

House Bill 360 (AS PASSED HOUSE AND SENATE)

By: Representative Stephens of the 164<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I  
24 INCORPORATION AND POWERS  
25 SECTION 1.10.  
26 Incorporation.

H. B. 360

1 The City of Richmond Hill in Bryan County is reincorporated by the enactment of this  
2 charter and is constituted and declared a body politic and corporate under the name of the  
3 "City of Richmond Hill." References in the charter to "the city" or "this city" refer to the  
4 City of Richmond Hill. The city shall have perpetual existence.

5 **SECTION 1.11.**

6 Corporate boundaries.

7 (a) The boundaries of this city shall be those existing on the effective date of the adoption  
8 of this charter with such alterations as may be made from time to time by local law or in the  
9 manner provided by general state law. The boundaries of this city at all times shall be shown  
10 on a map, a written description, or any combination thereof, to be retained permanently in  
11 the office of the city clerk and to be designated, as the case may be: "Official Map or  
12 Description of the Corporate Limits of the City of Richmond Hill, Georgia." Photographic,  
13 typed, or other copies of such map or description certified by the mayor shall be admitted as  
14 evidence in all courts and shall have the same force and effect as the original map or  
15 description.

16 (b) The city council may provide for the redrawing of any such map by ordinance to reflect  
17 lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes  
18 the entire map or maps which it is designated to replace.

19 **SECTION 1.12.**

20 Municipal powers.

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

25 (b) The powers of this city shall be construed liberally in favor of the city. The specific  
26 mention or failure to mention particular powers shall not be construed as limiting in any way  
27 the powers of this city. Said powers shall include, but are not limited to, the following:

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

- 1 (2) Appropriations and expenditures. To make appropriations for the support of the  
2 government of the city; to authorize the expenditure of money for any purposes  
3 authorized by this charter and for any purpose for which a municipality is authorized by  
4 the laws of the State of Georgia; and to provide for the payment of expenses of this city;
- 5 (3) Building regulations. To regulate and to license the erection and construction of  
6 buildings and all other structures not inconsistent with general law; to adopt building,  
7 housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate  
8 all housing and building trades except as otherwise prohibited by general law;
- 9 (4) Business regulation and taxation. To levy and to provide for the collection of license  
10 fees and taxes on privileges, occupations, trades, and professions; to license and regulate  
11 the same; to provide for the manner and method of payment of such licenses and taxes;  
12 to provide for the due date therefor and to provide for reasonable penalties and interest  
13 in the event of failure to pay the same; to provide for the manner and method of payment  
14 of such licenses and taxes; and to revoke such licenses after due process for the failure  
15 to pay any city taxes or fees;
- 16 (5) Condemnation. To exercise the power of eminent domain to condemn property,  
17 inside or outside the corporate limits of the city, for present or future use and for any  
18 corporate purpose deemed necessary by the governing authority, utilizing procedures  
19 enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are or may  
20 hereafter be enacted;
- 21 (6) Contracts. To enter into contracts and agreements with other governments and  
22 entities and with private persons, firms, and corporations;
- 23 (7) Emergencies. To establish procedures for determining and proclaiming that an  
24 emergency situation exists inside or outside the city and to make and carry out all  
25 reasonable provisions deemed necessary to deal with or meet such an emergency for the  
26 protection, safety, health, or well-being of the citizens of the city;
- 27 (8) Environmental protection. To protect the natural resources, environment, and vital  
28 areas of the state through the preservation and improvement of air quality, the restoration  
29 and maintenance of water resources, the control of erosion and sedimentation, the  
30 management of solid and hazardous waste, and other necessary actions for the protection  
31 of the environment or to comply with mandates enacted by the State of Georgia or any  
32 other governmental agency or authority;
- 33 (9) Fire regulations. To fix and establish fire limits and from time to time extend,  
34 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
35 general law, relating to both fire prevention and detection and to fire fighting; and to  
36 prescribe penalties and punishment for violations thereof;

- 1 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
2 and disposal and other sanitary service charge, tax, or fee for such services as may be  
3 necessary in the operation of the city from all individuals, firms, and corporations  
4 residing in or doing business within the city and benefiting from such services; to enforce  
5 the payment of such charges, taxes, or fees; and to provide for the manner and method  
6 of collecting such service charges;
- 7 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,  
8 practice, conduct, or use of property which is detrimental to the health, sanitation,  
9 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the  
10 enforcement of such standards;
- 11 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
12 any purpose related to the powers and duties of the city and the general welfare of its  
13 citizens, on such terms and conditions as the donor or grantor may impose;
- 14 (13) Health and sanitation. To prescribe standards of health and sanitation within the city  
15 and to provide for the enforcement of such standards;
- 16 (14) Jail sentences. To provide that persons given jail sentences in the municipal court  
17 may work out such sentences in any public works or on the streets, roads, drains, and  
18 squares in the city; to provide for the commitment of such persons to any jail; or to  
19 provide for the commitment of such persons to any county work camp or county jail;
- 20 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
21 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways  
22 of the city;
- 23 (16) Municipal agencies and delegation of power. To create, alter, or abolish  
24 departments, boards, offices, commissions, and agencies of the city and to confer upon  
25 such agencies the necessary and appropriate authority for carrying out all the powers  
26 conferred upon or delegated to the same;
- 27 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the  
28 city and to issue bonds for the purpose of raising revenue to carry out any project,  
29 program, or venture authorized by this charter or the laws of the State of Georgia;
- 30 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
31 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
32 outside the corporate limits of the city;
- 33 (19) Municipal property protection. To provide for the preservation and protection of  
34 property and equipment of the city and the administration and use of same by the public  
35 and to prescribe penalties and punishment for violations thereof;
- 36 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
37 of public utilities, including, but not limited to, a system of waterworks, sewers and

1 drains, sewage disposal, gas works, electric plants, transportation facilities, public  
2 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,  
3 assessments, regulations, and penalties therefor; to provide for the withdrawal of service  
4 for refusal or failure to pay the same; to authorize the extension of water, sewerage, and  
5 electrical distribution systems, and all necessary appurtenances by which said utilities are  
6 distributed, inside and outside the corporate limits of the city; and to provide utility  
7 services to persons, firms, and corporations inside and outside the corporate limits of the  
8 city as provided by ordinance;

9 (21) Nuisances. To define a nuisance and provide for its abatement whether on public  
10 or private property;

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

13 (23) Planning and zoning. To provide comprehensive city planning for development by  
14 zoning and to provide subdivision regulation and the like as the city council deems  
15 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

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

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

21 (26) Public improvements. To provide for the acquisition, construction, building,  
22 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,  
23 golf courses, amphitheaters, cemeteries, markets and market houses, public buildings,  
24 libraries, public housing, airports, hospitals, terminals, docks, and parking facilities or  
25 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,  
26 detentional, penal, and medical institutions, agencies and facilities; to provide for other  
27 public improvements inside or outside the corporate limits of the city; to regulate the use  
28 of public improvements; and, for such purposes, property may be acquired by  
29 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may  
30 hereafter be enacted;

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

33 (28) Public transportation. To organize and operate or contract for such public  
34 transportation systems as are deemed beneficial or necessary;

35 (29) Public utilities and services. To grant franchises or make contracts for public  
36 utilities and public services and to prescribe the rates, fares, regulations, and standards  
37 and conditions of service applicable to the service to be provided by the franchise grantee

1 or contractor, insofar as not in conflict with valid regulations of the Georgia Public  
2 Service Commission;

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

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

10 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade  
11 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees or otherwise  
12 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and  
13 walkways within the corporate limits of the city; to negotiate and execute leases over,  
14 through, under, or across any city property or the right of way of any street, road, alley,  
15 and walkway or portion thereof within the corporate limits of the city for bridges,  
16 passageways, or any other purpose or use between buildings on opposite sides of the  
17 street and for other bridges, overpasses, and underpasses for private use at such location  
18 and to charge a rental therefor in such manner as may be provided by ordinance; to  
19 authorize and control the construction of bridges, overpasses, and underpasses within the  
20 corporate limits of the city; to grant franchises and rights of way throughout the streets  
21 and roads and over the bridges and viaducts for the use of public utilities and for private  
22 use; and to require real estate owners to repair and maintain in a safe condition the  
23 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

24 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
25 construction, equipping, operating, maintaining, and extending of a sewage disposal plant  
26 and sewerage system; to levy on those to whom sewers and sewerage systems are made  
27 available a sewer service fee, charge, or tax for the availability or use of the sewers,  
28 except that no fee or charge for sewers shall be assessed against any abutting real estate  
29 which cannot be served by such sewers; to provide for the manner and method of  
30 collecting such service charge; and to impose and collect a sewer connection fee or fees  
31 to those connected with the system;

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

36 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
37 the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms;

1 to regulate the transportation, storage, and use of combustible, explosive, and  
 2 inflammable materials, the use of lighting and heating equipment, and any other business  
 3 or situation which may be dangerous to persons or property; to regulate and control  
 4 peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any  
 5 kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional  
 6 fortunetelling, palmistry, adult bookstores, massage parlors, and entertainment displaying  
 7 nudity;

8 (36) Special assessments. To levy and provide for the collection of special assessments  
 9 to cover the costs of any public improvement;

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

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

14 (39) Taxicabs or similar conveyances. To regulate and license vehicles operated for hire  
 15 in the city; to limit the number of such vehicles; to require the operators thereof to be  
 16 licensed; to require public liability insurance on such vehicles in the amounts to be  
 17 prescribed by ordinance; and to regulate the parking of such vehicles;

18 (40) Urban redevelopment. To organize and operate an urban redevelopment program;  
 19 and

20 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
 21 and immunities necessary or desirable to promote or protect the safety, health, peace,  
 22 security, good order, comfort, convenience, or general welfare of the city and its  
 23 inhabitants; to exercise all implied powers necessary to carry into execution all powers  
 24 granted in this charter as fully and completely as if such powers were fully stated in this  
 25 charter; and to exercise all powers now or in the future authorized to be exercised by  
 26 other municipal governments under other laws of the State of Georgia; and no listing of  
 27 particular powers in this charter shall be held to be exclusive of others, nor restrictive of  
 28 general words and phrases granting powers, but shall be held to be in addition to such  
 29 powers unless expressly prohibited to municipalities under the Constitution or applicable  
 30 laws of the State of Georgia.

## 31 ARTICLE II

### 32 GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

#### 33 SECTION 2.10.

34 City council creation; composition; number; election.

1 (a) The legislative authority of the government of this city, except as otherwise specifically  
 2 provided in this charter, shall be vested in a city council to be composed of a mayor and four  
 3 councilmembers.

4 (b) The mayor and councilmembers shall serve for terms of four years and until their  
 5 respective successors are elected and qualified. No person shall be eligible to serve as mayor  
 6 or councilmember unless he or she shall have been a resident of this city for 24 months  
 7 immediately preceding the election of mayor or councilmembers; each such person shall  
 8 continue to reside within the city during said period of service and shall be registered and  
 9 qualified to vote in municipal elections of this city. No person's name shall be listed as a  
 10 candidate on the ballot for election for either mayor or councilmember unless such person  
 11 shall file a written notice with the clerk of said city that he or she desires his or her name to  
 12 be placed on said ballot as a candidate either for mayor or councilmember. No person shall  
 13 be eligible for the office of mayor or councilmember unless such person shall file above said  
 14 notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
 15 Election Code."

16 **SECTION 2.11.**

17 Elections.

18 (a) At any election, all persons qualified under the Constitution and laws of the State of  
 19 Georgia to vote for members of the General Assembly of Georgia and who are bona fide  
 20 residents of said city shall be eligible to qualify as voters in the election.

21 (b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of  
 22 Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this  
 23 charter, the city council shall, by ordinance, prescribe such rules and regulations it deems  
 24 appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the  
 25 "Georgia Election Code."

26 (c) There shall be a municipal general election biennially in the odd-numbered years on the  
 27 Tuesday next following the first Monday in November.

28 (d) The mayor and councilmembers in office on the effective date of this charter and any  
 29 person selected to fill a vacancy in such office shall serve until the regular expiration of the  
 30 term of office to which they were elected and until their successors are elected and qualified.  
 31 Successors to such mayor and councilmembers shall be elected at the municipal general  
 32 election on the Tuesday next following the first Monday in November. All future successors  
 33 to such mayor and councilmembers whose terms of office are to expire shall be elected at the  
 34 time of the municipal general election immediately preceding the expiration of such terms

1 and shall serve for terms of office of four years each and until the respective successors are  
2 elected and qualified.

3 (e) For the purpose of electing members of the council, the City of Richmond Hill shall  
4 consist of one election district with four at-large seats.

5 **SECTION 2.12.**

6 Vacancies in office.

7 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,  
8 incapacity, resignation, forfeiture of office, or removal from office in any manner authorized  
9 by this charter or the general laws of the State of Georgia.

10 (b) Upon the suspension from office of the mayor or councilmember in any manner  
11 authorized by the general laws of the State of Georgia, the city council or those remaining  
12 shall appoint a successor for the duration of the suspension. If the suspension becomes  
13 permanent, then the office shall become vacant and shall be filled as provided in  
14 subsection (c) of this section.

15 (c) In the event that the office of councilmember shall become vacant for any cause  
16 whatsoever, and the unexpired term shall exceed 12 months, then said vacancy shall be filled  
17 by a special election. If however said vacancy does not exceed 12 months, then said vacancy  
18 in office shall be filled for the unexpired term by appointment by the remaining  
19 councilmembers and the mayor. Should the office of the mayor become vacant, the mayor  
20 pro tempore and council shall appoint from among its members a mayor. If the mayor pro  
21 tempore is chosen, the council will appoint another councilmember to hold the office of  
22 mayor pro tempore. The resulting vacancy on the council will be filled as provided for in  
23 this subsection.

24 **SECTION 2.13.**

25 Nonpartisan elections.

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

28 **SECTION 2.14.**

29 Election by simple majority.

30 The candidates receiving a simple majority of the votes cast for any city office shall be  
31 elected.



1 council shall disclose such private interest and such disclosure shall be entered on the records  
 2 of the city council, and he or she shall disqualify himself or herself from participating in any  
 3 decision or vote relating thereto. Any elected official, appointed officer, or employee of any  
 4 agency or political entity to which this charter applies who shall have any private financial  
 5 interest, directly or indirectly, in any contract or matter pending before or within such agency  
 6 or entity shall disclose such private interest to the governing body of such agency or entity.

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

11 (d) Any violation of this section which occurs with the knowledge, express or implied, of  
 12 a party to a contract or sale shall render said contract or sale voidable at the option of the city  
 13 council.

14 (e) Except as authorized by law, no member of the council shall hold any other elective city  
 15 office or other city employment during the term for which he or she was elected. Except as  
 16 authorized by law, no employee of the city or any agency or political entity to which this  
 17 charter applies shall hold any other elective city office or other city employment during the  
 18 term of such employment. The provisions of this subsection shall not apply to any person  
 19 holding employment on the effective date of this charter.

## 20 **SECTION 2.17.**

### 21 Removal of officers.

22 (a) The mayor, a councilmember, or other appointed officers provided for in this charter may  
 23 be removed for any one or more of the following causes:

24 (1) Incompetence, misfeasance, or malfeasance in office;

25 (2) Upon indictment or presentation of charges for any felony, regardless of whether  
 26 such charge relates to the performance of the activities of office;

27 (3) Upon conviction for any misdemeanor involving moral turpitude;

28 (4) Failure at any time to possess any qualifications of office as provided by this charter;

29 (5) Abandonment of office or neglect to perform the duties thereof. This shall include,  
 30 but is not limited to, willful failure to attend more than three city council meetings in  
 31 succession without prior written notice of the absence that shall also include grounds for  
 32 absence. This does not apply to absences approved by council or excused by operation  
 33 of law; or

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

1 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished  
 2 by a vote of all remaining councilmembers after an investigative hearing. In the event an  
 3 elected officer is sought to be removed by the action of the city council, such officer shall be  
 4 entitled to a written notice specifying the ground or grounds for removal and to a public  
 5 hearing which shall be held not less than ten days after service of such written notice. Any  
 6 elected officer sought to be removed from office as provided in this section shall have the  
 7 right to call and cross-examine witnesses and to put up a defense at this investigative hearing.  
 8 Additionally, any elected officer sought to be removed from office as provided in this section  
 9 shall have the right to appeal from the decision of the city council to the Superior Court of  
 10 Bryan County. Such appeal shall be governed by the same rules that govern appeals to the  
 11 superior court from the probate court.

### 12 ARTICLE III

#### 13 ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY, 14 AND ORDINANCES

#### 15 SECTION 3.10.

16 General power and authority.

17 Except as otherwise provided by this charter, the city council shall be vested with all the  
 18 powers of government of this city as provided by Article I of this charter.

#### 19 SECTION 3.11.

20 Organization.

21 (a) The city council shall hold an organizational meeting at the first regular meeting in  
 22 January following an election. The meeting shall be called to order by the city clerk. The  
 23 oath of office shall be administered to the newly elected members as follows:

24 "I do solemnly swear (or affirm) that I will support the Constitution of the United States  
 25 and the laws of the State of Georgia; I am qualified to hold the office of (mayor)  
 26 (councilmember) for the City of Richmond Hill according to the Constitution and laws of  
 27 the State of Georgia; I am not the holder of any office of trust under the government of the  
 28 United States, any other state, or any foreign state which I am prohibited from holding by  
 29 the laws of the State of Georgia; I am not the holder of any unaccounted for public money  
 30 due this state or any political subdivision or authority thereof; and that I will well and truly  
 31 perform the duties of (mayor)(councilmember) of the City of Richmond Hill to the best of  
 32 my skill and ability, without favor or affection, so help me God."

1 (b) The city council shall elect a mayor pro tempore. In the event this councilmember  
2 refuses to serve or resigns as mayor pro tempore or councilmember, the council shall elect  
3 by majority vote another councilmember as mayor pro tempore. During any disability or  
4 absence of the mayor, the mayor pro tempore shall preside at all meetings of the city council  
5 and shall assume the duties and powers of the mayor. Any such disability or absence shall  
6 be declared by a majority vote of the city council. The city council shall elect by majority  
7 vote a presiding officer from its number for any period in which the mayor pro tempore is  
8 disabled, absent, or acting as mayor. Such absence or disability shall be declared by majority  
9 vote of the city council, in accordance with subsection (c) of Section 2.12 of this charter.

10 **SECTION 3.12.**

11 Inquiries and investigations.

12 The city council may make inquiries and investigations into the affairs of the city and the  
13 conduct of any department, office, or agency thereof and for this purpose may subpoena  
14 witnesses, administer oaths, take testimony, and require the production of evidence. Any  
15 person who fails or refuses to obey a lawful order issued in the exercise of those powers by  
16 the council shall be punished as provided by ordinance.

17 **SECTION 3.13.**

18 Meetings.

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

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

30 (c) All meetings of the city council shall be public to the extent required by law, and notice  
31 to the public of special meetings shall be given as required by law.

**SECTION 3.14.**

## Procedures.

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

(b) All committees and committee chairpersons and officers of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members or designate new chairpersons and officers to any committee at any time, with or without cause; all of said members and chairpersons serving solely at the pleasure of the mayor.

**SECTION 3.15.**

## Voting.

(a) Except as otherwise provided in subsection (b) or (c) of this section, four councilmembers or three councilmembers and mayor shall constitute a quorum and shall be authorized to transact the business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal.

(b) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

**SECTION 3.16.**

## Ordinances.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The City Council of the City of Richmond Hill hereby ordains..." and every ordinance shall so begin.

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

1 ordinances provided for in Section 3.18 of this charter. Upon introduction of any ordinance,  
2 the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember  
3 and shall file a reasonable number of copies in the office of the clerk and at such other public  
4 places as the city council may designate.

5 **SECTION 3.17.**

6 Effect of ordinances.

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

8 **SECTION 3.18.**

9 Emergencies.

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

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

**SECTION 3.19.**

## Codes.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be prescribed for ordinances generally except that:

(1) The requirements of subsection (b) of Section 3.16 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 3.20 of this charter, or, in the alternative, the clerk may, with the approval of council, make arrangements for reproduction and distribution of such technical regulations by electronic or other means

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

**SECTION 3.20.**

## Codification of ordinances.

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

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly together with all amendments thereto and may contain such codes of technical regulations and other rules and regulations as the city council may specify, which may be incorporated into the city code by reference thereto. This compilation shall be known and cited officially as "Code of Ordinances, City of Richmond Hill, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code then in effect and shall be suitable in form for incorporation within the code. The city council shall make such further arrangements as deemed desirable for reproduction and

1 distribution of any such adopted technical regulations or any changes in or additions to codes  
2 of technical regulations and other rules and regulations included in the code, specifically  
3 including, but not limited to, arrangements for electronic or Internet access and distribution.

4 **SECTION 3.21.**

5 City manager; appointment; qualifications; compensation.

6 The city council shall appoint a city manager for an indefinite term and shall fix his or her  
7 compensation. The city manager shall be appointed solely on the basis of his or her  
8 executive and administrative qualifications. Before assuming office, the city manager shall  
9 take an oath, given by the mayor, as provided in Section 3.11 of this charter.

10 **SECTION 3.22.**

11 Removal of city manager.

12 (a) The city council may remove the city manager from office in accordance with the  
13 following procedures:

14 (1) The city council shall adopt by affirmative vote of a majority of all its members a  
15 preliminary resolution which must state the reasons for removal and may suspend the city  
16 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be  
17 delivered promptly to the city manager;

18 (2) Within five days after a copy of the resolution is delivered to the city manager, he or  
19 she may file with the city council a written request for a public hearing. This hearing  
20 shall be held within 30 days after the request is filed. The city manager may file with the  
21 city council a written reply not later than five days before the hearing; and

22 (3) If the city manager has not requested a public hearing within the time specified in  
23 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,  
24 which may be made effective immediately, by an affirmative vote of a majority of all its  
25 members. If the city manager has requested a public hearing, the city council may adopt  
26 a final resolution for removal, which may be made effective immediately, by an  
27 affirmative vote of a majority of all its members at any time after the public hearing.

28 (b) The city manager shall continue to receive his or her salary until the effective date of a  
29 final resolution of removal.

30 (c) If the city manager is removed for cause, the city council may suspend the manager  
31 without pay notwithstanding the provisions of subsection (b) of this section. "Cause" shall  
32 be defined as those reasons or occurrences enumerated in subsection (a) of Section 2.17 of  
33 this charter.

**SECTION 3.23.**

## Acting city manager.

By letter filed with the city clerk, the city manager shall designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of city manager during his or her temporary absence or disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or his or her disability shall cease.

**SECTION 3.24.**

## Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. He or she shall be responsible to the city council for the administration of all city affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties:

- (1) He or she shall appoint and, when he or she deems it necessary for the good of the city, suspend or remove all city employees and administrative officers he or she appoints, except as otherwise provided by subsection (d) of Section 4.10 of this charter or by law or personnel ordinances adopted pursuant to this charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise those powers with respect to subordinates in that officer's department, office, or agency;
- (2) He or she shall direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (3) He or she shall attend all city council meetings and shall have the right to take part in discussion, but he or she may not vote;
- (4) He or she shall see that all laws, provisions of this charter, and acts of the city council subject to enforcement by him or her or by officers subject to his or her direction and supervision are faithfully executed;
- (5) He or she shall prepare and submit the annual operating budget and capital budget to the city council;
- (6) He or she shall submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year;
- (7) He or she shall perform other such duties as are specified in this charter or as may be required by the city council;

1 (8) He or she shall act as negotiator for the city and on behalf of the city council, subject  
2 to the approval of the mayor and city council;

3 (9) He or she shall follow standard management practices and procedures in regards to  
4 city employees and their performance; and

5 (10) He or she shall make payment of approved budgeted purchases and bills incurred  
6 by the city up to the amount of authority granted in the city's financial policy and shall  
7 recommend to the city council for approval and payment all purchases and bills in excess  
8 of such authority. Any unbudgeted purchases shall also be recommended to the council  
9 for approval and payments.

### 10 **SECTION 3.25.**

11 Chief executive officer; delegation of powers.

12 The mayor shall be the popularly elected chief executive officer of this city. The mayor shall  
13 possess all of the executive power granted to the city under the Constitution and laws of the  
14 State of Georgia and all the executive powers contained in this charter.

### 15 **SECTION 3.26.**

16 Powers and duties of mayor.

17 As the chief executive of this city, the mayor shall:

18 (1) See that all laws and ordinances of the city are faithfully executed;

19 (2) Recommend to the city council such measures relative to the affairs of the city,  
20 improvement of the government, and promotion of the welfare of its inhabitants as the  
21 mayor deems expedient;

22 (3) Call special meetings of the city council as provided for in subsection (b) of Section  
23 3.13 of this charter;

24 (4) See that all funds of the city are properly accounted for and that all revenues are  
25 properly and promptly collected;

26 (5) Provide for an annual audit of all accounts of the city;

27 (6) Hold and attend meetings and participate in negotiations on behalf of the city and city  
28 council with the advice and consent of the city council;

29 (7) Preside at meetings of the city council and conduct other such meetings as may be  
30 necessary;

31 (8) See that all meetings are conducted in a parliamentary manner and preserve order and  
32 decorum in such meetings;

1 (9) Appoint and be an ex officio member of all standing committees and special  
2 committees of the city council;

3 (10) See that all books and records of the city are properly and carefully kept and  
4 inspected;

5 (11) Bind the city by signing any contract, obligation, or other matter entered into and  
6 authorized by ordinance or resolution of the city council properly passed in accordance  
7 with the provisions of this charter;

8 (12) Perform such other duties as may be required by law, this charter, or ordinance;

9 (13) Vote on matters before the city council in cases where the vote of the city council  
10 is evenly divided; in such cases, the mayor shall be counted toward a quorum as any  
11 councilmember;

12 (14) Veto any matter passed upon by council, provided that within four days of any such  
13 veto, the mayor shall reduce his or her reasons for the veto to writing and furnish the  
14 same to the clerk, who shall promptly distribute the same to all councilmembers, who at  
15 the next regular or called meeting at which a quorum is present, read said reasons into the  
16 minutes and again vote on the same question, and should as many as three councilmen  
17 again vote to pass the vetoed measure, the vetoed measure shall stand affirmed over the  
18 veto of the mayor; and

19 (15) Be and serve as an ex officio member of all committees, boards, agencies, or  
20 political entities to which this charter applies.

21 **ARTICLE IV**

22 **ADMINISTRATIVE AFFAIRS**

23 **SECTION 4.10.**

24 Department heads.

25 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe  
26 the functions or duties and establish, abolish, or alter all nonelective offices, positions of  
27 employment, departments, and agencies of the city as necessary for the proper administration  
28 of the affairs and government of this city.

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

32 (c) All appointed officers and directors of departments shall receive such compensation as  
33 prescribed by ordinance.

34 (d) All directors under the supervision of the city manager shall be nominated by the mayor  
35 with confirmation of appointment by the city council. The city manager may suspend or

1 remove directors under his or her supervision. The director involved may appeal to the city  
2 council which, after a hearing, may override the city manager's action by a vote of four  
3 councilmembers.

#### 4 **SECTION 4.11.**

##### 5 **Boards.**

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

10 (b) All members of boards, commissions, and authorities of the city shall be appointed by  
11 the mayor with the advice and consent of city council for such terms of office and in such  
12 manner as shall be provided by ordinance, except where other appointing authority, terms  
13 of office, or manner of appointment is prescribed by this charter or by law.

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

16 (d) Except as otherwise provided by charter or by law, no member of any city board,  
17 commission, or authority shall hold any elective office in the city nor shall any such member  
18 be a city employee during the tenure of such service.

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

22 (f) No member of a board, commission, or authority shall assume office until he or she has  
23 executed and filed with the clerk of the city an oath obligating himself or herself to perform  
24 faithfully and impartially the duties of his or her office, such oath to be prescribed by  
25 ordinance and administered by the mayor.

26 (g) Any member of a board, commission, or authority may be removed from office for cause  
27 by a vote of a majority of the members of the city council.

28 (h) Except as otherwise provided by this charter or by law, at least one member of each  
29 board, commission, or authority of the city, as selected by the mayor with the advice and  
30 consent of council, shall serve as chairperson of such board, commission or authority, which  
31 service shall be at the pleasure of the mayor.

**SECTION 4.12.**

City attorney.

The city council shall appoint a city attorney who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least five years. The city attorney shall serve at the pleasure of the city council. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such duties as may be required of him or her by virtue of his or her position as city attorney. The city council shall provide for the compensation of the city attorney.

**SECTION 4.13.**

City clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal, maintain city council records required by this charter, and perform such other duties as may be required by the city council. The city council shall provide for the compensation of the city clerk. Before assuming office, the city clerk shall take an oath, given by the mayor, as provided in Section 3.11 of this charter.

**SECTION 4.14.**

City finance officer.

The city council shall appoint a city finance officer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The finance officer shall also be responsible for the general duties of a treasurer and fiscal officer. The city council shall provide for the compensation of the city finance officer.

**SECTION 4.15.**

Rules and regulations.

The city council shall adopt rules and regulations consistent with this charter concerning:  
(1) The method of employee selection and probationary periods of employment;

1 (2) The administration of a position classification and pay plan, methods of promotion  
 2 and applications of service ratings thereto, and transfer of employees within the  
 3 classification plan;

4 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and  
 5 the order and manner in which layoffs shall be effected;

6 (4) Such dismissal hearings as due process may require; and

7 (5) Such other personnel notices as may be necessary to provide for adequate and  
 8 systematic handling of personnel affairs.

9 **SECTION 4.16.**

10 Mayor and council interference with administration.

11 Except for the purpose of inquiries with administration under Section 3.12 of this charter, the  
 12 mayor, city council, or its members shall deal with city officers and employees who are  
 13 subject to the direction and supervision of the city manager solely through the city manager,  
 14 and neither the mayor nor councilmembers shall give orders to any such officer or employee,  
 15 either publicly or privately. This section shall not apply during any declared emergency or  
 16 at any time when the city manager is unable for any reason to fulfill his or her duties.

17 **ARTICLE V**

18 **JUDICIAL BRANCH**

19 **SECTION 5.10.**

20 Municipal court.

21 There shall be a court to be known as the Municipal Court of the City of Richmond Hill.

22 **SECTION 5.11.**

23 Judges.

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

27 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
 28 he or she shall be a member of the State Bar of Georgia. All judges shall be appointed by  
 29 the mayor with the approval of a majority of the city council.

30 (c) Compensation of the judge or judges shall be fixed by ordinance.

- 1 (d) Judges may be removed for cause by a vote of a majority of the members of the city  
2 council.
- 3 (e) Before assuming office, each judge shall take an oath, given by the mayor, as provided  
4 in Section 3.11 of this charter. The oath shall be entered upon the minutes of the city council  
5 journal required in Section 3.14 of this charter.

6 **SECTION 5.12.**

7 Convening of court.

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

9 **SECTION 5.13.**

10 Powers.

- 11 (a) The municipal court shall try and punish violations of this charter, all city ordinances,  
12 and such other violations as provided by law.
- 13 (b) The municipal court shall have the authority to punish those in its presence for contempt,  
14 provided that such punishment shall not exceed a fine of \$200.00, ten days in jail, or both.
- 15 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
16 exceeding a fine of \$1,000.00 or imprisonment for not more than six months, or both such  
17 fine and imprisonment, or may fix punishment by fine, imprisonment, or alternative  
18 sentencing as now or hereafter provided by law.
- 19 (d) The municipal court shall have the authority to establish a schedule of fees to defray the  
20 cost of operation and shall be entitled to reimbursement of the actual cost of meals,  
21 transportation, and caretaking of prisoners bound over to superior courts for violation of state  
22 law.
- 23 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
24 the presence of those charged with violations before said court and shall have discretionary  
25 authority to accept cash or personal or real property as surety bond for the appearance of  
26 persons charged with violations. Whenever any person shall give bail for his or her  
27 appearance and shall fail to appear at the time fixed for trial, his or her bond shall be forfeited  
28 by the judge presiding at such time and an execution shall be issued thereon by serving the  
29 defendant and his or her sureties with a rule nisi at least ten days before a hearing on the rule  
30 nisi.
- 31 (f) The municipal court shall have the same authority as superior courts to compel the  
32 production of evidence in the possession of any party; to enforce obedience to its orders,  
33 judgments, and sentences; and to administer such oaths as necessary.

- 1 (g) The municipal court shall have the authority to bind prisoners over to the appropriate  
2 court when it appears by probable cause that state law has been violated.
- 3 (h) Each judge of the municipal court may compel the presence of all parties necessary to  
4 a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which  
5 may be served as executed by any officer as authorized by this charter or by law.
- 6 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
7 persons charged with offenses against any ordinance of the city, and each judge of the  
8 municipal court shall have the same authority as a magistrate of the state to issue warrants  
9 for offenses against state laws committed within the city.
- 10 (j) The municipal court is specifically vested with all the jurisdiction and powers throughout  
11 the geographic area of this city granted by law to municipal courts and particularly by such  
12 laws as authorize the abatement of nuisances and prosecution of traffic violations.

13 **SECTION 5.14.**

14 Certiorari and appeal.

- 15 (a) The right of certiorari from the decision and judgment of the municipal court shall exist  
16 in all criminal cases and ordinance violation cases, and such certiorari shall be obtained  
17 under the sanction of a judge of the Superior Court of Bryan County, under the laws of the  
18 State of Georgia regulating the granting and issuance of writs of certiorari.
- 19 (b) The orders, verdicts, judgments, and sentences of the municipal court shall be subject to  
20 appellate review in accordance with state law.

21 **SECTION 5.15.**

22 Rules.

23 With the approval of the city council, the judge shall have full power and authority to make  
24 reasonable rules and regulations necessary and proper to secure the efficient and successful  
25 administration of the municipal court; provided, however, that the city council may adopt in  
26 part or in total the rules and regulations applicable to superior courts. The rules and  
27 regulations made or adopted shall be filed with the court clerk, shall be available for public  
28 inspection, and, upon request, shall be furnished to the public for the reasonable cost of  
29 copying and printing the same.



1 reasonable fee for such license or permit where such activities are not now regulated by  
 2 general law in such a way as to preclude city regulations. Such fees may reflect the total cost  
 3 to the city of regulating the activity and, if unpaid, shall be collected as provided in Section  
 4 6.18 of this charter. The city council by ordinance may establish reasonable requirements  
 5 for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

6 **SECTION 6.14.**

7 Franchises.

8 (a) The city council shall have the power to grant franchises for the use of this city's streets  
 9 and alleys for the purposes of railroads, street railways, telephone companies, electric  
 10 companies, electric membership corporations, cable television companies and other  
 11 telecommunications companies, gas companies, transportation companies, and other similar  
 12 organizations. The city council shall determine the duration, terms, whether the same shall  
 13 be exclusive or nonexclusive, and the consideration for such franchises; provided, however,  
 14 that no franchises shall be granted for a period in excess of 25 years and no franchise shall  
 15 be granted unless the city receives just and adequate compensation therefor. The city council  
 16 shall provide for the registration of all franchises with the city clerk in a registration book or  
 17 electronic registry kept for that purpose. The city council may provide by ordinance for the  
 18 registration within a reasonable time of all franchises previously granted.

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

24 **SECTION 6.15.**

25 Service fees.

26 The city council by ordinance shall have the power to assess and collect fees, charges, and  
 27 tolls for sewers, sanitary and health services, or any other services provided or made  
 28 available inside or outside the corporate limits of the city for the total cost to the city of  
 29 providing or making available such services. If unpaid, such charges shall be collected as  
 30 provided in Section 6.18 of this charter. No landowner shall be assessed any fee, charge, or  
 31 toll for any service which does not benefit him or her or his or her property directly, and  
 32 provided that any ordinance making any such assessment shall require at least two readings  
 33 at two regular meetings prior to passage and shall further require that between said first and

1 second readings, a notice of such proposed assessment shall be published one time by the  
2 clerk in the official organ of Bryan County, said publication to appear not less than eight  
3 days before the final passage of said ordinance. Said notice shall state that such ordinance  
4 has been introduced before the council and shall include a general description of the  
5 improvement, its location, and estimated cost and shall further state that the actual cost or  
6 whatever part thereof as the ordinance provides will be assessed against the affected real  
7 estate and the owners thereof and that any person wishing to be heard on the matter may  
8 appear at the next regular meeting of the council, stating the specific date of such meeting.  
9 The council may, in its discretion, permit the payment of any such fee, charge, or toll in  
10 installments.

11 **SECTION 6.16.**

12 Special assessments.

13 The city council by ordinance shall have the power to assess, charge, and collect the costs  
14 of constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
15 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
16 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be  
17 collected as provided in Section 6.18 of this charter. No landowner shall be assessed any fee,  
18 charge, or toll for any service which does not benefit him or her or his or her property  
19 directly, and provided that any ordinance making any such assessment shall require at least  
20 two readings at two regular meetings prior to passage and shall further require that between  
21 said first and second readings, a notice of such proposed assessment shall be published one  
22 time by the clerk in the official organ of Bryan County, said publication to appear not less  
23 than eight days before the final passage of said ordinance. Said notice shall state that such  
24 ordinance has been introduced before the council and shall include a general description of  
25 the improvement, its location, and estimated cost and shall further state that the actual cost  
26 or whatever part thereof as the ordinance provides will be assessed against the affected real  
27 estate and the owners thereof and that any person wishing to be heard on the matter may  
28 appear at the next regular meeting of the council, stating the specific date of such meeting.  
29 The council may, in its discretion, permit the payment of any such fee, charge, or toll in  
30 installments.

**SECTION 6.17.**

Other taxes.

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

**SECTION 6.18.**

Collection of delinquent taxes.

The city council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay any city taxes or fees, and providing for the assignment or transfer of tax executions.

**SECTION 6.19.**

Borrowing.

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

**SECTION 6.20.**

Revenue bonds.

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

**SECTION 6.21.**

Short-term loans and lease purchase contracts.

(a) The city may obtain short-term loans and must repay such loans not later than one year from the date of such obligations, unless otherwise provided by law.

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

**SECTION 6.22.**

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 6.23.**

Budget ordinance.

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 program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs. The city council shall comply with the provisions of Chapter 81 of Title 36 of the O.C.G.A.

**SECTION 6.24.**

Operating budget.

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 city manager 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 city manager 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,

1 a general summary of the budget, and such other comments and information as he or she may  
 2 deem pertinent. The operating budget, the capital improvements budget, the budget message,  
 3 and all supporting documents shall be filed in the office of the city clerk and shall be open  
 4 to public inspection.

5 **SECTION 6.25.**

6 Adoption.

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

12 (b) After the conducting of a budget hearing, the city council shall adopt the final operating  
 13 budget for the ensuing fiscal year not later than the end of the current fiscal year. If the city  
 14 council fails to adopt the budget by said date, the amounts appropriated for operation for the  
 15 then current fiscal year shall be deemed adopted for the ensuing fiscal year on a  
 16 month-to-month basis, with all items prorated accordingly, until such time as the city council  
 17 adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an  
 18 appropriations ordinance setting out the estimated revenues in detail by sources and making  
 19 appropriations according to fund and by organizational unit, purpose, or activity as set out  
 20 in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

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

25 **SECTION 6.26.**

26 Levy of taxes.

27 The city council shall levy by ordinance such taxes as are necessary to fund the adopted  
 28 operating budget. The taxes and tax rates set by such ordinance shall be such that reasonable  
 29 estimates of revenues from such levy shall at least be sufficient, together with other  
 30 anticipated revenues, fund balances, and applicable reserves, to equal the total amount  
 31 appropriated for each of the several funds set forth in the annual operating budget for  
 32 defraying the expense of the general government of this city.

**SECTION 6.27.**

## Changes in budget.

The city council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

**SECTION 6.28.**

## Capital improvements.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager with the advice and consent of the mayor shall submit to the city council a proposed capital improvements budget with his or her recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 3.18 of this charter.

(b) After the conducting of a public hearing, the city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than the end of the current fiscal year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by his or her recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by majority vote of the city council.

**SECTION 6.29.**

## Audits.

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

**SECTION 6.30.**

Procurement and property management.

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

(1) It is in writing; and

(2) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 3.14 of this charter.

**SECTION 6.31.**

Purchasing.

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

**SECTION 6.32.**

Sale of property.

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

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

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to execute and deliver in the name of the city a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place and such other consideration as may be required by law when such exchange is deemed to be in the best interest of this city. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

## 1 ARTICLE VII

## 2 GENERAL PROVISIONS

3 **SECTION 7.10.**

4 Bonds for officials.

5 The officers and employees of this city, both elected and appointed, shall execute such surety  
6 or fidelity bonds in such amounts and upon such terms and conditions as the city council  
7 shall from time to time require by ordinance or as may be provided by law. Nothing in this  
8 section shall be construed to require council to impose any such bond conditions upon any  
9 city employee. What city employees shall be bonded and in what amounts shall be  
10 determined by city council who shall provide for the same by ordinance.

11 **SECTION 7.11.**

12 Rules and regulations.

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

16 **SECTION 7.12.**

17 Charter language on other general matters.

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

22 **SECTION 7.13.**

23 Definitions and construction.

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

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

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

**SECTION 7.14.**

Eminent domain.

3 The city council is empowered to acquire, construct, operate, and maintain public ways,  
4 parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,  
5 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,  
6 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,  
7 penal, and medical institutions, agencies, and facilities, and any other public improvements  
8 inside or outside the city and to regulate the use thereof; and for such purposes, property may  
9 be condemned as provided in paragraph (5) of Section 1.12 and under procedures established  
10 under general law applicable now or as provided in the future.

**SECTION 7.15.**

Specific repealer.

13 An Act incorporating the City of Richmond Hill in the County of Bryan, approved March 3,  
14 1962 (Ga. L. 1962, p. 2505), is repealed in its entirety and all amendatory Acts thereto are  
15 likewise repealed in their entirety.

**SECTION 7.16.**

Effective date.

18 This Act shall become effective upon its approval by the Governor or upon its becoming law  
19 without such approval.

**SECTION 7.17.**

General repealer.

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