

House Bill 912 (AS PASSED HOUSE AND SENATE)

By: Representative Hanner of the 133<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Morgan; 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, 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 and mayor pro tempore and certain duties,  
8 powers, and other matters relative thereto; to provide for administrative affairs and  
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city  
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules  
11 and regulations; to provide for a municipal court and the judge or judges thereof and other  
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and  
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for  
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to  
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,  
16 and appropriations; to provide for city contracts and purchasing; to provide for the  
17 conveyance of property and interests therein; to provide for bonds for officials; to provide  
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for  
19 penalties; to provide for definitions and construction; to provide for other matters relative to  
20 the foregoing; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:



1 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane  
2 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
3 provide punishment for violation of ordinances enacted under this charter;

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

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

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

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

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

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

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

32 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,  
33 enlarge or restrict the same; to prescribe fire safety regulations not inconsistent with  
34 general law, relating to both fire prevention and detection and to fire fighting; and to  
35 prescribe penalties and punishment for violations thereof;

36 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
37 and disposal and other sanitary service charge, tax, or fee for such services as may be

1 necessary in the operation of the city from all individuals, firms, and corporations  
2 residing in or doing business in the city benefiting from such services; to enforce the  
3 payment of such charges, taxes, or fees; and to provide for the manner and method of  
4 collecting such service charges;

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

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

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

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

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

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

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

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

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

35 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
36 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
37 sewage disposal, gas works, electric light plants, cable television and other

1 telecommunications, transportation facilities, public airports, and any other public utility;  
2 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and  
3 to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

8 (23) Planning and zoning. To provide comprehensive city planning for development by  
9 zoning; and to provide subdivision regulation and the like as the city council deems  
10 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

11 (24) Police and fire protection. To exercise the power of arrest through duly appointed  
12 police officers and to establish, operate, or contract for a police and a fire-fighting  
13 agency;

14 (25) Public hazards; removal. To provide for the destruction and removal of any  
15 building or other structure which is or may become dangerous or detrimental to the  
16 public;

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

28 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,  
29 and public disturbances;

30 (28) Public transportation. To organize and operate such public transportation systems  
31 as are deemed beneficial;

32 (29) Public utilities and services. To grant franchises or make contracts for or impose  
33 taxes on public utilities and public service companies and to prescribe the rates, fares,  
34 regulations, and standards and conditions of service applicable to the service to be  
35 provided by the franchise grantee or contractor, insofar as not in conflict with valid  
36 regulations of the Georgia Public Service Commission;

1 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,  
2 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any  
3 and all other structures or obstructions upon or adjacent to the rights of way of streets and  
4 roads or within view thereof, within or abutting the corporate limits of the city; and to  
5 prescribe penalties and punishment for violation of such ordinances;

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

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

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

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

26 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
27 the manufacture, sale, or transportation of alcoholic beverages and the use of firearms;  
28 to regulate the transportation, storage, and use of combustible, explosive, and  
29 inflammable materials, the use of lighting and heating equipment, and any other business  
30 or situation which may be dangerous to persons or property; to regulate and control the  
31 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows  
32 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit  
33 professional fortunetelling, palmistry, adult bookstores, and massage parlors;

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

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

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

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

7 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
8 and

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

20 **SECTION 1.13.**

21 Exercise of powers.

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

26 **ARTICLE II**

27 **GOVERNMENT STRUCTURE**

28 **SECTION 2.10.**

29 City council creation; number; election.

30 The legislative authority of the government of this city, except as otherwise specifically  
31 provided in this charter, shall be vested in a city council to be composed of a mayor and four  
32 councilmembers. The city council established shall in all respects be a successor to and

1 continuation of the city governing authority under prior law. The mayor and councilmembers  
2 shall be elected in the manner provided by this charter.

3 **SECTION 2.11.**

4 City councilmembers; terms and qualifications for office.

5 The members of the city council shall serve for terms of four years and until their respective  
6 successors are elected and qualified. No person shall be eligible to serve as mayor or  
7 councilmember unless that person shall have been a resident of the city for 12 months prior  
8 to the date of election of mayor or members of the city council; each shall continue to  
9 reside therein during that person's period of service and to be registered and qualified to vote  
10 in municipal elections of this city.

11 **SECTION 2.12.**

12 Vacancy; filling of vacancies; suspension.

13 (a) Vacancies – The office of mayor or councilmember shall become vacant upon the  
14 occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other  
15 applicable laws as are or may hereafter be enacted.

16 (b) Filling of vacancies – A vacancy in the office of mayor or councilmember shall be filled  
17 for the remainder of the unexpired term, if any, by appointment if less than 12 months  
18 remains in the unexpired term, otherwise by an election as provided for in Section 5.14 of  
19 this charter and Titles 21 and 45 of the O.C.G.A., or other such laws as are or may hereafter  
20 be enacted.

21 (c) Suspension – Upon the suspension from office of mayor or councilmember in any  
22 manner authorized by the general laws of the State of Georgia, the city council or those  
23 remaining shall appoint a successor for the duration of the suspension. If the suspension  
24 becomes permanent, then the office shall become vacant and shall be filled for the remainder  
25 of the unexpired term, if any, as provided for in this charter.

26 **SECTION 2.13.**

27 Compensation and expenses.

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



1 or political entity to which this charter applies who shall have any financial interest, directly  
 2 or indirectly, in any contract or matter pending before or within such entity shall disclose  
 3 such interest to the governing body of such agency or entity.

4 (d) Use of public property – No elected official, appointed officer, or employee of the city  
 5 or any agency or entity to which this charter applies shall use property owned by such  
 6 governmental entity for personal benefit, convenience, or profit except in accordance with  
 7 policies promulgated by the city council or the governing body of such agency or entity.

8 (e) Contracts voidable and rescindable – Any violation of this section which occurs with the  
 9 knowledge, express or implied, of a party to a contract or sale shall render said contract or  
 10 sale voidable at the option of the city council.

11 (f) Ineligibility of elected official – Except where authorized by law, neither the mayor nor  
 12 any councilmember shall hold any other elective or compensated appointive office in the city  
 13 or otherwise be employed by said government or any agency thereof during the term for  
 14 which that official was elected. No former mayor and no former councilmember shall hold  
 15 any compensated appointive office in the city until one year after the expiration of the term  
 16 for which that person was elected.

17 (g) Political activities of certain officers and employees – No appointive officer of the city  
 18 shall continue in such employment upon qualifying as a candidate for nomination or election  
 19 to any public office. No employee of the city shall continue in such employment upon  
 20 election to any public office in this city or any other public office which is inconsistent,  
 21 incompatible, or in conflict with the duties of the city employee. Such determination shall  
 22 be made by the mayor and city council either immediately upon election or at any time such  
 23 conflict may arise.

24 (h) Penalties for violation –

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

28 (2) Any officer or employee of the city who shall forfeit that person's office or position  
 29 as described in paragraph (1) of this subsection, shall be ineligible for appointment or  
 30 election to or employment in a position in the city government for a period of three years  
 31 thereafter.

## 32 **SECTION 2.15.**

### 33 Inquiries and investigations.

34 Following the adoption of an authorizing resolution, the city council may make inquires and  
 35 investigations into the affairs of the city and conduct of any department, office, or agency

1 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and  
2 require the production of evidence. Any person who fails or refuses to obey a lawful order  
3 issued in the exercise of these powers by the city council shall be punished as may be  
4 provided by ordinance.

5 **SECTION 2.16.**

6 General power and authority of the city council.

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

9 **SECTION 2.17.**

10 Organizational meetings.

11 The city council shall hold an organizational meeting on the second Monday in January  
12 following the municipal election. The meeting shall be called to order by the city clerk and  
13 the oath of office shall be administered to the newly elected members as follows:

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

17 **SECTION 2.18.**

18 Meetings.

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

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

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

5 **SECTION 2.19.**

6 Rules of procedure.

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

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

13 **SECTION 2.20.**

14 Quorum: voting.

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

22 **SECTION 2.21.**

23 Ordinance form; procedures.

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

28 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
 29 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
 30 by the city council in accordance with the rules which it shall establish; provided, however,  
 31 an ordinance shall not be adopted the same day it is introduced, except for emergency

1 ordinances provided in Section 2.23 of this charter. Upon introduction of any ordinance, the  
 2 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and  
 3 shall file a reasonable number of copies in the office of the clerk and at such other public  
 4 places as the city council may designate.

5 **SECTION 2.22.**

6 Action requiring an ordinance.

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

8 **SECTION 2.23.**

9 Emergencies.

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

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

**SECTION 2.24.**

## Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.25 of this charter.

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

**SECTION 2.25.**

## Signing; authenticating; recording; codification; printing.

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

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

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





- 1 (d) Except as otherwise provided by charter or by law, no member of any board,  
2 commission, or authority shall hold any elective office in the city.
- 3 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the  
4 unexpired term in the manner prescribed herein for original appointment, except as otherwise  
5 provided by this charter or by law.
- 6 (f) No member of a board, commission, or authority shall assume office until that person has  
7 executed and filed with the clerk of the city an oath obligating that person to perform  
8 faithfully and impartially the duties of that person's office, such oath to be prescribed by  
9 ordinance and administered by the mayor.
- 10 (g) All members of boards, commissions, or authorities of the city serve at will and may be  
11 removed at any time by the city 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 city 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 city. Each board, commission or authority of the city government may  
16 establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances  
17 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or  
18 the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the  
19 clerk of the city.

20 **SECTION 3.12.**

21 City attorney.

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

1                                   **SECTION 3.13.**

2                                   City clerk.

3   The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
4   shall be custodian of the official city seal and city records; maintain city council records  
5   required by this charter; and perform such other duties as may be required by the city  
6   council.

7                                   **SECTION 3.14.**

8                                   Personnel policies.

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

11                                  **ARTICLE IV**

12                                  **JUDICIAL BRANCH**

13                                  **SECTION 4.10.**

14                                  Creation; name.

15   There shall be a court to be known as the Municipal Court of the City of Morgan.

16                                  **SECTION 4.11.**

17                                  Chief judge; associate judge.

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

20   (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
21   that person shall have attained the age of 21 years and shall possess all qualifications  
22   required by law. All judges shall be appointed by the city council and shall serve until a  
23   successor is appointed and qualified.

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

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

27   (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge  
28   will honestly and faithfully discharge the duties of the judge's office to the best of that  
29   person's ability and without fear, favor, or partiality. The oath shall be entered upon the  
30   minutes of the city council journal required in Section 2.19 of this charter.

**SECTION 4.12.**

## Convening.

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

**SECTION 4.13.**

## Jurisdiction; powers.

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

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

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 60 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.

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

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

8 **SECTION 4.14.**

9 Certiorari.

10 The right of certiorari from the decision and judgment of the municipal court shall exist in  
 11 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
 12 the sanction of a judge of the Superior Court of Calhoun County under the laws of the State  
 13 of Georgia regulating the granting and issuance of writs of certiorari.

14 **SECTION 4.15.**

15 Rules for court.

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

23 **ARTICLE V**

24 **ELECTIONS AND REMOVAL**

25 **SECTION 5.10.**

26 Applicability of general law.

27 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title  
 28 21 of the O.C.G.A., the "Georgia Election Code" as now or hereafter amended.

**SECTION 5.11.**

Regular elections; time for holding.

On the Tuesday next following the first Monday in November, 2005, and quadrennially thereafter, there shall be an election for the mayor and the councilmembers. The terms of office shall begin on the date of the organizational meeting provided in Section 2.17 of this charter.

**SECTION 5.12.**

Nonpartisan elections.

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

**SECTION 5.13.**

Election by plurality vote.

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

**SECTION 5.14.**

Special elections; vacancies.

(a) In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

(b) Vacancies must be filled in accordance with the procedural requirements of subsection (b) of Code Section 45-5-1 of the O.C.G.A. and special elections held in accordance with Chapter 2 of Title 21 of the O.C.G.A.

1                                   **SECTION 5.15.**

2                                   Other provisions.

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

6                                   **SECTION 5.16.**

7                                   Removal of officers.

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

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) Following a hearing at which an impartial panel shall render a decision. In the event  
14 an elected officer is sought to be removed by the action of the city council, such officer  
15 shall be entitled to a written notice specifying the ground or grounds for removal and to  
16 a public hearing which shall be held not less than ten days after the service of such  
17 written notice. The city council shall provide by ordinance for the manner in which such  
18 hearings shall be held. Any elected officer sought to be removed from office as provided  
19 in this section shall have the right of appeal from the decision of the city council to the  
20 Superior Court of Calhoun County. Such appeal shall be governed by the same rules as  
21 govern appeals to the superior court from the probate court; or

22       (2) By an order of the Superior Court of Calhoun County following a hearing on a  
23 complaint seeking such removal brought by any resident of the City of Morgan.

24                                   **ARTICLE VI**

25                                   **FINANCE**

26                                   **SECTION 6.10.**

27                                   Property tax.

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

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

3 **SECTION 6.11.**

4 Millage rate; due dates; payment methods.

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

9 **SECTION 6.12.**

10 Occupation and business taxes.

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

15 **SECTION 6.13.**

16 Regulatory fees; permits.

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

22 **SECTION 6.14.**

23 Franchises.

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

1 shall be granted for a period in excess of 35 years and no franchise shall be granted unless  
2 the city receives just and adequate compensation therefor. The city council shall provide for  
3 the registration of all franchises with the city clerk in a registration book kept by the city  
4 clerk. The city council may provide by ordinance for the registration within a reasonable time  
5 of all franchises previously granted.

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

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 outside 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 and fees.

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



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

6 **SECTION 6.23.**

7 Fiscal year.

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

11 **SECTION 6.24.**

12 Preparation of budgets.

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

17 **SECTION 6.25.**

18 Submission of operating budget to city council.

19 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
20 of each fiscal year, the mayor shall submit to the city council a proposed operating budget  
21 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
22 containing a statement of the general fiscal policies of the city, the important features of the  
23 budget, explanations of major changes recommended for the next fiscal year, a general  
24 summary of the budget, and such other pertinent comments and information. The operating  
25 budget and the capital budget provided for in Section 6.29 of this charter, the budget  
26 message, and all supporting documents shall be filed in the office of the city clerk and shall  
27 be open to public inspection.



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

3 **SECTION 6.29.**

4 Capital budget.

5 (a) On or before the date fixed by the city council but no later than 60 days prior to the  
6 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital  
7 improvements plan with a recommended capital budget containing the means of financing  
8 the improvements proposed for the ensuing fiscal year. The city council shall have power to  
9 accept, with or without amendments, or reject the proposed plan and proposed budget. The  
10 city council shall not authorize an expenditure for the construction of any building, structure,  
11 work, or improvement, unless the appropriations for such project are included in the capital  
12 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

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

20 **SECTION 6.30.**

21 Independent audit.

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

27 **SECTION 6.31.**

28 Contracting procedures.

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

30 (1) It is in writing;

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

3 (3) It is made or authorized by the city council and such approval is entered in the city  
4 council journal of proceedings pursuant to Section 2.19 of this charter.

5 **SECTION 6.32.**

6 Centralized purchasing.

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

9 **SECTION 6.33.**

10 Sale and lease of city property.

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

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

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

## 1 ARTICLE VII

## 2 GENERAL PROVISIONS

3 **SECTION 7.10.**

4 Bonds for officials.

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

8 **SECTION 7.11.**

9 Prior ordinances.

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

13 **SECTION 7.12.**

14 Existing personnel and officers.

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

21 **SECTION 7.13.**

22 Pending matters.

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

(d) Except as specifically provided otherwise by this charter, the term:

(1) "City council" means the members of the city council and the mayor.

(2) "Councilmember" means a member of the city council other than the mayor.

**SECTION 7.15.**

## Specific repealer.

An Act incorporating the City of Morgan in the County of Calhoun, approved February 14, 1939 (Ga. L. 1939, p. 1205), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

**SECTION 7.16.**

## General repealer.

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