

House Bill 1630

By: Representative Hanner of the 133rd

A BILL TO BE ENTITLED
AN ACT

1 To provide a new Charter for the City of Preston in the County of Webster; to provide for the
2 corporate powers of said City; to provide for the governing body; to provide for the
3 administrative affairs of said City; to provide for a municipal court; to provide for elections;
4 to provide for financial and fiscal affairs of said City; to provide for certain general
5 provisions; to provide for other matters relative to the foregoing; to repeal a specific Act; to
6 provide effective dates; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 ARTICLE I
9 INCORPORATION, POWERS

10 SECTION 1.10.

11 Incorporation.

12 This Act shall constitute the whole Charter of the City of Preston, repealing and replacing
13 the charter provided by an Act to provide a new Charter for the City of Preston in the County
14 of Webster, approved March 11, 1977 (Ga. L. 1977, p. 2994), as amended. The City of
15 Preston, Georgia, in the County of Webster and inhabitants thereof, are hereby constituted
16 and declared a body politic and corporate under the name and style of the City of Preston,
17 Georgia, and by that name shall have perpetual succession, may sue and be sued, plead and
18 be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have
19 and use a common seal and change it at pleasure.

- 1 (6) Municipal Property Ownership. To acquire, dispose of, and hold in trust or
2 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside
3 or outside the property limits of the City;
- 4 (7) Gifts. To accept or refuse gifts, donations, bequests or grants from any source for
5 any purpose related to the powers and duties of the City and the general welfare of its
6 citizens, or such terms and conditions as the donor or grantor may impose;
- 7 (8) Condemnation. To condemn property, inside or outside the corporate limits of the
8 City for present or future use, and for any corporate purpose deemed necessary by the
9 governing authority, under Title 22 of the Official Code of Georgia Annotated or under
10 other applicable general laws of the State of Georgia as are or may be enacted or
11 amended;
- 12 (9) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell and dispose
13 of public utilities, including, but not limited to, a system of waterworks, sewers and
14 drains, sewage disposal, gas works, electric light plants, transportation facilities, public
15 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
16 assessments, regulations and penalties and withdrawal of service for refusal or failure to
17 pay same and the manner in which such remedies shall be enforced;
- 18 (10) Public Utilities and Services. To grant franchises or make contracts for public
19 utilities and public service, to prescribe the rates, fares, regulations and standards and
20 conditions of service applicable to the service to be provided by the franchise grantee or
21 contractor, insofar as not in conflict with such regulations by the Georgia Public Service
22 Commission;
- 23 (11) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
24 of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, otherwise
25 improve, maintain, repair, clean, prevent erosion of, and light roads, alleys, and walkways
26 within the corporate limits of the City; and to grant franchises and rights of way
27 throughout the streets and roads, and over the bridges and viaducts, for the use of public
28 utilities;
- 29 (12) Public Improvements. To provide for the acquisition, construction, building,
30 operation and maintenance of public ways, parks and playgrounds, recreational facilities,
31 cemeteries, markets and market houses, public buildings, libraries, public housing,
32 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
33 recreational, conservation, sport, curative, corrective, detentional, penal and medical
34 institutions, agencies, and facilities; and any other public improvements, inside or outside
35 the corporate limits of the City; and to regulate the use thereof, and for such purposes,
36 property may be acquired by condemnation under Title 22 of the Official Code of

1 Georgia Annotated or other applicable general laws of the State of Georgia, as are or may
2 be enacted or amended;

3 (13) Sidewalk Maintenance. To require real estate owners to repair and maintain in a
4 safe condition the sidewalks adjoining their lots or lands; and to enact ordinances
5 establishing the terms and conditions under which such repairs and maintenance shall be
6 effected, including the penalties to be imposed for failure to do so;

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

11 (15) Planning and Zoning. To provide such comprehensive City planning for
12 development by zoning, subdivision regulation and the like as the City Council deems
13 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

14 (16) Public Peace. To provide for the prevention and punishment of drunkenness, riots,
15 and public disturbances;

16 (17) Special Areas of Public Regulation. To regulate or prohibit junk dealers; pawn
17 shops; the manufacture, sale or transportation of alcoholic beverages; the use of firearms;
18 to regulate the transportation, storage and use of combustible, explosive and inflammable
19 materials, the use of lighting and heating equipment, and any other business or situation
20 which may be dangerous to persons or property; to regulate and control the conduct of
21 peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind
22 whatever, by taxation or otherwise; to license, tax, regulate or prohibit professional
23 fortunetelling, palmistry, adult bookstores, and massage parlors;

24 (18) Regulation of Roadside Areas. To prohibit or regulate and control the erection,
25 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any
26 and all other structures or obstructions upon or adjacent to the rights of way of streets and
27 roads or within view thereof, within or abutting the corporate limits of the City and to
28 prescribe penalties and punishment for violation of such ordinances;

29 (19) Health and Sanitation. To prescribe standards of health and sanitation and to
30 provide for the enforcement of such standards;

31 (20) Air and Water Pollution. To regulate the emission of smoke or their exhaust, which
32 pollutes the air, and to prevent the pollution of natural streams which flow within the
33 corporate limits of the City;

34 (21) Fire Regulations. To fix and establish fire limits and from time to time to extend,
35 enlarge or restrict same; to prescribe fire safety regulations not inconsistent with general
36 law, relating to both fire prevention and detection and to fire fighting, and to prescribe
37 penalties and punishment for violation thereof;

1 (22) Public Hazards, Removal. To provide for the destruction and removal of any
2 building or other structure which may or might become dangerous or detrimental to the
3 public;

4 (23) Solid Waste Disposal. To provide for the collection and disposal of garbage,
5 rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and
6 refuse by others; and to provide for the separate collection of glass, tin, aluminum,
7 cardboard, paper, and other recyclable materials and to provide for the sale of such items;

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

14 (25) Sewer Fees. To levy a fee, charge or sewer tax as necessary to assure the acquiring,
15 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
16 and sewerage system, and to levy on the users of sewers and the sewerage system a sewer
17 service charge fee or sewer tax for the use of the sewers; and to provide for the manner
18 and method of collecting such service charges and for enforcing payment of same; to
19 charge, impose and collect a sewer connection fee or fees, and to charge the same from
20 time to time; such fees to be levied on the users connecting with the sewerage system;

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

23 (27) Municipal Property Protection. To provide for the preservation and protection of
24 property and equipment of the City and the administration and use of same by the public,
25 and to prescribe penalties and punishment for violations thereof;

26 (28) Jail Sentences. To provide that persons given jail sentences in the City's court shall
27 work out such sentence in any public works or on the streets, roads, drains and squares
28 in the City; or to provide for commitment of such persons to any county work camp or
29 jail by agreement with the appropriate county officials;

30 (29) Animal Regulations. To regulate and license, or prohibit the keeping or running at
31 large of animals and fowl and to provide for the impoundment of same, if in violation of
32 any ordinance or lawful order; also to provide for their disposition by sale, gift, or
33 humane disposal, when not redeemed as provided by ordinance; to provide punishment
34 for violation of the ordinance enacted hereunder;

35 (30) Motor Vehicles. To regulate the operation of motor vehicles and exercise control
36 over all traffic, including parking, upon or across the streets, roads, alleys and walkways
37 of the City;

- 1 (31) Taxicabs. To regulate and license vehicles operated for hire in the City; to limit the
2 number of such vehicles; to require the operators thereof to be licensed; to require public
3 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
4 regulate and rent parking spaces in public ways for the use of such vehicles;
- 5 (32) Pensions. To provide and maintain a system of pensions and retirement for officers
6 and employees of the City;
- 7 (33) Special Assessments. To levy and provide for the collection of special assessments
8 to cover the costs for any public improvements;
- 9 (34) Contracts. To enter into contracts and agreements with other governmental entities
10 and with private persons, firms and corporations providing for services to be made
11 therefor;
- 12 (35) City Agencies and Delegation of Power. To create, alter or abolish departments,
13 boards, offices, commissions and agencies of the City, and to confer upon such agencies
14 the necessary and appropriate authority for carrying out all the powers conferred upon or
15 delegated to same;
- 16 (36) Penalties. To provide penalties for violations of any ordinance adopted pursuant to
17 the authority of this charter and the laws of the State of Georgia;
- 18 (37) Police and Fire Protection. To exercise the power of arrest through duly appointed
19 police officers and to organize and operate a fire-fighting agency;
- 20 (38) Emergencies. To establish procedures for determining and proclaiming that an
21 emergency situation exists within or without the City, and to make and carry out all
22 reasonable provisions deemed necessary to deal with or meet such an emergency for the
23 protection, safety, health or well-being of the citizens of the City;
- 24 (39) Urban Redevelopment. To organize and operate an urban redevelopment program;
- 25 (40) Public Transportation. To organize such public transportation systems as are
26 deemed beneficial;
- 27 (41) General Health, Safety, and Welfare. To define, regulate or prohibit any act,
28 practice, conduct or use of property detrimental to the health, sanitation, cleanliness,
29 welfare, and safety of the inhabitants of the City and to provide for the enforcement of
30 such standards; and
- 31 (42) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges
32 and immunities necessary or desirable to promote or protect the safety, health, peace,
33 security, good order, comfort, convenience, or general welfare of the City and its
34 inhabitants; to exercise all implied powers necessary to carry into execution all powers
35 granted in this charter as fully and completely as if such powers were fully stated herein;
36 and to exercise all powers now or in the future authorized to be exercised by other
37 municipal governments under other laws of the State of Georgia. No listing of particular

1 powers in this charter shall be held to be exclusive of others, nor restrictive of general
2 words and phrases granting powers but shall be held to be in addition to such powers
3 unless expressly prohibited to municipalities under the Constitution or applicable laws
4 of the State of Georgia.

5 **SECTION 1.13.**

6 Exercise of Powers.

7 All powers, functions, rights, privileges, and immunities of the City, its officers, agencies,
8 or employees may be exercised as provided by this charter. If this charter makes no
9 provision such may be exercised as provided by ordinance or as provided by pertinent laws
10 of the State of Georgia.

11 **ARTICLE II**

12 **GOVERNING BODY**

13 **SECTION 2.10.**

14 Creation; Composition; Number; Election.

15 The Governing Body of this City shall be composed of a Mayor and four Councilmembers
16 who shall be elected in the manner provided by Article V of this charter.

17 **SECTION 2.11.**

18 Terms and Qualification of Office.

19 The members of the governing body shall serve for terms of four years and until their
20 respective successors are elected and qualified. No person shall be eligible to serve as Mayor
21 or Councilmember unless he or she shall have been a resident of the City for a period of one
22 year immediately prior to the date of the election of Mayor or Councilmembers and shall
23 continue to reside therein during his or her period of service and shall be registered and
24 qualified to vote in municipal elections of the City.

SECTION 2.12.

Vacancy; Filling of; Forfeiture of Office.

(a) The office of Mayor or Councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this charter or the laws of the State of Georgia.

(b) A vacancy in the office of Mayor or Councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in Article V of this charter.

(c) The Mayor or any Councilmember shall forfeit his or her office if he or she:

(1) Lacks at any time during his or her term of office any qualifications of the office as prescribed by this charter or the laws of the State of Georgia;

(2) Willfully and knowingly violates any express prohibition of this charter; or

(3) Is convicted of a crime involving moral turpitude.

SECTION 2.13.

Compensation and Expenses.

The salaries of the Mayor and City Council of Preston, Georgia, shall be fixed by said Mayor and City Council in January next following the City's election except as otherwise limited by the general laws of the State of Georgia. The Mayor and Councilmembers shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties.

SECTION 2.14.

Prohibitions.

Except as authorized by law, no Councilmember shall hold any other elective City office or City employment during the term for which he or she was elected.

SECTION 2.15.

Code of Ethics.

The Governing Body may enact by ordinance a Code of Ethics, which shall apply to all elected officials, appointed officers and employees of the City.

SECTION 2.16.

Inquiries and Investigations.

The Governing Body may make inquiries and investigations into the affairs of the City 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 Governing Body shall be punished as provided by ordinance.

SECTION 2.17.

General Power and Authority of the Council.

(a) Except as otherwise provided by law or by this charter, the Governing Body shall be vested with all the powers of government of this City as provided by Article I of this charter.

(b) In addition to all other powers conferred upon it by law, the Governing Body shall have the authority to adopt and provide for the creation of such ordinances, resolutions, rules and regulations, not inconsistent with this charter, the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life or property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of this City. The Governing Body may enforce such ordinances by imposing penalties for the violation thereof.

(c) The Governing Body may by ordinance create, change, alter, abolish, or consolidate offices, agencies, and departments, of the City and may assign additional functions to any of the offices, agencies, and departments expressly provided for by this charter.

SECTION 2.18.

Chief Executive Officer.

The Mayor shall be the chief executive of the City. He or she shall possess all of the executive and administrative powers granted to the City under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this charter.

SECTION 2.19.

Powers and Duties of Mayor.

As the chief executive of this City, the Mayor:

- 1 (1) Shall see that all laws and ordinances of the City are faithfully executed;
- 2 (2) Shall preside at all meetings of the Mayor and Council and shall have the right to
3 vote on all questions that come before the Governing Body unless he or she is otherwise
4 disqualified;
- 5 (3) Shall appoint and remove all officers, department heads, and employees of the City
6 by and with the consent of Council except as otherwise provided for in this charter;
- 7 (4) Shall exercise supervision over all executive and administrative work of the City and
8 provide for the coordination of administrative activities;
- 9 (5) May prepare and submit to the Council a recommended annual operating budget and
10 recommended capital budget;
- 11 (6) May submit to the Council at least once a year a statement covering the financial
12 conditions of the City and, from time to time, such other information as the Council may
13 request;
- 14 (7) Shall recommend to the Council such measures relative to the affairs of the City,
15 improvement of the government, and promotion of the welfare of its inhabitants as he or
16 she may deem expedient;
- 17 (8) Shall call special meetings of the Council as provided for in Section 2.22(b) of this
18 charter;
- 19 (9) May examine and audit all accounts of the City;
- 20 (10) Shall require any department or agency of the City to submit written reports
21 whenever he or she deems it expedient; and
- 22 (11) Shall perform other duties as may be required by general State law, this charter or
23 ordinance.

24 **SECTION 2.20.**

25 Mayor Pro Tem; Selection; Duties.

26 At the first scheduled meeting in January of each year, the Governing Body shall elect by
27 majority vote of all the members thereof one of their number to the position of Mayor Pro
28 Tem, who shall assume the duties and powers of the Mayor upon the Mayor's disability or
29 absence. The Governing Body shall elect an acting Mayor Pro Tem from among its members
30 for any period in which the Mayor Pro Tem is disabled, absent or acting as Mayor. Any such
31 absence or disability shall be declared by majority vote of all members of the Governing
32 Body.

1 (b) Special meetings of the Governing Body may be held on call of the Mayor or two
2 Councilmembers. Notice of such special meetings shall be served on all other members
3 personally, or by telephone, or shall be left at their residences in advance of the meeting.
4 Such notice shall not be required if the Mayor and all Councilmembers are present when the
5 special meeting is called. Notice of any special meeting may be waived in writing before or
6 after such meeting and attendance at the meeting shall constitute a waiver of notice of any
7 special meeting. Only the business stated in the call may be transacted at the special meeting
8 except by unanimous consent of all members present. With such consent, any business
9 which may be transacted at a regular meeting may be conducted at the special meeting.

10 (c) All meetings of the Governing Body shall be public to the extent required by general
11 State law, and notice to the public of all meetings shall be made as is required by law.

12 **SECTION 2.23.**

13 Rules of Procedure.

14 The Governing Body shall adopt its rules of procedure and order of business consistent with
15 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
16 shall be a public record. Where the rules of procedure do not address a particular
17 circumstance or situation, then the applicable provisions of *Roberts Rules of Order* shall
18 control.

19 **SECTION 2.24.**

20 Quorum, Voting.

21 (a) Three Councilmembers or two Councilmembers and the Mayor shall constitute a quorum
22 and shall be authorized to transact business of the Governing Body. Voting on the adoption
23 of ordinances shall be taken by voice vote, and the ayes and nays shall be recorded in the
24 journal but any member of the Governing Body shall have the right to request a roll-call vote.
25 A majority vote of those present and voting shall be required for the adoption of any
26 ordinance, resolution, or motion except as otherwise provided in this charter.

27 (b) In any meeting of the Governing Body, each member of the Governing Body present
28 shall vote on each question before the Governing Body unless a member of the Governing
29 Body is immediately and particularly interested in the question, or unless a member of the
30 Governing Body is excused from voting by majority vote of the Governing Body. A motion
31 to excuse a member from voting must be made before the question is put to a vote, and such
32 motion shall be decided without debate; except that the member of the Governing Body
33 making the motion may state briefly the reasons the motion was made.

1 (c) The Mayor shall have the right to vote on all questions that come before the Governing
2 Body unless he or she is otherwise disqualified.

3 (d) The Governing Body may by Ordinance adopt such other general rules of procedure for
4 the conduct of its meetings, or any amendments thereto, which are not inconsistent with this
5 Charter.

6 **SECTION 2.25.**

7 Action Requiring an Ordinance.

8 (a) Except as herein provided, every official action of the Governing Body which is to
9 become law shall be by ordinance. Each proposed ordinance or resolution shall be
10 introduced in writing and in the form required for final adoption. No ordinance shall contain
11 a subject that is not expressed in its title. The enacting clause shall be: "The Governing
12 Body of the City of Preston hereby ordains..." and every ordinance shall so begin.

13 (b) An ordinance may be introduced by any Councilmember and read at a regular or special
14 meeting of the Council. Ordinances shall be considered and adopted or rejected by the
15 Governing Body in accordance with the rules which it shall establish; provided, however, an
16 ordinance shall not be adopted the same day it is introduced, except by unanimous consent
17 of the Council and for emergency ordinances provided in Section 2.26 of this charter. Upon
18 introduction of any ordinance, the Clerk shall as soon as reasonable distribute a copy to the
19 Mayor and to each Councilmember and shall file a reasonable number of copies in the office
20 of the Clerk and at such other public places as the Governing Body may designate.

21 **SECTION 2.26.**

22 Emergency Ordinances.

23 To meet a public emergency affecting life, health, property, or public peace, the Governing
24 Body may adopt one or more emergency ordinances, but such ordinances may not levy taxes,
25 grant, renew or extend a franchise, regulate the rate charged by any public utility for its
26 services, or authorize the borrowing of money except as provided by law. An emergency
27 ordinance shall be introduced in the form and manner prescribed for ordinances generally
28 except that it shall be plainly designated as an emergency ordinance and shall contain, after
29 the enacting clause, a declaration stating that an emergency exists and describing it in clear
30 and specific terms. An emergency ordinance may be adopted with or without amendment
31 or rejected at the meeting at which it is introduced, but the affirmative vote of at least three
32 Councilmembers shall be required for adoption. It shall become effective upon adoption or
33 at such later time as it may specify. Every emergency ordinance shall automatically stand

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

5 **SECTION 2.27.**

6 Codes of Technical Regulations.

7 (a) The Governing Body may adopt any standard code of technical regulations by reference
8 thereto in an adopting ordinance. The procedure and requirements governing such adopting
9 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
10 of Section 2.25(b) of this charter for assuring public access to the ordinance shall be
11 construed to include copies of any code of technical regulations as well as the adopting
12 ordinance; and (2) a copy of each adopted code of technical regulations, as well as the
13 adopting ordinance, shall be authenticated and recorded by the City Clerk pursuant to Section
14 2.28 of this charter.

15 (b) Copies of any adopted code of technical regulations may be made available by the City
16 Clerk for distribution or for purchase at a reasonable price.

17 **SECTION 2.28.**

18 Signing, Authenticating, Recording, Codification, Printing.

19 (a) The City Clerk shall authenticate by his or her signature and record in full in a properly
20 indexed book kept for the purpose all ordinances adopted by the Governing Body. Every
21 ordinance shall be signed by the Mayor after adoption.

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

30 (c) The Governing Body shall cause each ordinance and each amendment to this charter to
31 be printed promptly following its adoption. Following publication of the first Code of this
32 City and at all times thereafter, the ordinances and charter amendments shall be printed in
33 substantially the same style as the Code currently in effect and shall be suitable in form for

1 incorporation therein. The Council shall make such further arrangements as deemed
 2 desirable with respect to reproduction and distribution of any current changes in or additions
 3 to codes of technical regulations and other rules and regulations included in the Code.

4 **ARTICLE III**

5 **ADMINISTRATIVE AFFAIRS**

6 **SECTION 3.10.**

7 **Administrative and Service Departments.**

8 (a) Except as otherwise provided in this charter, the Governing Body shall prescribe the
 9 functions or duties and establish, abolish, or alter all nonelective offices, positions of
 10 employment, departments and agencies of the City, as necessary for the proper
 11 administration of the affairs and government of the City.

12 (b) Except as otherwise provided by this charter or general State law, department heads and
 13 other appointed officers of the City shall be appointed solely on the basis of their respective
 14 administrative and professional qualifications as shall be prescribed by the Governing Body.

15 (c) All appointive officers and department heads shall receive such compensation as
 16 prescribed by Governing Body and shall serve at the pleasure of the Governing Body.

17 **SECTION 3.11.**

18 **Boards, Commissions and Authorities.**

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

23 (b) All members of boards, commissions and authorities of the City shall be appointed by
 24 the Governing Body for such terms of office and in such manner as shall be provided by
 25 ordinance, except where other appointing authority, term of office or manner of appointment
 26 is prescribed by this charter or general State law.

27 (c) The Governing Body may provide for the compensation and reimbursement for actual
 28 and necessary expenses of the members of any board, commission, or authority.

29 (d) Any vacancy on a board, commission, or authority of the City shall be filled for the
 30 unexpired term in the manner prescribed herein for original appointment, except as otherwise
 31 provided by this charter or general State law.

1 (e) No member of a board, commission or authority shall assume office until he or she has
2 executed and filed with the Clerk of the City an oath obligating himself or herself to
3 faithfully and impartially perform the duties of his or her office, such oath to be administered
4 by the Mayor.

5 (f) Any member of a board, commission or authority may be removed from office for cause
6 by a vote of three members of the Governing Body.

7 (g) Except as otherwise provided by this charter or by general State law, each board,
8 commission or authority of the City shall elect one of its members as chairperson and one
9 member as vice chairperson and may elect as its secretary one of its own members or may
10 appoint as secretary an employee of the City. Each board, commission, or authority of the
11 City government may establish such bylaws, rules and regulations not inconsistent with this
12 charter, ordinances of the City, or general State law, as it deems appropriate and necessary
13 for the fulfillment of its duties or the conduct of its affairs, copies of which shall be filed with
14 the Clerk of the City.

15 **SECTION 3.12.**

16 City Attorney.

17 The Governing Body may appoint a City Attorney, together with such assistant City
18 Attorneys as may be authorized, and shall provide for the payment of such attorney or
19 attorneys for services rendered to the City. The City Attorney shall be responsible for
20 representing and defending the City in all litigation in which the City is a party; may be the
21 prosecuting officer in the municipal court; shall attend the meetings of the Council as
22 directed; shall advise the Councilmembers, the Mayor, and other officers and employees of
23 the City concerning legal aspects of the City's affairs; and shall perform such other duties
24 as may be required of him or her by virtue of his or her position as City Attorney.

25 **SECTION 3.13.**

26 City Clerk.

27 The Governing Body may appoint a City Clerk to keep a journal of the proceedings of the
28 Governing Body and to maintain in a safe place all records and documents pertaining to the
29 affairs of the City and to perform such other duties as may be required by law or as the
30 Governing Body may direct.

SECTION 3.14.

Tax Collector.

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3 The Governing Body may appoint a City Tax Collector to collect all taxes, licenses, fees and
4 other moneys belonging to the City subject to the provisions of this charter and the
5 ordinances of the City, and the City Tax Collector shall diligently comply with and enforce
6 all general laws of the State of Georgia relating to the collection, sale, or foreclosure of taxes
7 by municipalities.

SECTION 3.15.

City Accountant.

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10 The Governing Body may appoint a City Accountant to perform the duties of an accountant.

SECTION 3.16.

Consolidation of Functions.

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13 The Governing Body may consolidate any two or more of the positions of City Clerk, City
14 Tax Collector, and City Accountant or any other positions or may assign the functions of any
15 one or more of such positions to the holder or holders of any other positions.

SECTION 3.17.

Position Classification and Pay Plans.

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18 The Mayor may be responsible for the preparation of a position classification and pay plan,
19 which shall be submitted to the Governing Body for approval upon request by the Governing
20 Body. Said plans may apply to all employees of the City and any of its agencies,
21 departments, boards, commissions or authorities. When a pay plan has been adopted the
22 Council shall not increase or decrease the salaries of individual employees except by
23 amendment of said pay plan. For purposes of this Section, all elected and appointed City
24 officials shall not be considered to be City employees.

1 the best of his or her ability without fear, favor, or partiality which shall be entered upon
2 minutes of the Governing Body.

3 **SECTION 4.12.**

4 Convening.

5 The Municipal Court shall be convened at regular intervals as designated by Governing Body
6 or at such times as deemed necessary by the Judge to keep current the dockets thereof.

7 **SECTION 4.13.**

8 Jurisdiction and Powers.

9 (a) The Municipal Court shall try and punish for crimes against the City and for violation
10 of its ordinances. The Municipal Court shall have authority to punish those in its presence
11 for contempt, provided that such punishment shall not exceed One Hundred Dollars
12 (\$100.00). The Municipal Court may fix punishment for offenses within its jurisdiction not
13 exceeding a fine of One Thousand Dollars (\$1,000.00) or imprisonment for 30 days, or both.
14 As an alternative to fine or imprisonment, the Municipal Court may sentence any offender
15 upon conviction to labor on the streets, sidewalks, squares or other public works for a period
16 not exceeding 30 days.

17 (b) The Municipal Court shall have authority to establish a schedule of fees to defray the
18 costs of operation and shall be entitled to reimbursement of the cost of meals, transportation
19 and caretaking of prisoners bound over to Superior Courts for violations of State law.

20 (c) The Municipal Court shall have authority to establish bail and recognizance to ensure the
21 presence of those charged with violations before said court and shall have discretionary
22 authority to accept cash or personal or real property as surety for appearance of persons
23 charged with violations. Whenever any person shall give bail for his or her appearance and
24 shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the Judge
25 presiding at such time and an execution issued thereon by serving the defendant and his or
26 her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event
27 that cash or property is accepted in lieu of bond for security for the appearance of a defendant
28 at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so
29 deposited shall on order of the Judge be forfeited to the City or the property so deposited
30 shall have a lien against it for the value forfeited, which lien shall be enforceable in the same
31 manner and to the same extent as a lien for City property taxes.

32 (d) The Municipal Court shall have authority to bind prisoners over to the appropriate court
33 when it appears by probable cause that a State law has been violated.

1 (e) The Municipal Court shall have the same authority as superior courts to compel the
2 production of evidence in the possession of any party; to enforce obedience to its orders,
3 judgments and sentences; and to administer such oaths as are necessary.

4 (f) The Municipal Court may compel the presence of all parties necessary to a proper
5 disposal of each case by the issuance of summonses, subpoenas and warrants which may be
6 served as executed by any officer as authorized by this charter or by State law.

7 (g) The Municipal Court is specifically vested with all the jurisdiction and powers
8 throughout the entire area of the City granted by general State laws generally to municipal
9 courts and particularly by such laws as authorize the abatement of nuisances and prosecution
10 of traffic violations.

11 **SECTION 4.14.**

12 Appeal.

13 The right of appeal and any bond as may be required to secure the costs on appeal to the
14 Superior Court of Webster County from the Municipal Court shall lie in the same manner
15 and under the same procedure as generally prescribed for appeals and appeal bonds from the
16 Probate Court; provided, however, that any person who fails to file his or her appeal within
17 ten days of the final determination of his or her case by the Municipal Court shall be deemed
18 to have waived any such right. An appeal to the Superior Court shall be a de novo
19 proceeding.

20 **SECTION 4.15.**

21 Rules for Court.

22 The Judge shall have full power and authority to make reasonable rules and regulations
23 necessary and proper to secure the efficient and successful administration of the Municipal
24 Court; provided, however, that the Judge may adopt in whole or in part the rules and
25 regulations relative to the procedure for the operation of the Superior Court under the general
26 laws of the State of Georgia. The rules and regulations made or adopted by said Court shall
27 be filed with the City Clerk and shall be available for public inspection upon request.

SECTION 4.16.

Intergovernmental Contract with Webster County.

Notwithstanding any other provision of this Article, the Governing Body shall be authorized to enter into an intergovernmental contract with the Board of Commissioners of Webster County under such terms and conditions as may be agreed to by such parties, that all civil and criminal cases that would otherwise be under the jurisdiction of the Municipal Court, as provided in this Charter or by general State law, shall be heard and disposed of by the Magistrate Court of Webster County. Such contract shall provide, among other things, for compensation, if any, to the Magistrate Judge for such services, for the transfer of all functions of the Municipal Court to said Magistrate Court, including record keeping functions, and for the payment of all fines and forfeitures assessed and paid for violations of City Ordinances to the treasury of Webster County.

ARTICLE V

ELECTIONS

SECTION 5.10.

Applicability of General Law.

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

SECTION 5.11.

Election of Council and Mayor.

There shall be an election for Mayor and four Councilmembers, on the next Tuesday following the first Monday in November in each odd-numbered year. The Mayor and Councilmembers are to serve four-year terms. The terms of office of members of the Council shall commence at the time of taking the oath of office as provided for in Section 2.21 of this charter. Each elected officer shall serve until his or her successor is duly elected and qualified and has taken the oath of office.

1 (6) Failure for any other cause to perform the duties of office as required by this charter
2 or by law.

3 **SECTION 5.16.**

4 Procedure for Removal.

5 Removal of an above-described officer may be accomplished by one of the following
6 methods:

7 (1) By majority vote of the full Governing Body after an investigative hearing, the
8 officer to be removed not voting if he or she is a member of the Governing Body. In the
9 event an elected officer is sought to be removed by the action of the Governing Body,
10 such officer shall be entitled to a written notice specifying the ground for removal and to
11 a public hearing, which shall be held not less than ten days after the service of such
12 written notice. Any elected officer sought to be removed from office as herein provided
13 shall have the right of appeal from the decision of the Council to the Superior Court of
14 Webster County. Such appeal shall be governed by the same rules as govern appeals to
15 the Superior Court from the Probate Court; or

16 (2) By any other manner authorized by Georgia law.

17 **ARTICLE VI**

18 **FINANCE**

19 **SECTION 6.10.**

20 Property Tax.

21 The Governing Body may assess, levy, and collect an ad valorem tax on all real and personal
22 property within the corporate limits of the City that is subject to such taxation by the State
23 and county. This tax is for the purpose of raising revenues to defray the costs of operating
24 the City government; providing governmental services; for the repayment of principal and
25 interest on general obligations; and for any other public purpose as determined by the
26 Governing Body in its discretion.

27 **SECTION 6.11.**

28 Millage Rate Due Dates, Payment Methods.

29 The Governing Body by ordinance shall establish a Millage rate for the City property tax;
30 a due date; and in what length of time these taxes must be paid. The Governing Body, by

1 ordinance, may provide for the payment of these taxes by installments or in one lump sum,
 2 as well as authorize the voluntary payment of taxes prior to the time when due. The tax rate
 3 set by such ordinance shall be such that reasonable estimates of revenues from such levy
 4 shall at least be sufficient, together with other anticipated revenues, fund balances, and
 5 applicable reserves, to equal the total amount approximated for each of the several funds set
 6 forth in the annual operating budget for defraying the expenses of the general government
 7 of the City.

8 **SECTION 6.12.**

9 Occupational Taxes.

10 The Governing Body by ordinance shall have the power to levy such occupation taxes as are
 11 authorized by general State law. Such taxes may be levied on both individuals and
 12 corporations who transact business in the City or who practice or offer to practice any
 13 profession or calling therein to the extent such persons have a constitutionally sufficient
 14 nexus to the City to be so taxed. The Council may classify businesses, occupations,
 15 professions or callings for the purpose of such taxation in any way which may be lawful and
 16 compel the payment of such taxes as provided in this article.

17 **SECTION 6.13.**

18 Licenses, Permits, Fees.

19 The Governing Body by ordinance shall have the power to require any individuals or
 20 corporations who transact business in this City or who practice any profession or calling
 21 therein to obtain a license or permit for such activity from the City and pay a reasonable fee
 22 for such license or permit where such activities are not now regulated by general State law
 23 in such a way as to preclude City regulation. Such fees may reflect the total cost of the City
 24 of regulating the activity and if unpaid shall be collected as provided in this article for
 25 delinquent taxes and fees. The Governing Body by ordinance may establish reasonable
 26 requirements for obtaining or keeping such licenses as the public health, safety, and welfare
 27 necessitate.

28 **SECTION 6.14.**

29 Service Charges.

30 The Governing Body by ordinance shall have the power to assess and collect fees, charges,
 31 and tolls for water, sewer, sanitary, or health services, or any other services rendered within

1 and without the corporate limits of the City in such amounts as the City may deem
 2 appropriate, taking into account the anticipated cost of providing, expanding, and
 3 maintaining such services. If unpaid, such charges shall be collected as provided in this
 4 article for delinquent taxes and fees.

5 **SECTION 6.15.**

6 Special Assessments.

7 The Governing Body shall have power and authority to assess all or part of the cost of
 8 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
 9 curbing, gutters, water lines, sewers, or other utility mains and appurtenances from the
 10 abutting property owners, under such terms and conditions as may be prescribed by
 11 ordinance. Such special assessments shall become delinquent 30 days after their due dates,
 12 shall thereupon be subject, in addition to fi. fa. charges, to a penalty of 10 percent, and shall
 13 thereafter be subject to interest at the rate of 12 percent per annum from date due until paid.
 14 A lien shall exist against the abutting property superior to all other liens except that it shall
 15 be of equal dignity with liens for county and City property taxes. Said lien shall also be
 16 enforceable by the same procedures and under the same remedies as provided for in this
 17 article for City Property taxes.

18 **SECTION 6.16.**

19 Construction, Other Taxes.

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

24 **SECTION 6.17.**

25 Collection of Delinquent Taxes and Fees.

26 The Governing Body by ordinance may provide generally for the collection of delinquent
 27 taxes, fees, or other revenue due the City by whatever reasonable means as are authorized
 28 by general State law. This shall include providing for the dates when the taxes or fees are
 29 due; late penalties or interest; issuance and execution of fi. fa.; creation and priority of liens;
 30 making delinquent taxes and fees personal debts of the persons required to pay the taxes or

1 fees imposed; revoking City licenses for failure to pay any City taxes or fees; allowing
2 exceptions for hardship; and providing for the assignment or transfer of tax executions.

3 **SECTION 6.18.**

4 Transfer of Executions.

5 The City Clerk shall be authorized to assign or transfer any fi. fa. or execution issued for any
6 tax or for any street, sewer, or other assessment in the same manner and to the same extent
7 as provided by Georgia law regarding sales and transfers of tax fi. fas. Such transfer or
8 assignment, when made, shall vest the purchaser or transferee with all right, title, and interest
9 as provided by Georgia law governing sales and transfers of tax fi. fas; provided, however,
10 that upon levy of execution and sale of property pursuant to such tax fi. fa., whether assigned,
11 transferred, or executed by the City, the owner of such property in fee simple or lesser
12 interest shall not lose his or her right to redeem the property in accordance with the
13 requirements of redemption of property sold under State or county ad valorem tax fi. fa. as
14 said requirements now exist or as may be hereinafter provided by law.

15 **SECTION 6.19.**

16 General Obligation Bonds.

17 The Governing Body shall have the power to issue bonds for the purpose of raising revenue
18 to carry out any project, program or venture authorized under this charter or the general laws
19 of the State. Such bonding authority shall be exercised in accordance with the laws
20 governing bond issuances by municipalities in effect at the time said issue is undertaken.

21 **SECTION 6.20.**

22 Revenue Bonds.

23 Revenue bonds may be issued by the Governing Body as provided by Article 3 of Chapter
24 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," as now or hereafter amended, or
25 by any other Georgia law as now or hereafter provided.

26 **SECTION 6.21.**

27 Short-term Notes and Leases.

28 (a) The Governing Body may obtain any short-term loans, including tax anticipation notes,
29 between January 1 and December 31 of each year as is authorized by State law.

1 (b) The Governing Body may also enter into multiyear lease purchase, purchase, or lease
2 purchase contracts as may be authorized by Code Section 36-60-13 of the O.C.G.A., as now
3 or hereafter amended.

4 **SECTION 6.22.**

5 Fiscal Year.

6 The Governing Body shall set the fiscal year by ordinance. The fiscal year shall constitute
7 the budget year and the year for financial accounting and reporting of each and every office,
8 department, agency and activity of the City government, unless otherwise provided by
9 general State or federal law.

10 **SECTION 6.23.**

11 Preparation of Budgets.

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

16 **SECTION 6.24.**

17 Additional Appropriations.

18 The Governing Body may make appropriations in addition to those contained in the current
19 operating budget at any regular meeting or at any special meeting called for such purpose.
20 Any such additional appropriations, however, may be made only for an existing
21 unappropriated surplus in the fund to which it applies.

22 **SECTION 6.25.**

23 Capital Improvements Budget.

24 (a) The Mayor may submit to the Governing Body a proposed capital improvements budget
25 with his or her recommendations as to the means of financing the improvements proposed
26 for the ensuing fiscal year. The Governing Body shall have power to accept with or without
27 amendments or reject the proposed program and proposed means of financing. The
28 Governing Body shall not authorize expenditures for the construction of any building,
29 structure, work, or improvement unless the appropriations for such project are included in

1 the capital improvements budget, except to meet a public emergency threatening the lives,
2 health, or property of the inhabitants, provided that such authorization is passed by majority
3 vote of the Governing Body.

4 (b) No appropriation provided for in the capital improvements budget shall lapse until the
5 purpose for which the appropriation was made shall have been accomplished or abandoned;
6 provided, however, that the Mayor may submit amendments to the capital improvements
7 budget, accompanied by his or her recommendations thereon, at any time during the fiscal
8 year. Any such amendments to the capital improvements budget shall become effective only
9 upon adoption by a vote of the Governing Body.

10 **SECTION 6.26.**

11 Independent Audit.

12 There shall be an annual, independent audit of all City accounts, funds and financial
13 transactions by a qualified public accountant selected by the Governing Body. The audit
14 shall be conducted according to generally accepted governmental accounting principles. Any
15 audit of any funds by the State or federal governments may be accepted as satisfying the
16 requirements of this charter. Copies of all audit reports shall be available at printing cost to
17 the public.

18 **SECTION 6.27.**

19 Contracting Procedures.

20 No contract with the City shall be binding on the City unless:

21 (1) It is in writing; and

22 (2) It is made or authorized by the Governing Body and such approval is entered in its
23 minutes.

24 **SECTION 6.28.**

25 Centralized Purchasing.

26 The Governing Body may by ordinance prescribe procedures for a system of centralized
27 purchasing for the City.

SECTION 7.11.

Franchises.

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

SECTION 7.12.

Official Bonds.

14
15
16 The officers and employees of the City, both elective and appointive, shall execute such
17 official bonds in such amounts and upon such terms and conditions as the Council may from
18 time to time require by ordinance or as may be required by State law.

SECTION 7.13.

Prior Ordinances.

19
20
21 All ordinances, bylaws, resolutions, rules and regulations now in force in the City not
22 inconsistent with this charter, are hereby declared valid and of full effect and force until
23 amended or repealed by the Governing Body.

SECTION 7.14.

Existing Personnel and Officers.

24
25
26 Except as specifically provided otherwise by this charter, all personnel and officers of the
27 City and their rights, privileges and powers shall continue beyond the time this charter takes
28 effect for a period of 60 days before or during which the existing Governing Body shall pass
29 a transition ordinance detailing the changes in personnel and appointive officers required or

1 desired and arranging such titles, rights, privileges and powers as may be required or desired
2 to allow a reasonable transition.

3 **SECTION 7.15.**

4 Pending Matters.

5 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
6 contracts and legal or administrative proceedings shall continue and any such ongoing work
7 or cases shall be dealt with by such City agencies, personnel or office as may be provided by
8 the Council.

9 **SECTION 7.16.**

10 Penalties.

11 The violation of any provisions of this charter, for which penalty is not specifically provided
12 herein, is hereby declared to be a misdemeanor and shall be punishable by a fine of not more
13 than One Thousand Dollars (\$1,000.00), or by imprisonment not to exceed 60 days, or both
14 such fine and imprisonment.

15 **SECTION 7.17.**

16 Construction.

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

19 (b) The word "shall" is intended to be mandatory and the word "may" is not.

20 (c) The word "City" shall mean the City of Preston, Georgia.

21 (d) The word "Governing Body" shall mean the Mayor and City Council of the City.

22 (e) The singular shall include the plural and vice versa.

23 **SECTION 7.18.**

24 Severability.

25 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
26 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
27 or impair other parts of this charter, unless it clearly appears that such other parts are wholly
28 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the

1 legislative intent in enacting this charter that each article, section, subsection, paragraph,
2 sentence or part thereof be enacted separately and independent of each other.

3 **SECTION 7.19.**

4 Specific Repealer.

5 An Act to provide a new Charter for the City of Preston in the County of Webster, approved
6 March 11, 1977 (Ga. L. 1977, p. 2994), as amended, is hereby repealed in its entirety and
7 all amendatory Acts thereto are likewise repealed in their entirety, except as otherwise
8 provided herein.

9 **SECTION 7.20.**

10 Effective Dates.

11 For the purpose of holding the elections provided for in Section 5.11 of this Act, this Act
12 shall become effective upon its approval by the Governor or upon its otherwise becoming
13 law without such approval. For all other purposes, this Act shall become effective when the
14 Mayor and Councilmembers elected under Section 5.11(a) of this Act take their oaths of
15 office.

16 **SECTION 7.21.**

17 Repealer.

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