

House Bill 1573 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 23<sup>rd</sup> and Jamieson of the 22<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Lavonia; 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 a city manager and certain duties and powers relative thereto; to provide for  
9 boards, commissions, and authorities; to provide for a city attorney, a city clerk, a city  
10 treasurer, and other personnel; to provide for rules and regulations; to provide for a municipal  
11 court and the judge or judges thereof; to provide for practices and procedures; to provide for  
12 taxation and fees; to provide for franchises, service charges, and assessments; to provide for  
13 bonded and other indebtedness; to provide for accounting and budgeting; to provide for  
14 purchases; to provide for the sale of property; to provide for bonds for officials; to provide  
15 for eminent domain; to provide for other matters relative to the foregoing; to provide for  
16 severability; to repeal a specific Act; to provide for an effective date; to repeal conflicting  
17 laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **ARTICLE I**  
20 **INCORPORATION AND POWERS**



**SECTION 1.13.**

## Examples of powers.

The powers of this city 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;

(4) Building Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades;

(5) Business Regulation and Taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and processions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any city taxes or fees;

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

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

(8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(9) Fire Regulations. To fix and establish fire limits and from time to time to extend, 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 firefighting; and to  
2 prescribe penalties and punishment for violations thereof;

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

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

13 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
14 any purpose related to 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 (13) Health and Sanitation. To prescribe standards of health and sanitation and to  
17 provide for the enforcement of such standards;

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

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

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

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

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

- 1 (19) 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 (20) 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 drains,  
6 sewage disposal, gas works, electric light plants, transportation facilities, public airports,  
7 cable television, and any other public utility; to fix the penalties and to provide for the  
8 withdrawal of service for refusal or failure to pay the same; to authorize the extension of  
9 water, sewerage, and electrical distribution systems, and all necessary appurtenances by  
10 which said utilities are distributed, inside and outside the corporate limits of the city; and  
11 to provide utility services to persons, firms, and corporations inside and outside the  
12 corporate limits of the city as provided by ordinance;
- 13 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or  
14 private property;
- 15 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to  
16 the authority of this charter and the laws of the State of Georgia;
- 17 (23) Planning and Zoning. To provide comprehensive city planning for development by  
18 zoning; and to provide subdivision regulation and the like as the city council deems  
19 necessary and reasonable to insure a safe, healthy, and esthetically pleasing community;
- 20 (24) Police and Fire Protection. To exercise the power of arrest through duly appointed  
21 police and to establish, operate, or contract for a police and a fire-fighting agency;
- 22 (25) Public Hazards; Removal. To provide for the destruction and removal of any  
23 building or other structure which is or may become dangerous or detrimental to the  
24 public;
- 25 (26) Public Improvements. To provide for the acquisition, construction, building,  
26 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
27 cemeteries, markets and market houses, public buildings, libraries, public housing,  
28 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
29 recreational, conservation, sport, curative, corrective, detentional, penal, and medical  
30 institutions, agencies, and facilities; to provide any other public improvements, inside  
31 or outside the corporate limits of the city; to regulate the use of public improvements; and  
32 for such purposes, property may be acquired by condemnation under Title 22 of the  
33 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
- 34 (27) Public Peace. To provide for the prevention and punishment of drunkenness, riots,  
35 and public disturbances;

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

3 (29) Public Utilities and Services. To grant franchises or make contracts for public  
4 utilities and public services; and to prescribe the rates, fares, regulations, and standards  
5 and conditions of service applicable to the service to be provided by the franchise grantee  
6 or contractor, insofar as not in conflict with valid regulations of the Public Service  
7 Commission;

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

13 (31) Retirement. To provide and maintain a retirement plan for officers and employees  
14 of the city;

15 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
16 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise  
17 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
18 walkways within the corporate limits of the city; to negotiate and execute leases over,  
19 through, under, or across any city property or the right of way of any street, road, alley,  
20 and walkway or portion thereof within the corporate limits of the city for bridges,  
21 passageways, or any other purpose or use between buildings on opposite sides of the  
22 street and for other bridges, overpasses, and underpasses for private use at such location  
23 and to charge a rental therefor in such manner as may be provided by ordinance; to  
24 authorize and control the construction of bridges, overpasses and underpasses within the  
25 corporate limits of the city; to grant franchises and rights of way throughout the streets  
26 and roads and over the bridges and viaducts for the use of public utilities and for private  
27 use; and to require real estate owners to repair and maintain in a safe condition the  
28 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

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

- 1 (34) Solid Waste Disposal. To provide for the collection and disposal of garbage,  
2 rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and  
3 refuse by others; and to provide for the separate collection of glass, tin, aluminum,  
4 cardboard, paper, and other recyclable materials and to provide for the sale of such items;
- 5 (35) Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn  
6 shops, the manufacture, sale, or transportation of intoxicating liquors, and the use and  
7 sale of firearms; to regulate the transportation, storage, and use of combustible, explosive,  
8 and inflammable materials, the use of lighting and heating equipment, and any other  
9 business or situation which may be dangerous to persons or property; to regulate and  
10 control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions,  
11 and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit  
12 adult oriented businesses, including, but not limited to, fortune telling, palmistry, adult  
13 bookstores, and massage parlors;
- 14 (36) Special Assessments. To levy and provide for the collection of special assessments  
15 to cover the costs for any public improvements;
- 16 (37) Taxes: Ad Valorem. To levy and provide for the assessment, valuation,  
17 revaluation, and collection of taxes on all property subject to taxation;
- 18 (38) Taxes: Other. To levy and collect such other taxes as may be allowed now or in  
19 the future by law.
- 20 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
21 number of such vehicles; to require the operators thereof to be licensed; to require public  
22 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
23 regulate the parking of such vehicles;
- 24 (40) Urban Redevelopment. To organize and operate an urban redevelopment program;  
25 and
- 26 (41) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges,  
27 and immunities necessary or desirable to promote or protect the safety, health, peace,  
28 security, good order, comfort, convenience, or general welfare of the city and its  
29 inhabitants; to exercise all implied powers necessary to carry into execution all powers  
30 granted in this charter as fully and completely as if such powers were fully stated herein;  
31 and to exercise all powers now or in the future authorized to be exercised by other  
32 municipal governments under other laws of the State of Georgia; and no listing of  
33 particular powers in this charter shall be held to be exclusive of others, nor restrictive of  
34 general words and phrases granting powers, but shall be held to be in addition to such  
35 powers unless expressly prohibited to municipalities under the constitution or applicable  
36 laws of the State of Georgia.

1                                   **SECTION 1.14.**

2                                   Exercise of powers.

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

7                                   **ARTICLE II**

8                                   **GOVERNMENT STRUCTURE**

9                                   **SECTION 2.10.**

10                                  City council creation, number, election.

11 The legislative authority of the government of this city, except as otherwise specifically  
12 provided in this charter, shall be vested in a city council to be composed of a mayor and four  
13 council members. The mayor and council members shall be elected in the manner provided  
14 by this charter.

15                                  **SECTION 2.11.**

16                                  City council terms and qualifications for office.

17 The members of the city council shall serve for terms of four years and until their respective  
18 successors are elected and qualified. No person shall be eligible to serve as mayor or council  
19 member unless they shall be 21 years of age on or before the date of the election and shall  
20 have been a resident of the city for one year immediately prior to the date of the election of  
21 mayor or members of the city council. Each shall continue to reside therein during their  
22 period of service and to be registered and qualified to vote in municipal elections of this city.

23                                  **SECTION 2.12.**

24                                  Vacancy; filling of vacancies.

25 (a) Vacancies - The office of mayor or council member shall become vacant upon the  
26 incumbent's death, resignation, removal of residence from city, missing four consecutive city  
27 council meetings without leave from council, forfeiture of office, or removal from office in  
28 any manner authorized by this charter or the general laws of the State of Georgia. A vacancy

1 in the office of mayor or council member shall be filled for the remainder of the unexpired  
2 term, if any, as provided for in this charter.

3 (b) Suspension - Upon the suspension from office of mayor or council member in any  
4 manner authorized by the general laws of the State of Georgia, the city council or those  
5 remaining shall appoint a successor for the duration of the suspension. If the suspension  
6 becomes permanent, then the office shall become vacant and shall be filled for the remainder  
7 of the unexpired term, if any, as provided for in this charter.

### 8 **SECTION 2.13.**

#### 9 Compensation and expenses.

10 The mayor and council members shall receive compensation and expenses for their services  
11 as provided by ordinance.

### 12 **SECTION 2.14.**

#### 13 Conflicts of interest; holding other offices.

14 (a) Conflict of Interest - No elected official, appointed officer, or employee of the city or any  
15 political entity to which this charter applies shall knowingly:

16 (1) Engage in any business or transaction, or have a financial or other personal interest,  
17 direct or indirect, which is incompatible with the proper discharge of his or her official  
18 duties or which would tend to impair the independence of his or her judgment or action  
19 in the performance of his or her official duties;

20 (2) Engage in or accept private employment, or render services for private interests,  
21 when such employment or service is incompatible with the proper discharge of his or her  
22 official duties or would tend to impair the independence of their judgment or action in the  
23 performance of their official duties;

24 (3) Disclose confidential information concerning the property, government, or affairs of  
25 the governmental body by which they are engaged without the proper legal authorization;  
26 or use such information to advance the financial or other private interest of themselves  
27 or others;

28 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,  
29 from any person, firm, or corporation which to their knowledge is interested, directly or  
30 indirectly, in any manner whatsoever, in business dealings with the governmental body  
31 by which they are engaged; provided, however, that an elected official who is a candidate

- 1 for public office may accept campaign contributions and services in connection with any  
2 such campaign. Valuables are defined as gifts worth over \$50.00;
- 3 (5) Represent other private interests in any action or proceeding against this city or any  
4 portion of its government; and
- 5 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
6 any business or entity in which he or she has financial interest.
- 7 (b) Disclosure - Any elected official, appointed officer, or employee who shall have any  
8 private financial interest, directly or indirectly, in any contract or matter pending before or  
9 within any department of the city shall disclose such private interest to the city council. The  
10 mayor or any council member who has a private interest in any matter pending before the  
11 city council shall disclose such private interest and such disclosure shall be entered on the  
12 records of the city council, and they shall disqualify themselves from participating in any  
13 decision or vote relating thereto. Any elected official, appointed officer, or employee of any  
14 agency or political entity to which this charter applies who shall have any private financial  
15 interest, directly or indirectly, in any contract or matter pending before or within such entity  
16 shall disclose such private interest to the governing body of such agency or entity.
- 17 (c) Use of Public Property - No elected official, appointed officer, or employee of the city  
18 or any agency or entity to which this charter applies shall use property owned by such  
19 governmental entity for personal benefit, convenience, or profit except in accordance with  
20 policies promulgated by the city council or the governing body of such agency or entity.
- 21 (d) Contracts Voidable and Rescindable - Any violation of this section which occurs with  
22 the knowledge, express or implied, of a party to a contract or sale shall render said contract  
23 or sale voidable at the option of the city official.
- 24 (e) Ineligibility of Elected Official - Except where authorized by law, neither the mayor nor  
25 any council member shall hold any other elective or compensated appointive office in the  
26 city or otherwise be employed by said government or any agency thereof during the term for  
27 which they were elected. No former mayor and no former council member shall hold any  
28 compensated appointive office in the city until one year after the expiration of the term for  
29 which they were elected.
- 30 (f) Political Activities of Certain Officers and Employees -No appointive officer and no  
31 employee of the city shall continue in such employment upon qualifying as a candidate for  
32 nomination or election to any public office.
- 33 (g) Penalties for Violation -
- 34 (1) Any city officer or employee who knowingly conceals such financial interest or  
35 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
36 in office or position and shall be deemed to have forfeited their office or position.

1 (2) Any officer or employee of the city who shall forfeit their office or position as  
2 described in paragraph (1) of this subsection shall be ineligible for appointment or  
3 election to or employment in a position in the city government for a period of three years  
4 thereafter.

5 **SECTION 2.15.**

6 Inquiries and investigations.

7 The city council may make inquiries and investigations into the affairs of the city and the  
8 conduct of any department, office, or agency thereof and for this purpose may subpoena  
9 witnesses, administer oaths, take testimony, and require the production of evidence. Any  
10 person who fails or refuses to obey a lawful order issued in the exercise of these powers by  
11 the city council shall be punished as provided by ordinance.

12 **SECTION 2.16.**

13 General power and authority of the city council.

14 Except as otherwise provided by the charter, the city council shall be vested with all the  
15 powers of government of this city as provided by Article I of this charter.

16 **SECTION 2.17.**

17 Eminent domain.

18 The city council is hereby empowered to acquire, construct, operate, and maintain public  
19 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,  
20 sewers, drains, sewage treatment, waterworks, electrical systems, cable television systems,  
21 gas systems, airports, hospitals, and charitable educational, recreational, sport curative,  
22 corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other  
23 public improvements inside or outside the city; and, to regulate the use thereof and for such  
24 purposes, property may be condemned under procedures established under general law  
25 applicable now or as provided in the future.

26 **SECTION 2.18.**

27 Oath of office.

1 The oath of office shall be administered by a person duly authorized by law to administer  
2 oaths to the newly elected members as follows:

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

6 **SECTION 2.19.**

7 Regular and special meetings.

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

10 (b) Special meetings of the city council may be held on call of the mayor or two members  
11 of the city council. Notice of such special meetings shall be served on all other members  
12 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such  
13 notice to council members shall not be required if the mayor and all council members are  
14 present when the special meeting is called. Such notice of any special meeting may be  
15 waived by a council member in writing before or after such a meeting, and attendance at the  
16 meeting shall also constitute a waiver of notice on any business transacted in such council  
17 member's presence. Only the business stated in the call may be transacted at the special  
18 meeting without unanimous consent of such council members present.

19 (c) All meetings of the city council shall be public to the extent required by law and notice  
20 to the public of special meetings shall be made as required by law.

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 chairpersons and officers of the city council shall be  
27 appointed by the mayor and shall serve at the mayor's pleasure. The mayor shall have the  
28 power to appoint new members to any committee at any time.

29 **SECTION 2.21.**

30 Quorum: voting.

1 (a) Three council members shall constitute a quorum and shall be authorized to transact  
 2 business of the city council. Voting on the adoption of ordinances shall be by voice vote and  
 3 the vote shall be recorded in the journal, but any member of the city council shall have the  
 4 right to request a roll call vote and such vote shall be recorded in the journal. Except as  
 5 otherwise provided in this charter, the affirmative vote of three council members shall be  
 6 required for the adoption of any ordinance or resolution.

7 (b) In the event vacancies in office result in less than a quorum of council members holding  
 8 office, then the remaining council members in office shall constitute a quorum and shall be  
 9 authorized to transact business of the city council. A unanimous vote of all members of the  
 10 remaining council shall be required for the adoption of any ordinance or resolution.

11 **SECTION 2.22.**

12 Ordinance form; procedures.

13 (a) Every proposed ordinance should be introduced in writing and in the form required for  
 14 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
 15 enacting clause shall be "The Council of the City of Lavonia hereby ordains. . ." and every  
 16 ordinance shall so begin.

17 (b) An ordinance may be introduced by any council member and be read at a regular or  
 18 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
 19 by the city council in accordance with the rules which it shall establish; provided, however,  
 20 an ordinance shall not be adopted the same day it is introduced, except for emergency  
 21 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the  
 22 city clerk shall as soon as possible distribute a copy to the mayor and to each council member  
 23 and shall file a reasonable number of copies in the office of the city clerk and at such other  
 24 places as the city council may designate.

25 **SECTION 2.23.**

26 Action requiring an ordinance.

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

28 **SECTION 2.24.**

29 Emergencies.

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

18 **SECTION 2.25.**

19 Codes of technical regulations.

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

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

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

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

31 **SECTION 2.26.**

32 Signing; authenticating; recording; codification; printing.

- 1 (a) The city clerk shall authenticate by his or her signature and record in full in a properly  
 2 indexed book kept for that purpose all ordinances adopted by the council.
- 3 (b) The city council shall provide for the preparation of a general codification of all the  
 4 ordinances of the city having the force and effect of law. The general codification shall be  
 5 adopted by the city council by ordinance and shall be published promptly, together with all  
 6 amendments thereto and such codes of technical regulations and other rules and regulations  
 7 as the city council may specify. This compilation shall be known and cited officially as  
 8 "Code of Ordinances, City of Lavonia, Georgia." Copies of the code shall be furnished to  
 9 all officers, departments, and agencies of the city and made available for purchase by the  
 10 public at a reasonable price as fixed by the city council.
- 11 (c) The city council shall cause each ordinance and each amendment to this charter to be  
 12 printed promptly following its adoption, and the printed ordinances and charter amendments  
 13 shall be made available for purchase by the public at reasonable prices to be fixed by the city  
 14 council. Following publication of the first code under this charter and at all times thereafter,  
 15 the ordinances and charter amendments shall be printed in substantially the same style as the  
 16 code currently in effect and shall be suitable in form for incorporation therein. The city  
 17 council shall make such further arrangements as deemed desirable with reproduction and  
 18 distribution of any current changes in or additions to codes of technical regulations and other  
 19 rules and regulations included in the code.

20 **SECTION 2.27.**

21 City manager; appointment; qualifications; compensation.

22 The city council may employ a city manager for an indefinite term and shall fix the city  
 23 manager's compensation. The city manager shall be employed solely on the basis of the city  
 24 manager's executive and administrative qualifications.

25 **SECTION 2.28.**

26 Election of mayor; forfeiture; compensation.

27 The mayor shall be elected and serve for a term of four years and until the mayor's successor  
 28 is elected and qualified. The mayor shall be a qualified elector of this city, and the mayor  
 29 shall be 21 years of age on or before the date of the election, and the mayor shall have been  
 30 a resident of the city for one year immediately preceding the mayor's election. The mayor  
 31 shall continue to reside in this city during the period of the mayor's service. The mayor shall  
 32 forfeit the mayor's office on the same grounds and under the same procedure as for council

1 members. The compensation of the mayor shall be established in the same manner as for  
2 council members.

3 **SECTION 2.29.**

4 Chief executive officer.

5 The mayor shall be the chief executive officer of this city. The mayor shall possess all of the  
6 executive and administrative power granted to the city under the constitution and laws of the  
7 State of Georgia, and all the executive and administrative powers contained in this charter.

8 **SECTION 2.30.**

9 Powers and duties of mayor.

10 As the chief executive of this city, the mayor shall:

- 11 (1) Vote at city council meetings only in the case of a tie vote by council members;  
12 (2) See that all laws and ordinances of the city are faithfully executed;  
13 (3) Exercise supervision over all executive and administrative work of the city and  
14 provide for the coordination of administrative activities;  
15 (4) Prepare and submit to the city council a recommended operating budget and  
16 recommended capital budget;  
17 (5) Provide for an annual audit of all accounts of the city and such other information as  
18 the city council may request from time to time;  
19 (6) Recommend to the city council such measures relative to the affairs of the city,  
20 improvement of the government, and promotion of the welfare of its inhabitants as they  
21 may deem expedient;  
22 (7) Call special meetings of the city council as provided in subsection (b) of Section 2.19  
23 of this charter;  
24 (8) Require any department or agency of the city to submit written reports whenever they  
25 deem it expedient; and  
26 (9) Perform such other duties as may be required by law, this charter, or by ordinance.

27 **SECTION 2.31.**

28 Mayor pro tempore, election.

1 By a majority vote, the city council shall elect a council member to serve as mayor pro  
2 tempore.

3 **SECTION 2.32.**

4 Mayor pro tempore, power and duties.

5 During the absence or disability of the mayor for any cause, the mayor pro tempore, or in the  
6 mayor pro tempore's absence or disability for any reason any one of the council members  
7 chosen by a majority vote of the city council, shall be clothed with all the rights and  
8 privileges of the mayor and shall perform the duties of the office of the mayor so long as  
9 such absence or disability shall continue. Any such absence or disability shall be declared  
10 by majority vote of all council members.

11 **ARTICLE III**

12 **ADMINISTRATIVE AFFAIRS**

13 **SECTION 3.10.**

14 Administrative and service departments.

15 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall  
16 prescribe the functions or duties, and establish, abolish, or alter all nonelective offices,  
17 positions of employment, departments, and agencies of the city as necessary for the proper  
18 administration of the affairs and government of this city.

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

22 (c) All appointed officers and heads of departments shall receive such compensation as  
23 prescribed by ordinance.

24 (d) There shall be a head of each department or agency who shall be its principal officer.  
25 Each department head shall, subject to the direction and supervision of the mayor, be  
26 responsible for the administration and direction of the affairs and operations of his or her  
27 department or agency.

28 (e) The power to employ or to discharge any employee of the city is vested in the city  
29 council. The city council may promulgate such policies as necessary for the administration  
30 and direction of the affairs and operations of the city and its employment practices.

**SECTION 3.11.**

## Boards, commissions and authorities.

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

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

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

(d) Except as otherwise provide by charter or by law, no member of any board, commission, or authority created pursuant to subsection (c) of this section above shall hold any elective office in the city.

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

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

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

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

**SECTION 3.12.**

## City attorney.

1 The city council shall appoint a city attorney, together with such assistant city attorneys as  
2 may be authorized, and shall provide for the payment of such attorney or attorneys for  
3 services rendered to the city. The city attorney shall be responsible for representing and  
4 defending the city in all litigation in which the city is a party; may be the prosecuting officer  
5 in the municipal court; shall attend the meetings of the council as directed; shall advise the  
6 city council, mayor, and other officers and employees of the city concerning legal aspects of  
7 the city's affairs; and shall perform such other duties as may be required of the city attorney  
8 by virtue of the position as city attorney. The city attorney shall serve at the discretion of the  
9 city council.

10 **SECTION 3.13.**

11 City clerk.

12 The city council may appoint a city clerk who shall not be a council member. The city clerk  
13 shall be custodian of the official city seal; maintain council records required by this charter;  
14 and perform such other duties as may be required by city council.

15 **SECTION 3.14.**

16 City treasurer.

17 The city council may appoint a financial officer to collect all taxes, licenses, fees, and other  
18 monies belonging to the city subject to the provisions of this charter and the ordinances of  
19 the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and  
20 sale or foreclosure for nonpayment of taxes. The financial officer shall also be responsible  
21 for the general duties of a treasurer and fiscal officer.

22 **SECTION 3.15.**

23 City accountant.

24 The city council shall appoint a city accountant to perform the duties of an accountant. The  
25 city accountant shall serve at the discretion of the city council.

26 **SECTION 3.16.**

27 Position classification and pay plans.

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

7 **SECTION 3.17.**

8 Personnel policies.

9 The city council may provide for and adopt rules and regulations consistent with this charter  
 10 concerning:

- 11 (1) The method of employee selection and probationary periods of employment;  
 12 (2) The administration of the position classification and pay plan, methods of promotion  
 13 and application of service ratings thereto, and transfer of employees within the  
 14 classification plan;  
 15 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and  
 16 the order and manner in which layoffs shall be effected;  
 17 (4) Such dismissal hearings as due process may require; and  
 18 (5) Such other personnel notices as may be necessary to provide for adequate and  
 19 systematic handling of personnel affairs.

20 **SECTION 3.18.**

21 Consolidation of functions.

22 The city council may consolidate any two or more of the positions of city clerk, city  
 23 treasurer, city manager, city tax collector, or of any other positions or may assign the  
 24 functions of any one or more of such positions to the holder or holders of any other positions.

25 **ARTICLE IV**

26 JUDICIAL BRANCH

27 **SECTION 4.10.**

28 Creation; name.

29 There shall be a court to be known as the Municipal Court of the City of Lavonia.



- 1 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
 2 the presence of those charged with violations before said court and shall have discretionary  
 3 authority to accept cash or personal or real property as surety for the appearance of persons  
 4 charged with violations. Whenever any person shall give bail for his or her appearance and  
 5 shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the  
 6 judge presiding at such time and an execution issued thereon by serving the defendant and  
 7 the defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi.  
 8 In the event that cash or property is accepted in lieu of bond for security for the appearance  
 9 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for  
 10 trial, the cash so deposited shall be on order of the judge declared forfeited to the city or the  
 11 property so deposited shall have a lien against it for the value forfeited which lien shall be  
 12 enforceable in the same manner and to the same extent as a lien for city property taxes.
- 13 (f) The municipal courts shall have the same authority as superior courts to compel the  
 14 production of evidence in the possession of any party; to enforce obedience to its orders,  
 15 judgments, and sentences; and to administer such oaths as are necessary.
- 16 (g) The municipal court may compel the presence of all parties necessary to a proper  
 17 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be  
 18 served as executed by any officer as authorized by this charter or by law.
- 19 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
 20 persons charged with offenses against any ordinance of the city, and each judge of the  
 21 municipal court shall have the same authority as a magistrate of the state to issue warrants  
 22 for offenses against state laws committed within the city.
- 23 (i) The municipal court is specifically vested with all the jurisdiction and powers throughout  
 24 the geographic area of this city granted by law to mayor's, recorder's, and police courts and  
 25 particularly by such laws as authorize the abatement of nuisances and prosecution of traffic  
 26 violations.

27 **SECTION 4.14.**

28 Certiorari.

29 The right of certiorari from the decision and judgment of the municipal court shall exist in  
 30 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
 31 the sanction of a judge of the Superior Court of Franklin County under the laws of the State  
 32 of Georgia regulating the granting and issuance of writs of certiorari.

33 **SECTION 4.15.**

1 Rules for court.

2 With the approval of the city council, the judge shall have full power and authority to make  
3 reasonable rules and regulations necessary and proper to secure the efficient and successful  
4 administration of the municipal court; provided, however, that the city council may adopt in  
5 part or in toto the rules and regulations applicable to superior courts. The rules and  
6 regulations made or adopted shall be filed with the city clerk and shall be available for public  
7 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court  
8 proceedings at least 48 hours prior to said proceedings.

9 **ARTICLE V**

10 **ELECTIONS AND REMOVAL**

11 **SECTION 5.10.**

12 Applicability of general law.

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

15 **SECTION 5.11.**

16 Election of the city council and mayor.

17 (a) At any election, all persons who are qualified under the Constitution and laws of the  
18 State of Georgia to vote for members of the General Assembly of Georgia and who are bona  
19 fide residents of said city shall be eligible to qualify as voters in the election.

20 (b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of  
21 Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this  
22 charter, the city council shall, by ordinance, prescribe such rules and regulations it deems  
23 appropriate to fulfill any options and duties under the "Georgia Election Code."

24 (c) The mayor and council members who are in office on the effective date of this Act shall  
25 serve until the expiration of the term of office to which they were elected and until their  
26 successors are elected and qualified.

27 (d) For the purpose of electing members of the council, the City of Lavonia shall consist of  
28 one election district with four numbered posts. Each person seeking election shall designate  
29 the post for which he or she seeks election.

1 (e) On the first Tuesday following the first Monday in November, 2003, and on that day  
2 quadrennially thereafter, there shall be elected a mayor and two council members from Posts  
3 3 and 4. Then, on the first Tuesday following the first Monday in November, 2005, and on  
4 that day quadrennially thereafter, there shall be elected two council members from Posts 1  
5 and 2. It is the purpose of this section to provide a rotation system for the office of mayor  
6 and council members. The terms of the offices shall begin on the first day of January  
7 immediately following the election of such member.

8 **SECTION 5.12.**

9 Nonpartisan elections.

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

12 **SECTION 5.13.**

13 Special elections; vacancies.

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

21 **SECTION 5.14.**

22 Other provisions.

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

26 **SECTION 5.15.**

27 Removal of officers.

1 (a) The mayor, council members, or other appointed officers provided for in this charter  
2 shall be removed from office for any one or more of the following causes:

- 3 (1) Incompetence, misfeasance, or malfeasance in office;  
4 (2) Conviction of a crime involving moral turpitude;  
5 (3) Failure at any time to possess any of the qualifications of office as provided by this  
6 charter or by law;  
7 (4) Knowingly violating any express prohibition of this charter;  
8 (5) Abandonment of office or neglect to perform the duties thereof; or  
9 (6) Failure for any other cause to perform the duties of office as required by this charter  
10 or by state law.

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

- 13 (1) By the vote of a majority of council members present after an investigative hearing.  
14 In the event an elected officer is sought to be removed by the action of the city council,  
15 such officer shall be entitled to a written notice specifying the ground or grounds for  
16 removal and to a public hearing which shall be held not less than ten days after the  
17 service of such written notice. Any elected officer sought to be removed from office as  
18 herein provided shall have the right of appeal from the decision of the city council to the  
19 Superior Court of Franklin County. Such appeal shall be governed by the same rules as  
20 govern appeals to the superior court from the probate court; or  
21 (2) By an order of the Superior Court of Franklin County following a hearing on a  
22 complaint seeking such removal brought by any resident of the City of Lavonia.

23 **ARTICLE VI**

24 **FINANCE**

25 **SECTION 6.10.**

26 **Property tax.**

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

**SECTION 6.11.**

Millage Rate; due dates; payment methods.

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. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The city council may classify businesses, occupations, professions or callings 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.**

Licenses; permits; fees.

The city council by ordinance shall have the power to require any individuals or corporations who transact business in this city or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may 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. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitates.

**SECTION 6.14.**

Franchises.

1 The city council shall have the power to grant franchises for the use of this city's streets and  
 2 alleys for the purposes of railroads, street railways, telephone companies, electric companies,  
 3 cable television, gas companies, transportation companies, and other similar organizations.  
 4 The city council shall determine the duration, terms, whether the same shall be exclusive or  
 5 nonexclusive, and the consideration for such franchises; provided, however, no franchise  
 6 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
 7 the city receives just and adequate compensation therefor. The city council shall provide for  
 8 the registration of all franchises with the city clerk in a registration book kept by the city  
 9 clerk. The city council may provide by ordinance for the registration within a reasonable  
 10 time of all franchises previously granted.

11 **SECTION 6.15.**

12 Service charges.

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

18 **SECTION 6.16.**

19 Special assessments.

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

25 **SECTION 6.17.**

26 Construction, other taxes.

27 This city shall be empowered to levy any other tax allowed now or hereafter by law, and the  
 28 specific mention of any right, power, or authority in this article shall not be construed as  
 29 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 obligations 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.**

## Fiscal year.

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

4 **SECTION 6.23.**

5 Preparation of budgets.

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

10 **SECTION 6.24.**

11 Submission of operating budget to city council.

12 On or before a date fixed by the city council but not later than 45 days prior to the beginning  
13 of each fiscal year, the mayor shall submit to the city council a proposed operating budget  
14 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
15 containing a statement of the general fiscal policies of the city, the important features of the  
16 budget, explanations of major changes recommended for the next fiscal year, a general  
17 summary of the budget, and such other comments and information as the mayor may deem  
18 pertinent. The operating budget and the capital improvements budget hereinafter provided  
19 for, the budget message, and all supporting documents shall be filed in the office of the city  
20 clerk and shall be open to public inspection.

21 **SECTION 6.25.**

22 Action by city council on budget.

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

28 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal  
29 year not later than 30 days prior to the beginning of each fiscal year. If the city council fails  
30 to adopt the budget by this date, the amounts appropriated for operation for the current fiscal

1 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all  
 2 items prorated accordingly until such time as the city council adopts a budget for the ensuing  
 3 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting  
 4 out the estimated revenues in detail by sources and making appropriations according to fund  
 5 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
 6 adopted pursuant to Section 6.23 of this charter.

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

11 **SECTION 6.26.**

12 Tax levies.

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

19 **SECTION 6.27.**

20 Changes in appropriations.

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

25 **SECTION 6.28.**

26 Capital improvements budget.

27 (a) On or before the date fixed by the city council but no later than 45 days prior to the  
 28 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital  
 29 improvements budget with the mayor's recommendations as to the means of financing the  
 30 improvements proposed for the ensuing fiscal year. The city council shall have the power

1 to accept, with or without amendments, or reject the proposed program and proposed means  
 2 of financing. The city council shall not authorize an expenditure for the construction of any  
 3 building, structure, work, or improvement, unless the appropriations for such project are  
 4 included in the capital improvements budget, except to meet a public emergency as provided  
 5 in Section 2.24 of this charter.

6 (b) The city council shall adopt by ordinance the final capital improvements budget for the  
 7 ensuing fiscal year. No appropriation provided for in a prior capital improvements budget  
 8 shall lapse until the purpose for which the appropriation was made shall have been  
 9 accomplished or abandoned; provided, however, the mayor may submit amendments to the  
 10 capital improvements budget at any time during the fiscal year, accompanied by the mayor's  
 11 recommendations. Any such amendments to the capital improvements budget shall become  
 12 effective only upon adoption by ordinance.

13 **SECTION 6.29.**

14 Independent audit.

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

20 **SECTION 6.30.**

21 Contracting procedures.

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

- 23 (1) It is in writing;
- 24 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
 25 course, is signed by the city attorney to indicate such drafting or review; and
- 26 (3) It is made or authorized by the city council and such approval is entered in the city  
 27 council journal of proceedings pursuant to Section 2.21 of this charter.

28 **SECTION 6.31.**

29 Sale of city property.

- 1 (a) The city council may sell and convey any real or personal property owned or held by the  
 2 city for governmental or other purposes as now or hereafter provided by law.
- 3 (b) The city council may quitclaim any rights it may have in property not needed for public  
 4 purposes upon report by the mayor and adoption of a resolution, both finding that the  
 5 property is not needed for public or other purposes and that the interest of the city has no  
 6 readily ascertainable monetary value.
- 7 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
 8 of the city, a small parcel or tract of land is cut off or separated by such work from a larger  
 9 tract or boundary of land owned by the city, the city council may authorize the mayor to  
 10 execute and deliver in the name of the city a deed conveying said cut-off or separated parcel  
 11 or tract of land to an abutting or adjoining property owner or owners in exchange for rights  
 12 of way of said street, avenue, alley, or public place when such swap is deemed to be in the  
 13 best interest of the city. All deeds and conveyances heretofore and hereafter so executed and  
 14 delivered shall convey all title and interest the city has in such property, notwithstanding the  
 15 fact that no public sale after advertisement was or is hereafter made.

16 **ARTICLE VII**

17 **GENERAL PROVISIONS**

18 **SECTION 7.10.**

19 **Bonds for officials.**

20 The officers and employees of this city, both elected and appointed, shall execute such surety  
 21 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
 22 shall from time to time require by ordinance or as may be provided by law.

23 **SECTION 7.11.**

24 **Prior ordinances.**

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

28 **SECTION 7.12.**

29 **Existing personnel and officers.**

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

7 **SECTION 7.13.**

8 Pending matters.

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

13 **SECTION 7.14.**

14 Construction.

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

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

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

20 **SECTION 7.15.**

21 Severability.

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

28 **SECTION 7.16.**

29 Repealer.

1 An Act incorporating the City of Lavonia in the County of Franklin, approved June 4, 1964  
2 (Ga. L. 1964, Ex. Sess., p. 2008), as amended, is hereby repealed in its entirety, and all  
3 amendatory Acts thereto are likewise repealed in their entirety.

4 **SECTION 7.17.**  
5 General Repealer.

6 All other laws and parts of laws in conflict with this charter are hereby repealed.

7 **SECTION 7.18.**  
8 Effective date.

9 This Act shall become effective upon its approval by the Governor or upon its becoming law  
10 without such approval.