

House Bill 1711

By: Representative McCall of the 90th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Bowman; 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 provide for inquiries and investigations; to provide for organization and procedures; to
6 provide for ordinances and codes; to provide for the office of mayor and certain duties and
7 powers relative to the office of mayor; to provide for administrative responsibilities; to
8 provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk,
9 a city treasurer, and other personnel; to provide for rules and regulations; to provide for a
10 municipal court and the judge or judges thereof; to provide for practices and procedures; to
11 provide for taxation and fees; to provide for franchises, service charges, and assessments; to
12 provide for bonded and other indebtedness; to provide for accounting and budgeting; to
13 provide for purchases; to provide for the sale of property; to provide for bonds for officials;
14 to provide for eminent domain; to provide for penalties; to provide for definitions and
15 construction; to provide for other matters relative to the foregoing; to repeal a specific Act;
16 to repeal conflicting laws; and for other purposes.

17 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

18 **ARTICLE I.**
19 **INCORPORATION AND POWERS**
20 **SECTION 1.10.**
21 **Name.**

22 This city and the inhabitants thereof, are hereby constituted and declared a body politic and
23 corporation under the name and style Bowman, Georgia, and by that name shall have
24 perpetual succession.

SECTION 1.11.

Corporate boundaries.

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

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all 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. These powers shall include, but not be limited to, the following:

(1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air, and to prevent the pollution of natural streams which flow within the corporate limits of the city;

(2) 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 hereunder;

(3) 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;

- 1 (4) Building regulation. To levy and to provide for the collection of license fees and
2 taxes on privileges, occupations, trades, and professions; to license and regulate the same;
3 to provide for the manner and method of payment of such licenses and taxes; and to
4 revoke such licenses after due process for failure to pay any city taxes or fees;
- 5 (5) Business regulation and taxation. To levy and to provide for the collection of license
6 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
7 the same; to provide for the manner and method of payment of such licenses after due
8 process for failure to pay any city taxes or fees;
- 9 (6) Condemnation. To condemn property, inside or outside the corporate limits of the
10 city, for present or future use and for any corporate purpose deemed necessary by the
11 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
12 other applicable laws as are or may hereafter be enacted;
- 13 (7) Contracts. To enter into contracts and agreements with other governmental entities
14 and with private persons, firms, and corporations;
- 15 (8) Emergencies. To establish procedures for determining and proclaiming that an
16 emergency situation exists within or without the city, and to make and carry out all
17 reasonable provisions deemed necessary to deal with or meet such an emergency for the
18 protection, safety, health, or well-being of the citizens of the city;
- 19 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
20 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
21 general law, relating to both fire prevention and detection and to fire fighting; and to
22 prescribe penalties and punishment for violations thereof;
- 23 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
24 and disposal, and other sanitary service charge, tax, or fee for such services as may be
25 necessary in the operation of the city from all individuals, firms, and corporations
26 residing in or doing business therein benefitting from such services; to enforce the
27 payment of such charges, taxes, or fees; and to provide for the manner and method of
28 collecting such service charges;
- 29 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
30 practice, conduct, or use of property which is detrimental to health, sanitation,
31 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
32 enforcement of such standards;
- 33 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
34 any purpose related to powers and duties of the city and the general welfare of its
35 citizens, on such terms and conditions as the donor or grantor may impose;
- 36 (13) Health and sanitation. To prescribe standards of health and sanitation and to
37 provide for the enforcement of such standards;

1 (14) Jail sentences. To provide that persons given jail sentences in the city court may
2 work out such sentences in any public works or on the streets, roads, drains, and squares
3 in the city, to provide for commitment of such persons to any jail, or to provide for
4 commitment of such persons to any county work camp or county jail by agreement with
5 the appropriate county officials;

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

9 (16) Municipal agencies and delegation of power. To create, alter, or abolish
10 departments, boards, offices, commissions, and agencies of the city, and to confer upon
11 such agencies the necessary and appropriate authority for carrying out all the powers
12 conferred upon or delegated to the same;

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

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

19 (19) Municipal property protection. To provide for the preservation and protection of
20 property and equipment of the city and the administration and use of same by the public;
21 and to prescribe penalties and punishment for violations thereof;

22 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
23 of public utilities, including but not limited to a system of waterworks, sewers and drains,
24 sewage disposal, gas works, electric light plants, transportation facilities, public airports,
25 and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments,
26 regulations, and penalties, and to provide for the withdrawal of service for refusal or
27 failure to pay the same; and to authorize the extension of water, sewage, and electrical
28 distribution systems, and all necessary appurtenances by which said utilities are
29 distributed, inside and outside the corporate limits of the city; and to provide utility
30 services to persons, firms, and corporations inside and outside the corporate limits of the
31 city as provided by ordinance;

32 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
33 private property;

34 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
35 the authority of this charter and the laws of the State of Georgia;

- 1 (23) Planning and zoning. To provide comprehensive city planning for development by
2 zoning; and to provide subdivision regulation and the like as the city council deems
3 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 4 (24) Police and fire protection. To exercise the power of arrest through duly appointed
5 policemen, and to establish, operate, or contract for a police and a fire-fighting agency;
- 6 (25) Public hazards: removal. To provide for the destruction and removal of any
7 building or other structure which is or may become dangerous or detrimental to the
8 public;
- 9 (26) Public improvements. To provide for the acquisition, construction, building,
10 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
11 cemeteries, markets and market houses, public buildings, libraries, public housing,
12 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
13 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
14 institutions, agencies, and facilities; and to provide any other public improvements, inside
15 or outside the corporate limits of the city; to regulate the use of public improvements;
16 and, for such purposes, property may be acquired by condemnation under Title 22 of the
17 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
- 18 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
19 and public disturbances;
- 20 (28) Public transportation. To organize and operate such public transportation systems
21 as are deemed beneficial;
- 22 (29) Public utilities and services. To grant franchises or make contracts for public
23 utilities and public services and to prescribe the rates, fares, regulations, and standards
24 and conditions of service applicable to the service to be provided by the franchise grantee
25 or contractor, insofar as not in conflict with valid regulations of the Georgia Public
26 Service Commission;
- 27 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
28 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any
29 and all other structures or obstructions upon or adjacent to the rights of way of streets and
30 roads or within view thereof, within or abutting the corporate limits of the city; and to
31 prescribe penalties and punishment for violation of such ordinances;
- 32 (31) Retirement. To provide and maintain a retirement plan for officers and employees
33 of the city;
- 34 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
35 of, abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light
36 the roads, alleys, and walkways within the corporate limits of the city; and to negotiate
37 and execute leases over, through, under, or across any city property or the right of way

1 of any street, road, alley, and walkway, or portion thereof within the corporate limits of
2 the city, for bridges, passageways, or any other purpose or use between buildings on
3 opposite sides of the street and for other bridges, overpasses, and underpasses for private
4 use at such location, and to charge a rental therefore in such manner as may be provided
5 by ordinance; and to authorize and control the construction of bridges, overpasses, and
6 underpasses within the corporate limits of the city; and to grant franchises and rights of
7 way throughout the streets and roads, and over the bridges and viaducts for the use of
8 public utilities and for private use;

9 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
10 constructing, equipping, operating, maintaining, and extending of a sewage disposal plan
11 and sewage system, and to levy on those to whom sewers and sewage systems are made
12 available a sewer service fee, charge, or sewer tax for the availability or use of the
13 sewers; to provide for the manner and method of collecting such service charges and for
14 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
15 or fees to those connected with the system;

16 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
17 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
18 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
19 paper, and other recyclable materials, and to provide for the sale of such items;

20 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
21 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of
22 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
23 inflammable materials, the use of lighting and heating equipment, and any other business
24 or situation which may be dangerous to persons or property; to regulate and control the
25 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
26 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
27 professional fortune telling, palmistry, adult bookstores, and massage parlors;

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

30 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
31 and collection of taxes on all property subject to taxation;

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

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

1 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
2 and

3 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
4 and immunities necessary or desirable to promote or protect the safety, health, peace,
5 security, good order, comfort, convenience, or general welfare of the city and its
6 inhabitants; and to exercise all implied powers necessary to carry into execution all
7 powers granted in this charter as fully and completely as if such powers were fully stated
8 herein; and to exercise all powers now or in the future authorized to be exercised by other
9 municipal governments under other laws of the State of Georgia; and no listing of
10 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
11 general words and phrases granting powers, but shall be held to be exclusive of others,
12 nor restrictive of general words and phrases granting powers, but shall be held to be in
13 addition to such powers unless expressly prohibited to municipalities under the
14 constitution or applicable laws of the State of Georgia.

15 **SECTION 1.13.**

16 Exercise of powers.

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

21 **ARTICLE II.**

22 **GOVERNMENT STRUCTURE**

23 **SECTION 2.10.**

24 City council creation; number; election.

25 The legislative authority of the government of this city, except as otherwise specifically
26 provided in this charter, shall be vested in a city council to be composed of a mayor and five
27 councilmembers. The mayor and councilmembers shall be elected in the manner provided
28 by this charter.

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

4 **SECTION 2.19.**

5 Regular and special meetings.

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

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

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

21 **SECTION 2.20.**

22 Rules of procedure.

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

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

SECTION 2.21.

Quorum: voting.

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

SECTION 2.22.

Ordinance form; procedures.

(a) Every proposed ordinance should 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 "The Council of the City of Bowman hereby ordains . . ." 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; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.24 of this charter. 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.

SECTION 2.23.

Action requiring an ordinance.

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

SECTION 2.24.

Emergencies.

(a) 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

1 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 2 franchise; regulate the rate charged by any public utility for its services; or authorize the
 3 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 4 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 5 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 6 a declaration stating that an emergency exists, and describing the emergency in clear and
 7 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 8 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
 9 councilmembers shall be required for adoption. It shall become effective upon adoption or
 10 at such later time as it may specify. Every emergency ordinance shall automatically stand
 11 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 12 reenactment of the ordinance in the manner specified in this section if the emergency still
 13 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 14 in the same manner specified in this section for adoption of emergency ordinances.

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

19 **SECTION 2.25.**

20 Codes of technical regulations.

21 (a) The city council may adopt any standard code of technical regulations by reference
 22 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 23 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 24 of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the
 25 ordinance shall be construed to include copies of any code of technical regulations, as well
 26 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
 27 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
 28 Section 2.26 of this charter.

29 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
 30 for distribution or for purchase at a reasonable price.

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

(a) The clerk shall authenticate by his or her signature and record in full in a properly indexed book kept for that purpose, all ordinances adopted by the council.

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

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

SECTION 2.27.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of four years and until his or her successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident for 12 months preceding the election. The mayor shall continue to reside in this city during the period of the mayor's service. The mayor shall forfeit that office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

1 **SECTION 2.28.**

2 Mayor pro tempore.

3 By a majority vote, the city council shall annually elect a councilmember to serve as mayor
 4 pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor
 5 during the mayor's disability or absence. Any such disability or absence shall be declared
 6 by a majority vote of the city council. The mayor pro tempore shall sign all contracts and
 7 ordinances in which the mayor has a disqualifying financial interest as provided in Section
 8 2.14 of this charter.

9 **SECTION 2.29.**

10 Powers and duties of mayor.

11 The mayor shall:

- 12 (1) Preside at all meetings of the city council;
- 13 (2) Be the head of the city for the purpose of service of process and for ceremonial
 14 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 15 (3) Have the power to administer oaths and to take affidavits;
- 16 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 17 ordinances, and other instruments executed by the city which by law are required to be
 18 in writing;
- 19 (5) Vote on matters before the city council and be counted toward a quorum as any other
 20 councilmember;
- 21 (6) Prepare and submit to the city council a recommended annual operating budget and
 22 recommended capital budget; and
- 23 (7) Fulfill such other executive and administrative duties as may be required by law, this
 24 charter, or ordinance.

25 **SECTION 2.30.**

26 Submission of ordinance to be mayor.

- 27 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk to
 28 the mayor.
- 29 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk
 30 with or without that person's approval.

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

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

6 (f) No member of a board, commission, or authority shall assume office until that person has
7 executed and filed with the clerk of the city an oath obligating that person to faithfully and
8 impartially perform the duties of that person's office, such oath to be prescribed by ordinance
9 and administered by the mayor.

10 (g) Any member of a board, commission, or authority may be removed from office for cause
11 by a vote of three members of the city council.

12 (h) Except as otherwise provided by this charter or by law, each board, commission, or
13 authority of the city shall elect one of its members as chairperson and one member as vice
14 chairperson, and may elect as its secretary one of its own members or may appoint as
15 secretary an employee of the city. Each board, commission, or authority of the city
16 government may establish such bylaws, rules, and regulations, not inconsistent with this
17 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
18 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
19 regulations shall be filed with the clerk of the city.

20 **SECTION 3.12.**

21 City attorney.

22 The mayor, with the advise and consent of the city council, shall appoint a city attorney,
23 together with such assistant city attorneys as may be authorized, and shall provide for the
24 payment of such attorney or attorneys for services rendered to the city. The city attorney
25 shall be responsible for representing and defending the city in all litigation in which the city
26 is a party; may be prosecuting officer in the municipal court; shall attend the meetings of the
27 council as directed; shall advise the city council, mayor, and other officers and employees
28 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
29 as may be required by virtue of such person's position as city attorney.

30 **SECTION 3.13.**

31 City clerk.

32 The mayor, with the advise and consent of the city council, shall appoint a city clerk who
33 shall not be a councilmember. The city clerk shall be custodian of the official city seal;

1 maintain city council records required by this charter; and perform such other duties as may
2 be required by the city council.

3 **SECTION 3.14.**

4 Position classification and pay plans.

5 The mayor shall be responsible for the preparation of a position classification and pay plan
6 which shall be submitted to the city council for approval. Such plan may apply to all
7 employees of the city and any of its agencies, departments, boards, commissions, or
8 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
9 the salary range applicable to any position except by amendment of such pay plan. For
10 purposes of this section, all elected and appointed city officials are not city employees.

11 **SECTION 3.15.**

12 Personnel Policies.

13 All employees serve at will and may be removed from office at any time unless otherwise
14 provided by ordinance.

15 **ARTICLE IV.**

16 **JUDICIAL BRANCH**

17 **SECTION 4.10.**

18 Creation; name.

19 There shall be a court to be known as the Municipal Court of the City of Bowman.

20 **SECTION 4.11.**

21 Chief judge; associate judge.

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

24 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
25 that person shall have attained the age of 21 years and shall be a member of the State Bar of
26 Georgia and shall possess all qualifications required by law. All judges shall be appointed
27 by the city council and shall serve until a successor is appointed and qualified.

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

1 (d) Judges serve at will and may be removed from office at any time by the city council
2 unless otherwise provided by ordinance.

3 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
4 judge honestly and faithfully discharge the duties of the judge's office to the best of the
5 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
6 minutes of the city council journal required in Section 2.20 of this charter.

7 **SECTION 4.12.**

8 Convening.

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

10 **SECTION 4.13.**

11 Jurisdiction; powers.

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

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

16 (c) The municipal court may fix punishment for offenses within its jurisdiction not
17 exceeding a fine of \$1,000.00 or imprisonment for one year or both such fine and
18 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as
19 now, or hereafter provided by law.

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

23 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
24 presence of those charged with violations before said court, and shall have discretionary
25 authority to accept cash or personal or real property as surety for the appearance of persons
26 charged with violations. Whenever any person shall give bail for that person's appearance
27 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
28 judge presiding at such time, and an execution issued thereon by serving the defendant and
29 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
30 In the event that cash or property is accepted in lieu of bond for security for the appearance
31 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
32 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the

1 property so deposited shall have a lien against it for the value forfeited which lien shall be
2 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

13 **SECTION 4.14.**

14 Certiorari.

15 The right of certiorari from the decision and judgment of the municipal court shall exist in
16 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
17 the sanction of a judge of the Superior Court of Elbert County under the laws of the State of
18 Georgia regulating the granting and issuance of writs of certiorari.

19 **SECTION 4.15.**

20 Rules for court.

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

1 interest on general obligations, and for any other public purpose as determined by the city
2 council in its discretion.

3 **SECTION 6.11.**

4 Millage rate; due dates; payment methods.

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

9 **SECTION 6.12.**

10 Occupation and business taxes.

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

15 **SECTION 6.13.**

16 Regulatory fees; permits

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

22 **SECTION 6.14.**

23 Franchises.

24 (a) The city council shall have the power to grant franchises for the use of this city's streets
25 and alleys for the purposes of railroads, street railways, telephone companies, electric
26 companies, cable television, gas companies, transportation companies, and other similar
27 organizations. The city council shall determine the duration, terms, whether the same shall
28 be exclusive or nonexclusive, and the consideration for such franchises; provided, however,
29 no franchise shall be granted for a period in excess of 35 years and no franchise shall be

1 granted unless the city receives just and adequate compensation therefore. The city council
2 shall provide for the registration of all franchises with the city clerk in a registration book
3 kept by the city clerk. The city council may provide by ordinance for the registration within
4 a reasonable time of all franchises previously granted.

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

10 **SECTION 6.15.**

11 Service charges.

12 The city council by ordinance shall have the power to assess and collect fees, charges, and
13 tolls for sewers, sanitary and health services, or any other services provided or made
14 available within and without the corporate limits of the city for the total cost to the city of
15 providing or making available such services. If unpaid, such charges shall be collected as
16 provided in Section 6.18 of this charter.

17 **SECTION 6.16.**

18 Special assessments.

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

24 **SECTION 6.17.**

25 Construction; other taxes and fees.

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

SECTION 6.18.

Collection of delinquent taxes and fees.

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

SECTION 6.19.

General obligation bonds.

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

SECTION 6.20.

Revenue bonds.

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

SECTION 6.21.

Short-term loans.

The city may obtain short-term loans and must repay such loans not later than December 31 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, material, real and personal property, services, and supplies provided the

1 contract terminates without further obligation on the part of the municipality at the close of
2 the calendar year in which it was executed and at the close of each succeeding calendar year
3 for which it may be renewed. Contracts must be executed in accordance with the
4 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are
5 or may hereafter be enacted.

6 **SECTION 6.23**

7 Fiscal year

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

11 **SECTION 6.24.**

12 Preparation of budgets.

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

17 **SECTION 6.25.**

18 Submission of operating budget to city council.

19 On or before a date fixed by the city council but not later than 30 days prior to the beginning
20 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
21 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
22 containing a statement of the general fiscal policies of the city, the important features of the
23 budget, explanations of major changes recommended for the next fiscal year, a general
24 summary of the budget, and such other comments and information as the mayor may deem
25 pertinent. The operating budget and the capital improvements budget hereinafter provided
26 for, the budget message, and all supporting documents shall be filed in the office of the city
27 clerk and shall be open to public inspection.

1 such purpose, but any additional appropriations may be made only from an existing
2 unexpended surplus.

3 **SECTION 6.29.**

4 Capital improvements budget.

5 (a) On or before the date fixed by the city council but no later than thirty days prior to the
6 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
7 improvements budget with recommendations as to the means of financing the improvements
8 proposed for the ensuing fiscal year. The city council shall have power to accept, with or
9 without amendments, or reject the proposed program and proposed means of financing. The
10 city council shall not authorize an expenditure for the constructing of any building, structure,
11 work, or improvement, unless the appropriations for such project are included in the capital
12 improvements budget, except to meet a public emergency as provided in Section 2.24 of this
13 charter.

14 (b) The city council shall adopt by ordinance the final capital improvements budget for the
15 ensuing fiscal year not later than the first regular city council meeting of each year. No
16 appropriation provided for in a prior capital improvement budget shall lapse until the purpose
17 for which the appropriation was made shall have been accomplished or abandoned; provided,
18 however, the mayor may submit amendments to the capital improvements budget at any
19 time during the fiscal year, accompanied by recommendations. Any such amendments to the
20 capital improvements budget shall become effective only upon adoption by ordinance.

21 **SECTION 6.30.**

22 Independent audit.

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

28 **SECTION 6.31.**

29 Contracting procedures.

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

31 (1) It is in writing;

1 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of
2 course, it is signed by the city attorney to indicate such drafting or review; and

3 (3) It is made or authorized by the city council and such approval is entered in the city
4 journal of proceedings pursuant to Section 2.20 of this charter.

5 **SECTION 6.32.**

6 Centralized purchasing.

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

9 **SECTION 6.33.**

10 Sale and lease of city property.

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

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

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

SECTION 7.15.

Severability.

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

SECTION 7.16.

Specific repealer.

An Act incorporating the City of Bowman in the County of Elbert, approved August 22, 1907 (Ga. L. 1907, p. 438), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 7.17.

Effective date.

This charter shall become effective upon approval by the Governor or upon becoming law without such approval.

SECTION 7.18.

General repealer.

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