

Senate Bill 608

By: Senator Douglas of the 17th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend an Act providing a new charter for the City of Social Circle in the County of
2 Walton, approved May 5, 2005 (Ga. L. 2005, p. 3627); to provide for corrections; to provide
3 for an oath, rules, and procedures; to provide for rules and regulations; to provide for
4 taxation, licenses, and fees; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 An Act providing a new charter for the City of Social Circle in the County of Walton,
8 approved May 5, 2005 (Ga. L. 2005, p. 3627), is amended by striking the description of
9 Tract 1, 2004 Tax Map 154, Parcel 1 in subsection (b) of Section 1.11 and inserting in its
10 place the following:

11 "Tract 1, 2004 Tax Map 154, Parcel 1

12 All that certain tract or parcel of land lying and being in Walton County, Georgia
13 containing 98.50 acres, more or less, and being bounded on the Northeast by the
14 right-of-way of Hightower Trail, bounded on the Northwest, now or formerly, by
15 Donald G. Loggins, bounded on the Southeast, now or formerly, by the Estate of
16 Elizabeth B. Burt, and bounded on the Southwest, now or formerly, by Andrew A. Elloitt
17 and Lesley D. Everett, et. al. This being the same property conveyed to Johan Wyers in
18 Deed Book 770, Page 455, Walton County Superior Court, Clerk's Office."

19 **SECTION 2.**

20 Said Act is further amended by striking paragraphs (6), (8), (13), (21), (28), (33), (35), and
21 (42) of subsection (b) of Section 1.12 and inserting in their place the following:

22 "(6) Business regulation and taxation. To levy and to provide for the collection of
23 regulatory fees and taxes on privileges, occupations, trades, and professions; to license
24 and regulate the same; to provide for the manner and method of payment of such licenses

1 and taxes; and to revoke such licenses after due process for failure to pay any city fees
2 or taxes;"

3 "(8) Condemnation. To condemn property, both inside and outside the corporate limits
4 of the city, for present or future use and for any corporate purpose deemed necessary by
5 the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or
6 such other applicable laws as are or may hereafter be enacted; to acquire, construct,
7 operate, and maintain public ways, parks and playgrounds, recreational facilities,
8 cemeteries, markets and market houses, public buildings, libraries, public housing,
9 airports, hospitals, terminals, docks, parking facilities, and charitable, cultural,
10 educational, recreational, conservation, sport, curative, correctional, detention, penal, and
11 medical institutions, agencies, and facilities, and any other public improvements inside
12 and outside the corporate limits of the city and to regulate the use thereof; and, for such
13 purposes, to condemn property under procedures established under general law applicable
14 now or as provided in the future;"

15 "(13) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash
16 collection and disposal and other sanitary service charge, tax, or fee for such services as
17 may be necessary in the operation of the city from all individuals, firms, and corporations
18 residing in said city or doing business therein and benefiting from such services; to
19 enforce the payment of such charges, taxes, or fees; and to provide for the manner and
20 method of collection for such service charges;"

21 "(21) Municipal property ownership. To acquire, dispose of, and hold in trust or
22 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside and
23 outside the corporate limits of the city;"

24 "(28) Public hazards; removal. To provide for the destruction, repair, and removal of any
25 building or other structure which is or may become dangerous, hazardous, or detrimental
26 to the public;"

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

32 "(35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
33 of, abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light
34 the roads, alleys, and walkways within the corporate limits of the city; to negotiate and
35 execute leases over, through, under, or across any city property or the right of way of any
36 street, road, alley, and walkway or portion thereof within the corporate limits of the city
37 for bridges, passageways, or any other purpose or use between buildings on opposite

1 sides of the street and for other bridges, overpasses, and underpasses for private use at
 2 such location and to charge a rental therefor in such manner as may be provided by
 3 ordinance; to authorize and control the construction of bridges, overpasses, and
 4 underpasses within the corporate limits of the city; to grant franchises and rights of way
 5 throughout the streets and roads and over the bridges and viaducts for the use of public
 6 utilities and for private use;"

7 "(42) Trees. To adopt and enforce ordinances for the protection and preservation of trees
 8 on the streets, public places, cemeteries, private property in the case of a new
 9 development, and parks in said city and to prevent the cutting, impairing, or mutilation
 10 thereof by telephone, cable, or electric light linemen or employees or any other person
 11 unless the same is done under and with the express and formal consent of the mayor and
 12 city council or some officer appointed by them to direct the same and then only when
 13 absolutely necessary for the public service or safety;"

14 **SECTION 3.**

15 Said Act is further amended by striking Section 2.17 and inserting in its place a new section
 16 to read as follows:

17 "SECTION 2.17.

18 Organizational meetings.

19 The mayor and city council shall hold an organizational meeting on the second Monday of
 20 their term of office, unless such date falls on a holiday, then on the third Monday. The
 21 meeting shall be called to order by a legal officer of the court, and the oath of office shall
 22 be administered to the mayor and councilmembers as follows: 'I do solemnly swear or
 23 affirm that I will support the Constitution of the United States and the State of Georgia, the
 24 Charter, the Code of the City of Social Circle; that I will, to the best of my ability,
 25 faithfully perform the duties of the office of Councilmember (or Mayor) during my
 26 continuance therein; I do further solemnly swear or affirm that I am not the holder of any
 27 public money due this state unaccounted for; that I am not the holder of any office of trust
 28 under the government of the United States, nor of either of the several states, nor of any
 29 foreign state, and that I am otherwise qualified to hold said office, according to the
 30 Constitution of the United States and of this State. So help me God!"

31 **SECTION 4.**

32 Said Act is further amended by striking subsection (b) of Section 2.21 and inserting in its
 33 place a new subsection to read as follows:

1 "(b) An ordinance may be introduced by any councilmember and be read at a regular or
2 special meeting of the mayor and city council. Ordinances shall be considered and adopted
3 or rejected by the mayor and city council in accordance with the rules which they shall
4 establish."

5 **SECTION 5.**

6 Said Act is further amended by striking Section 2.22 and inserting in its place a new section
7 to read as follows:

8 "SECTION 2.22.

9 Action requiring an ordinance or resolution.

10 Acts of the mayor and city council that have the force and effect of law shall be enacted by
11 ordinance, resolution, or motion."

12 **SECTION 6.**

13 Said Act is further amended by striking subsection (a) of Section 2.24 and inserting a new
14 subsection to read as follows:

15 "(a) The mayor and city council may adopt any standard code of technical regulations by
16 reference thereto in an adopting ordinance. The procedure and requirements governing
17 such adopting ordinance shall be as prescribed for ordinances generally except that a copy
18 of each adopted code of technical regulations, as well as the adopting ordinance, shall be
19 authenticated and recorded by the city clerk pursuant to Section 2.25 this charter."

20 **SECTION 7.**

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