

House Bill 511

By: Representative Hanner of the 148th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Bronwood; to provide for incorporation, boundaries,
2 and powers of the city; to provide for a governing authority of such city and the powers,
3 duties, authority, election, terms, method of filling vacancies, compensation, qualifications,
4 and prohibitions, and removal from office relative to members of such governing authority;
5 to provide for inquiries and investigations; to provide for organization and procedures; to
6 provide for ordinances and codes; to provide for the office of mayor and certain duties and
7 powers relative to the office of mayor; to provide for administrative responsibilities; to
8 provide for a mayor pro tempore; to provide for departments, boards, commissions, and
9 authorities; to provide for a city attorney, a city clerk, and other personnel; to provide for a
10 municipal court and the judge or judges thereof; to provide for jurisdiction, practices, and
11 procedures; to provide for elections; to provide for taxation and fees; to provide for
12 franchises, service charges, and assessments; to provide for bonded and other indebtedness;
13 to provide for accounting and budgeting; to provide for purchases; to provide for the sale and
14 lease of property; to provide for bonds for officials; to provide for prior ordinances; to
15 provide for existing personnel and officers; to provide for pending matters; to provide for
16 penalties; to provide for construction; to provide for other matters relative to the foregoing;
17 to repeal a specific Act; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 ARTICLE I
20 INCORPORATION AND POWERS
21 SECTION 1.10.
22 Name.

23 This city and the inhabitants thereof, are reincorporated by the enactment of this charter and
24 are hereby constituted and declared a body politic and corporate under the name and style
25 City of Bronwood, Georgia, and by that name shall have perpetual existence.

- 1 (3) Building regulation. To regulate and to license the erection and construction of
2 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
3 and heating and air conditioning codes; and to regulate all housing and building trades;
- 4 (4) Business regulation and taxation. To levy and to provide for the collection of
5 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
6 by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be
7 enacted; to permit and regulate the same; to provide for the manner and method of
8 payment of such regulatory fees and taxes; and to revoke such permits after due process
9 for failure to pay any city taxes or fees;
- 10 (5) Condemnation. To condemn property inside or outside the corporate limits of the city
11 for present or future use and for any corporate purpose deemed necessary by the
12 governing authority, utilizing procedures provided by the Official Code of Georgia
13 Annotated as the same shall exist from time to time;
- 14 (6) Contracts. To enter into contracts and agreements with other governmental entities
15 and with private persons, firms, and corporations;
- 16 (7) Emergencies. To establish procedures for determining and proclaiming that an
17 emergency situation exists within or without the city, and to make and carry out all
18 reasonable provisions deemed necessary to deal with or meet such an emergency for the
19 protection, safety, health, or well-being of the citizens of the city;
- 20 (8) Environmental protection. To protect and preserve the natural resources,
21 environment, and vital areas of the city through the preservation and improvement of air
22 quality, the restoration and maintenance of water resources, the control of erosion and
23 sedimentation, the management of solid and hazardous waste, and other necessary actions
24 for the protection of the environment;
- 25 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
26 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
27 general law, relating to fire prevention and detection and to fire fighting; and to prescribe
28 penalties and punishment for violations thereof;
- 29 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
30 and disposal, and other sanitary service charge, tax, or fee for such services as may be
31 necessary in the operation of the city from all individuals, firms, and corporations
32 residing in or doing business therein benefiting from such services or to whom such
33 services are available; to enforce the payment of such charges, taxes, or fees; and to
34 provide for the manner and method of collecting such service charges;
- 35 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
36 practice, conduct, or use of property which is detrimental to health, sanitation,

1 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
2 enforcement of such standards;

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

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

8 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
9 work out such sentences in any public works or on the streets, roads, drains, and other
10 public property in the city, to provide for commitment of such persons to any jail, or to
11 provide for commitment of such persons to any county work camp or county jail by
12 agreement with the appropriate county officials;

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

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

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

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

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

29 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
30 of public utilities, including, but not limited to, a system of waterworks, sewers and
31 drains, sewage disposal, gas works, electric light plants, cable television, and other
32 telecommunications, transportation facilities, public airports, and any other public utility;
33 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
34 and to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

6 (24) Police and fire protection. To exercise the power of arrest through duly appointed
7 policemen and to establish, operate, or contract for a police and a fire fighting agency;

8 (25) Public hazards: Removal. To provide for the destruction and removal of any
9 building or other structure which is or may become dangerous or detrimental to the
10 public;

11 (26) Public improvements. To provide for the acquisition, construction, building,
12 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
13 cemeteries, markets and market houses, public buildings, libraries, public housing,
14 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
15 recreational, conservation, sport, curative, corrective, detentional, penal and medical
16 institutions, agencies, and facilities; and to provide any other public improvements, inside
17 or outside the corporate limits of the city; to regulate the use of public improvements; and
18 for such purposes, to acquire property by condemnation under procedures provided by
19 the Official Code of Georgia Annotated as the same shall exist from time to time;

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

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

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

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

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

36 (32) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade
37 of, abandon or close, construct, pave, curb, gutter, provide drainage for, adorn with shade

1 trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the
2 roads, alleys, and walkways within the corporate limits of the city; and to grant franchises
3 and rights of way throughout the streets and roads, and over the bridges and viaducts for
4 the use of public utilities; and to require real estate owners to repair and maintain in a safe
5 condition the sidewalks adjoining their lots or lands, and to impose penalties for failure
6 to do so;

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

14 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
15 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
16 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
17 paper, and other recyclable materials, and to regulate the separate collection of such
18 items;

19 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
20 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of
21 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
22 inflammable materials, the use of lighting and hearing equipment, and any other business
23 or situation which the city may deem to be dangerous to persons or property; to regulate
24 and control the conduct of peddlers and itinerant traders, theatrical performances,
25 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
26 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

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

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

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

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

1 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
2 and

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

14 **SECTION 1.14.**

15 Exercise of powers.

16 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
17 employees shall be carried into execution as provided by this charter. If this charter makes
18 no provisions, such shall be carried into execution as provided by ordinance or as provided
19 by pertinent laws of the State of Georgia.

20 **ARTICLE II**

21 **GOVERNMENT STRUCTURE**

22 **SECTION 2.10.**

23 City council creation; number; election.

24 The legislative authority of the government of this city, except as otherwise specifically
25 provided in this charter, shall be vested in a city council to be composed of a mayor and six
26 councilmembers. The city council established shall in all respects be a successor to and
27 continuation of the governing authority under prior law. The mayor and councilmembers
28 shall be elected in the manner provided by general law and this charter.

SECTION 2.11.

City council terms and qualifications for office.

Members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as a mayor or councilmember unless he or she has been a resident of the city for six months prior to the date of election, and each person elected to the city council shall continue to reside in the city during his or her period of service and shall continue to be registered and qualified to vote in municipal elections of the city.

SECTION 2.12.

Vacancy; filling of vacancies.

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

(b) Filling of Vacancies—A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the remaining councilmembers if less than six months remain in the unexpired term, otherwise by an election, as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may hereafter be enacted.

SECTION 2.13.

Compensation and expenses.

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

SECTION 2.14.

Holding other office; voting when financially interested.

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

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

1 skill, and ability; that I am not the holder of any unaccounted for public money due to the
 2 State of Georgia or any political subdivision or authority thereto; that I am not the holder
 3 of any office of trust under the government of the United States, any other state, or any
 4 foreign state, which I am by the laws of the State of Georgia prohibited from holding; that
 5 I am qualified to hold the office which I am about to enter according to the Constitution
 6 and laws of Georgia; that I will support the Constitution of the United States and the
 7 Constitution of the State of Georgia; that I have been a resident of the district from which
 8 elected and the City of Bronwood for the time required by the Constitution and laws of the
 9 State of Georgia and the Charter of the City of Bronwood, so help me God."

10 **SECTION 2.19.**

11 Regular and special meetings.

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

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

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

27 **SECTION 2.20.**

28 Rules of procedure.

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

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

4 **SECTION 2.21.**

5 Quorum; voting.

6 Four councilmembers other than the mayor or the mayor and three councilmembers shall
7 constitute a quorum and shall be authorized to transact business of the city council. Voting
8 on the adoption of ordinances shall be by voice vote, and the vote shall be recorded in the
9 journal; but any member of the city council shall have the right to request a roll call vote, and
10 such vote shall be recorded in the journal. Except as otherwise provided in this charter, the
11 affirmative vote of four councilmembers shall be required for the adoption of any ordinance,
12 resolution, or motion. The mayor shall vote only in the event of a tie or when an affirmative
13 or negative vote by the mayor constitutes a majority of three votes. An abstention shall not
14 be counted as either an affirmative or negative vote.

15 **SECTION 2.22.**

16 Ordinance form; procedures.

17 (a) Every proposed ordinance should be introduced in writing and in the form required for
18 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
19 enacting clause shall be: "It is hereby ordained by the governing authority of the City of
20 Bronwood," and every ordinance shall so begin.

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

29 **SECTION 2.23.**

30 Action requiring an ordinance.

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

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

3 **SECTION 2.26.**

4 Signing; authenticating; recording; codification; printing.

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

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

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

24 **SECTION 2.27.**

25 Election of mayor; forfeiture; compensation.

26 The mayor shall be elected and serve for a term of four years and until a successor is elected
27 and qualified. The mayor shall be a qualified elector of the city and shall have been a
28 resident of the city for six months preceding the election. The mayor shall continue to reside
29 in the city during the period of service. The mayor shall forfeit the office on the same
30 grounds and under the same procedure as for councilmembers. The compensation of the
31 mayor shall be established in the same manner as for councilmembers.

1 council and shall assume the duties and powers of the mayor upon the mayor's physical or
 2 mental disability; provided, however, the mayor pro tempore shall vote as a member of the
 3 council at all times when serving as herein provided.

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 city council, by ordinance, shall
 9 prescribe the functions of duties, and establish, abolish, alter, consolidate, or leave vacant all
 10 nonelective offices, positions of employment, departments, and agencies of the city, as
 11 necessary for the proper administration of the affairs and government of this city.

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

15 (c) All appointive officers and directors of departments shall receive such compensation as
 16 prescribed by ordinance.

17 (d) There shall be a director of each department or agency who shall be its principal officer.
 18 Each director shall, subject to the direction and supervision of the mayor, be responsible for
 19 the administration and direction of the affairs and operations of that director's department
 20 or agency.

21 (e) All appointive officers, directors, and department heads under the supervision of the
 22 mayor shall be nominated by the mayor with confirmation of appointment by the city
 23 council. All appointive officers, directors, and department heads shall be employees-at-will
 24 and subject to removal or suspension at any time by the mayor unless otherwise provided by
 25 law or ordinance.

26 **SECTION 3.11.**

27 **Boards, commissions, and authorities.**

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

32 (b) All members of boards, commissions, and authorities of the city shall be appointed by
 33 the city council for such terms of office and in such manner as shall be provided by

1 ordinance, except where other appointing authority, terms of office, or manner of
2 appointment is prescribed by this charter or by law.

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

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

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

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

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

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

23 **SECTION 3.12.**

24 City attorney.

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

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

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, shall be a member of the State Bar of
22 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
23 by the city council and shall serve until a successor is appointed and qualified.

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

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 office to the best of that person's
29 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
30 the city council journal required in Section 2.20 of this charter.

SECTION 4.12.

Convening.

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

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 180 days, or other 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 recognizance 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, the 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.

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

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

5 **SECTION 4.14.**

6 Certiorari.

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

11 **SECTION 4.15.**

12 Rules for court.

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

20 **ARTICLE V**

21 **ELECTIONS AND REMOVAL**

22 **SECTION 5.10.**

23 Applicability of general law.

24 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
 25 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

26 **SECTION 5.11.**

27 Regular elections; time for holding.

28 In 2005, and every four years thereafter, on the Tuesday following the first Monday in
 29 November, there shall be an election for a mayor and three at-large city councilmembers.

1 In 2006, on the Tuesday following the first Monday in November, there shall be an election
2 for three at-large city councilmembers to serve a one-year term. In 2007, and every four
3 years thereafter, on the Tuesday following the first Monday in November, there shall be an
4 election for three at-large city councilmembers. The terms of office shall begin at the
5 organizational meeting as provided for in Section 2.18 of this charter.

6 **SECTION 5.12.**

7 Nonpartisan elections.

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

10 **SECTION 5.13.**

11 Election by plurality.

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

13 **SECTION 5.14.**

14 Special elections; vacancies.

15 In the event that the office of mayor or any position on the city council shall become vacant
16 as provided in Section 2.12 of this charter, the city council or those remaining shall appoint
17 a successor for the remainder of the term. In all other respects, a special election shall be
18 held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
19 Election Code," as now or hereafter amended.

20 **SECTION 5.15.**

21 Other provisions.

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

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.

3 **SECTION 6.12.**

4 Occupation and business taxes.

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

9 **SECTION 6.13.**

10 Regulatory fees; permits.

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

16 **SECTION 6.14.**

17 Franchises.

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

29 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
30 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
31 street railways, telephone companies, electric companies, electric membership corporations,

1 cable television, and other telecommunications companies, gas companies, transportation
2 companies, and other similar organizations.

3 **SECTION 6.15.**

4 Service charges.

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

10 **SECTION 6.16.**

11 Special assessments.

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

17 **SECTION 6.17.**

18 Construction; other taxes and fees.

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

22 **SECTION 6.18.**

23 Collection of delinquent taxes and fees.

24 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
25 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
26 whatever reasonable means as are not precluded by law. This shall include providing for the
27 dates when the taxes or fees are due; later penalties or interest; issuance and execution of
28 fi.fas., creation and priority of liens; making delinquent taxes and fees the personal debts of

1 the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay
2 any city taxes or fees; and providing for the assignment or transfer or tax executions.

3 **SECTION 6.19.**

4 General obligation bonds.

5 The city council shall have the power to issue bonds for the purpose of raising revenue to
6 carry out any project, program, or venture authorized under this charter or the laws of the
7 state. Such bonding authority shall be exercised in accordance with the laws governing bond
8 issuance by municipalities in effect at the time said issue is undertaken.

9 **SECTION 6.20.**

10 Revenue bonds.

11 Revenue bonds may be issued by the city council as state law now or hereafter provides.
12 Such bonds are to be paid out of any revenue produced by the project, program, or venture
13 for which they were issued.

14 **SECTION 6.21.**

15 Short-term loans.

16 The city may obtain short-term loans and must repay such loans not later than December 31
17 of each year, unless otherwise provided by law.

18 **SECTION 6.22.**

19 Lease purchase contracts.

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

SECTION 6.23.

Fiscal year.

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

SECTION 6.24.

Preparation of budgets.

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

SECTION 6.25.

Submission of operating budget to city council.

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

SECTION 6.26.

Action by city council on budget.

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

1 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
2 fiscal year not later than January 1 of each year. If the city council fails to adopt the budget
3 by this date, the amounts appropriated for operation for the current fiscal year shall be
4 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
5 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
6 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
7 the estimated revenues in detail by sources and making appropriations according to fund and
8 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
9 adopted pursuant to Section 6.24 of this charter.

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

14 **SECTION 6.27.**

15 Tax levies.

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

22 **SECTION 6.28.**

23 Changes in appropriations.

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

28 **SECTION 6.29.**

29 Independent audit.

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

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

4 **SECTION 6.30.**

5 Contracting procedures.

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

7 (1) It is in writing;

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

10 (3) It is made or authorized by the city council, and such approval is entered in the city
11 council journal of proceedings pursuant to Section 2.21 of this charter.

12 **SECTION 6.31.**

13 Centralized purchasing.

14 The city council, by ordinance, shall prescribe procedures for a system of centralized
15 purchasing for the city.

16 **SECTION 6.32.**

17 Sale and lease of city property.

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

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

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

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

5 **ARTICLE VII**

6 **GENERAL PROVISIONS**

7 **SECTION 7.10.**

8 Bonds for officials.

9 The officers and employees of this city, both elective and appointive, shall execute such
10 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
11 council shall from time to time require by ordinance or as may be provided by law.

12 **SECTION 7.11.**

13 Prior ordinances.

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

17 **SECTION 7.12.**

18 Existing personnel and officers.

19 Except as specifically provided otherwise by this charter, all personnel and officers of the
20 city and their rights, privileges, and powers shall continue beyond the time this charter takes
21 effect for a period of 180 days before or during which the existing city council shall pass a
22 transition ordinance detailing the changes in personnel and appointive officers required or
23 desired and arranging such titles, rights, privileges, and powers as may be required or desired
24 to allow a reasonable transition.

25 **SECTION 7.13.**

26 Pending matters.

27 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
28 contracts, and legal or administrative proceedings shall continue, and any such ongoing work

1 or cases shall be completed by such city agencies, personnel, or offices as may be provided
2 by the city council.

3 **SECTION 7.14.**

4 Construction.

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

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

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

10 **SECTION 7.15.**

11 Specific repealer.

12 An Act incorporating the City of Bronwood in the County of Terrell, State of Georgia,
13 approved September 24, 1883 (Ga. L. 1882-1883, p. 423), as amended, is repealed in its
14 entirety.

15 **SECTION 7.16.**

16 General repealer.

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