 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have  
19 the power to appoint new members to any committee at any time.

## 20 **SECTION 2.21.**

### 21 Voting.

22 (a) Four councilmembers (including the mayor) shall constitute a quorum and shall be  
23 authorized to transact the business of the city council. Voting on the adoption of ordinances  
24 shall be by voice vote and the vote shall be recorded in the journal, but any member of the  
25 city council shall have the right to request a roll-call vote and such vote shall be recorded in  
26 the journal. Except as otherwise provided in this charter, the affirmative vote of a majority  
27 of councilmembers present at an official meeting shall be required for adoption of any  
28 ordinance, resolution, or motion.

29 (b) In the event vacancies in office result in less than a quorum of councilmembers holding  
30 office, then the remaining councilmembers in office shall constitute a quorum and shall be  
31 authorized to transact business of the city council. A vote of majority of the remaining  
32 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

**SECTION 2.22.**

## Ordinances.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Ellaville" and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

(c) An ordinance must be read at two consecutive regular meetings before being voted upon for adoption.

**SECTION 2.23.**

## Effect of ordinances.

Acts of the city council which have the force and effect of law shall be enacted by ordinance. All other matters of business shall be considered in the form of a resolution.

**SECTION 2.24.**

## Emergency.

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or three councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describe the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand

1 repealed 30 days following the date upon which it was adopted, but this shall not prevent  
2 reenactment of the ordinance in the manner specified in this section if the emergency still  
3 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance  
4 in the same manner specified in this section for adoption of emergency ordinances.

5 **SECTION 2.25.**

6 Codes of technical regulations.

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

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

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

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

18 **SECTION 2.26.**

19 Codification of ordinances.

20 (a) The city clerk shall authenticate by signature and record in full in a properly indexed  
21 book kept for that purpose all ordinances adopted by the council.

22 (b) The city shall provide for the preparation of a general codification of all the ordinances  
23 of the city having the force and effect of law. The general codification shall be adopted by  
24 the city council by ordinance and shall be published promptly together with all amendments  
25 thereto and shall contain such codes of technical regulations and other rules and regulations  
26 as the city council may specify. This compilation shall be known and cited officially as "The  
27 Code of the City of Ellaville, Georgia." Copies of the code shall be furnished to all officers,  
28 departments, and agencies of the city and shall be made available for purchase by the public  
29 at a reasonable price as fixed by the city council.

30 (c) The city council shall cause each ordinance and each amendment to this charter to be  
31 printed promptly following its adoption and the printed ordinances and charter amendments  
32 shall be made available for purchase by the public at reasonable prices to be fixed by the city  
33 council. Following publication of the first code under this charter and at all times thereafter,

1 the ordinances and charter amendments shall be printed in substantially the same style as the  
2 code then in effect and shall be suitable in form for incorporation within the code. The city  
3 council shall make such further arrangements as deemed desirable with reproduction and  
4 distribution of any changes in or additions to code of technical regulations and other rules  
5 and regulations included in the code.

6 **SECTION 2.27.**

7 City manager; appointment; qualifications; compensation.

8 The city council shall appoint a city manager for an indefinite term and shall fix his or her  
9 compensation. The manager shall be appointed solely on the basis of his or her executive  
10 and administrative qualifications.

11 **SECTION 2.28.**

12 Suspension or removal of city manager.

13 (a) The city council may remove the manager from office in accordance with the following  
14 procedures:

15 (1) The city council shall adopt by affirmative vote of a majority of all its members a  
16 preliminary resolution which must state the reasons for removal and may suspend the  
17 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be  
18 delivered promptly to the manager;

19 (2) Within five days after a copy of the resolution is delivered to the manager, he or she  
20 may file with the city council a written request for a public hearing. This hearing shall  
21 be held within 30 days after the request is filed. The manager may file with the council  
22 a written reply not later than five days before the hearing; and

23 (3) If the manager has not requested a public hearing within the time specified in  
24 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,  
25 which may be made effective immediately, by an affirmative vote of a majority of all its  
26 members. If the manager has requested a public hearing, the city council may adopt a  
27 final resolution for removal, which may be made effective immediately, by an affirmative  
28 vote of a majority of all its members at any time after the public hearing.

29 (b) The manager shall continue to receive his or her salary until the effective date of a final  
30 resolution of removal.

31 (c) The mayor and city council may for disciplinary purposes suspend the city manager with  
32 or without pay for a period of up to 30 days by affirmative vote of four councilmembers.

1 (d) The mayor and city council may designate a person or persons to perform the functions  
2 and duties of the city manager during his or her absence, disability, or suspension. Vacancies  
3 in the office of city manager shall be filled by the mayor and city council as early as  
4 practicable, and, until such vacancy is filled, the mayor and city council shall have full  
5 powers to make a temporary appointment of a qualified person to perform the functions and  
6 duties of this office.

7 **SECTION 2.29.**

8 Powers and duties of the city manager.

9 The city manager shall be the chief administrative officer of the city. The city manager shall  
10 be responsible to the city council for the administration of all city affairs placed in his or her  
11 charge by or under this charter. The city manager shall have the following powers and  
12 duties:

13 (1) The city manager shall have the power to suspend or recommend removal, when he  
14 or she deems it necessary for the good of the city, all city employees and administrative  
15 officers, except the city attorney, city judge, and members of the boards and  
16 commissions, who shall be appointed by the mayor and city council. In suspending  
17 employees, the city manager shall have authority to do so without consent of the mayor  
18 and council but must keep the mayor and council advised of any actions deemed  
19 necessary. The city manager may authorize any administrative officer who is subject to  
20 his or her direction and supervision to exercise these powers with respect to subordinates  
21 in that officer's department, office, or agency;

22 (2) The city manager shall direct and supervise the administration of all departments,  
23 offices, and agencies of the city, except as otherwise provided by this charter or by law;

24 (3) The city manager shall attend all city council meetings and shall have the right to  
25 take part in discussion but may not vote;

26 (4) The city manager shall see that all laws, provisions of this charter, and ordinances of  
27 the city council, subject to enforcement by the city manager or by officers subject to the  
28 city manager's direction and supervision, are faithfully executed;

29 (5) The city manager shall prepare and submit the annual operating budget and capital  
30 budget to the city council;

31 (6) The city manager shall submit to the city council and make available to the public a  
32 complete report on the finances and administrative activities of the city as of the end of  
33 each fiscal year;

1 (7) The city manager shall make such other reports as the city council may require  
 2 concerning the operation of city departments, offices, and agencies subject to his or her  
 3 direction and supervision;

4 (8) The city manager shall keep the city council fully advised as to the financial  
 5 condition and future needs of the city and make such recommendations to the city council  
 6 concerning the affairs of the city as he or she deems desirable;

7 (9) The city manager shall perform other such duties as are specified in this charter or  
 8 as may be required by the city council;

9 (10) The city manager shall supervise the performance of all contracts made by any  
 10 person for work done for the City of Ellaville and be the purchasing agent of materials  
 11 and supplies for the city under such rules and regulations as may be imposed by the  
 12 mayor and city council; and

13 (11) The city manager shall perform such other duties as may be prescribed by this  
 14 charter or required by ordinance or resolution of the mayor and city council.

15 **SECTION 2.30.**

16 Council interference with administration.

17 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, or  
 18 other inquiries and investigations initiated by action of the mayor and city council, the city  
 19 council or its members shall deal with city officers and employees who are subject to the  
 20 direction and supervision of the manager solely through the manager, and neither the city  
 21 council nor its members shall give orders to any such officer or employee, either publicly or  
 22 privately.

23 **SECTION 2.31.**

24 Election of mayor; forfeiture; compensation.

25 The mayor shall be elected and serve for a term of four years and until his or her successor  
 26 is elected and qualified. He or she shall be a qualified elector of this city and shall have been  
 27 a resident of the city for at least 12 months immediately preceding his or her election. He  
 28 or she shall continue to reside in this city during the period of his or her service. He or she  
 29 shall forfeit his or her office on the same grounds and under the same procedure as for  
 30 councilmembers. The compensation of the mayor shall be established in the same manner  
 31 as for councilmembers. The mayor shall be elected by the vote of the voters within all five  
 32 districts.



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

4 (c) All appointed officers and directors of departments shall receive such compensation as  
5 prescribed by ordinance.

6 (d) There shall be a director of each department or agency who shall be its principal officer.  
7 Each director shall, subject to the direction and supervision of the city manager, be  
8 responsible for the administration and direction of the affairs and operations of the  
9 department or agency.

10 (e) All appointed officers and directors under the supervision of the city manager shall be  
11 nominated by the city manager with appointment by the city council. All appointed officers  
12 and directors shall be employees at will and subject to suspension at any time by the city  
13 manager unless otherwise provided by law or ordinance.

### 14 **SECTION 3.11.**

#### 15 **Boards.**

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

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

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

26 (d) Any vacancy on a board, commission, or authority of the city shall be filled for the  
27 unexpired term in the manner prescribed for the original appointment, except as otherwise  
28 provided by this charter or by law.

29 (e) No member of a board, commission, or authority shall assume office until that person has  
30 executed and filed with the clerk of the city an oath obligating himself or herself to faithfully  
31 and impartially perform the duties of that member's office, such oath to be prescribed by  
32 ordinance and administered by the mayor.

33 (f) All board members serve at will and may be removed at any time by a vote of three  
34 members of the city council unless otherwise provided by law.

1 (g) Except as otherwise provided by this charter or by law, each board, commission, or  
2 authority of the city shall elect one of its members as chairperson and one member as vice  
3 chairperson, and may elect as its secretary one of its members or may appoint as secretary  
4 an employee of the city. Each board, commission, or authority of the city government may  
5 establish such bylaws, rules, and regulations, not inconsistent with this charter, an ordinance  
6 of the city, or law, as it deems appropriate and necessary for the fulfillment of his or her  
7 duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be  
8 filed with the clerk of the city.

9 **SECTION 3.12.**

10 City attorney.

11 The city council shall appoint a city attorney, together with such assistant city attorneys as  
12 may be authorized, and shall provide for the payment of such attorney or attorneys for  
13 services rendered to the city. The city attorney shall be responsible for representing and  
14 defending the city in all litigation in which the city is a party, shall attend the meetings of the  
15 council as directed, shall advise the city council, mayor, and other officers and employees  
16 of the city concerning legal aspects of the city's affairs, and shall perform such other duties  
17 as may be required of him or her by virtue of his or her position as city attorney.

18 **SECTION 3.13.**

19 City clerk.

20 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
21 shall be custodian of the official city seal, maintain city council records required by this  
22 charter, and perform such other duties as may be required by the city manager.

23 **SECTION 3.14.**

24 City accountant

25 The city council shall appoint a certified public accountant who is a member of the peer  
26 review group to perform the duties of an independent auditor and to make an annual audit  
27 of all financial books and records of the city which shall be filed with the city.



**SECTION 4.11.**

## Judges.

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

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

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

(d) Judges may be removed for cause by a vote of a majority of all of the members of the city council; otherwise, judges shall serve a term of one year, commencing and ending with the first meeting of the mayor and city council held in January.

(e) Before assuming office, each judge shall take an oath, given by the mayor or other officer authorized to administer oaths, that he or she will honestly and faithfully discharge the duties of his or her office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.20 of this charter.

**SECTION 4.12.**

## Convening of court.

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

**SECTION 4.13.**

## Powers.

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

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

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 365 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law. The maximum punishment for offenses committed under state law shall be those limits as established by general law.

- 1 (d) The municipal court shall have the authority to establish a schedule of fees to defray the  
2 cost of operation and shall be entitled to reimbursement of the actual cost of meals,  
3 transportation, and caretaking of prisoners bound over to superior courts for violation of state  
4 law.
- 5 (e) The municipal court shall have authority to establish bail and recognizance to ensure the  
6 presence of those charged with violations before said court and shall have discretionary  
7 authority to accept cash or personal or real property as surety bond for the appearance of  
8 persons charged with violations. Whenever any person shall give bail for his or her  
9 appearance and shall fail to appear at the time fixed for trial, his or her bond shall be forfeited  
10 through procedures established by general law. In the event that cash or property is accepted  
11 in lieu of bond for security for the appearance of a defendant at trial, and if such defendant  
12 fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of  
13 the judge declared forfeited to the city, or the property so deposited shall have a lien against  
14 it for the value forfeited which lien shall be enforceable in the same manner and to the same  
15 extent as a lien for city property taxes.
- 16 (f) The municipal court shall have the same authority as superior courts to compel the  
17 production of evidence in the possession of any party; to enforce obedience to its orders,  
18 judgments, and sentences; and to administer such oaths as are necessary.
- 19 (g) The municipal court may compel the presence of all parties necessary to a proper  
20 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be  
21 served as executed by any officer as authorized by this charter or by law.
- 22 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
23 persons charged with offenses against any ordinance of the city, and each judge of the  
24 municipal court shall have the same authority as a magistrate of the state to issue warrants  
25 for offenses against state laws committed within the city.
- 26 (i) The municipal court is specifically vested with all the jurisdiction and powers throughout  
27 the geographic area of this city granted by law to municipal courts and particularly by such  
28 laws as authorize the abatement of nuisance and prosecution of traffic violations as set out  
29 in Title 40 of the O.C.G.A., including Uniform Rules of the Road.
- 30 (j) The judge of the municipal court shall be authorized to appoint on behalf of the city, a  
31 prosecuting attorney for the municipal court. Said attorney shall be compensated by the city.  
32 Said judge shall also be authorized to employ a court reporter for each of the court  
33 proceedings over which he or she presides with said court reporter being compensated by the  
34 city.



**SECTION 5.12.**

Nonpartisan elections.

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

**SECTION 5.13.**

Election by majority.

The candidate receiving a majority of the votes cast for any city office shall be elected. If no one receives a majority of votes cast, a run-off election must be held between the two candidates that received the highest vote count as provided in Georgia law.

**SECTION 5.14.**

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant for any cause whatsoever, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

**SECTION 5.15.**

Other provisions.

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



**SECTION 6.11.**

## Millage.

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

**SECTION 6.12.**

## Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

**SECTION 6.13.**

## Regulatory fees; permits.

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

**SECTION 6.14.**

## Franchises.

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

1 The city council may provide by ordinance for the registration within a reasonable time of  
2 all franchises previously granted.

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

8 **SECTION 6.15.**

9 Service charges.

10 The city council by ordinance shall have the power to assess and collect fees, charges, and  
11 tolls for sewers, sanitary and health services, water or water services, or any other services  
12 provided or made available inside or outside the corporate limits of the city for the total cost  
13 to the city of providing or making available such services. If unpaid, such charges shall be  
14 collected as provided in Section 6.18 of this charter.

15 **SECTION 6.16.**

16 Special assessments.

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

22 **SECTION 6.17.**

23 Other taxes.

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

**SECTION 6.18.**

## Collection of delinquent taxes.

1  
2  
3 The city council by ordinance may provide generally for the collection of delinquent taxes,  
4 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
5 whatever reasonable means as are not precluded by law. This shall include providing for the  
6 dates when the taxes or fees are due, late penalties or interest, issuance and execution of  
7 fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the  
8 persons required to pay the taxes or fees imposed, revoking city permits for failure to pay any  
9 city taxes or fees, and providing for the assignment or transfer of tax executions. The City  
10 of Ellaville shall have the power to file its tax fi. fas. in the Superior Court, State Court, or  
11 Magistrate Court of Schley County and to utilize processes of garnishment to collect these  
12 taxes.

**SECTION 6.19.**

## Borrowing.

13  
14  
15 The city council shall have the power to issue bonds for the purpose of raising revenue to  
16 carry out any project, program, or venture authorized under this charter or the laws of the  
17 state. Such bonding authority shall be exercised in accordance with the laws governing bond  
18 issuance by municipalities in effect at the time said issue is undertaken.

**SECTION 6.20.**

## Revenue bonds.

19  
20  
21 Revenue bonds may be issued by the city council as state law now or hereafter provides.  
22 Such bonds are to be paid out of any revenue produced by the project, program, or venture  
23 for which they were issued.

**SECTION 6.21.**

## Loans.

24  
25  
26 The city may obtain short-term loans and must repay such loans not later than December 31  
27 of each year, unless otherwise provided by law.

**SECTION 6.22.**

Lease-purchase contracts.

The city may enter into multiyear lease, purchase, or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

**SECTION 6.23.**

Accounting and budgeting.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

**SECTION 6.24.**

Budget ordinance.

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

**SECTION 6.25.**

Operating budget.

On or before a date fixed by the city council but not later than 90 days of each year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as may be deemed pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

**SECTION 6.26.**

## Adoption.

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

(b) The city council shall adopt the final operating budget for the ensuing fiscal year not later than 15 days prior to the start of each year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

**SECTION 6.27.**

## Levy of taxes.

Following adoption of the operating budget, the city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expense of the general government of this city.

**SECTION 6.28.**

## Changes in budget.

The city council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

**SECTION 6.29.**

## Capital improvements.

(a) On or before the date fixed by the city council, but not later than 90 days prior to the start of the fiscal year, the city manager shall submit to the city council a proposed capital improvements budget with his or her recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget or the budget as amended by the mayor and city council.

(b) The city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than January 31 of each year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the city manager may submit amendments to the capital improvements budget at any time during the fiscal year accompanied by his or her recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

**SECTION 6.30.**

## Audits.

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

**SECTION 6.31.**

## Contracting procedures.

No contract with the city shall be binding on the city unless:

(1) It is in writing; and

(2) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings.



**SECTION 7.11.**

## Rules and regulations.

All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent with this charter are declared valid and of full effect and force until amended or repealed by the city council.

**SECTION 7.12.**

## Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 60 days, before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

**SECTION 7.13.**

## Charter language on other general matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

**SECTION 7.14.**

## Definitions and construction.

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

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

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

