

House Bill 1681 (AS PASSED HOUSE AND SENATE)

By: Representative McCall of the 78th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Washington, Georgia, approved
2 February 14, 1958 (Ga. L. 1958, p. 2139), as amended, so as to change provisions relating
3 to corporate boundaries; terms of the mayor, and council; electors, mayor, and council
4 qualifications; compensation of mayor and council; selection of other city officers; council
5 meetings; ordinance enactment; powers and construction; exercise of powers; waterworks
6 and sewerage service; the authority to levy and collect taxes; the chief executive; the
7 municipal judge; appearance bond; refunding bonds; building and fire regulations; building
8 permits; weights and measures; easements; the city engineer; parks; and the sale of city
9 property; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act providing a new charter of the City of Washington, Georgia, approved February 14,
13 1958 (Ga. L. 1958, p. 2139), as amended, is amended by striking Sections 3, 4, 5, 6, 7, and
14 8 and inserting in lieu thereof a new Sections 3, 4, 5, 6, 7, and 8 to read as follows:

15 "SECTION 3.

16 Corporate boundaries.

17 (a) The corporate boundaries of the City of Washington shall be as described and set forth
18 on a map filed in the office of the city clerk.

19 (b) The city council may provide for changes in the map by ordinance to reflect lawful
20 changes in the corporate boundaries.

SECTION 4.

Mayor and council terms; oath; vacancy; elections.

The governing authority of the City of Washington shall consist of a mayor and six councilmen to be elected as hereinafter provided. All municipal general and special elections shall be conducted in accordance with current state law.

The municipal general election to fill municipal offices shall be held on the Tuesday next following the first Monday in November in each odd-numbered year. Candidates elected to office in such elections shall take office on the second Monday in January following their election to serve for a term of office of four years and until their successors are duly elected and qualified. Each candidate shall file his or her notice of candidacy in the office of the municipal election superintendent during the qualifying period. Successors to the incumbent elected officers shall be elected in the general election which is conducted immediately prior to the date of the expiration of the respective term of office. For any city employee to be eligible to qualify as a candidate for council, he or she must resign his or her employment at least 30 days before he or she qualifies for office. Once elected, a mayor or councilmember shall not be employed by the city in any capacity other than that of his or her official position as mayor or councilmember.

The candidates elected at such elections shall qualify by taking the oath of office before taking part in any special or regular meeting of the mayor and council. The members of council so elected shall qualify by taking the oath before the mayor or any magistrate, clerk of superior court, probate judge, or other officer qualified to administer oaths in Georgia, and the mayor shall qualify by taking the oath before any officer authorized by law to administer oaths in this state.

The oath taken shall be substantially in the following form: 'I (mayor or councilmember, as case may be) do swear that I will well and truly perform all the duties of the office to which I have been elected. So help me God.' Said oath shall be signed and placed on the minutes of mayor and council.

Should there for any cause fail to be an election held at the time specified or should any vacancy occur from death, removal from the city, or other cause, the council if the vacancy is in the mayor's office shall if the vacancy is of 12 months or less elect from its membership a mayor to serve the unexpired term. If the vacancy is of more than 12 months, the council shall in accordance with current election law call a special election to fill the unexpired term. If the vacancy is in a council office and the vacancy is 12 months or less, the council shall appoint a qualified elector from the district affected to fill the unexpired term. If the vacancy is of more than 12 months, in accordance with current election law, the council shall call for a special election to fill the unexpired term.

1 In the event any contest is filed to an election, then a hearing shall be conducted as
2 provided by law.

3 Those candidates who receive the highest number of votes cast for the particular office
4 shall be elected thereto.

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SECTION 5.

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Electors.

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The persons qualified to vote in any election for mayor and council, or in any other election held in and for the City of Washington, Georgia, for any purpose, shall be those persons qualified to vote in elections for members of General Assembly of Georgia and who shall have bona fide resided in the State of Georgia and within the territorial limits of the City of Washington, Georgia, next preceding said election, provided that such person or persons shall have complied with the laws of the State of Georgia regulating the qualifications of voters and with such registration and voting ordinances as may be adopted by said mayor and council of the City of Washington, Georgia, who are authorized to provide by ordinance for the qualification and registration of voters, provided the same are not in conflict with the laws of Georgia or the laws of the United States of America.

Any person voting illegally at any such election or elections shall be guilty of a misdemeanor and, on conviction thereof, shall be so punished as provided by the laws of the State of Georgia.

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SECTION 6.

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Mayor and council qualifications.

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Any person of the City of Washington, Georgia, who is qualified to vote for mayor and council shall be eligible to hold either office, provided such person is at least 21 years of age.

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SECTION 7.

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Compensation of mayor and council.

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The mayor of the City of Washington, Georgia, shall receive an annual salary of \$7,200.00 payable monthly, and each of the councilmembers of the said City of Washington, Georgia, shall receive an annual salary of \$3,600.00 payable monthly, said salaries to be paid out of the city treasury. The mayor and any member of council shall also be paid any travel or other expense incurred on behalf of the city.

1 of the City of Washington, Georgia, that may be named by the mayor and council, even
2 when there is no tie vote.

3 A quorum for the transaction of any business at any meeting, regular or special, shall
4 consist of four members of the mayor and council, including the mayor, and if the mayor
5 is absent at any meeting, the council may elect one of their number to act as temporary
6 mayor pro tempore who shall possess all the rights and powers of the duly elected mayor.
7 Each councilmember shall serve eight months as mayor pro tempore in accordance with
8 the following schedule: January–August, September–April, May–December. The first to
9 serve shall be the three councilmembers with two years remaining on their term of office.
10 The second three will be the councilmembers most recently elected to office. The order of
11 service shall be alphabetical.

12 If a regular mayor pro tempore has been already named by the mayor and council to serve
13 in cases when the mayor is absent, ill, or disqualified, then such mayor pro tempore shall
14 preside at any meeting of the mayor and council, regular or special, without the necessity
15 of a temporary mayor pro tempore being selected.

16 SECTION 11.

17 Ordinance enactment.

18 Said mayor and council of the City of Washington, Georgia, shall have the right to pass and
19 enact all ordinances, rules, and regulations, necessary for the good government of the
20 municipality, the protection of persons and property, for the peace, health, good order,
21 comfort, and convenience of the citizens thereof, and fix suitable penalties for the violation
22 of same.

23 They shall be authorized to inflict penalties for each and every violation of any ordinance
24 or resolution passed by them, by fine, imprisonment in the county jail of Wilkes County,
25 Georgia, or by working on a labor force on the streets, sidewalks, parks, or other public
26 places in such municipality, and all or any of said penalties may be inflicted.

27 In the event a fine is imposed it shall not exceed \$1,000.00 and costs; and, in the event
28 imprisonment in the county jail of Wilkes County, Georgia, is imposed it shall in no case
29 exceed 12 months; and, in the event a sentence is imposed to work on the labor force on
30 the streets, sidewalks, parks, or other public places in the municipality, it shall not exceed
31 180 days, but any one or all of such penalties may be inflicted. The mayor and council
32 shall be authorized to provide an alternative sentence to be served in the county jail of
33 Wilkes County, Georgia, or on the labor force of said municipality, not to exceed the
34 number of days stated, in the event the fine is not paid.

1 In case of imprisonment in the county jail of Wilkes County, Georgia, the cost of the board
2 of such prisoner and jail fees shall be borne by the municipality and paid out of the treasury
3 thereof.

4 Said mayor and council shall have full power and authority to provide for the working of
5 offenders sentenced to work upon the public places of the municipality by the municipal
6 court, to establish, equip, and maintain a city work force; to establish, equip, and maintain
7 a guardhouse, barracks, or stockade for the safe-keeping of such offenders, either inside or
8 outside the city limits; and to provide for the feeding and care of the same."

9 **SECTION 3.**

10 Said Act is further amended by striking Sections 15 and 16 and inserting in lieu thereof new
11 Sections 15 and 16 to read as follows:

12 "SECTION 15.

13 Powers and construction.

14 This city shall have all powers possible for a city to have under present or future
15 Constitution and laws of this state as fully and completely as though they were specifically
16 enumerated in this charter. This city shall have all the powers of self-government not
17 otherwise prohibited by this charter or by general law.

18 The powers of this city shall be construed liberally in favor of the city. The specific
19 mention or failure to mention particular powers shall not be construed as limiting in any
20 way the powers of this city.

21 **SECTION 16.**

22 Exercise of powers.

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

27 **SECTION 4.**

28 Said Act is further amended by striking in their entirety Sections 17 through 23 and inserting
29 in lieu thereof the following:

1 "SECTIONS 17-23.

2 Reserved."

3 **SECTION 5.**

4 Said Act is further amended by striking Section 26 and inserting in lieu thereof a new
5 Section 26 to read as follows:

6 "SECTION 26.

7 Providing waterworks and sewerage systems by city.

8 The provisions of this Act in regard to the purchase, lease, erecting, constructing, or
9 installing of any waterworks, sewerage, and sewerage disposal systems in and for said City
10 of Washington, Georgia, shall not conflict in any way with the present waterworks system,
11 sewerage, and sewerage disposal system now in use in said city but is intended to provide
12 a method of supplementing the water supply of the inhabitants of the municipality and
13 consumers living outside the corporate limits, if the same ever shall become necessary."

14 **SECTION 6.**

15 Said Act is further amended by striking Section 28 and inserting in lieu thereof a new Section
16 28 to read as follows:

17 "SECTION 28.

18 Authority to levy and collect taxes.

19 Said mayor and council acting on behalf of the City of Washington, Georgia, shall be
20 authorized to levy and collect for general city purpose in each and every year a tax of all
21 real estate, stock in trade, personalty, and all other property that may be at the time be
22 taxable under the laws of the State of Georgia.

23 The order levying the tax shall be recorded on the minutes of the city and shall specify the
24 amount assessed and levied."

25 **SECTION 7.**

26 Said Act is further amended by striking Sections 31 through 38 and inserting in lieu thereof
27 the following:

28 "SECTIONS 31-38.

29 Reserved."

1 person, that the fine must be paid before an appeal can be entered, the fine to be returned
 2 to him or her by the clerk or treasurer of the said city in the event he or she is found not
 3 guilty on a final disposition of the case. The appeal shall be held as a de novo investigation,
 4 and either side shall have the right to offer evidence and may obtain a subpoena from the
 5 municipal judge to ensure the witnesses' attendance or production of any papers. Upon
 6 such appeal being entered and heard, the mayor and council shall have the power to reverse
 7 the decision of the municipal judge, modify the penalty, or increase the same.

8 The municipal judge shall be authorized to issue criminal warrants, hold courts of inquiry,
 9 commit offenders to the proper court for trial, or admit them to bail, as in cases tried before
 10 a magistrate in this state sitting as a court of inquiry.

11 The municipal judge, for any hearing held by him or her, shall have the power to summon
 12 witnesses, issue subpoenas for persons or for the production of papers or records, and
 13 punish for disobedience to a subpoena or writ or for any act of contumacy amounting to a
 14 contempt or contempt committed in his or her presence while sitting as a court with
 15 authority to fine the offender for such contempt, imprison said offender in the county jail
 16 of Wilkes County, Georgia, or inflict either or all of said penalties for each offense. In the
 17 event a fine is imposed and not paid, the municipal judge may provide an alternate sentence
 18 of imprisonment not to exceed the time stated."

19 **SECTION 9.**

20 Said Act is further amended by striking Section 44 and inserting in lieu thereof a new Section
 21 44 to read as follows:

22 "SECTION 44.

23 Appearance bond.

24 The municipal judge of said municipality shall have the right to take, receive, and approve
 25 any appearance bond with good security in an amount to be fixed by such official, payable
 26 to the mayor of the City of Washington, Georgia, and conditioned on the accused person
 27 appearing at such time as may be fixed for a hearing on the charges against him or her. For
 28 good cause shown the hearing may be continued from time to time by the municipal judge.
 29 If such bond is given, the accused shall be required to appear at the time fixed for a hearing
 30 of the charges before the municipal judge, and, if no appearance is made, such bond may
 31 be forfeited by serving the defendant and his or her surety or sureties with a rule nisi in the
 32 same manner as bonds are forfeited and rule nisi served in the superior courts of this state,
 33 requiring them to appear within 30 days after such service and show cause why such bond
 34 should not be forfeited. If the defendant and his or her sureties reside within the limits of

1 the municipality, service of such rule nisi may be made by the chief of police of said city
 2 or any of his or her assistants. If the said defendant or any of his or her sureties reside
 3 outside the limits of the municipality, service shall be made by the sheriff of this county
 4 or his or her lawful deputy, or by the sheriff or his or her lawful deputy of any other county
 5 if such defendant lives outside Wilkes County, Georgia.

6 If the defendant, any surety, or either of them shall fail to appear as required by said rule
 7 nisi, the said bond shall be declared forfeited, and, thereupon, an execution or fi. fa. shall
 8 be issued by the municipal judge against the defendant and his or her sureties, which
 9 execution shall be levied and collected in the manner provided by this Act for the levy and
 10 collection of tax fi. fas. and executions. Any sum or sums received from such forfeitures
 11 shall be paid into the treasury of the city.

12 The municipal judge shall have the right to receive cash from the accused in lieu of
 13 personal bond, and if the offender fails to appear at the time set for the hearing or fails to
 14 give a good reason for not appearing, the cash shall be ordered forfeited by order in writing
 15 of the officer before whom the case is heard without the issuance and service of a rule nisi.
 16 In all cases where a cash bond is taken a receipt shall be issued to the accused. The
 17 forfeiture may be reopened for good cause shown within 30 days after the cash is forfeited."

18 **SECTION 10.**

19 Said Act is further amended by striking Section 47 and inserting in lieu thereof the following:

20 "SECTION 47.

21 Reserved."

22 **SECTION 11.**

23 Said Act is further amended by striking Section 50 and inserting in lieu thereof a new
 24 Section 50 to read as follows:

25 "SECTION 50.

26 Loans.

27 The mayor and council of the City of Washington, Georgia, acting for and on behalf of the
 28 municipality, shall be authorized to make and incur temporary loans between January 1 and
 29 December 31 in each year to pay the expenses of such year upon compliance with all the
 30 provisions of Article IX, Section V, Paragraph V of the Constitution of this state and all
 31 laws amendatory thereof."

SECTION 12.

Said Act is further amended by striking Section 55 and inserting in lieu thereof a new Section 55 to read as follows:

"SECTION 55.

Refunding bonds.

The mayor and council acting for and on behalf of the municipality shall be authorized to issue refunding bonds in the event the municipality is not able to meet or reduce any bonded debt now existing or hereafter created, as provided by the Constitution of the State of Georgia and any amendment thereof or as provided by any law of the State of Georgia now in force or that may be hereafter enacted, under such terms as shall be fixed by such law or by any commission created by law."

SECTION 13.

Said Act is further amended by striking the first paragraph of Section 59 and inserting in lieu thereof the following:

"Said mayor and council acting for and on behalf of the municipality shall be authorized to enact all ordinances, rules, and regulations necessary to lay out and prescribe a district or districts in such city and to enlarge, change, or modify the limits thereof from time to time; to prescribe when, how, and of what materials any building or buildings in such district or districts may be constructed, repaired, or covered; how thick the walls shall be required to be constructed and what type chimneys, stove pipes, flues, and stacks for escape of smoke are to be constructed; to provide for fire escapes from buildings and how they shall be erected and of what materials in any building in the city where the same are required, provided such provision does not conflict with the fire laws of this state; and generally to do any and all things necessary by rule, regulation, or ordinance as will protect the inhabitants and the property within the municipality from danger by fire and damage from smoke and water."

SECTION 14.

Said Act is further amended by striking in its entirety the second paragraph of Section 60 and inserting in lieu thereof the following:

"The person, firm, or corporation contemplating any such erection, building, improvement, or change of any such enumerated property shall furnish to the clerk of said municipality on a printed form to be furnished by the clerk, a description of the proposed erection,

1 building, construction, or improvement, where the same is to be located, when the work
2 will start, the cost of same, and materials proposed to be used in the construction."

3 **SECTION 15.**

4 Said Act is amended by striking in its entirety Section 64 and inserting in lieu thereof the
5 following:

6 "SECTION 64.
7 Reserved."

8 **SECTION 16.**

9 Said Act is further amended by striking Section 66 and inserting in lieu thereof a new
10 Section 66 to read as follows:

11 "SECTION 66.
12 Easements.

13 The mayor and council acting for and on behalf of the City of Washington, Georgia, shall
14 have full power and authority to grant unto persons, firms, and corporations franchises
15 enabling them to carry on the business of a public utility within the limits of the
16 municipality, and for the purposes of the utilities the mayor and council shall be authorized
17 to grant easements and rights of way over, in, upon, under, along, and across the public
18 sidewalks, roads, streets, lanes, alleys, parks, squares, and other public places within the
19 municipality for the purpose of laying, erecting, constructing, maintaining, repairing,
20 improving, or changing any poles, stays, wires, anchors, pipes, supports, cables,
21 connections, water mains or pipes, gas mains or pipes, or any other accessory or equipment
22 needed for the operation of any telecommunications, water, gas, or electric utility within
23 the present limits of the municipality or such limits as they may be hereafter extended. The
24 mayor and council shall determine the terms and conditions under which any franchises,
25 may be granted, renewed, or extended and for the term thereof."

26 **SECTION 17.**

27 Said Act is further amended by striking Section 68 and inserting in lieu thereof a new Section
28 68 to read as follows:

1 "SECTION 68.

2 City engineer.

3 The mayor and council shall have the right to gain the services of a city engineer and such
4 assistants as they may see fit and to provide compensation for them to be paid out of the
5 city treasury.

6 They shall be authorized to prescribe the duties of such city engineer and assistants and to
7 provide for the hiring and pay of same as may be deemed necessary. They shall also be
8 authorized to employ and provide compensation for any other employee, regular or casual,
9 to be paid out of the city treasury that may be required for the maintenance and upkeep of
10 the sidewalks, roads, streets, lanes, alleys, parks, cemeteries, squares, and places of public
11 recreation in said municipality; for hauling, collecting, and destroying waste and garbage;
12 and for the maintenance and upkeep of any property, facility, or utility owned by the
13 municipality whether located inside or outside the limits of the city."

14 **SECTION 18.**

15 Said Act is further amended by striking Section 69 and inserting in lieu thereof a new
16 Section 69 to read as follows:

17 "SECTION 69.

18 Parks.

19 Said mayor and council shall have the right and authority to adopt and enforce any rules,
20 regulations, ordinances, or resolutions for the protection of shade trees and shrubs in public
21 places in said city and to hinder and prevent the cutting or trimming of same by any public
22 utility or its employees. They shall have authority to cause to be removed any tree or trees
23 or shrub or shrubs, which in the judgment of the mayor and council or any committee
24 thereof hinders or endangers traffic in said city or which by reason of age or other
25 condition is dangerous to persons and property. If the owner of the property on which any
26 such tree or shrub is located fails or refuses to remove the same after reasonable notice
27 from the mayor and council, they may proceed to have the same removed, the expense to
28 be borne by the property owner, with the right to enforce the collection of such expense as
29 tax assessments are enforced and collected."

30 **SECTION 19.**

31 Said Act is further amended by striking Section 74 and inserting in lieu thereof a new
32 Section 74 to read as follows:

