

House Bill 899

By: Representative Hudson of the 156th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the Town of Pineview; to provide for incorporation, boundaries,
2 and powers of the town; to provide for a governing authority of such town and the powers,
3 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a mayor, mayor pro tempore, and town council and
8 certain duties, powers, and other matters relative thereto; to provide for administrative affairs
9 and responsibilities; to provide for boards, commissions, and authorities; to provide for a
10 town attorney, a town clerk, and other personnel and matters relating thereto; to provide for
11 rules and regulations; to provide for a municipal court and the judge or judges thereof and
12 other matters relative to those judges; to provide for the court's jurisdiction, powers,
13 practices, and procedures; to provide for the right of certiorari; to provide for elections; to
14 provide for taxation, licenses, and fees; to provide for franchises, service charges, and
15 assessments; to provide for bonded and other indebtedness; to provide for auditing,
16 accounting, budgeting, and appropriations; to provide for town contracts and purchasing; to
17 provide for the conveyance of property and interests therein; to provide for bonds for
18 officials; to provide for prior ordinances and rules, pending matters, and existing personnel;
19 to provide for penalties; to provide for construction; to provide for other matters relative to
20 the foregoing; to provide for severability; to repeal specific Acts; to provide for an effective
21 date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.13.

Examples of powers.

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

(b) Appropriations and expenditures. To make appropriations for the support of the government of the town; 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 town;

(c) 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 building and housing trades;

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

(e) Condemnation. To condemn property, both inside or outside the corporate limits of the town, 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;

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

(g) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the town 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 town;

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

(i) Fire regulations.

- 1 (1) To levy, fix, assess, and collect a fire service fee, charge, or tax for such services as
2 may be necessary to provide for protection of lives and property from individuals, firms,
3 and corporations residing in or doing business therein benefitting from such services; to
4 enforce the payment of such charges, taxes, or fees; and to provide for the manner of
5 collecting such service charges; and
- 6 (2) To fix and establish fire limits and from time to time to extend, enlarge, or restrict the
7 same; to prescribe fire safety regulations not inconsistent with general law, relating to
8 both fire prevention and detection and to fire fighting; and to prescribe penalties and
9 punishment for violations thereof;
- 10 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and
11 disposal and other sanitary service charge, tax, or fee for such services as may be necessary
12 in the operation of the town from all individuals, firms, and corporations residing in said
13 town or doing business therein and benefitting from such services; to enforce the payment
14 of such charges, taxes, or fees; and to provide for the manner and method of collecting such
15 service charges;
- 16 (k) General health and welfare. To define, regulate, and prohibit any act, practice, conduct,
17 or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety
18 of the inhabitants of the town and to provide for the enforcement of such standards;
- 19 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
20 purpose related to the powers and duties of the town and the general welfare of its citizens,
21 on such terms and conditions as the donor or grantor may impose;
- 22 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
23 for the enforcement of such standards;
- 24 (n) Jail sentences. To provide that persons given jail sentences in the municipal court may
25 work out such sentences in any public works or on the streets, roads, drains, and other public
26 property in the town; to provide for commitment of such persons to any jail; or to provide
27 for commitment of such persons to any county work camp or county jail by agreement with
28 the appropriate county officials;
- 29 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
30 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
31 town;
- 32 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
33 boards, offices, commissions, and agencies of the town; and to confer upon such agencies
34 the necessary and appropriate authority for carrying out all the powers conferred upon or
35 delegated to the same;

- 1 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the town
2 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
3 venture authorized by this charter or the laws of the State of Georgia;
- 4 (r) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise any
5 real, personal, or mixed property, in fee simple or lesser interest, inside or outside the
6 property limits of the town;
- 7 (s) Municipal property protection. To provide for the preservation and protection of
8 property and equipment of the town and the administration and use of same by the public;
9 and to prescribe penalties and punishment for violations thereof;
- 10 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
11 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
12 sewage disposal, gas works, electric light plants, cable television and other
13 telecommunications, transportation facilities, public airports, and any other public utility; to
14 fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to
15 provide for the withdrawal of service for refusal or failure to pay the same;
- 16 (u) Nuisances. To define a nuisance and provide for its abatement whether on public or
17 private property;
- 18 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
19 authority of this charter and the laws of the State of Georgia;
- 20 (w) Planning and zoning. To provide comprehensive town planning for development by
21 zoning; and to provide subdivision regulation and the like as the town council deems
22 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 23 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
24 officers; and to establish, operate, or contract for a police and a fire-fighting agency;
- 25 (y) Public hazards; removal. To provide for the destruction and removal of any building or
26 other structure which is or may become dangerous or detrimental to the public;
- 27 (z) Public improvements. To provide for the acquisition, construction, building, operation,
28 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
29 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
30 terminals, docks, parking facilities, and charitable, cultural, educational, recreational,
31 conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies,
32 and facilities; to provide any other public improvements, inside or outside the corporate
33 limits of the town; to regulate the use of public improvements; and, for such purposes,
34 property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other
35 applicable laws as are or may hereafter be enacted;
- 36 (aa) Public peace. To provide for the prevention and punishment of intoxication, riots, and
37 public disturbances;

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

1 peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind,
 2 by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling,
 3 palmistry, adult bookstores, and massage parlors;
 4 (jj) Special assessments. To levy and provide for the collection of special assessments to
 5 cover the costs for any public improvements;
 6 (kk) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and
 7 collection of taxes on all property subject to taxation;
 8 (ll) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
 9 future by law;
 10 (mm) Taxicabs. To regulate and license vehicles operated for hire in the town; to limit the
 11 number of such vehicles; to require the owners thereof to be licensed; to require public
 12 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 13 regulate the parking of such vehicles;
 14 (nn) Urban redevelopment. To organize and operate an urban redevelopment program;
 15 (oo) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and
 16 immunities necessary or desirable to promote or protect the safety, health, peace, security,
 17 good order, comfort, convenience, or general welfare of the town and its inhabitants; to
 18 exercise all implied powers necessary or desirable to carry into execution all powers granted
 19 in this charter as fully and completely as if such powers were fully stated herein; to exercise
 20 all powers now or in the future authorized to be exercised by other municipal governments
 21 under other laws of the State of Georgia; and no listing of particular powers in this charter
 22 shall be held to be exclusive of others, nor restrictive of general words and phrases granting
 23 powers, but shall be held to be in addition to such powers unless expressly prohibited to
 24 municipalities under the Constitution or applicable laws of the State of Georgia.

25 **SECTION 1.14.**

26 Exercise of powers.

27 All powers, functions, rights, privileges, and immunities of the town, its officers, agencies,
 28 or employees shall be carried into execution as provided by this charter. If this charter makes
 29 no provision, such shall be carried into execution as provided by ordinance or as provided
 30 by pertinent laws of the State of Georgia.

SECTION 2.14.

Conflicts of interest; holding other offices.

(a) Officers as trustees. Elected and appointed officers of the town are trustees and servants of the residents of the town and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of interest. Except as authorized by law, neither the mayor nor any councilmember shall hold any other town office or town employment during the term for which that person was elected.

(c) Neither the mayor nor any member of the town council shall vote upon, sign, or veto any ordinance, resolution, contract, or other matter in which that person is financially interested.

SECTION 2.15.

Inquiries and investigations.

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

SECTION 2.16.

General power and authority of the town council.

Except as otherwise provided by law or this charter, the town council shall be vested with all the powers of government of this town.

SECTION 2.17.

Eminent domain.

The town council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, cable television systems, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, correctional, detention, penal, and medical institutions, agencies, facilities, and any other public improvements inside or outside the corporate limits of the town and to regulate the use

1 thereof, and, for such purposes, property may be condemned under procedures established
2 under general law applicable now or as provided in the future.

3 **SECTION 2.18.**

4 Organizational meetings.

5 The town council shall hold an organizational meeting on the first regular meeting following
6 each municipal election. The meeting shall be called to order by the town clerk and the oath
7 of office shall be administered by the town attorney, the town clerk or notary to any newly
8 elected members as follows:

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

12 **SECTION 2.19.**

13 Regular and special meetings.

14 (a) The town council shall hold regular meetings at such times and places as prescribed by
15 ordinance.

16 (b) Special meetings of the town council may be held on call of the mayor or a minimum of
17 three members of the town council. Notice of such special meetings shall be served on all
18 other members personally, or by telephone personally, at least 24 hours in advance of the
19 meeting. Such notice to councilmembers shall not be required if the mayor and all
20 councilmembers are present when the special meeting is called. Such notice of any special
21 meeting may be waived by a councilmember in writing before or after such a meeting, and
22 attendance at the meeting shall also constitute a waiver of notice on any business transacted
23 in such councilmember's presence. Only the business stated in the call may be transacted at
24 the special meeting.

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

SECTION 2.20.

Rules of procedure.

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

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

SECTION 2.21.

Quorum; voting.

The mayor or mayor pro tempore, town clerk, and three councilmembers shall constitute a quorum and shall be authorized to transact business of the town 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 town 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 not be counted as a vote.

SECTION 2.22.

Ordinance form; procedure.

(a) Every proposed ordinance should be introduced in writing. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the Town of Pineview" 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 town council. Ordinances shall be considered and adopted or rejected by the town council in accordance with the rules which they shall establish; except for emergency ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the clerk shall within five working days 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 town council may designate.

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

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

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

9 **SECTION 2.26.**

10 Signing; authenticating; recording; codification; printing.

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

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

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

30 **SECTION 2.27.**

31 Election of mayor; forfeiture; compensation.

32 The mayor shall be elected and shall serve for a term of four years and until a successor is
 33 elected and qualified. The mayor shall be a qualified elector of the town and shall have been

1 a resident of the town for 12 months preceding the election. The mayor shall continue to
 2 reside in this town during the period of service. The mayor shall forfeit the office on the same
 3 grounds and under the same procedure as for councilmembers. The compensation of the
 4 mayor shall be established in the same manner as for councilmember.

5 **SECTION 2.28.**

6 Chief executive officer.

7 The mayor shall be the chief executive of the town. The mayor shall possess all of the
 8 executive and administrative power granted to the town under the Constitution and laws of
 9 the State of Georgia and all the executive and administrative powers contained in this charter.

10 **SECTION 2.29.**

11 Powers and duties of mayor.

12 As the chief executive of this town, the mayor shall:

- 13 (1) See that all laws and ordinances of the town are faithfully executed;
- 14 (2) Appoint and remove all officers and department heads of the town, except as
 15 otherwise provided by this charter and appoint and remove all employees in accordance
 16 with the administrative directive, personnel policy and procedures, and the employee
 17 conduct and discipline policy;
- 18 (3) Exercise supervision over all executive and administrative work of the town and
 19 provide for the coordination of administrative activities;
- 20 (4) Prepare and submit the town council a recommended operating budget and capital
 21 budget;
- 22 (5) Submit to the town council at least once a year a statement covering the financial
 23 conditions of the town and, from time to time, such other information as the town council
 24 may request;
- 25 (6) Recommend to the town council such measures relative to the affairs of the town,
 26 improvement of the government, and promotion of the welfare of its inhabitants as the
 27 mayor may deem expedient;
- 28 (7) Call special meetings of the town council as provided for in subsection (b) of
 29 Section 2.19 of this charter;
- 30 (8) Approve or disapprove of ordinances as provided in Section 2.30 of this charter;
- 31 (9) Provide for an annual audit of all accounts of the town;
- 32 (10) Require any department or agency of the town to submit written reports whenever
 33 the mayor deems it expedient; and

1 (11) Perform such other duties as may be required by law, this charter, or by ordinance.

2 **SECTION 2.30.**

3 Submission of ordinances to the mayor; veto power.

4 (a) Every ordinance adopted by the town council shall be presented promptly by the clerk
5 to the mayor.

6 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk
7 with or without the mayor's approval or with the mayor's disapproval. If the ordinance has
8 been approved by the mayor, it shall become law upon its return to the clerk. If the
9 ordinance is neither approved nor disapproved, it shall become a law at twelve o'clock noon
10 on the tenth calendar day after its adoption. If the ordinance is disapproved, the mayor shall
11 submit to the town council through the clerk a written statement of reasons for the veto. The
12 clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

13 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the town council at
14 its next meeting. If the town council then or at its next meeting adopts the ordinance by an
15 affirmative vote of three members, it shall become law.

16 (d) The mayor may disapprove or reduce any item or items of appropriation in any
17 ordinance. The approved part or parts of any ordinance making appropriations shall become
18 law and the part or parts disapproved shall not become law unless subsequently passed by
19 the town council over the mayor's veto as provided herein. The reduced part or parts shall
20 be presented to the town council as though disapproved and shall not become law unless
21 overridden by the council as provided in subsection (c) of this section.

22 **SECTION 2.31.**

23 Mayor pro tempore; selection; duties.

24 By a majority vote, the town council shall elect a councilmember to serve as mayor pro
25 tempore each year. The mayor pro tempore shall preside at all meetings of the town council
26 and shall assume the duties and powers of the mayor upon the mayor's physical or mental
27 disability or absence. The town council by a majority vote shall elect a new presiding officer
28 from among the councilmembers for any period in which the mayor pro tempore is disabled,
29 absent, or acting as mayor. Any such absence or disability shall be declared by majority vote
30 of all councilmembers.

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

3 (e) Any vacancy on a board, commission, or authority of the town shall be filled for the
4 unexpired term in the manner herein for original appointment, except as otherwise provided
5 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 town an oath obligating himself or herself to
8 faithfully and impartially perform the duties of that member's office, such oath to be
9 prescribed by ordinance and administered by the mayor.

10 (g) All board members serve at-will and may be removed at any time by a vote of three
11 members of the town council unless otherwise provided by law.

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

20 **SECTION 3.12.**

21 Town attorney.

22 The town council shall appoint each year a town attorney, together with such assistant town
23 attorneys as may be authorized, and shall provide for the payment of such attorney or
24 attorneys for services rendered to the town. The town attorney shall be responsible for
25 providing for the representation and defense of the town in all litigation in which the town
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 town council, mayor, and other officers and employees
28 of the town concerning legal aspects of the town's affairs; and shall perform such other
29 duties as may be required by virtue of the person's position as town attorney.

30 **SECTION 3.13.**

31 Town clerk.

32 The town council shall appoint each year a town clerk who shall not be a councilmember.
33 The town clerk shall be custodian of the official town seal and town records; maintain town

1 council records required by this charter; and perform such other duties as may be required
 2 by the town council. No provision of this charter shall prevent the town clerk from being an
 3 employee of the town.

4 **SECTION 3.14.**

5 Position classification and pay plans.

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

13 **SECTION 3.15.**

14 Personnel policies.

15 All employees are subject to the administrative directive, personnel policy, and procedures,
 16 and the provisions of said policy shall govern the appointment, status, entitlements, duties,
 17 pay class, promotion, discipline, and termination of town employees.

18 **ARTICLE IV.**

19 **JUDICIAL BRANCH.**

20 **SECTION 4.10.**

21 Creation; name.

22 There shall be one court in the town and it shall be known as "The Municipal Court of
 23 Pineview."

24 **SECTION 4.11.**

25 Chief judge; associate judge.

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

28 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 29 that person shall have attained the age of 21 years, shall be a member of the State Bar of

1 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
2 by the town council and shall serve until a successor is appointed and qualified.

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

4 (d) Judges serve at-will and may be removed from office at any time by the town council
5 unless otherwise provided by ordinance.

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

10 **SECTION 4.12.**

11 Convening.

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

13 **SECTION 4.13.**

14 Jurisdiction; powers.

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

17 (b) The municipal court shall have authority to punish those in its presence for contempt,
18 provided that such punishment shall not exceed \$500.00 or ten days in jail.

19 (c) The municipal court may fix punishment for offenses within its jurisdiction not
20 exceeding a fine of \$2,500.00 or imprisonment for not more than one year or both such fine
21 and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing
22 as now or hereafter provided by law.

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

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

1 defendant at trial and if such defendant fails to appear at the time and place fixed for trial,
2 the cash so deposited shall be, on order of the judge, declared forfeited to the town or the
3 property so deposited shall have a lien against it for the value forfeited, which lien shall be
4 enforceable in the same manner and to the same extent as a lien for town property taxes.

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

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

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

15 **SECTION 4.14.**

16 **Certiorari.**

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

21 **SECTION 4.15.**

22 **Rules of the court.**

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

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the town council or those remaining shall appoint a successor of the remainder of the term.

SECTION 5.15.

Other provisions.

Except as otherwise provided by this charter, the town council shall by ordinance prescribe such rules and regulations as they deem appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

SECTION 5.16.

Removal of officers.

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

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

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

(2) By an order of the Superior Court of Wilcox County following a hearing on a complaint seeking such removal brought by any resident of the Town of Pineview.

SECTION 6.14.

Franchises.

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

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

SECTION 6.15.

Services charges.

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

SECTION 6.16.

Special assessments.

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

SECTION 6.17.

Construction; other taxes and fees.

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

SECTION 6.18.

Collection of delinquent taxes and fees.

The town council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the town 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 town licenses for failure to pay any town taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

General obligation bonds.

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

SECTION 6.23.

Fiscal year.

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

SECTION 6.24.

Preparation of budgets.

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

SECTION 6.25.

Submission of operating budget to town council.

On or before a date fixed by the town council, but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the town council a proposed

1 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
2 from the mayor containing a statement of the general fiscal policies of the town, the
3 important features of the budget, explanations of major changes recommended for the next
4 fiscal year, a general summary of the budget, and such other pertinent comments and
5 information. The operating budget and the capital budget herein provided for, the budget
6 message, and all supporting documents shall be filed in the office of the town clerk and shall
7 be open to public inspection.

8 **SECTION 6.26.**

9 Action by town council on budget.

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

15 (b) The town council by ordinance shall adopt the final operating budget for the ensuing
16 fiscal year not later than the last day of the current fiscal year. If the town council fails to
17 adopt the budget by this date, the amounts appropriated for operation for the current fiscal
18 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
19 items prorated accordingly until such time as the town council adopts a budget for the
20 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
21 ordinance setting out the estimated revenues in detail by sources and making appropriations
22 according to fund and by organizational unit, purpose, or activity as set out in the budget
23 preparation ordinance adopted pursuant to Section 6.24 of this charter.

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

28 **SECTION 6.27.**

29 Tax levies.

30 The town council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
31 set by such ordinance shall be such that reasonable estimates of revenues from such levy
32 shall at least be sufficient, together with other anticipated revenues, fund balances, and

1 applicable reserves, to equal the total amount appropriated for each of the several funds set
2 forth in the annual operating budget for defraying the expenses of the general government
3 of the town.

4 **SECTION 6.28.**

5 Changes in appropriations.

6 The town council by ordinance may make changes in the appropriations contained in the
7 current operating budget at any regular meeting or any special or emergency meeting called
8 for such purpose, but any additional appropriations may be made only from an existing
9 unexpended surplus.

10 **SECTION 6.29.**

11 Capital improvements budget.

12 (a) On or before the date fixed by the town council, but no later than 60 days prior to the
13 beginning of each fiscal year, the mayor shall submit to the town council a proposed capital
14 improvements plan with a recommended capital budget containing the means of financing
15 the improvements proposed for the ensuing fiscal year. The town council shall have power
16 to accept, with or without amendments, or reject the proposed plan and proposed budget. The
17 town council shall not authorize an expenditure for the constructing of any building,
18 structure, work, or improvement unless the appropriations for such project are included in
19 the capital budget except to meet a public emergency as provided in Section 2.24 of this
20 charter.

21 (b) The town council shall adopt by ordinance the final capital budget for the ensuing fiscal
22 year not later than the last day of the current fiscal year. No appropriation provided in a prior
23 capital budget shall lapse until the purpose for which the appropriation was made shall have
24 been accomplished or abandoned; provided, however, the mayor may submit amendments
25 to the capital budget at any time during the fiscal year accompanied by recommendations.
26 Any such amendments to the capital budget shall become effective only upon adoption by
27 ordinance.

28 **SECTION 6.30.**

29 Independent audit.

30 There shall be an annual independent audit of all of the town accounts, funds, and financial
31 transactions by a certified public accountant selected by the town council. The audit shall be

1 conducted according to generally accepted auditing principles. Any audit of any funds by the
 2 state or federal government may be accepted as satisfying the requirements of this charter.
 3 Copies of all audit reports shall be available at printing costs to the public.

4 **SECTION 6.31.**

5 Contracting procedures.

6 No contract with a face value exceeding \$500.00 shall be binding on the town unless:

- 7 (1) It is in writing;
- 8 (2) It is drawn by or submitted to and reviewed by the town attorney and, as a matter of
 9 course, it is signed by the town attorney to indicate such drafting or review;
- 10 (3) It is made or authorized by the town council and such approval is entered in the town
 11 journal of proceedings pursuant to Section 2.20 of this charter; and
- 12 (4) It is signed by the mayor or the mayor pro tempore.

13 **SECTION 6.32.**

14 Centralized purchasing.

15 The town council shall by ordinance prescribe an administrative directive, contracting and
 16 purchasing policy, and procedures for a system of centralized purchasing for the town.

17 **SECTION 6.33.**

18 Sale and lease of town property.

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

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

25 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 26 of the town, a small parcel or tract of land is cut off or separated by such work from a larger
 27 tract or boundary of land owned by the town, the town council may authorize the mayor to
 28 sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
 29 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 30 highest and best use of the abutting owner's property. Included in the sales contract shall
 31 be a provision for the rights of way of said street, avenue, alley, or public place. Each

1 abutting property owner shall be notified of the availability of the property and given the
2 opportunity to purchase said property under such terms and conditions as set out by
3 ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered
4 shall convey all title and interest the town has in such property, notwithstanding the fact that
5 no public sale after advertisement was or is hereafter made.

6 **ARTICLE VII.**

7 **GENERAL PROVISIONS.**

8 **SECTION 7.10.**

9 Bonds for officials.

10 The officers and employees of the town, both elected and appointed, shall execute such
11 surety and fidelity bonds in such amounts and upon such terms and conditions as the town
12 council shall from time to time require by ordinance or as may be provided by law.

13 **SECTION 7.11.**

14 Existing ordinances, resolutions, rules, and regulations.

15 Existing ordinances, resolutions, rules, and regulations of this town not in conflict with this
16 charter shall continue in force, unless amended or repealed, for June 30, 2003. Prior to that
17 date, the town council shall review all such provisions and shall readopt, repeal, or amend
18 each so that a codification as provided by subsection (b) of Section 2.26 is accomplished.

19 **SECTION 7.12.**

20 Existing personnel and officers.

21 Except as specifically provided otherwise by this charter, all personnel and officers of the
22 town and their rights, privileges, and powers shall continue beyond the time this charter takes
23 effect for a period of 90 days before or during which the existing town council shall pass a
24 transition ordinance detailing the changes in personnel and appointed officers required or
25 desired and arranging such titles, rights, privileges, and powers as may be required or desired
26 to allow a reasonable transition.

SECTION 7.13.

Pending matters.

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

SECTION 7.14.

Construction.

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

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

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

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, or part thereof be enacted separately and independent of each other.

SECTION 7.16.

Specific repealer.

An Act incorporating the Town of Pineview in the County of Wilcox, approved December 10, 1902, (Ga. L. 1902, p. 551), and all amendatory Acts thereto are repealed in their entirety.

